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U.S. DEPARTMENT OF THE INTERIOR.  
BUREAU OF LAND MANAGEMENT  
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

**LOCATION:** Riverside Marriott Hotel  
3400 Market Street  
Riverside, CA 92501

**DATE AND TIME:** Saturday, December 11, 2010  
8:08 a.m. to 4:46 p.m.

**REPORTED BY:** JUDITH W. GILLESPIE, CSR, RPR, CLR  
(CSR No. 3710)

**JOB NO.:** 69576JG

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**A-P-P-E-A-R-A-N-C-E-S**

**MEMBERS PRESENT:**

**REPRESENTING:**

CHAIR THOMAS ACUNA	Renewable Energy
RANDY BANIS	Public-at-Large
MEG GROSSGLASS	Public-at-Large
PATRICK LLOYD GUNN	Wildlife
JAMES FITZPATRICK	Public-at-Large
BRAD MITZELFELT	Elected Official
ALEXANDER SCHREINER, JR.	Renewable Resources
APRIL SALL	Public-at-Large
DINAH SHUMWAY	Nonrenewable Resources

**BLM STAFF PRESENT:**

TERI RAML, District Manager, California Desert District (CDD)  
JACK HAMBY, Associate District Manager, CDD  
STEVE RAZO, External Affairs Officer, CDD  
DAVID BRIERY, External Affairs Specialist, CDD  
AL STEIN, CDD Resources Manager  
JENNIFER WOLGEMUTH, Administrative Assistant, CDD  
HECTOR VILLALOBOS, Ridgecrest Field Office Manager  
JOHN KALISH, Palm Springs Field Office Manager  
RUSTY LEE, Needles Field Office Manager  
MARGARET GOODRO, El Centro Field Office Manager  
ROXIE TROST, Barstow Field Office Manager  
JEFF CHILDERS, Renewable Energy Coordination Office

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1 Riverside, CA

Saturday, December 11, 2010

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**P-R-O-C-E-E-D-I-N-G**

5

6 CHAIRMAN ACUNA: Okay, everybody, this is Tom  
7 Acuna, Chair. Let's start out with our pledge of  
8 allegiance, please.

9

Randy, could you lead us, please.

10

(Pledge of allegiance.)

11

12 CHAIRMAN ACUNA: Okay. Everyone, thank you,  
13 and welcome to our meeting for the BLM Desert Advisory  
14 Council. I'm Tom Acuna, chair. I would like to start  
15 with introductions starting with Dinah.

16

17 MEMBER SHUMWAY: Dinah Shumway, geologist.  
18 Nonrenewable resources.

19

20 MEMBER HOLLIDAY: Dick Holliday, recreation.

21

22 MEMBER SCHRIENER: Alexander Schriener,  
23 geologist, geothermal renewable energy.

24

25 MEMBER MITZELFELT: Brad Mitzelfelt, San  
Bernardino County Supervisor, elected official.

26

MEMBER BANIS: Randy Banis, representing  
public-at-large, resident of Leona Valley.

27

MEMBER ACUNA: Tom Acuna representing  
renewable energy industry.

1           DIRECTOR RAML: Teri Raml, District Manager  
2 and also the designated public official.

3           MEMBER GUNN: Lloyd Gunn representing  
4 wildlife.

5           MEMBER FITZPATRICK: Jim Fitzpatrick, public  
6 at large. My job is deputy director of California  
7 Film Commission, overseeing all filming in the state  
8 of California.

9           MEMBER GROSSGLASS: Meg Grossglass, public at  
10 large, and I work for the Off-Road Business  
11 Association.

12           MEMBER ACUNA: I would like to move on into  
13 approving the meeting minutes from our last meeting.

14           Let me add, I had a comment from a member in  
15 the audience that I would like to point out for the  
16 record. I will start out, and then Dinah, if there is  
17 anybody else that wants to modify the minutes, please  
18 raise your hand and we will do that.

19           What I hear as a recommendation here is on  
20 page 9 -- I know you don't have a copy of that,  
21 probably -- but down in the lower half with comments  
22 by Mr. Hillier. He would like to correct -- and I  
23 will give a copy of this transcript with the correct  
24 words to the court reporter -- delete "San Bernardino  
25 County." Starting again with "federal agencies have

1 acquired 809,000 acres of private land in San  
2 Bernardino County," so for the record I will give this  
3 to you, and that's for our court reporter here, and we  
4 will take it from there. Are there any other  
5 modifications. Down the page, Gerry?

6 MR. HILLIER: There is a word "initial," down  
7 about 10 more lines.

8 CHAIRMAN ACUNA: Oh, where it's "initial  
9 revenue." I see. The word "initial" needs to be  
10 struck out and insert "additional" would be correct.  
11 So again, I will give that to you later. Are there  
12 any other changes to the meeting minutes for the last  
13 meeting? Do I have a motion to approve the  
14 transcripts?

15 MEMBER MITZELFELT: I move approval as  
16 amended.

17 MEMBER SCHRIENER: Second.

18 CHAIRMAN ACUNA: All those in favor. All  
19 those who oppose. The motion carries, thank you.

20 (Unanimous hand vote.)

21 Let's talk about the agenda today. I can't  
22 recall an agenda that ends at 5:00. It's been a while  
23 since we have had that many items. So before we get  
24 rolling, from the DAC, do I hear anything from you  
25 about changes or modifications or thoughts?

1           MEMBER FITZPATRICK: My only comment is to  
2 make sure that everybody, including DAC people and the  
3 public-at-large, keeps it to three minutes or less or  
4 whatever. That's where we bog down all the time.

5           CHAIRMAN ACUNA: Very good. Anyone else like  
6 to add some thoughts?

7           MEMBER SCHRIENER: We don't want to be here  
8 until 6:00.

9           CHAIRMAN ACUNA: Here is what I would like to  
10 remind everyone. When we have a topic, it's important  
11 to stay focused on the topic. If we have public  
12 comment from someone, please stick to your three  
13 minutes. Please state who you are, please state very  
14 clearly in that first sentence the point you want to  
15 make, and then back up your thought with some  
16 substance that will help the DAC.

17           So I'm going to remind everybody throughout  
18 the day, stay on target and try to keep the meeting  
19 moving along. With your help we are going to have a  
20 really good meeting today.

21           So I would like to turn this over to Teri  
22 Raml, the chief of the BLM, and I would like her to  
23 talk about or give us a summary of yesterday's field  
24 tour.

25           DIRECTOR RAML: I'm going to turn it over to

1 John Kalish, Palm Springs field manager.

2 MR. KALISH: Good morning. My name is John  
3 Kalish, field manager of Palm Springs field office.

4 To start off with, yesterday morning we woke  
5 up to bright sunshine and nice, cool weather. The  
6 group left Riverside and headed on up through  
7 Idyllwild up into the mountains. The first stop that  
8 we made was at the Pacific Crest Trailhead along  
9 Highway 74. At that trailhead we discussed the  
10 significance of this 2,600 mile trail that traverses  
11 incredible country from the U.S./Mexican border up to  
12 the U.S./Canadian border, as well as the management  
13 implications of the trail for the BLM, including  
14 maintenance responsibilities on various sections of  
15 the trail that traverse BLM lands, as well as  
16 protecting the trail for appropriate use, which is  
17 foot traffic and equestrian.

18 And then we talked about the partnerships and  
19 the overall management of the trail, including the  
20 Pacific Crest Trail Association and U.S. Forest  
21 Service and numerous other partners.

22 Our next stop was over at the community of  
23 Pinion, in which we drove up a slope of the highway.  
24 We got a great overview of the Santa Rosa and San  
25 Jacinto Mountains National Monument. At that area we

1 received a good discussion from our District Fire  
2 Management Officer Ron Woychak about the overall fire  
3 program, history of fire in the area, and how we  
4 jointly manage fire protection in the area involving  
5 Riverside County Fire, the U.S. Forest Service, and  
6 our own BLM fire crews.

7           The third stop was down on our Monument  
8 Visitor's Center, in which we toured the center. The  
9 center is located right down at the bottom of 74 as  
10 you go into the community of Palm Desert. And we  
11 toured the facility, made that our lunch stop, and  
12 then got a good overview of our management  
13 responsibilities for this national monument from our  
14 monument manager, Jim Foote, in which he talked about  
15 the joint responsibility with the U.S. Forest Service  
16 for the management of the national monument, as well  
17 as community involvement.

18           And all of the communities within Coachella  
19 Valley really look upon this National Monument as not  
20 only the backdrop to their community, but they very  
21 much want to have a part in the overall management  
22 and, of course, their citizens in the use of the  
23 National Monument. And then Jim talked about the  
24 resource challenges, especially in terms of managing  
25 habitat for various listed species, including the

1 Peninsular or Bighorn Sheep.

2           Our fourth stop was in the middle of  
3 Coachella Valley in which we stopped at a segment of  
4 the San Andreas fault. Ron Waiwood, our geologist,  
5 came out and gave us a very detailed explanation of  
6 the fault and its entire length and how that fault  
7 manifests itself right there in the Coachella Valley.  
8 And he also included a few teaching aides that at  
9 least for me helped significantly, one being silly  
10 putty and the other being a pack of cards that he used  
11 that was very effective in explaining the various  
12 aspects of the San Andreas fault.

13           And then the last stop that we made was at  
14 the very beautiful Whitewater Preserve, which is  
15 managed and developed by the Wildlands Conservancy. I  
16 can personally state that the conversion of the  
17 Whitewater area from the old trout farm to the  
18 preserve that it is today is just really outstanding.  
19 It went from a commercial kind of an unsightly type of  
20 operation into a really state of the art, very  
21 well-done and high class Wildlife Preserve and  
22 Environmental Center and Interpretive Area. While we  
23 were there we were hosted by April Sall and the  
24 preserve manager, Frazier Haney in not only a tour of  
25 the facility and a description of their programs, but

1 also in a hike up Whitewater River as the sun set. It  
2 was a very nice setting and beautiful location to end  
3 the tour. And that's it.

4 MEMBER ACUNA: Excellent, John. From the DAC  
5 members, are there any questions for John about  
6 yesterday? Are there any thoughts for John Kalish?  
7 Okay. Well, thank you, John.

8 Now we are at 8:45. We are right on track,  
9 and this is public questions or statements for items  
10 not on the agenda. So if you are in the public and  
11 you want to say something, this is good. We want to  
12 have a request form from you. And we want you to come  
13 up for three minutes, give us your thoughts. We are  
14 not necessarily going to take an action on what you  
15 bring forth, but you can offer an idea and we might  
16 consider it for the next DAC agenda. Okay? So take a  
17 look at this. If it's not on the agenda, you may  
18 bring it up, but please give me a card.

19 So we have four of them. So for the next 15  
20 minutes we are going to walk through that. So let's  
21 start with John Stewart. Three minutes, John.  
22 Forgive me if I hold up the yellow flag. That's kind  
23 of a warning you have about 30 seconds to go.

24 MR. STEWART: Good morning, Council, John  
25 Stewart with the California Association of Four-Wheel

1 Drive Clubs.

2 A number of years ago I began talking with  
3 Linda Hansen and Steve Borchard to come up with a  
4 strategic plan for recreation within the Desert  
5 District. And finally after several years the BLM  
6 Desert District plus the other 11 regions or states of  
7 BLM in the west finally came out with what they are  
8 calling a strategic plan. I will ask you to begin  
9 looking at that plan and seeing if you are actually  
10 proceeding along the direction of what that plan  
11 called for in order to accommodate or improve  
12 recreation opportunities on public lands.

13 It's nice to do a strategic plan and be  
14 forward thinking, but it really doesn't do much good  
15 if you just do it and set it on a shelf and never  
16 revisit it again. And I would urge you to look at it  
17 and update it and give status back to the public and  
18 say, here is what we are doing.

19 CHAIRMAN ACUNA: Very good, John. It's  
20 always a good idea to take a look at our plans and see  
21 if we are up to date. Any thoughts from the DAC  
22 members on that comment?

23 Okay. So let's move on to Rod Gilmore, San  
24 Diego Four-Wheelers.

25 MR. GILMORE: That would be me. And I'm not

1 really sure where in the process we should be because  
2 I'm here specifically to address the special permit  
3 process. I understand there are some changes in the  
4 rules regarding that, and it's on the agenda for a  
5 little later.

6 CHAIRMAN ACUNA: Why don't we do this. We  
7 will hold your card until that topic comes up and you  
8 are good to go when that topic comes up.

9 Next person is Pam Nelson.

10 MS. NELSON: I'm Pam Nelson from Warner  
11 Springs/Aguanga/(inaudible) area. I am going to read  
12 this.

13 I have great concerns, as many, that our  
14 public land and open space are being apportioned  
15 rapidly and, in fact, irresponsibly for many uses. My  
16 concern is the loss of wildlife habitats and corridors  
17 and tranquil places. We live adjacent to the Beauty  
18 Mountain Wilderness and are happy for the designation,  
19 since our watershed is protected to some extent. We  
20 have wildlife to observe, and the hiking is fabulous.

21 We left a nice five-acre home in Escondido to  
22 move here because of the nuisance and harassment of  
23 off-roaders on an adjacent open parcel next to us. We  
24 still have to work at keeping our valley quiet and  
25 dust-free. As a result, I belong to many groups, such

1 as the Sierra Club, Wilderness acquisition  
2 organizations, as well as local activist groups.

3           One of those groups is the Alliance for  
4 Responsible Recreation, a broad coalition of community  
5 members and conservation groups that investigate  
6 off-road vehicular abuse on public and private land.  
7 Based in the desert area, their reports are ongoing  
8 and horrendous. Their accounts of fragile habitat  
9 routinely destroyed, cultural sites vandalized, and  
10 residents that complain of being terrorized are much  
11 worse than mine. They volunteer continually to  
12 protect the desert and receive very little help from  
13 BLM or sheriffs.

14           My issues, as are theirs, are that the  
15 inadequate numbers of BLM staff and resources make  
16 monitoring, protection, and maintenance an impossible  
17 situation. Those of us who want to recreate on those  
18 lands with low-impact activities, such as hiking,  
19 photography, bird watching and camping are greatly  
20 impacted by the motorized recreationists.

21           Last spring I tried -- I helped organize a  
22 regional Sierra Club Wilderness meeting, and because  
23 the access road condition was so poor because it was  
24 trashed by off-roaders, we were not able to reach many  
25 of the trailheads to show off this new wilderness.

1           But I want to compliment the Palm Springs  
2 field office for their fabulous volunteer and  
3 restoration program. Jennifer Taylor organized  
4 several work parties for our area for which we  
5 volunteered, and they resulted in beautiful results.

6           The three things that I wanted to talk  
7 about -- but I don't want to -- this was great as far  
8 as Jennifer and her efforts. But the three things I  
9 was hoping for BLM improvement on is staffing for  
10 enforcement and protection to be increased. Off-road  
11 recreation would just be touring with street-legal  
12 vehicles, and the non-street-legal would be in  
13 contained areas, either private or public. And the  
14 third would be that if an area is not suitable  
15 anymore, that it is closed due to the Presidential  
16 Executive Orders, the 11644 and the 11989.

17           And for funding, that maybe there could be a  
18 national permit system for all public land users based  
19 on their impact would be how the fee would go. There  
20 could be a mitigation fee on the sale of non-legal,  
21 street-legal -- non-street-legals. And you have to  
22 work with the special permit for the off-road events  
23 to make sure they cover the expenses.

24           And the last sentence I have, BLM parcels  
25 need to be protected for wildlife and for those that

1 respect and enjoy the diminishing wild areas in  
2 Southern California.

3 CHAIRMAN ACUNA: That was a great summary of  
4 your thoughts, and I appreciate the idea that you give  
5 distinct ideas on how to carry out your thoughts.  
6 Meg, you have a question?

7 MEMBER GROSSGLASS: I have some questions of  
8 Pam. Are you saying -- are you saying that there is  
9 BLM land out there that is not properly patrolled?

10 MS. NELSON: Yes.

11 MEMBER GROSSGLASS: Because I have been there  
12 Beauty Valley and the other, Agua Tivia, and there is  
13 not a high incidence of OHV use up there. I believe  
14 that probably if there is trespass -- I'm not sure if  
15 the problems you are dealing with are illegal trespass  
16 or people riding on their own property. That would be  
17 a code enforcement issue or a road issue.

18 But I have been out there many times and I  
19 have gone out there many times, and I don't even see a  
20 whole bunch of tracks of illegal use -- I don't think  
21 it's illegal use in the Beauty Mountain or Agua Tibia.  
22 So maybe your comments are better towards code  
23 enforcement or roads.

24 MS. NELSON: I can speak to that. There is  
25 one ranger that takes care of -- I'm not only talking,

1 as I mentioned, about the troubles in the Wonder  
2 Valley, the whole Alliance --

3 MEMBER GROSSGLASS: I'm talking about where  
4 you had lived.

5 MS. NELSON: Southwestern Riverside County  
6 and North San Diego County has one ranger. And we  
7 will call him and say, Oh, the Pine Mine Trail, people  
8 are trashing it and there's all these fertilizer bags  
9 and what is going on? And there is one ranger. We  
10 can't get him out there. And those are the places  
11 that are definitely being impacted. The actual access  
12 road, Cooper Ciengga, people play on it and they go in  
13 the washes all around in there. And that's all BLM.  
14 And then the Cooper Cienega is a Forest Service and  
15 BLM road, access road.

16 MEMBER GROSSGLASS: But --

17 MEMBER ACUNA: Let's slow down here for a  
18 second here. It's hard to keep up, and we want to  
19 take testimony. And I also think I would like to  
20 limit this so we could move on to the next one. But I  
21 think your idea is -- during a break maybe the two of  
22 you could talk a little more about that.

23 MEMBER GROSSGLASS: I think the proper law  
24 enforcement person needs to be contacted. There was a  
25 whole bunch mixed in there with BLM issues. There is

1 very little BLM land -- very little problems that  
2 actually occur on BLM land. I will shut up now.

3 MEMBER ACUNA: That's okay.

4 MEMBER FITZPATRICK: Could we have her spell  
5 her last name?

6 MS. NELSON: Nelson?

7 MEMBER FITZPATRICK: Oh, sorry.

8 MEMBER ACUNA: That's an easy one.

9 CHAIRMAN ACUNA: From the DAC members, any  
10 other comments on this particular topic? Let's move  
11 on to Helen Baker to discuss items not on the agenda.

12 MS. BAKER: My name is Helen Baker. I'm  
13 representing the Johnson Valley Improvement  
14 Association today, and I have three issues.

15 The first is the fact that there is not an  
16 MOU between the San Bernardino County Sheriffs and the  
17 BLM. And I would like to put it on the record that  
18 the Johnson Valley Improvement Association is in favor  
19 of such an MOU. California Association of Four-Wheel  
20 Drive Clubs is also in favor, as is Hammerking  
21 Productions. So whatever you can do to encourage  
22 that, we would appreciate it sooner rather than later.  
23 This is a public safety issue.

24 Second item is BLM published in the Federal  
25 Register a notice of an extension of the withdrawal of

1 the lands for the study for the Twentynine Palms  
2 Marine Base. The comment period is to end  
3 December 13. It's our understanding that that will be  
4 extended again. That information needs to get out to  
5 the public sooner rather than later. I wanted to put  
6 this on the record.

7           And the third comment I have to make has to  
8 do with following rules. The notice of this meeting  
9 was published in the Federal Register in the  
10 appropriate time frame. It referred people to review  
11 the agenda on the BLM's Web site. That agenda was not  
12 published until -- I believe it was yesterday. We  
13 need to do a better job of keeping the public  
14 informed.

15           CHAIRMAN ACUNA: Thank you. Okay. Helen,  
16 that was great testimony. And again, three clear  
17 ideas with some ideas on how we can fix that. Thank  
18 you.

19           I would say especially on the third one on  
20 the agenda, just remind the DAC members, one of the  
21 things we did say we wanted to see was early  
22 publication of the agenda so that the public knew well  
23 in advance whether this is a meeting they wanted to  
24 come to so they could prepare. So let's continue  
25 working with BLM staff and see if we can't make that

1 happen. The other two points, I ask the DAC members,  
2 do you have any comments on those points?

3 MEMBER GROSSGLASS: I was at a law  
4 enforcement meeting on November 22, and I know the  
5 county is working on that MOU. And I would encourage  
6 them to please get that done. I know an enforcement  
7 action had gone down in 2007 and it's getting much  
8 better, but that would help. I know it's been a slow,  
9 painful process, but it would be appreciated.

10 MEMBER MITZELFELT: It's entirely up to the  
11 sheriff. Entirely up to the sheriff.

12 MEMBER GROSSGLASS: That's what Jim told us.  
13 He said it's painfully slow.

14 MEMBER ACUNA: Okay. So let's move on.  
15 Gerry Hillier, please.

16 MR. HILLIER: Good morning. Pardon my voice.  
17 I had intended not to speak this morning, but  
18 Ms. Nelson reminded me of an issue that I think needs  
19 to be considered for future agenda. And Council could  
20 make a very positive influence for BLM, and that's to  
21 look at disposal of lands within not only the CDCA,  
22 but within the district as a whole, which includes  
23 this side of the mountains.

24 A number of years ago BLM did have a disposal  
25 program in San Diego County and did dispose of some

1 tracts of land to tribes and others for public sale.  
2 But that project was never completed. But as I  
3 listened to Ms. Nelson, I was pointed to the fact that  
4 BLM was being asked to provide supervision of many  
5 scattered tracts of public land throughout the desert.  
6 And if they start putting rangers on those pieces of  
7 public land, they would miss some of the broader  
8 aspects on the larger solid blocks. Budgets are  
9 smaller and staffing is smaller, and they have to set  
10 priorities. And oftentimes it isn't -- I sympathize  
11 with BLM, having been there. I sympathize with them  
12 having to allocate rangers to some of these scattered  
13 tract areas.

14 A number of years ago, Paul Smith, a member  
15 of this council, led a charge there for greater use  
16 and provision of the Twentynine Palms area based on  
17 the same arguments as these, that these scattered  
18 lands, sheriff lacks staffing to deal with it. And my  
19 assumption is that -- or my recommendation is that  
20 Council look at these areas of scattered public lands  
21 and make recommendations to the BLM in terms of what  
22 land sales to put into private ownership and let it be  
23 a private owner thing there as far as controlling the  
24 use. I think that could take care of the problem very  
25 easily or certainly more easily.

1           Don Maben, also was a member of this council,  
2 has offered a proposal to the congressional delegation  
3 that they legislate BLM disposal in areas where they  
4 can dispose, where it's in the public interest as a  
5 counter to BLM acquisitions, which would be for  
6 mitigation. I'm sure that's going to surface in the  
7 new Congress since Kevin McCarthy of Bakersfield may  
8 have a firm interest in that. So I think the Council  
9 should address themselves to it.

10           I can also speak briefly to the previous  
11 point in terms of the sheriff's office and the MOU,  
12 since I was tasked a couple years ago to try and  
13 resurrect that agreement. As Brad Mitzelfelt says,  
14 it's strictly up to the sheriff. There are a couple  
15 of instances going that have gone on in the county  
16 which have caused the sheriff to pull the MOU, and to  
17 the date he has not seen enough evidence to change  
18 that issue.

19           I have suggested to Supervisor Mitzelfelt  
20 that he try to work with the sheriff and if it is a  
21 concern, I think it's important that that be renewed.  
22 And in whatever way the Council can lend help, I would  
23 encourage them to do so.

24           MEMBER ACUNA: Thank you, Gerry, good  
25 comments. Trying to be helpful to the BLM here in

1 fixing things. Are there any comments from the DAC?

2 MEMBER SCHREINER: We are talking about  
3 scattered parcels. Is there a minimum size if they  
4 are offered for sale or some location specific? I  
5 would assume that even if you had a square mile that  
6 was surrounded by some other private parcels, that may  
7 or may not be interesting. But certainly if there was  
8 a 10-acre parcel sitting in the middle of Los Angeles,  
9 it would be better being sold.

10 MR. HILLIER: There are probably few tracts  
11 of public lands that don't have some advocate for  
12 retention. And that's part of the problem is that  
13 they find cultural resources or something else on  
14 these. The question, though, is a function of  
15 priority. And I don't know if there is criteria, and  
16 that's part of the area that the Council could give  
17 BLM a hand on setting some criteria and looking --  
18 every one of the field offices has a different setting  
19 relative to public lands that probably should be  
20 considered for disposal.

21 MEMBER SCHRIENER: I would think that with  
22 the upcoming new Congress, looking for ways of revenue  
23 would be something of interest. And being proactive,  
24 if the BLM could show us what they consider to be  
25 scattered parcels, not continuous blocks, where are

1 they located? Are we talking about just a couple in  
2 the DAC area? Are we talking about thousands? Are we  
3 talking about a few square miles or thousands of  
4 square miles? If we could get some idea of priority.

5 MR. HILLIER: Let me give you a number, and I  
6 don't know as though this is exact. But right now I'm  
7 told that within the city limits of Barstow, there is  
8 something like 2500 acres of public lands that BLM  
9 theoretically is responsible for providing  
10 supervision. Right now the city police and the  
11 sheriff's office is providing that supervision, but  
12 that area ought to be liquidated.

13 The problem comes when local real estate says  
14 you are going to flood the market, and you get into  
15 this give and take. The Council and public body needs  
16 to give the BLM cover. But they need to provide  
17 legitimacy to disposal of these tracts of lands that  
18 frankly have little justification for staying in  
19 public ownership. And there are different settings in  
20 each one of these.

21 MEMBER SCHRIENER: Definitely. We have X  
22 number of acres that's worth Y dollars. That's  
23 relatively simplistic. But it may be useful if we  
24 could review that. It's not a high priority item, but  
25 I think it's something worth putting on the radar.

1           MEMBER GROSSGLASS: This is something that I  
2 need to bring up. There are several BLM parcels in  
3 the Ocotillo Wells and the Truckhaven area that I  
4 would like to look into possibly State of California  
5 buying from the BLM or maybe a recreation public  
6 purpose lease. But right now there are only five  
7 designated trails, but we need to designate more and  
8 make that more like a park. Because it's managed much  
9 more differently east of Hole Line Road in that area.  
10 And now that we have the okay to acquire properties,  
11 we are actually going to make Truckhaven part of OW,  
12 and there are BLM parcels on the edge of the Salton  
13 Sea on the west side of 86 that would be helpful for  
14 us to add to the park also.

15           MEMBER SCHRIENER: Speaking to the Truckhaven  
16 area as a geothermal area, we are not talking about  
17 scattered parcels there. We are talking about  
18 scattered sections. So there, there are whole square  
19 miles.

20           MEMBER GROSSGLASS: 640 acres.

21           MEMBER SCHRIENER: That's a different issue  
22 than scattered parcels. That may be five or ten acres  
23 sitting in the middle surrounded by other people's  
24 property. That's a fundamentally different thing than  
25 scattered sections. In the Truckhaven, there is wells

1 drilled in it that's going through a BLM process right  
2 now of trying to unitize it so they can go under  
3 production. There were power purchase agreements for  
4 the area west of the Pole Line Road. Obviously, there  
5 are going to be a mix of off-surface streets, but I  
6 think we ought to be more focused on small, scattered  
7 parcels difficult to manage.

8 MEMBER GROSSGLASS: Yeah. I was under the  
9 thought that unless the geothermal companies had a  
10 unitization agreement by December, then their window  
11 of opportunity for this was up. They had a certain  
12 amount of time to unitize. That's not true?

13 MEMBER SCHRIENER: I don't believe that was  
14 the case, but --

15 MEMBER GROSSGLASS: I am sure I wouldn't  
16 expect Margaret to know that.

17 MEMBER ACUNA: Let's do this. If this is a  
18 topic you would like to bring up at a later meeting,  
19 write this one down and when we wrap up the meeting  
20 today, if that's an item we want to come back to, we  
21 can do this.

22 I would add this -- we had talked about this  
23 topic before. You are absolutely right, Alex,  
24 efficiency makes sense. I would like to remind  
25 everyone that there are a number of land use plans

1 being developed in the desert right now, the renewable  
2 projects, they are having mitigation plans, et cetera.  
3 In a perfect world we would get this jigsaw puzzle,  
4 and I think these lands would be part of that  
5 potential for sale or mitigation or trade for local  
6 jurisdictions for other issues. And it might be a  
7 good idea to wait a little while until those other  
8 plans are coming and we see how this renewable thing  
9 shapes up. That's just a suggestion. That's my only  
10 comment. Any other comments, and if not we will move  
11 on.

12 MEMBER HOLLIDAY: Let me ask one question so  
13 I understand. The one issue that the gentleman  
14 brought forth was the purpose or the -- the sale of  
15 BLM lands that are to the public. And what Meg was  
16 talking about was the opposite, getting public lands  
17 purchased by the BLM.

18 MEMBER GROSSGLASS: No. There are BLM  
19 parcels that are located within the OW SVR that we  
20 have an MOU to manage them. And not all of them are  
21 actually up for lease under geothermal. There are  
22 some parcels that aren't. I know at one point 10 or  
23 15 years ago, the state acquired some of those. But  
24 apparently the state can only acquire so much property  
25 from the feds. But I would like to look at starting

1 that process again. This is one of our very, very,  
2 very few off-road parks. And we all know that the  
3 amount of recreation area is getting smaller and  
4 smaller.

5 MEMBER ACUNA: Okay, very good. We are right  
6 on time. Let's stay on time. We are going to move on  
7 to the next item and for the public, where we are  
8 going right now.

9 We are going to have Advisory Council  
10 reports. We are going to hear subgroup reports. And  
11 so at this point I'm going to start with Meg. We can  
12 start at that end, and we will give Dinah some time to  
13 catch her breath. So if you would report, give us  
14 your perspective on things.

15 MEMBER GROSSGLASS: I think I will hold my  
16 report to 11:15 on the ad hoc process.

17 MEMBER SALL: April Sall, public-at-large.

18 I know our agenda is pretty packed, but I  
19 still would like to revisit the Cal-ISO presentation  
20 that we had originally planned.

21 MR. RAZO: I can't get anybody to come.

22 MS. SALL: You can't get anybody to come? I  
23 will send an e-mail to Sacramento. So I just wanted  
24 to try and revisit some of those presentations again  
25 so we can help fit all these pieces together for the

1 infrastructure for renewable energy.

2 MEMBER FITZPATRICK: I have nothing to  
3 report.

4 MEMBER GUNN: Couple weeks ago I toured the  
5 proposed renewable energy wind project up at the Ridge  
6 and I will talk a little bit about that later.

7 CHAIRMAN ACUNA: Nothing to comment on.

8 MEMBER BANIS: There are two subgroups that I  
9 have worked with on the DAC.

10 The first is the Dumont Dunes subgroup. We  
11 met on November 16. And the key issue that we spent  
12 the most time on is helping the BLM finalize their  
13 plan for erecting fencing around portions of the OHV  
14 open area for the purpose of protecting adjacent  
15 special resources. And it's been a one-year  
16 discussion that we have been having with the BLM as  
17 the subgroup helps to finetune the locations of the  
18 fences. And I think we have come yet even closer to a  
19 plan that will start shortly with the boots on the  
20 ground in starting to construct the fences in the  
21 areas that were deemed most important. The next  
22 Dumont Dunes subgroup meeting will be in February.

23 A second group subgroup that I work with is  
24 what we have been calling the Renewable Energy  
25 subgroup. This subgroup met three times since the

1 last DAC meeting, one in person, two by telephone.  
2 And because the renewable energy issue has been such a  
3 dominant issue on our agenda, the subgroup looked at  
4 strategic issues on behalf of the entire DAC as to how  
5 the DAC could organize itself and organize its agenda  
6 and focus its effort to getting ourselves wrapped  
7 around the renewable energy issue.

8           And we agreed to continue the project  
9 reviews, since the fast track project list is now  
10 whittled down to a very small handful of projects. We  
11 decided to continue with our strategy on those  
12 projects, and we will have presentations later today  
13 on those projects.

14           And I don't think we have further items or  
15 meetings scheduled for this subgroup. I think we will  
16 see what comes out of today's meeting and then call  
17 another session and see if we need to renew the  
18 subgroup's mission or what we will do with it.

19           CHAIRMAN ACUNA: Very good, Randy. I  
20 appreciate all your work on this subgroup, ad hoc  
21 group for renewables. I would like us to see if you  
22 could -- I'm asking you if you could set up those  
23 dates for those renewable projects when we would  
24 actually speak about them throughout the year. That  
25 was one thing we were looking forward to.

1 Brad, please.

2 MEMBER MITZELFELT: Subgroups or just general  
3 thoughts from the DAC members?

4 CHAIRMAN ACUNA: It can be subgroups or  
5 general thoughts.

6 MEMBER MITZELFELT: Okay. General thoughts.  
7 I thought I was projecting enough. General thoughts.

8 I have an announcement regarding a fair share  
9 contribution agreement between the County of San  
10 Bernardino and the Fire Protection District and solar  
11 partners for BrightSource project and the Ivanpah  
12 project.

13 About three years ago -- well, we have  
14 engaged upon a process to try to quantify impacts for  
15 first responders, fire, other emergency services. And  
16 with credit being given for possessory interests,  
17 assessments that were paid by the developer and the  
18 project over time, which I think is a very fair  
19 arrangement. It's item 82 on the Board of  
20 Supervisors' agenda this coming Tuesday. And it is  
21 been negotiated.

22 Thanks to the California Energy Commission  
23 and the BLM, we have come to an agreement that was  
24 required for this two billion dollar project out there  
25 and we -- like I said, I don't have to go into details

1 but it's on the board's agenda. So it will be the  
2 first one in this new age of all of these big solar  
3 projects.

4 I have been concerned -- speaking of solar  
5 projects, and I think we may try to address this  
6 through our legislative channels or through our  
7 memberships in various associations -- and that is I  
8 have a concern about the southwestern states having  
9 different mitigation standards at the state level and  
10 this resulting in an uneven playing field for  
11 development in California versus Nevada or Arizona.  
12 And I don't know exactly how to get at that other than  
13 if the federal agencies can exert some leadership on  
14 that and get the states to cooperate and to agree to  
15 uniform standards, at least to the extent possible.  
16 I'm sure Nevada might not be thrilled about having Cal  
17 Fish and Game setting their standards, but  
18 something -- something along the lines of that.

19 There has to be some cooperation, or my fear  
20 is we are going to artificially drive projects to our  
21 bordering states and put California at a competitive  
22 disadvantage. To the degree that we want to encourage  
23 these things, this is something that could be an  
24 impediment, in my opinion. I am going to advocating  
25 something in that direction, but I don't have anything

1 specific yet to advocate.

2 CHAIRMAN ACUNA: Thank you. Alex.

3 MEMBER SCHRIENER: Just a few items. Most of  
4 the geothermal activity is taking place in two places,  
5 one Imperial County and Inyo County by the Coso  
6 fields.

7 But Imperial County, a couple things have  
8 taken place. I sent some documents to BLM from a  
9 recent meeting I was at. There have been some  
10 exploration on the West Chocolate Mountains,  
11 Superstition Hills down in Imperial County on the  
12 naval land which also has BLM land. They have a few  
13 wells and about to drill another one down there.  
14 Temperature data, assessment of it was made public on  
15 that. So I forwarded one to your office.

16 Also, in BLM land up north of the metropolis  
17 of Nilan, drilling up there on part of that, so there  
18 are several BLM parcels, at least, in that area.

19 Truckhaven, San Felipe, anomalies. There are  
20 two anomalies there. I know that the BLM is working  
21 with the various people that acquired those leases. I  
22 used to work as a consultant for one of them, and I  
23 know there are two different units trying to be  
24 formed. One or two units.

25 And I have been involved in two sort of ad

1 hoc -- not DAC ad hoc, but related to the Salton Sea.  
2 One is the species conservation plan for the southern  
3 part of the Salton Sea. Multi-agency, USGS, Fish and  
4 Game, Wildlife, all of the above, along with the  
5 geothermal firms that lease the land down there. It's  
6 surprising how someone can go through and sort of they  
7 are going to unilaterally determine that they are  
8 going to put something on the land owned by the IED  
9 but leased to a firm, with the fiduciary  
10 responsibility to develop it. Oh, no, we are going to  
11 put this on top of it. Have you talked with them? So  
12 we are trying to start that conversation.

13 I also want to assess mitigation in that  
14 area. There are two little parcels of BLM land in  
15 that area. One of those would be scattered parcels,  
16 40-acre parcels about three miles offshore. That's  
17 all I have.

18 MEMBER ACUNA: Very good.

19 MEMBER HOLLIDAY: Yeah. As part of the DAC  
20 subgroup for the Imperial Sand Dunes Recreation Area,  
21 we haven't had a meeting since the last DAC meeting.  
22 We are waiting for some consultations with the  
23 Washington office which apparently isn't coming  
24 through, so we will put together a meeting real soon.

