

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

Reporter's Transcript of Proceedings

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1 U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF LAND MANAGEMENT
3 CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL
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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 SATURDAY, JUNE 8, 2013
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20 FILE NO.: 20928

21 REPORTED BY: DIANE CARVER MANN, CLR, CSR NO. 6008
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1 MEETING OF THE U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT
3 ADVISORY COUNCIL AT 901 NORTH CHINA LAKE BOULEVARD,
4 RIDGECREST, CALIFORNIA, COMMENCING AT 8:10 A.M. ON
5 SATURDAY, JUNE 8, 2013, BEFORE DIANE CARVER MANN,
6 CSR NO. 6008.

7
8 APPEARANCES

9
10 MEMBERS PRESENT:

11 RANDY BANIS, CHAIRPERSON

12 APRIL SALL, VICE CHAIR

13 DON HOUSTON

14 PAUL R. O'BOYLE

15 AL MUTH

16 KIM CAMPBELL ERB

17 RONALD V. JOHNSTON

18 DINAH O. SHUMWAY

19 ZACHARY SCRIVNER

20 RICHARD RUDNICK

21 JESSICA M. REILLY

22 SETH SHTEIR

23 \\\

24 \\\

25 \\\

REPRESENTING:

PUBLIC AT LARGE

PUBLIC AT LARGE

NONRENEWABLE RESOURCES

TRANSPORTATION/RIGHTS-OF-WAY

WILDLIFE

RECREATION

PUBLIC-AT-LARGE/CDD

NONRENEWABLE RESOURCES

ELECTED OFFICIAL

RENEWABLE RESOURCES

RENEWABLE ENERGY INDUSTRY

ENVIRONMENTAL PROTECTION

1 APPEARANCES CONTINUED

2

3 BLM STAFF PRESENT:

4 TERI RAML, DISTRICT MANAGER (CDD)

5 STEPHEN RAZO, EXTERNAL AFFAIRS DIRECTOR

6 DAVID BRIERY, EXTERNAL AFFAIRS STAFF

7 TOM ZALE, ASSOCIATE FIELD MANAGER, EL CENTRO

8 CARL SYMONS, FIELD MANAGER, RIDGECREST

9 KATRINA SYMONS, FIELD MANAGER, BARSTOW

10 RUSTY LEE, FIELD MANAGER, NEEDLES

11 CHERYL NABAHE, LAND MINERAL RECREATION SUPERVISOR,
12 PALM SPRINGS SOUTH COAST

13 ROBERT PAWELEK, BRANCH CHIEF OF RESOURCES, RIDGECREST

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1 RIDGECREST, CALIFORNIA; SATURDAY, JUNE 8, 2013

2 8:10 A.M.

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

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8 CHAIRPERSON BANIS: Good morning, everybody. I
9 call the meeting to order at 8:10 this morning. I'm
10 going to pick on one of our new members, if I may.
11 Seth, would you do us the privilege of leading us in the
12 pledge of allegiance for today, please.

13 MEMBER SHTEIR: Sure.

14 CHAIRPERSON BANIS: Thank you. Would everyone
15 rise, carefully, please, slowly.

16 (Pledge of Allegiance was recited.)

17 CHAIRPERSON BANIS: Well, thank you, everybody,
18 for coming to the meeting, and thank you for waiting for
19 us with this delay this morning, but we're ready to
20 roll.

21 And first thing I'd like to do is to go around
22 the table and have our DAC members introduce themselves.
23 So I'd like to start today to my left and at the end of
24 the table, Dinah.

25 MEMBER SHUMWAY: Dinah Shumway, nonrenewable

1 resources. I'm the principal geologist at TerraMins,
2 Incorporated, and I've been on the DAC four and a half
3 years.

4 CHAIRPERSON O'BOYLE: My name is Paul O'Boyle.
5 I'm a land-use environmental attorney, and I represent
6 the right-of-way.

7 MEMBER JOHNSTON: My name is Ron Johnston, and
8 I represent the public at large. I've been on the
9 DAC -- this will be my sixth year, so I will be terming
10 out at the end of this year.

11 MEMBER HOUSTON: Good morning, everyone. My
12 name is Don Houston. I represent nonrenewable
13 resources, and this is my third meeting as a DAC member.

14 MEMBER RUDNICK: Hi. I'm Richard Rudnick, and
15 I'm renewable resources, and this is my 12th year.

16 DIRECTOR RAML: Good morning. I'm Teri Raml.
17 I'm the California Desert District Manager and the
18 designated federal official for this meeting.

19 MEMBER SALL: Good morning. April Sall, public
20 at large. I think I'm on three and a half years with
21 the DAC.

22 MEMBER SHTEIR: Good morning. Seth Shteir,
23 environment, and I'm a new DAC member.

24 MEMBER MUTH: Al Muth, representing wildlife
25 that consists of about a year now. Seems longer.

1 CHAIRPERSON BANIS: The last.

2 MEMBER ERB: Kim Campbell Erb. I represent
3 recreation. This is my second year on the DAC.

4 MEMBER REILLY: Good morning. I'm Jessica
5 Reilly. I'm a grad student at the Energy and Resources
6 Group at Berkeley, and I represent renewable energy.

7 CHAIRPERSON BANIS: Thank you. My name is
8 Randy Banis, resident of Leona Valley, California. I
9 represent the public at large, and today I'll be
10 chairing the meeting.

11 And I'd like to move on to the next item, which
12 is Review of our February, 2013 Meeting Transcripts.
13 They've been out for a little over a month, and I hope
14 everyone has had a chance to look at them. Reminder for
15 some of our new members, the easiest way to view
16 transcripts is to do a find for your name and just look
17 for stuff you said and see if it looks good to you.
18 There's no need to really read through the whole meeting
19 from start to finish, unless you really like that kind
20 of thing. So therefore I'm assuming everyone has had a
21 chance to look at the transcripts.

22 Do we have a motion to approve the transcripts?
23 I have a correction from Don.

24 MEMBER HOUSTON: I've got one minor correction,
25 and I have to admit it was my mistake, not the

1 recorder's. Page 137, substitute the word "policy" for
2 the word "planning" in the phrase "Federal Land Policy
3 and Management Act."

4 CHAIRPERSON BANIS: Very good. Others? Any
5 other corrections or changes? Do we have a motion to
6 approve with the correction?

7 MEMBER MUTH: So moved.

8 MEMBER RUDNICK: Second.

9 CHAIRPERSON BANIS: Motion to approve with the
10 correction. Moved by Al, seconded by Richard. Any
11 discussion? Those in favor, say "Aye." Opposed?

12 (Voice vote taken.)

13 CHAIRPERSON BANIS: Transcripts are approved.

14 I'd like to review the agenda. Take a moment,
15 and take a look at the agenda that's in front of you.
16 You've seen this. Is there anything we need to add or
17 delete or change at this moment?

18 Hearing, seeing none, any objections to moving
19 forward with the agenda today? Very good. This will be
20 our agenda.

21 Procedures for public comment. We have
22 numerous public comment periods today that are
23 scheduled. I would ask those who would request to speak
24 to the DAC obtain a speaker card from the front table
25 from Dave, and they'll bring the card up to me. And we

1 have two kinds of comments. The first comment period
2 this morning will be for items not on the agenda. And
3 the remaining public comments will have to do with our
4 agenda items and our business today.

5 My only request is that I'd like to have
6 speaker cards turned in for the comment period before we
7 start the comment period so that way I can gauge how
8 many speakers we have and better allocate the time.
9 It's hard for me to allocate time to speakers during
10 these comment periods when cards keep trickling in. So
11 if you'd like to speak, please have that card in before
12 the start of that comment period.

13 Restrooms are outside in the hall. And I'd
14 like everybody to take a moment and switch their phone
15 to silent, or, heck, be brave; turn the whole thing
16 right off. Very good.

17 The next item on the agenda is the
18 State Director CDD Manager's Report, Teri Raml.

19 DIRECTOR RAML: Good morning. I'll make a
20 couple of comments. One is, thank you for tolerating
21 tight quarters. I know it feels tight and cramped and
22 uncomfortable, and that wasn't our intent, but here we
23 are. And I know we're hardy westerners, so I apologize
24 in advance. If it gets too warm, let us know. We're
25 going to try to keep it cool. If it gets too cold, your

1 neighbor is probably thankful.

2 So with that, the other thing is, I would also
3 like to thank those of you who came yesterday.

4 Yesterday's meeting and today's meeting is kind of the
5 sausage-making part of the advisory council process in
6 that we're learning lots about our operations. And then
7 today there's a -- I'm trying to slow down for our court
8 reporter. Today is a culmination of a lot of other work
9 that's been done between meetings, so it's not kind of
10 our normal fare, but I think it will be a productive
11 meeting.

12 I'll start by introducing the BLM staff and
13 managers in the room. I'll start with Steve and kind of
14 work this way.

15 MR. RAZO: Steve Razo, External Affairs
16 Director, Desert District.

17 MR. BRIERY: David Briery, External Affairs.

18 MR. ZALE: Tom Zale, Field Manager for
19 El Centro.

20 MS. NABAHE: Cheryl Nabahe, BLM Palm Springs
21 for John Kalish, Field Manager.

22 MS. SYMONS: Katrina Symons, Barstow Field
23 Manager.

24 MR. SYMONS: Carl Symons, Ridgecrest Field
25 Manager.

1 MR. LEE: Rusty Lee, Needles Field Manager.

2 MR. PAWELEK: Robert Pawelek, Branch Chief of
3 Resources at Ridgecrest.

4 DIRECTOR RAML: Thanks to all of you. And,
5 yes, when you heard Tom Zale introduce himself as field
6 manager, I'm pleased to announce he has been selected as
7 El Centro field manager. He's been a familiar face to
8 all of us, and this is his permanent seat in that job.
9 So congratulations, Tom, and welcome as the field
10 manager.

11 I refer you to the field manager and
12 State Director reports. They are thorough. I have very
13 little of substance to add to the good work you'll see
14 in those reports, so please take a look at them. And
15 you can take an opportunity during breaks, during lunch
16 and of course during the official time to talk with
17 field managers about anything that interests you in
18 those reports.

19 Also there's the State Director's Report in
20 there, and you'll see that he addresses things such as
21 sequestration and his work across the state. The work
22 in Southern California will be kind of addressed today
23 while we meet.

24 What we've been working and on and focused on
25 in the Desert District is probably no surprise to all of

1 you. It has to do with what you're working on, which is
2 the DRECP, the Desert Renewable Energy Conservation
3 Plan. Stakeholders and those following the process
4 know -- we call it the planning effort -- has kind of
5 gone dark. The work is being done internally within the
6 agencies, and I can tell you that the BLM resources
7 staff are very much involved now in reviewing
8 allocations, reviewing rule sets and kind of trying to
9 make sure, ground-truthing all the planning being done
10 by the interagency team, and that is a tremendous
11 effort, and all of us look forward to that document.
12 The draft is coming out, I'll say, in the fall.

13 The other part we're working very hard on at
14 least two field offices and the district field office is
15 WEMO, and I know we will spend quite a bit of time today
16 as the DAC working on WEMO.

17 Switching on what's happening out on the
18 ground, I know -- and Richard alluded to it yesterday --
19 we have every expectation that this is going to be quite
20 a dramatic fire season, probably the earliest fire start
21 in -- I don't know what the years will be history. But
22 anyway, so the fire season started early. BLM lands,
23 managed lands are ripe for burning, and we've had
24 numerous small fires. And what tends to happen for us
25 is, fires start on other lands, come across BLM, move on

1 to other lands. But we expect a very busy fire season,
2 and we've spent quite a bit of time in the last couple
3 of weeks getting prepared for fire season. Our fire
4 crews are on board late, so we're also working very hard
5 to make sure they're trained and ready to report the
6 fires.

7 I know the State Director had some remarks
8 about sequester. Kind of an unusual situation. You
9 know, my other part of my life, personal life, someone
10 came up to me and said something about, well, the
11 sequester certainly isn't affecting all of us, because
12 all we're hearing about is FFA and other things. But I
13 can tell you that the sequester is affecting all federal
14 agencies, including the BLM. And when the sequester
15 actually hit, there was a lot of internal discussions on
16 how the BLM would respond to what is a fairly -- we've
17 been experiencing budget decreases over several years,
18 and so this was just one more in a series of them.

19 And we determined not to furlough employees,
20 and that sounds like -- that had to be a thoughtful
21 decision to make sure we take care of our on-board
22 employees first. So therefore we've had to really take
23 a close look at other things because we want to make
24 sure that we take care of the current BLM employees.

25 And so hiring is to a standstill. Awards are

1 not going to be given this fiscal year. Travel is
2 greatly diminished. But meanwhile a lot of good work is
3 getting done, and the employees that are employed are
4 working hard and continuing to work closely with us to
5 prioritize and work on the most important things and
6 things that are being funded.

7 I guess that's kind of the -- I'm always
8 surprised when people -- it's that people think it's not
9 making any difference. It is. We're trying not to be
10 obsessed with it, but we certainly are feeling the
11 effects of the furlough.

12 Lastly I wanted to thank Richard for his
13 hospitality last night. For those who were able to go
14 to Onyx, it's always a treat, and thank you to Mark for
15 providing welcome entertainment. That's the end of my
16 report.

17 CHAIRPERSON BANIS: Thank you, Teri. The next
18 item is Advisory Council Member Reports. I'm going to
19 start this time on the right, and I'm going to start
20 with our new member. Jess, you probably don't have much
21 to report, but I'm going to start on the right because,
22 if we end up on the left-hand side, we're going to have
23 a longer discussion once we end up with Dinah. So
24 anything you'd like to share with us.

25 MEMBER REILLY: I'm a brand-new member, and so

1 I don't have a whole lot to share but interested to hear
2 what everybody else can provide. I pass.

3 MEMBER ERB: I don't really have much of a
4 report. I did want to thank the El Centro Field Office
5 for revising their Business Plan responsive to some of
6 our comments at the last meeting. Thank you.

7 CHAIRPERSON BANIS: Could you hit the switch?
8 Al?

9 MEMBER MUTH: Uncharacteristically quiet this
10 morning. Nothing to report.

11 CHAIRPERSON BANIS: Saving it for later. Hi,
12 Seth. Welcome back.

13 MEMBER SHTEIR: Good morning. I'd like to
14 thank you for convening us. I have one request for a
15 future agenda item, if this time is appropriate, and
16 that's that we have a briefing on the Questar project.
17 That's a pipeline.

18 CHAIRPERSON BANIS: Thank you. April.

19 MEMBER SALL: Good morning. Yes, I wanted to
20 also extend my gratitude for our hospitality last night
21 for the lovely barbecue and to Ed and Jawbone Station
22 for the meeting yesterday and also to the BLM and the
23 staff, who provided us with some updates that the DAC
24 has been requesting. The renewable energy maps were
25 very helpful, and I understand we'll have some

1 geothermal reps today to be able to answer questions
2 from previous meetings. And the updates were really
3 helpful, so thank you, staff, for providing those. And
4 I think I'll save my other comments for later.

5 CHAIRPERSON BANIS: Richard?

6 MEMBER RUDNICK: Well, after the barbecue my
7 mind went blank, so I have nothing to report.

8 CHAIRPERSON BANIS: Quite all right. Thank
9 you. Hi, Don.

10 MEMBER HOUSTON: Hi, Mr. Chairman. I have
11 nothing to report.

12 CHAIRPERSON BANIS: Very good. Ron?

13 MEMBER HOUSTON: And Mr. Chairman, I have
14 nothing new and exciting to report either, so far.

15 CHAIRPERSON BANIS: Quite all right. Paul?

16 CHAIRPERSON O'BOYLE: I'll pass as well.

17 CHAIRPERSON BANIS: Before I move to Dinah, I'm
18 going to actually going to let Dinah close the show.
19 You can tag team off of me. I'm going to set you up
20 with your discussion.

21 MEMBER SHUMWAY: Set me up?

22 CHAIRPERSON BANIS: Yes. I'm going to jump in
23 and deliver a report of the chair, and the last item I
24 touched on, Dinah will take it from there and present
25 her report.

1 The first thing I'd like to do is, I'd like to
2 thank the Ridgecrest Field Office for hosting our
3 meeting. Carl, your first staff meeting. Very good. I
4 appreciate everything you did to set this up and find us
5 a place and a time. And the best part is for me is,
6 Ridgecrest Field Office is sort of my home area, and I'd
7 like to welcome all my friends and colleagues here in
8 the audience from the public and welcome you here today.
9 It's really nice to see you all. You're one of the more
10 active and involved communities in the Desert District,
11 and I always love bringing the DAC meetings back to
12 Ridgecrest whenever we can.

13 I'd like to thank the BLM, too, on a personal
14 note. A couple of weeks ago while California City and
15 Ridgecrest and most of the desert was engulfed in smoke,
16 my neighboring communities of Lake Hughes and
17 Lake Elizabeth were under assault from the Powerhouse
18 fire. I live in the canyon just one to the east, and
19 fortunately wind was in our favor, meaning it was
20 blowing away from us.

21 Nonetheless, in order for all the firefighters
22 and emergency support vehicles to access the fire scene
23 and offer their services to those who desperately needed
24 it during that troubling time, all of the vehicles had
25 to pass through my little main street,

1 four-way-stop-sign town of Leona Valley. My wife and I
2 took dinner at the Mexican restaurant De Casa on the
3 porch, on the patio. And watching all the vehicles come
4 through coming from the Palmdale direction were
5 emergency vehicles of all colors, of all sizes and
6 natures, with all kinds of names on the side from
7 forests and places I've never heard of.

8 But when the BLM trucks rolled through the
9 valley to head in there too, I felt a personal sense of
10 pride in working with the BLM to see that they're part
11 of that team too. And, sure, the BLM anchorage in my
12 area is minimal. Nonetheless, they joined the team, and
13 I appreciate all the efforts of the BLM and its
14 interagency work with the fire fighting all across the
15 desert. It came really close to home a couple of weeks
16 ago, so thanks to all the brave and hardworking
17 firefighters with the BLM and everything they do to keep
18 us safe.

19 At the last DAC meeting we discussed the issue
20 of the expansion of the 29 Palms Marine Training Center
21 into the Johnson Valley Off-Highway Vehicle Open Use
22 Area. This is an ongoing issue. The DAC has heard
23 presentations on it from as far back as March of 2011.
24 Over the course of the last couple of years those who
25 have followed it have found the issue has morphed.

1 Those proposing the expansion have had their ebbs and
2 flows in terms of the support among the public and other
3 agencies. But toward the end the DAC weighed in at our
4 last meeting and passed a resolution requesting that the
5 BLM encourage the Marine Corps to look at a modified
6 alternative similar to their Alternative 4, which would
7 have scaled back -- which would have affected the
8 acquisition in two ways.

9 One, it would have required the Marines to --
10 they would get an expansion, a portion of the expansion
11 would occur transferring a portion of the Johnson Valley
12 area of BLM lands to the Marine Corps for their
13 full-time, permanent use. But there was another middle
14 area that was proposed for expansion, and it had been
15 talked about as a dual-use zone with some live fire.

16 And the DAC suggested that the training
17 operations redirect the flow of the exercises so that
18 the live fire occurs on Marine Corps land and not on the
19 current BLM-managed lands that were slated for joint
20 use; and, two, that the Marines use that area as needed
21 under permit from the BLM just as the military has
22 successfully launched other projects in the desert under
23 BLM permit, such as project Scimitar and many of the
24 DARPA autonomous vehicle tests.

25 So the DAC passed that resolution. We were

1 about the last people to weigh in before all the comment
2 was closed and the Marines released their final report.

3 Unfortunately, although our sentiment was not
4 accepted and expressed in the Marines final report, it
5 did join a chorus of considerable number of voices that
6 have been saying essentially the same. And so our voice
7 to this chorus helped drive in a small way a bill
8 introduced by Congressman Cook, the HR1676, and this
9 bill goes somewhat along the lines of the resolution
10 that we passed, certainly not to take credit for it but
11 just to help you in understanding it.

12 This bill would allow for some expansion of the
13 permanent Marine base. It would also allow for some use
14 under permit. But that which remains would become the
15 first national off-highway vehicle recreation area in
16 the State of California and maybe in the country.

17 As you know or may not know, off-highway
18 recreational vehicle areas are designated based on a
19 management plan determination. It's a plan level. It's
20 a signature of a manager. And those off-highway vehicle
21 enthusiasts are fortunate to have those large areas that
22 are managed for OHV use, but there's no permanent
23 protections on any of those OHV recreation areas. This
24 bill would provide that first permanent protected OHV
25 area. So I'm just bringing that to the DAC's attention

1 that our voice has joined the chorus and there's
2 legislation moving forward reflecting our sentiment and
3 the broader sentiment of much of the OHV community going
4 forward.

5 Last thing on this, it's always important to
6 have the support of key players in Washington, and one
7 of those is the chairman of the House Defense Committee,
8 and that's Congressman McKeon. Congressman McKeon
9 supports the Cook Bill, so that's a very important
10 aspect to this bill. And we'll continue to keep you
11 posted on the progress there.

12 I did something a little out of order, as I do
13 want to throw the Johnson Valley issue to Dinah. But I
14 did have one other item, I'm afraid, on my report,
15 because I'm not sure -- no. That's good. That's going
16 to be a DRECP issue. Thank you. With that I'm going to
17 conclude my report, and I'm going to turn the floor to
18 Dinah for her report, and she may have more to add.
19 Thanks for bearing with me.

20 Dinah.

21 MEMBER SHUMWAY: Thank you for setting me up,
22 Randy.

23 CHAIRPERSON BANIS: Enjoy it.

24 MEMBER SHUMWAY: The comments I'm going to make
25 came from a recent paper we published in the Desert

1 Symposium this last April. But in the interest of full
2 disclosure --

3 MEMBER MUTH: You may need to use the mic.

4 MEMBER SHUMWAY: Oh, I need the mic. In the
5 interest of full disclosure, my husband worked for
6 20-something -- I don't know how many years -- for
7 Mitsubishi Cement, and my partner, Paul Morton, did a
8 lot of work on iron before we partnered up together.

9 Do you want me to tell you anything else?

10 DIRECTOR RAML: No.

11 MEMBER SHUMWAY: Okay. For those of you who
12 don't know me and for those new DAC members who may not
13 be aware of the importance of mining, I know a lot of
14 people, when they say mining, their eyes cross, and they
15 think, oh, my God, degradation, raping the earth. But
16 think about this. Everything you see in this room,
17 everything in your house, everything out on the street
18 comes from minerals. There are no exceptions to that
19 rule. We need minerals, and communities need access to
20 resources not only for now but for the future.

21 So my business is thinking about where these
22 resources are going to come from in the future, and my
23 clients are the people who develop the minerals not only
24 now but for the future.

25 So I'm going to make this kind of brief, but we

1 need iron because we use it not only for making steel
2 but cement. There's a lot of people looking for iron
3 right now, especially the Chinese, because their steel
4 industry is expanding, since our Kaiser Steel plant
5 closed, Eagle Mountain closed, and we do not have any
6 major iron mines that serve the steel business in the
7 American U.S. However we do have lots of cement plants.

8 And to make cement, you need five-percent iron
9 by weight. So if you have 20 million tons of cement,
10 you need at least five percent, a million tons annually
11 to make cement. There are only two iron mines in
12 California right now. One is the Baxter, which is near
13 Cave Mountain on the 15, and the other is at
14 Silver Lakes, which is cherry-stemmed into the Ft. Irwin
15 Army base that's going to be closing in less than ten
16 years. The economy, the slow economy has really
17 guaranteed that that mine will close with some resources
18 left. But by agreement with the Army base, that's
19 what's going to happen. That means there's one
20 privately owned, won't-play-with-others cement resource
21 left for the mining industry.

22 Okay. So iron content comes from two minerals,
23 magnetite and hematite. One is 72-percent iron, and one
24 is 69-percent iron, so every ton of cement requires
25 three to five percent, which in most iron that the

1 cement plants use, it's about 50-percent iron. And that
2 can be upgraded by using magnetics and things like that.
3 Next slide.

4 So here's what we're talking about. For those
5 of you in the back, I'm sure you can't see it. But if
6 you know Bessemer Mine Road, the Emerson Fault break,
7 it's in that area along the Camp Rock Fault. Next
8 slide. I told you this would be fast.

9 Okay. So there's known iron deposits in the
10 Camp Rock area, and how do we know that? Well, early on
11 the U.S. Bureau of Mines -- does anybody remember the
12 U.S. Bureau of Mines? -- the U.S. Bureau of Mines ran an
13 extensive study in the 1940s on iron. U.S. Steel and
14 Kaiser Steel also ran extensive surveys. They were
15 looking for iron for steel for the war effort. It
16 eventually culminated in the establishment of the Kaiser
17 Steel plant in Fontana. Everybody know why that's where
18 it is? It's because it's beyond the range of the
19 Japanese guns. They wanted to put it in Long Beach
20 originally.

21 So the result of that was that it generated --
22 people can look at this during our break. But these are
23 huge magnetic anomalies identifying iron resources in
24 the Camp Rock Valley. So in the mid 1990s my future
25 partner, Paul Morton, was asked by Mitsubishi Cement to

1 look for alternative iron resources because of knowing
2 that there was only really one source of iron for their
3 plant. And at the time the cement industry in
4 California was booming. We were making 20-plus million
5 tons of cement and importing from China, from Spain,
6 from Indonesia just to fill the consumption of
7 California's growth at that time.

8 Since 2006, of course, the situation has
9 changed. But Paul accumulated a vast amount of data of
10 iron resources in the western U.S., and I pride myself
11 that my company probably has the largest database and
12 document base of iron resources in the western U.S. at
13 this time.

14 So when I read Cook's bill and realized it said
15 closed to mineral entry, this raises a lot of red flags
16 for me because, does anybody know where the next closest
17 iron resource for California would be? Anybody have an
18 idea?

19 UNIDENTIFIED SPEAKER: Minnesota.

20 UNIDENTIFIED SPEAKER: China.

21 UNIDENTIFIED SPEAKER: Johnson Valley.

22 MEMBER SHUMWAY: Cedar City, Utah. There's
23 lots of interest in Cedar City right now, trust me. We
24 actually had a job there. So that's the next resource.
25 Now, if you are an environmentalist and you want your

1 town to build the next -- I don't know -- town hall,
2 road, whatever and you need concrete and that plant that
3 you're going to get the cement from needs iron and
4 they're going to have to mine it in Utah and truck it
5 all the way to California at huge expense. Iron is an
6 industrial mineral, so that means bulkwise it's cheap,
7 but the transportation overtakes it after about 50 miles
8 for iron, because it's a little higher priced than
9 aggregate, but still. So that's the next source. So
10 next slide, please, Steve.

11 Oh, I'm sorry. Stay there. Okay. So all of
12 these deposits are along here. And I'm going to give
13 you some numbers before you can see the map on the
14 screen. So total Camp Rock Valley, there's about 330
15 million tons. That's a huge resource. The only one
16 that's currently permitted are the Morris Lode, which is
17 very nice because it's pretty much near the surface. We
18 estimate ten million tons. And the New Bessemer is
19 currently being developed, I think, by the Chinese, but
20 I don't really know.

21 The Mann deposit is the largest. It's at this
22 end. The shallower ones are at the southeast part. The
23 deeper ones are here. These two, the Mann deposit and
24 the Fry, are huge, but they're deep. These are
25 replacement deposits, which means they are limestone and

1 dolomite that have been intruded by igneous rocks.
2 Those fluids have formed these iron deposits. They're
3 like pods. So we know about how big they are because of
4 the anomaly. Mitsubishi Cement drilled every one of
5 these during the 1990s, and so we have a pretty good
6 estimate of how much resource is there. Next slide.
7 Now you can do the next slide.

8 Okay. So here's a map. Can everybody see
9 this? The Camp Rock Fault isn't really that wiggly, but
10 in nature nothing is straight anyway, but that's the
11 best I can do on the screen. We've get the Emerson
12 Fault. You can barely see the Bessemer Mine Road.
13 Those of you who recognize the terrain can recognize
14 Galway Lake, the Morris Lode, Bessemer Mine. That's the
15 old property that Kaiser originally developed until
16 Eagle Mountain came online, and then there's the
17 Camp Rock Fault.

18 So these deposits are oriented along that
19 linear feature, the Camp Rock Fault, which has something
20 to do with the control of where they are, because some
21 of these are split. And you can look at this top map
22 that shows some of them have actually been probably
23 controlled by the fault and also split by the fault.
24 Next slide, please, Steve.

25 So all the iron in Johnson Valley is around 45

1 to 50 percent, which is the industry standard. It can
2 still be upgraded with magnetics. It would have to be
3 selective mining, maybe for the deeper ones underground
4 mining. The Morris Lode has the most potential because
5 it's close to the surface. It still has about ten
6 million tons. It's privately owned.

7 Currently only two deposits in Southern
8 California are active, and Silver Lakes will be closing
9 within ten years. The next closest iron resource is
10 Cedar City, Utah. I think that might be the last slide.

11 This is my conclusion. I have to read this so
12 I don't forget. The Camp Rock iron deposits are in
13 urgent need of examination and consideration for special
14 resource zoning by the County of San Bernardino and the
15 Bureau of Land Management. Such zoning might protect
16 this resource from encroachment by the proposed
17 expansion of 29 Palms Marine Base. The exact boundary
18 of the expansion is not known at this time. However, if
19 the expansion continues as expected, it is entirely
20 likely that the resources of the Camp Rock area will be
21 completely inaccessible to development. Moreover, if
22 Representative Cook's bill passes as it is today,
23 closing the Johnson Valley to mineral entry, these iron
24 resources will be lost.

25 Morton's study identified the valley along the

1 Camp Rock as the most significant of the areas to
2 conduct further iron resource investigations. It is the
3 opinion of the investigator -- that would be me -- that
4 the deposits of the Camp Rock area are in need of
5 consideration for special resource zoning status.