25 We have been having some issues on the fee,

1 trying to understand the budgeting for the ISDRA and  
2 the fee. As far as budgeting issues for recreation,  
3 I'd just like to make the other DAC members and the  
4 public know in the proposed fiscal year budget for  
5 2011, in the budget for BLM, recreation has been cut  
6 by a million and a half dollars, 1.3 million dollars.  
7 But the BLM has seen fit to raise 12 million dollars  
8 for wild horses and burros, 2 and a half million for  
9 climate change, but they are going to reduce and take  
10 out the challenge share funding, which was 9 million  
11 dollars that was allocated for volunteer efforts  
12 within the BLM.

13           So when we talk about issues with trying to  
14 manage and have law enforcement officers out there,  
15 when we keep reducing the budget for recreation, we  
16 are at a diminishing return here. I just have a real  
17 hard time with this. So everybody knows my feeling on  
18 the wild horse and burro issue. They are going to  
19 spend 76 million dollars on wild horses and burros and  
20 BLM is going to spend 48 million for recreation for  
21 the whole country. So there are 28 million dollars  
22 more in the budget for wild horses and burros than  
23 there are for people. So kind of keep that in mind if  
24 you want to contact your congressman and senator and  
25 let them know there seems to be some kind of

1 misappropriation in the BLM budget for people. Thank  
2 you.

3 CHAIRMAN ACUNA: Dinah, please.

4 MEMBER SHUMWAY: As a representative of the  
5 nonrenewable resources, I have severe concerns about  
6 access to public lands for future exploration for  
7 mineral resources, regardless of what they are. So in  
8 considering that the BLM is spending incredible  
9 amounts of time looking at these alternative energy  
10 projects, which are 10 times larger than some of our  
11 largest mining operations, it makes me really  
12 concerned. So it's really easy for all of us to  
13 forget why we are actually tasking the BLM management  
14 with considering all these projects and what is  
15 driving these projects.

16 And it's important to remember that the U.S.  
17 is already electrically independent. These projects  
18 do not replace oil. They add to electricity. And I  
19 think that's really important to remember when we are  
20 talking about alternative energies that are not held  
21 to the same development standards as my industry,  
22 mining.

23 And I understand where Brad is coming from,  
24 but I think that these land uses that totally  
25 obliterate landscape, at least in the utilities such

1 as solar, restrict any kind of access, I think that  
2 they need to be held to the same standards as  
3 developing mineral resources, which is depletion mode.  
4 These are not really depletion mode projects.

5           So I think what's important to the remember  
6 is what is driving this is not science. There still  
7 is no science indicating that CO<sub>2</sub> drives local climate.  
8 It affects it, but it does not drive it. And these do  
9 not generate CO<sub>2</sub>, but they still affect our landscape  
10 in profound ways, especially solar projects. And  
11 unlike solar -- solar has lots of alternatives to meet  
12 California's political standards. It's harder to do  
13 that with wind. I think we need to remember that when  
14 we are talking about uses.

15           That's my comments. I think we should be  
16 held to the same standards as we hold for other  
17 developments on public properties. And we do need to  
18 keep in mind that BLM lands were not established as  
19 parks. And they were established as multiple use,  
20 including recreation, minerals and grazing. And  
21 actually, it can include to a lesser extent -- I'm not  
22 being totally consistent here -- alternative energy  
23 projects. Thanks.

24           MEMBER ACUNA: Very good, Dinah. Thank you  
25 very much. That concludes our discussion from the

1 Council member reports.

2 We are going to move on to the 9:45 agenda  
3 item and that is the District Manager and State  
4 Director reports.

5 But before we get started there I have one  
6 question, Teri. We need to get an opportunity to  
7 address it. I understand there were some charter  
8 changes by the BLM to the DAC charter? Maybe you  
9 could address that and update us on the new membership  
10 for the DAC, give us an update as to who has been  
11 authorized for future years, who is being considered,  
12 et cetera.

13 DIRECTOR RAML: I would be happy to do that.  
14 What I am going to do, I will kind of walk through the  
15 State Director's report, add a few remarks of my own,  
16 turn it over to Steve, who will address Tom's  
17 questions and provide us kind of an update on the  
18 membership of the DAC. And then I will kind of close  
19 on that with some of my ideas for the DAC also.

20 Let's see. It's December, the end of the  
21 year and it sure feels likes it, doesn't it? I think  
22 the nice part was after the first DAC meeting when we  
23 had the State Director's representative here, they  
24 felt fairly comfortable that the DAC was in good hands  
25 with me. And so now rather than having someone come

1 from Sacramento, they send me their report. And when  
2 I look at their report, it's almost exactly what I was  
3 going to say, so I think you are getting two for the  
4 price of one. But there is a report from the State  
5 Director in the back and I will cover his items.

6 One, of course, is we all referred to the  
7 recent election and the House turnover. There is no  
8 doubt that the House turnover will mean significant  
9 changes for the BLM ahead. Well, significant changes  
10 for all of us, but certainly significant changes for  
11 the BLM.

12 At our state management team meetings we had  
13 a little overview of that, but what we, the BLM,  
14 expects is more oversight hearings and also maybe some  
15 shift in focus and policy formation, and certainly  
16 some interesting times ahead in terms of budget. We  
17 don't expect any changes, though, in our leadership at  
18 the administrative level or the directorate or the  
19 state director, so we are going to be dealing with the  
20 same cast of the characters. At least we don't  
21 anticipate any changes there.

22 Budget: I bet there are some well-versed  
23 people in this room that are following it even more  
24 closely than I am, but we are operating under a  
25 continuing resolution until December 18, and we have

1 no crystal ball in terms of whether we are going to  
2 get another continuing resolution, whether they will  
3 put some effort into an omnibus bill that includes our  
4 budget. All we know is times are a'changin.

5           The lame duck congress: I'm a news junkie,  
6 so I have been listening because the lame duck  
7 congress is working. There were a few bills we are  
8 tracking. The Desert Protection Act of 2011, and I  
9 think -- and you know, I'll give you just a little  
10 political aside. There is the work of the congress  
11 that hits the news and then there is the work of the  
12 congress that's very diligent behind the scenes. So  
13 sometimes we kind of miss some of that  
14 behind-the-scenes stuff.

15           There is still effort going on for the Desert  
16 Protection Bill, but as every day passes, the idea  
17 that that will come to fruition diminishes, but there  
18 is still work ongoing.

19           The state director's report has a great, big,  
20 long section on the OHV. I will move on from that and  
21 we will be discussing that in a little bit.

22           The other thing -- this is one that I was  
23 kind of surprised that the state director's report  
24 didn't include, which was the National Landscape  
25 Conservation System, which I will badly abbreviate to

1 NLCS. We are trying to not use that acronym, but it's  
2 a darn big mouthful, so we are finishing the tenth  
3 year anniversary of the establishment of the first  
4 NLCS units. And we had a number of events and  
5 activities here in the Desert District. We had a  
6 number of activities across the nation, and it was a  
7 wonderful celebration. Where I came from in Arizona,  
8 we had the first and the last of the units  
9 established. So they are near and dear to my heart  
10 and the units here in California are also.

11 We had as kind of a close to the celebration  
12 year, there was an NLCS summit in Las Vegas, similar  
13 to the renewable summit we had, where the Secretary of  
14 Interior arrived and gave some words of praise to the  
15 establishment of the system and also issued an  
16 executive order, which in my haste to get here, I was  
17 going to look up and make available to you. But I  
18 will send it to the DAC members. That kind of  
19 continues to assure people -- ensure the agency and  
20 assure people that this is a very important legacy for  
21 the BLM and that it's here with us.

22 California -- I think since the long, rich  
23 history of conservation in California including the  
24 establishment of the California Desert Conservation  
25 Area doesn't have some of the issues that other states

1 do with wondering what NLCS means, the summit didn't  
2 have as much -- we certainly participated, but the  
3 emphasis of the California units, that wasn't as big a  
4 part of summit as reaching out to Montana and Nevada  
5 and other places.

6 But Gerry did ask me yesterday who was there  
7 from California, and I will get you that list. We did  
8 have a small contingent of people from California  
9 participating in that summit. And of course, like a  
10 typical BLM function, there was lots of break-out  
11 groups, lots of work groups, lots of flip charts and  
12 lots of reports that will be written. And it will  
13 come back to California and we will send it down. I  
14 think we will certainly involve the DAC as we look at  
15 the implications of the summit and some advice as we  
16 move forward.

17 Obviously, another priority for BLM will be  
18 the renewable energy, and will continue to be a  
19 priority. And certainly we do have the six projects  
20 that have been approved. And we have the fiscal year  
21 '11 programming work which I will talk about later.  
22 And we certainly have some financial incentives for  
23 some of the proponents that are still striving  
24 forward. So we consider that we have concluded the  
25 fast track projects, but still significant attention

1 toward those companies diligently proceeding to take  
2 advantage of ARRA funding, which would be ending  
3 September 30th. So BLM and CDD is still going to be  
4 focused on renewable energy.

5 I'm going to read this directly just because  
6 it would be helpful. This is Jim's remarks that he  
7 made when he met with the entire State Management Team  
8 this week and much of our discussion centered on  
9 budget issues. All federal agencies are girding for a  
10 tough budget year ahead, and the BLM is no different.  
11 Here in the Desert, we will focus on our priorities  
12 and continuing to serve the public to the highest  
13 standard possible. Thank you to the many partners and  
14 with the advice from all of you, fiscal year 2011  
15 promises to be a lean but productive year.

16 During our State Management Team meeting, all  
17 the field managers were there. We were also  
18 privileged to have Mike Pool kind of join us from  
19 Washington. We video-conferenced him in, and he  
20 talked with us for a while. And he and Jim, our  
21 acting state director, did not coordinate their  
22 comments, but they gave the word to us that we do  
23 expect some lean budget times. California BLM is a  
24 very healthy state. And I came from -- I promise at  
25 the end of the calendar year, no Arizona antidotes.

1 But Arizona's situation and our budget situation was a  
2 lot different, a lot leaner.

3           There is something called the -- actually,  
4 I'm not going to go there. But the summary of it is  
5 we invested a lot more of our funding into people.  
6 Labor/ops ratio is where I was headed. So in Arizona  
7 the labor/ops ratio was like 90 percent of our funding  
8 in Arizona went to labor pool. And 10 percent went to  
9 ops.

10           California is healthier, and we have a lot of  
11 operational dollars, so therefore, the impact of the  
12 budget to our work force is significantly less than in  
13 a lot of states. So we are not looking forward to the  
14 new budget year, but we are healthy bureau and a  
15 healthy organization, and we will get through it.  
16 Some other states will be screaming a little bit more  
17 because they will have to look at hard choices in  
18 terms of personnel. We are just going to be looking  
19 at a lean year.

20           I will turn to Steve.

21           MR. RAZO: Good morning, Council. I would  
22 like to start off right away with congratulating. We  
23 do have some final approvals. Secretary has  
24 reappointed Ron Johnson, Meg Grossglass and Richard  
25 Rudnick for another three-year term to the DAC. And

1 we have Ms. Monica Argodonia (as pronounced) who will  
2 be replacing Geary Hund under environmental  
3 protection.

4 With that said, I will get into the changes.  
5 First change is that the three-year term for those  
6 that I just mentioned begins with the date of this  
7 letter, which is December 9, 2010. So that means your  
8 term starts now.

9 MEMBER GROSSGLASS: That's good. You are  
10 stuck with me for another whole three years.

11 MR. RAZO: Right. That is a change. So with  
12 the next group who is ending who technically, this is  
13 your last meeting, which would be Dinah Shumway,  
14 Richard Holliday, Patrick Gunn, Randy Banis, James  
15 Fitzpatrick, you can submit a package now if you want  
16 to be renominated. And what will happen is we will  
17 start that process. We will put our Federal Register  
18 out for a call for nominations. And once that package  
19 is in and they go through the process, when you get  
20 that letter, it's three years from that date so that  
21 we don't go through this year of, where is our  
22 nominations? Where is it at?

23 That means we are no longer looking at  
24 calendar year from here to there. Now it's going to  
25 be very tough, really chaotic to try to try to keep

1 track of who is on, who is off, who is coming on and  
2 going off. It will be different times now, but that  
3 is what is happening with that.

4 MR. HILLIER: Dinah's appointment still ends  
5 December 31?

6 MR. RAZO: Yes. The question is if Dinah's  
7 term ends December 31, and I indicated yes.

8 In the charter, which I believe you have a  
9 copy of, under No. 12, membership and designation, you  
10 will notice a change. It no longer lists an elected  
11 official. And what that means is as far as we are  
12 concerned, we always want an elected official on this  
13 DAC. And I think Brad has proven the worth of that as  
14 well as Don Maben and others. Our philosophy is we  
15 are going to continue to pursue elected officials.  
16 There is no longer a requirement that an elected  
17 official is present when we vote.

18 MEMBER MITZELFELT: Big mistake.

19 DIRECTOR RAML: I like that added pressure on  
20 you, Brad.

21 MEMBER MITZELFELT: Actually, way better.

22 MR. RAZO: So that might make things a little  
23 easier so we don't get caught. Also involved with  
24 that is quorum. The quorum is no longer a rule. It's  
25 within ourselves and how we want to develop our own

1 quorum.

2           So what all this is leading to is the bylaws.  
3 What we will need to do for an agenda item on the next  
4 meeting is discuss the bylaws and the things in the  
5 bylaws to adjust so that it matches the charter. One  
6 of the things in the bylaws right now that needs to be  
7 adjusted is the reference to TRT. There is a  
8 reference in there that is incorrect. Now it is  
9 subgroups and ad hocs, not TRTs. But we have to give  
10 public notice that we will be discussing the bylaws.

11           Now, the bylaws are an internal product.  
12 It's not something that has to go up above to the  
13 state or Washington to get a signoff. Those are our  
14 bylaws. We are just going to try to get them in  
15 concert with the current charter.

16           So that you know, April, Tom Acuna, and Tom  
17 Hallenbeck, and Al Schriener, your term ends 2011.  
18 And it will be interesting to see where we are at that  
19 point in terms of who is on and who is coming. Any  
20 questions on any of that?

21           MEMBER BANIS: I had one. I notice that the  
22 charter was signed and filed in June and July of this  
23 summer. We didn't hear about it in October. Was it  
24 just harried a little?

25           MR. RAZO: Well, yes, there was a lot of

1 discussion on this charter. And the state office and  
2 us -- we knew this was coming. It did come. We had  
3 questions about it. We were promised answers, and  
4 there was discussion about a time. By the time we  
5 said okay, this is it, that's where we decided that we  
6 will have to discuss it here. We were also in the  
7 process of awaiting nominations so that we could  
8 discuss it then. So, yeah.

9 MEMBER BANIS: Follow up. For the DAC  
10 members' information, the charter does expire or it  
11 needs to be renewed every two years. So it's a  
12 regular occurrence. And if you put it on your  
13 calendar, you will know it will be coming up at some  
14 point. As we get closer to that time, we may see that  
15 we have recommendations internally for additions or  
16 changes to the charter, and maybe we can schedule that  
17 appropriately to offer any input we may have for the  
18 next time.

19 MEMBER FITZPATRICK: Just for the record,  
20 this body is supposed to be advisory and helpful to  
21 the BLM. We understand that the BLM makes the  
22 decisions. However, I must say, given Steve's  
23 presentation, that whoever made this decision to kind  
24 of go ahead with this charter without informing us  
25 that it was even under consideration, I think that's

1 not very appropriate.

2 CHAIRMAN ACUNA: I would like to add, too,  
3 it's always good, Steve, to let us know, the DAC. But  
4 I will say this on the other side, that the changes  
5 seem to streamline and be effective. And I certainly  
6 don't oppose any of the changes. It actually makes  
7 things better. We don't have to have an elected  
8 official here. We have four people updated, and now  
9 functioning members and four more members that we need  
10 to do the same. I only have one question.

11 When Randy and the others submit for next  
12 year their reauthorization, how long does that take?

13 MR. RAZO: From here to the state office it  
14 doesn't take any time at all. We get our package  
15 together and we meet and discuss and get it together  
16 and get it to the state office. Then from the state  
17 office it goes to Washington, and then it enters into  
18 the world of discussions that we don't know anything  
19 about. And all we can do is wait.

20 We didn't actually receive our copy of the  
21 charter until October, so we don't know where it was.  
22 We knew it was due. In fact, we finally raised a  
23 question that we couldn't have another DAC meeting  
24 unless we had a charter in our hands. And it finally  
25 showed up, and that's when we discovered the changes.

1           MEMBER GUNN: Steve, maybe Meg could tell us  
2 how long it took her to be reappointed.

3           MEMBER GROSSGLASS: It's been a year, hasn't  
4 it? But I don't know that that's been normal.

5           MEMBER SHUMWAY: Four meetings?

6           MR. RAZO: I can guarantee you that Mike Pool  
7 has really been to bat for us on that issue. What a  
8 better guy to have on our side up there to get this  
9 process through. But the fact that even with his  
10 efforts, it gets bogged down can give you an idea.  
11 It's a hard hurdle sometimes to get through. But we  
12 have been assured that from this point forward, that  
13 it won't take that long, but hopefully that's the  
14 case.

15           DIRECTOR RAML: What I can add from my  
16 perspective, the interesting thing about the delay is  
17 it's a combination of factors that usually happen in a  
18 bureaucratic delay. Some of the delay is because  
19 these are important appointments, and they are  
20 actually reviewed by the White House liaison. So some  
21 of the delay does involve different people in the  
22 department, in the bureau and the White House looking  
23 at this package because this is a very important  
24 advisory group to us.

25           Then some of the other delays are associated

1 with just things -- moving papers from desk to desk.  
2 So when we start to assume -- and I will speak from  
3 past experience -- when we start to assume because  
4 it's lost on someone's desk, what you will in fact  
5 discover is it's actually under critical review.  
6 So -- don't draw conclusions on why it takes so long.  
7 It's out of our hands and it takes long because there  
8 is a lot that goes into it.

9 MEMBER MITZELFELT: I have a question  
10 regarding membership and designation. It lists  
11 interest groups and local government or -- state  
12 government isn't in there, but I don't know if it was  
13 before. The bylaws talk about elected officials under  
14 paragraph C. So has any change -- you mentioned a  
15 meeting, but has there been any change relative to  
16 representation by state and local government?

17 MR. RAZO: Not as far as we are concerned.  
18 If we want that discussion on bylaws, we can have it.

19 MEMBER MITZELFELT: But at this moment, there  
20 is still an elected official or local government or  
21 city, county or state government representation  
22 required, or is it optional?

23 MR. RAZO: As per the charter now, it's  
24 optional to have that.

25 MEMBER MITZELFELT: So the charter took us

1 out.

2 MR. RAZO: Yes.

3 MEMBER MITZELFELT: I think state government  
4 should be represented.

5 MR. RAZO: We can keep that in the bylaws for  
6 ourselves.

7 MEMBER SHUMWAY: The local Desert District  
8 can write into their own bylaws that they want an  
9 elected official at some level?

10 MR. RAZO: Yes.

11 MEMBER SCHRIENER: Quick question was, first,  
12 when people are renewing versus a new application, is  
13 this a rigged election? If someone is renewing,  
14 they're going to automatically be renewed? Or does it  
15 go through a critical peer review to try to get  
16 diversity? Or what is the process if someone in the  
17 audience says I want to apply but they recognize there  
18 are four positions and four people applying, should  
19 they even bother?

20 MR. RAZO: Certainly they should apply. And  
21 it's not rigged. And the patch that goes out does not  
22 just have who we feel should have primary  
23 consideration. But it's a recommendation for  
24 everyone, and then the decision is made by the  
25 secretary who does get the position.

1           MEMBER SCHRIENER: Thank you.

2           MEMBER GROSSGLASS: In my case, I don't even  
3 think I got a letter from an OHV organization. I got  
4 legislators and other types of organizations, and it  
5 was totally different than my first package.

6           DIRECTOR RAML: Well, so my piece of this --  
7 and I don't have this bulleted out so it will perhaps  
8 be chaotic.

9           So I kind of started by saying this is the  
10 end of the calendar year and this will be the fourth  
11 DAC meeting that I have been at and that a lot of you  
12 have been at. So we started in El Centro; then we had  
13 Ridgecrest meeting, Needles, and then this meeting.  
14 In the meantime during this time period, I have also  
15 been working with you on renewable energy, tasking the  
16 group to look at SRP's, struggling with how we  
17 would -- what is the frequency of the meetings? What  
18 is the focus of the field trips? What's the -- what's  
19 the -- what's the --

20           So now we have kind of a good opportunity, I  
21 think. We have a charter, we have membership, we have  
22 opportunity, we have priorities. I have a sense of  
23 the capacity and the interest of the DAC members,  
24 which interest is high, capacity of individuals  
25 varies, so I want to kind of work with that this next

1 year.

2           And what I would like to do is have three  
3 documents that guide us. One is, of course, obviously  
4 the charter. The other is the bylaws. And the third  
5 is I am committed to a business plan. And for people  
6 that were working on the renewable energy task group  
7 or subgroup, I passed out a business plan that was  
8 developed by Arizona. And it was a document that  
9 guided the activities of their Resource Advisory  
10 Council for the next couple years, and I would like to  
11 do that.

12           So what I am going to propose -- and we can  
13 leave it on the table -- but what I see is early in  
14 the calendar year we need to orient our new members.  
15 I would like to develop this business plan, take a  
16 look at the bylaws, an, we will have a special  
17 recreation permit task group working and trying to  
18 coordinate our activities or figure out how we are  
19 going to work together on renewable energy, which  
20 isn't going anywhere, so we might as well work on  
21 that.

22           I appreciate the suggestion about taking a  
23 look at the recreation strategy. I certainly, in  
24 terms of the people that attend the Advisory Council  
25 meetings and certainly the emphasis that I feel is

1 that we really need to give some good attention to  
2 recreation. And I would also like to develop a  
3 subcommittee, some kind of approach to deal with  
4 recreation in an organized, deliberate fashion. So  
5 it's a small group, people have lives, other things  
6 going on. And I want to be very sensitive to timing  
7 of when we ask people to participate more fully, what  
8 the expectation of the outcome is. A business plan,  
9 really lay it out there for folks.

10 So that takes some efforts. I think one of  
11 the things that people have pointed out and I am  
12 sensitive to and ultimately responsible for is kind of  
13 the bumps and starts in terms of our communication  
14 coordination. California really is -- it's a very,  
15 very, active Desert District and lots going on. And I  
16 know that we can always improve in terms of our  
17 outreach, in terms of our communication, its clarity,  
18 its timeliness.

19 And I think one of the things for me is I  
20 hope to have a business plan that will kind of guide  
21 us more on this timing stuff. We can do better. And  
22 it's certainly -- we would like to make sure that we  
23 do, and I certainly appreciate -- it's kind of that  
24 double-edged sword. I'm happy that people are unhappy  
25 that we are not informing them. What I hear a lot is

1 the vast silence out there, so when people come  
2 forward and say, hey, I was watching and you didn't  
3 say that, that means people expect something from us.  
4 And I would like to meet their expectations. So with  
5 that, my comments are closed, I think.

6 CHAIRMAN ACUNA: So then let's move on to the  
7 next topic and it's going to have to wait, Gerry, for  
8 public testimony when we come up with that.

9 Right now it's 9:30. We just completed the  
10 9:45 topic. That means we would be right at morning  
11 break, but let's continue.

12 The next item is the 10:30 agenda item that  
13 is the Council's questions regarding field office,  
14 District Manager reports and State Director's reports.  
15 So what I would say here -- I don't know about the  
16 rest of the DAC, but I think I received three reports.  
17 Did anybody else -- were they short on receiving  
18 reports?

19 MEMBER GROSSGLASS: I was going to say there  
20 is a 10:15 break that I need.

21 CHAIRMAN ACUNA: We are going to go -- keep  
22 on going. We are handing out diapers.

23 MEMBER SHUMWAY: The reports received by  
24 e-mail? I received three.

25 CHAIRMAN ACUNA: So that means we missed

1 three. If we missed, the public missed three.

2 MR. RAZO: They were on the Web site.

3 CHAIRMAN ACUNA: Maybe we can do a little  
4 better job at trying to put that in our e-mail tray,  
5 please.

6 MEMBER SCHRIENER: What you are saying is  
7 it's an expectation that the members are going to get  
8 the reports specifically e-mailed to them versus them  
9 going on the Web site and pulling it off like every  
10 other citizen?

11 CHAIRMAN ACUNA: Yes, that is our tradition.  
12 Yes, makes it easy for us. Comes directly from the  
13 staff, and we are able to review it.

14 MEMBER SHUMWAY: If I may interject, speaking  
15 as someone who has a pretty full calendar all the way  
16 into May right now, I really appreciate that, and I'm  
17 going to likely read it. If I have to go somewhere,  
18 I'm going to put that off because something else is  
19 going to be more important. So I appreciate having  
20 them e-mailed to me.

21 CHAIRMAN ACUNA: So for the members of the  
22 public, there are a number of district offices. All  
23 right. Yes. I will let Teri move to that part.

24 DIRECTOR RAML: While we are at this point,  
25 why don't the field managers and other BLM staff that

1 is here stand up and introduce yourself.

2 MR. LEE: Rusty Lee, Needles field office.

3 MR. KALISH: John Kalish, Palm Springs field  
4 office.

5 MR. VILLALOBOS: Hector Villalobos,  
6 Ridgecrest field manager.

7 MS. TROST: Roxie Trost, field manager for  
8 Barstow.

9 MS. GOODRO: Margaret Goodro, field manager,  
10 El Centro field office.

11 MR. HAMBY: Jack Hamby. I'm the associate  
12 district manager for the district.

13 MS. WOLGEMUTH: Jennifer Wolgemuth, secretary  
14 to Teri and Jack.

15 MR. STEIN: Al Stein, deputy district  
16 manager, resources.

17 MR. BRIERY: David Briery, external affairs.

18 MR. RAZO: Steve Razo, external affairs.

19 CHAIRMAN ACUNA: So those are our honorable  
20 BLM DAC support team. And we support them, too, so  
21 thank you guys for all the things that you do.

22 Let's do this. Now, are there questions from  
23 the DAC? We can do this two ways. In the past when  
24 we had time, we asked the individual office managers  
25 to come forward and make a report. But we don't have

1 the time for that today, so if you have a specific  
2 thought or question, please let me know and share your  
3 thoughts.

4 MEMBER HOLLIDAY: I have questions for the  
5 field manager where we have recreation permit fees.  
6 As far as the reduction, we have seen a reduction in  
7 visitation due to the economy and things, which has  
8 resulted in the reduction in fee collections. And my  
9 question is, What do you see as that causing you to  
10 do? Are we looking at fee increases or reduced  
11 services by BLM? Can we get an idea from them?

12 MS. TROST: This is Roxie Trost. I'm the  
13 field manager from Barstow. And I can only speak to  
14 the Barstow field office and Margaret will speak to El  
15 Centro.

16 For us, we have been trying to balance the  
17 budget. So if the fees have gone down, we are looking  
18 at other options. One would be reducing services.  
19 That's not the most effective, and we are also looking  
20 at a grant program. So this last year, and we will  
21 continue in out years, to look at the OHV grant  
22 program to help us cover any losses. It's not our  
23 current intention to raise fees. What we would like  
24 to do as we get better organized is try to streamline  
25 the fee process for Dumont because we have currently

1 three somewhat confusing fee structures that's very  
2 difficult to manage.

3 MEMBER HOLLIDAY: Thank you.

4 MS. GOODRO: Margaret Goodro, El Centro field  
5 office.

6 So for El Centro field office, we are going  
7 to be looking at a several-pronged approach. Right  
8 now our permit sales are down by 6 percent, but also  
9 the fee structure of off-site sales has reduced  
10 revenue. So we will be looking at different avenues  
11 such as modifying the fee collection system, looking  
12 for more grants to up our services, and also  
13 restructuring of our staff to find more efficiencies  
14 within the recreation program for the field office.

15 MEMBER HOLLIDAY: Thank you. One other  
16 question for Margaret, too. That was, give us an  
17 update on the Recreational Area Management Plan  
18 currently being reviewed.

19 MS. GOODRO: For the RAMP, the comments are  
20 coming back and we had draft responses prepared by the  
21 contractor, and those are being reviewed by the El  
22 Centro field staff. So response to those comments  
23 should be going out January or by the end of February.

24 MEMBER HOLLIDAY: Does that mean responses  
25 back to the public?

1 MS. GOODRO: In regard to their comments,  
2 yes.

3 MEMBER HOLLIDAY: Do you have any kind of a  
4 time frame when the RAMP will be done, your part of  
5 it, when it will be issued?

6 MS. GOODRO: We don't have a time line for  
7 that, yet, until the responses to comments go out.

8 MEMBER SALL: I had a quick comment regarding  
9 the field office reports. Needles and Palm Springs  
10 both had contact information listed for each of the  
11 updates, and that's helpful if we had more information  
12 that we needed on them. So if some of the field  
13 offices could provide that on the next one, that would  
14 be appreciated. Thanks.

15 MEMBER HOLLIDAY: I would like to make one  
16 comment in regard to what April said. It would be  
17 really helpful if these reports were in the same  
18 format. All the data is interesting and helpful, but  
19 it's in different formats for each one of the offices,  
20 and like April says, some of the data is very helpful  
21 to have the contact person. I know John's office  
22 always includes the contact person for one specific  
23 issue, so if you did have something, you could find  
24 them. Maybe it would be possible -- I don't know if  
25 it would be a big deal, but if there was some kind of

1 standard format -- I'm kind of a standard format guy.  
2 I like things so I can understand them from one place  
3 to another.

4 MEMBER FITZPATRICK: If I could second that.  
5 These are posted on the Web site. I think that the  
6 public use of this, the headings, the use of numerals  
7 or uppers, or different fonts, if that got more  
8 standardized, I think it would be beneficial to all.  
9 I did speak privately to one of the field managers  
10 before the meeting about theirs. Then I have another  
11 comment about something else.

12 CHAIRMAN ACUNA: To conclude on this idea of  
13 consistency on the reports, we don't want to make a  
14 big administrative motion here, but you hear us;  
15 right?

16 DIRECTOR RAML: Yes.

17 MEMBER FITZPATRICK: Well, I particularly  
18 want to commend all, and I know that people, field  
19 managers, when they have film issues, will call me.  
20 Hector notes in his Ridgecrest report on the number of  
21 film permits he does. And I know just by comparison,  
22 everybody is always talking about the number of  
23 projected jobs for renewable energy. These are real  
24 jobs right now for filming. And I know it's a very  
25 small thing, but I want to have you keep in mind this

1 is helping the economy of California.

2 CHAIRMAN ACUNA: Randy, do you have a  
3 comment?

4 MEMBER BANIS: Thanks.

5 First, regarding the e-mailing of the  
6 reports, the main benefit to me is simply that I can  
7 let my constituency and contacts know that the reports  
8 are ready and they can stop going to the Web site on a  
9 daily basis to look for it. So it helps me to inform  
10 everybody else that you can go to the site now and  
11 they are probably going to be there.

12 One thing I would like to do regarding the  
13 reports, I would like to commend the BLM field offices  
14 over the Thanksgiving holidays for their ongoing  
15 improvements to the safety of the users in the OHV  
16 areas on these big weekends. This Thanksgiving I was  
17 surprised to hear of the considerable reductions in  
18 the number of life flights and fatalities and injuries  
19 in general during this Thanksgiving. We have been  
20 used to seeing some very disturbing numbers coming out  
21 of that particular holiday. But the last few years it  
22 seems that you are doing a much, much better job.

23 And I think it's -- of anything anywhere that  
24 we all do, keeping people alive, particularly young  
25 people, I think is really the best thing that the BLM

1 can do. And I would like to commend them in all of  
2 their safety efforts they are doing. I think it's  
3 having a very positive effect.

4 Another point I would like to make, I was  
5 pleased to meet with Roxie a couple of weeks ago on  
6 one of the projects she is working on, the Cool Gardie  
7 area fencing project. And I wanted to share with the  
8 DAC that I agree with Roxie's assessment that she  
9 shared with me that I think this is going to be a  
10 success story for that field office in how that  
11 sensitive area is going to be managed to make sure  
12 that the designated routes continue to be designated  
13 open routes that the public can use, and that those  
14 designated routes don't suffer closures due to those  
15 who fail to observe those designations. And I hope  
16 that has a good impact in the Cool Gardie area.

17 Just to clarify, in the report it mentioned  
18 as part of this Copper City Road/Cool Gardie fencing  
19 that -- it was fencing several closed routes leading  
20 to the Rainbow Basin Natural Area. I'm going to  
21 assume closing those routes, those are closing  
22 undesignated routes, not intended for public use. So  
23 you are not closing designated routes.

24 For other members of the public who don't get  
25 the benefit of as many meetings as I do, we might want

1 to insert in the future when we are talking closing  
2 routes, that we insert yet another word and that would  
3 be closing "undesigned" routes or something of that  
4 nature. It helps the public better understand the  
5 flow of things when routes are actually being closed  
6 and not being closed.

7           Sometimes a management plan may be signed in  
8 a certain year, and that's what we kind of -- those of  
9 us close to the process, we consider those routes  
10 having been closed at that time that the document was  
11 signed. But it might take several years to get signed  
12 on the ground. And the public doesn't see those  
13 effects until they go out on the ground and they start  
14 seeing those closed signs, and then they ask,  
15 understandably, What are you doing closing all these  
16 areas up here? And when I try to think about it and  
17 explain, Wait a minute, there haven't been any  
18 closures lately. And oh, wait a minute, that was  
19 several years ago. But yes, you're right. They are  
20 being implemented now on the ground. So that would  
21 help clarify for the public the open routes being  
22 closed and undesigned routes being closed.

23           Thanks to the field offices for the reports  
24 this morning.

25           CHAIRMAN ACUNA: I think that concludes the

1 Council's comments on the reports. And now we are  
2 one-half hour ahead of the schedule. I think we can  
3 get into public comments, but I would ask the DAC, do  
4 you want to take a break now before we start that?  
5 That's one vote.

6 MEMBER GUNN: Maybe before the break, I had a  
7 question for Rusty.

8 CHAIRMAN ACUNA: This is the time to do it.

9 MR. LEE: Not typical for me to get up. By  
10 the way, Rusty Lee, field office manager, Needles.

11 MEMBER GUNN: Several months ago there was an  
12 incident where some burros died at Fenner Spring, and  
13 I just wanted an update of that and want to know if  
14 the spring is now still viable or good for other  
15 wildlife, like the Bighorn Sheep.

16 MR. LEE: Yes, it is. We have continued to  
17 do water testing at that location. I personally have  
18 some concerns over how long that spring will remain  
19 viable with the way it was reconstructed. There may  
20 be an event in the future that will pretty much take  
21 up the surface water at that location.

22 We had planned on doing a burro gather  
23 immediately thereafter using water traps, and it  
24 rained that day. Water traps don't work for burros  
25 when you have water all over the place. We will try

1 again this spring.

2 MEMBER GUNN: So in the water testing, there  
3 was no sign of botulism?

4 MR. LEE: No. One thing we have seen is high  
5 barium and there have been some questions about that,  
6 but the spring is actually on a barium mine site.

7 MEMBER GUNN: What is barium?

8 MEMBER SHUMWAY: Barium? It's carbonate.

9 MR. LEE: It's a carbonate form of it. Has  
10 some degree of toxicity, but it's long-term versus  
11 short-term.

12 MEMBER SHUMWAY: It's in high, high  
13 concentrations. If you have ever been in the hospital  
14 and had a barium enema. . .

15 MEMBER GUNN: I haven't had that pleasure.

16 MEMBER SHUMWAY: It's not that toxic.

17 CHAIRMAN ACUNA: Very good, Rusty. We have  
18 ten minutes. I would like to start on the hour at 10  
19 o'clock. And your break is only going to be 10, not  
20 15 minutes, so see you at 10 o'clock.

21 (Brief recess was taken from 9:49 a.m. to 10:05 a.m.)

22 CHAIRMAN ACUNA: This would be the 10:45 a.m.  
23 agenda portion. That's public comment on the district  
24 reports, field office reports, state reports. So I'm  
25 going to call your name again. It's always helpful if

1 you state clearly what is your perspective. You have  
2 three minutes. Please excuse us if we raise our  
3 little clock for you or wave our little flag. So we  
4 are going to start right now.

5 And the first one I have is Gerry Hillier.

6 MR. HILLIER: Thank you, Mr. Chairman. I  
7 have two questions related to the DAC charter.

8 The first is my concern over the gap, that it  
9 takes 11 months to get appointments done. Steve read  
10 off five seats whose appointments are expiring at the  
11 end of this month, and if it takes 11 months to get  
12 those reappointed, whether it's a member reappointed  
13 or a new member, you have an entire year's operation  
14 without those members being legally members of the  
15 DAC.