6 Such zoning really would not preclude using the
7 area for OHV recreation during exploration activities or
8 even later if mining commences. Mining is an interim
9 land use, and mining sites can be reclaimed to
10 incorporate recreational activities.

11 I'm done, unless there's questions. Yes.

12 MEMBER SHTEIR: Question. How does the
13 reopening of the Iron Age Mine fit into all this?

14 MEMBER SHUMWAY: The Iron Age Mine is a very
15 old property that's in the Coxcomb Mountains, and it is
16 east of the Dale District. How else can I explain it?
17 Off of Highway 68?

18 MR. BUDLONG: The north end of Joshua Tree
19 National Park.

20 MEMBER SHUMWAY: The way north end. It was
21 more or less high graded. Have you been there? The
22 road is all washed out now. It was more or less high
23 graded, and there's still a lot of overburden. To
24 reopen that mine would be an incredible expense on the
25 part of the developer. I've looked at that mine twice

1 now for clients. We don't recommend that you try to
2 open it. It's still a resource, and it's patented
3 claims, so I would recommend we still keep that
4 available. But as far as developing it, it would still
5 be at considerable expense because of the required
6 mining.

7 It would have to be really selectively mined,
8 and there's a lot of overburden, because mining methods
9 are much better now, and it's just the way that the
10 deposit is geometrically. Okay? So it's still a
11 resource.

12 MEMBER SHTEIR: Thank you.

13 MEMBER SHUMWAY: But the access to that place,
14 I mean, it would be an incredible capital investment
15 just to redo the road, if you've been in there.

16 MEMBER SHTEIR: Yes. Thank you very much.

17 MEMBER HOUSTON: Dinah, when you characterize
18 one of these mines as privately owned, what do you mean
19 by that? Is the underlying land privately owned?

20 MEMBER SHUMWAY: Yes. They're patented claims,
21 so they're private land, and the lead agency would be
22 the County.

23 MEMBER HOUSTON: So the Cook Bill affects
24 privately owned lands as well as BLM land?

25 MEMBER SHUMWAY: No, it won't. But they would

1 have to cherry-stem the Morris Lode. The other ones are
2 not patented. The only one that's patented is the
3 New Bessemer and the Morris Lode, which are here
4 (pointing). All of these, which are the really big
5 deposits, but they're deep, are on BLM land.

6 MEMBER HOUSTON: So the privately owned mines
7 aren't subject to the base expansion?

8 MEMBER SHUMWAY: No. But the problem is, the
9 BLM will only give like a one-year right-of-way until
10 all of this is settled. So if you only have a one-year
11 right-of-way for the road, it's nearly impossible to do
12 anything of substance. I mean, to expend capital to
13 develop a property, you need to at least know that you
14 have access to develop it, because it takes more than a
15 year to get things up to speed. Does that answer your
16 question?

17 MEMBER HOUSTON: Yes. Thank you.

18 MEMBER SHUMWAY: Any other questions or
19 comments?

20 MEMBER O'BOYLE: I had a question.

21 MEMBER SHUMWAY: Sure.

22 MEMBER O'BOYLE: My understanding of the Cook
23 Bill was to basically open up the Johnson Valley for
24 OHV. And I understand your concern was that it would
25 preclude --

1 MEMBER SHUMWAY: He specifically says closed to
2 mineral.

3 MEMBER O'BOYLE: Preclude minerals. So my
4 question for you is, what are you proposing, and how
5 would that impact the OHV? I mean, I'm just throwing
6 something out there. Are you proposing having it for
7 mining for next 30 years then converting it to OHV, or
8 would it be at the same time? Can they co-exist?

9 MEMBER SHUMWAY: No. From what we know,
10 they're deep, they're big. We have one or two drill
11 holes for each of these deposits, so that's all we have.
12 Nobody in their right mind would start developing
13 something on such little data. However what we're
14 proposing is that the area be considered at the least as
15 a reserve, encouraging further development of data, so
16 exploration, just that it doesn't close it to mineral
17 entry in the future.

18 That doesn't mean -- in this economy in real
19 terms, if you're practical, you're not going to
20 recommend that anybody go in right now and start
21 drilling with the idea they're going to develop that
22 mine and sell products in five to ten years. That's
23 about how long it takes to get something permitted in
24 California, seven to ten years. It's closer to ten now
25 because of the economy. However I don't think it's

1 logical for a community to automatically close to
2 mineral entry forever resources that could be really
3 important in the future simply because of their size and
4 limited access, limited supplies right now. Yes?

5 MEMBER MUTH: Question. I believe you said
6 that the ore, if it was not up to whatever some trigger
7 was, could be augmented with magnetics?

8 MEMBER SHUMWAY: Yes.

9 MEMBER MUTH: What does that mean?

10 MEMBER SHUMWAY: Generally they'll upgrade it a
11 little bit, crush it up then they take all the
12 non-magnetic stuff out. It's really just a dilution
13 kind of thing. I'm not an ore chemist. But 50 percent
14 is what the industry -- is kind of the minimum of what
15 the industry works with. However the cement industry
16 being such as it is, is an incredible opportunity to
17 recycle materials because they can use lesser grades as
18 long as it has other stuff.

19 For example, they use slag from Arizona that
20 goes to the shipyards that's used to blow paint off the
21 ships. You have to recover it. You can't let it go
22 into the harbor. And then California brings it in, and
23 they use it for their iron and silica source. So that's
24 triple recycling. That's really low-grade iron, but
25 it's just enough so they combine it with other things.

1 MEMBER MUTH: Final question. What do you want
2 from us? What would you like the DAC to do?

3 MEMBER SHUMWAY: I would request that the DAC
4 amend their resolution in support of Cook's bill to
5 support an establishment of a mineral reserve, a mineral
6 resource reserve for that area of the Camp Rock to
7 ensure that it does not be taken permanently out of the
8 mineral entry. That would be my suggestion. I don't
9 know if there's precedent anywhere. There should be
10 but, there isn't.

11 MEMBER REILLY: You had mentioned that the
12 Silver Lakes was being closed because of economic
13 hardship?

14 MEMBER SHUMWAY: No. It's been closed because
15 the military is requiring it. They had an agreement
16 they would be allowed to mine for another ten years or
17 something like that.

18 MEMBER REILLY: So if economic hardship keeps
19 coming up in the discussion, why is this a good
20 investment for you to explore?

21 MEMBER SHUMWAY: You mean to preserve?

22 MEMBER REILLY: Yeah.

23 MEMBER SHUMWAY: Do you think the economy won't
24 come back?

25 MEMBER REILLY: It was a question. Why do you

1 think this is a good move to explore?

2 MEMBER SHUMWAY: I think in the future
3 communities need -- let me back up.

4 Mining is a depletion business. Everybody who
5 knows me has heard me say that. We mine stuff to make
6 things. So with iron, we usually make steel out of it,
7 or we make cement. Those are the two major uses of
8 iron. When something is mined, it means you're taking
9 it out, you're using it, and so there's nothing left, so
10 it's depletion.

11 So it's logical for communities -- and of
12 course companies do this all the time. When they're
13 mining the one deposit, they're always looking for the
14 next deposit, so you always have to keep something in
15 the pipe. With our long permitting timelines, a smart
16 company, even in bad times, continues to identify, to
17 look for and get in the permitting train so that, when
18 this deposit is depleted or when the quality depletes
19 for some reason or when one of their market requires
20 something else, they can jump on the other deposit
21 they've already got in the pipeline.

22 Since we do not mine without community consent,
23 this requires collaboration with communities and lead
24 agencies, because you can't just find the deposit and
25 say, "I'm going to mine this one." That's not the way

1 it happens, so you have to constantly be identifying
2 future resources.

3 So from our perspective, if the economy comes
4 back, that means cement production will also come back
5 because the economy, what it has done, which is kind of
6 an advantage to the mineral extraction industry, is that
7 it's lengthened the timeframe for most of the life of a
8 lot of these properties, because at 20 million tons --
9 and we're still importing cement. We haven't imported
10 cement in California since probably 2009. So that means
11 that deposits that are already there being mined
12 actually have a longer life. That's the upside.

13 And the same thing is with Silver Lakes, but
14 the Silver Lakes, even though those resources will have
15 a longer timeline because we haven't been using as much,
16 they have an agreement with the military. So it's still
17 going close, no matter what, so that means the only
18 source is the Baxter, which is owned by CalPortland, and
19 it's a huge market advantage. They're not going to sell
20 it to anybody else. Why would they? If I owned it, I
21 wouldn't sell to anybody else.

22 So anyway, did that answer your question?

23 MEMBER REILLY: Yeah. Thank you.

24 MEMBER O'BOYLE: My question to you is, it
25 would seem to me, if you're wanting to preserve the

1 minerals for future exploration in the future --

2 MEMBER SHUMWAY: Right, if possible possible.

3 MEMBER O'BOYLE: Yeah, if Possible. And I get
4 that. You're going to have to set that land aside in
5 perpetuity, for lack of a better term, and you're going
6 to take it away from OHV use.

7 MEMBER SHUMWAY: No.

8 MEMBER O'BOYLE: So you think you can use it
9 for --

10 MEMBER SHUMWAY: No, no. This works -- until
11 anything happens or until somebody comes in -- let's say
12 that in five years the economy changes. If you're
13 optimistic, the economy is going to change. Somebody
14 comes in and says, hey, let's do some further
15 exploration on this. This is highly recommended. So
16 they come in, and they bring a couple of drilling rigs,
17 and they drill, and they get their data and everything.
18 The only thing that would be closed to off-road at that
19 time would be the area right around the drill rigs.

20 So it's just like if you're mining a claim on
21 Public Lands. If you are actually working it, you are
22 going to protect that land, and it's illegal for someone
23 to come in and sabotage your equipment.

24 MEMBER O'BOYLE: I understand what you're
25 saying. Right now it's just for testing and everything

1 else, but it's open to riding, so people are going to be
2 riding over there.

3 MEMBER SHUMWAY: Oh, yes.

4 MEMBER O'BOYLE: Sometime in the future when
5 the economy turns around and you do want to start mining
6 that, you're going to have to put that land off limits
7 to the free riding.

8 MEMBER SHUMWAY: Oh, yes, but it would only be
9 that property. It wouldn't be the whole area.

10 MEMBER O'BOYLE: And I get that.

11 MEMBER SHUMWAY: Right.

12 MEMBER O'BOYLE: I'm just saying in general
13 human nature is that, once you have something, you feel
14 like you own it. So if you give people the right to
15 ride there now, whether it be five years, ten years or
16 if it's longer, probably even worse, people are going to
17 be going riding out there, and now you want to mine it.
18 I mean, I almost think you almost have to set it aside
19 now on limited open-ride area so that people don't feel
20 entitled to it.

21 MEMBER SHUMWAY: You know, I agree with you
22 that there are a lot of people like that. However I am
23 also optimistic enough to think that education does
24 work. One of the things that Utah does in their
25 northern section is, as you're driving along the Utah

1 highways, there's signs that are for your information,
2 "Dinosaurs walked here," in so many million years, "Oil
3 comes from these rocks." I mean, that's the kinds of
4 thing along the BLM you could have -- if we decided to
5 propose something like that, I could imagine that
6 somewhere along the road, there would be a BLM kiosk
7 informational thing that says, "Potential huge iron
8 resources underground," or something like that.

9 Good players in the desert and the OHV
10 community, I think, can support me in this too. They
11 know what the rules are. I think that if everybody
12 knows that in the future there could be some iron mines
13 here, I don't think that would preclude making it a
14 reserve. I'm against sitting it aside. It's public
15 land. It's unpatented.

16 It's like having a claim. If I have a claim, I
17 have the exclusive right to conduct exploration
18 activities on that claim, but that doesn't mean you
19 can't go on it, camp on it, even collect some rocks on
20 it. You just can't conduct exploration activities on
21 that land, but you still own it.

22 MEMBER O'BOYLE: You can still use it.

23 MEMBER SHUMWAY: Yes, you can still use it.

24 CHAIRPERSON BANIS: Any other questions from
25 the DAC? To clarify just something, Paul, and for

1 others --

2 MEMBER O'BOYLE: Yes.

3 CHAIRPERSON BANIS: -- the area is already
4 being used by OHV.

5 MEMBER SHUMWAY: Right.

6 CHAIRPERSON BANIS: So those areas are already
7 being driven on and have been driven on for many, many,
8 many, many years. And as it stands right now, those
9 same areas are open to filing of a claim. So if the
10 Cook Bill didn't exist or it goes nowhere, a mining
11 operation can go in and file a claim right on that spot
12 as it is today. What Dinah is suggesting is that they
13 be continued to allow to have that claim there, even
14 under a National Recreation Area and so on and so forth.

15 Before I go on, I did want to put in -- Rusty
16 had a hand. Did you want to add something in there too,
17 please.

18 MR. LEE: Yes. Just some factual information
19 for Don's question. The Marine Corps has assessed the
20 value of private inholdings within their proposed base
21 boundary. So if there are patented claims in there,
22 they do not intend to keep those in private hands. I
23 just wanted to make sure that was clear.

24 MEMBER SHUMWAY: No, or force a buyout.

25 MR. LEE: It would be considered separate.

1 They'd have to get an appropriation to do that. But I
2 spent time with them assessing where they had patented
3 lands, the majority which were mining related and trying
4 to give them a feel for the cost of that. They needed
5 those cost estimates for their evaluation.

6 MEMBER SHUMWAY: Thanks, Rusty.

7 CHAIRPERSON BANIS: And Gerry, I'm going to
8 bring you up first on the public comment next. Then
9 maybe you can tie in on that. It's the very next thing.
10 I just want to wrap up here and see, is there a
11 sentiment on this or a comment? Yes.

12 MEMBER SALL: I guess one of the questions I
13 have in looking at this with the timing is that, because
14 the DAC didn't specifically -- since there was no Cook
15 Bill, "A," when we made our recommendation, but "B,"
16 since we didn't make a specific recommendation about the
17 Cook Bill, I'm wondering if it would be appropriate to
18 have an agenda item about the mineral resources for our
19 next meeting, the working landscape, and table this
20 decision until we can get more information and our new
21 DAC members can get up to speed on this a little bit.
22 Just something to consider.

23 CHAIRPERSON BANIS: I think you see the
24 interest here. I think people have taken the bite, and
25 they want to know more. Just we might want to move the

1 rest of the discussion to the next meeting. The topic
2 is the working landscape, and, boy, this fits well.

3 MEMBER SALL: Really great presentation,
4 though.

5 MEMBER SHUMWAY: Thanks.

6 CHAIRPERSON BANIS: Would that be all right?

7 MEMBER SHUMWAY: Yeah, I think that would work
8 because it fits better in working landscapes, but we
9 wanted to get on this because Cook's office -- somebody
10 saw our presentation at the symposium, and they were
11 working on this, and they called us, and I expressed my
12 concerns.

13 Similarly the people from the cement mining
14 industry, of course, have been contacting Cook also, and
15 I think Robert Lovingood with the County and Ramos are
16 pretty much on board with the industry on this
17 particular issue. So I don't know how fast this bill
18 will be through Congress. I think we probably have
19 until then, but he already knows that there are some
20 concerns about this, and there's other -- citizens'
21 group, the right word, like the Lucerne Valley people
22 are pretty much on board with it as well. They're
23 concerned because mining is a big part of that
24 community.

25 MEMBER SALL: Great. Thank you.

1 MEMBER SHUMWAY: Thanks.

2 CHAIRPERSON BANIS: Very good. Thank you,
3 Dinah. Thank you very much. Before I do move into the
4 next item, I saw there was one -- there's always one
5 more thing for my report, but this is important, please.

6 In September of 2011 the Desert Advisory
7 Council urged the BLM to seek National Recreation Trail
8 status for one or more trails in the California Desert.
9 National Recreational Trail Program is administered by
10 the National Parks Service, and each year annually land
11 managers and citizens nominate trails with special
12 recreational qualities for inclusion into this National
13 Recreation Trails Program. The California Desert
14 District did not have any designated National Recreation
15 Trails in September of 2011, and despite the heavy
16 workload of renewable energy and WEMO and the like, Teri
17 was gracious enough find a way to work this request of
18 the DAC into the flow of things.

19 And I worked with the BLM closely through 2011,
20 and when all was said and done, as I reported to the
21 DAC, that we selected one trail, the Nadeau Trail in
22 Panamint Valley here in the Ridgecrest Field Office, as
23 a candidate for a National Recreation Trail status. We
24 submitted the application.

25 We're fortunate to have received a tremendous

1 number of letters of support. We received support from
2 city council members of Ridgecrest, from many people
3 here in this audience, the Ridgecrest Roundtable. We
4 had support from Historic Cabin Stewards, from various
5 friends-of groups, support from the resort in the Death
6 Valley area. We even had a letter of support from Death
7 Valley National Park itself for the National Recreation
8 Trail designation.

9 Last week the secretary announced the results
10 that she has designated, that Secretary Jewell has
11 designated 42 recreation trails, National Recreation
12 Trails across the country this year. And the Nadeau
13 Trail is one of them. So congratulations to the BLM and
14 to the DAC, the Ridgecrest Field Office and the citizens
15 who helped work on this project, that the California
16 Desert District has its first National Recreation Trail,
17 the Nadeau National Recreation Trail. So
18 congratulations to us. Thank you, everybody.

19 DIRECTOR RAML: I have to comment on this too.
20 This will be one of the model accomplishments of the DAC
21 for this particular trail. The reaction of the BLM when
22 this idea came up was, we have other priorities. We
23 don't have time for this. I'm serious. That was our
24 reaction. But through Randy's persistence, we did set
25 aside just really minimal staff time, and this ball was

1 totally carried by the DAC and the citizens. And it's
2 not just the first National Recreation Trail for the
3 Desert District; it was the only one designated in the
4 bureau and BLM.

5 We have a few people that can take credit
6 within the Bureau, but by and large this was a
7 citizen-initiated, driven and accomplished initiative.
8 So if you started to wonder once in a while, what can
9 the DAC do? when Randy was talking at the meeting
10 yesterday, you can set an agenda. That's kind of what
11 he did with this trail. And we are very proud of that
12 accomplishment.

13 CHAIRPERSON BANIS: Thanks kindly, Teri.
14 That's very nice. I appreciate that.

15 UNIDENTIFIED SPEAKER: You deserve a big hand.

16 (Applause.)

17 CHAIRPERSON BANIS: Thank you, David. Thanks
18 kindly, David.

19 MEMBER RUDNICK: Randy, is this a motorized
20 trail?

21 CHAIRPERSON BANIS: Yes, it is. It is a
22 motorized recreation trail 28 miles in length from
23 approximately the foot of Slate Ranch Crossing north all
24 the way almost all the way to Panamint Springs,
25 virtually the entire length of southern Panamint Valley.

1 DIRECTOR RAML: The emblems are on their way.
2 The other thing they told us after the announcement is
3 that they put the emblems in our box and they are headed
4 for our office to be put on signs.

5 MEMBER SHUMWAY: So when will those emblems be
6 set in?

7 DIRECTOR RAML: That's Carl.

8 MEMBER SHUMWAY: It might be nice to have a
9 nice little field trip event. Doesn't have to be
10 expensive.

11 DIRECTOR RAML: A designation.

12 MEMBER SHUMWAY: Whoever can show up shows. So
13 keep us informed, please.

14 CHAIRPERSON BANIS: The last closeout that we
15 have before we move into public comment, which I've
16 guaranteed Gerry that first slot so he can continue the
17 discussion on Dinah's topic. But the last item is our
18 discussion on DRECP.

19 Now, last meeting was a discussion focused on
20 the Desert Renewable Energy Conservation Plan with a
21 special emphasis on the role of the counties. We heard
22 presentations from representatives of Kern County,
23 representatives of San Bernardino County and
24 representatives of Riverside County. And we learned a
25 lot. We learned that the counties have very much in

1 common, and yet there are several points that set them
2 aside. And today I'd like -- those of you who are here
3 can recollect that conversation and our discussions on
4 DRECP.

5 Is there anything that the DAC would like to
6 offer along the lines of closing action or closing
7 recommendations on that issue of DRECP? April and Seth?
8 April first. Oh, and then Al.

9 MEMBER SALL: Thank you, Randy. Yes, I would
10 like to propose a motion that, when the draft DRECP
11 document is released, there are public meetings that are
12 advertised and noticed within some of the desert cities
13 in the DRECP. And we could either propose a list of
14 cities or use BLM field offices. But that way members
15 of the public are aware of the exact time of the draft
16 release and when the comment period is and have an
17 opportunity to engage in this really critical process.

18 CHAIRPERSON BANIS: I have a motion to request
19 that the DRECP agencies conduct public meetings within
20 the planning area in the desert cities. Do I have a
21 second?

22 MEMBER REILLY: Second.

23 CHAIRPERSON BANIS: I have a second. Do we
24 have discussion? Any comments? Anybody who would like
25 to talk on this?

1 MEMBER HOUSTON: Yeah.

2 CHAIRPERSON BANIS: Don?

3 MEMBER HOUSTON: Who is the lead on this,
4 April, the CEQA lead?

5 MEMBER SALL: There's three agencies that make
6 up the DRECP planning team -- well, the REAT agencies.
7 It's the BLM, the CEC, the Department of Fish and
8 Wildlife for California and the U.S. Fish and Wildlife.
9 So the CEC, and Department of Fish and Wildlife are the
10 State. California Energy Commission. Sorry.

11 CHAIRPERSON BANIS: One of the things driving
12 this, if I may, is that those who have followed the
13 Desert Renewable Energy Conservation Plan planning
14 process, it involved a long interaction with a
15 stakeholder committee that held regular monthly
16 meetings, and those monthly meetings were almost all in
17 the urban area down in Ontario, reason being for those
18 who were coming in and flying in, it was a quick and
19 easy airport to get in and out of, and the hotel was
20 right across the street, they didn't have to rent cars
21 and so on and so forth.

22 But that didn't sit well for many of the
23 residents of desert communities for which this plan
24 would have a big impact on. And it wasn't until much
25 along the line of this process that many of the

1 residents found out about this and started attending.
2 And it was one of those processes where the first
3 stakeholder meeting the audience was a ghost town, and
4 by the time the stakeholder committee and a year and a
5 half went by, you couldn't get a standing-room place in
6 the meeting room. There was that much interest.

7 And during the scoping periods the citizens who
8 attended the DRECP scoping did say, "We want meetings in
9 our communities in the places that are affected by it."
10 And that's what's driving this discussion, I think.
11 Forgive me if I'm putting words in your mouth. Feel
12 free to take the mic and clarify. And if we have any
13 other comments.

14 MEMBER SALL: No, thank you, Mr. Chairman.
15 That's helpful. And I think just a little more
16 perspective for those in the audience is probably the
17 first almost six months or more of the DRECP planning
18 process, the meetings were actually in Sacramento, and
19 then they moved them to Ontario after a number of
20 comments that a desert planning process should not occur
21 several hundred miles away for public involvement. So
22 there has been progress in getting more availability to
23 the meetings.

24 But anyone who has attended the stakeholder
25 meetings for the DRECP probably knows that it is not

1 necessarily a public forum in terms of a great
2 opportunity to give public comment. As Randy indicated,
3 they're stakeholder meetings. You have to have a seat
4 at the table. Then public comment is at the very end of
5 the meeting, around 4:00 or 5:00 p.m. before everyone
6 departs. So we're trying to get an opportunity for
7 residents and users of the desert to have some more
8 direct voices besides their written comments and to have
9 notice that they need to write written comments. Thank
10 you.

11 CHAIRPERSON BANIS: Don?

12 MEMBER HOUSTON: Randy, I'm just thinking how
13 this is going to work. So we're going to request the
14 BLM to reach out to the Energy Commission and to
15 service to establish these meeting locations? Is that
16 what we're doing?

17 CHAIRPERSON BANIS: Yes. Very good. Friendly
18 amendment accepted?

19 MEMBER SALL: Yes.

20 CHAIRPERSON BANIS: So to restate, we request
21 the BLM work with the REAT agency to plan public
22 meetings for the DRECP draft document in the planning
23 area in the desert cities.

24 MEMBER REILLY: May I add another --

25 CHAIRPERSON BANIS: Please.

1 MEMBER SHUMWAY: Good.

2 DIRECTOR RAML: One thing I would ask the DAC
3 to consider as the draft gets closer is -- and we've
4 talked about this in the DAC meetings before -- how the
5 DAC interacts with something that has a public process.

6 I'm wondering if maybe we could convene -- one
7 of the things that you can be very helpful for is making
8 sure that our documents, our news releases, make sense
9 to people. And maybe we can employ your assistance in
10 how these workshops can come in, because, you know,
11 there are people that have been very invested in the
12 process. They're called stakeholders. They know the
13 lingo. I mean, you know, we don't even say what the
14 DRECP is anymore.

15 So now we're going to come out to the desert,
16 and we're going to hold meetings in places that may or
17 may not be at all invested. And I would really like to
18 have the DAC not necessarily -- I mean, you're going to
19 weigh in anyway, hopefully, on what you think of the
20 plan, but also to help us translate this planning
21 process so it's in English for people new to it. And I
22 think you could really help us on that. So when it gets
23 closer, maybe we can convene and talk about how that
24 might happen. We've got educators and people with a lot
25 of knowledge that we can call on to help us.

1 CHAIRPERSON BANIS: Very good. Thank you. A
2 last update on a DRECP-related item I'd like to share is
3 a concern that's come up in the general Ridgecrest area.

4 MEMBER MUTH: Mr. Chairman?

5 CHAIRPERSON BANIS: Please. Oh, Seth. So I
6 skipped Seth, and I skipped Al. Pretty good, huh? I'm
7 sorry, Seth. The floor is yours.

8 MEMBER SHTEIR: Thank you, Mr. Chairman. The
9 resolution I would like to make is regarding the Desert
10 Renewable Energy Conservation Plan. And it relates to
11 the importance of having the DRECP draft report
12 contained in a comprehensive section on how the DRECP
13 might impact communities in the desert, particularly in
14 terms of regional tourism and socioeconomic impacts.

15 And the justification for that is pretty
16 simple. In 2003 outdoor recreationists of the Mojave
17 Desert spent 230 million in local communities, and a
18 similar report in 2010 for Joshua Tree National Park
19 indicated that visitors to Joshua Tree National Park,
20 who came from all over the world, valued unobstructed
21 views more than anything else, followed closely behind
22 by wildlife.

23 And so these are the very things that can be
24 impacted by inappropriately sighted renewable energy
25 development. So many of the businesses that I know in

1 my communities in the Morongo Basin depend on regional
2 tourist economy and people coming from all over the
3 world to see Joshua Tree National Park. And I think it
4 behooves us to really examine how the DRECP might impact
5 communities in terms of regional tourism.

6 CHAIRPERSON BANIS: Seth, would you kindly
7 restate a motion.

8 MEMBER SHTEIR: Yeah. Motion to make a
9 recommendation to the Desert Renewable Energy
10 Conservation Plan and California Energy Commission to
11 include a comprehensive analysis of socioeconomic
12 impacts, particularly as they relate to regional tourism
13 in the draft DRECP report so that we can understand
14 better how it might impact our regional tourism economy.

15 CHAIRPERSON BANIS: Do I have a second?

16 MEMBER JOHNSTON: Second.

17 CHAIRPERSON BANIS: Seconded by Ron. Thank you
18 for your prelude. Was that Al who wanted to comment on
19 this? I still have you on my speakers' list, but you
20 have something different.

21 MEMBER MUTH: Discussion with the motion.
22 Isn't there an economic analysis that comes into this
23 under NEPA? I think NEPA has to be invoked at some
24 point along the line, or would that not be covered in
25 the economic analysis in NEPA?

1 CHAIRPERSON BANIS: The impacts on recreation
2 are assessed in one of the appendices. Don?

3 MEMBER HOUSTON: Yeah. I don't question the
4 need for that type of analysis, but I think that ship
5 has sailed. Usually the extent of the analysis is that
6 those kinds of comments occur during the scoping period.
7 Now, when the draft comes out, then we can comment on
8 the adequacy of the analysis on that specific subject.
9 But in terms of adding it to the extent of the analysis
10 or as a component of the analysis, really, that should
11 occur during the scoping period and not at this place in
12 the process.

13 CHAIRPERSON BANIS: Any further comments?

14 MEMBER JOHNSTON: Randy, yeah. And I
15 understand where you're coming from on that, Don, but
16 this has been a rather closed shop, where they have been
17 holding meetings in Sacramento, and it's only now that
18 it's being brought out to the public for public comment
19 by the communities in which it's going to be impacted.
20 And so this is really a disclosure document to the
21 public that hasn't been heretofore widely circulated.

22 CHAIRPERSON BANIS: Well, the draft hasn't been
23 released yet. We're waiting for that draft.

24 MEMBER SHUMWAY: Right.

25 CHAIRPERSON BANIS: And a recreation and

1 socioeconomic analysis is a component of that planning
2 document. You're right.

3 MEMBER SHUMWAY: May I?

4 CHAIRPERSON BANIS: Let's keep rolling and see
5 if we can roll this to a conclusion.

6 MEMBER SHUMWAY: I just want to ask a question
7 for those of you who follow this closely. Has there
8 been discussion at the meetings about the economic
9 impacts?

10 CHAIRPERSON BANIS: Absolutely.

11 MEMBER SHUMWAY: Okay. So we already know it's
12 going to be part of the final document?

13 CHAIRPERSON BANIS: There's -- how do I say
14 this? It's kind of an outline. There's already an
15 outline available through the draft discussion
16 documents, and you can see the section numbers and all
17 of the paragraphs and points that they're talking on,
18 and those are included in them. They're being fleshed
19 out more and more and more. Some sections of the
20 planning document are more fleshed out than others.