16 And I would like to request that the DAC  
17 maybe make a resolution requesting the secretary or  
18 somebody, at least make an interim reappointment so  
19 that those people can continue to function on the DAC  
20 until their replacement or new appointments come down  
21 the pike. I think it's important that those  
22 representatives and those seats, such as Dinah Shumway  
23 and I forget the others that were expiring, I think  
24 it's important that those stay on as a member of the  
25 DAC. If it takes 11 months, you are missing that

1 input.

2           The second relates to the requirement on  
3 local elected officials. I have my Quad State hat on  
4 there, for our counties and Quad State are part of the  
5 CDCA. And I would like to request that the bureau or  
6 the DAC request a solicitor's opinion on the charter.  
7 Section 309 of FLPMA specifically says that the  
8 Advisory Councils "shall," and that's usually  
9 mandatory language for the courts, "shall" include an  
10 elected official of general purpose government. So I  
11 don't know how the charter and the law gibe. And I  
12 believe Title VI, which established the California  
13 Desert Conservation Area as a basis again for this  
14 specific Council always having 15 members. I believe  
15 it has similar language about a local elected  
16 official.

17           So I think that's important. I agree that to  
18 be able to have a quorum without the elected official  
19 present will assure that the Council can continue to  
20 function even in the absence of that person. But I  
21 don't know how the charter and the law gibe. And I  
22 would like to see a solicitor's opinion in that regard  
23 so I can communicate it to my local counties in that  
24 organization.

25           MEMBER BANIS: Am I correct? Was the charter

1 at one time, did it not say that DAC members would  
2 continue filling their position until a new one was  
3 appointed? Has that ever been part? You don't recall  
4 that ever?

5 MR. RAZO: No.

6 MEMBER BANIS: Thank you.

7 CHAIRMAN ACUNA: DAC, to the points made  
8 there, in the interest of keeping the meeting rolling  
9 here, I have added this for a comment at the end of  
10 the meeting. Maybe Steve wants some time to think on  
11 that one, which would be the 309 FLPMA issue.

12 And the other one was -- oh, the resolution  
13 to keep them in place while others are being sought  
14 out or authorized. So we can bring that up a little  
15 later.

16 I have a couple more folks that want to talk.  
17 One was from Jerry Grabow. And one is from Rod  
18 Gilmore. I think you want to wait until you get to  
19 the item?

20 MR. GILMORE: That's correct.

21 CHAIRMAN ACUNA: So I won't ask for you to  
22 step up forward. And I don't have any other speaker  
23 slips. Did I miss anyone?

24 MR. STEWART: I put it down for "various."  
25 Do you want one for each time?

1           CHAIRMAN ACUNA: That helps me, but this time  
2 come on up, John. But next time give me a specific  
3 one.

4           MR. STEWART: Good morning, Commissioners,  
5 John Stewart, California Association of Four-Wheel  
6 Drive Programs.

7           Some of the comments have been mentioned  
8 earlier about the access to the field managers'  
9 report, and I really appreciate the Barstow field  
10 office and timeliness of providing a report and being  
11 able to look at it well in advance.

12           I also would like to say if you are looking  
13 at format, Palm Springs and Needles have great  
14 formats. But then one thing that I think is important  
15 is there is a consistent theme through several of the  
16 reports talking about the abandoned mines program.  
17 And at some point in time I think it would be nice to  
18 have a refresher update on the abandoned mines efforts  
19 and what is going on, keeping in mind that a lot of  
20 these abandoned mines are points of history. And a  
21 lot of the California Association of Four-Wheel Drive  
22 people use these as a designation point as something  
23 they would like to see.

24           So I would like to see that the abandoned  
25 mines at least don't just get covered up and

1 obliterated completely, but they are at a point where  
2 their history is recognized and something is carried  
3 forward to preserve our history.

4 MEMBER ACUNA: I don't have any other speaker  
5 slips. Therefore, I'm going to close this. And I  
6 think we are ready as the DAC to move on to the next  
7 item and that would be the Johnson Valley Review Team  
8 and special recreation permit process by Roxie Trost  
9 and Teri Raml.

10 DIRECTOR RAML: Good morning. I know this is  
11 the topic that has drawn a few of you to this meeting,  
12 so we will get right to it.

13 There were a lot of materials available on  
14 the Web and have been made available and provided at  
15 the back table that kind of discuss the intent of our  
16 examination of our special recreation permit program  
17 as a result of the Johnson Valley accident. And  
18 really what the focus of this discussion is is our  
19 intent to entertain public comment and input on the  
20 California Desert District's efforts to meet the  
21 director's direction.

22 So the summary of the director's direction,  
23 which is both in the Johnson Valley report and in the  
24 information memo, IM, that he handed out, talks that  
25 an authorized officer may issue a special recreation

1 permit only when it has been their determination that  
2 the BLM has the capacity to properly administer the  
3 permit, including providing adequate BLM ranger and  
4 recreation staffing, requiring companies to compensate  
5 the BLM for processing recreation permits that take up  
6 more than 50 hours of staff time.

7           So after the -- I will back up a little bit  
8 and come around a little bit to this. So after  
9 August 14th, it became apparent internally to the CDD  
10 field managers and the outdoor rec planners, that we  
11 needed to be doing business differently immediately.

12           And as a result of that, all the field  
13 offices started looking at their permits and permit  
14 procedures. And I asked Roxie Trost to draw this  
15 group together. And since we were virtually into the  
16 special permit recreation season, to try to make sure  
17 that we were on top of the situation and proceeding to  
18 implement -- at this point it was my direction,  
19 really, that we were going to run efficiently permits  
20 and administrate these events. So I'm going to be  
21 quick and introduce Roxie who will talk about her  
22 recreation task team's efforts.

23           MS. TROST: Roxie Trost, Barstow field  
24 manager. And good morning, Council. And I want to  
25 thank Teri for the opportunity to lead this team and

1 to show that we can move forward with the special  
2 recreation permit program.

3 One of the things for the Barstow field  
4 office specifically is that after Johnson Valley's  
5 tragic event on August 14, a national review was  
6 pulled into our field office and looked at our program  
7 specifically. And the findings were that -- this is  
8 not new information that I'm presenting. It's  
9 something that has been in existence since 2007, and  
10 collectively we were not implementing the program  
11 appropriately.

12 So in order to try and remedy that, we came  
13 together as a team in the CDD, and we identified some  
14 tools to help us do a better job in the future. I  
15 have sent out to the Council already, and they are  
16 available on the back table to members of the public,  
17 but the first thing I want to direct you to is a  
18 letter that we propose sending out. And in that  
19 letter it identifies the different steps that are  
20 either in the BLM handbook, manual, or part of the  
21 existing regulations to help us process special  
22 recreation permits.

23 If you look on page 2 of the letter, that is  
24 the area that lays out the permitting process. And  
25 No. 1 is the SRP planning. And that is where we are

1 encouraging and actually requiring promoters to come  
2 in and talk with us ahead of time, and hopefully we  
3 can help streamline the process for them. Those  
4 initial preplanning meetings are currently not a part  
5 of the cost recovery program.

6           It gets into, then, the 180-day deadline that  
7 is required. We can take a permit up to 364 days  
8 prior to the event, but the minimum day will be 180  
9 days. And that will give us time to be able to pull  
10 together the required staffing and insuring operating  
11 plans are in place and many things that were  
12 identified in that Johnson Valley report.

13           Number 3 is the rejection of incomplete  
14 applications. And we have been working with many of  
15 the promoters trying to ensure that we aren't in that  
16 phase, but that is someplace that we will have to go  
17 in the future. We need complete maps and operating  
18 plans. One of the challenges we are still hitting is  
19 that the operating plans are either incomplete or just  
20 nonexistent. We are getting better at it, but I think  
21 we have a long ways to go in that arena.

22           SRP fees, that is something that we have been  
23 implementing and not a whole lot of change there. I  
24 think that's something that the promoters have been  
25 already pretty well-versed in.

1           The next challenge, though, is cost recovery,  
2 and anything over 50 hours, then, requires cost  
3 recovery. But what cost recovery does is take you  
4 back to the first hour. And that is going to be a  
5 challenge for us and many of the promoters. And a lot  
6 of questions that I have been receiving is, When will  
7 cost recovery be required? And taking a look from our  
8 past experiences, if we are doing an adequate job as  
9 we are required to do with our pre-event, our during-  
10 event and our post-event, every permit will be in cost  
11 recovery. So it's a matter of to what degree.

12           I have also been asked to provide a ballpark  
13 figure as to what cost recovery is going to mean. And  
14 that is a really difficult question to answer, too,  
15 and the reason is that each permit stands on its own.  
16 So if we look at a completed operating plan and we  
17 find that there are 15 monitors to help with crowd  
18 control or other things, then I may need less BLM  
19 staff on the ground. If that same event is occurring  
20 but there are only three monitors, then it's going to  
21 require I have more BLM staff. So it's going to be a  
22 really hard thing for me to answer until I see a  
23 completed application.

24           MEMBER SCHRIENER: Would it be possible,  
25 then, for the public to give them a range, just as you

1 have done? Because someone who is trying to do it, if  
2 they haven't a clue if it's going to cost them a  
3 million or a dollar and a half, it makes a difference.  
4 If it's a small event with two to three people, it  
5 will be blah-to-blah. If it's going to be major event  
6 with 15 to 20 people, it will be blah-to-blah. At  
7 least it will give them a ballpark number because they  
8 can say, you know, this is completely out of my  
9 ballpark.

10 MS. TROST: We could do that, but realizing  
11 until we actually receive that operating plan, that  
12 number could change.

13 MEMBER SCHRIENER: Absolutely. But at least  
14 gives them an idea if they should even apply. If it's  
15 1 to 3 and it's a million dollars, why do it?

16 MEMBER ACUNA: I should have let Roxie finish  
17 her presentation. And I think it's a good idea that  
18 we probably do that. Let's take good notes and ask  
19 hard questions when Roxie is finished.

20 MS. TROST: Thank you. Another part of cost  
21 recovery and why that 180-day time frame is so  
22 important is after we receive the application and BLM  
23 has an opportunity to review that, within 30 days we  
24 have to prepare a letter back to the promoter letting  
25 them know what our estimated cost recovery is at that

1 time. And then they have the opportunity to say yes,  
2 I want to go forward, or no, it's something we can't  
3 do at this time. So very important.

4 So that is -- it goes into then about the  
5 mapping requirements, operating plans, insurance, and  
6 stipulations, which I will talk a little bit more  
7 about the stipulations in just a moment.

8 Some other tools that we have prepared is  
9 what we are calling the BLM staffing matrix or  
10 staffing assessment matrix. And that is a matrix that  
11 we pulled together -- I do have copies on the back  
12 table of that matrix. And that is going to be an  
13 internal working tool to help BLM get a feel for how  
14 many staff we need to have on an event. Also,  
15 realizing that I need to have enough staff on an event  
16 to close down an event if that becomes necessary.

17 Since August 14th, we have had anywhere from  
18 six to 13 staff members on an event. In no case did  
19 we ever find that an event was completely in  
20 compliance. So this has been a learning curve for us,  
21 too. We prepared check sheets and we are getting back  
22 to the proponents and letting them know what they need  
23 in the future. So we realize that a trial event is  
24 different than a car truck race. But to try to  
25 quantify that, we put together this assessment matrix

1 to help us be able to determine where is the level of  
2 staffing, and it provides us a range of what the  
3 staffing will be by event.

4 Another thing that SRP group worked on was  
5 the old lottery, or as it's called now, the calendar  
6 of recreation events. And one of the challenges that  
7 we faced if we are providing staffing, we also have  
8 other things occurring on public lands that we can't  
9 staff and be everywhere every time. So based on that,  
10 we identified five holiday weekends where casual use  
11 is extremely high, and we have to staff for that and  
12 would not be able to entertain applications for events  
13 on public land.

14 We also felt that any one field office could  
15 not adequately cover more than one event on a weekend,  
16 so we pulled that information together and identified  
17 those dates. Now, each office will also -- they have  
18 individual things that they staff for, such as Friends  
19 group cleanups and those type of things. And we look  
20 at adding those to the dates that we cannot accept  
21 applications as well because of staffing reasons. So  
22 that would be individual by field office.

23 The final thing that was in your handouts  
24 were the permit stipulations. And as the team pulled  
25 together, we found that the stipulations were being

1 applied differently from field office to field office.  
2 And there are in the handbook 52 or 51 stipulations,  
3 the first 16 of which are already on the SRP  
4 application. What we did is we pulled all  
5 stipulations together in one location so that a  
6 promoter wouldn't have to look through the entire  
7 package to find everything that they are required to  
8 do.

9           And we also added an initial line, and that  
10 was to help the promoters and BLM to know that we  
11 talked about that, that is a permit stipulation, and  
12 that is something that the BLM is going to be checking  
13 for compliance on as we are out in the field doing our  
14 compliance checks on the permit program.

15           Those are the tools. I can take questions.

16           CHAIRMAN ACUNA: We will start with Richard,  
17 but I do have one question for you and I want  
18 everybody to know this.

19           What is your drop-dead date that these will  
20 be the real McCoy and actually carried out?

21           MS. TROST: Some of these are already the  
22 real McCoy. Some of these, as I started with, were  
23 2007 requirements we were not meeting. So we are  
24 pulling together the consistency part of this. And  
25 the stipulations, trying to get better in our

1 operating plans. We have staff in the field. The  
2 part that is still a little bit in flux -- and I think  
3 Teri will talk a little bit more to after I've  
4 answered some questions -- is the cost recovery  
5 component of that. And the comment period.

6 CHAIRMAN ACUNA: So a lot of these are in  
7 place now, always have been. There are some tweaks  
8 that have been added. And when do you propose to  
9 fully implement them with the tweaks?

10 MS. TROST: I think Teri has a date of  
11 January 14 to receive public comment. So shortly  
12 after that time when we have had the time to collate,  
13 go through all the public comments.

14 CHAIRMAN ACUNA: So all of our thoughts here,  
15 we should try to help you get where you need to go by  
16 January 14.

17 MEMBER HOLLIDAY: I would like to ask one  
18 question. One of your comments there was you have to  
19 have enough staffing to do these events, so you will  
20 look at the event and the promoter's applications to  
21 get an idea of how many people you need. What happens  
22 if that -- if your assessment of the number of people  
23 that you need is more than you have available?

24 MS. TROST: And that could happen. We have  
25 had some discussion about that in our group. And we

1 as a Desert District have said that if that occurs, we  
2 are willing to share staff with each other. So we are  
3 bigger desertwide than we are individually.

4 CHAIRMAN ACUNA: Other --

5 MEMBER SCHRIENER: I know that you haven't  
6 done the cost recovery probably historically, I would  
7 assume?

8 MS. TROST: Correct.

9 MEMBER SCHRIENER: So I think going forward,  
10 what would be useful is after a year is completed, you  
11 have some idea about what the costs were. So at the  
12 end of that, you could let people know in this past  
13 year the range of projects, without even identifying  
14 who they are, the costs of this one was X, Y, Z. You  
15 can actually give actual numbers as to what the cost  
16 recovery was for the various sites. You can  
17 categorize them by size of sites, whatever, because  
18 that gives people real information that they can use,  
19 which will make it useful for them to plan.

20 MEMBER GROSSGLASS: I think the unknown  
21 there, although that is a great suggestion -- the  
22 unknown there, if I was a field office manager, is my  
23 club can put on a race and another club can put on a  
24 race. My club could put in their operating plan that  
25 I'm going to have 10 monitors at this spectator area,

1 five monitors at this area, and give specifics so the  
2 field office manager knows what is going to happen on  
3 the ground.

4 Another club could put in an operating plan  
5 that just says I'm going to have five people  
6 monitoring the crowd. So in that case, there could be  
7 even different staffing requirements depending on what  
8 the operating plan says for two different scramble  
9 races. That number is going to be very fluid in the  
10 next year.

11 MEMBER SCHRIENER: And I'm sure with some  
12 sort of a caveat in these numbers, recognize that.  
13 Nonetheless, presenting real data would make it useful  
14 for people to know if they should even apply. If it's  
15 going to cost them a million and it's a mom and pop  
16 outfit, they can't get that kind of money.

17 MEMBER GROSSGLASS: I just wanted the DAC  
18 members to understand that it's not always going to be  
19 just Roxie saying it's going to cost you \$10,000. The  
20 work between the promoter and land manager is going to  
21 affect how much money it's going to cost them. There  
22 are some things they can't change: They have to have  
23 monitors. But there were some things as we go through  
24 this first very painful year, we are going to figure  
25 out how to get those costs down, depending on what we

1 can monitor and they can monitor and tailor the  
2 operating plan, making people feel better about  
3 signing the permit.

4 MEMBER SCHRIENER: Another quick comment. I  
5 notice you had that 50 hours. Sort of like, you know,  
6 having your debit card where someone doesn't tell you  
7 if you are approaching the limit where it's going to  
8 be over extended and suddenly they hit you with a fee.

9 I assume you have some program saying at 40  
10 hours, we are at 40 hours, you are almost there, wake  
11 up, smell the roses before you reach that point, so  
12 someone is not surprised. Because someone can game  
13 the system. I'm going to take 49.9 hours and stop so  
14 it doesn't cost any fees at all. Or some other person  
15 gets 50.1 and gets dinged for the whole thing because  
16 they simply weren't as diligent.

17 MS. TROST: Well, if we are doing all our  
18 pre-, during- and post-work requirement, I see every  
19 permit will be over 50 hours. And then within 30 days  
20 of receiving that application, we will be providing  
21 that information back to the promoters.

22 MEMBER GROSSGLASS: That's in the letter they  
23 are sending out.

24 MEMBER SCHRIENER: Before they are dinged any  
25 money, they know up front, even though you are saying

1 50 hours, it's going to be 50 hours, trust me?

2 MEMBER GROSSGLASS: Yes.

3 MEMBER HOLLIDAY: Do you allow that the  
4 promoter can provide their own monitor and that takes  
5 some of the load off BLM?

6 MS. TROST: Yes. And we will still be out  
7 there and we will be, so to speak, monitoring the  
8 monitors. But if there is a situation where an event  
9 promoter tells me that there are going to be three  
10 monitors on a 50-mile course, then that lets me know I  
11 have to have a lot more staff out on that specific  
12 event in order to make sure that the event is running  
13 safely.

14 MEMBER HOLLIDAY: If they were going to say  
15 they have 50 monitors, then you might lower the number  
16 you need to monitor their monitors?

17 MS. TROST: Yes, but realizing if they say  
18 they have 50 monitors, we are checking to make sure  
19 there are 50 monitors on-site.

20 MEMBER GROSSGLASS: It's going to be a  
21 painful year.

22 MEMBER SHUMWAY: Not being an OHV enthusiast,  
23 and I have never been to one of these races, ever,  
24 what would be the additional items that would be in  
25 cost recovery? So cost recovery is just an extension

1 of the original 50 hours for reviewing the permit,  
2 writing the letter, and making sure all the packages  
3 are together. Are there any costs other than  
4 personnel that the BLM would be responsible for, like  
5 mitigation, something like that?

6 MS. TROST: The program is modeled after our  
7 lands program, which is highly efficient and has been  
8 implemented for quite some time. And some of the  
9 things it could include would be vehicle costs. One  
10 of the things that will reduce that number  
11 substantially are just not the monitors in the field,  
12 but providing good information up front so that  
13 numerous reviews don't occur on the operating plans.

14 MEMBER SHUMWAY: So that kind of goes to  
15 Alex's comment that if you go to -- in fact, you  
16 recommend to go to a pre-meeting before you submit  
17 your permit. So if you go to a pre-meeting and you  
18 have your whole package together, then the staff  
19 that's reviewing it doesn't have to come back and say,  
20 well, I'm sorry, this map isn't adequate. You need a  
21 better map. Or you didn't include this or that. So  
22 the whole package can cut down their anticipated time  
23 to secure it. Then the additional costs are  
24 associated with the implementation of the event  
25 itself.

1 MS. TROST: Yes.

2 MEMBER BANIS: I don't think this is so much  
3 questions as more comments on this.

4 The tragedy that we are addressing was a  
5 significant tragedy. It involved the loss of eight  
6 lives and 12 other significant injuries. That's  
7 almost on par with the death and injuries of the Deep  
8 Horizon well drilling collapse. It's significant.

9 And I also recognize that the BLM during its  
10 review at the highest levels has admitted that it was  
11 at fault during that. It's a blanket statement that  
12 was very clear right out front in the letters we have  
13 seen. And I applaud the bureau for taking  
14 responsibility for that.

15 But with the bureau being at fault and  
16 admitting their fault, I don't think, however, that  
17 the public should be the ones being punished for the  
18 fault of the bureau. And I think that these -- this  
19 effort is going to strongly, strongly address the  
20 kinds of events, such as that which ended in tragedy  
21 in August. I think it's going to have a big impact on  
22 public safety at these kinds of events.

23 What I am concerned with is that I have seen  
24 unknown impacts on smaller uses, smaller groups, and  
25 even non-OHV groups that also use the desert and also

1 have events that require permitting, often small  
2 events. And I don't want to see small events and  
3 small group events removed from the desert. I don't  
4 want to see those activities killed. I think it would  
5 lead to negative consequences if we were not to allow  
6 even small groups to operate in a legal way on the  
7 public lands.

8           So I would suggest in order to address some  
9 of these small group concerns, such as Scouting groups  
10 and equestrian groups, small OHV touring opportunities  
11 and even environmental group outings for appreciating  
12 the resources that are there, for these small groups  
13 to make sure that they can still have their events.

14           What I would like to see is rather than a  
15 matrix of scoring the various factors, to maybe  
16 consider a decision tree, because one thing about this  
17 matrix, it seems that everything is equally weighted.  
18 There are a number of criteria, and you find out where  
19 you are on that criteria of high, medium and low. But  
20 the number of spectators versus logistics versus  
21 speed, all of those things are weighted equally.

22           I think that a decision tree would help us  
23 better pinpoint those specific conditions that led to  
24 that tragedy being averted in the future. A decision  
25 tree that might start, are there spectators versus no

1 spectators? That would right off the bat kind of tell  
2 you where you need to be for public safety and  
3 protecting the public. A decision tree that would  
4 involve, Is this an advertised public event or is this  
5 a private club-only event? And to work its way  
6 through a decision tree in that manner so that those  
7 events that truly have the highest risk of hazards to  
8 the public safety, that those are the ones that  
9 receive the highest degree of attention from the BLM  
10 in permitting and running the activities.

11           And therefore, I would recognize that, No. 1,  
12 greater and more broad consultation take place,  
13 particularly involving some of the small groups. I  
14 know the promoters and the event promoters, in many  
15 cases this may not be their full-time bread and butter  
16 but it's significant for them in terms of their  
17 business opportunities. And I have seen them  
18 consulted and taking part in the opportunities that I  
19 have had to review in the past couple of weeks.

20           But I think that the smaller groups and some  
21 of those have no idea that a large race in Johnson  
22 Valley that resulted in such a tragedy would have  
23 impact on Girl Scouts going out and learning back  
24 country skills.

25           A second recommendation would be perhaps a

1 deeper review opportunity for the DAC. This is  
2 wonderful, this is really good. I don't think,  
3 though, when we are all said and done, everyone on the  
4 DAC really feels that this source has been beaten to  
5 death enough; that there really needs to be another  
6 round. Especially what I am finding is these  
7 opportunities that I have had for input and  
8 consultation have been very helpful. At the close of  
9 the meeting, once the gavel is banged and the phone  
10 conference call is concluded, you go away with some  
11 feeling of comfort. And then you go back and look at  
12 the list again and you look at the questions and  
13 answers, and inevitably, Shoot, there is something I  
14 really don't get. So I would like to make sure that  
15 we all have opportunities to make sure that all of  
16 these things are fully discussed.

17 Thanks for letting me take so much time on  
18 the agenda on this, but it's something I feel strongly  
19 about.

20 CHAIRMAN ACUNA: Richard, followed by Meg,  
21 followed by Alex.

22 MEMBER HOLLIDAY: I have mentioned before  
23 Randy's concern there and we have talked about that,  
24 small groups. One of the interesting things in your  
25 previous answer to my question about the resources was

1 that the resources could be shared across the  
2 district. So it would seem that perhaps with a  
3 decision tree that would look at what the resources  
4 were across the district, that could alleviate having  
5 only one event per weekend or day. But if you had a  
6 couple events and you thought that your area was  
7 overtaxed but there was resources in other areas of  
8 the district that could use that, that would seem that  
9 maybe that wouldn't be a thing to prohibit that event.  
10 And if you had a decision tree, like Randy suggested,  
11 that was a districtwide decision tree, perhaps you  
12 could find out there were some times when you could  
13 share events.

14 MEMBER ACUNA: Meg, you were next up,  
15 followed by Alex.

16 MEMBER GROSSGLASS: I will wait.

17 MEMBER SCHRIENER: You said there was reports  
18 or some sort of permit. What would be a good idea if  
19 you haven't done it already, is to gin up templates so  
20 someone knows this is exactly what a map should look  
21 like. This is exactly what the format should look  
22 like for the various type of events and post them  
23 on-line so they don't have to guess. So that way when  
24 they come into the pre-meeting, they already have  
25 something prepared exactly the way you want, if they

1 want to take that opportunity. And it will really cut  
2 down on your time instead of making people guess as to  
3 what it will be.

4 MS. TROST: That's one of our assignments is  
5 making sure that is consistent with all field offices,  
6 that we are providing the same templates.

7 MEMBER SCHREINER: And I wanted to connect  
8 with Randy's comments, because I know we all have a  
9 tendency after a major accident to kind of throw the  
10 baby out with the bath water and become much more  
11 restrictive on everything instead of standing back and  
12 saying, What was really the cause of that specific  
13 accident? And it may not be all these other 99  
14 percent of the things. It was the one percent outlier  
15 that caused it. Well, focus on what was the one  
16 percent outlier. It may be a decision tree of big  
17 events, multiple people, alcohol on-site, whatever the  
18 issue was, you point at it and way look, that's what  
19 you raise your hand about, versus Boy Scouts going  
20 out. Completely different issues.

21 MS. TROST: I would just like to actually  
22 address some of the things that Randy pointed out.

23 And the first thing is that in the director's  
24 direction to us, it's very, very clear to us that we  
25 will be following BLM policies, procedures and

1 regulations for all SRPs. But with that being said,  
2 some of the things that Randy identified do not  
3 require an SRP, such as private group outings or Boy  
4 Scouts or Girl Scouts. So that is I think where there  
5 will be some differences.

6 MEMBER SCHRIENER: Good.

7 CHAIRMAN ACUNA: Jim, followed by April, and  
8 then Meg.

9 MEMBER SALL: I would just like to comment.  
10 I think looking at the matrix, I would agree with  
11 Randy and some of the others who already spoke on it.  
12 It would be worthwhile to create some sort of  
13 hierarchy and kind of a tree for rating some of these  
14 issues, because a rock crawling event, much different  
15 than a trophy truck race in terms of looking at some  
16 of the potential dangers and the number of  
17 participants or visitors that may be in that category.  
18 So it would be worthwhile, I think, to think about how  
19 to rate some of these.

20 MEMBER GROSSGLASS: I should probably just  
21 wait.

22 CHAIRMAN ACUNA: The next -- Meg, you are  
23 going to be giving an ad hoc update on this topic, so  
24 in theory, some of the concerns that we might have  
25 might already be getting addressed in what you are

1 going to say in a moment in your part of the  
2 presentation.

3 But I'm only going to add one other comment.  
4 I think Randy and the others have had great comments.  
5 I think having categorical exclusions, exceptions,  
6 clarity as to what falls into this process is helpful,  
7 in addition to what has already been said. Go ahead,  
8 Jim.

9 MEMBER FITZPATRICK: Just two quick comments.  
10 Number one, because I deal with the safety issues of  
11 closing freeways and roads that are operative for the  
12 public for some years, the two things: Speed kills,  
13 speed kills. So I don't quite understand how certain  
14 events are allowed to occur in the desert at whatever  
15 speed is excessive to the conditions. The law in  
16 California on the road is the conditions dictates the  
17 speed limit. Even if it's 55 and it's raining, you  
18 can only go 37 or something. That's number one.

19 And number two, I'm sure you have something  
20 in there when you have a large activity, how far the  
21 spectators have to be back. I mean, that combination  
22 of spectators close and speed kills seems to be, for  
23 someone who doesn't know really what happened, but  
24 guessing that people were too close, people lost  
25 control. So I think those two issues need to be

1 paramount in that particular instance of the special  
2 recreation use for speed events, I would call them.

3 MEMBER ACUNA: So what we want to do now is  
4 we would like to move on to Meg's -- hey, Roxie, you  
5 did a really good job. You put this together with  
6 your team, and it's really well thought out. I think  
7 some more tweaks would probably be helpful. But you  
8 are to be congratulated for responding so quickly on  
9 this.

10 MEMBER GROSSGLASS: Fairly quickly after this  
11 accident happened, Teri called -- she formed what we  
12 are calling an ad hoc SRP task force. So when Roxie  
13 and her force got together and made the matrix, they  
14 looked at the stipulations. I think there were some  
15 minor changes, some minor changes made. When they  
16 were complete with probably their first or second or  
17 third iteration, because I know it's been tweaked  
18 several times, an e-mail was sent out to the DAC  
19 committee asking who wanted to be on this ad hoc task  
20 group.

21 And we had a meeting where some of us  
22 couldn't be there in person and a bunch of us were  
23 there on the telephone. And they went over all these  
24 things with us in detail. Probably took an hour or  
25 hour and a half, and the DAC made comments. I think a

1 lot of us had some very specific comments and  
2 requested some changes and requested some additional  
3 information.

4           And I would have to say, I know it was a  
5 tragic accident and it was awful, but I'm very -- I  
6 don't want to say "proud," but I am, that a lot of  
7 people said this is going to be the end of racing in  
8 the desert and the BLM is going to over-react. We are  
9 never going to be able to race again.

10           Well, guess what. The next week the Invaders  
11 had a motorcycle race. And while it was painful on  
12 everybody's part, no doubt, it continued to happen.  
13 And three weeks or a month later we had a car and  
14 truck race.

15           Again, I'm not saying it's been pretty. It's  
16 been ugly and it's been painful on everybody's part.  
17 But they did not over-react, and they have not  
18 stopped. Big and little events, we might have had  
19 some scheduling issues where an event got cancelled or  
20 maybe a promoter put in an event permit a week before  
21 the event was supposed to be done. But really, there  
22 has not been the over-reaction that everybody has  
23 suggested. And at least I feel -- I put on two events  
24 since this accident, and I feel that they have -- that  
25 the BLM has worked with us, and they haven't been

1 unreasonable.

2           That's not to say I don't have some issues  
3 with what the new policies are, but I think the give  
4 and take has been there. So if anyone in the public  
5 does have issues with what is happening, go to the  
6 back, look at the staffing matrix, look at the new  
7 stipulations, look at the letter that they want to  
8 send out to the permittees. And if you have a  
9 problem, submit written comments and try to give the  
10 BLM a solution. They are dealing with an extremely  
11 hard thing to manage.

12           We went from having very little staff on-site  
13 and not really adhering to their regulations. But now  
14 we have to have staff and regulations, but it's not  
15 always the most productive thing to get up and scream  
16 and yell. If you have a problem, figure out a  
17 solution and give it to them. You can't just say we  
18 want to do this and then not give a solution for when  
19 D.C. is telling them you have to have people on the  
20 ground that will shut down an unsafe event.

21           It's just important that we all try to work  
22 in a productive manner, and we don't let this become  
23 adversarial. I don't feel the BLM has done us any  
24 injustice in trying to adhere to their new  
25 regulations. I think we need to make sure it still

1 becomes -- we are still working together in a  
2 productive manner. I don't want it to turn  
3 adversarial or ugly.

4           And trust me, it's going to be extremely ugly  
5 as soon as we start going into cost recovery. You  
6 have to take into account that Roxie and Margaret in  
7 the field offices, they have all been going, since  
8 August, up until the end of this year, they have all  
9 been going into cost recovery to put on the events but  
10 have not charged us anything. So their budgets are,  
11 can I say, screwed. And many of their staff have  
12 worked 14, 15 days a week. So if we have promoters  
13 that are just going in there giving them hard time  
14 with incomplete operation plans and applications, it's  
15 like they are having to fight everywhere. And they  
16 are honestly trying to do this to our benefit. We are  
17 not going to like everything they are doing -- I don't  
18 like everything they're doing -- but continuing to  
19 work together is very, very, very important.

20           So we had our first ad hoc task group phone  
21 call. We all gave comment and now we are rolling this  
22 program out to the public, and I want to encourage the  
23 public to submit written comments. Apparently we have  
24 a comment period that is open until January 30th?

25           DIRECTOR RAML: January 14th.

1           MEMBER GROSSGLASS:  So you could submit  
2  comments through the DAC or through Teri.  But please,  
3  please, please, if you have a problem, give me a  
4  written solution.  That way as a DAC member, I can  
5  advocate for your position.  I can't advocate for  
6  someone that says I just don't like the policy.  
7  What's the reason for the policy and why do you think  
8  it's valid and do you have a solution?  I can only  
9  advocate for things that I can find a solution for.  
10  So I hope I'm getting that message across.  And I  
11  think now I can probably just shut up and take  
12  questions.

13           CHAIRMAN ACUNA:  Yes.  Teri wants to add a  
14  few.

15           DIRECTOR RAML:  Yeah, I will add some  
16  comments.

17           First of all, coming new to the Desert  
18  District, one of the things that struck me immediately  
19  was the commitment of the field offices to providing  
20  recreation opportunities on public lands.  And the  
21  history of these special recreation events is that we  
22  have held a lot of them and we have taken great pride  
23  in being able to hold them, working with promoters and  
24  in spite of staffing decreases and overwork and being  
25  under paid at times, we have continued to hold a lot

1 of events.

2           So the commitment of BLM to these events is  
3 strong, and working with promoters and providing  
4 opportunities on public land is very strong. And I  
5 appreciate Meg saying we didn't have the reaction of  
6 okay -- there is a term we use, "stand down." It  
7 would be very possible to have a stand-down after  
8 August 14. We do it sometimes in fire situations.  
9 But recognizing the importance of this activity to the  
10 public and to the promoters, we continued to proceed.  
11 So, you know, that is part of our commitment.

12           I think the other thing for BLM is that we  
13 are -- I said it and someone pointed out to me, we are  
14 collaborative to a fault. And we convene and talk to  
15 the public and work with the public to the extent that  
16 we can. So combine that with our direction to meet  
17 our permit requirements and the laws, rules,  
18 regulations surrounding events and then our interest  
19 in working with you is one of the reasons we are  
20 having this session today.

21           I have talked a lot about the DAC and role of  
22 the DAC. And let me summarize so that this piece of  
23 it is in association with this discussion. The Desert  
24 Advisory Council gathers and analyzes data, develops  
25 recommendations concerning use and other aspects of

1 the public lands planning and management in the public  
2 interest. So I considered it really quite a luxury  
3 and certainly an opportunity to be able to have this  
4 body of individuals work with us on perfecting these  
5 tools.

6 We are going to be interested in public  
7 comment on -- I like to let people say what they need  
8 to say. But you will always hear us state it would be  
9 most helpful to us if you provide appropriate public  
10 comment. We have a very rich and detailed set of  
11 statutes and laws that get us to this point. But what  
12 Roxie's team did is they developed some tools and  
13 guidance for how the CDD is going for proceed in these  
14 events. So that's really where your comments would be  
15 most helpful to us.

16 We will be sending the letter out I'm almost  
17 hoping January 15th. Then the monitoring assessment  
18 matrix which we have already heard some comments on.  
19 And the third is -- I'm certainly open to discussion  
20 on the calendar of recreation events, which was  
21 basically our approach to how many events we think we  
22 can hold.

23 We are interested in receiving public comment  
24 until January 14, which is kind of our standard 30-day  
25 comment period, plus a few days because of the

1 holidays. You have the information in the back of the  
2 room. We provided it to people that have attended a  
3 couple other meetings. And we will get it on the Web  
4 and make sure people know there is public comment  
5 opportunity. The range of comments that people  
6 provide will be very helpful.

7           And I think the other thing is this is not --  
8 this is not a NEPA analysis. In some ways this is a  
9 continuous improvement process with points in it where  
10 we decide. So what we will do with the comments -- we  
11 are implementing our processes and procedures. And  
12 the field managers are using this matrix now. But in  
13 this effort of collaboration and making sure we are  
14 understood and that we work in a broader public arena,  
15 we want to hear about improvements. I think the DAC  
16 will want to hear about impact to your businesses, and  
17 I think Alex made a couple suggestions on making sure  
18 people know what they are getting into.

19           We will hear your comments up until January  
20 14, and we will assemble the comments and take a look  
21 at what we are doing, and I will provide feedback up  
22 to the state director. But I think that we will go  
23 from there and maybe at the end of the year, we will  
24 do something else. But for now what we are doing is  
25 we have some tools in front of you we would like to

1 hear your comments on.

2 MEMBER GROSSGLASS: Teri, if I can make a  
3 suggestion. After the January 14th date happens, if  
4 you could convene at least a telephone conversation of  
5 our SRP task group so we can give you our additional  
6 comments and many of us go out into the community and  
7 we'll get comments from other people.

8 DIRECTOR RAML: We are going to gather up all  
9 these comments, and we are going to give them to you,  
10 ad hoc group, and give you a couple weeks to take a  
11 look at them and provide us some kind of a summary  
12 recommendation.

13 MEMBER GROSSGLASS: I would like to know if  
14 that is an option. And we can get together and say  
15 this is our recommendation. Both Randy and April have  
16 a great idea about a decision tree. Maybe Randy will  
17 come up with a decision tree that the DAC will like or  
18 maybe comments from the public we will agree with and  
19 make recommendations to you. But I think that we need  
20 to have that opportunity, and I do appreciate that.

21 MEMBER BANIS: Point of order. Are we going  
22 to be forming this DAC ad hoc group? As I recall, all  
23 I was, was invited to a conference call to discuss  
24 this. And it was presented to us, but we haven't had  
25 any opportunity to form this committee nor have we had

1 a chance to deliberate. So if that's the case, I  
2 would support that we do. I don't see that it's  
3 actually been formed yet. That's my point.

4 DIRECTOR RAML: It's an ad hoc task group  
5 that was open to volunteers who wanted to participate.  
6 If we need to put more parameters around what that  
7 means, I would be happy to.

8 MEMBER GROSSGLASS: I don't think we need to  
9 form an actual subgroup. I think it was just one of  
10 those, we need to get the information to them so they  
11 can start doing things on the ground.

12 MEMBER BANIS: Is it a DAC group or a  
13 director's task force?

14 DIRECTOR RAML: A DAC group.

15 MEMBER GROSSGLASS: I think a lot of you were  
16 on the phone call.

17 DIRECTOR RAML: Just as the District  
18 Manager's request, I'm asking willing members of the  
19 DAC to participate in this effort.

20 MEMBER BANIS: Just to formalize, to take a  
21 motion, I don't think there is any opposition to that.  
22 Just to make sure it's covered, please.

23 CHAIRMAN ACUNA: What I would add is this:  
24 To move ahead effectively, I would like to see  
25 somebody take a leadership role and say we are an ad

1 hoc group. Here was the meeting, here was the results  
2 of the meeting with an action item. Sometimes we get  
3 involved with the ad hoc groups. This last meeting  
4 that we did have, yes, we were there by phone. There  
5 was no follow up, there was no, Here is what we  
6 summarized and here is what we said we were going to  
7 do.

8 MEMBER GROSSGLASS: That's what this agenda  
9 item was today.

10 MEMBER ACUNA: I think your point was well  
11 taken. Let's make it official, but from this point,  
12 let's have a leader that's going to follow through  
13 with notes. Okay?

14 MEMBER GROSSGLASS: Is there a bus coming to  
15 run over me this morning?

16 MEMBER BANIS: I move the bus.

17 CHAIRMAN ACUNA: I second the motion.

18 MEMBER BANIS: The motion is to create a DAC  
19 ad hoc, to formalize a DAC ad hoc group on the SRP  
20 process as is alluded to in the agenda.

21 CHAIRMAN ACUNA: All those in favor, please  
22 raise your hand. All those opposed.

23 MEMBER GROSSGLASS: Dick is opposing it.

24 MEMBER HOLLIDAY: I just think we go through  
25 a lot of stuff here --

1 MEMBER BANIS: People are watching.

2 DIRECTOR RAML: Hence, the work for the  
3 bylaws.

4 CHAIRMAN ACUNA: So I take it that Meg will  
5 be the leader of the ad hoc group?

6 MEMBER GROSSGLASS: At your pleasure, yes.

7 MEMBER ACUNA: Write the DAC where we are  
8 going, the dates, what the key points were, the  
9 follow-up to give us an opportunity to provide input  
10 and give us the day and say, If I don't hear from you  
11 by January 12, I will keep moving ahead. You are the  
12 lead.

13 MEMBER GROSSGLASS: That sounds wonderful,  
14 thank you. I think we have to take questions from the  
15 public, I believe.

16 MEMBER ACUNA: Let's catch up and take a look  
17 at the time right now. And it's apparently 11:04.  
18 Lunch is an hour away. So we do have time for public  
19 comment, and we are staying right on top of things  
20 here, and I'm really pleased about that. We have  
21 speaker cards. Are there any other last comments from  
22 the DAC? Let's start with Rod Gilmore, San Diego  
23 Four-Wheelers.

24 MR. GILMORE: I'm gratified to see that the  
25 membership here has taken some things into

1 consideration regarding these type of events that our  
2 club is concerned about and wanting to address, so I  
3 will keep my presentation short.

4           But it's important, I think, to recognize  
5 there is a difference between a race-type event and a  
6 participant-type event, which is the type of event  
7 that our club presents. And our club is a nonprofit  
8 situation as opposed to -- you keep referring to the  
9 term "promoters." We are not promoters. We have a  
10 nonprofit participatory event where safety is  
11 paramount. It's a low-speed event and all  
12 participants have to pass a safety inspection to make  
13 sure the equipment they are using is safe for the type  
14 of trails we are going to be on.

15           And so the fact that Randy has mentioned in  
16 this matrix that we have to weigh these things into  
17 how important they are, our events would be  
18 categorized as a large event because we have in excess  
19 of 150 participants, but they are scattered out over  
20 multiple trails, and each trail has multiple monitors  
21 on it. So the impact on the BLM in terms of personnel  
22 should be fairly small.

23           But one of the things also important to be  
24 considered is this issue of holiday weekends. And we  
25 understand that the resources of the BLM are stretched

1 thin on holiday weekends, but part of the reason these  
2 events are scheduled on a holiday weekend is the fact  
3 that more participants can participate. We have  
4 people that come from out of state, people that come  
5 from various parts of the state. So a three-day  
6 weekend is a much more attractive alternative for them  
7 than your standard two-day weekend. So to establish a  
8 blanket policy that we can't have them on a holiday  
9 weekend needs a pretty close look.

10 But beyond that, we have always had very good  
11 cooperation with the BLM El Centro office, and we were  
12 not opposed to cost recovery. We have already  
13 participated in that type of situation. I think it  
14 was two years ago prior to our event, we were informed  
15 by the BLM that we needed to provide archaeological  
16 surveys for all of the trails that we were going to be  
17 using. The cost of that was 28,000 dollars. Our club  
18 is a relatively small club and we don't have those  
19 kinds of resources. However, in conjunction with the  
20 Imperial County Board of Supervisors, we were in fact  
21 able to provide that resources and do those cost  
22 recovery items for the BLM. And that's what I have to  
23 say.

24 CHAIRMAN ACUNA: That was excellent and well  
25 said. And I am looking at you, Meg, because I think

1 the things that Rod just said are going to be helpful.  
2 When you pick your team and if you don't -- if you put  
3 those in bullets and get them to us, we should  
4 definitely address the holiday issue and the cost  
5 recovery, some of the steps that you pointed out.

6 MEMBER GROSSGLASS: I just wanted to add that  
7 I have some of the same concerns that you do,  
8 especially since I put on an event on Thanksgiving  
9 weekend with a whole bunch of participants. And I  
10 don't think it needs this much staffing because I have  
11 412 people. I won't go into the details. So maybe  
12 weighting that, having the number of participants  
13 weighted. The difference between 400 people in one  
14 group having to control them, or 400 guys in a point-  
15 to-point race. So I think that is a very good  
16 suggestion, and if you could get that to me in  
17 writing, it makes it much easier to make a logical  
18 argument and for someone to have to address that  
19 logic. So I really appreciate that.

20 MEMBER ACUNA: That's a good start. Let's go  
21 to Jerry Grabow, District 37.

22 MR. GRABOW: First off, I want to thank the  
23 BLM for working with us on the events that have  
24 happened after August 14. Like the gentleman before  
25 me said, we as District 37 are a nonprofit

1 organization. So all of our 34 clubs are all  
2 nonprofit.

3           The events that we hold, the fees are all set  
4 per our rule book. And the fees are set simply from  
5 the standpoint to cover the costs. So a club has a  
6 capital of a few thousand dollars to hold the event  
7 for the next year. The goal is not to make money off  
8 these events, but more to provide an opportunity and  
9 learning experience for the families. We as a  
10 district this year had set out to do a Family Enduro  
11 series on the Saturday before our competitive Enduro  
12 event. And this was simply just for getting the kids  
13 involved and introducing new riders to it. But with  
14 cost recovery coming into play, we are going to  
15 reevaluate that because we had set the fees at 15  
16 bucks per entry for this Family Enduro, so there is a  
17 big opportunity lost there.

18           The other thing that I am concerned with is  
19 the amount of staffing that you guys -- that's  
20 required for this matrix. We as a district have  
21 anywhere from 70 to 100 people working our events with  
22 one guy in control or one person in control of the  
23 whole event, and that being the race referee. We have  
24 radio contact with all the check points, road  
25 crossings, the pre-sweeps and the sweeps. And then we

1 monitor the event throughout the day, sweeping it with  
2 rescue personnel, which is anywhere from 15 to 30  
3 people.

4           So the staffing matrix, looking at it, I  
5 think is heavy on -- again, like the gentleman before  
6 said, we are not race promoters. This is a nonprofit  
7 organization putting on an event for the community.  
8 So there again, to have five or six BLM staff  
9 monitoring our event is a bit overkill, in my opinion,  
10 simply because, I mean, I understand that you need to  
11 have BLM staff there, but you can get away with one or  
12 even two if they are in contact with the race referee.  
13 And I think that's something that you guys -- that the  
14 BLM needs to look at when they are reviewing this,  
15 because cost recovery I can guarantee you will put a  
16 lot of our events out.

17           And the other issue is the same thing,  
18 holiday weekend. It may be a holiday weekend -- on  
19 the calendar it's a holiday weekend, but in Johnson  
20 Valley, Martin Luther King Day is not highly attended  
21 like it would be at Glamis or someplace else. Thank  
22 you.

23           CHAIRMAN ACUNA: Thank you, that was great,  
24 really good comments. And you will follow up with a  
25 comment letter to Meg, please?

1 THE WITNESS: Yes.

2 MEMBER ACUNA: Claudia Sall, please.

3 MS. CLAUDIA SALL: Good morning. My name is  
4 Claudia Sall, and I actually was going to make a  
5 comment on the South Coast District Field Report. And  
6 I think I missed that opportunity, I guess. So I  
7 guess the next opportunity -- you moved a little  
8 faster than your agenda. So will I have an  
9 opportunity later today to talk about renewable energy  
10 projects?

11 CHAIRMAN ACUNA: You might be able to fit it  
12 in there.

13 MS. CLAUDIA SALL: That's later on the  
14 agenda? What time?

15 CHAIRMAN ACUNA: Probably after lunch.

16 MS. CLAUDIA SALL: Sounds good.

17 CHAIRMAN ACUNA: All right. John Stewart.

18 MR. STEWART: Good morning, Commissioners,  
19 John Stewart, California Association of Four-Wheel  
20 Drive and the Blue Ribbon Coalition.

21 I have heard a lot of things tossed out here  
22 today about promoters, promoters, promoters. Keep in  
23 mind the fact that this was an activity, this was a  
24 race activity and that spectators were injured or were  
25 killed. And let's not lose the sight of the fact that

1 that is the problem to address, and the fact that some  
2 of the focus should be on addressing that type of an  
3 issue.

4 Now, that being said, let's look at the fact  
5 that BLM did not over-react. I have consulted and  
6 looked at what BLM offices in other states are doing  
7 in relation to this. It looks like this particular  
8 California Desert District is creating extra rules,  
9 regulations in addition to what is already out there.  
10 And they are doing this without proper notification to  
11 the public that this process is going on. So this is  
12 more like a NEPA process, which should have a formal  
13 public comment process defined and established and  
14 followed through with.

15 Looking down at some of the information  
16 provided us, I would like to look at Stipulation 34.  
17 It talks about a small use area and attendance, but  
18 without giving any kind of definition of what is  
19 small. Small or small use, that is a very subjective  
20 point that means different things to different people.

21 Adequate staffing. State Director talked  
22 about adequate staffing. Start running through that  
23 matrix, and all of a sudden you are at a point where,  
24 what is adequate staffing? You allow for no staffing,  
25 zero people, until you get to a point of number of

1 participants. Then suddenly number of participants,  
2 at 150, triggers you into a high. It means you are  
3 going to have some kind of a staffing requirement  
4 there.

5           When you get into that 150 participants, is  
6 that total event participants? If it is, there is  
7 going to be a problem here because, for example, some  
8 Four-Wheel Drive trails, as San Diego Four-Wheelers  
9 just mentioned one specific thing; California  
10 Association of Four-Wheel Drive has other events that  
11 have in total more than 150 participants, yet by all  
12 sets of that matrix, that would be low impact and  
13 possibly get away with no staffing requirements there  
14 unless that lets you look at that. But is it total or  
15 run on a trail or run-type deal because the runs are  
16 split out to make that manageable?

17           Within the cost recovery section, some  
18 inconsistencies in the verbiage. There are  
19 limitations on cost recovery, and it's noted that,  
20 yes, cost recovery has got to be there. But it will  
21 be limited to, in one sentence, followed by the next  
22 sentence, all costs, direct and indirect. That's kind  
23 of mixing -- one sentence overrides the other. So  
24 there either will be an all cost indirect or there may  
25 be.

1           And events within the OHV areas need to be  
2 looked at as far as they have less of an impact on the  
3 environmental requirements. Those areas have already  
4 been studied for their impact, so overall your entire  
5 matrix -- I see a lot of problems with the matrix  
6 approach. Randy Banis indicated a decision tree.  
7 That is a more appropriate type of approach.  
8 Something that will look at risk factors involved.  
9 And these have to be clearly defined risks factors,  
10 keeping in mind what you are trying to address is  
11 spectator safety. And you end up with activities  
12 where there are no spectators, and yet you are putting  
13 them into the same kind of category as a spectator  
14 event, and you are judging by the same criteria, and  
15 this is where I think you are wrong. Thank you.

16           MEMBER ACUNA: Thank you, John. Again, more  
17 good points. Please get those in writing to us so we  
18 can evaluate them further and see what we can do by  
19 helping the BLM. Okay. Next person. This would be  
20 Jeff Knoll.

21           MR. KNOLL: Jeff Knoll from HammerKing  
22 Productions. I represent probably the largest event  
23 put on out of the Barstow field office, King of the  
24 Hammers. There is no question that we are going to be  
25 in cost recovery. Quite frankly, we probably need to

1 be there.

2 My concern is with the matrix. One of the  
3 things I see on here is that everything is a negative  
4 number. If I'm to use, for example, a holiday weekend  
5 at Glamis, I would come up with a number of negative  
6 27. This doesn't take into account any staffing that  
7 we do as far as contractors, additional security. I  
8 think that I would agree with Mr. Banis. I think this  
9 is a flawed way to look at this. We need a tree that  
10 takes those things into account.

11 The other thing I would like to add is I'm a  
12 product of SRPs. I grew up in the California desert  
13 on motorcycles. And I think if you lose the events  
14 like District 37 and California Four-Wheel have, you  
15 are losing a tremendous source of educating the public  
16 about the proper use of our public lands. I would  
17 like for this board to take that into consideration.

18 MEMBER GROSSGLASS: I have a comment. I want  
19 to thank Jeff for that comment because I don't know  
20 that people understand the amount of education that  
21 groups like these do for the youth and for the general  
22 public. And I would like the DAC to consider after we  
23 go over this, making some type of a recommendation to  
24 the BLM about changing the way cost recovery is  
25 implemented. The small nonprofits, we don't do it to

1 make money but to provide an opportunity to these  
2 families to go out and use public lands.

3 My club lost 1800 bucks this year. But every  
4 club puts on an event just so we can have this racing  
5 series. And California Four-Wheel Drive does an  
6 excellent job educating people how to properly equip  
7 their vehicles. And you can't go out on one of these  
8 events unless you go through a safety check. So we  
9 would be cutting down the amount of education by  
10 cutting down these events.

11 MEMBER SCHRIENER: It seems to me that some  
12 of these, listening to what Roxie was saying, is that  
13 some of these stipulations are coming from above. You  
14 will do this versus something that we think it would  
15 be a nice idea to do. So how much flexibility -- Teri  
16 might address this -- do you really have? We may say,  
17 you don't need to do cost recovery; you can cut it in  
18 half. But they may have absolutely no flexibility by  
19 regulation. They have to have the formula.

20 MEMBER GROSSGLASS: Cost recovery is set out  
21 in CFRs. But that doesn't mean that we as a group, as  
22 a DAC, couldn't recommend a change to the CFR. That  
23 doesn't mean that Teri can do it, but that means that  
24 people above her could possibly do it.

25 MEMBER SCHRIENER: Correct. But I'm saying

1 even if we make a recommendation, it may be  
2 meaningless. If the regulations above are saying  
3 "Thou shalt do this," it may be moot.

4 MEMBER ACUNA: Here is the thing. I want to  
5 go back to what the committee that Meg is going to  
6 work on or the ad hoc -- thank you, Jeff -- is that  
7 she is going to try to find solutions and share them  
8 with the DAC. And you are right, Alex. They are just  
9 recommendations. There are certain components, even  
10 if we wanted the BLM to do them, they can't do. So  
11 what we are going to try to do is make the most of the  
12 situation, make it the most palatable solution that we  
13 can. And that is still out there. We haven't reached  
14 that point. We are hearing from the right people  
15 about it.

16 MEMBER SCHRIENER: What I didn't want to give  
17 is the public unreasonable expectation that if we will  
18 make a recommendation, that someone is going to act on  
19 it because they can. Maybe they have no flexibility  
20 whatsoever.

21 MEMBER GROSSGLASS: But it doesn't mean you  
22 don't want us to make that recommendation. Even if  
23 it's a long shot, I want to make that recommendation  
24 and let higher-ups in BLM know how we feel about what  
25 is happening on the ground. And that's important.

1           MEMBER SCHRIENER: It may not be worth the  
2 paper it's printed on, but it's a recommendation.

3           MEMBER GROSSGLASS: I'll make it painful.

4           MEMBER SHUMWAY: And it's on the record and  
5 that's important. If you make a recommendation and if  
6 it's not on the record, it doesn't matter. But you  
7 make a recommendation on the record. So that's really  
8 why we're here, to give the public -- we are a buffer  
9 between the regulators and the public. And we can  
10 take information and make recommendations to the BLM,  
11 and they can choose to implement those or go further  
12 or tell us why not.

13           MEMBER ACUNA: Good discussion. We have  
14 three more speakers here, so why don't we move on to  
15 Kim Campbell.

16           MS. KIM CAMPBELL: Hello. I represent 50,000  
17 other rock collectors who frequent BLM lands and love  
18 our California deserts.

19           As I am looking at this issue, it looks to me  
20 like special recreation permits are really targeted to  
21 larger events, but there are a lot of smaller  
22 recreational organizations who were very concerned  
23 about this issue based upon the blogs and e-mails I  
24 have received.

25           And I think it's very important that BLM

1 educate the public or maybe post on the Web site when  
2 a permit is and is not required. Because if you have  
3 20 rock hounds meeting in the desert to collect  
4 Christmas tree agate, are they supposed to have a  
5 special recreation permit? It's very unclear to me,  
6 and I don't see anything in the documents that I have  
7 seen that would clarify that for me. But it would  
8 definitely have an effect on whether those  
9 organizations have those types of events.

10 And I would also suggest that you make it  
11 very clear on your Web site where comments should be  
12 addressed so people know where to go.

13 MEMBER ACUNA: Very good, Kim. Thank you.  
14 Helen Baker.

15 MS. BAKER: Helen Baker representing the  
16 Johnson Valley Improvement Association today.

17 Rolling the process out to the public is a  
18 very good idea, and again as I said earlier, sooner  
19 rather than later.

20 I would like to first compliment the job that  
21 was done at the meeting last Wednesday with the SRP  
22 101 that Joanne did, and Teri and Roxie were part of  
23 it. It was very informational and a huge help. In  
24 fact, the next day I attended the Off-Highway  
25 Commission Meeting in Sacramento and there was a very

1 high level, 30,000 feet, overview of the process that  
2 I wouldn't have understood at all if I had not seen  
3 the presentation that you did on Wednesday. So we  
4 really appreciate that.

5 I would have to agree with Randy, a decision  
6 tree does make a lot of sense. In reviewing the  
7 matrix, one of the items I was looking at is if you  
8 had zero spectators, you are still assessed one point.  
9 That doesn't seem to make sense with the way I learned  
10 math. Anyway, a decision tree would resolve that  
11 issue.

12 And the other thing I was reading was the  
13 conflicting uses. If there are zero conflicting uses  
14 on the weekend you want your permit, you are still  
15 assessed one point. Well, I'm sorry. Zero to me  
16 equates to zero. So Randy, I support your decision  
17 tree totally.

18 Also, I would like some clarification. We  
19 were led to believe last week that based on the  
20 calendar, it said that there would be one event per  
21 district. I'm not quite sure today. I thought I  
22 heard one event per field office. And it's the  
23 second? So what was published last week was  
24 incorrect?

25 DIRECTOR RAML: You are correct. That was

1 incorrect.

2 MS. BAKER: So it's officially one event per  
3 district -- per field office. And it also was  
4 indicated today that there could be additional  
5 blackout dates by field office if there are other  
6 things going on in that weekend. So that's also  
7 clarification.

8 Finally, I agree with Kim. There needs to be  
9 a very clear list of exceptions as to who does, who  
10 doesn't need a permit. Scouts were mentioned today as  
11 being an exception; however, under the CFR 2932.5 it  
12 listed Scout groups as an example of a group that  
13 would need an exception, so you can understand why the  
14 public is confused.

15 Then at the commission meeting last Thursday,  
16 Karla Norris of the BLM mentioned a state-wide  
17 committee to talk about processes and procedures for  
18 permits. That wasn't brought up here. I realize it  
19 was mentioned in Sacramento. They were asking for  
20 members of the public to be part of that. And so I  
21 would just like to ask if there is any knowledge or  
22 awareness of a plan to do that.

23 DIRECTOR RAML: I will give you a quick  
24 answer. No. I knew that there was a state-wide  
25 approach. I thought it was internal, so I will look

1 into that.

2 MEMBER ACUNA: Thank you, Helen. Meg, yes.

3 MEMBER GROSSGLASS: In response to Helen's  
4 and Kim's questions about when an SRP is needed, if  
5 you go to your local BLM office, there are handbooks  
6 that they give out that give you much more clarity.  
7 And then you can also, if you would like a copy of the  
8 CFR, it shows on page 23910 or whatever of the CFR, it  
9 goes over when you need an SRP. So that information  
10 is available. They made this handy book in 2007. So  
11 if you want an event, that will be in the field  
12 office.

13 MEMBER ACUNA: We have one more comment, and  
14 that would come from Gerry Hillier.

15 MR. HILLIER: I just had a couple of  
16 observations just to pass on to the committee.

17 First off, though, very fundamentally, I am  
18 concerned that with a greater amount of cost imposed  
19 upon users, that we are going to -- the law of  
20 unintended consequences clearly is going to kick in.  
21 And one of those consequences may be that organized  
22 group events disappear or are severely cut back and  
23 more people recreate simply by themselves in play.  
24 They may get out there and organize themselves on the  
25 ground, but organized programs bureau-wide have gone

1 on for really some 50 years.

2 My recollection is that permitting started  
3 about 1970, so we are at about a 40- or 50-year  
4 anniversary. And I think it's significant that in  
5 that 40 years of history, that however tragic the  
6 event of August 14 was, that there haven't been  
7 others. That isn't to say there haven't been close  
8 calls and other tragedies that have gone unreported or  
9 with less visibility, but the fact of the matter is  
10 the sponsor of events have a very long history of darn  
11 good cooperation.

12 And I think that instead of penalizing  
13 everybody, that you need to look at the root of things  
14 that are associated with that August 14 tragedy, and  
15 that was spectators. And one thing that occurred to  
16 me is that you can have all kinds of monitors, but do  
17 they have a position description? What is their  
18 authority out there on the ground? You can have 50  
19 people watch the event and, oh, God, that guy got out  
20 of the ribbons, so what do they do about it?

21 When you get down to monitoring, I think you  
22 need to be very specific in terms of finding a  
23 position description and making sure the monitors know  
24 what their authority is, whether they can shut down an  
25 event on-site or immediately or whether people are

1 going to be penalized. I'm not sure if you sent  
2 people out there to monitor an event, that they would  
3 all know what to do.

4 I also heard an expression of concern and I  
5 frankly don't know the answer, but in the past I think  
6 the permits have been charged on the basis of the  
7 number of entrants. And that now they are going to be  
8 charged on the total number of people out there,  
9 spectators plus entrants. And many of these riders go  
10 out there with their families, so they have kids. So  
11 that's going to be not only very hard to estimate, but  
12 it's going to be terribly more burdensome and  
13 expensive for clubs to put on events if every rider  
14 takes three or four people with him.

15 And it strikes me that, again, it's going to  
16 put events outside of the reach of local clubs. And  
17 you are going to wind up with less controlled use,  
18 which is the good side of events, and more just random  
19 play use, which is a problem on the safety thing. So  
20 it's important that whatever procedures are adopted  
21 really deal with the problem and not just a blanket  
22 overkill, which is going to end up with less lawful  
23 and controlled use.

24 MEMBER ACUNA: Just want to say to everyone  
25 who came up and spoke, you did exactly what we wanted.

1 The DAC really appreciated all of your comments. They  
2 were well thought out and very useful. And I think  
3 Meg is going to help us bring this together. Don't  
4 let up the pressure on us. We need your reminders.  
5 Let us get back to you resolving the issues.

6 The nice thing -- we are close to lunch.  
7 It's 12:15. We are going to break sooner and in  
8 theory, you should be able to get in the lunchroom  
9 before everybody else does and you get back here on  
10 time. To be fair, it was pointed out to me there were  
11 some people that might not show up until after lunch.  
12 So we are going to open it up for public comment on  
13 this topic for those that come in late, and then after  
14 that, we will conclude this matter and we will go on  
15 to the next topic. Does that make sense, April?

16 MEMBER SALL: That's okay.

17 CHAIRMAN ACUNA: Did that make sense to  
18 everybody else?

19 MR. RAZO: What time do you want us?

20 MEMBER ACUNA: Right now it's 11:35. Give  
21 ourselves one hour. Is that sufficient? Do you want  
22 us to have an hour and 15?

23 MEMBER SALL: I don't know how close lunch  
24 places are.

25 MR. RAZO: Say an hour. They'll be 15

1 minutes late.

2 MS. WOLGEMUTH: It's pretty crowded out on  
3 the street, so I think an hour and 15 is better.  
4 There were a lot of people on the mall.

5 CHAIRMAN ACUNA: Well heeded. It's 11:35  
6 now. Come back at 12:50.

7 (Lunch recess taken from 11:35 a.m. to 12:54 p.m.)

8 MEMBER ACUNA: Okay. Everybody, please grab  
9 your seat. Let's get this meeting rolling and let's  
10 start off with where we left before lunch.

11 I have not received any additional public  
12 request cards to talk about the special use permit for  
13 OHV events. So that means we are done with that. And  
14 we are going to move on to the 1:30 -- actually, it's  
15 the 1:45 event.

16 But before we go there -- and this is a  
17 matter of clarification -- Randy Banis has a point of  
18 order that we would like to go into the record.

19 MEMBER BANIS: I would like to clarify. I  
20 misstated a position in my earlier remarks regarding  
21 the culpability of the BLM as I reported its admission  
22 of fault. And it's important, I think, to clarify  
23 that I have overstated that culpability, and may I  
24 please instead read from the document that guided me  
25 to that erroneous statement. And I would like to read

1 the statement as it appears.

2 And that is that the BLM has, quote, "It's  
3 clear that the BLM did not follow our own standard  
4 procedure for permitting the event."

5 This is not an admission of guilt or  
6 culpability for the deaths of those in the tragedy.  
7 Thanks, Tom, for the opportunity to clarify this and  
8 thanks from the help of BLM staff to better understand  
9 this issue.

10 CHAIRMAN ACUNA: A good clarification, Randy.  
11 It's 1:30 and we are going to hear the next topic and  
12 that's the National Environmental Policy Act 101 by  
13 Meg.

14 MEMBER GROSSGLASS: This is my pet peeve, I  
15 think, with stakeholders within the federal management  
16 lands process. All stakeholders, not just people in  
17 my committee, tend to get up in the meeting and say  
18 they don't like what is happening. The BLM as a  
19 federal agency doesn't really have to respond to that.  
20 You have to make substantive comments within the NEPA  
21 process, and I'll admit that is extremely confusing.  
22 And it's been my job for six years and I just now get  
23 it. I don't have copies of my presentation to hand  
24 out to you for the simple purpose because I'm not a  
25 NEPA expert, so you can't take me to court on it. So

1 you will get the basic gist of it.

2           First of all, the National Environmental  
3 Policy was signed on January 1, 1970 by President  
4 Nixon. It requires federal agencies to analyze the  
5 potential environmental impacts of any proposed  
6 actions. Here is an example of proposed actions:  
7 When a renewable energy company puts in an application  
8 to put in a utility grade site. When the BLM wants to  
9 create a Recreation Area Management Plan for an OHV  
10 area or any other type. Whenever they go into the  
11 planning process, they enter the NEPA process.

12           There are three steps, depending on what they  
13 think the environmental consequences are going to be  
14 of that proposed action or need. So basically -- I'm  
15 going to read from my notes. The NEPA process begins  
16 when an agency develops a proposal to address a need  
17 or to take an action. Address a need: Make a  
18 management plan. Take an action: Permit a solar  
19 facility.

20           There are three levels of environmental  
21 analysis used within the NEPA process depending on the  
22 likely degree of environmental impact. The first is  
23 what's called the Categorical Exclusion, and this is  
24 almost no environmental analysis or it has been  
25 previously done in another management plan. So this

1 is done when the agency has determined that the action  
2 does not have a significant impact on the environment:  
3 Replacing a picnic table or maintaining a designated  
4 trail or routine operation and maintenance activities.  
5 When it comes to this, I believe there is no public  
6 comment for Cat Ex.

7           The next level of analysis is an  
8 Environmental Analysis. This is done to determine if  
9 a proposed action will result in a significant  
10 environmental effect. This is kind of where we say,  
11 we are not sure what the impact is going to be, so  
12 let's do a minor amount of analysis. The EA process  
13 concludes with two different things. You either get a  
14 FONSI, a Finding of No Significant Impact, or the BLM  
15 determines that there is going to be significant  
16 impact and they have to go to the next step, the EIS.  
17 A FONSI comes with mitigation requirements. There  
18 will be no significant impact if we mitigate in this  
19 or that matter. Things that are covered under an EA,  
20 the reopening of a closed trail -- Al, can you give me  
21 something else that's covered under an EA? I didn't  
22 get much more.

23           MR. STEIN: Or you can issue an SRP.

24           MEMBER GROSSGLASS: Although I don't have all  
25 the specifics, you guys get the idea.

1           Now, the agency preparing the EA has  
2 discretion with regard to how much public input they  
3 are going to take. Sometimes they announce it and  
4 sometimes they don't. I was going to ask Al if there  
5 is a policy by the CDD?

6           MR. STEIN: No. The Environmental Assessment  
7 can go from several pages to even more than that. It  
8 depends on how complex the action is, but it still is  
9 one that really needs to result in fewer -- in no  
10 significant impacts. The amount of public involvement  
11 that we have depends upon the controversy and how much  
12 public interest there is, how complex it is, and a  
13 variety of factors. And we may or may not put an  
14 Environmental Assessment out for public comment.

15           One of the major differences between an  
16 Environmental Assessment and an EIS is for an EIS  
17 statement, there is always a draft and final EIS. For  
18 an EA, there is no draft/final process. The EA may be  
19 changed as a result of public comments if we have  
20 comments from the public, and then we would produce a  
21 revised Environmental Assessment, but there is no  
22 draft/final process. And the degree to which we go  
23 out for public involvement really depends on the  
24 action, so it varies.

25           MEMBER GROSSGLASS: It's my understanding if

1 you work with your local field office and they know  
2 you are a concerned stakeholder in these areas, they  
3 will let you know when an EA is going to happen. I  
4 have gotten them from Ridgecrest fairly often when  
5 they are going to perform an EA.

6 Another one of my pet peeves is that the  
7 public doesn't understand how to comment on these.  
8 Again, we want to get up and scream and yell and say,  
9 I don't like it.

10 MR. STEIN: Let me comment on that. You were  
11 thinking -- I was thinking of the public comment  
12 process we had on Truckhaven where we had a public  
13 meeting in the vicinity of the project and there were  
14 a lot of people who were pretty strongly opposed to  
15 it. And during the Draft EIS, we had a lot of people  
16 who were expressing their opinions and they didn't  
17 understand that because there were so many people who  
18 were opposed, why we wouldn't just deny the project.

19 There were other factors we need to take into  
20 account. The public comment process is just that, a  
21 comment process. We seek public comment for things  
22 that we missed, for things that we did wrong, and  
23 those types of things. And we explain to the public  
24 generally that this is not a voting process because if  
25 we were to file an EIS or EA and say everybody vote

1 it, we wouldn't need any managers. So the public  
2 comment is important, but it's substantive comment,  
3 not just votes.

4 MEMBER GROSSGLASS: So this is a copy of the  
5 Devil's Canyon EA. I believe the end users wanted the  
6 BLM to do an EA to get general public access to this  
7 area. Well, the BLM went and they did an EA. And the  
8 decision was made that we couldn't have general public  
9 access. We could have access via an SRP. So when  
10 this came out, you could make public comment, but a  
11 good public comment wasn't, Well, I don't agree with  
12 that. A good public comment was, Well, if these are  
13 the issues, let us have general public access during  
14 non-lambing season. Or if you are worried about  
15 whatever the species is out there, I don't want this  
16 to happen because this impacts the species. The  
17 smarter we get about the NEPA process, the better we  
18 will get to advocate for our position. Am I making  
19 sense?

20 MEMBER SALL: Yes, you made a good point.

21 MEMBER GROSSGLASS: So once they have done an  
22 EA and they find out a significant impact, they go to  
23 an EIS. Now, if the agency always knows there is  
24 going to be a significant impact, they don't even do  
25 an EA. They go to an Environmental Impact Statement.

1 One of these is prepared when the agency is proposing  
2 an action that will significantly affect the  
3 environment.

4 This level of analysis goes into much greater  
5 detail than an EA and has several opportunities for  
6 the public to comment. These are the biggest planning  
7 documents, I think, for stakeholders out there. We  
8 need to know now to comment properly. There is an  
9 Environmental Impact Statement for the Lucerne Valley  
10 Solar Project. So in here are different alternatives  
11 and the proposed action.

12 For an example, I'm going to use an EIS. I'm  
13 going to use the Marine expansion into Johnson Valley.  
14 So the first thing that happens when an agency is  
15 going to prepare an EIS is there is a Notice of  
16 Intent. So a Notice of Intent is published in the  
17 Federal Register. Then it gives you some basic  
18 information about the project: Where it is, what is  
19 going to happen, and I believe that starts the 90-date  
20 time line. It starts a time line for a public comment  
21 period for scoping.

22 This is very important because we all went to  
23 a Johnson Valley scoping meeting and we all stood up  
24 and said, I don't want this project. Not really what  
25 Roxie or Steve or Teri needs, because what we need to

1 do is we are supposed to tell them what to study.

2           It's during the scoping period that the  
3 public can tell the agency the scope of what to study  
4 in the EIS. So proper scoping comments are, What does  
5 the cumulative impacts of the loss of Johnson Valley  
6 do to the OHV community and the surrounding lands,  
7 because they might find that is unmitigatable and then  
8 they might not approve the project.

9           So getting up and yelling "no," not  
10 substantive. Another substantive comment will be, How  
11 will the area handle the additional water use handled  
12 by the expansion? Substantive. Gives them something  
13 to hold onto. How will the loss of Desert Tortoise  
14 habitat be dealt with? Another good scoping comment.