21 I don't want to nitpick about whether it's been
22 circulated or part of the public, but we don't have a
23 draft document to review yet. There isn't anything for
24 the public to comment on yet. I know that's strange,
25 because here we are commenting on a plan, but there is

1 no draft yet. It's really more of what the DRECP
2 planners have done is to release discussion documents
3 periodically through the process. Each one gets filled
4 out a little more, a little more and a little more in an
5 attempt to flush out the comments from the stakeholders
6 and from the public. And each draft generally reflects
7 some of those changes as it moves forward through this
8 draft.

9 So this draft has been well-vetted through
10 stakeholders. I won't say to the point of consensus or
11 agreement or anything of that nature. They've had
12 many -- the stakeholders have spent much time on it.
13 The public yet really hasn't had their whack at it. So
14 I guess my point is, I'm trying find a way to -- I'm
15 trying to instead maybe negotiate your motion into a
16 strengthening of the socioeconomic analysis, in
17 particular, recreation, as opposed to merely including
18 it, because it is included, be it strong, be it whatever
19 other adjectives that might be appropriate to describe
20 your sentiment.

21 MEMBER SHTEIR: Thank you, Mr. Chairman. And
22 thanks for the comments on this. You know, I know that
23 a certain aspect of this is included in the NEPA process
24 and would like to acknowledge normally these things
25 should come up during scoping, but again the public has

1 been -- not participated, and so these local communities
2 that have been business that depend on recreational
3 tourism have not been included in the scoping process
4 necessarily because a large part of those meetings were
5 held in Ontario.

6 So perhaps that would be a better wording, a
7 strengthening of the economic impacts, to look at the
8 economic impacts on, you know, communities that depend
9 on parks, wilderness and other protected lands.

10 CHAIRPERSON BANIS: Is that acceptable to the
11 seconder of the motion?

12 MEMBER JOHNSTON: Yes.

13 CHAIRPERSON BANIS: Does that sound a little
14 better here? Don?

15 MEMBER HOUSTON: Well, I'm just questioning the
16 timing. I mean, we have that opportunity during the
17 public comment period after the draft comes out.

18 MEMBER SHUMWAY: Mr. Chairman, perhaps Seth
19 could amend his proposal to make sure that we look at
20 it, and then the draft -- look at the draft, and then
21 the DAC can maybe formulate a letter or, yes, a letter
22 that would point out some of the deficiencies that we
23 may find. In other words, maybe we should postpone it
24 until after the draft comes out.

25 MEMBER REILLY: Is the idea to be more

1 proactive about your comments while the writing process
2 is taking place?

3 MEMBER SHTEIR: Yes, that's correct. And I
4 think that -- while the suggestion is a really good one,
5 I think it's really important to be proactive in this
6 sense. You know, I think we've all experienced this,
7 that by the time the draft report comes out, we have a
8 limited window of opportunity to really influence
9 things. So by making the recommendation before the
10 draft comes out, we can still submit specific comments
11 about what comes out in the report, but I think it also
12 behooves us to make this request in anticipation of the
13 draft.

14 DIRECTOR RAML: So one of the things -- I saw
15 the letter from Dave Harlow in the CEC that there were
16 going to be workshops held this summer. And I don't
17 know what those look like, and I don't know where. So
18 there is going to be action on the DRECP in the desert
19 communities this summer, so timingwise we may not have
20 to wait until the draft because the draft is not coming
21 out until the fall, and they're planning on workshops in
22 the summer. So --

23 MEMBER SHTEIR: Great.

24 DIRECTOR RAML: Yes. So your motion might
25 carry more because it might not have to wait.

1 CHAIRPERSON BANIS: How about this. I'm sorry.
2 I'm weighting into this now. How about the DAC will be
3 particularly attentive to the comprehensive analysis on
4 socioeconomic impacts, so on and so forth? The DAC
5 expects a comprehensive analysis. The DAC expects a
6 comprehensive analysis of the socioeconomic impacts.
7 The DAC looks forward to a comprehensive analysis.

8 MEMBER MUTH: The DAC recommends it.

9 CHAIRPERSON BANIS: Maybe we're right back to
10 where we were with "the DAC recommends." Maybe we
11 talked our way right back to that. I think what we've
12 heard is, this is an appropriate insertion point. I
13 think we're trying to couch the right phrase. Don?

14 MEMBER HOUSTON: Do we have a motion?

15 CHAIRPERSON BANIS: We do have a motion and a
16 second.

17 MEMBER HOUSTON: Let's call for the question.

18 CHAIRPERSON BANIS: We'll call for the
19 question, and it stands as it did. The DAC recommends
20 there be a comprehensive analysis of socioeconomics,
21 including recreation. Is that good for a summary?

22 MEMBER SHTEIR: Sure.

23 MEMBER RUDNICK: And tourism.

24 CHAIRPERSON BANIS: The exact wording is in the
25 transcripts. Those in favor raise, your hand. Those

1 lot of discussion from Teri in the transcript saying,
2 well, we couldn't put a flowchart together because it's
3 a essentially a group of themes, and it just didn't
4 work. I understand that.

5 But can we take this small section and produce
6 something that shows how this stuff interdigitates, how
7 it all works? And maybe Gerry can explain it in his
8 three minutes.

9 You ready, Gerry?

10 MR. HILLIER: That's a challenge.

11 MEMBER MUTH: So duly noted?

12 DIRECTOR RAML: Duly noted.

13 CHAIRPERSON BANIS: Thank you, Al. Do you have
14 a comment?

15 DIRECTOR RAML: I can comment on that. We are
16 still internally working on how all these planning
17 efforts are interconnected, and I know that that seems
18 odd, considering how they're moving. But the planning
19 team continues to kind of like work on, you know, how
20 did the allocations look? What are the rules that's
21 associated with them? And then meanwhile over here all
22 of us have our beloved 1980 California Conservation Area
23 Plan.

24 And we are right now -- you know, like in the
25 last couple of weeks I've been involved in conference

1 calls, where we're actually trying to figure out, look
2 at even the mechanics of when the DRECP comes out, is
3 the old CDCA and its 183 amendments -- is it still a
4 document we look at or -- we don't know yet, but I will
5 tell you right now we're more than in the realtime of it
6 because we're actually trying to figure out how the
7 DRECP will amend the CDCA when the CDCA is a very
8 amended plan. So keep pushing. We're pushing. We're
9 trying to get to closure on it.

10 CHAIRPERSON BANIS: April?

11 MEMBER SALL: Yeah, just a follow-up on that.
12 Being that I think this question or a similar one with a
13 different theme has come up at every DRECP meeting I've
14 ever been at, maybe it would be helpful if the BLM and
15 the REAT agencies could put on a little presentation
16 about this very topic at one of the workshops that will
17 be scheduled this summer. Maybe that would be helpful.

18 DIRECTOR RAML: And the other thing that I can
19 comment, the transition -- so how the DRECP started out
20 is, you know, is a Habitat Conservation Plan and an
21 NCPP. You know, at the outset of the planning effort
22 there wasn't -- you know, the decision to amend the CDCA
23 wasn't made immediately, and so how we transitioned when
24 BLM kind of announced that, okay, yes, we will use this
25 planning effort to amend the California Desert Plan, we

1 didn't really do all the staff work. We didn't, say
2 what does that actually mean?

3 And as you know now, all that planning effort,
4 the REAT agencies, they don't have the California Desert
5 Plan in front of them, and that's what's happening now.
6 You know, now that the planning effort is back out in
7 the Desert District and the field office employees are
8 looking at it, they're looking at it with the framework
9 of the CDCA. But the planning effort started.

10 And they were actually quite pleased that they
11 started with a blank sheet of paper. They didn't look
12 at the CDCA and say, how do we need to amend it? They
13 started with, this is the desert, this is the landscape,
14 these are the biological species, these are the covered
15 activities. And then we went along for --
16 what? -- almost one and a half to two years before the
17 decision to amend the CDCA was made. So now what? And
18 we're still in the "now what?" So April, your
19 suggestion is a great one.

20 CHAIRPERSON BANIS: Very good. Thank you,
21 everybody. I'm sorry. I have a DRECP issue also to
22 bring up. I know we're not running on time, but I'm
23 going not going to receive a motion on this, so I want
24 to bring this to the attention of the BLM, if I could.

25 There's been a little bit of a wake-up call for

1 recreation enthusiasts in the Ridgecrest area.
2 Renewable energy development projects permitted by
3 Kern County, part of the mitigation requirements
4 required acquisition of private property for
5 conservation lands for mitigation. And the partners
6 that Kern County is involved in in permitting these
7 projects, the state agencies and everyone who's
8 involved, through the course of the permitting of a
9 certain number of projects, a set of properties were
10 purchased at the foot of the El Paso Mountains along the
11 Garlock Road, and fences were installed around each of
12 those parcels.

13 Nearly each of those parcels contained --
14 although private property -- it's private property that
15 was purchased for mitigation. Although private
16 property, it is alongside the road and is where all of
17 the motorized trails and motorized roads go into the
18 El Paso Mountains. They originate from Garlock Road and
19 pass through those small private property parcels.

20 And when this fencing took place, it was a
21 surprise to some recreationists who would all of a
22 sudden come up to a fence that wasn't there before,
23 where many in the local community were grateful to the
24 BLM Ridgecrest Field Office for working with that
25 contractor to negotiate a way through virtually all of

1 these parcels.

2 It was approximately maybe eight to ten routes
3 that were affected by this that were blocked off. And
4 the BLM was fortunate enough to work out corridors,
5 fenced corridors, in all but one of those parcels. One
6 of the parcels would have required a
7 mile-and-a-half-long corridor fenced on each side. And
8 I understand that due to the expense of that, that
9 particular accommodation was -- they passed on that.
10 But all of the roads except for that one were made into
11 corridors.

12 Great. Thank you, Carl. Great. But then what
13 woke me up as a DRECP enthusiast -- is that a way to put
14 it?

15 MEMBER SALL: No.

16 CHAIRPERSON BANIS: Gee, that's not so good.
17 But being familiar with DRECP, that a light went off in
18 my head, because I've been trying to follow this process
19 of documents and players and tried to predict the future
20 essentially for members people who are interested in
21 this. And one thing I never thought of is the potential
22 of massive and large amounts of fencing in the
23 conservation or reserve areas throughout the back
24 country of the desert that contain very popular,
25 well-used roads and trails.

1 And so this -- again it was kind of a wake-up
2 call. The Kern County issue was a wake-up call to me to
3 look at the DRECP to -- I won't say seek assurances,
4 because that's a little over used. April laughed at me
5 yesterday when I used that word. She says, "Join the
6 club. We're all trying to seek assurances." But to
7 seek some statements as to what part fencing will take
8 place in these private parcels in the DRECP planning
9 area and what role it will play in conservation, if any.
10 So that's just an issue I want to bring up.

11 Fencing in the middle of nowhere across
12 designated routes and trails could be something that
13 recreation enthusiasts come across as a result of these
14 plans. So just putting that forward and ask the BLM's
15 help in clarifying that point. Thank you.

16 Richard.

17 MEMBER RUDNICK: What's your solution to this
18 problem? Or do you perceive it as a problem?

19 CHAIRPERSON BANIS: As the DRECP being a
20 20-plus-million-acre plan involving both public and
21 private lands that's going to extend into the next 30
22 years, I would like to see it reach a conservation
23 development balance that doesn't involve fencing off of
24 acreage in the back country of the desert. That's what
25 I'd like to see, a balanced proposal that doesn't

1 involve massive fencing.

2 MEMBER RUDNICK: I agree.

3 CHAIRPERSON BANIS: Thanks. Dinah?

4 MEMBER SHUMWAY: Mr. Chairman, not only does it
5 cut off access roads but also, so much for your open
6 landscape views. All it takes is a fence across the
7 road to change everything.

8 CHAIRPERSON BANIS: So I just bring that little
9 education, things we learn, light bulbs go off. Keep
10 your eyes open, learn, listen. Thank you.

11 We'll move on to learn and listen some more
12 from the members of the public, unless there's a last
13 comment. Oh, Zach, please.

14 MEMBER SCRIVNER: Thank you Mr. Chairman. Our
15 planning director, Lorelei Oviatt, is here with us, and
16 I'd like to her to come up and make some comments
17 regarding this fencing issue. She and I have been
18 engaged, and I think that there are some points that
19 need to be clarified. So if I may ask the chairman if
20 Ms. Oviatt can comment.

21 CHAIRPERSON BANIS: Absolutely.

22 MEMBER SCRIVNER: Thank you so much.

23 CHAIRPERSON BANIS: Absolutely. In the DRECP
24 process, I can say this is one person I've learned more
25 from in this process than maybe anyone who else has sat

1 at that table. Thank you, Lorelei.

2 MS. OVIATT: Thank you very much. Again,
3 Lorelei Oviatt, Planning Director for Kern County.
4 Thank you, supervisor. Thank you, DAC members. It's
5 nice to be here today.

6 I do want to broaden this conversation,
7 however. That particular piece of property was a
8 private piece of property. This is not a BLM renewable
9 energy project. There are no BLM renewable energy
10 projects except for the Alta East project that is a Kern
11 County project. They were told to go as by mitigation
12 land by the wildlife agencies. They went out and
13 negotiated with a private property owner. Many of those
14 trails were illegal trespassed trails across private
15 property you all have been using for years. However
16 that doesn't mean they were actually designated trails
17 on private property.

18 The property owner was -- then sold it for
19 mitigation land. Mitigation land has to be managed a
20 particular way in order to be mitigation land. The BLM
21 and other trail users were consulted. They had numerous
22 meetings out there. If the renewable energy person
23 didn't call the right people, there are lots and lots
24 and lots of OHV users that are interested in these kinds
25 of things. They did negotiate certain trails, and we

1 did protect the BLM.

2 I just want to be cautious here. Private land
3 is private land, and you certainly wouldn't as an OHV
4 owner want somebody showing up and saying, "I'd like to
5 have a barbecue in your backyard." So we are challenged
6 in the desert, as we have been for the last 40 years, at
7 trying to work out this issue of the checkerboarded
8 private land and the BLM designated trails.

9 Whether they're fenced off or not, I want to be
10 clear, the Kern County Board of Supervisors didn't
11 direct this to be fenced off. However wildlife agencies
12 have to have assurances that they're not going to have
13 trespasser camping or other sorts of things that are
14 going to degrade the biological uses for this.

15 These developers have paid good money to a
16 private property owner, so I do not want the renewable
17 energy developers to be vilified for merely doing what
18 they were told to do by State wildlife agencies. And
19 our renewable energy developers in Kern County are great
20 neighbors with OHV. We have had many, many instances of
21 them providing access where there really was no public
22 access so that people who owned property could OHV. And
23 I don't know how it is in the rest of the desert, but
24 we're certainly in Kern County still committed to this
25 balance.

1 Lastly Kern County is the only county who has
2 not signed an MOU on the Desert Renewable Energy
3 Conservation Plan. We have permitted over 8,050
4 megawatts of renewable energy without the plan. We are
5 still engaged in the plan. The board of supervisors has
6 directed me to continue to discuss with the plan
7 proponents what are the advantages for our renewable
8 energy developers if we signed on for the plan? And
9 that's what we're still trying to work on.

10 So when you mention Ridgecrest, if the Kern
11 County does not sign off for the plan, the private
12 properties around Ridgecrest would not be subject to the
13 plan. So I just want to clarify all of that because the
14 BLM is somewhat not really -- they're kind of blameless
15 in this whole situation. In fact I think everybody is
16 blameless.

17 I think it is an issue, and I look forward to
18 when the West Mojave route discussion comes up. One of
19 the issues that the subgroup brought up was this issue
20 of private public trails, and I think that's where the
21 conversation should move into. So thank you for letting
22 me clarify that for the supervisor. I appreciate it.

23 CHAIRPERSON BANIS: Thanks from us to you.
24 Thank you, Lorelei, for doing that. And I think we do
25 see how this leads to the broader, the DRECP picture,

1 which is what we discussed last month. So thank you and
2 Zach for bringing that up. Much obliged.

3 And I'd like to with that close the discussion
4 on the advisory council reports. We're going to take a
5 five-minute break for the stenographer and others who
6 need to take a quick five-minute break then start off
7 the public comment with Gerry Hillier when we get back.

8 (A brief recess was taken.)

9 CHAIRPERSON BANIS: Thank you, ladies and
10 gentlemen. We are reconvened at 10:04. We are on the
11 next item on the agenda, public comments on items not on
12 the agenda. Next up, thank you, Gerry Hillier. I
13 promised, and I delivered. And the floor is yours.
14 Thanks, Gerry.

15 MR. HILLIER: Good morning, Mr. Chairman and
16 the council. Pleasure to be here with you today. I had
17 a question during Dinah Shumway's presentation, and I
18 also had a comment there, and if I can get them within
19 the three minutes, I will.

20 The question related to the fact that most
21 legislation that provides for withdrawals of public land
22 usually contains boiler-plate language that makes the
23 withdrawal subject to valid existing claims.

24 CHAIRPERSON BANIS: Yes.

25 MR. HILLIER: Or valid existing rights.

1 CHAIRPERSON BANIS: That's the VER.

2 MR. HILLIER: And I suspect that it's in this
3 case too. So the question is, was the core drilling
4 sufficient to determine whether there was a valuable
5 resource that could be claimed, and have claims been
6 filed, because if they have, then the withdrawal then
7 becomes academic because it would be subject to any
8 claims that were made in the past.

9 CHAIRPERSON BANIS: Right.

10 MR. HILLIER: And I don't know whether you want
11 Dinah to answer on the clock or whether I'll go on to my
12 next comment there, which is unrelated to that. I just
13 wanted to get on the record to have her have an
14 opportunity to get on the record.

15 CHAIRPERSON BANIS: You bet. Why don't you
16 continue, and I'll start the clock for her later.

17 MR. HILLIER: Okay. The other issue I wanted
18 to bring up is one I have brought up before. And
19 Alan Muth already touched on part of it, and that is the
20 Recovery Action Plan the Fish and Wildlife Service is
21 undertaking in the desert and how that fits together.
22 And while BLM had a general discussion of that some two
23 years or so ago, it was long before the actual planning
24 process went on. My organization, Quadstate Local
25 Governments Authority, raised several issues with Fish

1 and Wildlife Service about the conduct and the use of
2 those plans. And one point they agreed with me on, at
3 least verbally and actually in writing, was that the
4 recovery action plans as they now stand should be viewed
5 as draft or proposed or both, with one or both
6 terminologies.

7 At this point I am very concerned how that's
8 going to tie into the DRECP, if the DRECP is going to
9 pick up some of those at mitigation proposals and
10 operational proposals before they have had management
11 review. I'm very concerned, and I think the DAC ought
12 to be very concerned.

13 The second issue is the role of the BLM and the
14 advisory councils are going to play in that. And in a
15 discussion that I had with Fish and Wildlife Service in
16 Reno, I raised the issue, do you know how the agencies
17 are going to conduct management review? And he said,
18 "No. That's up to them."

19 CHAIRPERSON BANIS: You can continue.

20 MR. HILLIER: Thank you, Mr. Chairman. And so
21 I think that it would be well -- and I ask the BLM to at
22 some point have a further discussion with the council in
23 terms of how they intend to approach the management
24 review, and it should be occurring really this spring,
25 if it hasn't already, and into the summer to input into

1 this draft before the recovery action plans become
2 final. And the reason for this is because probably 75
3 percent to 90 percent of the recovery actions proposed
4 will occur on Public Lands.

5 The next question that I asked Fish and
6 Wildlife Service was, what do you see the role of the
7 advisory councils in terms of helping BLM undertake this
8 management review? And that led to a conversation about
9 BLM advisory councils, because Fish and Wildlife has no
10 counterpart and is unfamiliar with it.

11 He thought that -- Ted Koch up in Reno thought
12 that would be an excellent idea, gosh, if they have a
13 group like that that they could interface with.
14 Unfortunately he didn't pursue it in the letter he wrote
15 to me, and I'm going to pursue the question some more,
16 but it didn't seem to be off the table.

17 The CDCA Desert Advisory Council is obviously
18 one body. Southern Nevada has a RAC. Arizona has a RAC
19 too, and so at least those three states should be
20 engaged in this, and we certainly advocate that there be
21 a full management review before the adoption before a
22 draft comes off of those documents.

23 But I think it's something there that the
24 council -- certainly BLM, if nothing else, needs to
25 publically say how they are going to perform that

1 management review of the action recovery plans.

2 CHAIRPERSON BANIS: Thank you, Gerry. Thanks
3 very much.

4 MR. HILLIER: Thank you for the extra time.

5 CHAIRPERSON BANIS: Of course. April, the
6 DRECP put out documents recently, driving species,
7 certain indicators, and relative to the paper on the
8 tortoise conservation it did introduce polygons from the
9 U.S. Fish and Wildlife Tortoise Recovery Plan. Do you
10 recall that?

11 MEMBER SALL: I haven't looked at it.

12 CHAIRPERSON BANIS: Al, is that ringing a bell
13 at all? Recent DRECP key driving species and the
14 tortoise recovery polygons within the tortoise analysis?
15 And that is happening. It is being put in now.

16 MEMBER MUTH: It's a loud thud in the
17 background. I did see a document along those lines, but
18 I don't recall anything about it other than I did see
19 something.

20 CHAIRPERSON BANIS: Yeah. The tortoise
21 recovery polygons are being integrated within the
22 tortoise recovery conversations and planning for the
23 DRECP.

24 MEMBER SALL: BLM or someone may want to
25 comment on that, but my understanding was -- and I

1 haven't read the recent documents yet. But what they
2 released was an updated covered species list, and they
3 showed a few example species of how some of the
4 biological goals and objectives for the Desert Renewable
5 Energy Conservation Plan might play out. So it was
6 somewhat of a theoretical, here are some examples of how
7 this might go. So I don't think it's something
8 specifically -- I mean, some of the groups are
9 commenting on that document, but it's not yet a
10 snapshot, I guess, that is anything that speaks to the
11 issue that was brought up.

12 CHAIRPERSON BANIS: I guess I would just
13 summarize and conclude that, yes, those ingredients that
14 have been predicted as being tossed in the pot are
15 starting to indeed be stirred into the mix.

16 Next, please, Jenny Wilder. Jenny? Hi, Jenny.

17 MS. WILDER: Hi.

18 CHAIRPERSON BANIS: Jenny Wilder of the Friends
19 of Juniper Flats.

20 MS. WILDER: Thank you, everybody.

21 CHAIRPERSON BANIS: Nice to see you.

22 MS. WILDER: Thank you for all your work that
23 you're doing, and it's hugely complicated. And for this
24 reason I'm talking today because in my experience all
25 the subregions, all the areas in the desert have

1 specific qualities, resources and problems. The
2 Juniper Flats area, for instance, or the Juniper
3 subregion, has been a historic area with cattle grazing
4 and supporting historic and prehistoric sites, peoples
5 living there. There is mining. There's shooting,
6 target shooting. There's hunting. There's hiking.
7 There's equestrian use. There's an apiary. There's
8 wind-testing sites. It's on a U.S. boundary.

9 And so anyway all of the subregions are the
10 same, except they have different resources and
11 qualities. And for this reason, if the public doesn't
12 know about all of those activities in the area, they
13 can't make informed choices or informed comments about
14 the area or the trail or whatever it is.

15 And I think that the BLM could possibly look at
16 providing websites for each subregion where you would
17 know what is going on in that particular subregion and
18 what is being proposed for that subregion so that, when
19 you're looking at your favorite trail, you know what's
20 there. It could have all kinds of things included,
21 including a map with layers.

22 The other thing that -- the first thing that
23 was here was the flora and fauna and sustainable
24 communities of people. And then, of course we came with
25 all this other stuff. Well, I haven't seen yet a

1 documentary on hardly any of the wildlife in the desert
2 that would show a story of how these critters live and
3 what they eat and how they survive. If we had that, for
4 instance, we might know more about the value of the
5 washes for wildlife and how they are not appropriate
6 use -- that an appropriate use wouldn't be for
7 off-roading.

8 And so I would suggest two things: the website
9 with the subregions separated so that you can go to your
10 subregion, like Juniper subregion or whichever one you
11 like, and find out more about that and make your
12 informed comments.

13 And the other one is for the BLM to think about
14 the value of creating some really good documentaries
15 about the wildlife in the desert so we know about the
16 value of the desert as it used to be, not just renewable
17 energy and so forth. Thank you.

18 CHAIRPERSON BANIS: Thank you, Jenny. And also
19 thanks for coming to so many of the WEMO planning
20 meetings too. It was nice to have you participating.
21 Thank you.

22 Next I have John Stewart. But I'd like to give
23 a heads-up to Sam Merk in the back that she be going
24 next, if she wants to get ready and make her way.
25 Thanks.

1 Hi, John. Go ahead.

2 MR. STEWART: Good morning, council.

3 John Stewart with the California Association of
4 Four-Wheel-Drive Clubs. My topic was introduced by
5 Seth. And thank you, Seth, as that socioeconomic
6 impacts are extremely important. NEPA does require that
7 while the agency looks, one of the things agencies are
8 supposed to look at is the social and economic impacts
9 of man's interaction with the environment.

10 Some of the discussion was -- it was framed
11 this morning while you were talking about it -- is
12 looking at the economic impact of either implementing or
13 not implementing an action. What you are omitting is
14 the social impact of the action, social interaction with
15 the human and how the humans now interact with the
16 resources with the land.

17 All the discussions and previous NEPA
18 documentation have been very shy on the social impacts
19 and the cumulative effects and not only of the present
20 but the future cumulative effects of the social aspects.

21 Now, from that frame of reference, there's also
22 the economic impacts. When the economic impacts are
23 discussed, the economic impacts are again on the present
24 and either implementing or not implementing the action
25 and basically to keep the status quo, which is the most

1 economical, rather than implementing an action. That is
2 not within the intent of NEPA of where it is supposed to
3 look at the overall social and economic impacts, which
4 is more than just the present. It is the future
5 cumulative impacts to the human environment. And part
6 of that human environment is the humans themselves and
7 how they are going to interact with the resource and how
8 they are going to be affected by that consequence of
9 that action.

10 Now, one of the things that the agencies,
11 whether it be the Forest Service or BLM, are very lax at
12 is accounting for the numbers of human visitors to
13 Public Lands. Yes, you have counting information that
14 is available for Glamis and Imperial Sand Dunes, but
15 there is a lack of visitation counts that are given or
16 taken and published for the rest of the Desert District.

17 Somehow as this DRECP moves forward as the WEMO
18 planning moves forward, I would challenge the BLM to
19 start publishing more numbers about the visitors and the
20 types of visitors that are come to Public Lands. This
21 is something that you cannot wait until the document
22 comes out. You have to start doing that now because it
23 takes time to accumulate those numbers. So thank you.

24 CHAIRPERSON BANIS: Thank you. That was
25 helpful. Hi, Sam.

1 MS. MERK: Hi. My name is Sophia Merk.
2 Everybody calls me "Sam." I live here in Ridgecrest. I
3 would like to welcome all the new members to the DAC and
4 especially Dinah's presentation. That was awesome.

5 I would like to see a little bit more
6 diversification on the DAC. I would like to see tribal
7 representation on the DAC also. And I would also like
8 the agenda to be made public at least ten days prior to
9 the meetings so that people that come long distances can
10 plan to attend the meeting or parts of the meeting.

11 And I also heard that everybody was talking
12 about amending the Desert Plan again. And I'd like to
13 see that everybody is aware of Chapter 7 and the public
14 notification that is supposed to be happening to the
15 public that in the past six to eight years has not been
16 happening to the public.

17 And I also would like to thank Kern County for
18 their little talk about the fencing problem, because a
19 lot of people were not made aware of what was happening,
20 and I would really, really like to thank Lorelei for
21 clarifying it. Thank you.

22 CHAIRPERSON BANIS: Thank you kindly, Sam.

23 I have Christopher Lesso. And after Chris will
24 be David Matthews.

25 MR. LESSO: Good morning, Mr. Chairman and

1 council members. This is the first time I came out, but
2 as a new mineral claim holder, the BLM actions are very
3 important to me. I've been a rockhound for many years,
4 and access to our desert lands is really important to me
5 and my family. And I would like you, the council here,
6 to consider, you know, keeping our roads open for people
7 to be able to go out there and explore and to, you know,
8 partake in recreational and economic activity.

9 Just like Dinah here mentioned that without
10 miners there's so much of our stuff that we just won't
11 have, you know. If you can't eat it, we have to dig it.
12 So that's all I have to say, and thank you very much.

13 CHAIRPERSON BANIS: Thank you. Very helpful.
14 These things that are on our desk are evidence of
15 mining.

16 MEMBER SHUMWAY: Yep.

17 CHAIRPERSON BANIS: Dave, you're next. And
18 following Dave, Ed Waldheim. Please.

19 MR. MATTHEWS: Yes. Thank you. Good morning.
20 I only got three minutes? Gee, city council gives me
21 five.

22 MEMBER SHUMWAY: Not our city council.

23 MR. MATTHEWS: In that case I guess I'll have
24 to make it more brief than I thought I would. First of
25 all, welcome to Ridgecrest. We are currently

1 celebrating our 50th anniversary, which is going to be
2 held in the first part of November. So either as a
3 council or as an individual, come on back and see what's
4 happening. Help us celebrate. Believe it or not, I've
5 been here 45 of those years, too.

6 I was going to suggest that maybe you're
7 holding your meeting in the wrong place. You should
8 have gone to Palm Springs. Maybe you would have got a
9 few comments from our illustrious leader. But then
10 again, you might have got shot at too. In case you
11 haven't been keeping up with the news, go look it up.

12 Thursday was the anniversary of D-Day, the
13 invasion of Normandy in France in World War II. I am
14 not a member of the greatest generation, as Tom Brokaw
15 calls them, but I was the understudy generation, I guess
16 you could call us. And that was a very moving day to
17 us. We knew something was coming. We didn't know when.
18 And I was delivering morning papers at the time, and
19 believe me, I really went through my route that morning.

20 I grew up in a town that was a steel town. I
21 also had relatives that worked in coal mines. So I was
22 very interested in what Dinah had to say this morning,
23 because therein lies some of the comments that I wanted
24 to point out to this committee.

25 And that is, if we didn't have those steel

1 mills and coal mines back then in World War II, we
2 probably wouldn't have one. We might be speaking German
3 or probably Japanese out here on the West Coast, and
4 those people died to help us with our freedoms. And
5 here in 2010 I look around me, and I think we are way
6 overregulated, way, way overregulated, and some of them
7 are infringing on our rights, the Bill of Rights, and
8 others just make it hard to make a living.

9 And there was an article just the other day I
10 ran across, and I meant to print it out and bring it to
11 distribute to some of you. California is one of the
12 most overregulated states in the nation. And if I can
13 maybe get home for lunch, maybe I can print that article
14 out and at least bring it in for some of you to peruse.

15 But on the other hand just go to KFI's web page
16 on the internet and do a search for "California
17 overregulation" or something like that. You'll find it.
18 It's there. And go to the link, because it's quite an
19 interesting article.

20 And my point in referring you to that is, be
21 aware when you are making decisions here that we have
22 enough regulations as it is. Teri was alluding to it
23 going through the revisions of the Desert Protection Act
24 or whatever it was, and that thing is just out of hand
25 already. Anyhow, thank you.

1 CHAIRPERSON BANIS: Thanks for coming, Dave.
2 Thank you very much.

3 Ed? Good morning, Ed. And after Ed will be
4 Tom Budlong.

5 MR. WALDHEIM: Good morning, ladies and
6 gentlemen. Thank you for coming to this area. Thank
7 you for being at Jawbone Station. The price is right.
8 I hope you come back again. We also have a visitor
9 center in El Mirage. Thank you for being here.

10 The state director -- the deputy director
11 yesterday honored us with his visit and Colonel
12 Christopher Conlin. He likes to be called Chris. I was
13 delighted he talked to our staff for 30 minutes. He
14 went and toured. He came back, and he addressed the
15 DAC. He is also your representative on DRECP, so I
16 would like to make sure that -- please make sure that
17 you dialogue with Chris very closely on what is
18 happening. Our OHV grants funding, \$10 million. A lot
19 of us got no money. BLM, zero; Barstow, zero;
20 Ridgecrest, nothing for O and M.

21 We need you to please get hold of your
22 legislators and ask them to put additional money into
23 our grants so we can operate. If we cannot operate, we
24 are going to be in big, big trouble. We have no money
25 for the visitor service staff in Jawbone. We have no

1 visitor money for El Mirage either.

2 In the past, Zach -- we've had people -- the
3 counties saved us two years in a row. They saved us
4 when we didn't have money, but we hope we don't have to
5 come begging to you for that.

6 Johnson Valley. I apologize. Said we were
7 part of the group working with Congressman Cook on the
8 minerals. We agree 100 percent with Dinah. There never
9 was an intention to leave mining out. There is
10 absolutely no conflict between the mining and the
11 off-road community. So we want to do everything
12 possible that whatever monument comes in, that mining is
13 not excluded, so we will work on that very, very hard.

14 The fencing issue is a question of semantics.
15 We have the Fish and Game to make a decision that we
16 need to fence everything. We need somehow get hold of
17 that Fish and Game people, somebody from higher up,
18 higher than my pay grade, and give them the reality of
19 life. If our trails are signed properly, they are
20 maintained properly, they are managed and patrolled
21 properly, there is no need for fencing. The last thing
22 we want to see is our California Desert polluted with
23 fences everywhere. There's absolutely no reason for
24 that.

25 We have companies who have mitigation land. We

1 are signing the trails, and they are not fencing it, so
2 there's precedence on that. So we're in good shape, so
3 please work on that.

4 And the last thing. We have the acquisition
5 property of the Jawbone area. The State of California
6 wants to make it an SVRA. No way does east Kern need an
7 SVRA within an inholding in Jawbone Canyon. So I would
8 strongly suggest that maybe you make a motion we let the
9 deputy director of Parks and Recreation know there
10 should be no SVRA in east Kern. Thank you.

11 (Timer buzzed.)

12 CHAIRPERSON BANIS: Thank you, Ed. He's good.
13 He's really, really good.

14 Hi, Tom. Welcome, Tom Budlong.

15 MR. BUDLONG: Hello, Randy. Simple comment
16 here. I'm going through the Ridgecrest Field Office
17 report, and I come to mining, and it looks awfully thin
18 to me. It mentions only the Searles operation and the
19 very thin one on COSO Geothermal. And I know there's a
20 lot more going on in there, and I wonder if I could ask
21 that the Ridgecrest Field Office report be updated to
22 include -- Briggs is out there. It's a big operation.
23 There's a lot going on, and I know they struck water in
24 one of the pits, and that's an interesting thing. And
25 who knows what else is going on there? I think a report

1 there would be nice.

2 I know there's some pumice interest going on in
3 the Cosos. I know definitely there's some more drilling
4 going on just south of -- not going on but proposed
5 south of the Briggs Mine by an outfit called Bronco. So
6 there's more going on there than is reported here. And
7 I think maybe it would be brought up to date, that part
8 of the report.

9 CHAIRPERSON BANIS: Very good. Thanks, Tom.

10 MR. BUDLONG: That's it for now.

11 CHAIRPERSON BANIS: You bet. We'll have more.
12 I'd like to share a comment, please, from a
13 Pamela Keiser, K-e-i-s-e-r, president of the Rand
14 Communities Water District Board. She's also a resident
15 in the Rand Mining Historic District. Her comment is,
16 please, "I was unable to stay today. I as a resident of
17 the RCWD and other residents are in favor of restoring
18 R-50 and R-5" -- those are two trails -- "in order to
19 secure local access to historic road usage. Also please
20 clarify recent notification on WEMO so that the public
21 clearly understands the process."

22 I think what that was regarding was an amended
23 notice on WEMO that there were some questions about.
24 Perhaps we can clarify that in our WEMO discussions,
25 perhaps. And that concludes the public comments for

1 items not on the agenda.

2 Dinah.

3 MEMBER SHUMWAY: I would like to respond to
4 Gerry Hillier's comments.

5 CHAIRPERSON BANIS: Yes, please.

6 MEMBER SHUMWAY: Okay. I only get three
7 minutes. Gerry, you're right. There is preexisting
8 rights in the bill. It's the boiler-plate language,
9 however, and I'm not going to pretend that I know what
10 all claims are in the hugest outfits. Now, the Morris
11 Lode and the Bessemer already have development rights,
12 and they're being developed. The Morris Lode is
13 actually permitted. There's claims in the Bessemer
14 area. There's claims surrounding the private lands on
15 Morris Lode and claims surrounding the New Bessemer. I
16 have not personally worked on these, so I don't know
17 what the claims are.

18 But my point would be the validity exam would
19 have to be at the time the claims were established. And
20 the reality is that these deposits could not be argued
21 that there is a market for them right now and that they
22 are economic. So they're resources. They're not a
23 deposit in the legal term. They're a resource. However
24 it's a huge resource.

25 And even though there may not be existing

1 claims that cover this entire area, I think it behooves
2 communities to make sure that we have access to future
3 resources that we will need for establishment of our
4 communities and to keep everything going. Like Randy
5 said, that phone he held up, you don't have mining, you
6 don't have a phone. You don't have mining, you don't
7 have roads. You certainly won't have cement if you
8 don't have access to iron resources in the future. So
9 I'm looking at ways to conserve future resources so we
10 don't totally take them out of the mix. Thank you.
11 Thank you.

12 CHAIRPERSON BANIS: You bet, Dinah. Pardon me.
13 Mark, I have you under the WEMO comments, Federal
14 Register, WEMO scoping. Is this your general comment?

15 MR. ALGAZY: Well, the amended Registered
16 Notice is not part the WEMO discussion.

17 CHAIRPERSON BANIS: We're going to roll all the
18 WEMO -- all the West Mojave Route Designation into the
19 WEMO topic, including the subgroup report. So I'll give
20 you time there.

21 MR. ALGAZY: This is a comment that Marie asked
22 me to submit.

23 CHAIRPERSON BANIS: Oh, thank you. Then in
24 that case, Marie Brashear, a regular participant unable
25 to attend today, health concerns. We wish her the best.

1 And I'd like to allow Mark to make a statement for Marie
2 under the items not on the agenda. Thanks for bearing
3 with, me everyone.

4 And then I'll have you in still under WEMO.

5 MR. ALGAZY: Okay. First of all I apologize
6 because I'm not totally organized. I didn't get this
7 e-mail from Marie until early this morning. So I don't
8 exactly have the most concise language, but I'll do my
9 best. I don't think Marie did a great job of the e-mail
10 of expressing herself either, and some of her language
11 is not exactly what I would choose to repeat verbatim.
12 So I'm going to try and paraphrase it. And third, I
13 want you to make sure that you understand these are
14 Marie's opinions and not mine. I have similar opinions
15 but not identical.

16 First Marie has a fundamental objection with
17 the idea that the amended Federal Register Notice gave
18 the public 30 days to comment on additional scoping but
19 the public was not given the benefit of the new maps
20 that the subgroup generated for a large portion of that
21 time, which greatly undercut their ability to make
22 useful comments that incorporated the use of those new
23 maps.

24 The second thing is that the new register
25 notice doesn't explain exactly what happened with all

1 the comments that happened during the original scoping,
2 so this leaves a lot of the public with the impression
3 that once again their comments during the initial
4 scoping may have been relegated to some bin other than
5 being put to use, because they're being asked to provide
6 comment on scoping again. So the lack of discussion as
7 to how this is different from the first round of scoping
8 doesn't give the BLM good P.R. with the public.

9 The third is the lack of mentioning the work
10 that has been done by the subgroup. There's no mention
11 of the subgroups by specific reference in the Federal
12 Register report, which also gives the public concern
13 that the input they made to the subgroup is somehow
14 being marginalized in all this whole process, because it
15 wasn't recognized in the register notice.

16 And finally as a result of those three previous
17 things, she would like to see the Federal Register
18 Notice be corrected to explain all of those three things
19 better so it doesn't appear that scoping has been short
20 circuited in any way with the past and, because of the
21 lack of the maps being available, that the public
22 comment period be reopened for an additional 90 days.
23 Thank you.

24 CHAIRPERSON BANIS: Thanks very much, Mark.

25 Thanks very much for that. The next item on the agenda

1 will be our focus topic briefing, which is the WEMO
2 subgroup report. Turning it back over to Dinah.

3 MEMBER SHUMWAY: Am I making the initial
4 comment?

5 CHAIRPERSON BANIS: Can we run that PowerPoint.
6 The first page is mine.

7 MEMBER SHUMWAY: You're doing the history, and
8 I'm making comments then talking about recommendations,
9 and I'm introducing the members. Am I introducing the
10 members, or are you?

11 CHAIRPERSON BANIS: You.

12 MEMBER SHUMWAY: That's where my part will
13 start.

14 CHAIRPERSON BANIS: I've got the names right on
15 the slides for you.

16 MEMBER SHUMWAY: Yes. Thanks for that.

17 CHAIRPERSON BANIS: Thank you. Dinah and I are
18 going to tag team a little bit here to help with this
19 report. We have a couple of slides to help you follow
20 along with us, please. This is just a brief history of
21 where we are today with the Desert Advisory Committee's
22 West Mojave Route Designation subgroup. The U.S.
23 District Court remanded route designations in the 2006
24 West Mojave Plan, and the BLM must complete new route
25 designations by end of March, 2014.

1 The DAC authorized the formation of a WEMO
2 route designation subgroup in its December, 2011
3 meeting, and the DAC approved a mission statement and
4 appointed members to the subgroup in February of 2012.
5 This subgroup met at least 11 times over 15 months in
6 public settings.

7 MEMBER SHUMWAY: And hundreds of e-mails.

8 CHAIRPERSON BANIS: Hundreds of e-mails. And
9 during the subgroup meetings the subgroup members
10 themselves would mark up large-format printed maps that
11 showed designated routes and undesignated routes across
12 the West Mojave planning area. The maps -- wow -- are
13 on that chair.

14 MEMBER SHUMWAY: All of them are right there.
15 Those are the original maps.

16 CHAIRPERSON BANIS: The subgroup also convened
17 five task group meetings. Those were remote meetings to
18 engage the public and to collect data from the public.
19 So to clarify, the subgroup meetings collected data from
20 the subgroup members. The task group meetings collected
21 data from the public.

22 Over 275 data records were collected from the
23 public through those five task group meetings, and the
24 entire process we had 450 to 500 people from the public
25 participating through the course of all those meetings.

1 After all of the meetings were done, the
2 subgroup members were provided scans of all of the maps
3 that they marked up, and they were given the reports and
4 maps of all of the task-group-collected public data.
5 Numerous drafts were circulated for comments, and the
6 subgroup solicited documents from the appendices.

7 The final report was e-mailed to the DAC and
8 subgroup members on Friday, May the 24th and was posted
9 to the BLM website shortly thereafter. And appendices
10 were provided to DAC for download and to subgroup
11 members on Monday, June 3rd. It's going to be some
12 work. BLM is working to properly encode those digital
13 files for public distribution to the BLM website.

14 The DAC members who received this report in
15 advance were encouraged to reach out to Dinah directly
16 if they had questions, comments, or change requests and,
17 if there were any changes, that Dinah would either agree
18 to or consult with the subgroup to reach an agreement
19 on, we would have considered those friendly amendments
20 today. And as I understand --

21 MEMBER SHUMWAY: None of the DAC members have
22 responded.

23 CHAIRPERSON BANIS: The final report remains
24 unamended and in its current form. And I think the next
25 slide is where Dinah takes over. And I'd like for Dinah

1 to introduce and thank the subgroup members.

2 MEMBER SHUMWAY: First I'm going to preview my
3 introductions with some brief comments. In my next life
4 I'm going to be six-feet tall, but I'm going to weigh
5 the same.

6 All right. I kind of have my comments
7 prepared, because otherwise I'll talk forever. Those of
8 you who know me know I can talk forever. My thesis
9 advisor, John Lyons, used to caution me when I was
10 getting a little carried away about the implications of
11 my thesis that, in the end, he said, you can provide
12 good data to the database. If you can do that, then
13 that is a great thing in itself, to provide good data,
14 regardless of the conclusions that you may make or
15 somebody else may make, because that data is going to be
16 good data, no matter what.

17 I think that that's what we set out to do. And
18 we collected a lot of good data in this effort. We
19 collected data about how the public uses the desert, who
20 uses the desert, what management strategies seem to
21 actually work as far as route networks. We're only
22 talking about route networks here.

23 And what we provided is a pretty long list of
24 recommendations to the BLM. They're friendly
25 recommendations, but they're compiled from our

1 experience and from the comments from the public. Some
2 of them are redundant, but we think that they're good
3 ways for the BLM to think about the future in managing
4 transportation.

5 Volunteers. The BLM likes to talk a lot about
6 volunteers. From our discussion yesterday and our
7 discussion in the WEMO subgroup, I've got to say if
8 there was ever evidence that the public is more than
9 willing to volunteer their time, in the case of the
10 WEMO, hundreds of hours, thousands of miles, hours not
11 only at meetings but in perusing e-mails and getting
12 back. I mean, this is an example of how the public is
13 there to volunteer.

14 So in our last meeting of the year, we're going
15 to talk about volunteers. And I think we should take
16 our subgroup -- not just WEMO, all the subgroups -- as
17 evidence that the public is willing to volunteer their
18 efforts to work on a task.

19 Our mission statement. You have to be patient
20 with me and technology. I'm not really good at it. Our
21 mission statement involved -- what you didn't say,
22 Randy, is that we did that mission statement in about a
23 week. We had no idea what we would be able to work
24 with. And then when we first convened in February, we
25 found out that the mission statement that we had set for

1 ourself, which is actually the one on the website, was
2 practically unworkable, given our timeframe that we
3 needed to have a report to the BLM in early 2013 so that
4 they could use our recommendations to complete their own
5 report, which has to go to the judge in April of 2014.

6 So the mission statement we modified, and it
7 became one of collecting data, setting public meetings
8 and primarily writing a report with recommendations for
9 route networks. We had the advantage that the scoping
10 session did not have, and that was that we had the GTLF
11 maps, ground linear.

12 CHAIRPERSON BANIS: Transportation.

13 MEMBER SHUMWAY: Ground transportation linear
14 features maps, which are GIS based, which means, one,
15 they're GIS based, and they're new. And the nice thing
16 about GIS, for everybody who uses it, is, first it can
17 be edited, and you can have layers. So we had those
18 maps. It caused a lot of confusion from the public
19 because during the scoping they had only the 2006 maps,
20 and the nomenclature was not the same, so you had to
21 have people to be able to look at maps. We had that
22 advantage.

23 Okay. So when we started writing this
24 document, we immediately saw from our mission that we
25 would have to start generating recommendations. Thank

1 goodness we had such a wonderful group with a lot of
2 variety. I'm not an OHV person, but I think I know
3 quite a bit about OHV people now. But on the other hand
4 OHV people didn't know much about minerals or mining or
5 resources, so I think we had an incredible variety of
6 people.

7 And as I say, I know about the one thing. I'm
8 focused. I know I'm narrowly focused. I realize it.
9 But I'm an amateur compared to the people on that
10 committee who knew -- I mean, we would pull out a map,
11 and people would know exactly where they were and what
12 they were talking about and where this route goes, and
13 it dead-ends here, and it loops here, and by the way, it
14 connects over here, and wait, this is wrong; it should
15 be this way instead.

16 These were people who intimately knew this
17 transportation system. So I think we had ample
18 opportunity to peruse these maps and determine where
19 some of the issues were. So our list of recommendations
20 came from actually looking at these maps and saying,
21 well, this doesn't really work here. Maybe we should do
22 this. Maybe we should recommend this.

23 So our report went from a really badly
24 organized, ugly outline into a pretty streamlined
25 document with Bob Reynolds and Mark Algazy doing pretty

1 much the final writing with me and Bob doing the final
2 editing. So what you see here is a report that came
3 from something hugely amorphous.

4 Could we have done more? Oh, yeah. With a lot
5 of time we could have done a lot more. One reason we
6 didn't spend a lot of time on generating alternatives
7 was because the BLM was already doing this as well, so
8 we looked at our report as sort of support for that
9 effort.

10 I cannot say how much I have appreciated
11 working with the WEMO people. This was a wonderful
12 experience for me. I don't want to do it again, though.
13 And I'd like to reiterate all of this was volunteer
14 time. I mean, we worked with BLM staff, and there was a
15 lot of frustration with getting the maps to us on time.
16 Here, we're volunteers. We're driving for hundreds of
17 miles, and we find out the day before we might not have
18 the maps. The maps were our major tool. So there was a
19 lot of frustration there between the philosophies of the
20 people volunteering for the WEMO and the BLM staff.

21 Edy Seehafer was a great -- when we had a
22 problem, she made sure it was solved. So I just can't
23 thank everybody, all the people who came. We sure saw a
24 lot of managers during that process. The Barstow people
25 were changing all the time. We never had the same

1 Barstow person.

2 CHAIRPERSON BANIS: Or Ridgecrest.

3 MEMBER SHUMWAY: Or Ridgecrest. That's right.
4 But Edy Seehafer was there met pretty much the whole
5 time, so I appreciate that.

6 And with that I'd like to introduce our
7 members. Me, you know, of course. Mark Algazy, public
8 at large. Stand up, Mark. Mark will be talking. He
9 has a minority report. Randy Banis, oh, you know him.
10 Jill Bays. Jill is not here. Jill Bays was our
11 biological resources, so she was kind of our private
12 land interface person because she's dealing with this
13 person all the time. Tom Budlong. Tom, you're
14 reporting as well; right?

15 MR. BUDLONG: Yes.

16 MEMBER SHUMWAY: Kim Erb, Jim Kenney.
17 Jim Kenney will be making some comments. Next page. I
18 don't trust myself to remember everybody. Tom Laymon
19 will be making comments. He's our wrap-up guy.

20 MR. LAYMON: Good morning.

21 MEMBER SHUMWAY: Bill Maddux. Where's
22 Bill? Ron Schiller, who's not here. Ed Waldheim and
23 Jim Wilson, who was planning to be here, but he had some
24 severe health issues at the time. And Edy, who I
25 thought would be here.

1 With that I'd like to invite Mark. Are you
2 making comments?

3 MR. ALGAZY: If you'd like me to do that now, I
4 will.

5 CHAIRPERSON BANIS: What I'd like to do with
6 regard to comment is give first crack at comments with
7 our subgroup members then public comments. Then the DAC
8 can have a discussion, and we'll see where we go from
9 there. Is that okay with you?

10 MR. ALGAZY: I honestly think DAC should have
11 public comments before we go.

12 CHAIRPERSON BANIS: Why don't you lead, if
13 you'd like.

14 MEMBER SHUMWAY: Why don't you make your
15 comments?

16 MR. ALGAZY: I think the DAC should take first
17 crack at it.

18 CHAIRPERSON BANIS: Can we run through just the
19 rest of the slides. These are the recommendations. And
20 what you're going to do is read them, read the
21 recommendations so they have them all. Then we'll take
22 the comment on the recommendations. Thank you.

23 MEMBER SHUMWAY: Yeah. I'm sorry. Thank you.
24 I forgot about that. I'm nervous when I get up here.
25 Okay. Next slide.

1 Recommendations for management from the WEMO.
2 TMAs, travel management areas, and Jenny was talking
3 about subregions. Each travel management area has
4 several subregions, and they're supposed to be
5 interconnected.

6 Okay. For keeping routes open, links between
7 routes, continued maintenance of open routes. This was
8 a very big deal, having links between routes. Routes
9 education, signage, maps, on-ground signing, implement
10 FOJs Jawbone, resource management strategies.

11 Isn't that right?

12 CHAIRPERSON BANIS: Good.

13 MEMBER SHUMWAY: Open routes, kiosks at main
14 entries. I mentioned earlier Utah has signage along
15 their highways. I think this would be really useful
16 within the WEMO to have signs telling about certain
17 areas. Jenny's suggestion that certain areas have
18 certain things would be really nice, just informational
19 things along the way. Okay. Next slide. Please,
20 Steve.

21 Criteria for expanding limited access. So this
22 would be resource management by permits, fieldwork
23 authorizations, like paleontologists, geologists,
24 maintaining guzzlers, mining, wind energy, private
25 property access, biologic and geologic studies and

1 nonrenewable resources, so this could be a lot of
2 reasons to expand limited.

3 Closed routes. This was a very big
4 recommendation from the WEMO almost from the beginning
5 and from experience too. Most of us have had experience
6 in the desert. Closed routes not designated as open or
7 limited should be marked closed. I realize that's an
8 issue. It might even be a cost issue, but it's a
9 practical issue. Not everybody who goes to the desert
10 accesses through one of the BLM kiosks. And when you
11 see a road that looks like it's a road, most people will
12 think it's a road.

13 Okay. Personal individual health and safety,
14 new technology versus GPS using navigational devices.
15 Now we have access via iPads and even our phones, so
16 encouraging the use of GPS to get around in the desert
17 is one of our recommendations.

18 Recommendations. Promote volunteerism, public
19 volunteerism. I think we have already done that.
20 Develop resource polygons as layers to show where the
21 resources are. One of the huge appendices shows
22 resource polygons. Integrate GIS data with GTL,
23 RF-based data. Now with the word "GIS-based" in the
24 BLM, I think this is a doable thing. You can get
25 locations and follow it on the internet. Our report on

1 is on the internet, by the way.

2 MR. LIEBSCHER: What's the URL?

3 MEMBER SHUMWAY: URL?

4 MR. LIEBSCHER: The address where we can get
5 the information.

6 MEMBER SHUMWAY: Oh, the internet. Can we get
7 you that at the break?

8 Provide and maintain route access to resource
9 areas, including sensitive areas, guzzlers, mining
10 claims for resource inventory, monitoring maintenance
11 and other studies. Next slide, please, Steve. I think
12 we have two more.

13 Private versus public land. This is a big
14 issue. We've heard about it today. Clarify
15 responsibilities, BLM managers must clarify
16 responsibilities for routes that cross private lands.
17 It's so easy to say, but in practice it really has to be
18 in cooperation with the private land owners and the
19 habitat. As Ed has just said, there are ways to manage
20 these things without putting up fencing, but it requires
21 continuous monitoring and, well, continuous monitoring.
22 That's about it. And enforcement.

23 No buffer zones. Seth won't like this. There
24 should be no buffer zones around wilderness, wilderness
25 study areas or areas of critical environmental concern.

1 It causes a lot of confusion sometimes when you come to
2 a CEC or a wilderness area, fenced or not, and there's a
3 road along it. A road is a road. A boundary is a
4 boundary. Unfortunately in our political life that's
5 what it is.

6 Consistent management policies. Policies
7 within the WEMO planning area should be consistent over
8 all BLM districts throughout the west -- that's supposed
9 to be in California. I'll have to change that. Next
10 slide, please.

11 DIRECTOR RAML: We'll take your honor. We're
12 fine.

13 MEMBER SHUMWAY: I also work in Nevada, and
14 working in Nevada and California is totally different.

15 CHAIRPERSON BANIS: That's true.

16 MEMBER SHUMWAY: Ample notification of changes.
17 I think this is something that is common that everybody
18 knows. This is common sense. We've had it right here
19 from the DAC. Early notification. Maintain roads
20 created for sustenance living, which is mining, farming
21 and grazing, which grazing is less now than it used to
22 be. Next slide, please, Steve.

23 Now we're in the "B" section. Route signage.
24 Once again I told you these were redundant. All routes
25 must be signed and posted within current stated open,

1 limited, or closed. Apply continual maintenance along
2 routes. Continual maintenance requires field time, so
3 on the BLM's site and maybe volunteers too, this
4 requires a field commitment from the BLM. Be there.

5 Implement persistent monitoring strategies to
6 determine the effectiveness of existing strategies. And
7 throughout our document we've recommended Jawbone-type
8 management strategies. These work. Anybody who has
9 been to Jawbone or been on a tour to Jawbone know that
10 they work, but they work because there's continuous
11 maintenance and field presence.

12 Funding commitments to maintenance. Funding
13 commitments to field monitoring and maintenance should
14 be a priority. Permit systems should be considered as a
15 general management tool. We already have permit
16 systems, but they should encourage resource management
17 through special use permits, limited access permits and
18 seasonal closures.

19 Proliferation is a very big issue, especially
20 if we want to keep the routes we want for access. But
21 it means to -- what did we call them? Outlaws, to
22 corral the outlaws, so to speak, so they follow the
23 rules. Avoid proliferation by route design when
24 alternatives are available.

25 Single-track trails. There is quite an issue

1 within the WEMO group about single-track trails, those
2 who ride just a motorcycle, and we have a minority
3 report too that says don't classify a walking trail --
4 hiking trail? Tom, is that what it is's called? -- with
5 a motorcycle route. Motorcycle routes used to be
6 specially designated on the maps.

7 Protect historic foot trails. Ensure that
8 historic foot trails are protected from motorized
9 incursion. That's a big thing, because those of us who
10 hike, whether it's in the wilderness area or not, I
11 personally don't like horses or bikes on my foot trails
12 because they tear up the trail.

13 Partnerships for monitoring routes and erosion
14 within TMA. This would be where volunteerism comes in.
15 Partnerships for monitoring nonrenewable resources,
16 volunteerism again. Partnerships for monitoring
17 biologic populations, volunteerism again, and establish
18 a standing DAC/WEMO implementation subgroup to monitor
19 implementation of the new, or modify WEMO plan additions
20 as they develop. And this subgroup could be intimately
21 working with the BLM to sort of continue some kind of
22 dialogue with the DAC to go eventually to the BLM. This
23 is what we talked about earlier about establishing more
24 of a standing subgroup that would be strictly devoted to
25 monitoring the progress with managing transportation

1 routes in the WEMO. I think that's the last one. Thank
2 goodness.

3 Okay. So now I'd like to invite our subgroup
4 members to come up and present. We have two minority
5 reports and some other comments. We had a variety of
6 experiences, so we didn't always agree. We fought a lot
7 like kids.

8 MR. ALGAZY: With all due deference I'd like
9 the council to actually consider changing the course a
10 little and have their discussion first, because I'm sure
11 you have your own questions coming into this, and I
12 wouldn't want to prematurely start redirecting what your
13 thoughts may already be. It might be easier for us to
14 provide certain comments to help answer specific
15 questions you have without prematurely focusing your
16 direction away from the thoughts you have.

17 CHAIRPERSON BANIS: What I think would be the
18 next course for the very next step would be for all of
19 us to hear from any dissents or minority report or
20 something first so that we have it all on the table.
21 Then we can discuss all of those documents, formulate
22 our questions.

23 So yesterday there was a brief minority report
24 submitted by -- Ed, you submitted a paper.

25 MEMBER SHUMWAY: Yes, Ed.

1 CHAIRPERSON BANIS: And we all have that.

2 MEMBER SHUMWAY: Right.

3 CHAIRPERSON BANIS: Mark, did you submit?

4 MR. ALGAZY: I have copies here.

5 CHAIRPERSON BANIS: We can pass that around
6 too, if you'd like, to just briefly walk us through
7 while you're here. And we'll make sure we have the
8 minority statements here first. Then we can make a
9 discussion and take more comments. That's what I'd like
10 to do.

11 MR. ALGAZY: Okay. Well, by and large the
12 presentation is really, really accurate. We did a lot
13 of work, and we generated a lot of data, and that data
14 is a really useful component for the BLM to use moving
15 forward. I just don't believe that it constitutes
16 everything we were asked to do. It does constitute what
17 we were able to accomplish in the time we had, but I
18 don't think that we fully fulfilled our mission, and
19 that's what the gist of my report boils down to.