15           Also, it's during that scoping period that  
16 you as a stakeholder can suggest alternatives and  
17 mitigation options for the proposed action. So the  
18 Marines say they need to go there. You can say, I  
19 don't think they need that, or you should do this. Or  
20 you can say the proposed need is not valid. I don't  
21 think it's a valid need.

22           Or you can suggest alternatives: I want them  
23 to go play with the Army at Fort Irwin. Those are all  
24 substantive comments. Or you can say, If you can take  
25 this area from us, give us this area.

1           So the next step in that process after the  
2 scoping period ends is the Draft EIS. This document  
3 discusses in detail the purpose and need for the  
4 project and reasonable alternatives to fulfill that  
5 purpose and need. I'm going to continue to use  
6 Johnson Valley as an example. In this EIS that we are  
7 going to get in January, there will be several  
8 alternatives. They always have to have a no-action  
9 alternative. That's required. And there will be a  
10 preferred alternative that's identified. So there  
11 will be six alternatives and one that they will follow  
12 through with. And they are going to analyze all of  
13 those alternatives. So it's a very exhaustive  
14 night/week of reading.

15           But some of the substantive comments you can  
16 use making a comment on an EIS are, There wasn't a  
17 sufficient range of alternatives studied. You didn't  
18 study whatever alternative that you suggested in the  
19 scoping process. That's a substantive comment. There  
20 is a huge direct impact to OHV recreation and that's  
21 not been mitigated. There is a huge cumulative impact  
22 to OHV recreation, and that has not been mitigated.  
23 The mitigation for the Desert Tortoise was not  
24 sufficient for this reason. And during this period  
25 it's also appropriate to point out data

1 insufficiencies or data inadequacies in the document.

2 I'm almost done, guys.

3           The next step would be the agency is going to  
4 take all those comments, and I believe they have to  
5 legally respond to substantive comments; correct? And  
6 there will even be an index in the FEIS showing the  
7 comments and how, whether they chose -- how they chose  
8 to respond to them. Whether you are happy with that  
9 response, that's another story.

10           So it's a long period of time, six months, a  
11 year -- crazy, if you ask me, editorializing. When  
12 the public comment period closes, they analyze those  
13 comments and conduct further analyses, as necessary.  
14 The agency must respond to the substantive comments  
15 submitted on the DEIS, which is why our comments are  
16 so important.

17           Their response can be in the form of changes  
18 that are made in the Final EIS, factual corrections,  
19 or modification to the alternative. So that's how we  
20 actually can change this process. I believe after the  
21 Final Environmental Statement is published, there  
22 is -- she is not paying attention -- is there a 30-day  
23 comment period for an EIS?

24           MS. TROST: It depends on the project.

25           MEMBER GROSSGLASS: There is never less than

1 30 days. And at that point, I believe you can -- what  
2 is it called? -- protest, or there is another word.  
3 Never mind. So after the 30 days, after the FEIS is  
4 out for 30 days, then comes the ROD, Record of  
5 Decision. And that's the action decision, and that's  
6 the final step for the agency.

7           The ROD is a document that states what their  
8 decision is. It identifies the alternatives  
9 considered, including the preferred alternative, and  
10 discusses mitigation plans and monitoring. It's only  
11 after the ROD is published that a person or  
12 organization can move forward with the agency's  
13 decision.

14           You can appeal, file lawsuits. There are a  
15 whole bunch of rules on what you have to do first, and  
16 it depends on the ROD. In some cases you have to have  
17 participated in the NEPA process in some manner to  
18 have legal standing. Correct? Please somebody tell  
19 me I made sense.

20           MR. RAZO: Yes.

21           MEMBER GROSSGLASS: Does anybody have any  
22 questions? And Roxie is an NEPA expert, unlike me.  
23 So if you have any questions, I'm sure Roxie can help  
24 us.

25           MEMBER SHUMWAY: I would like to make a

1 comment and maybe a question too. You said if  
2 something is unmitigatable, then that would be reason  
3 to deny the project. But we know that's not true.

4 MEMBER GROSSGLASS: Unmitigatable in the  
5 agency's -- go, Al.

6 MR. STEIN: Al Stein. The unmitigatable is  
7 really a language of CEQA. But with regard to NEPA,  
8 the impact couldn't be mitigated, so it's a residual  
9 impact that will occur. Either that's acceptable or  
10 not acceptable to the agency. And just because --  
11 think of any project that's been subject to an EIS.  
12 Are there impacts? Yes. Are they unmitigatable?  
13 Probably, yes, we can't mitigate them and they will  
14 occur. But that doesn't mean the project is  
15 unacceptable. You can't do anything out there without  
16 it having impact to something.

17 And the other thing I wanted to clarify,  
18 besides the lawsuit, there are two modes of dealing  
19 with a project which you think the agency went the  
20 wrong direction. One is protest, and that's under the  
21 planning regulations, so you protest the plan  
22 amendment. And the other is appeal, and the appeal  
23 goes to the Interior Board of Land Appeals. That's an  
24 independent agency within the department that oversees  
25 BLM's decision making process.

1           MEMBER GROSSGLASS: In order to go to that  
2 step, you have to have participated in the NEPA  
3 process in some manner; correct?

4           MR. STEIN: Yes. In order to have standing,  
5 you have to participate. You can't come in at the  
6 eleventh hour and say, Now I have all these concerns  
7 and you didn't take them into account. But they never  
8 told us. You had all this opportunity.

9           MEMBER SHUMWAY: Thank you.

10          MEMBER SALL: Can you say what an intervenor  
11 is?

12          MR. STEIN: The question was, can you speak  
13 to what an intervenor is. An intervenor is really a  
14 CEC term, because they have a quasi-judicial process  
15 through the commission. So somebody intervenes in the  
16 action. There is no such thing with BLM. Someone  
17 provides a comment. That's all. There is no  
18 intervenor.

19          MEMBER GROSSGLASS: Do we have any more  
20 questions?

21          MEMBER SCHREINER: Having gone through a  
22 number of these, primarily as an advocate -- Meg  
23 talked about the critical comments. But it's equally  
24 important to the BLM to put in a positive comment. If  
25 there is some option that you like, to state why you

1 like it. Why you think it's appropriate. What were  
2 the aspects of the decision that were well thought out  
3 and well founded? Often having reviewed those and in  
4 talking to the BLM people, they want to see that and  
5 they want to know they have done something right and  
6 continue down the right direction on that path.

7           The other thing, looking at the Truckhaven,  
8 which I reviewed excruciatingly, is that there were  
9 many comments turned in from the off-road community.  
10 They literally were the same three or four sentences  
11 looking like they came from the same server. They  
12 just had a different name at the bottom. There were  
13 literally dozens and dozens of them cranked out. You  
14 almost have to ignore them because all they said was  
15 "I hate you; die and go to hell."

16           MEMBER GROSSGLASS: I want to go on record  
17 that I never sent in that comment.

18           MEMBER SCHRIENER: That's what they said,  
19 giving no interest.

20           MR. STEIN: Let me speak to that. I'm not  
21 saying that for or against the project doesn't play a  
22 role in BLM's decision making process; it does. But  
23 it's not how we make our decision. It's not the sole  
24 way. We have many other factors that we take into  
25 account. And yes, comments saying you are really

1 looking at it the right way is also appropriate  
2 because it does show a difference. But we do get  
3 comments that are really, like, from servers. They  
4 are form letters, and we get that very frequently to  
5 EISs, and they come from all different interest  
6 groups.

7 MEMBER GUNN: When you say "get involved,"  
8 that someone has been involved in the project, you  
9 mean just making comments on it? That would be enough  
10 involvement to appeal?

11 MR. STEIN: That would be enough involvement  
12 to demonstrate you have standing, that you  
13 participated in the process, and you provided your  
14 comments to the agency and that the agency didn't take  
15 them into account. Then that's a reason to have  
16 standing to appeal.

17 MEMBER GUNN: Would you repeat where or who  
18 you would appeal to?

19 MR. STEIN: The appeal is to the Interior  
20 Board of Land Appeals, IBLA, and it's a separate  
21 agency within the department. It's kind of an  
22 internal appeals process. It's pretty judicial.

23 MEMBER GROSSGLASS: Do we have any more  
24 comments? Questions? I just want to wrap it up with  
25 a couple of things. Go ahead, Helen, if you have a

1 question -- my fault, we will wait for public comment.

2 I want to wrap it up. As we go through a lot  
3 of these renewable energy processes, some of them are  
4 joint NEPA and CEQA. CEQA is like the California  
5 equivalent of NEPA. There is that process I want to  
6 make people aware of.

7 On the back table there are copies of a  
8 "Citizen's Guide to NEPA" if you guys want to pick it  
9 up and take it home. I believe in here it also has  
10 the Internet address to the Federal Register so you  
11 could look for those Federal Register notices that  
12 talk about when the agency is going to prepare an EIS  
13 and when a Record of Decision comes out. I believe  
14 all that information is in here; correct? Somebody  
15 say yes.

16 MR. RAZO: Yes.

17 MEMBER GROSSGLASS: Thank you for putting up  
18 with me. I hope it's informative.

19 DIRECTOR RAML: Let me make a few comments.  
20 It's an important topic to make, and it's certainly  
21 important to the public and to me, too. And one of  
22 the reasons I was interested in having the topic on  
23 the agenda is because one of my concerns is, look at  
24 the size of that EIS.

25 What I am really afraid of now is that our

1 documents are becoming so dense and complicated, and  
2 everybody is pressed for time. But they were getting  
3 to the point where the public doesn't know how to  
4 access them. And even if you have a "Citizen's Guide  
5 to NEPA," the general citizen who may care about a  
6 project cannot decipher how to read about the project  
7 and figure out how to -- how to figure out they can  
8 provide some comments.

9           So I'm kind of hoping we will talk more about  
10 this as the DAC, when it comes to a business plan or  
11 something. But one of the things that the agency  
12 talks about, we do have a lot of the materials out  
13 there for people, like the "Citizen's Guide," and we  
14 are very much telling the public how to be helpful to  
15 us.

16           I think what we could spend some time and  
17 energy on is also telling the public how we can be  
18 helpful to them in making their way through these  
19 giant, complicated documents. What I am hoping is --  
20 I have been to a meeting where I was flogged by a Game  
21 and Fish agency that said we don't even know our way  
22 through our own documents. I was challenged the last  
23 time I read an entire EIS.

24           And it was an interesting sort of field to be  
25 in because our documents is -- they are like, it's

1 huge. And I started thinking at that point they are  
2 not novels. They are more like a phone book or  
3 encyclopedia. I was thinking even at that point in  
4 time that we needed to start doing a better job of  
5 communicating to the public how they can take their  
6 interest in either the geographical area they live in  
7 or an activity they participate in or even the general  
8 philosophy of federal land management and turn that  
9 into something relevant for a document we can work  
10 with. So I'm hoping that this is something we can  
11 continue to work with on the DAC, and we will continue  
12 to put some energy into it.

13 MEMBER ACUNA: Thanks, Meg, for putting that  
14 together. Very informative. So now we open up part  
15 of the agenda where the DAC can have comments  
16 regarding the presentation. Then followed by the  
17 public who have speaker slips here and have an  
18 opportunity to say something about it. So I will  
19 start with April, please.

20 MEMBER SALL: Thank you, and thank you, Meg,  
21 for the presentation. And I would just like to follow  
22 up that I think that was very useful information. And  
23 I think Teri, we would love to take you up on that  
24 opportunity to have more of these and maybe for the  
25 time being, we should have a similar type presentation

1 on how to get through an EIS at the next few DAC  
2 meetings, since we have a string of EISs coming out on  
3 all these projects.

4 So with the renewable energy, obviously there  
5 were six RODs that were issued for a large-scale solar  
6 project in the last three months, so a perfect example  
7 of nobody can read six of those and provide  
8 substantive comments, so I think that would be a good  
9 discussion to have.

10 MEMBER SCHRIENER: Some of the better EISs I  
11 have seen have an executive summary or some of those  
12 in the Imperial Valley or the El Centro district had  
13 one- or two-page summaries with a map on the back  
14 side. Web sites were listed on it, and they were easy  
15 to understand, quick information. Those would be  
16 really useful to the public because they can glean  
17 what is happening. But generally executive summaries  
18 where all the options are outlined in a salient form,  
19 with all the options and the important maps are there,  
20 usually no more than 10 pages versus the 4,000 page  
21 tome you would have to wade through.

22 CHAIRMAN ACUNA: Meg.

23 MEMBER GROSSGLASS: I like the idea of  
24 teaching the public how to get through an EIS. I know  
25 it's been my experience, with a 1200 page EIS, I start

1 with the executive summary, preferred alternatives,  
2 and then I go to the table for mitigation and impacts.  
3 And just pointing out those probably would be really  
4 helpful. And we could use the Johnson Valley EIS as  
5 an example.

6 MEMBER HOLLIDAY: I would like to comment on  
7 that, now that you brought that up. I have gone  
8 through the EIS and made comments for the RAMP. And  
9 what I found when I was going through that, many of  
10 the issues were duplicated in different areas, and I  
11 suppose that's probably from a legal requirement for  
12 addressing certain instances and the same instances  
13 have to be referenced in different areas. So it makes  
14 it difficult to comment on that because you are going  
15 through and making a comment on one area and you are  
16 not making comments on all the areas of that same  
17 point. So I don't know how you solve that problem,  
18 but I just thought about that.

19 MEMBER ACUNA: Any other comments from the  
20 DAC?

21 MEMBER BANIS: I had one question. Is it  
22 true that NEPA specifically prohibits the inclusion of  
23 information that is unnecessary, extraneous, or that  
24 which could be -- which could obfuscate the actual  
25 issues?

1           MEMBER SHUMWAY:   Could you be specific?

2           MEMBER BANIS:   In other words, I understood  
3 that you cannot pad an environmental document with a  
4 load of information that is not relevant, as it may  
5 only serve to confuse or hide the actual issues.  And  
6 just as an example might be -- oh, boy, I hate --  
7 there is an environmental analysis that is currently  
8 occurring in the district that has been several years  
9 in the making, and it involves cooperation with  
10 another agency.  And the other agency is seeking the  
11 inclusion of a good deal of information -- this is an  
12 EA about a route -- whether a route should be open or  
13 not.  And one of the cooperating partners is requiring  
14 a huge dissertation on the history of the hard rock  
15 mining.

16           As much as you might appreciate having the  
17 history of hard rock mining, it really has no  
18 relevance.  And therefore, as I heard it -- I'm not  
19 being terribly specific -- as I heard it, that has  
20 created a potential impasse in the moving forward of  
21 this document.  Is it true that NEPA says you can't  
22 throw a bunch of junk in it?

23           MEMBER SHUMWAY:   Can I follow with another  
24 question to that?  If that is so, then if you are in a  
25 position, if BLM is in a position as manager of a

1 project to respond to all, let's say, legitimate -- I  
2 mean, reasonable questions or reasonable expectations,  
3 then there must be at some point when the response is  
4 that is a -- may be viable in another situation but in  
5 this case, that concern is irrelevant -- without using  
6 that word, I suppose you have to be nicer -- but  
7 sometimes concerns are irrelevant to the project.

8 MR. STEIN: In response to your question and  
9 this issue, no, NEPA really doesn't say anything about  
10 that. NEPA is a very short law, and it talks about  
11 the preparation on the environmental impacts -- or  
12 statement on the environmental impacts of the proposed  
13 action. That's basically all it says. It doesn't  
14 have a lot of detail.

15 Where the detail comes in is the Council on  
16 Environmental Quality regulations implementing in  
17 NEPA, which I believe is 40 CFR 1500 to 1508. That  
18 provides a lot of detail. But there is nothing there  
19 that really says what not to include. We have been --  
20 we have done joint information, joint EISs with other  
21 agencies that have done just what you said, had page  
22 after page of historical information on something  
23 that's affected, but historical information is really  
24 not necessary to make the decision.

25 We try as much as we can to focus on what the

1 real issues are, but often we do run off on rabbit  
2 trails and there is nothing legally wrong with that.  
3 It does cause a problem for the reader. It does cause  
4 a problem sometimes for us, but we try and work  
5 through those problems.

6 MEMBER SHUMWAY: And where it creates  
7 problems for the applicant, as well. This -- time is  
8 money.

9 MR. STEIN: Right. It creates problems for  
10 everybody, and we don't want to go off into looking  
11 into things that really on the face of it are not  
12 feasible, or information that's really not necessary  
13 and try and gather a lot of information that is not  
14 useful in the decision making process.

15 DIRECTOR RAML: I will add to that. One  
16 office I worked in, we were involved in a pilot  
17 project, part of the president's health initiative.  
18 And the pilot project was to try to basically follow  
19 to the letter rules on our preparation of an  
20 environmental document.

21 So we worked directly with the CQ on this  
22 document and skinny down our environmental documents  
23 to what would literally be required. There were two  
24 pieces of it. There were two parts to it. One was  
25 the agency employees, particularly when you have a lot

1 of expertise and a lot of staff involved, resist  
2 mightily taking their information and including it in  
3 an appendix. Like the affected environment. It has  
4 the list of every wildlife species ever known to exist  
5 in the area, there is a lot of internal resistant to  
6 moving that stuff to the appendix. They want that in  
7 the darn document.

8           The other is the public expects it. Whether  
9 it's the way our documents have gotten, the public --  
10 if it says it's in the appendix or it's available on  
11 the staff files, the public is not comfortable with  
12 that. The public thinks we are hiding it in the back  
13 file.

14           So the result of that crazy pilot exercise  
15 is, Oh, well. Now, with that being said, that's one  
16 of the reasons I stay interested in this as a topic  
17 was I think we still have opportunity there. Even  
18 then our EISs were smaller. Now they are huge. And I  
19 think maybe if you were for revisit that, and I think  
20 I was involved in that in the early 2000, that we  
21 could still make our documents better. But it's  
22 customary. What we have in these documents has become  
23 customary.

24           MR. STEIN: I would like to clarify a little  
25 something about the length of environmental documents

1 and the comprehensiveness of the environmental  
2 documents. I have been in this business dealing with  
3 them for 37 years. And when they first started out,  
4 they were very small and then they grew. And then we  
5 got back down, well, we don't need all that. Let's  
6 make them smaller. And now they have grown back up  
7 again.

8           So I don't think we will ever be at a point  
9 where they are going to stay the same and where the  
10 direction and what needs to go in and what doesn't  
11 need to go in is going to stay the same. So we may  
12 see a point where things will be refined a little bit  
13 more to what is really necessary. But part of that is  
14 due to court suits and court decisions that force us  
15 to do some of the things that we do.

16           MEMBER SHUMWAY: Can I make two comments?

17           One is to follow up with Teri's things. I  
18 write a lot of reports, some small and some not, but  
19 sometimes the reports can be very complicated and  
20 cover a lot of different issues. And we generally  
21 handle that. If we have a consultant do like a  
22 traffic study, then that goes into an appendix.

23           But one of the things that I realized is if I  
24 give a report to a bunch of clients and if they have  
25 attorneys, all of those people are going to be looking

1 at that from a different perspective. Just like us,  
2 just like our constituents and the BLM and the public.  
3 And they are not going to read everything. They might  
4 read a good executive summary, but most of the time,  
5 they are going to go to the area in which they have a  
6 special interest.

7           This is where searchable databases are coming  
8 in. The areas of special interest need to be  
9 particularly well-defined. Sometimes there is stuff  
10 that you need to be redundant on, that you need to say  
11 the same way, the same words in every single section  
12 because not everybody is going to read the same  
13 section. But there is certain information that  
14 everyone who reads it needs to have, and sometimes  
15 that will be very ponderous.

16           But I don't know how we can get away from  
17 having big reports without having sections that people  
18 feel comfortable or confident talking about. I don't  
19 feel confident talking about off-road trails or  
20 critters or anything like that. But I feel  
21 comfortable talking about access to mineral resources.  
22 That's what I care about.

23           I think the public is the same way. You  
24 can't get away from having a report that's well-  
25 written, but it has to be written for the users. And

1 writing a report for the user is a lot harder than  
2 writing a report for the convenience of the writer. I  
3 just don't see how you can get away from these big  
4 things.

5 MR. STEIN: The important thing to us in  
6 California to consider, and particularly for BLM who  
7 prepares joint documents with state agencies, is there  
8 are often requirement to comply with both NEPA and  
9 CEQA. And those two laws, while the end point is the  
10 same, the content and the specific requirements are  
11 different. And a number of the issues we have right  
12 now are fully mitigated or unmitigated. Those are  
13 terms that really aren't in NEPA, but they are  
14 important to compliance with CEQA, so --

15 CHAIRMAN ACUNA: Okay. I think we are good  
16 there. Are there any more questions on this topic  
17 here?

18 Let's move into the public comment period.  
19 And first person I am going to have come up is Helen  
20 Baker, please.

21 MS. BAKER: Helen Baker, Johnson Valley  
22 Improvement Association.

23 I would just like a little bit of  
24 clarification on a comment that Al made on legal  
25 standing. It says that providing you made comments

1 and you haven't been satisfied with them or  
2 something -- Al, if you made a comment and even if  
3 they responded to that comment, you still have  
4 standing; is that correct?

5 MR. STEIN: Yes.

6 MS. BAKER: The other question is a  
7 clarification on the example used for the NEPA  
8 discussion, the Twentynine Palms Marine Base  
9 Expansion. And there was reference to the agencies  
10 and sending your comment to the agency, and the agency  
11 will make decision, agency will put out the EIS.  
12 Could we please define "agency" in that particular  
13 instance?

14 MS. TROST: In that particular instance the  
15 agency is the Marine Base at Twentynine Palms.

16 MS. BAKER: Thank you. I just wanted to make  
17 that clear that we were not talking about the BLM. We  
18 are talking about the Department of the Navy, I  
19 believe, in this. Thank you.

20 MEMBER ACUNA: Thank you, Helen.

21 Next up, Sophia Merk, please.

22 MS. MERK: My name is Sophia Merk, NPL News.

23 There is, in fact, in the code of regulations  
24 a section on reducing paperwork. And I would advise  
25 any of you that really want to -- as you can see, this

1 is really worn out -- but I would encourage anybody  
2 that wants to go to, you know, like my Web site, you  
3 can find out what you want to know about NEPA.

4           And there are ways to go ahead, and I would  
5 like to also say that sometimes an intervenor does  
6 happen on a federal level, especially when it goes  
7 into a court system like when we had WEMO decisions.  
8 We had some people that were intervenors at that point  
9 so they are used, not just in the CEC, but also in the  
10 federal regulations too. But I would encourage  
11 anybody to go to this book. Thank you.

12           CHAIRMAN ACUNA: Thank you for bringing that  
13 to our attention.

14           Okay. John Stewart.

15           MR. STEWART: Good afternoon, Commissioners,  
16 John Stewart, California Association of Four-Wheel  
17 Drive Clubs.

18           The topic of NEPA is very interesting, and  
19 yes, I have been studying it and working in that  
20 process for a number of years. And you can always  
21 find new information, and Meg has just touched on a  
22 very brief overview.

23           There were a couple of things I would like to  
24 stress is that in this context, a lot of the  
25 discussion that was dealt with within the DAC is in

1 relevance to the BLM under the agency, Department of  
2 the Interior. A lot of times, especially dealing with  
3 the renewable energy projects, the BLM on the federal  
4 side will begin working with the state. And there was  
5 brief reference to the CEQA or California  
6 Environmental Quality Act, in working in conjunction.

7           There were some subtle differences and what  
8 has to be key when looking at them is which agency is  
9 the lead agency, whether it be the California Public  
10 Works or the federal agency, that is drafting the  
11 document, because those will set different criteria  
12 for what is termed as a substantive comment. And also  
13 a few other little minor points as you work through  
14 that process.

15           And also looking at, within the federal side,  
16 there become partner agencies, whether you are looking  
17 at Fish and Wildlife Services or the Department of the  
18 Navy in the case of Twentynine Palms issue, as to who  
19 the lead agency is in submitting that document. And  
20 then you have to really, to go back to what that  
21 agency's rules are for implementing NEPA process  
22 within their respective agency. And this is at the  
23 agency level more so than under Department of  
24 Interior, BLM, U.S. Fish and Wildlife Service or  
25 Bureau of Reclamation or Geological Survey.

1           So there were some key differences there.  
2   You have to keep in mind that there are some things  
3   and even within the U.S. Forest Service, Department of  
4   Agriculture, there are subtle differences in the way  
5   NEPA is implemented.

6           And I just finished up -- it's been almost a  
7   four-year process -- working on a collaborative action  
8   issue which has created the Giant Sequoia National  
9   Monument EIS or their management plan. And within  
10  that plan throughout the creation of that, we entered  
11  into some very novel and creative ways to look at how  
12  to take these emotional words that people have about  
13  "I feel this, I like this" type basis, and using that  
14  through some computer generated tools to create those  
15  emotional statements into substantive values that  
16  people will have about the objects within the  
17  monument. And that, in turn, was run through a  
18  multi-decision criteria system in order to begin  
19  creating and collecting substantive comments within  
20  the plan as people read through the plan on the  
21  computer screen.

22           If anybody wants to look at it, I don't have  
23  the exact Web site, but look up the Sequoia National  
24  Forest and the Giant Sequoia National Monument Plan  
25  because there are a lot of novel ways the agencies are

1 looking at to make collecting comments under NEPA  
2 process much easier.

3 Under NEPA, also remember that it is looking  
4 at the ground-disturbing activities or mass impact on  
5 the environment, whether it be through a direct action  
6 such as Devil's Canyon or these various power  
7 renewable resource plans. But it also involves how  
8 the rules and regulations that will apply to  
9 activities conducted on the ground are done, such as  
10 what we talked about earlier, the SRPs. That's  
11 looking at a point where you are stepping into a NEPA-  
12 type process in order to engage the public fully and  
13 to get a full range of comments and alternatives.

14 CHAIRMAN ACUNA: Thank you, John.

15 We have one more speaker going to have a  
16 comment on NEPA policy and how that's implemented.  
17 And that's Joan Taylor, please.

18 MS. TAYLOR: Good afternoon. Thanks for the  
19 opportunity to speak. I'm here on behalf of Friends  
20 of the Desert Mountains and Sierra Club.

21 First, a question that I want to speak to  
22 NEPA, but with regard to renewable energy project  
23 review. Is this the appropriate time?

24 MEMBER ACUNA: If you could hold that, we are  
25 going to be talking about renewables later.

1 MS. TAYLOR: This would be talking about the  
2 NEPA deficiencies in the environmental review for  
3 those projects. Should I wait?

4 CHAIRMAN ACUNA: I think you should wait.

5 That concludes the public discussion  
6 regarding NEPA.

7 We are going to move onto the next part of  
8 the our agenda. It's the 2:45 p.m. agenda item -- I'm  
9 sorry, the 2:15. I was getting excited. 2:15. We  
10 are going to hear the renewable energy report.

11 MR. CHILDERS: Good afternoon. My name is  
12 Jeff Childers. I'm the planning environmental  
13 coordinator for the RECO team at the California Desert  
14 District office. I'm not sure exactly that it's a  
15 very good time to discuss today, but let me go over  
16 some of the projects pending in the next six to 12  
17 months. There is a couple of maps up on the wall.  
18 They are geographically spacing out wherever the  
19 projects are.

20 As you know, we just signed RODS for six of  
21 the major project in October. We are getting ready to  
22 release notices on a couple of the others for both an  
23 NOA and NOI coming out in the next couple weeks.

24 We do have some leftover projects from the  
25 last year, Desert Sunlight. Palm Springs field office

1 is going to be coming out with a final document  
2 hopefully sometime in the last quarter of this year.

3 The Palen project should be coming forward.  
4 We are also starting some other projects out of that  
5 office coming in the next six to 12 months.

6 There should be a list of the projects in the  
7 packets provided for you from the field offices. They  
8 have more detail on exactly what is going on with all  
9 of the renewable projects. I can tell you we have one  
10 going in the Federal Register Monday for an NOI. And  
11 that's the State Line project out of the Needles field  
12 office coming up any time. Scoping is starting on  
13 that in early January. And then we also have the Tule  
14 NOA project -- NOA should be coming out hopefully in  
15 the next couple of weeks.

16 I guess I can ask for specific questions if  
17 there is anything that you have.

18 MEMBER GUNN: What were you saying, on the  
19 state line there is a new project?

20 MR. CHILDERS: First Solar, state line, north  
21 and east of the Ivanpah (unintelligible) project.

22 MEMBER SALL: Can you give a little update on  
23 where the PEIS is?

24 MR. CHILDERS: The solar PEIS is supposed to  
25 be out in draft form in the first quarter of this next

1 year. We have had comments, and they are back in the  
2 Washington office.

3 MEMBER STALL: So we're in January, not  
4 December?

5 MR. CHILDERS: Last I heard it was supposed  
6 to be January, but we are not in the direct final loop  
7 on that.

8 MEMBER SCHRIENER: I know government agencies  
9 like to use acronyms. Most people in the audience may  
10 not know what they mean. Explain what it is at least  
11 once, and then say NOA or NOI and then we will  
12 understand what it is.

13 MR. CHILDERS: My apologies. Notice of  
14 Availability is for the Draft Environmental Impact  
15 Statements. Notice of Intent is the intent to start  
16 the NEPA process for the project. I apologize.

17 MEMBER ACUNA: Any other thoughts from the  
18 DAC?

19 MEMBER BANIS: Is the current renewable  
20 map -- is the renewable map that's currently on the  
21 CDD Web site a current copy? The last I had was  
22 September or October.

23 MR. CHILDERS: That's probably pretty  
24 reasonable. We haven't had too many fall out. There  
25 are some that have been approved. The four biggies

1 that we did here, 5 and 6.

2 CHAIRMAN ACUNA: Any other comments from the  
3 DAC? Okay. Jeff, hold on.

4 We are going to go to the public comment  
5 period. They are going to ask questions about the  
6 energy report. So I have a few names here, so stand  
7 by close here.

8 Renewable energy, that's from Danny Sall.  
9 Danny, did you want to talk about the general report  
10 or did you want to wait until the DAC members made  
11 presentations?

12 MR. SALL: I think I will wait and do it  
13 later.

14 MEMBER ACUNA: Okay. And John, do you want  
15 to respond on this topic right now or wait?

16 MR. STEWART: John Stewart, California  
17 Association of Four-Wheel Drive Clubs.

18 I appreciate that the maps are being  
19 provided. What I would request is that the maps on  
20 the Web site also be provided in a format that can be  
21 easily be put into a GIS system, such as an ArcView  
22 layer, something that makes it much easier for people  
23 to begin looking at it. I would like to see the GIS  
24 ArcView type file formats rather than just a straight  
25 pdf. It's much easier to use in a computer analysis

1 type.

2 But also I think one of the things missing is  
3 when the data or these maps are presented, there is no  
4 trails plan or no route information being provided so  
5 that a comparison overlay can be looked at and done in  
6 order to look to see how to generate a substantive  
7 comment as to the impact on OHV recreation. Thank  
8 you.

9 CHAIRMAN ACUNA: Thank you, John.

10 That was the only one that had a card. So we  
11 can move to the next item. I don't think I missed  
12 someone.

13 Joan, if you want to wait, that will give the  
14 DAC members an opportunity to the give presentations  
15 on specific projects and when they are through, then I  
16 will open it up for more public comment, so you can  
17 get renewable energy. So Jeff, you are off the hook  
18 for now, but stand by.

19 Let me get it straight. Our team here, Lloyd  
20 you had a presentation, and Randy you had one. Not  
21 from April.

22 MEMBER GROSSGLASS: Don't look at me.

23 CHAIRMAN ACUNA: Dinah, did you --

24 MEMBER SHUMWAY: I did, but I lost my

25 computer. I just have some basic notes but I don't

1 think I was -- I can't get any of my comments or  
2 anything like that. So --

3 MEMBER ACUNA: So I think Randy is very  
4 prepared. Why don't we start off with that and see  
5 how we do. Lloyd, you can follow next, and then  
6 Dinah.

7 MEMBER SHUMWAY: I can talk about the general  
8 stuff, but it's information that almost anybody could  
9 get. I remember some of my comments from the essays,  
10 but it would not be useful. Could we put it off to  
11 the next meeting?

12 MEMBER ACUNA: Two presentations, followed by  
13 DAC discussion, followed by public comment. So here  
14 we go, Randy, the floor is yours.

15 MEMBER BANIS: Thank you. The project I am  
16 reviewing is the Desert Sunlight Solar Farm project  
17 that is going to occur in Riverside -- or may occur in  
18 Riverside County. It's an application, and the  
19 information that I put together is primarily from the  
20 environmental document that's available on line. And  
21 a little bit of Googling and trying to find some other  
22 folks' comments. And I tried to put them all together  
23 in this presentation.

24 Boy, doesn't the wall do wonders for that?  
25 That's just the welcome slide. I'm done stalling.

1           First of all, I'm just going to review the  
2 project description and the key issues that I found on  
3 these projects. So you can feel free to jump right  
4 through. They are that quick.

5           First of all, the technology that is proposed  
6 to be used for this is a photovoltaic system, mirrors  
7 or power towers. This is a thin film. This is  
8 similar to what you find on rooftop solar, and this is  
9 also similar to what was used at the Chevron Lucerne  
10 Valley project that has been approved.

11           I just want to give Steve one minute to  
12 unlock it, and if he doesn't, I will proceed with my  
13 notes. Sorry about that, folks. Just getting warmed  
14 up, weren't we? The location of the project is Desert  
15 Center, which is along the 10 freeway and also in the  
16 area of Eagle Mountain. It's in Riverside County and  
17 you can see it's to take place in a notch of the  
18 Joshua Tree National Monument. Notice that. Keep  
19 going, please.

20           Next. This is just an example of some of the  
21 lands. This is the more sandy soil that would be  
22 impacted. This is again more of the creosote-type  
23 land that you would see the project built on. Smoke  
24 trees, Palo Verde trees. The solar farm is projected  
25 to generate -- rated at 500 megawatts. You can see

1 the project area of the farm would be 4,400 acres.  
2 The study area was a lot larger. That was the 19,000  
3 acres. What you see in the larger blue circle is the  
4 4,400 acres.

5 The ownership of the land is virtually  
6 entirely all BLM. There is just a slight, slight  
7 sliver of one of the roads that's owned by -- I  
8 believe DWP or one of the power agencies, .6 miles.  
9 So it's pretty much all BLM land. The study area, by  
10 the way, it looks almost like a house. That's the  
11 study area, and you can see the white band that goes  
12 around the top of the study area is the Colorado River  
13 aqueduct.

14 The project has essentially three components  
15 to it. First, the arrays themselves, the solar  
16 photovoltaic arrays. Those will be located in the  
17 blue outline. The pink outline is an alternative. We  
18 will get to that in a minute. But the blue is where  
19 the arrays will be located. The various dashed lines  
20 that extrude to the south are the two alternatives for  
21 possible transmission lines that would go down to the  
22 substation.

23 And also part of the project would be a  
24 substation. There are two alternatives for a  
25 substation. Blue one on one side, on the west side,

1 and the red one on the bottom on the east side. Those  
2 would be the alternatives.

3           The status of the project, the project has  
4 just concluded public comment period for the draft  
5 environmental document, and we are awaiting the  
6 publication of a Final EIS. That's the next step  
7 along the line. And this is just a cutout from the  
8 BLM status page.

9           Now on to the key issues. The first and most  
10 written about of the issues to look at are the  
11 biological issues, particularly that of the Desert  
12 Tortoise. The project occurs adjacent to a Desert  
13 Wildlife Management Area of the tortoise, a DWMA, but  
14 the DWMA does not overlap any point in the project.  
15 Nevertheless, a number of tortoises have been located  
16 and found on the project.

17           An independent organization surveyed the area  
18 and found even more tortoises than what was initially  
19 reported, so that will be a concern. Also, you recall  
20 the photograph of the more sandy wash soils. That's  
21 where you will find the fringe-toed lizard, and there  
22 will be concerns about that.

23           Other key issues are the residential issues.  
24 There are actually people living out there. There are  
25 three communities, the town of Desert Center right

1 along the 10 freeway. Just up the road a couple miles  
2 is a town called Lake Tamarisk. And then in the upper  
3 left corner is the town of Eagle Mountain.

4 Eagle Mountain is an interesting place.  
5 No. 1, you can't get in. It's a private town. It's a  
6 private city, a private town. And the deal with Eagle  
7 Mountain is that it was a Kaiser steel mine and it was  
8 developed in the 1940s and was in working condition  
9 right through to the 1990s.

10 And by the way, an interesting tidbit is that  
11 the Kaiser mine company built the town there for their  
12 workers, hundreds of homes, schools, facilities, and  
13 also began a kind of health plan where they would take  
14 a little bit money out of people's paychecks in order  
15 to provide for their health care. That eventually  
16 turned into Kaiser Permanente, California's largest  
17 HMO.