20 There are significant short comments in
21 specific areas, and I'm outlining them in the report. I
22 don't want to go through them all individually, but
23 there were opportunities that we didn't take that should
24 have been taken. A couple of them occurred almost in
25 hindsight, and I blame myself a little bit for not

1 having thought of some of them sooner.

2 And it's also very important to note that the
3 report often indicates consensus where consensus did not
4 really exist, and there should be a disclaimer to the
5 effect that not everybody agreed on everything that's
6 said in that report. And that's really what I had to
7 say in a nutshell, my comments. You can go through them
8 more extensively, and if you have any specific
9 questions, I'll be happy to come up and address them.

10 CHAIRPERSON BANIS: You know, Mark, I'm glad
11 you brought that up. Very true statement. There wasn't
12 a consensus. I think what could have at some point, you
13 know, be interesting would be to go through the finding
14 points and do a poll of each finding point, see what we
15 had -- eight in favor, three dissent; seven in favor of
16 this one, four dissents. That could be interesting to
17 see. It could also be interesting to -- well, if we had
18 all our subgroup members here, to do some kind of a poll
19 there too.

20 But it was not a consensus document. I'm not
21 sure if it was ever envisioned as a consensus document,
22 though you always hope you get there. But I think that
23 some points had stronger support, and some points did
24 not. That's true, very true. So those recommendations
25 that everybody saw, that's not a consensus report, but I

1 would say -- I could say -- I'm going to go out on a
2 limb here. I'm going to go out on a limb and estimate
3 that I believe that those findings by and large had a
4 majority support. By and large I think those findings
5 did.

6 MEMBER SHUMWAY: I'll agree.

7 CHAIRPERSON BANIS: But they were far from
8 consensus. Good point. Thank you.

9 MR. ALGAZY: Members have any questions right
10 now?

11 CHAIRPERSON BANIS: If I could, Mark, let me
12 hear for a minute from Ed on this too. We'll call you
13 back for public comments.

14 MEMBER HOUSTON: We can bring him back.

15 CHAIRPERSON BANIS: We can bring him back. If
16 you had a minute or two to summarize key points, we'd be
17 grateful.

18 MR. WALDHEIM: Ed Waldheim, Friends of Jawbone
19 and part of the subgroup. The bottom line, folks, is
20 that we want to retain our access to our public land.
21 That's the total driving force.

22 This morning I talked with Ileene, talked with
23 Katrina, and I sent an e-mail to Teri Raml also that we
24 need to get a group together to make sure that whatever
25 system we use, whatever you recommend when we finish up

1 with the presentation, that we all retain our access of
2 Public Lands. That is the bottom line, is what we're
3 looking for, no matter what the report says, no matter
4 what my report -- I really don't care. I just want to
5 make sure we're on the same page. We do everything
6 we're supposed to by law and make sure it stands up in
7 court, stands up with all parties involved. That's
8 where I'm coming from.

9 We are not there. We have some problems with a
10 release that was just put out. We don't understand it,
11 and so a lot of stuff in this report of mine talks about
12 that. And I had Bruce Witcher help me because I'm not
13 that learned at that. I'll sign the California Desert.
14 Whatever you send me, I'll sign the living heck out of
15 the desert. But give me these paperwork, and it drives
16 me nuts.

17 There's a few things in there, the
18 terminologies we use, passive and aggressive. I hate
19 that word. There's no thing -- I can be an aggressive
20 rider on the single track but a passive rider in the
21 open area. That means absolutely nothing to me.

22 The other thing is the designation of the
23 routes. We went around and around with Ileene. R-5 and
24 R-50 opened up. I want to make sure we do not miss out
25 on that. So there's some terminologies that for some

1 reason motorcycles are more destructive than passive
2 hikers. That's totally untrue. It's not proven. A
3 hiker, an equestrian person leaves a crack on the ground
4 just as much as I do on my motorcycle. A track is a
5 track. It's ruined. Any way you look at it, it is
6 utilized. And so we accept the use of vehicles of
7 hikers and equestrians. There's an impact no matter who
8 rides it. So there's some terminologies in there I
9 didn't agree with.

10 So basically, Mr. Chairman, you're 100-percent
11 correct. We worked cooperatively. God only knows we
12 cried a lot. We ate food in her house. There's nobody
13 who worked harder than Dinah, and I want to give her a
14 hand and congratulate her for everything she does, how
15 she opened her heart to all of us.

16 (Applause.)

17 MEMBER SHUMWAY: I'd just like to make one
18 comment. Bob Reynolds and I agonized over this
19 aggressive versus passive. I don't know why we didn't
20 think about it. It was so obvious. We already had a
21 motor-dependent representative on the DAC, Ron Schiller,
22 and he would have pointed out that earlier instead of
23 aggressive and -- what did we have? Aggressive and
24 non-aggressive? Passive. We should have had motorized
25 recreation and motor-dependent recreation.

1 And Bob and I intend to go back after this
2 meeting. Bob Reynolds is a member of our group and BLM
3 volunteer too. We'll go back and do the final edits for
4 this. And that's one of the things that we'll change is
5 to change that terminology from passive and aggressive
6 to motorized and motor dependent, which is more
7 accurate. I mean, this is just one of those brain
8 things. It was so obvious.

9 CHAIRPERSON BANIS: Just for a moment I'm going
10 to pass around to the DAC members one of the
11 recommendations alluded to using technology and new
12 tools. And I wanted to illustrate. One of the points
13 that was brought up was a thing called the Owlshead GPS
14 project. I'm going to pass out a couple of GPS's that
15 show what the Owlshead GPS project looks like on GPS.

16 Also we have a thing called the Friends of
17 Jawbone OHV map. That's now an iPhone application. I'm
18 going to pass the iPhone app around this way so that
19 folks can see how that works. It can be used for iPhone
20 and Android.

21 And we also have maps, CT UC maps and FOJ maps
22 are now also available for purchase on a program called
23 PDF Maps, PDF Maps. And you can see this is neat
24 because it has all the text on the map as well. I'm
25 going to pass this around. This is another way in which

1 technology can be used to keep people on the trail.

2 Thank you. Are there other --

3 MEMBER SHUMWAY: Tom Budlong.

4 CHAIRPERSON BANIS: Tom, do you have a few
5 statements on the WEMO, please?

6 MR. BUDLONG: A few.

7 CHAIRPERSON BANIS: You bet.

8 MEMBER SHUMWAY: And then Jim Kenney, and Tom
9 is a wrap-up.

10 MR. BUDLONG: I'm Tom Budlong, member of the
11 WEMO subgroup. People stumbling around here. I presume
12 everybody knows now that a subgroup is a subgroup of the
13 DAC, and the DAC was asked by the BLM to help them with
14 this court order that came down, so we don't need to go
15 through that.

16 This is what I would call a dissenting report
17 rather than a minority report, or you could call it a
18 minority of one, because I haven't collaborated with
19 anybody else on my thoughts on this. I don't have
20 anything written to hand out to you. I haven't had a
21 chance to examine the appendices which are part of the
22 report and the maps, and that will take me some time to
23 do that. So eventually I will come up with a dissenting
24 report that will be passed around to all of you.

25 The report that came out as a final report came

1 out a week earlier as a draft report. I dissented from
2 that in my comments on that, dissented in my comments,
3 and I didn't see any of them reflected in the final
4 report. So I want to tell you why I disapprove here of
5 this report.

6 This is all the result of a challenge suit that
7 went through courts, and the court then emphasized that
8 what the BLM had not done was really follow -- follow me
9 here, and pardon me, please. There's 43CFR8342.1,
10 Paragraphs A, B, C and D. And that talks a lot about
11 minimization. It talks about -- to paraphrase it,
12 you've got to be nice to the landscape, the animals and
13 the plants and living things that are out there, and you
14 must minimize conflicts between OHV and other
15 recreational users out there.

16 And that's really, if you want to boil it down,
17 what we're supposed to be doing with respect to the
18 court remand, that's it. There are other things in the
19 big remand order that we're not involved in.

20 So the BLM went to the DAC. The DAC created
21 the subgroup. They put down a mission statement, which
22 you can get off the web right now, saying that what you
23 want to do, please, subgroup, is identify a range of
24 alternatives, collect data, motorized data and
25 not-motorized data, and most importantly include

1 strategies that meet the minimization criteria which the
2 court found the BLM did not meet.

3 Now, the subgroup looked at this and said,
4 we're about a dozen volunteers part-time, unpaid,
5 non-professional managers. We can't do alternatives.
6 We can do alternative, maybe.

7 MEMBER SHUMWAY: And we only have a year.

8 MR. BUDLONG: And we only have a year; right.
9 And that just wasn't going to happen. Collected data.
10 Collected a lot of data. Minimization criteria.
11 There's nothing about minimization criteria in the final
12 report, and that's really the crux of the whole thing,
13 and the report doesn't talk about that, and the subgroup
14 didn't talk about that very much either.

15 So what did the subgroup come up with?
16 Identified users and groups and user groups, which was
17 interesting, collected a lot of data, identified maybe
18 one route network through the maps, which are the maps
19 of what the BLM knew and the maps of what all the people
20 who showed up in the subgroup and helped mark on the
21 map.

22 That's not necessarily a route network, a
23 considered route network. It's really a collection of
24 what all the people who were there said, "I want a route
25 here. I want a route there. I want a route over here."

1 And in a few cases, "There isn't no route over there.
2 What's the matter with you?" So I don't call that a
3 route network, which is really what they wanted to come
4 up with. Again nothing about minimization criteria.

5 Identifying users in user groups. I'll pull a
6 few quotes out of the report. In the executive summary
7 it says, "Much of the public and even lead agencies
8 consistently fail to recognize that most of the public
9 conduct professional and recreational activities where
10 motorized vehicles are used as a secondary support."

11 I don't know where that statement came from,
12 because I don't remember seeing any data to support
13 that. I don't remember any attempt to get data to
14 support a statement like that.

15 "Subgroup finds that the high-profile OHV
16 activities" -- this is the ones that annoy us all,
17 especially Ed -- "generally associated with motorized
18 recreation of desert do not properly reflect how the
19 vast majority of people use the desert."

20 And I don't know how they came up with -- the
21 final report came up with that statement. Certainly
22 there are no statistics in the report to back it up.

23 MEMBER SHUMWAY: That's true.

24 MR. BUDLONG: And I didn't see any statistics
25 during the subgroup meeting. It looks to me like it's

1 pure opinion that came in from somewhere.

2 The report talks about a lot of polygons, and I
3 don't quite know how these polygons are going to be
4 used, but I get to be a little suspicious about it.

5 "Polygons defined for paleontology, for education, for
6 sheep lambing, for hobby collecting, for mineral
7 exploration, for research, for cultural."

8 I'm suspicious that these polygons are going to
9 eventually be used to allow limited public access,
10 motorized limited access. It doesn't state that
11 specifically there, but it doesn't state specifically as
12 far as I can see what they are going to be used for, and
13 I don't quite understand their purposes.

14 Now we get into some other details in here,
15 things that you can pick out of the report. There's a
16 recommendation that sustenance roads not be anonymized
17 for minimization, that they be left open no matter what.
18 A sustenance road is a road created for grazing and
19 farming and mining. Independent of when it was made,
20 that should remain open.

21 And the best I can figure out from clues in the
22 report are that that comes from back to 8342.1,
23 Paragraph -- I think it is "C," where it says it should
24 minimize conflict between recreational users. And the
25 word "recreation" in there is used to say, oh, we're

1 only dealing now with recreation roads. Sustenance
2 roads are not recreation roads, so they are exempt. I
3 think that's really reaching -- really, really reaching.

4 Talk about mining claims. "Access to active
5 mining claims should be maintained as open even if on a
6 limited or a permit basis."

7 The BLM needs to revise its criteria describing
8 whether a plan of operations is needed to develop
9 vehicular access to routes to recently located mining
10 claims. Right now if you want to go into your mining
11 claim and dig around in there, you have to submit a plan
12 of operations to the BLM.

13 MEMBER SHUMWAY: Not for every claim. But if
14 they're in an ACEC, or generally you can get an
15 exploration. It depends on the permit -- it depends on
16 the BLM office.

17 MR. BUDLONG: "Subgroup recommendations
18 regarding resource management. Provide and maintain
19 route access to resource areas, including mining
20 claims."

21 To me that says, okay. If you have a mining
22 claim, you can have a right to have a road to it, access
23 to the mining claim. Mining claim is a resource. We're
24 looking for resources. The argument there is, and if
25 you have a mining claim, you should be able to put a

1 road in there. Ignored is the obvious, unintended
2 consequence of, if I want a road someplace, I put a
3 mining claim in there, and then I can make a road to it.

4 And the report really gives no deference to the
5 BLM's really very carefully, a long time, worked-out
6 procedures on mining claims, considering all of their
7 other responsibilities with respect to the land.

8 The report talks about washes. And in several
9 places it says that washes are self-healing things.

10 "Washes are self-healing with each rainy season, and if
11 travel is restricted to the wash roads slope and
12 riparian degradation is minimal."

13 There's something about self-healing wash
14 bottoms, the bottoms of a wash, stipulation that access
15 be along self-restoring drainages, single routes along
16 self-repairing drainages, as opposed to cutting slopes,
17 will reduce erosion and landscape degradation.

18 All through here there is nothing to recognize
19 that washes are really very often biological islands in
20 and of themselves, and they're really special biological
21 places that grow plants and that support animals and not
22 in other parts, and if you use them for OHV travel,
23 you're really impacting those ecological isolates.

24 Call for more roads. "The more closed routes
25 there are, the higher the impact will be on the

1 remaining routes because all traffic will be diverted to
2 fewer open routes." If you follow that to its end, you
3 cover the desert with routes, and each one will have
4 minimal impact, but you've got lots and lots of them.

5 Same thing, that if there are greater number of
6 miles over which to disperse recreational travel, the
7 impacts on an area are likely to decline. What that
8 means is more roads in the desert.

9 There's talk of a classification of land called
10 conditional limited access, and in several places it
11 says, "Conditional limited access should be reviewed and
12 expanded. The criteria for limited administrative
13 access needs to be revisited and expanded. The subgroup
14 strongly recommends that the category of conditional
15 limited access be reviewed and expanded."

16 Reviewed, revisited, reviewed, and what after
17 that? Expanded. This is like, okay, judge, we'll give
18 them him a fair trial, and then we'll hang them. Don't
19 bother with review. It says right there in three places
20 "to be expanded" after the review. It seems to me the
21 review is superfluous.

22 Roads in wilderness. There's a clear
23 prohibition in the 8342 reg that says trails should not
24 be located in officially designated wilderness, yet what
25 does the report say? "Nonrenewable resources within

1 wilderness need inventory and management. Limited
2 access for management must be provided," and access, we
3 know, means roads.

4 Not only would lands become more accessible for
5 recreation under Alternative A, but also for "wilderness
6 studies that cannot currently be properly conducted
7 because of poor access." So we need road access of the
8 wilderness so that we can study the wilderness.

9 "These activities include vehicle-assisted
10 botanic, zoologic, paleontologic, geologic and mineral
11 resource studies and terrain and slope
12 preservation/stabilization, motorized access to
13 wilderness." This is a congressional act. The report
14 is asking Congress to change their policy.

15 So how did all this happen? Again my
16 suspicions arise because I look at the makeup of the
17 group, and if you can categorize them into two
18 categories, one category is people who want lots of
19 motorized access in the access groups and the people who
20 want motorized access and the people who are much more
21 interested in maintaining the integrity of the desert.
22 It comes out 80 percent to 20 percent. I think this is
23 an unbalanced subgroup membership, and I don't think the
24 DAC should allow that to happen again. Go through a
25 list of the members, and if you know them, you're going

1 to come out 80 percent to 20 percent.

2 So let's give it a little review of this of the
3 features. We have roads to active mining claims. That
4 seems to be a right. We have sustenance roads, whether
5 they're used or not, which are exempt from all this. We
6 have limited use roads for all sorts of number of
7 purposes, and it's unspecific as to how these are going
8 to be used. And with this 80-20 percent makeup I'm very
9 suspicious.

10 We have roads in wilderness. We have a
11 statement, one where hikers need more roads to get to
12 hiking places. More roads means less damage to the
13 roads that are there. And the minimization thing, the
14 crux of the whole exercise appears totally absent.

15 I did on a final report a little computer
16 search of key words, and for instance, I looked for
17 "paleontology" in the report or "paleontologist." I
18 find 32 references, which sound to me like quite a bit;
19 "geology," "geologic" and all those things, 27
20 references; "volunteer," there's a lot of emphasis on
21 volunteers in this report, 40 references. And that's
22 excluding the references that say the subgroup is made
23 up of volunteers. "Polygon" I find 13 references, and
24 "access," that wonderful code word, which means we
25 really want more, 111 references.

1 So I personally I feel this is a disguised
2 effort to get more roads in the wilderness -- not in the
3 wilderness, in the WEMO area. To me that's what it
4 represents. The report is very unspecific to actual
5 things and what to do and how to use these polygons and
6 who gets to use this limited access. And I can imagine
7 a system being put together where there are a lot more
8 roads and more people riding on the roads and looking at
9 the document saying, well, this could be authorized by
10 this document. So I am a dissenting member.

11 CHAIRPERSON BANIS: Very good.

12 MR. BUDLONG: Thank you.

13 CHAIRPERSON BANIS: Thank you. On behalf of
14 everybody, thanks for that comment. Very good. Are
15 there others you'd like to call that might be able to
16 add to what we've heard? I want to make sure that we're
17 adding as opposed to being redundant.

18 MEMBER SHUMWAY: Jim Kenney was making
19 comments.

20 CHAIRPERSON BANIS: Good.

21 MEMBER SHUMWAY: Jim, just wait one second. I
22 want to make a comment on two things.

23 The polygons. For those of you who will go to
24 the appendices, the appendices include maps of polygons
25 that were developed by San Bernardino Valley College

1 geography and geology professors and students. And
2 these are polygons of resources both geologic,
3 paleontologic. One of our members was Bob Reynolds, and
4 he's a paleontologist, archeologist, geologist. His
5 knowledge of the desert is encyclopedic. But they
6 developed certain polygons where there's iconic and
7 famous mineral-collecting areas.

8 Rather than having just a point, which isn't
9 very useful, especially if you're a geologist, you don't
10 just say, "I'm going to go to this road cut." You say.
11 "I'm going to go to this unit." So that's where the
12 polygon idea came from. And it came from a suggestion a
13 long time ago about how the DRECP was looking at areas
14 by using use of polygons. If you want to be more
15 informed in that, then go to that appendices, and look
16 at the polygon use maps. Thanks.

17 CHAIRPERSON BANIS: Hi, Jim. Jim Kenney.

18 MR. KENNEY: Okay. I would like to address a
19 couple of frustrations we had with the group. Talked
20 about minimization, and Tom brought that up early on,
21 and we were informed that the BLM would not supply us
22 with cultural, archaeological or biological information
23 in any form. They either didn't have it, or wasn't
24 going to give it to us, so we had no real good way to
25 make the connection with some of these routes using

1 minimization. It would have been a lot more thorough if
2 we would have been able to have access to at least some
3 of that, because we don't know -- the volunteers don't
4 exactly know what it is they use as criteria for not
5 leaving a route where it is or rerouting or what the
6 situation is. So we basically just used our knowledge
7 of the routes as we had seen it.

8 It would have been interesting, especially for
9 some of the arch sites that are really special,
10 prehistoric and so forth, that we knew at least where
11 they were so we could direct routes away from those
12 sites, but we weren't given that information.

13 The other thing was, a lot of times we didn't
14 have the information until the night of the meeting. So
15 some of us who are not familiar with all seven of the
16 TMA's had no way to really preview what was there before
17 we got to the meeting. So we showed up at 5:00, and
18 that's when we get to see the maps for the first time.
19 A couple of times we weren't sure we were even going to
20 see the maps at all. If we hadn't picked them up
21 ourselves, we wouldn't have had them, and that was
22 frustrating, as a volunteer, to have done some of this.

23 I personally ran probably 1,500 miles, not
24 counting getting to the meetings, running routes
25 especially in TMA-2, which is vastly under reported as

1 the amount of routes out there. They just missed them
2 because no one ever saw them. Darwin Centennial Flats,
3 a huge area, lot of roads. A lot of those roads have
4 been there for 150 years, but they never appeared on any
5 maps that the BLM gave us. So it was frustrating in
6 that sense that we weren't getting the support that we
7 thought we needed to make some of these decisions, so
8 some of the reports is vague on some stuff because we
9 never had the information in the first place to consider
10 it. Thank you.

11 MEMBER SHUMWAY: Thank you.

12 CHAIRPERSON BANIS: Thanks for filling in that
13 hole, Jim. Thank you.

14 MEMBER SHUMWAY: I think our last speaker would
15 be Tom Laymon, who came the furthest. He made every
16 single meeting except for our very, very last extra
17 meeting.

18 MR. LAYMON: And I wish I would have made it.

19 MEMBER SHUMWAY: And he lives in Palos Verdes,
20 so imagine that.

21 MR. LAYMON: Good morning. I have written
22 responses. I'm not going to rebut anything that was
23 previously said. My name is Tom Laymon, and I represent
24 the public at large. I also represent the large public
25 rather well.

1 I believe that my past experience is a good
2 match for the role of what I presented and represented
3 on the subgroup. I'm an avid four-wheeler. I own dirt
4 bikes. I rockhound. I enjoy shooting sports. I own a
5 mining claim. I own land within one of the TMA's. I've
6 been on a permitted paleo dig. I love to camp, hike,
7 explore, and I love photographing the West Mojave area.

8 I would like to sum up the public's interest
9 and wants for West Mojave route in the following way:
10 number one, we want to enjoy the unspoiled and untramped
11 vista and pristine landscapes that the desert has to
12 offer. We want the biological and botanical resources
13 not to just survive but also to thrive. We want to
14 enable and encourage scientific research in all the
15 disciplines, and at the same time we wanted to preserve
16 the paleo and cultural resources that the desert has.

17 We want to be able to recreate by rockhounding,
18 hobby collecting, motorcycle riding, including single
19 tracks. We want to go four-wheeling. We want to go
20 hunting, and we want to do dirt biking, mountain
21 bicycling. We want to take hikes on historic trails in
22 the quiet of the desert. We want to camp. We want to
23 photograph. We want to hold equestrian events. We want
24 to prospect and mine. We want to just go out and enjoy
25 the beauty of the great outdoors in the Western Mojave.

1 So as the public, we want it all, and not just
2 what I mentioned but even more than that. More
3 importantly we want a route network of roads and trails
4 that supports the maximum public access to Public Lands.
5 But it has to be a balance with the preservation of
6 these same resources. Based on everything I've heard in
7 the last several months in all the subgroup meetings and
8 in discussions with the public through the various task
9 force, I can sum it up into five key points or key
10 strategies that I would recommend to the BLM going
11 forward.

12 First, education so the public knows how the
13 area is supposed to be managed. We talked a lot about
14 that today: kiosks, maps, web contact, GPS, signage so
15 the folks know how to comply with that management. So
16 we need to sign both open and closed routes and limited
17 routes.

18 Third, containment to help encourage proper
19 behavior that is expected of those people in the area,
20 so the Friends of Jawbone has very well-modeled plans
21 and methods to accomplish that.

22 Fourth, minimization, minimization but with
23 access, especially in high-value areas needed to protect
24 fauna and flora, cultural and scientific as well as the
25 majestic landscapes and vistas that we have in the

1 desert.

2 And fifth and one of the most important is
3 enforcement for the mischief makers who choose not to
4 live within the law. We need to make sure that they are
5 brought face to face with the long arm of the law.

6 Now to the DAC members, I thank you for your
7 time today, and I strongly encourage you to approve this
8 report as written. Even with the limitations that were
9 outlined in the report and the limitations that the
10 other subgroup members so eloquently presented to you
11 today, I believe that the report captures the essence of
12 the topics that we wrestled with as well as the spirit
13 with which we addressed them.

14 I believe that there's great value to the BLM
15 in making sure that they have understood what we've
16 gathered and what we've learned. There is even greater
17 value, I believe, in continuing this group or a group of
18 a similar nature so that in the future the public
19 interests and open access to the desert is visible to
20 the BLM.

21 Now, specifically to the members of BLM
22 management who are here today, I would like to say that
23 many in the public recognize and appreciate the confines
24 of a large government bureaucracy, the budget and
25 head-count limitations, as well as the quagmire of

1 regulations and laws that you live with every day, which
2 Tom Budlong so eloquently put. However, I want to
3 encourage you not to hide behind those limitations but
4 rather shake off the bureaucratic dust, instill the
5 passion and instill the professionalism in your people
6 to make the West Mojave the best-managed public land in
7 the country. And quite honestly, from the general
8 public's point of view, you have the resources to do
9 that, and that at the minimum is what we expect.

10 Now I'd like to thank Edy of BLM. She just did
11 a fantastic job. She was there when we needed it, and
12 she pulled out a lot of last-minute rabbits out of the
13 hat. I want to especially thank Dinah Shumway, chairman
14 of the subgroup, for her leadership in guiding the group
15 and helping us stay the course over the last few months.
16 And finally to my subgroup members who brought me fresh
17 awareness that there are other members in the public
18 that share my love of the desert and truly thank them
19 for helping to preserve both the desert that we love as
20 well as the open access that we need for our future
21 generations. So as far as I'm concerned for all of you
22 in the room, I think it's mission accomplished, and I
23 thank you.

24 CHAIRPERSON BANIS: Thank you kindly, Tom.

25 Very nice. With that, ladies and gentlemen, I'd like to

1 throw the discussion into the DAC's hands. We may not
2 get our whole discussion before lunch, but let's open up
3 the door and get this rolling. Are there any DAC
4 members who have comments, discussions at this time?

5 Might I just offer first, I'm thinking -- what
6 I'm trying to think of is two things. One is the
7 comments on the work product, and two is, where do we go
8 from here? And those are the two things I think I'd
9 like to talk about. I'd like to frame the second one,
10 where do we go from here? The BLM is deeply engaged in
11 designated routes now, and the longer this report or a
12 report stays in our hands and is not in their hands is
13 going to be harder for the BLM to incorporate that the
14 longer we wait. So I do think time is of the essence
15 for us to act. I'm sorry.

16 On the other hand we want to make sure that the
17 DAC's advice is reflected in this report. I guess I'm
18 just going to put on hindsight glasses for a minute. I
19 think if we do this exercise again, maybe an idea might
20 be to also convene a DAC subcommittee. We don't really
21 use DAC subcommittees. I've mentioned that. There's a
22 little hard thing about DAC subcommittees, because those
23 are essentially DAC meetings. They need to be Federal
24 Register noticed. There's a lot of ground. It's a lot
25 of organizing and more care and feeding than even a

1 subgroup meeting.

2 But it could have been interesting perhaps to
3 have the subgroup work on all of its work, get all of
4 that great stuff together then maybe a subcommittee of
5 some of us could have heard those details, heard the
6 dissenting reports, hashed it out a little bit then
7 maybe had a recommendation for the full DAC to move on.
8 I'm sorry about going that 20/20, but we all learn, and
9 maybe advice might be the next time we have a big thing
10 like that, to consider pulling out the extra stop of
11 having the subcommittee.

12 But in the meantime we are the committee, the
13 full committee, and we need to move through this as
14 quickly as possible. But I don't want to tie our hands
15 into doing anything we don't want to do.

16 Don, please.

17 MEMBER HOUSTON: I have a prepared statement I
18 wrote this morning.

19 CHAIRPERSON BANIS: Oh, please, go ahead.

20 MEMBER HOUSTON: And it speaks to the report
21 itself.

22 I yearn for simpler times. Therefore my
23 comments will be simple, short and to the point. During
24 the course of my lifetime, the proliferation of roads in
25 the West Mojave has adversely affected desert resources

1 in the areas of archeology, biology, hydrology and
2 paleontology. These adverse effects are the driving
3 forces of the route designation process and the Court's
4 decision. I have read the subgroup's report. In fact I
5 read it twice and some parts, three times. I say this
6 as evidence of the seriousness I lend to the subject and
7 the appreciation and respect for the extraordinary
8 commitment of time the subgroup has devoted to the
9 preparation of this report.

10 Although I agree with much of what was in the
11 report, I cannot support the subgroup's Alternative "A"
12 recommendation. While the subgroup has offered a range
13 of four alternatives, its recommendation allows for the
14 highest intensity of use. This recommendation does not
15 strike a fair and reasonable balance between the needs
16 of the desert users and the protection of desert
17 resources, nor does it adequately address the Court's
18 concerns with protection of resources on Public Lands,
19 public safety or the minimization of conflicts among
20 various uses.

21 Finally the subgroup's suggestion that
22 increased BLM resource management and a more robust
23 volunteer program is sufficient to protect desert
24 resources is, in my opinion, unrealistic in light of
25 current fiscal realities.

1 CHAIRPERSON BANIS: Very good. Thank you.
2 Very comprehensive. Anyone want to try to follow that?
3 Come on. Thanks, Don.

4 Seth, please.

5 MEMBER SHTEIR: Okay. Well, thank you,
6 Mr. Chair, and I'd like to thank the subgroup that
7 worked on this report. I agreed with some of the
8 recommendations, but I had some concerns related to the
9 report and ultimately can't support the report's
10 findings.

11 One of the things that concerns me is the
12 reasoning to maintain multiple routes and open status
13 within WEMO TMA's. And it lists one of the most
14 important reasons as continued and increasing managed
15 passive access to access the BLM with resource
16 management. And I would definitely agree that that type
17 of access is necessary sometimes for inventory and
18 management, but where inventory and management takes
19 place is dependent upon the resources themselves. So in
20 other words, you may need it in some places but not in
21 others, and it should be decided on a case-by-case basis
22 whether multiple routes are necessary or not. As a
23 blanket statement it doesn't make sense to me.