18 It's a private town, and I will talk about it  
19 just a bit. You can't get in there. There is a  
20 caretaker who won't let you in. But the concerns as  
21 you can see, typical concerns for a residential area:  
22 Noise, air quality due to dust, water quality there  
23 are concerns. Are the chemicals that are used in  
24 these photovoltaic arrays subject to -- in the event  
25 that they are damaged, could those chemicals affect

1 the environment in some way, water quality or other?

2           Public safety concerns, not only during the  
3 construction period, trucks. But also, some people  
4 have concerns about these industrial projects in  
5 general. And lastly, there are employment concerns,  
6 and that's actually a plus for the folks in that area  
7 who are really desperately looking for a resurgence in  
8 that community and would love to have jobs.

9           There are also development issues,  
10 potentially, in the area of Eagle Mountain. This is  
11 an aerial view. If you see the very top of it, but  
12 that's the giant pit that they mined, the ore pit. A  
13 landfill was actually approved by the Riverside County  
14 Board of Supervisors. A permit was issued. However,  
15 opponents to the project successfully sued in the 9th  
16 Circuit Court of Appeals that the environmental  
17 document was inadequate, and therefore, this project  
18 is on hold.

19           A second possible option for Eagle Mountain  
20 and for that town might be the resurrection of the  
21 community correctional facility. There was a small  
22 prison that was not built on the property -- actually  
23 existing buildings and dormitories and structures were  
24 turned into a correctional facility that operated  
25 through the late 90s and early 2000, and that was

1 closed in 2000.

2 Other key issues are cultural. First of all,  
3 prehistoric cultural issues. This project affects or  
4 may affect the petroglyph district and archaeological  
5 district, and also eligible prehistoric sites not yet  
6 listed.

7 There is some historic concerns, cultural  
8 concerns as well. One is the Eagle Mountain railroad  
9 which served the Kaiser steel mine. That is a  
10 historic feature. The Colorado River Aqueduct runs  
11 around the study area and has a pumping station.  
12 Desert Center was the heart of the desert training  
13 center in the 1940s that was used to train the troops.  
14 And in fact, the town of Desert Center was found  
15 suitable by General Patton himself to be his  
16 headquarters.

17 Other key issues are the fact that there are  
18 transmission -- two already designated transmission  
19 corridors in that project area. One of them, which is  
20 the transmission line that the project will eventually  
21 tie into that follows the 10 freeway, but also another  
22 designated corridor that actually goes right across  
23 the project site.

24 Another key issue potentially is recreational  
25 routes. You can match the shape of the blue project

1 area -- again, the blue represents where the arrays  
2 will be -- and you can see that a few roads  
3 crisscross. This route would remain open through the  
4 project. This power line route would also remain open  
5 through the project. But there are concerns about  
6 this open route and this open route. Those are  
7 reflected over here. You can see that the project  
8 would close some of these routes, these small access  
9 routes. But this one would not be addressed, but in  
10 the top the project would reroute one of those  
11 motorized routes. Thank you.

12           The visual impacts, this is going to be a  
13 little tough for you to see. Steve, I would be  
14 grateful if you can toggle back and forth between this  
15 slide and the next side and see if people can see  
16 anything different in the two. Do you see anything  
17 happening in there? There is a little bit up here.  
18 Keep toggling back and forth. This is the first and  
19 there is a little here. That's the visual impact.  
20 First, second. It feels like the eye test; right?

21           This is another visual impact. This would be  
22 the impact of the substation that would be along the  
23 10 freeway.

24           Another issue would be the cumulative impact  
25 of nearby projects. This is the project we are

1 talking about. These are all the other potential  
2 projects that are in the pipeline. Various projects.  
3 Not all energy. Different kinds of projects.

4           There are also -- this being -- I think this  
5 is pretty much near my final slide. This would almost  
6 be my punch line to this whole story. We are going to  
7 hear, I believe, that the programmatic EIS for the  
8 solar study zones will be due out this month, the  
9 Draft PEIS. We have been anxiously awaiting that PEIS  
10 as it would hopefully analyze three solar study areas  
11 in the state of California. One of those solar study  
12 areas is called Riverside east. And it comprises this  
13 block of color. Do you see that greenish color?

14           I want to point out that the Draft PEIS is  
15 not even available, yet we already see almost half of  
16 the opportunities being occupied by approved projects.  
17 And there is the potential -- I believe, though, the  
18 Palen is not yet approved. So that would be the point  
19 that really struck me the most is that we don't even  
20 have the draft document out, yet all the best spots  
21 have already been taken.

22           There are going to be mitigation measures.  
23 There are mitigation measures proposed in this draft  
24 document. There were 75 various mitigation measures  
25 proposed, and here is a collection of them. You can

1 see most of them involve health and safety, air  
2 resources and cultural. And there is no mitigation  
3 for recreation.

4 Thank you very much. That's the  
5 presentation. I'm happy to answer the questions I  
6 receive, but all the answers are going to come out of  
7 the environmental document that's available on line  
8 for the public's review. Thank you.

9 MEMBER ACUNA: Thanks, Steve, for running  
10 that. Okay.

11 For the DAC, Randy, I'm sure they feel as I  
12 do. That was a superb presentation, and it's so  
13 different than the official one that sometimes we  
14 receive. I think you put a real personal touch to a  
15 piece of land that none of us have been to. You did a  
16 great job of identifying communities, identifying the  
17 routes, the visual impacts, the social and economic  
18 impacts, the history, the land use impacts from  
19 transmission routes, substation sites. I am just very  
20 impressed.

21 As the Chair, that's where I would love to  
22 see us go, non-NEPA style. That was a summary of a  
23 NEPA document, but there was a personal touch here,  
24 something we can put our arms around as a group. And  
25 I would be very interested to hear your opinion as to,

1 is this a well-designed project or is there still room  
2 for improvement? Or do you think they did a good job,  
3 Randy?

4 MEMBER BANIS: I lack the expertise to  
5 comment on water quality issues, air resources issues,  
6 even a number of the economic issues.

7 Let me say that of all -- of the projects  
8 I've looked at to date and the documents I have  
9 reviewed, this is the least obnoxious. I mean, just  
10 in that other projects are not necessarily near  
11 utility corridors, that seems rather impractical.  
12 Having to design long, large transmission corridors is  
13 undesirable. They occur in places that are -- others  
14 occur in places surrounded by essentially wild lands.  
15 This project is taking place on wild lands, but it's  
16 surrounded by non-wild lands somewhat.

17 The Eagle Mountain is a huge, massive scar on  
18 the land. It has certainly provided great mineral  
19 resources to help the country grow, but the scarred  
20 impact is there, and also the potential that the Eagle  
21 Mountain site could be another industrial opportunity  
22 for some other kind of development.

23 All of you know, I enjoy traveling the back  
24 country roads very much. And from the perspective of  
25 that, with the project proponent offering a reroute of

1 one of the routes, and allowing through travel on the  
2 two main routes, I don't see recreation being greatly  
3 impacted outside that site. But of course, on the  
4 site we will lose that recreation potential.

5 So I think -- I would say the Ivanpah project  
6 probably would be on one side of my assessment, and  
7 this would be on the other side.

8 MEMBER SHUMWAY: I'm really familiar with  
9 that area. I have done quite a bit of big projects  
10 out there for Kaiser. In the NEPA document that you  
11 reviewed, you mentioned the town. The town is  
12 abandoned, essentially, with the prison being closed  
13 at this time.

14 MEMBER BANIS: Yes, Eagle Mountain is closed.

15 MEMBER SHUMWAY: They have one guy doing  
16 maintenance in the shop and stuff like that. But the  
17 houses, without being occupied, will be allowed to  
18 fall into disrepair.

19 Does the NEPA document expect to have some  
20 kind of relationship in that town for the workers?  
21 Tamarisk or Desert Center I'm not sure are actually  
22 labor pools. It's not a vibrant community, and  
23 Tamarisk Lake is mostly retirees, actually even Eagle  
24 Mountain retirees. I agree with you that as far as  
25 visual impact, it's so minor compared to the impacts

1 of old mining which still has resources, although they  
2 are not economically recoverable at this time. But  
3 there are other uses for that.

4 And in fact, the site itself, the Kaiser  
5 site, hosts at least 270 million -- 700 million tons  
6 that we have identified as potential construction  
7 aggregate resources, which are very close there and  
8 only not developed because of political issues and  
9 because they are too far away from active markets.

10 So that area still has some kind of potential  
11 for construction aggregate development, and it's  
12 already broken up rock. All you have to do is ship  
13 it. So I agree with you that it sounds like a viable  
14 project. And I have been out there a lot and a  
15 variety of times of day during the year, and I don't  
16 ever remember seeing any huge recreational off-highway  
17 vehicle community. So your roads, even though you  
18 said it's not mitigated -- it's partly mitigated --  
19 but I don't see that that's a use that needs to be  
20 mitigated in any big way because it's not really a big  
21 recreational area. And I think some of that land  
22 might even be regarded as disturbed.

23 And one point of order. The Kaiser  
24 Permanente Health Plan was founded in the Kaiser  
25 Permanente cement plant, but the Kaiser steel people

1 participated as well.

2 CHAIR ACUNA: Are there any other thoughts or  
3 comments?

4 MEMBER MITZELFELT: Yes. I think back to the  
5 worker camps out there taking ore out of the mountains  
6 and the Mojave Preserve and the desert training  
7 centers, and I think about my time in the Middle East  
8 and the camps that they have in Saudi Arabia and  
9 training in the desert environment.

10 With projects of this scale over such a  
11 period of time, what is going on with housing and  
12 workers? We have 100 permanent workers, 50 to 100 on  
13 major projects that have permanent. But construction,  
14 you are talking hundreds to thousands, and at some  
15 point, maybe even 10,000 or more workers out in the  
16 desert. At a place like Eagle Mountain and places  
17 like -- I mean, it seems like a great opportunity for  
18 Eagle Mountain maybe to be put to use. But where are  
19 these folks going to go? Ludlow? Baker? Has anybody  
20 submitted any kind of a strategy for that?

21 MEMBER BANIS: I didn't see that.

22 MEMBER SHUMWAY: I guess the only other  
23 option is Kaiser Permanente to charge rent out there.

24 MEMBER SALL: I was just -- in response to  
25 Brad's comment, I think that's why there has been a

1 lot of concerns from various constituencies that these  
2 projects would be more appropriate closer to urban  
3 centers not only for that reason, but also for the  
4 energy efficiency and the less transmission needed.  
5 And the opportunity to possibly utilize more disturbed  
6 lands than pristine public lands that have Desert  
7 Tortoise and all the issues that Randy described for  
8 this project, but again, more reasons about the better  
9 ways to do this.

10 CHAIRMAN ACUNA: Very good. Let me ask a  
11 question here for the DAC. Randy, this kind of comes  
12 back to you.

13 If the DAC felt strongly about something  
14 about that project, that we felt that we could provide  
15 the BLM as advisory, would it be too late for us to  
16 tell the BLM now, or are we too far along in the  
17 process? Is your review too late?

18 MEMBER BANIS: In my opinion, yes. There is  
19 a final environmental document that will be coming.  
20 But it's my experience that the further you wait to  
21 exert your influence, the less influence you have.  
22 And I think that it might be too late for us on this  
23 project. I would encourage, though, those who do have  
24 an interest in this to watch closely for that final  
25 environmental document when it does come out so you

1 don't miss the comment deadline simply because you  
2 slept through it, like I did.

3           And I would think that the next round of the  
4 2011 fast-track projects, that we might find ourselves  
5 getting in on the ground floor and perhaps the next  
6 round of project we get a chance to analyze might be  
7 those at the notice stage or in which the comments on  
8 the draft document might be in better accord with our  
9 upcoming schedule.

10           CHAIRMAN ACUNA: Just to illustrate where you  
11 were on that comment -- and I looked at Teri here and  
12 our friends in the Bureau -- if you could help us  
13 schedule these kinds of reviews to our constituents  
14 here in time so if we did have an issue, we could  
15 invite meaningful comment. I think that would be  
16 helpful for all of us. Randy spent a lot of time on  
17 the site and pouring through this for days and putting  
18 that presentation together. How great it would have  
19 been if we could have given BLM solid comments.  
20 Lloyd, you had a question?

21           MEMBER GUNN: Just a comment. When I was  
22 looking at some of the BLM policies on renewable  
23 energy -- maybe I don't have it exactly right, but I  
24 think I have a general idea -- BLM also looks at state  
25 laws and regulations, policies and things like that

1 before they approve something. But it seems like the  
2 California Energy Commission doesn't go by that same  
3 policy. This is about Imperial, and it's about  
4 California Energy Commission, not BLM.

5           It says staff -- this is from the California  
6 Energy Commission. It's a memorandum. It says that  
7 "Staff has concluded that the project will not be able  
8 to comply with the Imperial County laws, ordinances,  
9 regulations and standards. But -- and staff  
10 recognizes that due to lack of information regarding  
11 the long-term performance of the new technology, it's  
12 uncertain whether the applicant's claims regarding  
13 (unintelligible) will be met. Notwithstanding that,  
14 California Energy Commission deputy director  
15 recommends approval of this project." Just one.

16           CHAIRMAN ACUNA: Okay. They are working hard  
17 trying to get things done. No other comments from me  
18 on that.

19           MEMBER SHUMWAY: It kind of brings up the  
20 conflicts between CEQA and NEPA and local lead  
21 agencies, even though these projects -- this one on  
22 federal lands who has the jurisdiction for the final  
23 approvals -- the impacts aren't going to be limited to  
24 just the habitat and the resources on federal lands.  
25 The impacts are going to be expanded, as Brad

1 mentioned. Where are these people going to stay?  
2 There are all kinds of impacts that affect local  
3 communities, even though Lloyd is talking about the  
4 Imperial project. These things don't just impact that  
5 area. They impact huge areas.

6 And a temporary workforce of 800 to 1,000  
7 people might be there for however long the project  
8 will take to be completed, I would assume a year or  
9 two. But after that, they are gone. And then the net  
10 employment is going to be 100. So for two years you  
11 have a huge impact, and then you have 100 employees.

12 CHAIRMAN ACUNA: That's the nature of the  
13 business. I don't know how they are going to turn  
14 that one around.

15 MEMBER SHUMWAY: There are conflicts on all  
16 these agencies on all these impacts, and they are not  
17 talking to each other very well.

18 CHAIRMAN ACUNA: I don't know of a CEC  
19 advisory board. We can only do what we can do here.

20 Yes, Richard.

21 MEMBER HOLLIDAY: The reference that Lloyd  
22 had there is pretty interesting to me from the  
23 standpoint of how much in these investigations or  
24 these EISs that the BLM has to do. Do they take into  
25 account the technology and the state of the

1 technology, that it has a potential for success? Or  
2 are you just looking at what is going to be torn up on  
3 the ground?

4 CHAIRMAN ACUNA: Teri, maybe you could answer  
5 that one.

6 DIRECTOR RAML: If you have seen the size of  
7 the EISS, yeah, we take into account the technology.

8 CHAIRMAN ACUNA: Well, that's the official  
9 answer. Okay.

10 So we are making good progress now. And  
11 let's continue and have Lloyd. He has a short  
12 presentation also. And then afterwards we can have  
13 some more discussion and then move it to public  
14 comment.

15 MEMBER GUNN: The project I toured is the  
16 Daggett Ridge Wind Energy project. And it's about six  
17 miles southeast of Barstow and five miles southwest of  
18 Daggett in San Bernardino County, California.

19 Before I go any further, maybe Randy, if you  
20 would help me pass these out. And if I have any  
21 extras there, the public is welcome to them,  
22 especially -- I prepared a renewable energy checklist  
23 and there are 10 questions which I answered and  
24 expanded on the answers. And Tom Acuna, this was his  
25 idea, this renewable energy checklist, and I want to

1 thank him for giving me the idea and inspiration for  
2 creating my own renewable energy checklist.

3 I think especially the public is going to be  
4 interested in this handout. It's a picture of a  
5 Golden Eagle nest near the Daggett Ridge proposed wind  
6 energy project. You are welcome to keep a copy of  
7 this. The public can keep a copy of that if they want  
8 to. I know it's the first time I have ever seen an  
9 eagle's nest. So for the DAC members, I also took  
10 some photographs of the area, but I want those back.  
11 Those are the only copies.

12 As I was saying about the renewable energy  
13 checklist, I would appreciate it if you want to ask me  
14 questions, wait until I go through the 10 questions  
15 and answers on the renewable energy checklist.

16 CHAIRMAN ACUNA: For the audience, could you  
17 pinpoint the location of the site on the map for us?  
18 And maybe you could -- this is Barstow and that's --

19 (Multiple people conferring simultaneously.)

20 MEMBER SALL: 247 and 40.

21 MEMBER GUNN: As Jeff is pointing out the  
22 location of Daggett Ridge proposed energy project, six  
23 miles southwest of Barstow and five miles southwest of  
24 Daggett in San Bernardino County. Wind energy  
25 generating facility -- this would be a wind energy

1 generating 82.5 megawatts on approximately 1,577 acres  
2 of BLM-managed land. And also 380 acres of private  
3 land. It will consist of a substation, storage yard,  
4 offices. And maintenance shops would be on private  
5 land.

6 The company is AES Wind Generation, and they  
7 have a subsidiary called C-West Energy. AES is a  
8 power company founded in 1981 with generation and  
9 distribution businesses across five continents.

10 This is the renewable energy checklist I  
11 prepared.

12 No. 1: Is the proposed site area a visually  
13 significant landscape? Rate the importance, 1, 2 or  
14 3.

15 The potential visual and aesthetic impacts of  
16 the wind turbine towers were identified as a public  
17 concern during the scoping process. The wind  
18 development would alter the existing landscape and  
19 diminish the wilderness experience for visitors in the  
20 area.

21 No. 2: Does the proposed site have sensitive  
22 or endangered animal, reptile or bird species that  
23 inhabit or travel through the area?

24 The answer is, the project would develop a  
25 new road through critical habitat for the Desert

1 Tortoise. Also Golden Eagles, prairie falcons and  
2 other raptors, plus migratory birds and bat species  
3 could be impacted by wind turbines.

4 No. 3: Does the proposed site have sensitive  
5 or endangered plants in or near the area proposed?

6 The only thing found was Mojave monkey flower  
7 was found near the proposed project site, but not on  
8 the area of the site. Monkey flower has small purple  
9 flowers, and is listed as a sensitive species.

10 No. 4: Will recreation be eliminated or  
11 impacted by the installation?

12 New and improved gravel based roads -- by the  
13 way, proposed roads are 30 to 36 feet wide, which  
14 would be accessible for two-wheel drive vehicles.  
15 Project would increase use of the area mainly by  
16 curiosity seeker who would ride or drive to this  
17 facility.

18 In my opinion, the wind turbine would provide  
19 attraction nuisance. What I mean by that is on the  
20 tour yesterday we were in Desert Hot Springs. Right  
21 above Desert Hot Springs is Big Morongo Canyon. Big  
22 Morongo Canyon is a beautiful wildlife area with a  
23 stream running through it, no vehicles allowed. There  
24 is one major animal that goes through there, the  
25 Desert Bighorn Sheep. And when I visited that area, I

1 see many people with spotting scopes to see all the  
2 different species of birds that inhabit that.

3 But right next to it is Little Morongo  
4 Canyon. Now, there is a pole line road which also is  
5 in this proposed project. They are going to make a  
6 pole line road above the gravel road. This pole line  
7 road attracts people to abandon stolen vehicles in a  
8 mountain area. There is drug use there. People  
9 abandon their pets, their dogs. There is all kinds of  
10 trash there, construction waste, and although to Palm  
11 Springs BLM's credit, they have cleaned up a lot of  
12 this with the help of the Student Conservation  
13 Association, but it's a continuing problem.

14 And that's what would develop here in this  
15 area. It's very close to Barstow. Since it would be  
16 accessible to two-wheel drive, you would have people  
17 going up there dumping things. There would be  
18 partying, possible drug use, and that's what I mean by  
19 attraction nuisance.

20 I will pass this picture around, and I can  
21 show you one example that I found in that area already  
22 of trash. The picture I'm passing around actually is  
23 a burned-out vehicle that was left up there.

24 MEMBER BANIS: Dude, my car.

25 MEMBER GUNN: No. 5: Will archaeological or

1 cultural sites be impacted or disturbed?

2 The only thing I found -- the only tribal  
3 concerns voiced are effects to Golden Eagles.

4 No. 6: Is the proposed site near military  
5 facilities? If so, what are the impacts to radar or  
6 communication or any other military functions?

7 There is a Marine Corps base near Daggett.  
8 Impacts confirmed by Department of Defense states that  
9 wind towers would interfere with critical radar and  
10 flight training corridors.

11 No. 7: Will the site be impacted further by  
12 roads or transmission lines?

13 Yes, estimate 10 miles of new roads, and I  
14 passed out maps showing where the new road would be.  
15 Main access will impact wash crossings and new SCE,  
16 Southern California Edison, fiber optic cable will be  
17 installed on 73 wooden poles 65 feet high from new  
18 substation to Barstow Road through critical tortoise  
19 habitat and create further opportunity for tortoise  
20 kills by ravens. In other words, the ravens along the  
21 road would be right above critical tortoise habitat.

22 No. 8: How many acres of public land is  
23 severely damaged by this project?

24 Eighty to 90 acres would be permanently and  
25 severely damaged by the project. And the total

1 project is 1577 acres and 380 private acres. This  
2 does not include interconnection lines to substations.

3 And again, No. 9: What type of renewable  
4 energy is proposed for this site?

5 It's wind turbines is the type.

6 No. 10: How much renewable energy will be  
7 required to operate this plant? If so, what type of  
8 nonrenewable energy will be required?

9 An off-site office and maintenance yard will  
10 be located in Barstow. Power, Southern California  
11 Edison, via a distribution connection to site  
12 substation.

13 How much water will be used to operate this  
14 facility, including cleaning of wind turbines?

15 During construction, the estimate is 10  
16 million gallons for foundation and dust control. And  
17 annual cleaning estimate is 6,000 gallons. That's  
18 estimated.

19 That's it. Any questions? Everybody that's  
20 interested has a picture of the eagle's nest?

21 MEMBER GUNN: There are maps here that show  
22 what area is critical towards habitat.

23 CHAIRMAN ACUNA: We are going to open up this  
24 for DAC discussion.

25 I would like to thank you for taking time to

1 do your homework and bring these important facts here.  
2 I think a personalized presentation really helps us  
3 understand the site. Thank you for doing that. I  
4 want to come back to the question here.

5 Is this project further in the approval  
6 process? Is it much like the one that you just did,  
7 Randy, or is it still forthcoming?

8 MEMBER GUNN: Because of the military issues,  
9 it's put on hold right now. Now, there are some  
10 negotiations going on with the military about flight  
11 training issues and things like that. But it's on  
12 hold for right now. As far as -- eagles are  
13 protected. Now, I'm not an expert on protecting  
14 eagles but I know there is no mitigation. And  
15 critical tortoise habitat, I don't think there is any  
16 mitigation for it.

17 CHAIRMAN ACUNA: So I look to the DAC members  
18 to provide some comment, either something here that we  
19 would advise the BLM on with regard to the Daggett  
20 site, as Lloyd has mentioned.

21 MEMBER SHUMWAY: One thing Lloyd didn't  
22 mention I think I ran into doing the work with  
23 Granite. Isn't your project, the project you worked  
24 on, Daggett, isn't that on hold to do the eagle  
25 survival plan, the bird survival plan?

1 MEMBER GUNN: Yeah.

2 MEMBER SHUMWAY: That's kind of on hold until  
3 that plan is developed by the proponent for right now,  
4 anyway.

5 MEMBER GUNN: Yeah, the eagles are one big  
6 issue.

7 MEMBER SHUMWAY: Right. I thought Daggett  
8 was one of the ones on hold to develop a plan.

9 MEMBER GUNN: That's true. But I think the  
10 military is probably the strongest obstacle.

11 MEMBER SHUMWAY: The sounds that the turbines  
12 make; right?

13 MEMBER GUNN: No. It has to do with the  
14 radar and flight training.

15 MEMBER SHUMWAY: Yeah, it's the radar issue.  
16 Yeah, that's the problem as well. I think the  
17 military is studying that, though; right?

18 MEMBER GUNN: Yes.

19 MEMBER SHUMWAY: I know Granite Hills is on  
20 hold for the proponent to develop that plan for eagle  
21 protection, so I thought Daggett was, as well. That's  
22 just one thing I would add.

23 CHAIRMAN ACUNA: Yes, Alex.

24 MEMBER SCHRIENER: I have actually worked on  
25 that site in my recent former and past life. The firm

1 I worked for was doing the geologic mapping in  
2 preparation of doing geotechnical work. There is a  
3 transmission line that goes right through part of that  
4 area, just below Daggett Ridge. They were planning on  
5 putting a series of wind turbines down the ridges  
6 themselves that were up there. So it is not a  
7 pristine area. There are historic uses up there.  
8 There are roads that exist. There is a transmission  
9 line that cuts right through the middle of the area,  
10 so it's not a completely pristine area, per se.

11 MEMBER GUNN: No, it's not. What the AES is  
12 proposing to do, though, is instead of using existing  
13 roads like you are talking about, they want to cut a  
14 brand new road, 30 to 36 feet wide, right through the  
15 critical tortoise habitat.

16 MEMBER SCHRIENER: They would have to connect  
17 with the wind turbines with some of those ridges.  
18 They wouldn't have roads to them.

19 MEMBER GUNN: No, there are existing roads up  
20 to the ridges there. So they actually could use the  
21 existing roads. But I guess they would have to go  
22 through several other washes. And they figure  
23 possibly they may not be able to use it all year round  
24 with major rainstorms.

25 But I did have some photographs, and it's

1 still an almost pristine area. Now, as far as putting  
2 the wind turbines on the ridge, as you can see, the  
3 ridge is -- I took a picture of where they would go,  
4 and there is no wind turbines there on these ridges.  
5 What they would do is actually cut about 30 feet off  
6 the ridges to widen the ridges for the foundations of  
7 the wind turbines. So that's further impacts, major  
8 impacts to the area. And this would be permanent  
9 impacts. That's my opinion.

10 CHAIRMAN ACUNA: Okay, Lloyd, I think maybe  
11 what we should do is move on into public comment  
12 regarding renewable energy projects. I have a number  
13 of cards here. We are now right on time, so let's  
14 keep up with our schedule here.

15 MEMBER SHUMWAY: Mr. Chairman, I think  
16 following up Meg's comments from our last meeting,  
17 maybe, or on the phone or something, we should caution  
18 the audience that this is not a NEPA official comment  
19 time. The audience can express their concerns to us  
20 and we can make recommendations if appropriate, but  
21 this is not official comment on these projects.

22 CHAIRMAN ACUNA: Yes, you bring up a good  
23 point. And it's always good to remind everybody this  
24 is advisory. This is not an official NEPA hearing.  
25 We are here to talk about things of interest. We want

1 to hear your thoughts. When you come forth with your  
2 point, share your view about two things.

3 We had a little discussion about the NEPA --  
4 the energy report, that's what you can talk about.  
5 And you can also talk about the sites that we  
6 discussed a moment ago, Daggett and the other project  
7 that Randy brought up. So keep your comments focused  
8 on that. If you have some advice for us, let us know  
9 what that advice would be. And please keep it to  
10 three minutes. And that way we will all stay on  
11 schedule.

12 Let's go with Danny Sall, finally.

13 MR. SALL: Yeah, my name is Danny Sall. And  
14 I pretty much lived in the desert all my life and  
15 recreated in the desert through the off-road thing and  
16 hiking and in later years got into conservation issues  
17 and stuff.

18 And this energy thing just really concerns me  
19 that we are going to lose the desert as we know it in  
20 a very short period of time and wake up to watching a  
21 Michael Moore-type documentary down the road about the  
22 great BLM sellout of public lands when the technology  
23 has proved to be not as good or the business model of  
24 large scale utilities doesn't seem to be the necessary  
25 way to go down the road. And I just hope that some of

1 these special interest groups -- not special interest  
2 groups, but let's call them stakeholders -- would see  
3 the 500-pound gorilla in the room and not get too  
4 focused about our keeping this trail open or this  
5 little problem and really get the people in Washington  
6 to understand that the desert isn't a wasteland or a  
7 place to be mined and given away to big energy.  
8 That's all.

9 CHAIRMAN ACUNA: Thank you, appreciate that.  
10 And I would like to ask Claudia Sall to please come  
11 forward now.

12 MS. CLAUDIA SALL: Good afternoon. My name  
13 is Claudia Sall. I'm from Morongo Basin, but I do  
14 bring comments from Chuck Bell. He served on the DAC  
15 from 1988 to 1994 and worked on the 1980 CDCA plan as  
16 well as the West Mojave plan. Like many of us in the  
17 California desert, we are wondering if this is a dog-  
18 and-pony show. It seems as if we were already at the  
19 Draft EIS and things are already done, so are we  
20 making any difference? Are we going to see it all  
21 gone?

22 Chuck sees that BLM is undoing all the  
23 conservation they have been doing for the last 30 or  
24 40 years. And he is very concerned about that and  
25 wanted to bring those comments from Lucerne Valley.

1 They made a lot of comments and shared them forward.  
2 They feel that their protest rights for the last Final  
3 EIS have been pretty much ignored. So compliments to  
4 BLM Barstow, Roxie Trost, and just feeling that  
5 bureaucrats on the eastern seaboard are pushing our  
6 great director -- or Secretary Salazar is pushing some  
7 of this down BLM's staff throat.

8 My own point, I want to say that I wonder  
9 sometimes, BLM seems to be a little slow about taking  
10 upon studies and research that have been done. I  
11 point to my experience with Great Path North when I  
12 was trying to bring about the South Coast Wildlands  
13 Coast Corridor Studies that the transmission line was  
14 going to cross.

15 And my response from staff was, well, we  
16 generally just listen to studies that we produce. And  
17 there are several studies that are coming besides the  
18 South Coast Wildlands talking about wildlands  
19 corridors, of which the Desert Sunlight project is  
20 crossing that Randy brought up. Also, some of the  
21 mitigation disasters at Fort Irwin about relocation of  
22 Desert Tortoises, that we may drop that practise.  
23 It's proven to not be very effective. And some of the  
24 new studies coming out of the University of Nevada  
25 about cryptobiotic studies, that we see CO<sub>2</sub>

1 sequestering in some of the desert soil equal to  
2 temperate forest. Meaning, if we scrape off all  
3 these, in the case of the Palm Springs field office,  
4 122,000 acres that equal 190 miles of land, if we  
5 scrape that off, how much CO<sub>2</sub> have we lost? And are we  
6 coming out in the positive or negative on trying to  
7 help greenhouse gases. So those are things that I  
8 would like BLM to kind of keep track of.

9           Terminology -- this use of "farm," that  
10 really got me going. We were not growing crops, food.  
11 It's not that. It's a plant. We need to refer to  
12 them as a plant or a project, it's industrialization.

13           And I would like to start seeing "miles" in  
14 parenthesis as to acreages, because I don't think the  
15 American public understands acreages in terms of  
16 miles. We talk about 190 miles. That's three times  
17 the distance from Palm Springs to Los Angeles that one  
18 field office is processing. Now, you look at all the  
19 other field offices, and what does that equal? Are we  
20 coming ahead on all this game? I'm not sure about  
21 that.

22           Finally, I just want to leave a couple  
23 comments on the Kaiser. Kaiser got their mine on the  
24 ROW from the federal government. But supposedly the  
25 ownership now is kind of a mystery. It was public

1 lands and now it belongs to Kaiser. And the two  
2 transmission lines, there is a corridor that was  
3 different ownership, that Randy pointed out. Now,  
4 that corridor was created before the National Park,  
5 those lands became a National Park. So maybe that  
6 corridor should be revised. I know BLM is supposed to  
7 be doing updates on that plan, and they are overdue  
8 with that study.

9 Well, the project isn't in a DWMA, but the  
10 transmission line goes across that DWMA. So all the  
11 problems brought up with the transmission lines, the  
12 distance and such.

13 Finally -- I'm just about done here. We had  
14 a million --

15 CHAIRMAN ACUNA: I'm sorry. You are done.

16 MS. CLAUDIA SALL: I just want to say that we  
17 had million buffalo 100 years ago. We have a million  
18 acres in the Mojave Desert. Are we going to see the  
19 desert go the same way as the buffalo? Thank you.

20 MEMBER BANIS: The Desert Sunlight project  
21 would occur on a good deal of cryptobiotic soils that  
22 were identified in that area. I didn't include that  
23 in my report.

24 CHAIRMAN ACUNA: I want to give Joan Taylor  
25 an opportunity to step forward and please give us your

1 comments.

2 MS. TAYLOR: Mr. Chair, I had a question. I  
3 had hoped to comment on both the NEPA and the solar  
4 projects, so can you indulge me for a little more than  
5 three minutes? I represent the Desert Energy  
6 Committee of the Sierra Club. I will try and keep it  
7 as quick as I can.

8 CHAIRMAN ACUNA: How about four and a half  
9 minutes?

10 MS. TAYLOR: Yeah, whatever. So these  
11 comments about NEPA deficiencies aren't in any way  
12 intended to be a hit on BLM staff. I think they were  
13 overwhelmed by the fast track process. BLM staff are  
14 the finest public agency that I am aware of, barring  
15 none, but they are overwhelmed.

16 The NEPA review is formulaic, and it's a bad  
17 formula. It's woefully inadequate. There is  
18 inadequate information. Surveys are inadequate or in  
19 some cases entirely absent. Look at the Ivanpah for  
20 tortoise and see how they found as many tortoise in  
21 clearing for the fence line as they expected on the  
22 entire project. Sensitive plants, failing to do full  
23 surveys.

24 Much of the analysis is done out of the  
25 public eye. For instance, cultural resources are

1 largely analyzed in programmatic assessments, in which  
2 the public has no part. And it's understandable.  
3 Some of these things are confidential, but this goes  
4 way beyond what would be permitted under NEPA.

5           There are missing elements. EISs are planned  
6 plans. Revegetation plans are not done. And  
7 decommissioning plans aren't done, failing to get the  
8 required bond for decommissioning. There are many  
9 other missing elements. It's staggering, the amount  
10 of them. There simply isn't time to do them, but that  
11 does not comply with NEPA.

12           As far as the mitigation goes, most of the  
13 mitigation is inadequate, as well, and translocation  
14 of tortoise is looked upon as mitigation, when in  
15 fact, it has a terrible track record. The 1 to 1  
16 habitat compensation is inadequate for tortoise, and  
17 it means a net loss of habitat.

18           The alternatives analysis for the EIS, for  
19 one thing the project description in these EISs sounds  
20 like it's a very narrow one. It's about this  
21 particular project and because it's so narrow, the BLM  
22 says it cannot even look at distributed generation as  
23 a comparison. But there is a comparison. SPC is  
24 putting in PV on rooftops in Ontario right now for  
25 \$3.50 a watt. They testified before the PUC. The big

1 thousand megawatt, 10-square-mile project solar near  
2 Blythe is going to cost at least four. They were  
3 bragging on \$4 a watt capital cost. And then you add  
4 the transmission cost and water use. These things are  
5 not in the ratepayers' interest.

6 In many cases, BLM has been obligation to  
7 look outside the narrow purpose and needs they have  
8 been stating. It's a fatal flaw for these EISs. The  
9 cumulative impacts are very uninformative. They will  
10 add up acres lost, but they don't give you a base line  
11 of what this means to the Desert Tortoise. The  
12 cumulative impacts are supposed to inform one.

13 Where am I on time?

14 CHAIRMAN ACUNA: You're at three minutes.

15 MS. TAYLOR: This raises the FLPMA issue.  
16 The CDCA 1980 plan did not in any way contemplate the  
17 type of incidence of this magnitude. These piecemeal  
18 amendments for each project by project violate FLPMA.  
19 And I think as the DAC you ought to say to BLM, whoa,  
20 it's time to look at our guiding document, our plan.  
21 So it's not too late to question the validity of this  
22 continued approval of vast public land projects.

23 There were better alternatives. Kern County  
24 is approving a vast number of solar projects, and  
25 there are only a certain amount of solar that you can

1 sell between baseline power and the peak. And that's  
2 about 10,000 megawatts. Right now there are about  
3 15,000 megawatts of projects out there and more  
4 coming.

5           So the BLM can be selective. Your committee  
6 ought to the ask them to be selective. Just because a  
7 project requires huge amounts of land, it doesn't mean  
8 it's economic. It's not the public's duty to make  
9 these projects economic by in essence offering them  
10 cheap public land. So that I hope that you do  
11 encourage them. I think we are all for mitigating  
12 global warming. But some of these projects may be a  
13 black eye on renewable energy. And I think it's our  
14 responsibility as public, as DAC, BLM, to make sure  
15 that doesn't happen.