24 Let me address another underlying issue that I
25 think is in the report. It says that much of the public

1 uses the desert in additional and mostly in passive
2 ways, camping, hiking, photography, et cetera. These
3 passive users who assist with resource management, camp
4 with families, surveyors and education students would be
5 hurt by further route closures.

6 I'd like to acknowledge that, yes, those are
7 those among the public who do feel they will be hurt by
8 further route closures, but there are also those in the
9 public who would support route closures if it were
10 coupled with education. And I think there are hikers
11 and ecologists and professors and students and
12 backpackers who would support certain route closures if
13 they understand why those are.

14 There's another assumption here that I'd like
15 to address. I think it occurs on Page 21, and that is,
16 "The more closed routes, the higher the impact will be
17 on the remaining routes because traffic will be diverted
18 to fewer routes, increasing the intensity of use."

19 And the implicit assumption here is that, if
20 you have open routes, you'll have a little bit gentler
21 impact. But what we know about recreation and
22 recreation management is that it's not evenly
23 distributed. So necessarily having a wide variety of
24 open routes won't necessarily limit impacts because
25 resource use will be concentrated in certain areas. And

1 I know that from studying wilderness management. It's
2 certainly the case where you have wilderness areas that
3 have a large network of trails but you have use
4 concentrated in certain areas.

5 I want to echo what Tom said. I'm not going to
6 take a lot of time on this, but on Page 26,
7 "Nonrenewable resources within wilderness and wilderness
8 study areas need inventory and management. Limited
9 access for management must be provided by special or
10 limited use permits to evaluate impacts on these sites."

11 And so that does, with what I've studied about
12 the Wilderness Act of 1964, violate the intent of that
13 act. You know, the act only allows for that under
14 certain conditions and not as a broad-based policy. And
15 there's something called the minimum tool rule, which
16 means what you must use the tool for management that is
17 least impactful, and it is not based on cost or
18 convenience according to Wilderness Management text,
19 Hende and Dawson, which is a pretty big text.

20 I think that's about it. I would pose a
21 question to the chair. And that is that -- you
22 mentioned that it might be a good idea to convene a
23 subcommittee about this particular issue. And I wonder,
24 is it, in your opinion, too late to do that at this
25 point, or is that still a possibility, and what might be

1 the process for commenting and working on further drafts
2 of this report?

3 CHAIRPERSON BANIS: I loathe to speculate at
4 this late date without consulting with our advisors from
5 the BLM. We understand the BLM sets our agenda and has
6 a limited budget for us to operate in our meetings. And
7 let's have some discussions, perhaps, over lunch and see
8 if there's some venues or avenues that we might be able
9 to do so and maybe also get a feeling as to just what
10 the real drop-dead deadline is, given that progress.

11 Now, of course, our timeline, the timeline the
12 subcommittee worked on, was based upon the WEMO timeline
13 that was estimated at that time. I don't know for a
14 fact that everything is on time necessarily with the
15 BLM's efforts, and maybe I'm not quite accurate in
16 saying that it's desperation that it be done today.
17 Maybe we need a little counsel on that too. But I think
18 that needs a little more discussion with our BLM
19 partners. I'm sorry. I wish I to could add more on
20 that.

21 MEMBER SHUMWAY: Could I chime in more on that?

22 CHAIRPERSON BANIS: Please.

23 MEMBER SHUMWAY: First we expected to make
24 revisions after this. We wanted the DAC to approve our
25 report based on -- with certain revisions. To be fair

1 to our group and the people who wrote most of the
2 report, which included me, we never got Tom or Mark's
3 dissents until, like, after the report was released. So
4 they came in late. We probably would have addressed
5 them if we had had those extensive dissents early on,
6 but it would have extended our deadline too.

7 But to be pragmatic about this whole thing,
8 this hasn't been a report that's been done in secret.
9 All of the WEMO people have known what's going on. The
10 BLM asked for a very early draft by --

11 MS. SYMONS: November.

12 MEMBER SHUMWAY: It was after the December
13 meeting they asked for a list of our recommendations
14 which we had been working on, and so we spent some time.
15 I'm sorry. It was September. She said they needed it.
16 I'm sorry. The girl -- I don't know what her name is,
17 but she asked us for a preliminary list of
18 recommendations. It went out on the internet. It came
19 back. And so the BLM has had access to our skeleton
20 list of recommendations for a very long time, especially
21 the major ones like marking closed roads and things like
22 that. A lot of the recommendations are redundant
23 because some of them are in, like, management, and some
24 are just strategies.

25 But we never intended this to be a final

1 document, because I frankly expected comments from the
2 DAC. You were supposed to read this and get back to me.
3 Obviously very few people did that. So Bob and I have
4 already resolved to meet to prepare a final document,
5 and for that we'll consult with Mark and Tom to resolve
6 some of our issues. I'm not sure they'll all be
7 resolved.

8 Even though it's not a consensus report, it's
9 still pretty much a majority report. So that's all I
10 can say. So if the DAC wants to convene a bunch of DAC
11 members to help revise that document, I think we kind of
12 expected the DAC members to weigh in on this document.
13 That's why you were sent a draft. So it's not like it
14 will be a surprise. I mean, Teri, you've kind of known
15 what's been coming down the pipe for a long time, so
16 it's not liking it's going to be a surprise. So putting
17 it off another month probably wouldn't be much
18 different.

19 CHAIRPERSON BANIS: You know, if there is no
20 objections -- and looking at the time and how we are
21 moving on the schedule, we're hanging in there, doing
22 okay. Maybe we will get some literally food for thought
23 here. Let's take a break. Let's have our lunch. Let's
24 let it roll around in our heads a little bit. We'll
25 come to the table and see if somebody has thought of

1 something really great.

2 MEMBER SHTEIR: Mr. Chair, may I just address
3 what was said. Yeah, I definitely appreciate your
4 sending around the draft. I, being a new member, wasn't
5 clear that this was a time-sensitive issue. But I do
6 believe the issues in this are substantive enough so
7 that maybe the review shouldn't just be conducted by
8 e-mail, but maybe there should be a working group on it.

9 CHAIRPERSON BANIS: Very good. Well, thank
10 you. With that we're going to adjourn for lunch. We're
11 adjourning on time, relatively, so we'll be back on
12 time. Adjourned.

13 (A lunch recess was taken.)

14 CHAIRPERSON BANIS: Thank you, everybody, for
15 coming back from lunch. I hope it was good, and I
16 reconvene this meeting at 1:11.

17 We're going to resume where we left off, and
18 that is the Desert Advisory Council members who were
19 discussing the West Mojave Route Network Subgroup report
20 and discussion. So who would like the floor next? I
21 have an empty speaker's list. Al, April and Zach and
22 Kim. Go ahead.

23 MEMBER MUTH: After lunch one always has to
24 stay awake, so I'll try to be brief. First of all,
25 thanks to all the volunteers and to Dinah for all the

1 person-years of work that went into that thing.

2 Having said that, I do have some significant
3 reservations about the product, the report. And in
4 bullet form, I think in many areas the tragedy of the
5 commons in the sense of Garrett Hardin's original usage
6 is one problem.

7 There are some species arguments, I believe, in
8 there. At times the report actually goes into a
9 rebuttal of the judge's findings, which I think was
10 outside the scope of the report. And clearly there was
11 a bit of mission creep that came into the report. My
12 basic concern is that I don't believe that it satisfies
13 the charge of the Court, the minimization charge to look
14 at the alternatives in that light.

15 Now, having said that, I would support moving
16 this report forward to the Bureau. It's advisory. I
17 would also support moving the dissenting minority
18 reports forward, along with that big pile of documents
19 and everything else.

20 MEMBER SHUMWAY: We have that on CD.

21 MEMBER MUTH: Okay. You can frisbee it to
22 them. Just to move this thing along in a timely manner.
23 Those are my thoughts on that.

24 CHAIRPERSON BANIS: Thanks, Al. April?

25 MEMBER SALL: Thank you. Thanks for the

1 report, Dinah, and for the subgroup. I understand a
2 tremendous amount of work has gone into this. To make
3 this quick, I guess, that was a great segway for me, Al,
4 because I had some similar comments.

5 So I will also state that I think -- I had some
6 concern, and it sounds like several others feel also,
7 that there may have been that the report didn't
8 necessarily follow the lines of what the Court was
9 asking, which was to identify alternatives and to I.D.
10 and implement minimization and that requirement.

11 So I think there was a lot of work that went
12 into the subgroup, and there's a lot of different
13 opinions coming from a lot of different directions, so
14 that is very hard to channel into a product, and
15 certainly there's no way to get consensus. And so I
16 fully understand that and that we are trying to provide
17 information to the BLM in an advisory role.

18 I think, looking back, a DAC subcommittee might
19 have been helpful on this topic, but that's hindsight.
20 And so moving forward we should consider some of the
21 subgroup versus subcommittee formats on topics that are
22 time sensitive, where the BLM needs to take an action
23 item. So I think this all will go into the draft EIS.
24 And I would support also that the dissenting comments
25 are officially submitted with the subgroup. And I guess

1 I'll leave it at that.

2 I guess also, just to clarify some discussion
3 about the washes, I think that hopefully in the EIS
4 there will be a little bit of information about the wash
5 travel, because those are important geological
6 corridors, and so there should be a little more
7 clarification at least regionally as it relates to some
8 species.

9 MEMBER SCRIVNER: Mr. Chairman?

10 CHAIRPERSON BANIS: Zach.

11 MEMBER SCRIVNER: Thank you, Mr. Chairman. My
12 comments are along the lines of Al and April's as well.
13 I certainly want to try and move this process forward.
14 I first want to express my deep appreciation to Dinah
15 and to the subgroup for all the hard work that they put
16 into this. You know, we all struggle to balance all the
17 needs of all the uses and users of the desert, and we
18 certainly support public access to Public Lands.

19 I did want to state one concern from Kern
20 County, which is, the routes crossing private property
21 that are not established public easements. So that's
22 going to be at Page 26-A5 of the report, "Private Versus
23 Public Lands." It talks about clarifying the
24 responsibilities, "that the BLM managers must clarify
25 responsibilities for routes that cross private lands."

1 So that's a concern for us, how we're dealing with those
2 private property owners. Are they at the table when
3 we're developing the mapping to make sure that their
4 private property rights are supported?

5 Having said that, I think that the group has
6 come up with a very good framework. I know that a large
7 majority of the work that went into this was actually in
8 the mapping. That's something that I think was included
9 as attachments to the report, but I think that's where a
10 lot of work went into place. There's a big pile of
11 those maps over there. So as Al and April stated, I
12 think that what needs to happen now is receive and file
13 the report and the information, refer that to BLM staff.

14 I'd like to ask BLM staff where we are with the
15 West Mojave route designation. Is there a timeline
16 where we might expect something to come back to the DAC
17 for review after staff has had a chance to review and
18 assimilate all the information?

19 MS. SYMONS: Right now we're currently working
20 on alternative development. We will be having the draft
21 EIS available on or about September, October. And then
22 right now we're still pushing hard to be able to meet
23 the Court's mandated March, 2014 final decision.

24 MEMBER SCRIVNER: Okay. Thank you very much.
25 Thank you, Mr. Chairman.

1 CHAIRPERSON BANIS: I think before I move to
2 Kim, I just want to reframe what has come out of Zach's
3 question, and that is, we don't have time to wait until
4 September or October for the DAC to have another meeting
5 on this. The draft will be coming out potentially by
6 September, October.

7 So Kim?

8 MEMBER ERB: Okay. I'm not sure whether to
9 start with my specific comments to previous comments, or
10 I'm not sure where I should start. But I think I'm
11 going to start with a response to some of the comments
12 that were made by previous people who made comments.

13 On washes, there are washes all over the
14 desert. If you close every road that affects a wash,
15 there will be nothing; no one will have any access to
16 the desert. I understand that they're significant and
17 that care needs to be used. If there are some that are
18 very critical, perhaps they should be closed. But
19 washes are important to everyone, not just the
20 environment and the species. And I think that is
21 something that everyone needs to consider.

22 A comment was made about access, the word
23 "access" being used throughout the report. This is
24 about routes. This is about access, so it is entirely
25 appropriate that there would be hundreds of times that

1 access was mentioned in the report. I thought that Tom
2 Laymon eloquently described how I feel about this
3 particular subject and about access and about the
4 routes.

5 Aggressive and passive use. My understanding
6 is, maybe those were terms that were used that were
7 different than what has been used in other situations
8 with the BLM, but I understand it to be as simple as
9 aggressive use is perhaps considered to be motorized
10 recreation, which I understand to be when the motorized
11 use itself is the recreation, and motor-dependent use,
12 which is more like what rockhounds do, where we use our
13 vehicles to get us to our recreation.

14 And then here's the bottom line for me: we,
15 the public, we have been closed off from going to lots
16 of places that we want to go in the desert. In
17 particular, rockhounds have lost a lot of locations.
18 We've lost them to wilderness. We don't get to collect
19 in the wildernesses. We can't get to the location with
20 our vehicles. Military, national monument designations,
21 energy projects. We've lost a lot. And I see a
22 continuing movement to continue closing routes for
23 whatever reason. I think now there's not that much
24 left. We have to be able to share it.

25 The public needs to be responsible in its use,

1 but we all have to share what's left. You can't close
2 it off to everybody. And when you close a route, you
3 are effectively excluding the public from using its
4 land. And it's time to start figuring out how to share
5 it rather than how to take it away, take away more. And
6 that's why this is such a passionate issue to most of
7 us.

8 The crux of those meetings was having the
9 public come to the meetings and tell us so that the BLM
10 would know what areas we consider and the public
11 considers important. That's what this report is about.
12 That's what the report is about. And it's significant
13 because we had a lot of people go to great lengths to go
14 to these meetings and tell us what they wanted, tell us
15 what areas were important and why they wanted the route.
16 They didn't just give us the information about the
17 routes they wanted open. They told us why they wanted
18 them open, what it was about that route that was
19 important to them.

20 So this report is really significant, in my
21 opinion. And it may not be perfect. You're not going
22 to get people from all these different interests to ever
23 agree completely on anything, never. But I think this
24 report is extremely important. And I think the
25 absurdity to me of covering the desert with solar panels

1 and windmills and then telling the public, "Sorry. You
2 can't have that route anymore. You can't have access
3 because we're going to close your route," it's absurd.
4 We have to share what we've got left.

5 The public needs to get to the desert. They're
6 not going to learn to love the desert unless they can
7 get to the desert. And if you close a route, people
8 aren't going to be able to get somewhere where they need
9 to get to. So that's the bottom line to me, and I would
10 support the report. Thank you.

11 MEMBER SHUMWAY: Thanks.

12 UNIDENTIFIED SPEAKER: Amen.

13 CHAIRPERSON BANIS: Next I have Ron. Any
14 others on the list?

15 MEMBER JOHNSTON: I won't be overly loquacious,
16 but I think the overriding concern is, is this going to
17 pass muster with the Court, and is it consistent? And I
18 think Ed Waldheim has addressed those issues very
19 poignantly in his comments and dissent from some of the
20 findings that have been produced in the report.

21 I think the subgroup did a marvelous job of
22 putting this together based upon the input that they
23 were given and the participants who volunteered to be in
24 the subgroup, which has got to have a weighting on the
25 outcome and the findings. And it's difficult to get an

1 ideal cross-section to volunteer for any subgroup,
2 without question.

3 But I think we're kidding ourselves if we think
4 that the WEMO subgroup's report is going to be
5 consistent with what the Court has spelled out. And I
6 would hope and would expect that the BLM is going to
7 take that caveat and remassage this with the
8 considerations of the dissenting items and the
9 exceptions that have been made before it's presented to
10 the Court.

11 So I have confidence that Teri and your staff
12 are going to rework this to make it so that it is
13 compliant, because the Court clearly states one of the
14 big problems -- one of the major issues they bring up is
15 the great number of routes that have been spawned since
16 the 1980 report, and they didn't want more of them.
17 They wanted the same or fewer numbers of routes. So
18 minimization, I think, was a major goal that the Court
19 set out, and we have to abide by that.

20 CHAIRPERSON BANIS: In a moment I'd like to
21 move into the public comment for that. I want to --

22 MEMBER SHUMWAY: Mr. Chairman, are we done with
23 the DAC?

24 CHAIRPERSON BANIS: No.

25 MEMBER SHUMWAY: I mean, I have a very few

1 bullet items to comment on.

2 CHAIRPERSON BANIS: A couple of ideas relative
3 to route proliferation or the concept of route
4 proliferation having happened over a course of time. I
5 would ask the DAC members to consider that the proximity
6 to urban and community environments will see greater
7 route proliferation than you will see in what I call the
8 deep, dark back country. In other words the places that
9 are furthest away from the urban centers or from the
10 communities are generally those that have less route
11 density.

12 We're finding, in my observation, purely
13 anecdotal, is that what has seemed to me to grow
14 exponentially has been the play area development in the
15 hills around the communities and around the towns
16 themselves as a result of babysitting by motorcycle.

17 I would just challenge folks that are
18 interested in really looking at route proliferation in a
19 specific area to make use of a great tool now on Google
20 Earth, on the Google Earth software. It's a tool called
21 the Timeline. And it now allows you to scroll through
22 all the way back to 1984. And I think you will be quite
23 surprised, depending on where you have your screen
24 focused. By moving that slider back in time, you will
25 be surprised at how many of those routes are noticeable

1 and present on the '84 imagery. The '84 imagery is far
2 inferior to current imagery, but nonetheless, they
3 appear in the '84 imagery.

4 So talking about proliferation, just as a test,
5 go into Google Earth, look at that timeline, and then
6 let me know what you find. I'd be interested. I picked
7 out a few places, and it's different. So there.

8 Dinah, you have some points to make?

9 MEMBER SHUMWAY: I have just a few points
10 before our public comment.

11 CHAIRPERSON BANIS: After Dinah's comment I'm
12 going to roll into the public comment. Go right ahead.

13 MEMBER SHUMWAY: I have just a few comments.
14 One, to Ron's comment that it wouldn't pass muster as a
15 court document, it was pointed out early on that because
16 the DAC and the subgroup in particular was not a party
17 in the suit, that no way would the judge ever see this
18 document. I mean, this was a report that was prepared
19 for the DAC as an advice -- as a set of recommendations
20 and advice for the BLM. So it's not a court document.
21 It was pointed out clearly to us that the judge would
22 never see this document.

23 On monitoring, monitoring and management,
24 there's been a lot said about minimization. And
25 unfortunately minimization, you can have some general

1 kind of comments. But unless you're going to be route
2 specific, it's hard to talk about minimization except on
3 specific routes. But I would submit -- and I think most
4 of us would feel this way about monitoring and
5 management, monitoring and proper management. And by
6 "monitoring," I mean in-the-field monitoring. That in
7 itself is an implementation of minimization because you
8 are constantly evaluating degradation and trying to stop
9 it along the way. So I would make that comment.

10 Also before anybody makes comments from the
11 public, our plan always was to revise our document to
12 include input from the DAC after this meeting. So
13 there's still going to be a revised document out there
14 based on this kind of comment. And for that, I have
15 Ed's report. I need Tom's report. So I have Ed's,
16 Tom's and Mark's comments. So I have those, and I would
17 request for any of you who have specific comments, you
18 need to get them to me. Via e-mail is fine, but really
19 I can't rely on my notes. You need to send them to me.
20 And please, be specific if you can. Thank you.

21 CHAIRPERSON BANIS: Very good. Moving into
22 public comment on this subject of the WEMO Subgroup
23 report, first Ileene, Ileene Anderson. And that will be
24 followed by Sam.

25 MS. ANDERSON: Good afternoon, chairman and DAC

1 members. My name is Ileene Anderson. I'm with the
2 Center for Biological Diversity, and I just wanted to
3 weigh in, having been able to read at least the final
4 report but without the appendices, to state that from
5 our perspective, despite the substantial time and effort
6 that the subgroup put in -- and I do want to recognize
7 all of the efforts that went into this and the vast
8 amount of data that was collected -- we still believe
9 that the report fails to meet the DAC charter of the
10 subgroup, which is what I thought that the subgroup was
11 actually working on. And we also feel that it doesn't
12 provide the BLM meaningful help on the issues that the
13 Court directed them to evaluate. I sort of feel like it
14 got off on the wrong foot and then just continued down
15 the wrong route.

16 As most of you know, the judge's order required
17 the BLM to identify various minimization criteria to be
18 consistent with the CDCA plan, which limited the routes
19 to existing routes in 1980, which was over 33 years ago,
20 and to also provide a reasonable range of alternatives.
21 Obviously the documents are going to also have to adhere
22 to FLPMA and the BLM regs, including other laws,
23 including the Wilderness Act. So I don't see how this
24 plan is actually going to help the BLM in moving forward
25 with route designation in WEMO.

1 I also want to reiterate a point of concern for
2 us. And that is, while we're supportive of the route's
3 signing that the BLM is doing as part of the court
4 order, the 2006 designation, which the Court found to be
5 faulty, you know, obviously can't be the baseline for
6 what routes are going to be open and closed. And surely
7 no new routes since 2006 can be included as that
8 baseline.

9 I then want to turn my comments to another
10 issue regarding WEMO that we have great concerns with,
11 and that's the new scoping notice that was in the
12 Federal Register on May 2nd. We've submitted comments,
13 but I wanted to reiterate them to the DAC here, which
14 is, we found that notice incredibly confusing. It's
15 very unclear about what BLM is proposing to do and could
16 be interpreted to say that they're proposing not to
17 engage in comprehensive site-specific route designation.

18 On the end of the notice it appears to say BLM
19 will decide which issues to address in the plan and
20 amendment in the EIS after receiving additional scoping
21 comments and that the BLM will engage in a different
22 collaborative process with some subset of the public
23 outside of the NEPA scoping process to make that
24 determination of what to include.

25 We think that that would violate NEPA and may

1 not comply at all with the court order, and so I just
2 wanted to flag that, that I think the BLM needs to be
3 much more clear about what they're actually going to be
4 doing. Thank you.

5 CHAIRPERSON BANIS: Thank you, Ileene.

6 MS. MERK: Hi. My name is Sophia Merk, and I'd
7 like to read you what I wrote at 4:00 this morning.

8 I would personally like to thank all the
9 members of the DAC WEMO subgroup who worked so hard
10 trying to comply with what they were given as the
11 direction from the BLM. They did it at great expense,
12 financial and emotional. For the most part they were
13 not provided with maps, and they had to keep justifying
14 it to what little public that did participate. I would
15 also like to recommend the WEMO subgroup stay together
16 as a unit until the time when the BLM submits the
17 package to the judge.

18 I have read the draft that was placed on the
19 website. I do have some concerns. The justifications
20 for the routes are not detailed enough for the Court to
21 make their decisions. These alternatives do not comply
22 with NEPA. There needs to be several alternatives, and
23 one has to be a no-action alternative. If it does not
24 comply with NEPA, then don't state it. The objective
25 from the BLM to DAC WEMO subgroup changed from the

1 initial concept. The Notice of Intent for a possible
2 EEA is different than the most recent Federal Register
3 Notice that just came out, the May 2nd one. There was
4 no recordings by the BLM by a court recorder to form a
5 justifiable case to the Court that standards were kept.

6 The public was asked to comment on the latest
7 Federal Register without all the information privy and
8 with a time slot that was unworkable. Less than 30 days
9 without the working draft and maps not listed for the
10 first 20 days is unacceptable.

11 Lists of suggestions for this committee: stay
12 together. A disclosure needs to be provided, because
13 not all the members bought on to every statement.

14 Demand that the Federal Register be changed to
15 reflect what the committee came up with. And when all
16 information is available to the public, put in a new
17 Federal Register Notice amending this last mistake.

18 Hold new scoping meetings for an EIS, and
19 present what the judge requested. Preliminary decision
20 criteria has not been presented to the public.

21 Expand the latest Federal Register Notice to
22 reflect the DAC's WEMO subgroup. Baseline data was and
23 has not been given to the public or to the subgroup.

24 Give the public 90 days to comment on an EIS
25 for a plan amendment, as guaranteed under Section 7.

1 CHAIRPERSON BANIS: Thank you. Thank you, Sam.
2 Next speakers we have are John Stewart, followed by
3 Jim Bramham.

4 MR. STEWART: Good afternoon, council. John
5 Stewart, California Association of Four-Wheel-Drive
6 Clubs.

7 Quite a bit has been said about minimization in
8 this discussion. I'd like to point out some salient
9 facts dealing with it. Minimization deals with two
10 concepts. One is minimization of impacts, and the
11 second is minimization of routes. And while not
12 completely pertinent to this discussion, I'd like to
13 point out that the Ninth Circuit Court has recently
14 issued two court cases dealing with the minimization
15 context. One of them is minimization of impacts, and
16 the other is minimization of routes.

17 Both of those cases have one common factor in
18 that the agency -- and in this case it was the Forest
19 Service -- the agency is at fault by trying to apply
20 minimization across the landscape or in a broad scale.
21 Any minimization needs to be done in accordance with the
22 Code of Federal Regulations and deal with site-specific
23 analysis, whether it is the minimization routes or
24 minimization of impacts, however you address that. And
25 in dealing with minimization of impacts, care has to be

1 used to -- that is, just parsing words out of the Code
2 of Federal Regulations and not the full context of what
3 minimization is about.

4 So in short with minimization, this is an issue
5 that is an inherent government function for the agency
6 to determine what the criteria for minimization are and
7 to establish the framework or the standards under which
8 the site-specific analysis will be done. I believe that
9 this is in the feeling or would answer the judge's
10 ruling to come back with that.

11 As it is, is the agency cannot sublet their
12 requirements to a non-agency group -- this being the DAC
13 or the subgroup of the DAC -- in order to come up with
14 the exact criteria. The DAC and the subgroup can
15 advise, and they have put forth some advice and helped a
16 lot to identify or helped BLM identify what minimization
17 criteria will mean either in a framework context, or
18 that which would lead to a subsequent site-specific
19 analysis.

20 Now, one other factor that has to be looked at
21 is within this discussion and within that report that
22 was issued, the term of limited use needs to be looked
23 at closely. Limited use is already a defined legal term
24 within the BLM discussion, and yet there is some
25 conflicting reports of how the limited use is to be

1 applied within that report. So that's something which
2 care has to be taken to look at in the future. Thank
3 you.

4 CHAIRPERSON BANIS: Thanks, John. Hi, Jim.
5 The floor is yours.

6 MR. BRAMHAM: Reset it to three minutes. Thank
7 you very much. The WEMO project is very near and dear
8 to me, is that in 2001 I nearly died trying to do the
9 initial mapping project for this when the maps were in
10 such disarray the Bureau decided to do a ground-truthing
11 project, which included the routes in the desert that
12 the decision that has now been overturned in 2006 was
13 applied for. I spent five hours waiting for Life Flight
14 to help with that. So I'm very conscious of how WEMO is
15 going.

16 I would like to reiterate John's thoughts that
17 in 2006 that decision was one of the first on
18 minimization, and since then the Ninth Circuit Court has
19 definitely done some reevaluation and some landmark
20 decisions about how the agencies are to proceed with the
21 minimization evaluation, and I hope those new criterion
22 are used in the new planning document.

23 There's an old adage, if you disappoint
24 everybody in a planning process, you probably have
25 created a good document. It appears that would be

1 today. Not everyone is happy, but the information is
2 there. And so I would encourage this body to move that
3 to the folks who are actually going to create the
4 document that will go to the Court.

5 And so I've heard this referred to as a plan.
6 I don't think that this was a plan that was presented to
7 you today. This was a report, and the planning document
8 is going to be done by the Bureau. And I hope that you
9 will move all this body of information that was
10 presented to you today to the Bureau so they can use it
11 in creating a document with their full analysis and with
12 the use of their court appointer or their attorneys to
13 come up with something they feel will fit the Court's
14 analysis.

15 So please don't internalize this; externalize
16 it, and give it to the Bureau. Thank you.

17 CHAIRPERSON BANIS: Thank you for that advice,
18 Jim. Jim Kenney, followed by Gerry Hillier and then
19 Dave Matthews.

20 MR. KENNEY: Jim Kenney. I would like to
21 emphasize the fact that we need to really work on the
22 public-private separation of the routes, because most of
23 the routes that I personally use, which are consistent
24 and constant, were originally created as user routes to
25 a specific resource, and a lot of that property now is

1 considered private, but it has not been monitored and/or
2 signed and/or delineated on any map significantly in
3 sometimes more than a hundred years. And a lot of the
4 trails that are marked have gone across these for as
5 long as I've been recreating, which has been since the
6 '60s.

7 So to say that suddenly a fence appears on land
8 that you didn't even know was private and it's just a
9 white blob on an old, obscure BLM map is not nearly
10 enough information to properly stay off this land. And
11 yet if you create another route, say, a hundred feet
12 around that, you've created another route to replace one
13 that you say shouldn't be there. And usually it's every
14 bit as bad, and the other one doesn't obviously just
15 disappear unless you put a crew on, like the SCE crew,
16 to get rid of it. So you're actually creating another
17 route or not to replace one that has been there a long
18 time, and then nobody knows who the property belongs to,
19 except maybe the county recorder. So you really need to
20 work that out.

21 CHAIRPERSON BANIS: Thanks, Jim. Thank you for
22 that, too. Gerry, followed by Dave Matthews.

23 MR. HILLIER: I just have a couple of quick
24 observations that I wanted to make, since I did not have
25 a chance to see much more than the executive summary.

1 First off, I thank Dinah and her crew for not
2 even reaching consensus but simply assembling the data.
3 They deserve a lot of plaudits.

4 Second, really, as an interested observer more
5 than with any of my contracting hands-on, I have a sense
6 of déjà vu all over again. BLM has been at this for, as
7 near as I can count, 42 years. And if it was easy, I
8 guess we would have probably reached some decisions.
9 For those that can't count, BLM first tackled route
10 designation in the desert in 1971 inventories and with
11 the ICMP that was released in 1972. So this discussion,
12 believe me, in one form or another has continued
13 unabated for the last 42 years when the Desert Plan was
14 done, when the Desert Plan was amended and so on.