16           With the projects coming up -- I will draw  
17 your attention to four that are of extreme concern to  
18 Sierra Club. One is State Line, further impacts to  
19 the tortoise populations in Ivanpah. Another is Soda  
20 Mountain, out in the middle of nowhere, very intrusive  
21 on all the recreational and other values. McCoy in  
22 the McCoy Valley, the 10 square mile (unintelligible)  
23 project. And Tule Wind, which is in the McCain Valley  
24 Conservation Area which is valued for its resources  
25 and is used by OHV people as well.

1           So I think that pretty much covers it. Thank  
2 you for your indulgence.

3           MEMBER ACUNA: That was articulate and  
4 helpful, and I'm glad it's in the record. And I think  
5 we learned from your thoughts. Thank you.

6           Let's go to the next person here. Let's go  
7 with Kim Campbell.

8           MS. CAMPBELL. Hello again. Once again, I'm  
9 here representing the 50,000 rock hounds. And as I  
10 view these projects and I see the number of them and  
11 the number of acres, I would like to know, A, the  
12 number -- the percentage of BLM land in this district  
13 that would be taken away from public use for these  
14 projects, as already approved, and the percentage of  
15 acreage that would be taken away from public use for  
16 the proposed projects, cumulatively all the projects.  
17 I would really like to know that. I think the public  
18 would like to know that. I don't think the public has  
19 a clue. Thank you.

20           CHAIRMAN ACUNA: Seems like a fair request to  
21 know what is going out the door in return for the  
22 renewable projects. Thank you, Kim.

23           Frazier Haney, please.

24           MR. HANEY: Hello. I grew up in Joshua Tree,  
25 California, and camped out in the desert my whole

1 life. My dad used to take me out in a bunch of  
2 different spots in what is Joshua Tree National Park  
3 and Mojave National Preserve.

4 And the thing I feel most strongly about is  
5 that the decision has already been kind of made, and  
6 that the process that we are being asked to give input  
7 to is kind of off to the side of saying yes or no to  
8 any particular project.

9 What I would like most to see is that the  
10 process and our input comes first, because this is  
11 such a huge shift for the way that our society in  
12 Southern California is going to use its energy and  
13 have its lifestyle changed, and it's something that we  
14 should all be getting to put ideas into it and be part  
15 of the decision making instead of having some group  
16 that doesn't even live in Southern California really  
17 be making the decisions for us. It's our  
18 neighborhoods and it's our lifestyles. And it also is  
19 one of the best opportunities in the history of  
20 mankind to do something really significant with the  
21 way that we use the environment.

22 We have already used more and more and more  
23 all the way. We are kind of the pinnacle of  
24 civilization for resource use. And this is our chance  
25 to start using less and less and less before the world

1 makes its decision for us. So thanks to all of you  
2 for listening, and I want to encourage you to lean on  
3 everybody that you can to put the process and put our  
4 input first. Thank you.

5 MEMBER ACUNA: Well, thank you. And I just  
6 wanted to tell the DAC, it's been brought to my  
7 attention that you were our host yesterday. And thank  
8 you for that. They really enjoyed the hospitality  
9 that you showed. And thank you for doing that.

10 MR. HANEY: It was our pleasure to have them  
11 out at Whitewater.

12 MEMBER GROSSGLASS: I wanted to address  
13 Frazier's and Joan's comments. Those were very  
14 complete. You made excellent points.

15 I think that the people sitting at this table  
16 and the BLM at this table are not the ones that you  
17 can make that point to. There is obviously a  
18 political climate where that stuff is going to happen.  
19 I don't like it. You don't like it. Maybe that's  
20 something we could all work on together outside of  
21 this room. But you made some excellent points and I  
22 appreciate your comments.

23 CHAIRMAN ACUNA: Okay. Very good. One more  
24 speaker here, and that's going to be John Stewart.

25 MR. STEWART: Good afternoon, Commission,

1 John Stewart, California Association of Four-Wheel  
2 Drive Clubs.

3 I thought it interesting, looking at the  
4 presentation that Randy put up about the mitigation  
5 impacts or the impacts that could be mitigated with a  
6 list of activities. Recreation had a zero behind it,  
7 wildlife had a 3, and with my knowledge of that area,  
8 I'm kind of in a quandary to wonder what happened to  
9 hunting? Is hunting part of the recreation or is that  
10 one of the wildlife issues?

11 Hunting for quail and game birds is very big  
12 in that area. It's too late to really address that in  
13 this particular EIS, but I would urge that the Palen  
14 one essentially across the road a few miles away, that  
15 again is another major hunting, game bird hunting  
16 area, yet somehow hunting seems to be omitted from a  
17 lot of discussion of what goes on in various areas of  
18 the desert. Yet this is a viable recreational  
19 opportunity. And it's rapidly being regulated or land  
20 use regulated out of existence.

21 And the pictures of the Golden Eagle nesting,  
22 that now kind of begs the question, there is a -- I  
23 don't have the entire correct name of the act, but  
24 there is a migratory birds of prey legislation. And  
25 actually, a treaty that looks at where the migration

1 routes for the birds of prey are from Mexico to  
2 Canada.

3 I would hope that BLM has GIS data layers  
4 that can map out these particular routes and start  
5 looking at that information with respect to these  
6 various wind towers going in, in order to easily  
7 eliminate or put some balance on the impacts on the  
8 sensitive birds of prey species that are out there  
9 that the agency is required to take extra steps to  
10 protect.

11 I found it interesting that Lloyd made the  
12 comment that the wind towers are going to go on a  
13 ridgetop, yet they are going to have to shave 30 feet  
14 of the ridgetop down in order to provide a base. That  
15 brings up another questions that I have not seen  
16 addressed in any of these studies is where are these  
17 studies in relation to active seismic zones? A lot of  
18 the ridges within the desert area are a result of  
19 either erosion due to storm events, or they are  
20 created due to seismic events.

21 It kind of -- it just doesn't seem logical to  
22 begin placing wind towers and some of these other  
23 things in a geologic seismic zone. This is the data  
24 that's not being presented and addressed and is  
25 something that has a significant impact to the risk to

1 the overall health or viability of the project.

2           Lastly, we keep hearing about impact on the  
3 military. Just kind of a tongue-in-cheek remark: It  
4 might be easier to relocate Twentynine Palms and get  
5 rid of that impact.

6           MEMBER ACUNA: Thank you, John, a bold idea.

7           MEMBER SCHREINER: One of the things with  
8 these energy projects that I haven't seen addressed is  
9 that we talk about megawatts, but we don't talk about  
10 whether it's gross or net megawatts or what time of  
11 the day or year they were mostly active. The peak  
12 time, I'm sure Tom knows, even during the year, June  
13 to September, it really has to be happening. So when  
14 you actually calculate water usage or other impacts,  
15 it shouldn't be from gross megawatts, which is kind of  
16 a false number, a big number. Particularly with the  
17 solar and wind, often the net megawatts are somewhere  
18 around 30 to 40 percent less than gross, not what the  
19 gross megawatts are. That's what the water usage  
20 ought to be calculated against, not what the gross  
21 megawatts are.

22           You look at some of the other energies,  
23 nuclear, which people don't necessarily like; look at  
24 geothermal 24/7, 365. Even though their water usage  
25 may look high in some instances, if you calculate the

1 actual net, which is nearly what the gross is, versus  
2 the other, it actually ends up being lower on a per-  
3 megawatt basis.

4 CHAIRMAN ACUNA: Very good.

5 MEMBER GUNN: I had a question of Alex. So  
6 would that be more accurate to say megawatt hours?

7 MEMBER SCHREINER: You have to say what's  
8 gross or net. Like any widget, it has a particular  
9 way in which it's manufactured to operate, say 200  
10 megawatts. It may have a parasitic load attached to  
11 it so it takes a certain amount of power to actually  
12 run it. And then with like wind or solar, it's not  
13 sunny in the middle of the night. So you say, how  
14 often is the sun up? What can it do? So you end up  
15 having really what ends up being net megawatts out of  
16 that number. And it should be calculated and stated  
17 that it's net megawatts is what's really going down  
18 the wire. And when is it operating? The time of day,  
19 between 9:00 and 4:00? Or time of the year, daytimes,  
20 June to September?

21 MEMBER GUNN: So Alex, you are saying when a  
22 renewable energy project is proposed, that company  
23 should state more accurately?

24 MEMBER SCHRIENER: I think it's the BLM, when  
25 they do the assessment, should be assessing it on that

1 basis or at least have some clause where the various  
2 cumulatives -- I'll use water, for example, that is  
3 calculated on what the net megawatt number is, which  
4 levels the playing field against some of the other  
5 alternatives that are out there, instead of always  
6 looking at the gross, which can be a huge number for  
7 wind. But when you look at the net, it's 75 percent.

8 CHAIRMAN ACUNA: We are at a point where we  
9 can take a break. Everybody in the room has really  
10 worked hard today with good comments. We have gotten  
11 through a lot of comments from a lot of people, a lot  
12 of discussion. I think we deserve a 10-minute break.

13 (Brief recess was taken from 3:08 p.m. to 3:22 p.m.)

14 CHAIRMAN ACUNA: Now we are about to hear a  
15 wonderful presentation from Vicki Campbell from BLM.

16 MS. CAMPBELL: I'm a biologist with the BLM  
17 state office and a little bit of my background. I'm  
18 actually from U.S. Fish and Wildlife, on loan to BLM  
19 for this energy plan because I'm an Endangered Species  
20 Act specialist.

21 MEMBER GROSSGLASS: I didn't know that.

22 MS. CAMPBELL: I have been doing this for a  
23 very long time. So I'm going to go over the Desert  
24 Renewable Energy Conservation Plan. I will fall into  
25 the acronym of DRECP. I'm going to give a broad

1 overview of this and its statutory background and the  
2 time lines. And after that I'm more than happy to  
3 answer more specific questions. But I wanted to stay  
4 pretty high level.

5           Here you see the purpose of the DRECP. This  
6 was spelled out in the executive orders and MOUs  
7 signed by the federal and state governments together,  
8 so it's to advance the state and federal natural  
9 resource goals in the Southern California desert and  
10 for timely and facilitating of permitting for  
11 renewable energy projects. We make sure we always add  
12 that, "under applicable state and federal laws," so  
13 that's a key little marker.

14           So just a quick overview: This effort is by  
15 the state and federal government. It's a cooperative  
16 effort. There has been an MOU signed by the governor  
17 and the Secretary of the Interior. And the primary  
18 agencies heading up this are the BLM, CEC, U.S. Fish  
19 and Wildlife Service, and California Fish and Game.  
20 And the four agencies, we are called the Renewable  
21 Energy Action Team, also known as the REAT. And we  
22 are the interagency organization set up to help  
23 facilitate the DRECP. And also, we help move along  
24 project specific renewable energy also, so we cover  
25 both the project specific and the DRECP effort.

1           I did want you all to know that this  
2 cooperation between the state and federal government  
3 for both the project specifics and the DRECP is  
4 unprecedented. I have been doing the Endangered  
5 Species Act for 18 years and have been involved in  
6 very, very large-scale efforts. And this is the first  
7 time that we have been joined as the state and federal  
8 government this close at the hip with each other  
9 multiple times a week. So it's a very good thing this  
10 came out of this whole process.

11           There are other federal and state agencies  
12 involved with us at a larger scale, including the  
13 National Park Service, Department of Defense,  
14 Environmental Protection Agency, Army Corps of  
15 Engineers, California Public Utilities Commission,  
16 California Independent System Operators, and the list  
17 goes on. But those are the primary agencies you see  
18 right there.

19           This is a large regional landscape planning  
20 effort, and I will show you a map in a moment. It  
21 does cover the Mojave and Colorado deserts of Southern  
22 California. It does include both public and private  
23 lands, so this is a little bit different than most of  
24 the conservation plans you see across the state of  
25 California. There is an extremely large public land

1 element. Out of an approximately 23 million acre  
2 planning area, about 10 million of it is BLM. And  
3 that's very unusual. Usually it's extremely large  
4 amounts of private lands with very small amounts of  
5 public lands, if any at all. So this is very unique  
6 in that respect. It does cover a portion of seven  
7 counties, and you see them there: Imperial, Inyo,  
8 Kern, L.A., Riverside, San Bernardino and San Diego.

9           There is a map of the current DRECP planning  
10 area. You can find this map on the DRECP Web site,  
11 which is [www.DRECP.org](http://www.DRECP.org). The map has moved a little  
12 bit down in the San Diego County area, kind of popping  
13 in and out of the San Diego County. This is the  
14 current version. I want everyone to know that this is  
15 the proposed boundary. It's not final because we have  
16 not gone through all the analysis to actually firm the  
17 boundary up.

18           So into the legal elements. So there is a  
19 statutory framework for what we are doing involving  
20 both state and federal law. The primary state law  
21 that sets forth this effort in California is the  
22 California Natural Communities Planning Act, also  
23 known as NCCP. There you see the list of the primary  
24 elements of what an NCCP does. It does provide for an  
25 incidental take permit for state listed and sensitive

1 species. It is important to note for both the state  
2 and federal law, for incidental take, the definition  
3 for incidental take is "otherwise lawful activities."  
4 So if the take of, say, a species was prohibited by  
5 county law, then the state could not authorize that  
6 take. So it has to be incidental to otherwise lawful  
7 activity.

8 It does require contribution to species  
9 recovery and to prevent the future decline of species,  
10 hoping to keep them off both the federal and state  
11 Endangered Species list. It's natural community  
12 based. It does require independent science input, and  
13 you will see when I go through the time line where  
14 that has occurred. And then for the folks that have  
15 the handout, and I can tell you on the Web site, you  
16 can see how it will occur throughout the entire  
17 process.

18 It's intended to provide for economic land  
19 use and private property rights. And California  
20 Department of Fish and Game is the permitting agency  
21 for the NCCPs. You can also find the regulatory  
22 framework for NCCPs in Fish and Game Code 2835.

23 Next slide. So here we go into the federal  
24 element. The federal primary law that governs what we  
25 are doing is the Endangered Species Act,

1 Section 10(a)1(b), and for all you kind of regulatory  
2 nerds like I am, the "A" should be lower case. Spell  
3 check overrode me.

4           This is the Habitat Conservation Planning  
5 program, also known as HCP. Southern California  
6 itself has probably more HCPs in it than anywhere else  
7 in the entire nation. The HCP program does provide  
8 for incidental take of federally listed species and  
9 other sensitive species. The impact of the taking of  
10 species must be minimized and mitigated. It's not  
11 true, although a very common misperception, that HCPs  
12 are only mitigation plans. Minimization and  
13 mitigation must be in the context of conserving  
14 ecosystems upon which the species depend. So it's not  
15 a straight mitigation plan. You have to look at the  
16 context for which the term "mitigation" is used.

17           Like the state law, it's an integration of  
18 economic activities and species conservation. Here we  
19 have a difference with state law is that the permits  
20 under Section 10 of the Endangered Species Act only  
21 apply to nonfederal land and nonfederal activities.  
22 U.S. Fish and Wildlife Service is the permitting  
23 agency for Section 10.

24           From the purpose of the DRECP, which I  
25 showed you in the second slide, it breaks down into

1 goals. And these goals are set forth in the planning  
2 agreement that the four agencies, BLM, CEC, California  
3 Department of Fish and Game and U.S. Fish and Wildlife  
4 Service signed, and they are spelled out here. You  
5 clearly see that the wildlife element is up front,  
6 because that's what these are, again, conservation  
7 plans. So it's long-term conservation of federally  
8 and state listed species and sensitive species to  
9 preserve and restore our natural communities and  
10 ecosystems that support the species.

11 And here is also a very key element of the  
12 plan, to identify the most appropriate locations for  
13 development of utility-scale renewable energy  
14 projects, while achieving species conservation goals.  
15 You might want to star that one.

16 It provides the statutory basis for  
17 issuance of state and federal permits for take of  
18 species. So I showed you the NCCP and the Endangered  
19 Species Act statutory framework. It's also important  
20 to note that you have to have applicants to both  
21 processes, both the state and federal. And right now  
22 the only applicant in the DRECP process is the  
23 California Energy Commission itself. We are talking a  
24 lot with the counties, individual companies. JPA's  
25 can also be applicants to the process, and that's

1 going to be worked out as we move through the process,  
2 but currently it's only the CEC.

3           It is to also coordinate and standardize  
4 minimization, mitigation, and compensatory  
5 requirements for natural resources. This doesn't mean  
6 that it's standardized across the entire desert and  
7 the planning area. So if you are looking at  
8 mitigation ratios of 3 to 1, that doesn't mean if you  
9 are trying to mitigate for Desert Tortoise impact,  
10 that it will be 3 to 1 wherever you are. So we are  
11 standardizing based on certain criteria, because not  
12 all lands are equal in value to sensitive and listed  
13 resources. So we standardize based on certain  
14 criteria. But please don't come away with the  
15 perception it's always 1 to 1 or 3 to 1. It's more  
16 complex than that.

17           It does provide a framework for efficient  
18 processing. Once the plan is done and the decisions  
19 have been made to permit, and say hypothetically that  
20 California Fish and Game do issue permits -- again,  
21 hypothetical -- is what that will do is set the  
22 boundaries and criteria for which renewable energy  
23 projects can take place. And that streamlines their  
24 permits, and they may not have their CEC permits or  
25 their BLM right-of-way, which they won't, but they

1 might have their full compliance with state and  
2 federal protected species laws. There is lots of  
3 complexities that go into that, and we are working on  
4 issue papers on how that framework will work right  
5 now.

6           And we also added in, incorporate climate  
7 change adaptation, research and management into DRECP.  
8 We will see elements of habitat shifts, vegetative  
9 shifts in this time period. So clearly habitat plan  
10 that can adapt to climate change will be very  
11 important.

12           I will show you where we have been and  
13 where we are going. So this is the where we've been,  
14 as you can see. We started this process in the summer  
15 of 2009. But we formed the stakeholder group in March  
16 of 2010, and there are several people that sit on the  
17 DAC that actually are on the stakeholder group. A few  
18 are alternatives, and there are a few in the audience  
19 in the stakeholder group.

20           In March we also let out -- the agencies  
21 put forward starting point maps for discussion. The  
22 planning agreement was signed by four REAT agencies in  
23 May. That's a requirement of the DRECP and also on  
24 line at the DRECP Web site that you can see.

25           Through the DRECP program with the

1 stakeholder group, we also set up working groups. And  
2 in June, two of those groups were formed, both the  
3 covered activities and covered species group. And  
4 just an important note while we are on this slide, the  
5 term "stakeholder" there, I mean, it's really an  
6 extremely broad term. We are really talking about  
7 official stakeholders. The stakeholder group is very  
8 similar to you as a DAC in that we sit around a table  
9 together, and then we have an audience. Our audience  
10 is also our stakeholders. The general public-at-large  
11 are also stakeholders, but they are not official  
12 stakeholders that sit at the table.

13           Here is where the independent science  
14 requirement in the NCCPs comes into play. An  
15 independent science advisors' group was formed by the  
16 state and put out a draft report in August of 2010.  
17 Having been through this quite a number of times, it  
18 probably was one of the best -- I think it actually  
19 was the best independent science report that I have  
20 seen in over a decade of working with NCCPs. It was  
21 quite impressive in its detail and how it broke out  
22 issues and suggestions that it gave to us at large.

23           They also came out -- you will see later,  
24 they did come out with their final in October of 2010  
25 and that's also on the DRECP Web site.

1           We had two more groups form, one this  
2 summer, which was the cultural work group, and the  
3 mapping work group. And all four of the working  
4 groups, covered activities, covered species, cultural  
5 and mapping are all quite active right now.

6           And then also in September-October, we sent  
7 out a revised schedule. And if you could hold it up,  
8 it's the very last page of your handout. And you can  
9 also find this on the DRECP Web site which lays out --  
10 it's a large flow chart of the timing of the project.  
11 Just a cautionary note, if you do go to print it out,  
12 it will print 8 and a half by 11 and you cannot see  
13 it. Get it to print up on "Tablet" for those of us  
14 over the age of 40.

15           And this is where we are right now and  
16 starting of where we are going. Here you start to  
17 see, we are coming into a real crunch time of some  
18 very key work products that are being produced or  
19 being reviewed, and also some key dates of very  
20 significant milestones in the process. So there are a  
21 lot of work products that are being produced right  
22 now. Some of the working groups have seen them. The  
23 stakeholders at large have seen some of them.

24           One of the big ones that's coming out is  
25 the interim project review process, a requirement of

1 the NCCP Act. It requires California Department of  
2 Fish and Game to assess every project that comes  
3 through in the planning area to see if it is in  
4 keeping with the goals of the DRECP, which I laid out  
5 in previous slides. It's not a regulatory type of  
6 finding that Fish and Game does. It's more a red flag  
7 siting look. So as the project comes forward,  
8 renewable energy project, Fish and Game and the other  
9 REAT agencies are going to look at it and see, do we  
10 think it's compatible with the DRECP or will it  
11 compromise a potential conservation strategy. And if  
12 we do think it will be compromised, we will be meeting  
13 with the developer and throwing a red flag and saying  
14 we have concerns and this is what they are. And Fish  
15 and Game will actually come forward with  
16 recommendations on how the developer should possibly  
17 modify that project so it's consistent.

18 It's important to note, and the work  
19 product will note this too, the developer still has  
20 the full legal right to proceed with the project as  
21 designed, even if California Department of Fish and  
22 Game in cooperation with the REAT agencies say that we  
23 think it might be a problem with the DRECP.

24 In March of 2011 we hit a very large  
25 milestone. This is the framework conservation

1 strategy. This is where we start to put together a  
2 lot of the biological resources to see how a reserve  
3 design or a conservation design actually might lay  
4 itself out. So it's the first look.

5           And then preliminary conservation strategy,  
6 which comes out in June, at that point we start to add  
7 in how the renewable energy areas might fit in with  
8 conservation. Again, another important note. And we  
9 see this happen a lot in other forms of regional  
10 planning, but the NCCP Act and Endangered Species Act  
11 in this context were not supposed to be fitting  
12 conservation species in amongst projects. These are  
13 like, well, if they run really fast, if the turtle  
14 goes through the area really fast it won't be harmed,  
15 or if the bighorn sheep leaps over this everything  
16 will be fine. It's not that kind of approach. It's  
17 actually looking at what do we need for conservation  
18 for these species and then also integrating renewable  
19 energy with that.

20           Also, it's not a balancing. It's not  
21 balancing conservation with renewable resources. Most  
22 of the natural resources we are talking about are  
23 either federally- or state-listed species or very  
24 sensitive species. So balance is gone. Balance left  
25 the moment those species were listed. We are now at

1 the integration. How do we integrate the two so that  
2 there can be renewable energy development and  
3 conservation. So it's not a balancing. That's a  
4 misunderstanding of the statute.

5 The last bit of where we are going is the  
6 actual plan itself, which will be a combined HCP/NCCP  
7 in its full implementation. So this is the  
8 conservation, the renewable energy element,  
9 implementation, monitoring, all of that is laid out  
10 for the first time in December of 2011 within the CEQA  
11 and NEPA, EIS, EIR draft slated for June of 2012,  
12 final for November of 2012. We say signed permits  
13 there, but really what we were saying is permit  
14 decisions. The signed permits, it's not to imply  
15 anything predecisional. But if there is a decision to  
16 sign permits, that will be made in January of 2013.  
17 Just next slide, please.

18 There is always that question, especially  
19 in this plan, which has a very narrow focus. It has  
20 renewable energy and conservation species. Most of  
21 the NCCP/HCPs that we do tend to be broader in scope  
22 and urban based, so if you see urban development, you  
23 see transportation infrastructure, you see water  
24 conveyance, you see a very broad scope. A lot of  
25 those interests are actually developed right into the

1 plan itself.

2           Here it's different because it's  
3 conservation and renewable energy. So what do we do  
4 with those other interests, such as cultural,  
5 recreation, including OHV, hunting, grazing, et  
6 cetera? Because it's a biological-based plan, those  
7 elements aren't analyzed in the HCP and NCCP itself.  
8 Those are analyzed in the NEPA/CEQA document. They  
9 are, though, factored in when we are designing the  
10 conservation strategy for the species and the  
11 renewable element of that. So clearly, all these  
12 interests get factored in to how the plan comes  
13 together, but analyzed in the NEPA/CEQA documents.

14           Then for BLM all those -- all the interests  
15 are factored in and then analyzed in the CDCA  
16 amendment process. Speaking of that, next slide.

17           BLM plans on embarking -- actually we have  
18 embarked -- on doing a CDCA amendment in conjunction  
19 with the DRECP. And the plan right now is the DRECP  
20 conservation strategy will form the basis for one of  
21 the alternatives analyzed under the CDCA amendment  
22 process. We did scope in late fall of 2009, and then  
23 as you heard, as Meg put it, after scoping next comes  
24 the Draft EIS. And we haven't gotten to that part  
25 with a schedule because the DRECP is still fluxing a

1 little bit, so we want to see how it plays out. And  
2 then we are going to integrate a CDCA process with  
3 that and it will have its own public involvement  
4 process separate from the DRECP process. So for a  
5 while they will be running together, which is good, so  
6 we can see how stuff marries together or doesn't, as  
7 the case may be.

8 Here are the key Web sites where you can  
9 get more information. The top one, largest one is the  
10 site where you can find the information, the maps,  
11 that flow chart, the independent science report, all  
12 the information that's given to the stakeholder group,  
13 you can find all of that in the DRECP.org Web site.  
14 And if you want to know more about Cal Fish and Game  
15 NCCP program, I have the Web site there. Or the U.S.  
16 Fish and Wildlife Service HCP program, the Web site is  
17 there.

18 CHAIRMAN ACUNA: Does that conclude your  
19 presentation? So let's get ready to ask some  
20 questions here, and I know we have a lot.

21 MEMBER GROSSGLASS: I must have missed  
22 something. I don't remember seeing an NOI or a  
23 scoping period for a CDCA amendment. I remember an  
24 NOI period for a DRECP.

25 MS. CAMPBELL: There really hasn't been one

1 for the DRECP itself because Fish and Wildlife Service  
2 will likely be the NEPA lead for DRECP itself. But  
3 BLM did scope for a CDCA amendment in conjunction with  
4 the DRECP. So it had both terms in there.

5 CHAIRMAN ACUNA: I have two questions.  
6 Vicki, that was a really good presentation, and I  
7 think I got part of it.

8 MS. CAMPBELL: I can talk faster, if you  
9 like.

10 CHAIRMAN ACUNA: No. You did great. That's  
11 a lot of information, well laid out. But you  
12 mentioned that the 10(a), it's for take of endangered  
13 species, but you mentioned it doesn't apply to federal  
14 land.

15 MS. CAMPBELL: Correct.

16 CHAIRMAN ACUNA: If the plan that we are  
17 looking at here is 24 million acres and 10 million of  
18 it is on federal land, what good does it do on federal  
19 land, i.e., BLM land?

20 MS. CAMPBELL: Great question. This is where  
21 you get to the CDCA amendment. The conservation  
22 strategy -- and here we are going to get into some of  
23 the nitty-gritties of HCP and NCCPs -- going to design  
24 a conservation strategy is to go in blind as to what  
25 element of the Endangered Species Act is being

1 complied with. For anything with a federal nexus, so  
2 that would be the funds authorized or carried out, it  
3 falls under Section 7 of the Endangered Species Act.  
4 If it doesn't, it falls under Section 10.

5           So when designing the conservation strategy,  
6 I always tell folks, design it blind. We actually are  
7 looking at the species needs and integrating with  
8 whatever industry or whatever it is with that. So --  
9 because it doesn't make any difference of the species,  
10 they don't care whether it's 7 or 10. So the  
11 conservation strategy for an area this large will be  
12 blind. But that's going to form the basis for one  
13 CDCA alternative in the amendment process. And when  
14 we do the amendment for the CDCA plan, then there will  
15 be a Section 7 consultation on the CDCA amendment.  
16 And that's how take will be authorized on federal  
17 land.

18           MEMBER ACUNA: So it's a two-part process.  
19 You complete your DRECP plan. Then what signifies it  
20 or gives it standing is the actual individual plan  
21 amendment that reviews the DRECP?

22           MS. CAMPBELL: We are not going to finish the  
23 DRECP first and then start the CDCA amendment. We are  
24 going to wait until the conservation strategy for the  
25 DRECP itself, which has not gone all the way through

1 NEPA/CEQA. Then we will take that -- because that's  
2 all that BLM really cares about -- we are going to  
3 take that and use that as a basis for one of the  
4 alternatives for the CDCA amendment. So actually the  
5 DRECP and its NEPA/CEQA for a while will be running  
6 parallel with the CDCA/NEPA process.

7 MEMBER ACUNA: I don't know if everybody got  
8 that. Let me see if I can boil it down.

9 MEMBER GROSSGLASS: That's dangerous.

10 CHAIRMAN ACUNA: I know. Just a few words.  
11 This DRECP sounds like a great tool to expedite having  
12 take for endangered species. I understand that. But  
13 it doesn't exactly fit an automatic -- you get the  
14 best species -- at the BLM land use plan level. So  
15 there are two processes going forward at the same  
16 time. The BLM plan amendment process is going to  
17 utilize the NCCP as an alternative, examine it. So  
18 what it's saying is when this gets done, the NCCP,  
19 it's going to be acceptable as part of our plan  
20 amendment to rely on that for take species?

21 MS. CAMPBELL: Not exactly. (Laughter.) It  
22 has to do with the way that the Endangered Species Act  
23 is laid out. On federal lands we always have to  
24 comply with Section 7. On federal lands that is our  
25 path for compliance with the Endangered Species Act.

1 On nonfederal land, their path to compliance is  
2 Section 10. The conservation strategy can be used on  
3 public or private, but its actual permitting and  
4 NEPA/CEQA analysis is also separate.

5 CHAIRMAN ACUNA: Does that mean there will be  
6 a separate conservation review of the conservation  
7 plan or the strategy?

8 MS. CAMPBELL: Yes. Actually, now you are  
9 really getting into it. But you will see it. Fish  
10 and Wildlife Service does have an obligation under the  
11 Endangered Species Act to consult with itself before  
12 it issues a permit. So there will be two Section 7s  
13 that come through. One will be Fish and Wildlife  
14 Service consulting with itself on whether or not to  
15 issue the DRECP Section 10 permit. And then one with  
16 BLM consulting with Fish and Wildlife Service on the  
17 CDCA amendment.

18 Just one thing, too, is when we do develop  
19 the time line for the CDCA/NEPA process, we are going  
20 to put that actually on the big flow chart so folks  
21 can see how that lines up, so that will be another  
22 line on that flow chart.

23 MEMBER GROSSGLASS: I just have an  
24 observation. So DRECP comes out with their  
25 conservation strategy; that's the basis for an

1 alternative for a CDCA amendment. It seems like that  
2 is -- that is -- will probably be the preferred  
3 alternative for the CDCA amendment. And isn't that  
4 predecisional? And even if that doesn't happen, what  
5 happens if the CDCA amendment doesn't match up with  
6 the end product of DRECP? It just seems like we  
7 are --

8 MS. CAMPBELL: Yeah, there can be -- there  
9 can be a disconnect.

10 MEMBER GROSSGLASS: If it parallels exactly,  
11 then you technically can be accused of being  
12 predecisional. But if it doesn't, if we have one plan  
13 that says this and one plan that says that, what is  
14 the point? I don't get it.

15 MS. CAMPBELL: Well, we are all doing it all  
16 together. It's not predecisional in that the DRECP  
17 conservation strategy is going to form the basis for  
18 an alternative. But when we start through the NEPA  
19 process, the DRECP is going to be going through its  
20 NEPA/CEQA process, so there have been no decisions  
21 either way.

22 MEMBER GROSSGLASS: Technically.

23 MS. CAMPBELL: Legally there has been no  
24 decision either way. But as far as at the end of the  
25 game, the DRECP and the Section 10 NCCP process comes

1 to a decision and BLM comes to a different decision  
2 for conservation through the CDCA amendment process,  
3 is that possible? Yes. So there can be a disconnect.

4 We were trying to tremendously minimize that  
5 in that BLM is a main player in the DRECP, which is  
6 one reason why they detailed me in because I know all  
7 the ins and outs of how the process works. So we are  
8 so joined at the hip through everything, it's going to  
9 be all of our goal that there won't be a disconnect,  
10 but legally, could there be? Yes.

11 MEMBER GROSSGLASS: If there isn't a  
12 disconnect, it does look predecisional.

13 MS. CAMPBELL: And if there is ultimately a  
14 disconnect, then somehow we are going to have to try  
15 to look at the plans again and sync them up for  
16 conservation. Otherwise, we have missed the boat on  
17 the conservation.

18 MEMBER GROSSGLASS: Right. You see where I  
19 am coming from?

20 MS. CAMPBELL: I do.

21 MEMBER SCHRIENER: It sounds like that there  
22 is just another layering permitting agenda that's  
23 going on. We already had this NEPA/CEQA process.  
24 This other thing has been layered on top of it looking  
25 at one particular aspect. And so these two are on

1 parallel paths, perhaps diverging.

2           The bottom line is if you are the developer  
3 going down there, how the devil do you know what you  
4 are going to do when you have the NEPA/CEQA process  
5 doing something different than you are used to seeing?  
6 And at some point you hope they are all going to come  
7 up with the same answer, but it's not clear that they  
8 will.

9           MS. CAMPBELL: They are two different  
10 processes.

11           MEMBER SCHRIENER: This plan, it sounds like  
12 there is a particular path it can do. The NEPA/CEQA  
13 and this may not exactly come together at some point.

14           MS. CAMPBELL: No, I'm sorry if that's the  
15 perception I gave. The DRECP has its own NEPA/CEQA  
16 compliance. Where there might be a disconnect from  
17 Meg's question is the CDCA amendment and the DRECP at  
18 the end of the road might disconnect. We are hoping  
19 that doesn't happen. Both processes have to comply  
20 with NEPA.

21           MEMBER HOLLIDAY: What you are trying to say,  
22 is you have a project and you are trying to run a  
23 project, you have all these different plans and things  
24 going on. You are trying to go through a NEPA/CEQA  
25 process for your project I think is what you are

1 saying. You are off here in never-never land.

2 MS. CAMPBELL: I hope not, but there are  
3 times when I wish I was.

4 MEMBER HOLLIDAY: How does your plan  
5 streamline any of these projects?

6 MS. CAMPBELL: It's our plan. It's not my  
7 plan. It's the federal and state government's plan.  
8 I can explain some of that.

9 The NEPA/CEQA process is what an individual  
10 project has to go through. It doesn't change, it's  
11 all the same. What we are doing is trying to take a  
12 bigger, more comprehensive look at the desert to  
13 see -- and I think anybody that's experienced a  
14 project, you have all heard project by project without  
15 a larger look is inefficient for the project and also  
16 conservation of natural resources.

17 And so what the DRECP is doing is trying to  
18 take that broader look at conservation and renewable  
19 energy projects. And how it streamlines at the end  
20 is that your project on private land -- say the DRECP  
21 gets permitted and your project on private land, you  
22 already have your Endangered Species Act and  
23 California Endangered Species Act permit and you might  
24 have other permits you have to get.

25 MEMBER HOLLIDAY: So let's -- I'm trying to

1 get this project in here and I have to go through all  
2 these different rules. Now, let's say, well, your  
3 plan isn't going to be done until 2013, so it's not  
4 going to affect half the projects out there right now  
5 anyway. But let's say your project here says gee, I  
6 can do this. Is BLM going to say, oh, okay, we are  
7 going to do that and not have any public input because  
8 your plan went through? So it's on top, just another  
9 layer on top of the public process to make it more  
10 complex.

11 MS. CAMPBELL: It's not to make it more  
12 complex.

13 MEMBER HOLLIDAY: It is.

14 MS. CAMPBELL: No, that's not its intent.  
15 And I don't think it was Congress's either. Is it  
16 complex? It can be complex, yes. As the land  
17 management agency and also being halfway in the  
18 regulatory agency, Fish and Wildlife Service, the  
19 intent is to make sure that the projects comply with  
20 the laws that were set before us.