15 I really recommend that it be moved ahead and
16 handed to the BLM without further wordsmithing or
17 adjustment or trying to reach consensus. Just simply,
18 it is data. BLM is going to make the decision. The
19 subgroup is not going to make the decision.

20 There's two specific points that I have --
21 well, three. One, personally I really like the
22 recommendation about no buffers. I think that's
23 important and important to keep before you. It doesn't
24 apply legally to the ACECs, but it does apply legally to
25 the National Parks, National Monuments and the

1 Wilderness Areas, because the law specifically CDCA says
2 no buffers are created. And I'm paraphrasing, but you
3 know what I mean. And so that language needs to be
4 reflected.

5 The recommendation for consistent signage
6 certainly across the CDCA is very strong. You can't
7 have one set of signs in Ridgecrest and a different set
8 of signs in El Centro. And believe me, each of the
9 field offices kind of develops their own personality,
10 and individuals sometimes have their own ideas. It has
11 to be consistent, and it's something there that the
12 district office really needs to be on top of and insist
13 that it be done. Whatever is done in WEMO needs to be
14 extended certainly in terms of consistent warnings.

15 Last this idea of easements across private
16 lands, I think it's a terrific idea. People have talked
17 about it really for the last 25 years, but it's never
18 happened. It may be expensive in acquiring the
19 underlying land and may be even more expensive, but if
20 there's grant money out there, it probably ought to be
21 slotted so they can provide some legal access. It's
22 much better than trying to put a route around it.

23 CHAIRPERSON BANIS: I heard that same comment a
24 couple of times privately today as well, so that's good
25 ear-warming for me.

1 Dave Matthews, welcome again.

2 MR. MATTHEWS: Thank you. This thing does
3 tilt. Somebody earlier mentioned that the some of the
4 routes needed to be minimized according to what the
5 Court has ordered to help preserve species and so on and
6 so forth. As I mentioned earlier, I have been here
7 about 45 years, except for about six months of that, and
8 I've always the rest of the time have been in the same
9 residence.

10 When we first got here, there was a number of
11 roadrunners, and I will submit that roadrunners are not
12 endangered, I don't think, although I haven't checked
13 lately. But we used to see them right across the street
14 right on the pavement. They've kind of moved out a
15 little bit as development has filled in.

16 But my point is this: I still see roadrunners,
17 particularly since my backyard faces the schoolyard,
18 which since they have remodeled recently within the last
19 couple of years, has put a fence up for security
20 reasons. I still see those roadrunners come in, because
21 now they can get over the fence -- and why they call it
22 coyote camp.

23 So I submit that in many cases the species will
24 adapt. In fact I have reason to believe that the desert
25 tortoise has increased and we're not just seeing the

1 numbers because people aren't really out there looking
2 and counting every day or every week, and thank God
3 they're not.

4 As far as minimization is concerned, to me that
5 means -- I'm reading into that minimization of the
6 routes. Well, I think it's been pointed out earlier
7 that we've already got enough routes taken care of.

8 And one last point. This is being discussed
9 because a court order from a lawsuit. Now, I could
10 never figure out, because somebody told me many years
11 ago, and I've still heard the phrase recently, you can't
12 sue the government. So I'm still confused on how these
13 lawsuits come about. What I suspect is, that lawsuit
14 was filed with a judge that was, shall we say, friendly
15 to the plaintiff? I could be wrong, but then again
16 maybe I'm not. I don't know.

17 And there was one another comment, and I can't
18 remember now what it was. Anyway, I'll think of it
19 later and submit it in writing. Thank you.

20 CHAIRPERSON BANIS: Thank you, David. That
21 concludes our public comment. Okay. Let me summarize
22 where we are.

23 MEMBER SCRIVNER: I think you have one more.

24 CHAIRPERSON BANIS: Do we have another card?
25 Sorry, Mark. You're right. He's right. I buried his

1 card twice.

2 MEMBER SHUMWAY: Where were you when we needed
3 to hang up those maps?

4 MR. ALGAZY: I was there. Don't you remember?
5 I just wanted to make one comment on some of the legal
6 ramifications of the lawsuit, and that was that the
7 Court did -- excuse me?

8 UNIDENTIFIED SPEAKER: Turn on the mic.

9 MR. ALGAZY: The Court did make the BLM concede
10 that the 1980 baseline was illusory, and so you can't
11 have it both ways. Either there is a baseline, or there
12 isn't a baseline. And if the Court made the BLM say
13 that the baseline illusory and you've got to start over
14 again, you can start anywhere.

15 So when the BLM tasked us as a subgroup, we
16 weren't told that we had to start with 2005 as our
17 baseline. We started with what we thought would work in
18 the end. We didn't want to start with an unrealistic
19 baseline, so we took the 2005 FEIS, and we worked with
20 it. But then we added routes to it that we thought were
21 appropriate.

22 And BLM shouldn't be afraid to take that entire
23 route network the way it was generated, take it in from
24 the DAC and then work with it to produce a viable route
25 network. They have been actually, in my opinion, given

1 the flexibility to do that, because they were freed from
2 the original baseline. That's all I have to say.

3 CHAIRPERSON BANIS: Very good. Thank you. Ed,
4 do you have a comment? I've got you.

5 MR. WALDHEIM: Ed Waldheim. Everybody needs to
6 know we all, as has been stated before, have worked very
7 hard on this, as has been stated, worked very hard on
8 the subgroup.

9 We had maps. Our big effort was on the maps.
10 We concentrated over and over on the maps. And this
11 document, I hope you just accept it, give it to the BLM,
12 because they've got to make the decision. In all
13 honesty, I don't see you spending much time to try to
14 bring your report up to date. It doesn't make any
15 difference. You have the minority reports, all reports
16 provided to the BLM. They're big boys and girls. They
17 know how to go through what is good, what isn't good,
18 and they can make their own decision. That was the
19 whole purpose of this.

20 But I don't want you to forget that the maps
21 are our key. We went over the first set of maps. Then
22 they changed maps to another set of maps. Then they
23 went to a third set of maps. We went through three
24 different sets of maps. And one, we never even got the
25 map yet today.

1 So all the notations were done on the maps.
2 Our work on is on those maps. So when the BLM takes it
3 back, please make sure that they review the maps and all
4 the comments that the subgroup made from all the public
5 on those maps. That is our report, really. The maps
6 are our report, and then based on that is where we're
7 going to get the thing going.

8 I definitely want to make sure that we do not
9 do the same mistake as last time. Last time the BLM
10 went dark two years, and then came out with a report and
11 totally floored us. I want to make sure the DAC stays
12 engaged with the Bureau of Land Management until the
13 report comes out. I don't want to see surprises like we
14 did last time. There's no excuse for that, because we
15 got hosed last time. I don't want to go that route
16 again.

17 Somebody from this group better monitor or be
18 in touch with the Bureau of Land Management as they come
19 up with the report for the March deadline.

20 CHAIRPERSON BANIS: Very good. Thank you.
21 Thanks, Ed.

22 Okay. To recap where we are, we have a 47-page
23 subgroup report, 383 pages of appendices, 87 maps that
24 have been marked up. By the end of the day, we'll have
25 about a hundred pages of transcripts. The transcripts

1 will include comments from the public, comments from the
2 DAC and even comments from a member of the plaintiffs
3 from the lawsuit.

4 What I have heard from particularly this side
5 of the table and has been echoed by about a third of the
6 speakers is an urging that we take this volume of
7 advice, this volume of input, this volume of data that
8 we've collected, that we accept this data, we forward it
9 to the Bureau of Land Management and we ask the BLM to
10 utilize this report and all of the data as very as best
11 as possible as they move forward in the producing of the
12 WEMO route network.

13 Is anyone interested in making a motion in that
14 line, or does somebody else have another way to go?

15 MEMBER SCRIVNER: So moved.

16 CHAIRPERSON BANIS: Moved by Zach.

17 MEMBER ERB: Second.

18 CHAIRPERSON BANIS: Second by Kim. Discussion
19 on this aspect versus other courses of action?

20 Thanks, Don. You're up.

21 MEMBER HOUSTON: Okay. Just a question. I've
22 heard repeatedly that the existing report findings and
23 recommendations on the WEMO route designation effort is
24 a draft report and it's going to be revised. Is the
25 motion to send the existing draft report forward with

1 all this additional data or to first revise it based on
2 additional comments from the DAC members?

3 CHAIRPERSON BANIS: Zach made the motion.
4 Let's let Zach say.

5 MEMBER SCRIVNER: I don't think a revised
6 document is necessary. I think that the existing
7 document along with the transcripts, the maps, all the
8 other information is sufficient. And so my motion is
9 just to send the existing materials on to staff.

10 And I'd also like to add one comment about the
11 minimization. You know, that wasn't the purpose or the
12 goal of the subgroup. The subgroup was for user input.
13 You know, the minimization question, that's for the BLM
14 specialists to decide biological, cultural, et cetera,
15 and I think the legal sufficiency is also something for
16 the BLM to determine. Thank you.

17 CHAIRPERSON BANIS: Al?

18 MEMBER MUTH: Dinah, do you object strongly to
19 passing it along without revision? Your thoughts?

20 MEMBER SHUMWAY: With all of the comments, many
21 of the comments would require some major changes in some
22 limited areas. The only thing that I would like to
23 change in the document is something I alluded to right
24 at the front, which is "motorized" versus "motor
25 dependent." I would feel more comfortable if we changed

1 those terms throughout the document to, where
2 appropriate, "motorized" and "motor dependent," because
3 even though I think that -- this is not a legal
4 document, never was meant to be a legal document, it's
5 not an EIS or EIR bureaucratic whatever it is. It's a
6 document written by normal people, and I believe that
7 normal people, a citizen, understands what our content
8 is, and they certainly can understand what our intent
9 is. So I think that's the only thing I would really
10 feel comfortable changing.

11 We could change a lot of stuff, but can tell
12 you, that will take a long time. That is the only thing
13 I'm uncomfortable with with the document now, because as
14 Ed has pointed out, it does give a different kind of
15 aspect to the report. So that's the only thing I would
16 like to change before I pass it on.

17 CHAIRPERSON BANIS: Would that be acceptable to
18 the maker and the seconder?

19 MEMBER SCRIVNER: Yes.

20 MEMBER ERB: Yes.

21 CHAIRPERSON BANIS: That's the friendly
22 amendment. Jess, I know you're trying. Almost?

23 MEMBER REILLY: No.

24 MEMBER SHTEIR: Quick comment. Again I wanted
25 to thank the subgroup for their work on this, and thank

1 you for the amendment too.

2 In terms of process, I'd just like to say that
3 I think that perhaps in the future when we have a
4 complicated issue like this, we can plan a little bit
5 more in terms of anticipating a little bit more revision
6 on this. My feeling is that, although our dissenting
7 views are captured in the record, it may not carry the
8 same weight as the report that is based on the advice of
9 the council. And so it's a little bit different in
10 weight there in terms of my feeling and my feeling about
11 process. And I just wanted to say that. Thank you.

12 CHAIRPERSON BANIS: Very well noted. Jess?

13 MEMBER REILLY: Essentially just wanted to add
14 what you stated, which is that it's really important for
15 me in evaluating a document, too, to hear public comment
16 and to hear the comment of the entire committee. And so
17 in the future it would be great to have the opportunity
18 to think about and then present my revisions, just even
19 from the context of being a writer, that that's how it's
20 best to work through that process. So I would
21 appreciate that opportunity in the future.

22 CHAIRPERSON BANIS: We'll have many more issues
23 and many more opportunities for engagement. Any further
24 comments from the DAC?

25 MR. BUDLONG: Randy, do you accept a comment

1 from here?

2 CHAIRPERSON BANIS: I appreciate it. I've had
3 to close the public comment, and it's time for us to do
4 our thing. Hearing and seeing none --

5 MR. BUDLONG: I want to respond to something
6 said previously.

7 CHAIRPERSON BANIS: I'm sorry. We'll have to
8 pick it up at another time.

9 So the question is on the table. Those in
10 favor of forwarding the report to the BLM with all of
11 the documents attachments, testimony that we've received
12 today with the amendment with that one change of
13 incorporating "motorized" and "motor dependent," those
14 in favor, please raise your hand. Those opposed?

15 MEMBER SHUMWAY: Should I vote?

16 CHAIRPERSON BANIS: Those opposed? Any
17 abstention? Well, there's Dinah.

18 (Vote was taken.)

19 CHAIRPERSON BANIS: Very good. The motion
20 passed. I just want to say thank you, everybody. This
21 was a very tough one and a long one, and we've learned a
22 lot not only from the content of the material, but I
23 think we've learned a lot about the process and about
24 how we work together. And I really look forward to the
25 next big issue or the next big challenge so we can take

1 this one on with more vigor and a stronger process and a
2 more clear mission and resolve. Thank you very much for
3 this item.

4 Would you like to comment?

5 DIRECTOR RAML: Yes, I would. And this has
6 been a very interesting experience for all involved.
7 First of all, as several people have said, I want to
8 thank the DAC, thank the subgroup, thank Dinah,
9 especially. What a task, huh?

10 So kind of in close for me, one of the things
11 is the formation of the subgroup actually came about at
12 the suggestion of people who had been involved in the
13 earlier planning process. And one of the concerns that
14 was brought forward when BLM started this, again, is
15 that they wanted to be engaged. And so with what we
16 got, I think, that was certainly accomplished.

17 Now, if there was mission creep, I will say
18 that mission creep was shared by all. From my
19 perspective BLM got what we wanted, which was data,
20 data, data, data, data. You started with that, Dinah,
21 in your talk, and that's what we got. You know, all of
22 us can go back and look at the transcripts, but what we
23 were looking for was a way for people to engage, and you
24 got 450, 500 people engaging and providing data in a way
25 that BLM was not staffed and, as several have commented,

1 was not even appropriately responsive to the readiness
2 of the group to provide data. And we could not have
3 done that, and we really thank the subgroup.

4 Also a lot of people have said things. I've
5 even commented. Zach, thank you. One of the things is,
6 the role of the subgroup was to get us data, data, data
7 and engage with the public.

8 I certainly appreciate everyone's input about
9 minimization criteria. And the terminology is tricky.
10 The NEPA standards, the planning standards that go along
11 with it are not easily absorbed, and that is our job.
12 It is also our job to comply with the Court, so that was
13 not the subgroup's intention. And so those of you that
14 kind of kept that, we did not expect the subgroup to
15 hand us a document full of data, comply it with the
16 Court and all of our laws and regulations. We wanted
17 the data.

18 Also in terms of mission creep, one of the
19 things I have to talk about, too, is, you know, we have
20 lots of transitions going on. And I think one of the
21 things that happened that was also alluded to is, in the
22 middle of this process, I thankfully got two new field
23 managers, and we got new DAC members that might have
24 engaged totally differently in this process had they
25 been there in the beginning.

1 And I'd like to just take a minute and let my
2 field group managers who came into with subgroups
3 working with missions stated, I'd like them to kind of
4 take a minute and say a word or two. And Carl, I'll say
5 welcome to this process.

6 MR. SYMONS: You can leave it low for the next
7 person.

8 I'd just like to thank once again the DAC and
9 the subgroup for -- one of the key things that I take
10 away from this is, as a decision maker, what I'm looking
11 for ultimately is to make the best and most informed
12 decision I can make. And so why I really like what's
13 going on here, despite the tension that might be there
14 or the feelings, that it's nice to know where there's
15 consensus.

16 But it's also good to know where there's not
17 consensus. And I know it's not easy when people come
18 forward to have an opinion that maybe isn't consistent
19 with the rest of the group, and that makes it even more
20 so important because without that aspect that's
21 information that I don't have when I sit down to make a
22 decision, and that makes my decision not possibly as
23 good as it could be because I don't have all the
24 information.

25 So all the hard work, everything you have,

1 that's all information that goes into it. And to me
2 it's just, because like I said, that we don't have
3 consensus on every issue, that's not my point. My point
4 is that I want to have that information. I want to know
5 where the concerns are, and then we can talk about it.
6 And then as the gentleman earlier stated, if you come
7 out with a decision that one side likes everything,
8 that's probably a red flag that maybe you didn't have
9 all the information. And so for me, I just really
10 appreciate all that effort.

11 In the beginning when I got here, it was talked
12 about maps, maps. You know, we have problems that
13 routes aren't there. All that work that you sent into
14 it. And this is not going to be the last decision in
15 land management that I'm going to make, hopefully, as I
16 go forward. So this pays off not only in WEMO, but it's
17 going to pay off in decisions that go forward. It's
18 going to pay off when I go into my capital process.
19 It's going to go in when I'm trying to look at
20 individual processes. This is going to have
21 repercussions way beyond WEMO, and all this information
22 is very, very valuable. And I thank you very much.

23 DIRECTOR RAML: Now for the shorter member of
24 that management team, Katrina, who also came on board
25 and also had her staff, Edy, who everyone has referred

1 to, fully invested in this process. So Katrina.

2 MS. SYMONS: Oh, Dinah, my sincere appreciation
3 for a year and a half of your life and that of your
4 subgroup that you took out, not paid, in order to take
5 on the heavy lifting for BLM in this process. And
6 really, a heartfelt, big thank you.

7 You know, me, I'm a public servant. I love my
8 job. I love the BLM mission, trying and, you know,
9 looking at the challenges and opportunities of public
10 land management, and I get the benefit of getting paid
11 for it. You spent a year and a half volunteering your
12 time and putting in tremendous hours. So I'm hoping
13 that you and the subgroup can walk away from this
14 experience feeling good about it.

15 And I'm saying that because, when I first got
16 on board and I went to a task group meeting and there
17 was the GIS maps being displayed and we had members of
18 the public coming up and actually interacting in those
19 maps, pointing out spots that were special, pointing out
20 roads that accessed areas of importance to them that BLM
21 didn't have that information. And you helped to take an
22 environment that provided for really good public input.
23 And I thank you very much for that and look forward to
24 working with you in the future, especially on our NEPA
25 project coming up.

1 MEMBER SHUMWAY: Can I just make one comment.
2 Thanks, Katrina, and Carl, too, for those words. Thank
3 God for Katrina being there because we had so many
4 different BLM people there. The only person who really
5 knew what was going on was Edy. She was the only
6 consistent person for about six months. But really it
7 wasn't just me.

8 And I credit Randy for choosing our subgroup,
9 because we had a subgroup that had a lot of variety.
10 And because of that, that subgroup also spread the word
11 and brought in people that would normally not have come
12 in. Bob Reynolds and Don Buchanan, who is another
13 geologist, literally contacted USGS people and said what
14 was happening, and that's why we got USGS input. That's
15 how we got county input. That's why we got academic
16 input. All of the subgroup worked really hard too, so I
17 don't want everybody to think it was just me, because it
18 wasn't.

19 DIRECTOR RAML: Yes. And thank you. And so in
20 closing, yesterday we were talking, and the DAC members
21 expressed how tough the BLM job can be and our
22 multiple-use mission. But what I can say is that you
23 shared that with us. The subgroup shared that tough job
24 trying to achieve that mission, and I appreciate that,
25 and the DAC does too. And thank you very much, and we

1 look forward to sorting through all the -- whatever
2 Randy said we're going to get.

3 CHAIRPERSON BANIS: There it is.

4 DIRECTOR RAML: I'm sorry. One last comment.
5 Lots of comments I'm hearing about the notice of intent.
6 We will take another look based on what we're hearing
7 about it. I can say that there is several
8 interpretations of it. That certainly wasn't our
9 intention. So we will go back and look at it and try to
10 figure out how to clarify. And I certainly don't want
11 to reissue it. We thought it said what we wanted it to
12 say, but obviously we have missed the mark with some of
13 you that are reading it closely, so we'll go take
14 another look at it.

15 CHAIRPERSON BANIS: Thank you. Okay.

16 Following the agenda, the next item after the WEMO is
17 lunch again. That can't be right. The next item after
18 that is the El Centro Field Office ISDRA. That's
19 Imperial Sand Dunes Recreation Area Business Plan and
20 Resource Area Management Update Plan Briefing.

21 Tom Zale from the El Centro Field Office, new
22 field manager. The floor is yours.

23 MR. ZALE: Well, thank you very much. Again my
24 name is Tom Zale. I'm the field manager for the
25 El Centro Field Office, and I'm here to talk about a

1 couple of huge accomplishments. I'm very proud to
2 represent the staff in El Centro. They're a very
3 hardworking good bunch of people.

4 And there are two notable accomplishments that
5 we're going to talk about today. I'll start with the
6 Record of Decision for the RAMP, and then I'll ask
7 Neil Hamada, one of our incredible staff members, to
8 join me to talk about the Business Plan for the Imperial
9 Sand Dunes.

10 So as you all know, the planning area for the
11 Imperial Sand Dunes covers over 200,000 acres. It's in
12 the eastern part of Imperial County. It contains one
13 wilderness area, the North Algodones Dunes Wilderness
14 and two areas of critical environment concern. It's an
15 area that is been utilized for both OHV and
16 non-motorized recreations since the 1970s. We completed
17 a RAMP, or recreation area management plan, for the
18 Dunes the first time around in July of 1987.

19 So a little bit of background. The reason that
20 we're here talking about this RAMP is the result of a
21 lawsuit that was initiated in 2000, where the Center for
22 Biological Diversity sued the Bureau of Land Management
23 and the Fish and Wildlife Service. A settlement was
24 reached in that suited that establishment interim
25 closures for the off-highway vehicle use in the ISDRA.

1 The purpose of those closures was to protect Peirson's
2 Milk-vetch, a listed species, and desert tortoise,
3 another listed species.

4 In 2003 BLM prepared a RAMP. We issued the
5 Record of Decision for that RAMP in 2005. There was no
6 jeopardy biological opinion issued by the Fish and
7 Wildlife Service, and the Fish and Wildlife Service
8 designated about 20,000 acres as critical habitat for
9 Peirson's Milk-vetch.

10 In 2006 the Court afforded us an opportunity to
11 redo the RAMP and also an opportunity for Fish and
12 Wildlife Service to revise their critical habitat rule.
13 In 2008 Fish and Wildlife Service did revise their
14 critical habitat rule, and that opened the door for BLM
15 to begin this new RAMP process.

16 So in 2010 BLM issued the draft RAMP for the
17 Imperial Sand Dunes. It was released for public comment
18 for 90 days. Subsequent to that, in September of 2012,
19 we issued a proposed RAMP and final environmental impact
20 statement. The Imperial Sand Dunes Recreation Area
21 Management Plan includes amendments to the California
22 Desert Conservation Area Plan of 1980. And in this
23 version we cover most land uses and resource management
24 decisions for the sand dunes planning area.

25 So we have a signed Record of Decision for this

1 process. It was actually signed yesterday. There is an
2 agonizing number of additional steps between the
3 signatures on that document and it being available for
4 public review. But I hope that it will be out with a
5 notice of availability by the end of next week.

6 In that decision we're selecting Alternative 8,
7 which was our preferred alternative in the proposed
8 plan. So the decisions there would make 84 percent of
9 the planning area available for off-highway recreation
10 use. It closes 100 percent of critical habitat. It
11 also closes about 11,000 acres of microphyll woodlands
12 on the east side of the planning area to camping, but
13 that area is still available to off-highway vehicle use.

14 About 18 percent of the planning area,
15 primarily the periphery of the planning area, will be
16 available for wind and solar development and also
17 available for geothermal leasing. An additional 12,000
18 acres of the planning area would be available for
19 geothermal leasing with no surface occupancy.

20 The ACEC designation for the North Algodones
21 Dunes will be eliminated because it's such a redundant,
22 overlapping designation within an existing wilderness
23 designation. And then finally we modified the boundary
24 of the East Mesa ACEC to avoid overlap with the Imperial
25 Sand Dunes Recreation Area.

1 So there were a few changes that we made, minor
2 changes and clarifications between the final proposed
3 RAMP and our decision here, and those have to do with
4 clarifications regarding multiple-use classes,
5 vegetation-use authorizations and what kind of
6 collection would be available -- or actually, none in
7 the planning area. We also clarified some discrepancies
8 regarding camping and then corrected a map, which
9 appeared to create a corridor through critical habitat.

10 And then finally we clarified that the proposed
11 RAMP is in conformance with the problematic solar
12 environmental impact statement the BLM released. And
13 then finally the desert renewable energy planning
14 process will consider this area at some point in the
15 future.

16 This map just intends to illustrate that the
17 solar energy zone that was created by the solar PEIS is
18 near but not within the Dunes planning area, and it's
19 located to the essentially southeast of the Imperial
20 Sand Dunes.

21 So finally we think that the decision that we
22 have just made is in compliance with the court order.
23 It makes some corrections with respect to how the
24 no-action alternative was defined. We included a survey
25 of endemic invertebrates and analyzed the impacts across

1 eight alternatives. We prepared the RAMP to address the
2 arguments that the plaintiffs raised in the last
3 litigation. We have a new biological opinion and a new
4 critical habitat rule for Peirson's Milk-vetch, and then
5 finally we eliminated all off-highway vehicle use within
6 critical habitat.

7 So there were three processes to the proposed
8 plan and final EIS. One was by EcoLogic Partners, one
9 was by the Center for Biological Diversity and one was
10 by the County Sanitation Districts of Los Angeles. The
11 protests were reviewed by our Washington office, and
12 then we made some minor changes in the document to
13 correct errors that the County Sanitation District
14 raised, and then the rest of the protests were denied.
15 And the Protest Resolution Report is available at that
16 internet link that's illegible but on the screen.

17 So basically our decision is out -- or will be
18 out at the end of the week. One-hundred percent of
19 Peirson's Milk-vetch critical habitat is closed to
20 off-highway vehicle use. We've done some camping
21 closures to help protect sensitive biological areas, and
22 we will ultimately be making more of the land in the
23 Imperial Sand Dunes available for off-highway vehicle
24 use.

25 So with that, as I said, the plan has been

1 signed. We have approval to post and print it. By the
2 end of next week I hope that the notice of availability
3 will be published in the Federal Register. There will
4 be a filing with the Court and plaintiffs of the
5 documentation associated with this planning effort, and
6 then our goal is to implement the results of this
7 planning process in September of 2013.

8 Do you want to come up and talk about the
9 Business Plan?

10 MR. HAMADA: Good afternoon. My name is
11 Neil Hamada. I'm the Imperial Sand Dunes Recreation
12 Area Manager. Do you want me to start now, or do you
13 want me to give you a minute to pass those around?

14 MEMBER MUTH: You can start. I got mine.

15 MR. HAMADA: Okay. I'm here to talk to you
16 today to give you an update about the final 2013 ISDRA
17 Business Plan. That's the Imperial Sand Dunes
18 Recreation Area. It was released on May 31st and takes
19 a hard look at the numbers and trends. We incorporated
20 feedback from our partners at Imperial County, the
21 Imperial Sand Dunes Desert Advisory Council Subgroup and
22 public comments, and it develops a long-term strategy to
23 make the Dunes financially sustainable.

24 For the past three years we have on average
25 spent more than \$500,000 over our budget to manage the

1 Dunes, and this comes at the expense of other areas that
2 we manage. Go ahead.

3 The plan looks at aligning all of our
4 responsibilities to manage the Dunes, not just the ones
5 funded through fees. We take a look at what it takes to
6 provide what our visitors expect when they arrive at the
7 Dunes; for instance, access to camping areas, sanitation
8 facilities and a response when they call 911. We also
9 discuss what minimum level of service is needed to
10 continue to allow us to provide sustainable OHV
11 recreation at the Dunes. Next.

12 The final Business Plan incorporates several
13 changes requested through public comment on the Draft
14 Business Plan. It was written in a more traditional
15 format, and the alternatives were removed. Since some
16 time had passed, we were able to include more current
17 budget information. We included a lot more financial
18 detail. The financial analysis in the final was
19 expanded and more detailed. A new section was included
20 discussing how regulations and policies guide what the
21 BLM provides as a minimum level of service.

22 We provided a more descriptive rationale in the
23 fee concepts that were considered but eliminated. An
24 entire chapter is now dedicated to public participation
25 and documents the scoping and changes, communications,

1 marketing, visitor feedback and annual reports. And the
2 socioeconomic chapter was further developed. Next.

3 After the draft and before the April 18th
4 subgroup meeting, we received 236 comments. After the
5 presentation at the subgroup we received another 103,
6 totaling the 339 public comments. The first set of
7 comments were categorized into ten common themes, and
8 that was posted on our website. Then I also added a
9 column here on the slide that addresses how we responded
10 to each of these themes.

11 I'm going to go over these quickly. The public
12 stated they wanted to have more opportunity for
13 involvement, so we feel we provided that through social
14 media three different public comment periods, one in
15 which we are in now and public meetings going back to
16 2009. Social media for us is really taking off. It's
17 the way our visitors want to get information. I think
18 the highest number of people we reached in one week so
19 far has been 30,000 people in one week.

20 Fiscal accountability. We added financial
21 detail that gives a reader a better understanding of how
22 we came up with our numbers. We refined our
23 calculations for the financial figures and data.

24 Program of work and service levels. We
25 discussed how we came up with that so that they can

1 understand it a lot easier and further describe how we
2 developed the estimates. There were questions about our
3 legal authority and process, so we included a discussion
4 on that and described what our legal authority is.

5 There were questions on examination of
6 alternative fee structures and implementation methods,
7 and so we have added a second-vehicle permit at a
8 reduced cost and added a season permit as a sticker.

9 The amount of the proposed fee was questioned,
10 and so in the final proposal it has been reduced, and it
11 also has included increased incremental amounts.

12 Revenue sources were questioned, and so we added more
13 detail on that. We recalculated what our revenue
14 projections would be. We increased our grant and
15 federal contributions and assumptions to keep fees low.