21 MEMBER HOLLIDAY: Isn't that what NEPA and  
22 CEQA does?

23 MS. CAMPBELL: That's part of the laws. But  
24 NEPA and CEQA aren't the only laws that have to be  
25 complied with. If these projects affect federally

1 listed species, the Endangered Species Act has to be  
2 complied with. Someone mentioned the birds, the  
3 Migratory Bird Treaty Act and the Bald and Golden  
4 Eagle Protection Act, those have to be --

5 MEMBER HOLLIDAY: Isn't that what the BLM is  
6 supposed to do?

7 MS. CAMPBELL: On public lands. And on  
8 private lands it's other people, other entities.

9 CHAIRMAN ACUNA: Just so we can kind of move  
10 ahead, I understand where you are going, Richard,  
11 because it does seem complex and a lot of projects are  
12 not going to be affected by this plan which comes to  
13 an end. But in a perfect world, if you can get  
14 through all the technical words we just went through,  
15 if I were a developer and this plan would be in place,  
16 I would still have to consult with BLM and go through  
17 the process. But the part about endangered species,  
18 the rules would already be vetted out, and my  
19 mitigation requirements would be previously identified  
20 if I followed your rules.

21 MS. CAMPBELL: Right.

22 MEMBER HOLLIDAY: One project is over here on  
23 one side of the desert and it might affect a bird and  
24 tortoise. Over here it might affect some fish or  
25 something. So is this plan going to look at each one

1 of those little areas among the whole desert?

2 MEMBER ACUNA: Yeah, and it's going to  
3 develop a master plan conserving as many species in  
4 the best way possible, looking at topography and the  
5 winds and the habitat. That's what it is.

6 MS. CAMPBELL: Correct. And it's a regional  
7 plan. If you think of it as -- I mean, the CDCA was a  
8 large master plan also. And this is kind of that on  
9 steroids for sensitive species because it's so much  
10 larger. But it's the same concept, looking at a large  
11 scale so that we really are making the right decisions  
12 for conservation and for siting for renewables. And  
13 then as we go through CDCA also on public lands, we  
14 have all the other interests that factor in which will  
15 have great effect on what ends up on BLM lands, which  
16 may look a little bit different because private  
17 doesn't have the same concerns.

18 MEMBER SHUMWAY: (Unintelligible.) I have a  
19 question that I had I think at the last meeting in  
20 Needles and Al tried to answer. And that was how does  
21 the development of this plan, how does the development  
22 of the West Mojave Management Plan, for example, which  
23 included conservation and conservation of natural  
24 resources, including minerals and things like that, as  
25 well as other uses like recreation, cultural, other

1 stuff -- but I really only care about the minerals  
2 part.

3           So how does your plan, which is especially  
4 geared towards renewables, fit in with the development  
5 of the West Mojave Management Plan, which did include  
6 to a certain extent identification of potential  
7 mineral resources and some kind of provision for the  
8 development, eventual development of some of those  
9 should market change essentially dictate them?

10           MS. CAMPBELL: Your question brings up the  
11 difference between public and private lands. The  
12 DRECP is, once again, conservation of natural  
13 resources and renewable. So that would be its extent  
14 on private land. When BLM takes the DRECP and crafts  
15 a portion of an alternative for the CDCA amendment,  
16 when we actually do the CDCA amendment, all those  
17 interests like minerals, recreation, et cetera, will  
18 all be factored into the CDCA amendment.

19           So how it's going to be factored in, we don't  
20 know that yet. We are not at that stage. But BLM  
21 can't put the blinders on and just go, okay, it's just  
22 Endangered Species Act we are looking at. We have to  
23 think broader than that. And that's why the CDCA  
24 amendment versus just the DRECP kind of governing what  
25 happens on public lands. But all the other interests

1 get factored in when BLM goes through the CDCA  
2 amendment.

3 MEMBER SHUMWAY: Including minerals?

4 MS. CAMPBELL: Yes.

5 MEMBER SHUMWAY: My next question would be  
6 then, specifically since you are not there yet,  
7 considering all those other uses, those multiple uses,  
8 what kind of databases will you use to develop your  
9 plan that includes allowance for those other uses,  
10 specifically mining, for example?

11 MS. CAMPBELL: In regards to the CDCA  
12 amendment, I think Al could probably talk more to the  
13 specific databases that are used.

14 MEMBER SHUMWAY: By your own admission, most  
15 of this is totally biologically centered.

16 MS. CAMPBELL: Correct.

17 MEMBER SHUMWAY: But there were other kinds  
18 of layers that should be included, and some of those  
19 layers actually dictate the biology, like in plants.  
20 So that would affect your ability or one's ability to  
21 develop mineral resources, for example, carbonate.

22 MS. CAMPBELL: Let me try to answer your  
23 question if I can get there because I didn't quite  
24 understand.

25 So again, the DRECP, natural resources and

1 renewable. That's just an element of what will be an  
2 alternative in the CDCA. So when we go about the CDCA  
3 amendment, we are going to factor in minerals,  
4 grazing, OHV, et cetera. So -- but the DRECP itself  
5 will not factor that stuff in. But when the NEPA/CEQA  
6 is done, if it's going to affect that person on  
7 private land, it will address it in a NEPA/CEQA  
8 context.

9 A lot of people want plans of this kind to  
10 include everything under the sun, it's the universal  
11 planning document, and they have tried that and  
12 failed. And that's why we have gone back to federal  
13 and state government, back to when we do NCCP/HCPs,  
14 their natural resource conservation plans, integrated  
15 with whatever economic activity we are working them  
16 for. But the all-encompassing is more into the CDCA  
17 amendment, and it's not a private land issue.

18 MEMBER SHUMWAY: I don't know that private  
19 lands has anything to do with the minerals part. Are  
20 you just separating them?

21 MS. CAMPBELL: I am separating because there  
22 is a distinction on what the DRECP does on public and  
23 private.

24 MEMBER SHUMWAY: Okay. So it's cool. That's  
25 irrelevant on minerals. I'm not sure I understand how

1 it works, but thanks.

2 CHAIRMAN ACUNA: Are there any other comments  
3 from the DAC?

4 MEMBER GUNN: Yes. As far as taking of an  
5 endangered or protected species, are you saying if  
6 it's on federal public land, that you would not  
7 consult State Department of Fish and Game as far as  
8 their policies on taking protected or endangered  
9 species?

10 MS. CAMPBELL: On federal lands it actually  
11 makes a difference on who is doing the action. If BLM  
12 is undertaking an action in and of itself, we do not  
13 have a requirement to get a state permit. If another  
14 entity such as a renewable energy company needs a  
15 right-of-way on BLM land to do an activity or some  
16 other organization needs a right-of-way, then  
17 consultation and compliance with state endangered  
18 species laws does apply.

19 MEMBER MITZELFELT: You mentioned something  
20 about the NCCP and the DRECP dealing with the take and  
21 whether -- I think it was take, unless otherwise  
22 prohibited by local laws or county laws? That's  
23 state's job, not the local, to protect species;  
24 correct?

25 MS. CAMPBELL: Not necessarily. What you are

1 bringing up -- I was going through what the definition  
2 of "incidental" take is under both state and federal  
3 law. And the definition of "incidental" is incidental  
4 to an otherwise lawful activity. And some counties  
5 and cities do this, actually. They have their own  
6 regulations that say you cannot take this species or  
7 you cannot destroy any of this kind of habitat. And  
8 if the federal or state government authorized it, it  
9 would not be lawful because of local laws. It could  
10 go with the state, too. So I'm trying to stress the  
11 point of what "incidental" means.

12 MEMBER MITZELFELT: But if you read the  
13 preamble to either of the Endangered Species Acts, it  
14 makes it clear that it trumps anything local, but I  
15 never heard that before. But so then theoretically,  
16 the county could have stricter take restrictions and  
17 then -- I mean, could a local government say, you  
18 know, impose those things to try to get things they  
19 didn't want, like to encourage development  
20 (unintelligible) to minimize habitat impacts, to  
21 encourage private versus public lands use, to generate  
22 revenue opportunities for the local governments.  
23 Things like transmission -- have them closer to  
24 transmission lines? Could they zone?

25 MS. CAMPBELL: You had a big list there. I'm

1 not comfortable, like, answering one of those bullet  
2 points. But in general is -- any government can set  
3 stricter standards if they want. As an example, the  
4 California Native Species Act take is stricter than  
5 the federal. So the federal government, we may be  
6 able to authorize a certain kind of state-listed  
7 species. And if it's also a state-listed species, the  
8 state might not be able to because their definition is  
9 more strict. So there are differences there.

10 And "otherwise lawful" means all laws have to  
11 be applied for that activity to be legal.

12 MEMBER MITZELFELT: Then you mentioned that  
13 you were talking to counties relative to the DRECP and  
14 the group was talking to counties. And then it  
15 sounded like there was a relationship whereby a county  
16 could avail itself of this process as a means to  
17 address its take permitting throughout this whole area  
18 within this planning area. So is that the case? Is  
19 that the intent?

20 MS. CAMPBELL: Actually, all seven counties  
21 are stakeholders.

22 MEMBER MITZELFELT: Are they all planning to  
23 use this process as their take permitting process?

24 MS. CAMPBELL: Not a single county is  
25 committed to that yet. To go back to your question,

1 does it satisfy the county -- so let's use Inyo -- if  
2 they came forward and said they want to be an  
3 applicant and they are going to follow everything that  
4 the plan comes up with, and when the two, Fish and  
5 Wildlife Service and Fish and Game get to a permit  
6 decision and they say, yeah, we're going to permit and  
7 Inyo County was part of that, Inyo County can then use  
8 that as their take permit for all projects that  
9 complied within the bounds. And it's only for  
10 renewable, though. It's not the whole county.

11 MEMBER MITZELFELT: It's for renewable  
12 projects. And would the county then issue the  
13 permits?

14 MS. CAMPBELL: The state and federal  
15 governments would issue the permits to Inyo County.  
16 And then Inyo County itself has land use authority.  
17 So if they had a land use authority over a specific  
18 project and they were issuing permits for it, what  
19 would come with that would be their federal and  
20 California Endangered Species Act permits. It all has  
21 to do with who has planning authority.

22 MEMBER MITZELFELT: Are the programmatic  
23 permits that they would issue at the local levels;  
24 right? And what about cities?

25 MS. CAMPBELL: If the cities are an

1 applicant. It all gets down to who is the applicant  
2 and who actually gets named on the permit. It's  
3 important to know that even -- say, if all seven  
4 counties were part of the planning effort but they  
5 chose not to be an applicant and receive a permit,  
6 they do not get take authorization. Only those  
7 entities actually listed on the permit.

8           And right now it's only -- the only applicant  
9 is California Energy Commission. So if no one else  
10 played in the application, then if the state and  
11 federal government issues a permit, only the CEC would  
12 have take authorization for renewables under the  
13 larger plan.

14           Now everybody -- individual companies,  
15 cities, local government, would still have full legal  
16 approval, whatever, to go about the process in the  
17 normal way -- they just want their project looked at;  
18 they don't want to be part of a larger effort -- and  
19 that is still open to them, the DRECP large-scale  
20 permit does not preclude anyone from taking an  
21 individual project approach.

22           CHAIRMAN ACUNA: Okay. I know we don't have  
23 any more questions, do we?

24           MS. CAMPBELL: I burned you all out.

25           CHAIRMAN ACUNA: No, no. We needed this.

1 The DAC has grown tremendously from where we were six  
2 years ago. And the hard, good, questions -- this is  
3 very technical and --

4 MS. CAMPBELL: And we can get more technical  
5 in the future.

6 CHAIRMAN ACUNA: We are going to get even  
7 better. That was a wonderful presentation. And I  
8 think we should move on to public comment regarding  
9 your presentation.

10 The first person I'm going to invite up is  
11 Gerry Hillier. And by the way, Gerry, is today your  
12 birthday?

13 MR. HILLIER: Yesterday was. If anybody told  
14 me 20 years ago that I would be attending a BLM  
15 fieldtrip on my 74th birthday, I wouldn't have  
16 believed it. But it sure beats the other  
17 alternatives.

18 It was a pleasure to be with you. And  
19 instead of getting my saddle bags off and riding into  
20 the sunset, I still feel like it's fun to be engaged  
21 and pose questions sometimes.

22 At any rate I have my Quad State hat on for  
23 this comment I want to make and -- actually, I have  
24 three.

25 I need to say just for the record once again

1 don't -- as this process goes forward, don't forget  
2 that we have the Western Mojave Plan that is in  
3 litigation. And the counties and Quad State are  
4 intervenors in that litigation. It's still pending  
5 that core decision, and I don't know how that is going  
6 to be integrated with the DRECP. But it needs to be  
7 kept in front because the last thing we want to do is  
8 get through that DRECP process and then get sued  
9 again. So that's a big problem I want to put on the  
10 record.

11           The other thing that's going to happen here  
12 in the next couple months is at some point Fish and  
13 Wildlife Service is going to issue a new revised  
14 Recovery Plan for Desert Tortoise. And Roy shared at  
15 least some of this. So far it's an under-wraps  
16 document. But he showed us one of the concepts within  
17 that has consistently been and I think we can safely  
18 assume that it's going to include stakeholder groups  
19 for each of the recovery units, of which there are  
20 several in California. And in fact, a subpart of one  
21 of the recovery units will be developing a five-year  
22 Desert Tortoise Recovery Action Plan, so you are going  
23 to have another group of citizens operating out here  
24 while you have this stakeholder group of the DRECP  
25 operating over here. And Fish and Wildlife is talking

1 landscape planning for the recovery implementation  
2 teams.

3           So at some point in the flow chart, you need  
4 to also be able to integrate those people or else they  
5 are going to be planning and reaching recommendations  
6 they are going to be giving BLM and Fish and Wildlife  
7 Service that may be inconsistent with the DRECP. So  
8 again, I don't expect an answer. I just want to put  
9 it on the record that that's a concern that has to be  
10 integrated before. And since the DRECP includes Fish  
11 and Wildlife Service, clearly, there is an opportunity  
12 for reconciling it.

13           The last is maybe a rhetorical question. You  
14 mentioned specifically that this plan is supposed to  
15 address climate change. The question is, how?

16           MS. CAMPBELL: We don't know yet.

17           CHAIRMAN ACUNA: They are working on it.

18           MS. CAMPBELL: We are not even working on it.  
19 We haven't gotten that far.

20           MEMBER ACUNA: The next person is John  
21 Stewart.

22           MR. STEWART: Good afternoon, Council.

23           Well, it's been a long day with a lot of  
24 information. As I sit and listen to all of this past  
25 presentation, what comes to mind is an analogy that

1 there are two processes on track. Either these  
2 processes are going to be on a divergent path and  
3 become irrelevant to each other, or they will be on  
4 parallel paths. And at some point both will be  
5 redundant regulations that are going to hamper  
6 progress, or at some point in time, and I think it was  
7 alluded to, there will be a convergence path.

8 That convergence path where they come  
9 together -- there is a bright side. Yeah, well, maybe  
10 it will work. But you have two choices on that  
11 convergence path. You are either going to have world  
12 peace break out, or you will have a cataclysmic clash  
13 of the Titans and massive litigation spewing forth.

14 I'm not a fan of habitat conservation plans.  
15 I think there is a lot of good to it, but a lot of  
16 problems to it. There is a very good book published  
17 10 or 15 years ago called Noah's Choice. And it did a  
18 very good analysis of the Section 10 and Section 7  
19 type applications and how the conservation plans were  
20 studied.

21 One of the studies cited was a Habitat  
22 Conservation Plan developed for the city of Austin and  
23 the surrounding areas of Texas. It was all well and  
24 good. Everybody agreed that there were five-plus  
25 years of collaboration that came to a process. The

1 builders could now go ahead and build on their private  
2 land and started creating these communities.

3 But they forgot one thing: During the years  
4 of these habitat conservation plans, they were still  
5 issuing building permits. When it came down to  
6 implement the plan, then they had projects already  
7 started that were now in violation of the Habitat  
8 Conservation Plan.

9 So what we have here sitting on the desert is  
10 looking to come up with a Habitat Conservation Plan at  
11 the same time you are issuing building permits or  
12 authorizing construction of renewable energy sources  
13 under a guidance that maybe this future plan -- this  
14 future plan that is in development with no known  
15 outcome could very well put the current permits being  
16 issued in violation.

17 So what is going to happen here? The  
18 rhetorical question again: What is going to happen in  
19 the future with what is already started? I think  
20 there are good intentions possibly here, but there's  
21 also a lot of pitfalls and a lot of unknowns. And the  
22 more this grows, the more diverse the stakeholder  
23 issues become, the more you will find you are not  
24 addressing the stakeholder issues as they need to be.

25 Thank you.

1           CHAIRMAN ACUNA: I think we will just let go  
2 a response on that and move on. Just remember we were  
3 not Texans.

4           MS. CAMPBELL: And it's ten years later.

5           CHAIRMAN ACUNA: So we close the public  
6 comment on the last topic. And now we are about ready  
7 to wrap up this meeting and prepare for the next  
8 meeting.

9           I would like to point out five things. The  
10 first thing -- I don't know about the rest of the DAC  
11 members, but I have been receiving my expense account  
12 reimbursement in a timely way. That's a huge  
13 improvement, and I want to thank Teri and Jennifer for  
14 doing that.

15                           (Applause from the audience.)

16           MEMBER BANIS: I get my reimbursements before  
17 I get my credit card bill.

18           MEMBER ACUNA: The second thing that was of a  
19 major point that we talked about today was the ad hoc  
20 SRP. And that, I just want everybody to remember,  
21 January 14 is when all of our comments and the public  
22 comments we can help advise on. Meg is going to work  
23 that out. So you are our leader on that. That's two.

24           Don't fall asleep on me. Three -- important  
25 point -- this is the business plan that you mentioned

1 in the past, Teri. And that is this: As pointed out  
2 by renewable projects that we look at today, it's  
3 important for your team's time as well as the DAC's  
4 time that we review projects where we have a  
5 meaningful amount of time to comment before they are  
6 too far down the pipeline. And we have asked in the  
7 past and I will ask again, some specific focus from  
8 our team to help match those projects to our future  
9 meetings that we have as a DAC group so we can improve  
10 on that.

11 Fourth item: For future improvement, when  
12 you publish an agenda, please could you circulate the  
13 draft agenda to the DAC so that we can have an  
14 opportunity to see if it's consistent and maybe we  
15 have some ideas that help. And along with that, what  
16 we would like to see is these agendas published for  
17 the public further in advance. We keep talking about  
18 that, but we can't quite swing in that direction. If  
19 we could improve on that, that would be helpful.

20 The fifth item, I think we have a meeting in  
21 March --

22 MEMBER GROSSGLASS: I think we are scheduled  
23 for the 25th and 26th tentatively. Isn't that what we  
24 did?

25 CHAIRMAN ACUNA: I want to be one meeting

1 ahead, at least. So March, April, May, June. Let's  
2 pick a date for our June meeting. I know that's hard  
3 to do.

4 MEMBER GROSSGLASS: I like that.

5 DIRECTOR RAML: When we build the business  
6 plan, we can pick a date, but I would like to consider  
7 it a draft date. I would like to go through the  
8 business plan and look at how we operate.

9 MEMBER BANIS: Six months isn't that far out.  
10 I am going to have to give six months' notice to go to  
11 Devil's Canyon next fall.

12 MEMBER SHUMWAY: If we do choose a tentative  
13 date, I would like to know when you know. If you know  
14 like in 30 days that that's not going to work, I would  
15 like to know as soon as possible because people like  
16 me, my calendar is almost already booked. So I would  
17 really like to know ahead of time.

18 MEMBER ACUNA: Let me throw out a suggestion  
19 for the team here. It seems like early June, the  
20 weather, sometimes we're lucky and it can actually be  
21 cool. But around the 11th or the 4th of June is the  
22 two days we should try to pick. Any days later you  
23 are guaranteed to get some hot weather no matter where  
24 we're at.

25 MEMBER GROSSGLASS: Everybody is graduating

1 from high school. Didn't we do this last year?

2 CHAIRMAN ACUNA: The 11th is not good. Let's  
3 try the 4th of June; okay? So we have that date.

4 And then we have the March date. The next  
5 meeting is going to occur in San Diego -- I thought we  
6 were going there because one of the things we wanted  
7 to talk about was the Tule Wind Farm project and we  
8 wanted to see what the layout was going to be. That  
9 was my understanding.

10 MEMBER SCHRIENER: Is that in concrete?

11 CHAIRMAN ACUNA: That would be in the March  
12 date.

13 DIRECTOR RAML: Let's look at the  
14 (unintelligible) project because there would be  
15 conflict between us having timely review and then  
16 reviewing Tule.

17 MEMBER GROSSGLASS: I'm personally not sure  
18 if that EIS will be out by then.

19 Number two, we will have the Marine expansion  
20 coming out in January, so I think our tour should be  
21 of at least one of the preferred alternatives for the  
22 Johnson Valley Marine expansion. And I thought I had  
23 mentioned that before, but you know me. Could have  
24 been not possible. And I mentioned it to Roxie, and  
25 she left, but she told me that I could suggest that.

1           This is going to have a huge impact not just  
2 on OHV recreation, but on everything else in the  
3 desert, so I think that it's important.

4           Now, we can go to Tule Winds in June when  
5 it's normally warmer out in Barstow because it's  
6 usually cooler up in the mountains at Tule Winds.  
7 Just an observation. And I don't know what is going  
8 on with Golden Eagle or when the EIS is going to be  
9 out on Tule.

10           CHAIRMAN ACUNA: The Draft EIS is going to be  
11 out this month, and that means it's going to close --  
12 your opportunity for comment is going to be gone.

13           MEMBER GROSSGLASS: Between Tule and Johnson  
14 Valley, huge difference.

15           CHAIRMAN ACUNA: That's true. I think Teri  
16 brought up a good point. In exchange for flexibility,  
17 we rely on your business plan. And if your business  
18 plan dictates San Diego or dictates Johnson Valley  
19 being more of a priority, I think we are willing to  
20 take it. But, please, can you get us the business  
21 plan so we can see it well in advance?

22           MEMBER SHUMWAY: Isn't that the one you  
23 handed out at our meeting?

24           DIRECTOR RAML: That's a template.

25           MEMBER SHUMWAY: You are going to develop a

1 new one for this DAC?

2 DIRECTOR RAML: I am going to draft one for  
3 this DAC for consideration.

4 MEMBER MITZELFELT: Is that March 26?

5 CHAIRMAN ACUNA: Yes.

6 MEMBER GROSSGLASS: My other suggestion, and  
7 I'm not sure how out of bounds this is because we have  
8 never done it before, is that we have the tour in  
9 Barstow and actually have to come back to Riverside  
10 for the meeting, because that's where the majority of  
11 the constituents do come. It's a much easier place  
12 for the constituents, and I would like to have DOD  
13 here to make some kind of presentation. They are  
14 going to have a huge impact on the public land, and I  
15 think they should have to come here and give an  
16 explanation to me and explain the alternatives. A big  
17 part of what we are supposed to do is to make the  
18 public become involved. And I would assume that we as  
19 a group will try to come to a consensus on some kind  
20 of a recommendation on this DEIS. I would like to see  
21 us try.

22 CHAIRMAN ACUNA: If we arrive in Barstow and  
23 we get up really early and we go out and look at  
24 Johnson Valley, it's going to take us a couple hours  
25 to get back here in the evening. So we would have to

1 wrap up that presentation by 2-ish to get back here in  
2 time.

3 MEMBER GROSSGLASS: Why don't we eat in  
4 Barstow and then just come down?

5 MEMBER SHUMWAY: Actually, you'd cut off some  
6 time for people traveling down below if you started  
7 your meeting in Victorville instead. That would cut  
8 off nearly an hour to get out to the Johnson Valley,  
9 maybe more.

10 MEMBER GROSSGLASS: That's an option.

11 MEMBER SHUMWAY: That would be closer for  
12 people traveling in from Morongo and everywhere else  
13 because it's 45 miles from my house to get to Barstow.

14 MEMBER GROSSGLASS: We could go to the Hilton  
15 Garden Inn.

16 CHAIRMAN ACUNA: Here is the story. If you  
17 could look at that and then stay in close contact with  
18 the DAC so we could provide you input, let's try that.  
19 We are willing to be flexible and Victorville might  
20 work. But let's not let the e-mail line go dead.  
21 Let's keep it hot.

22 MEMBER SHUMWAY: So the field trip would be  
23 out to Twentynine Palms?

24 MEMBER GROSSGLASS: Johnson Valley. They are  
25 going to come out with a preferred alternative, and I

1 think it's important that we see what the boundaries  
2 are.

3 MEMBER SHUMWAY: If that was our field trip  
4 objective for that day, we could probably leave at a  
5 reasonable time from Victorville to allow people to  
6 travel, spend six hours maybe in the field or five  
7 hours maybe in the field and still come back.

8 MEMBER GROSSGLASS: We don't have to do 15  
9 things on our field trips. We can have just one  
10 objective.

11 MEMBER SHUMWAY: Maybe this one should be  
12 limited.

13 CHAIRMAN ACUNA: We can have good focus. We  
14 can get key points on the territory.

15 MEMBER SHUMWAY: And not feel so pressured to  
16 leave and have everybody have their questions  
17 answered.

18 CHAIRMAN ACUNA: And if they really want to  
19 be helpful, swing by one renewable for me, will you?  
20 Can you put that in?

21 MEMBER SHUMWAY: Granite Hills is on the way  
22 out. We could hit that one in or out.

23 CHAIRMAN ACUNA: There is a chance we have  
24 two things to look at.

25 MEMBER SHUMWAY: I can do my presentation on

1 the field trip.

2 CHAIRMAN ACUNA: Are there any other details  
3 that the DAC would like to throw in about the meeting  
4 date or any other issues?

5 MEMBER FITZPATRICK: They announced that five  
6 of us, our term is over December 31st. I just wonder  
7 what is happening with renewing by the next meeting  
8 for those that want to be renewed. Because you are  
9 not going to have many people here.

10 MEMBER ACUNA: Steve, if they are in limbo  
11 and they haven't received D.C. approval, but they have  
12 their application in and they are currently serving,  
13 can they come back to that meeting?

14 MR. RAZO: Just like what everyone else has  
15 been doing. Have you received your letters, those I  
16 mentioned today?

17 MEMBER GROSSGLASS: I haven't gotten any  
18 letter.

19 MR. RAZO: I will give you your letters right  
20 now so that you are good. Now, for the rest of you,  
21 yes, it's the process again. We want you to continue  
22 to participate. Absolutely. And you can.

23 MEMBER SCHRIENER: Just can't vote?

24 MR. RAZO: No, that's also changed. You can  
25 vote.

1           CHAIRMAN ACUNA: That's very good. So you  
2 have authority to vote until you have a successor.

3           Now, Jim, is this your last meeting?

4           MEMBER FITZPATRICK: Yes, I was speaking for  
5 all five. For me, it will be our last meeting.

6           CHAIRMAN ACUNA: I think Jim Fitzpatrick  
7 should get applause for working with us all during  
8 this time and helping all this time.

9           MEMBER SCHRIENER: No movie tickets?

10          MEMBER FITZPATRICK: I was trying to address  
11 the whole group. I was going to say I want to thank  
12 everybody here. Some of the reasons -- I won't bore  
13 you -- that I have other volunteer things, plus my  
14 job, plus I work so many weekends as well.

15                 So it's been a learning experience and there  
16 is a possibility that maybe I skip a term and come  
17 back sometime in the future, but right now I think  
18 it's best because I was given a presidency job of  
19 another organization a year and a half after I started  
20 my term here. And that is a very busy thing every  
21 weekend between January and March. I don't think it's  
22 fair for me to not pull my weight, is what I am  
23 saying.

24          MEMBER ACUNA: On behalf of the DAC, we all  
25 appreciate you working with us. All this time you

1 have been wonderful to work with, and you will be a  
2 hard person to replace. And we hope you do come back  
3 and maybe we get invited to a movie set. That would  
4 be great.

5 MEMBER FITZGERALD: I did want to say, once  
6 again, I appreciate the BLM'S realization that despite  
7 all these other things that are flying around them,  
8 that they still find time to do movie permits and  
9 substantial ones, especially to both John in Palm  
10 Springs and to Hector, because they have had some  
11 major things recently and they have been able to find  
12 time to do it. And the California Film Commission and  
13 I'm sure all the people trying to stay working in  
14 California appreciate that. Thank you.

15 (Applause from the audience.)

16 CHAIRMAN ACUNA: Okay, so the person that  
17 likes to close that meeting out is our boss here,  
18 Teri.

19 MEMBER GROSSGLASS: I did have something I  
20 wanted to bring up.

21 CHAIRMAN ACUNA: Okay. For you, special.

22 MEMBER GROSSGLASS: Teri mentioned this in  
23 her report earlier, in her state report, and it's  
24 something that I have been mentioning before. I would  
25 like for us to think about creating an OHV recreation

1 subcommittee to talk about putting a plan together  
2 like the Arizona RAC did where we get together and we  
3 say -- an ad hoc committee of volunteers gets together  
4 and say, we realize there is no overlying recreation  
5 plan from the CDD, so we could say this is what we  
6 would like to see in one of those plans and come up  
7 with some details for them.

8           We want an inventory of trails and areas; we  
9 want plans for science and math; we want OHV  
10 recreation zones. We would like to see a plan, and  
11 this is what we would like to see in it. And I think  
12 that is a worthy goal. I don't think it's something I  
13 should put forward just myself. I think it's  
14 something that a volunteer committee should work  
15 together on. I don't think it's going to last for  
16 five years. We could do this in a couple meetings and  
17 a couple conference calls. But I think it's worth us  
18 looking into.

19           The other thing that we talked about during  
20 our renewable ad hoc committee was being productive as  
21 a DAC. And I would like to see us take more a  
22 productive goal in the long-range planning document  
23 that the BLM is a part of. It says in our charter, as  
24 I have here, that "The Council will serve in an  
25 advisory capacity concerning the planning and

1 management" -- blah-blah-blah -- "and implementation  
2 of the comprehensive, long-range plan of the  
3 management, use, development, and protection of the  
4 public lands within the CDCA."

5           So I think it's time that we actually as a  
6 group, when things like a programmatic EIS comes out  
7 about solar, we actually take a look at that document  
8 and try to come to a consensus on advice we can give  
9 Teri and CDCA. Right now, we just sit around and  
10 talk. And I don't think that's the most productive  
11 use of our time.

12           There are long-range planning things that are  
13 happening all around that we should be able to get  
14 some consensus on and give advice to and start to be  
15 productive. It's a frustrating thing for me that we  
16 were not producing actual advice. We all go around  
17 and give our opinion, but we don't vote on something  
18 and give advice. We owe it to the public to try and  
19 do that. I'm done.

20           CHAIRMAN ACUNA: And I would only add to this  
21 idea here about the recreational idea. What I would  
22 expect is a work plan from you which identifies the  
23 goal, which identifies the number of meetings you  
24 think it's going to take to achieve that goal. You  
25 identify what you are going to produce. Is it going

1 to be a map? And a date when you are going to get  
2 this done and bring that to the DAC. If you want to  
3 circulate your idea so we can work on it at the next  
4 meeting, that's fine. But I want to have some  
5 parameters laid out so people know what we were  
6 getting into so that if we start something, we can  
7 finish it.

8 MEMBER GROSSGLASS: It's an interesting  
9 request, because that wasn't required of Randy when we  
10 started that renewable energy ad hoc.

11 MEMBER ACUNA: I did lay one out. We were  
12 moving slowly on that.

13 MEMBER GROSSGLASS: I never saw a work plan.

14 CHAIRMAN ACUNA: It was identified in the  
15 e-mail.

16 DIRECTOR RAML: It will be covered by our  
17 business plan.

18 MEMBER SALL: First of all, I would like to  
19 thank our presenters. I think we had a lot of good  
20 information. I think we need to revisit the DRECP and  
21 a couple of the topics again because I think it was  
22 overwhelming, and we are a little foggy and tired now.

23 But, you know, one of things that keeps  
24 coming up for me -- and renewable energy is a perfect  
25 example -- is that there were so many cumulative

1 effects with renewable energy and it literally affects  
2 every aspect of land management. And I agree were  
3 Meg, it would really be worth our time and worthwhile  
4 for the DAC to be able to weigh in on some of the  
5 comprehensive planning that affects all these issues  
6 and really try and make some decision or the advice to  
7 the BLM on these topics. Because this is an issue  
8 that's not going away. And as I mentioned, it  
9 literally affects every aspect of land management.

10 And there was a question and comment from one  
11 of the public speakers earlier asking for how much  
12 acreage has already been affected and that sort of  
13 thing, and certainly BLM can speak to that. But just  
14 doing a little quick math of the fast tracks that have  
15 already been approved, that was 23,832 acres with the  
16 down-sized footprint.

17 And I'm not going to list the megawatts that  
18 will be produced, because I think Alex made a great  
19 point earlier about the megawatts that are listed on  
20 the Web site is the max output. It's like best case  
21 scenario, lots of sunny days, and lots of windy days,  
22 whatever. And so if you did the acreage calculation  
23 of how many megawatts per acre these projects kind of  
24 really are going to be in terms of their peak output,  
25 it really makes you question, is it a worthwhile use

1 of BLM lands on this large of a scale.

2 So I want to keep the conversation going on  
3 other opportunities for renewable energy on other  
4 lands, like private lands. That would resolve a lot  
5 of different issues. So that's my conclusion for  
6 today.

7 MEMBER FITZPATRICK: I wanted to thank all  
8 the BLM folks for the field trip yesterday, including  
9 John. And I wanted to thank April for her allowing us  
10 to have a tour of Whitewater. It had been 20 years  
11 since I had even been up that road scouting. So I was  
12 very impressed.

13 And also to thank all the people who bothered  
14 to attend and it's just -- it's kind of -- how can I  
15 put it? -- makes it all worthwhile, I think, to see  
16 whether this is going to go anywhere or not, at least  
17 the effort is here. And nobody can ever say we didn't  
18 try hard.

19 MEMBER ACUNA: Lloyd.

20 MEMBER GUNN: I also wanted to thank John  
21 Kalish for the tour and the informative tour  
22 yesterday. I learned a lot. I especially enjoyed  
23 seeing the San Andreas fault. And I always enjoy it,  
24 although I have been there many times, I always enjoy  
25 Whitewater.

1           I had one more comment. As far as my talk on  
2 Daggett Ridge Wind project, some of the things I  
3 learned by visiting the site, but I would say the  
4 majority of it was by going to the Barstow Web site  
5 and there is a lot of information on the proposed  
6 project on the Barstow Web site, BLM Barstow Web site.

7           CHAIRMAN ACUNA: Randy.

8           MEMBER BANIS: Thanks to the BLM for your  
9 help this weekend. And special thanks to members of  
10 the public who gave up their Saturdays to be here.

11           MR. RAZO: Just to make sure, your agenda  
12 items for next -- and may I remind -- I believe I said  
13 after the last meeting when we went through agenda  
14 items, these are posted immediately on the Web site up  
15 on top of the page. We are not able to put a final  
16 one down on the bottom where you normally see it  
17 because we are still coordinating. There still are  
18 people that we don't know if they are coming or not.  
19 We have to confirm with them. But up on top it will  
20 say "agenda items" and what will be listed this coming  
21 week: Recreation strategy, we are going to talk about  
22 recreation strategy; Cal-ISO; real estate parcels, you  
23 wanted to talk about access there; AML update; and  
24 Twentynine Palms. Is that where we want to go?

25           CHAIRMAN ACUNA: Those are a lot of items.

1 You know what would work really well is a summary of  
2 all potential topics.

3 MR. RAZO: That's what we say, tentative  
4 topics. And we put them out there so that everybody  
5 knows right offhand these are the areas we are going.

6 CHAIRMAN ACUNA: I know it's on the Web, but  
7 if you could send us an e-mail.

8 MEMBER SCHRIENER: You just made out a list,  
9 but Tom can coordinate what we really want to do out  
10 of that list. We might cull it down.

11 Like the real estate, whether it happens in  
12 March of '11 or '12, it's not going to change the big  
13 picture. But whether it happens in March or December  
14 is not going to change anything.

15 CHAIRMAN ACUNA: Very good. Any other  
16 comments on that? Can we hand this off to Teri?

17 DIRECTOR RAML: I will be brief. Thank you.  
18 I continue to be impressed and enthused by working  
19 with this Council. It's been fun. It will continue  
20 to be fun, and thank you very much.

21 And with that, this meeting is closed.

22 (The proceeding concluded at 4:46 p.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Judith W. Gillespie, a Certified Shorthand Reporter, No. 3710, for the State of California, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of Saturday, December 11, 2010.

Dated this 21st day of December, 2010, at Riverside, California.

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JUDITH W. GILLESPIE, CSR, RPR, CLR  
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**M-O-T-I-O-N-S**

- A. Moved: Mitzelfelt  
    Seconded: Schriener  
    Motion: To approve the minutes of the 10/2/10  
            DAC meeting, as amended  
    Result: Motion carried
  
- B. Moved: Banis  
    Seconded: Acuna  
    Motion: The motion is to formalize a DAC ad hoc  
            group on the SRP process as is alluded to in the  
            agenda.  
    Result: Motion carried