16 In the impact to regular recreation visitation
17 socioeconomic section we discussed the proposed lower
18 fees, an option for a discounted second-vehicle permit
19 and a no-fee period during the summer, and then we
20 reformatted and rewrote the entire document to make it
21 easier to read.

22 Below the black line there are comments we
23 received after the 18th subgroup meeting. Many comments
24 could be categorized in one of the above ten, but the
25 majority of all the comments we received after the 18th

1 could be categorized into one of those three there. And
2 two of them are already addressed above, the amount and
3 the fiscal accountability. But the one that encompassed
4 the majority of the comments was the need for or the
5 want for an option to have a season permit. And so
6 because that wasn't included in the draft that we
7 proposed on the 18th, we have re-included that back in
8 the final plan so visitors will have the opportunity to
9 purchase the season permit.

10 During the time that I said we have been
11 overspending, we have also been decreasing our costs to
12 operate the Dunes, and so we have been cutting services
13 to try and stay within our budget. So to offset these
14 reductions in revenues, we have utilized partners,
15 grants and volunteers as much as possible, but it's not
16 been enough, and so some things are beginning to be
17 cut -- or have been cut, actually.

18 Most outreach education programs have ceased
19 unless there's grant opportunities or partners to fund
20 them. Facility maintenance has stopped. We do most of
21 that during the summertime, and it usually costs 250- to
22 \$300,000 a year to rebuild the roads each year, and so
23 we've stopped doing that. And we mainly concentrate our
24 efforts on just removing sand from the roadway so people
25 can actually access the Dunes. Next.

1 Proactive outreach events such as the
2 mini-cleanups, the OHV registration events, information
3 distribution points and ATA safety courses, which was
4 done with one of our partners, have all been cancelled.
5 Next.

6 Holiday staffing has been reduced. We normally
7 bring in help for the holidays. Thanksgiving staff last
8 year was reduced by 49 percent. And that picture there
9 is a picture from last Thanksgiving. We had 133,000
10 visitors. Emergency medical services has also been
11 reduced. Last year we saved 41 percent in costs by
12 reducing our medical services.

13 And in the next slide I wanted to talk to you
14 about what our workload is there. So comparing FY12 and
15 13, I'm glad do say we had four less fatalities compared
16 to last year. So we had one this year. That's
17 off-highway vehicle fatalities, not including the
18 medical ones. Rescue buggy deployments, we saw a
19 13-percent increase. We deployed our rescue buggy 124
20 times. That's when people are injured out in the deep
21 dunes and they're seriously injured. Our critically
22 injured patients, which includes moderate, severe or
23 fatal injuries, were up to 195. That's a 26-percent
24 increase. Those are folks that need to go to surgery
25 right away to a trauma center.

1 Law enforcement was reduced by 28 percent last
2 Thanksgiving. That was the same visitation load from
3 the previous slide. But here's a photo of our law
4 enforcement officers. They not only do law enforcement,
5 but they assist us on many, many of the medical calls
6 that we go to. Next.

7 The workload on that is a little troubling. We
8 have a couple of stats here. Our DUI arrests have gone
9 up quite a bit from FY12 to 13. You can see the numbers
10 in red there. It's up to 78 arrests last year for DUI
11 and 161 arrests overall in the Dunes, 178 of those DUI,
12 but many, many others are from narcotics. Next.

13 In this slide I tried to show that we were
14 listening to the visitors. In 2003 an independent
15 contractor did a review of our area, wrote a
16 Business Plan and said, to manage the Dunes at the
17 bare-bones minimum, you need \$6.1 million. In April we
18 we wrote our plan or draft and said we think we could do
19 it for five million, reducing it by 1.1 million. We got
20 more comments saying we need to reduce cost even
21 further, so in our final Business Plan we're projecting
22 to run the Dunes at \$4,496,000, and you can see the
23 different business lines there of how we laid it out.

24 The Business Plan had to base our revenues on
25 some assumptions, and that's what we have here on this

1 page, the federal grants and the fee revenues. The fee
2 revenues there are both a combination of revenues we get
3 from the vendors, 79,000, as well as our Dunes permits
4 that we sell to our visitors, 2.98 million. One thing
5 to note here is, we were estimating we would get about
6 \$429,000 per year in grants. That was taken from an
7 average of the last three years. The OHV grants for
8 this year just came out, and we were about \$80,000 less
9 than that.

10 This is a comparison of what we currently
11 charge compared to the proposed fee structure in the
12 Business Plan. And so you can see there's incremental
13 increases in 2014 proposed and 2016. We currently
14 charge \$25 a week for offsite, 40 for onsite. We sell
15 about 85 percent of our permits offsite now. Season
16 permits, 90 and 120 on and offsite. We're proposing to
17 raise it to 35 offsite and 50 onsite and 150 for a
18 season permit offsite. It won't be available onsite.
19 Very, very few people purchase that \$120 permit, so we
20 are just going to make it available offsite.

21 A new item there is the \$25 online week
22 discount, and so if you purchase a full price permit
23 online, you will be able to buy a second permit for \$25,
24 basically a ten-dollar discount. You can use that
25 yourself, if you tell us what date you're going to

1 arrive in the future, and we'll stamp it. Or you can
2 buy it for another friend and pass it on to them.

3 You see the footnotes there. We're reserving
4 the ability to not increase in 2016 if we don't need it.
5 If for some reason other revenue sources come up --
6 grants increase, visitation increases, permit sales go
7 up -- if we estimated wrong and we don't need to
8 increase, then we would choose not to do that.

9 Season permits we changed from a hang tag to a
10 sticker. They're currently a hang tag you put on your
11 rearview mirror, and what we're finding is that there
12 are folks who are sharing that with other people,
13 passing it around, and so we're going to change that to
14 a sticker to allow the program to be more fair for those
15 people that are buying permits. And then permits would
16 be required from October 1 through April 15th. We
17 calculated it out. That means about every six or seven
18 years Easter would be free one of the holidays.

19 So next steps. We're in the 30-day public
20 comment period. It goes through June 30th. Our
21 State Director presented to the OHV Commission on
22 May 17th and received support about our plan. The slide
23 went off. We received two support letters since the
24 final plan has been released, one of those being from
25 previous DAC member Dick Holliday and previous DAC

1 subgroup chair. The Imperial Valley Press printed on
2 June 5th that the latest Dunes proposal works. They
3 don't like the fee increase, but they said it works.

4 We want to present to the ISDRA subgroup
5 hopefully around the end of June -- I believe maybe on
6 the 27th is being discussed. Then we'll review the
7 comments that we get from the public comment period,
8 develop a decision record and then present hopefully to
9 the Desert Advisory Council around the end of July.

10 Yes?

11 MEMBER SHTEIR: Quick question on the slide
12 "Workload." Does the fiscal --

13 CHAIRPERSON BANIS: Use the mic. Thank you,
14 Seth. Sorry.

15 MEMBER SHTEIR: I had a quick question under
16 the slide "Workload." Does the fiscal '13 holiday
17 weekend comparison include -- that's all the holiday
18 weekends?

19 MR. HAMADA: The four holiday weekends busiest
20 for us. That will be Halloween, Thanksgiving,
21 New Year's and Presidents' Day.

22 MEMBER SHTEIR: Okay. Four. So thanks very
23 much.

24 MR. HAMADA: Yes?

25 MEMBER SALL: Yes. I was curious, when did you

1 eliminate the education and outreach programs?

2 MR. HAMADA: They're not 100-percent
3 eliminated. We're still doing some, but we've been
4 scaling those back for several years. I guess a good
5 example is, we used to go to most of the off-road event
6 shows around the southwest that had large Dunes visitors
7 at them, like the Sand Show in Phoenix, San Diego
8 Off-Road Coalition Show, the Off-Road Expo, probably
9 about six or seven per year. We don't go to those
10 anymore. We only go to the Sand Sports Super Show
11 because it actually pays us back in fee revenues because
12 we sell our permits there. The other sites don't make
13 enough to pay for themselves, so we stopped doing them.

14 MEMBER SALL: Okay. And I guess -- so then you
15 said you've been scaling back for several years. So has
16 it been a pretty even scaleback, in your opinion, or was
17 there a dramatic scaleback because of the budget
18 projections?

19 MR. HAMADA: It depends on the year and what
20 the particular project is. So for instance, if we get a
21 grant for a particular outreach project, you might see
22 an outreach workload go up that year substantially, but
23 if we don't get a grant, like this year, then there
24 won't be anything.

25 MEMBER SALL: Okay. And similar question for

1 the ATV safety courses.

2 MR. HAMADA: That was a really great program.
3 We actually partnered with the American Desert
4 Foundation, which is the 501c(3) arm of the ASA. Jim is
5 here, and he knows about the project. Our partners at
6 UDG, the local community partnered on that. They didn't
7 apply for a grant this year, so they didn't get one. I
8 can't even list all the partners that were in that, but
9 it was well received, but it's just not something we can
10 do on our own.

11 MEMBER SALL: Sure. And so your fiscal year,
12 is it October?

13 MR. HAMADA: October 1.

14 MEMBER SALL: So the numbers that you are
15 showing for the fiscal year '13 was for those four
16 holiday seasons. Okay. All right.

17 Well, just a comment, then, I guess. And I
18 know all the managers are familiar with this, but I
19 guess, you know, education and outreach in land
20 stewardship is one of the things that many would argue
21 is the best bang for your buck in terms of getting
22 people to understand what you're trying to manage and
23 the sensitivity of resources and their own safety and
24 how to hopefully make your job easier. And so I would
25 just encourage everyone to brainstorm on ways to bring

1 those programs back, because the higher numbers of
2 arrests and accidents may be correlated.

3 MR. HAMADA: We definitely try. In fact,
4 Nicole from ASA put us together with Kawasaki. We have
5 a project working with Kawasaki, ASA. The
6 Imperial County Board of Supervisors funded it, and
7 we're all pooling together this year to actually have
8 new education kiosks in the Dunes. Sounds like it's
9 going to be a great project. We're in the
10 implementation phase now of developing all the new
11 panels.

12 But if it wasn't for our partners -- if it
13 wasn't for Nicole, if it wasn't for ASA putting us in
14 touch with Kawasaki and UDG with the local county, we
15 wouldn't be doing that.

16 MEMBER SHUMWAY: To follow up with your
17 comment, too, yeah, this number of arrests, I mean,
18 we've got double the whole of last year, just half the
19 year so far. So besides just maybe correlating it with
20 lack of education, do you have a feel that it's maybe
21 part of the culture? Is it related to more visitors, or
22 do you have any feel for why this has gone up so high,
23 or is it half the staff on a busy weekend?

24 MR. HAMADA: You know, I can't say, you know,
25 for sure. Visitation is down, and the arrests are up.

1 Although we talk about visitation going down, the
2 activity level hasn't really decreased. You know, we've
3 gone down from 1.3 million to 1.2 million, 100,000 or
4 150,000, 1.1 and a half million. But when you still
5 have a million visitors, that's a lot of people, and
6 they're all riding off-highway vehicles. The activity
7 level is still there for over a million visitors, and
8 we're just trying to deal with those issues.

9 MEMBER SHUMWAY: This is only like the one
10 year's data. It would be more than concerning if the
11 data kept going on up. Thank you.

12 MR. ZALES: In part that's a product of rangers
13 focusing attention on those more serious crimes as well.
14 And you know, we have always emphasized the safety
15 regulations, but we've been really focusing on DUIs and
16 drugs and things like that.

17 MEMBER SHUMWAY: It's sort of a different
18 perspective of enforcement.

19 MR. HAMADA: Yeah. I've got one more stat for
20 you. I think we included it in the written report. On
21 those same holiday weekends you asked about, we made a
22 total of 31,963 contacts just through our law
23 enforcement rangers. Fourteen percent of those people
24 were issued written warnings, and five percent were
25 actually issued citations. And so our law enforcement

1 rangers are out there making these contacts and doing a
2 lot of education, a lot of one on one, face-to-face
3 visitor contacts.

4 MR. ZALE: So I just wanted to conclude with
5 one more public thanks to the staff in El Centro as well
6 as other offices here in California that have helped us
7 with the Business Plan and the RAMP. It really does
8 take a village. I think that our employees did a really
9 fine job on both of these products, but I think also as
10 evidenced in some of those photos, they make a huge
11 difference in people's lives and on the ground, and so I
12 want to applaud their efforts in that.

13 And then finally I will say, if you guys have
14 Facebook accounts, check us out, and like us.

15 MR. MATTHEWS: I don't like anybody. I don't
16 have an account.

17 MR. ZALES: Such shameless advertisement.

18 CHAIRPERSON BANIS: So that's good timing. So
19 we've concluded that. We're going to have a break.
20 When we come back, we'll have public comment on the
21 ISDRA presentation that we just had. We have two
22 comments, and I'm closing at the two so we can stay on
23 schedule to get out. So we're going to take a
24 five-minute break for the stenographer, and we'll be
25 back to wrap up this item here, please. Thanks. Let's

1 take a recess. It's 2:47.

2 (A brief recess was taken.)

3 CHAIRPERSON BANIS: Thank you. Reconvening at
4 2:58 p.m. We'll continue on the agenda. The next item
5 of business is public comment on the ISDRA
6 presentations. I have three cards. I have Ileene
7 Anderson, followed by John Stewart, followed by
8 Jim Bramham. Hi, Ileene. The floor is yours.

9 MS. ANDERSON: Hi. Great. Ileene Anderson
10 with the Center for Biological Diversity again. I had a
11 question, actually, for Neil. I'm not sure if he's
12 still here.

13 MR. RAZO: Yes, he is.

14 MS. ANDERSON: Great. I was wondering. What I
15 scribbled down was that you have had 49-percent
16 reduction in the Thanksgiving staff and 133,000 people
17 that visited that weekend. I was wondering exactly how
18 many staff that is.

19 MR. HAMADA: The total staff for last
20 Thanksgiving was around 50.

21 MS. ANDERSON: Fifty. Okay. Thank you. So
22 that was my question and then a comment. You know,
23 obviously, we're anxiously awaiting the ISDRA RAMP. As
24 we often refer to the Imperial Sand Dunes Recreation
25 Area, it's also known as Algodones Dunes. And it's the

1 largest sand dunes system in the continental U.S., has a
2 bunch of rare species that don't occur anyplace else in
3 the world, and so we have had great interest in what's
4 gone on in the Algodones Dunes.

5 Since we haven't seen the actual document, yet
6 I reserve comments. But I will say that we made
7 extensive comments and a number of different comment
8 letters submitted on the draft RAMP and are very
9 disappointed to hear that the Bureau has selected
10 Alternative 8 if it isn't significantly modified. And
11 we'll be looking at that and evaluating that, and you
12 undoubtedly will be hearing more from us with regards to
13 that. Thank you.

14 CHAIRPERSON BANIS: Thank you. Next up is
15 John Stewart, followed by Jim.

16 MR. STEWART: Good afternoon, council members.
17 John Stewart, California Association of Four-Wheel-Drive
18 Clubs. Your draft plan was recently released, and I
19 only had the opportunity to really begin kind of leafing
20 through it, but I did catch one thing because something
21 that originally caught my eye years ago on this is your
22 funding levels and how you identify the funding levels.

23 Now, in Neil's presentation he alluded to the
24 fact that you provided an increase in grant funding in
25 order to reach some of your funding targets. And then

1 when I'm looking at some of the graphs and some of the
2 information in there, I'm not sure that this is a -- you
3 know, if you did increase the grant funding, the grant
4 expectations, this may be an unstable or not-supportable
5 figure that might impact the actual cost of the program
6 for the long-term. Grant funding is unstable by nature,
7 and if it is looking at the OHV trust fund for the
8 grants, again you have a lot of complexities with the
9 amount of reductions of that program at the whims of the
10 state legislature and the governor's budget.

11 So I would caution that some of these numbers
12 as it moves forward, that if that is going to happen,
13 then you may be looking at some science fiction or some
14 kind of a fictional work here. And again when you look
15 at your funding coming from the federal side, the
16 appropriated dollars, with sequestration, with the
17 various other pressures to reduce the budget, I don't
18 have a high level of confidence that some of your
19 program numbers for the matching to establish the fee
20 costs are sustainable for the long term.

21 Anyway that's just something that -- it's not
22 something that's going to, you know, kill the program or
23 really be a detriment to the program. It's just
24 something that's an observation that should be kept in
25 mind as you move forward. Thank you.

1 CHAIRPERSON BANIS: Very good. Thank you,
2 John. And thanks to California Four-Wheel Drive Clubs
3 for the comment on the second-vehicle request. I found
4 that interesting. Thanks.

5 MR. BRAMHAM: I provided you one from the
6 American Sand Association one from Cal Four Wheel, and I
7 have both hats, plus being on the subcommittee.

8 CHAIRPERSON BANIS: Thank you, Jim, for Cal
9 Four Wheel Drives on the second-vehicle permit.

10 MR. BRAMHAM: Yes. And we are much closer than
11 we have been in a very long time on this thing. And
12 yes, we see that there are some deficiencies that we
13 would like to see addressed after this 30-day comment
14 period. We recognize two realities. One is that some
15 of our comments fall outside the scope of the local
16 management to be able to fix or even at the state level,
17 particularly those that have to do with income that
18 would come from congressional sources. Certainly it
19 remains on our wish list that we could fix those things.

20 So there are a couple of things that we're
21 highly concerned about. One is that there was a
22 request, and has been for as long as I've been on the
23 subgroup, for a one-day pass for people who just wish to
24 come to the Dunes for one day, stop for dinner to see
25 somebody, stop by the Dunes just to be able to have

1 their kids running up and down the sand dunes or
2 whatever it is. At this point they're required to buy
3 at least a week's pass to be able to do that. The
4 County put that during the discussions at the subgroup
5 that one of their highest priorities was a one-day pass.
6 It's not in here.

7 The second-vehicle pass has been another thing
8 that's been asked for since I've been on the subgroup.
9 It does get addressed in here, but we feel that it is
10 not the correct way to address it, and we will be giving
11 some suggestions in our comments on how better to do
12 that. Right now the system precludes people who buy
13 season passes who would be the most likely to desire a
14 second vehicle because they would already have their
15 primary vehicle and toys there, and mom and the kids are
16 coming out to visit or stay, and they're just looking
17 for the ability to park there just to be able to, if
18 it's not being used for anything other than
19 transportation to the Dunes. This now requires that you
20 now buy the regular week pass ahead of time.

21 So we worry about that. We worry about the
22 fact that there isn't a stated way to add to or augment
23 this plan as it moves forward as we see the things, how
24 is it that these things can be modified. And we're not
25 talking about dollars, and we're not talking about plan,

1 but as the implementation goes forward, new technologies
2 that come forward, will those come through the subgroup
3 and then come to the DAC? We don't see that pathway.

4 We're concerned about the figures for
5 maintenance. We just don't quite see that there's that
6 many full-time, year positions that are being used.
7 Neil talked about \$250,000 a year to clean the pads and
8 do the roads, yet it talks about year-round staffing for
9 those kinds of positions. It just doesn't make that
10 argument in the plan.

11 So there's several things in both of these.
12 Some of them are redundant between the two groups. Both
13 of them absolutely want the support of the RRAC. It is
14 our desire to come to some situation where the groups
15 that have the greatest influence and the largest user
16 groups there have the ability to come to the RRAC with
17 the Bureau and say, this is the proposal that we're
18 willing to support. Again we're much closer than we
19 were three days ago or three weeks ago, but we do see
20 that there's some improvement that can be made in the
21 plan.

22 And if I can have a minute of indulgence on the
23 RAMP itself, we likewise are not entirely happy with the
24 alternative that was chosen. We protested that, and our
25 protest was rejected. So once again, if we're into the

1 "everyone's disappointed" factor, you know, maybe it's a
2 good document. But we'll have to see where that goes
3 forward.

4 We appreciate all the work that's gone into
5 doing that RAMP. I was personally part of the
6 monitoring that went on for the Peirson's Milk-vetch
7 back in 2004 and five and saw on the ground, every acre
8 walked to try to figure out what the species were out
9 there. And I'm just really pleased that that work has
10 been incorporated into a document that is going to go
11 forward for management. So thank you very much.

12 CHAIRPERSON BANIS: Sure thing. Thanks for
13 coming today, Jim.

14 MR. BRAMHAM: Wouldn't miss it.

15 CHAIRPERSON BANIS: Okay. Comments, questions
16 of the DAC? Are you good? Move to next item? Thank
17 you.

18 Okay. ISDRA Subgroup Report is next. Number
19 one, I apologize. Our ISDRA subgroup representative and
20 chair is Meg Grossglass, and Meg has told us that she is
21 taking an early exit from the DAC briefly, just a couple
22 of months early exit. Meg Grossglass is in her sixth
23 year as a DAC member. But Meg has a new job and even
24 more so has returned to school, and both of those things
25 together can impact your free time for participating in

1 events. And there's been another development in another
2 part of the desert with another agency involving an OHV
3 issue that Meg feels very near and dear to her heart.
4 It's her childhood riding area. And so she's asked to
5 be excused from the DAC to participate more fully on
6 that issue. And so I'm letting everyone know that Meg
7 wishes everyone her best and has really enjoyed working
8 with us, and I'm sure we'll see her at a future meeting,
9 and in time we will get to reconnect.

10 So what that then means is that the ISDRA
11 subgroup is going to need a new representative from this
12 Desert Advisory Council, and the next ISDRA subgroup
13 meeting is June 20 --

14 DIRECTOR RAML: Seventh.

15 CHAIRPERSON BANIS: -- June 27th. That's been
16 changed. That's right. And is there someone from the
17 DAC in the southern area that would be willing to help
18 at least in the interim at some point? If no one right
19 here and now, I'll be making some calls and e-mails.

20 MEMBER RUDNICK: Not after what happened to
21 Dinah.

22 MEMBER SHUMWAY: You wouldn't have to meet
23 every month.

24 CHAIRPERSON BANIS: The ISDRA subgroup, as you
25 know, those of us who have been here for a few years,

1 they've been following these issues, carefully reporting
2 them back to us. We've seen movement and changes
3 throughout time, and it's a very important subgroup, and
4 I would hope that somebody could step forward in the
5 near future to help keep that group's FACA nexus to the
6 DAC.

7 Any questions on the ISDRA? You've heard a lot
8 about it today.

9 I'm going to move to the Dumont Subgroup. The
10 Dumont Dunes Subgroup took an action at its last
11 meeting, and it has asked the DAC to essentially -- I'm
12 going to slightly paraphrase. Sorry, Jim. I didn't
13 write the exact thing down. But it's essentially, don't
14 forget about the Dumont Dunes fee program also, that the
15 Dumont Dunes subgroup has partnered with the Barstow
16 Field Office Dunes management to simplify the fee
17 schedule at Dumont Dunes to make it easier for the BLM
18 to administer and more simple for the public to purchase
19 their passes. And so the Dumont Dunes subgroup requests
20 that the Desert Advisory Council ask the BLM to move
21 this issue to the front burner as soon as there's space
22 available and start discussing a fee-proposal
23 modification for the Dumont Dunes area as well.

24 Did I do that justice, Jim?

25 MR. BRAMHAM: You did that fine with much less

1 contention.

2 CHAIRPERSON BANIS: Any questions or comments
3 on that?

4 MEMBER SALL: Question.

5 CHAIRPERSON BANIS: Certainly.

6 MEMBER SALL: When was the current fee
7 structure set and implemented, I guess, for both ISDRA
8 and Dumont Dunes? Do you have a year?

9 CHAIRPERSON BANIS: Five years ago. Maybe five
10 years ago for Dumont Dunes.

11 MR. BRAMHAM: At least five, because we
12 requested two years ago to do it. When Roxie was still
13 there, we requested to change it.

14 CHAIRPERSON BANIS: And ISDRA was four years
15 ago, 2004, right. Nine years ago, yeah, 2004.

16 MEMBER SALL: Thank you.

17 CHAIRPERSON BANIS: The Dumont Dunes subgroup
18 has a call for nominations issued on May 8th. The
19 deadline is June 10th for applicants, and the next
20 meeting of the Dumont Dunes subgroup will be Tuesday,
21 June 11th at 10:00 a.m. in Barstow. Yes?

22 MS. SYMONS: Just note that there is a
23 discrepancy on the due date of nominations. The news
24 release said June 10th. On the web page it says
25 applications are accepted until June 20th.

1 CHAIRPERSON BANIS: We'll extend to the 20th.
2 The deadline will be the 20th. We'll accept it through
3 the 20th? That's okay?

4 DIRECTOR RAML: Yes.

5 CHAIRPERSON BANIS: I'm sorry. I need to go
6 back to ISDRA for one minute. Two new appointees to the
7 ISDRA subgroup I wanted to share with you all. One is
8 Ed Stofan, who is a representative of the California
9 Off-Highway Vehicle Association. This would be a member
10 from that group to participate in that subgroup. And I
11 also appointed our old friend and my predecessor as
12 chair of the DAC, Tom Acuna, to the subgroup, and he's
13 very, very happy to be involved with the DAC again. He
14 misses us very much.

15 And so I'm pleased that we are able to
16 continually tap previous DAC members to help continue
17 their service. I've said before, we go through a long
18 training program, and we serve, and we develop
19 tremendous amount of institutional knowledge, and it's
20 nice when we can have that investment come back to the
21 DAC at a later time and help us with the rest of our
22 duties. So that's kind.

23 MR. HILLIER: I just had a quick question. The
24 Imperial Dunes had a local government representative,
25 and that had been Bob Hamm, that I know of. Bob

1 retired, and are you going to seek another county
2 representative on that to replace Bob? A fellow by the
3 name of Gary Wyatt, who is a former county supervisor,
4 has assumed Bob's job as intergovernmental relations
5 officer or director or whatever they call him and just
6 recently assumed -- in fact, he's so new he didn't even
7 have business cards printed up yet.

8 CHAIRPERSON BANIS: Okay.

9 MR. HILLIER: But I would contact him relative
10 to replacing Bob, because I think Bob has pretty much
11 gone into full retirement.

12 CHAIRPERSON BANIS: I'll be. Tom?

13 MR. ZALES: So Bob did participate in the last
14 meeting. It's a County appointment, and so if they
15 decide to appoint Gary, you know, we'll hear about that.
16 But in the meantime Bob did continue to participate and
17 had some good comments at the last meeting.

18 MR. HILLIER: Oh, he did?

19 MR. ZALES: Yeah.

20 MR. HILLIER: If he goes over the hill, though.

21 MR. ZALES: Yeah.

22 CHAIRPERSON BANIS: Thank you. Thanks for
23 bringing that up. I want to touch on another ISDRA
24 matter. I'm sorry. I need to go back to it briefly.
25 The Desert Advisory Council -- sorry, new folks. Those

1 of us who have been here for five, six meetings know
2 that the ISDRA Business Plan and the fees have been
3 discussed at each of our DAC meetings for a year or so
4 now, and we've been following the progress and the
5 changes in the proposals and the plans.

6 You will also recall that there is another
7 resource advisory council called the Recreation Resource
8 Advisory Council. We call it the RRAC, RRAC. There's
9 another resource advisory council that exists in the
10 State of California that is administered by the Forest
11 Service, and that RRAC is responsible for reviewing all
12 fee proposals, changes and so forth that are proposed by
13 the BLM or by the Forest Service.

14 The RRAC had some very busy times a few years
15 ago, when a number of campgrounds and new fee areas were
16 developed across the state in the Forest Service areas,
17 and they've heard some BLM issues. But the RRAC has not
18 been meeting regularly, has not had fee proposals put
19 forward to it in quite some time.

20 The RRAC is constituted with members. In other
21 words, it has filled its seats. I've been advised that
22 the RRAC may not be in a position to call a meeting in
23 time to be able to review the ISDRA fee proposal in
24 order for that proposal to be acted on and, if approved,
25 to be able to have the passes printed and the program

1 put into effect.

2 So as I said, I've been put on notice that it
3 may be likely that the DAC may be called upon by the
4 secretary to act as the resource advisory council that
5 will be reviewing the ISDRA fee proposal.

6 It was in your packet. There is an agreement,
7 a memorandum of understanding, an inter-agency agreement
8 between the Forest Service and the BLM, that says in
9 California the RRAC will take care of it always, except
10 if the secretary asks that it's not. So it was one of
11 those cases where it always is, except when it's not.
12 And this may be one of those times when it's not.

13 And I would ask the DAC -- and not just ask the
14 DAC. I would say I'm sure that the DAC would be willing
15 to rally to the cause and fulfill its duty if asked upon
16 by the secretary and by the BLM to review this fee
17 proposal and make its recommendation. If it were to
18 occur, it would be a special meeting of the DAC, and if
19 it were to occur, it would occur likely end of July,
20 July 27th potentially, July 27th potentially.

21 And so I'd like everybody to put that notice on
22 their schedule for July 27. It is probable that the
23 meeting would be centrally located in the Moreno Valley,
24 Riverside, Inland Empire area so that it would be easy
25 for all of us, most of us, to get to. And it would be

1 that one agenda item only. It would be to review the
2 final business plan and the fee proposal, take public
3 comment and to deliver a recommendation to the BLM on
4 that. It's something that we haven't been called upon
5 to do, but we may very well do so.

6 So this is, I know, a little different than
7 what we've been talking about, but I want us to be ready
8 to rally in the event we're called upon to do so.
9 Everybody okay with that?

10 Kim?

11 MEMBER ERB: So are you asking us to set aside
12 that date?

13 CHAIRPERSON BANIS: Yeah.

14 MEMBER SHUMWAY: Can we participate by phone if
15 we need to?

16 CHAIRPERSON BANIS: We'll get back. We'll see
17 what we can arrange. We'll try to arrange that the best
18 that we can.

19 MEMBER RUDNICK: What's the date again?

20 CHAIRPERSON BANIS: July 27. Again put a big
21 "T" next to it for "tentative."

22 MR. RAZO: It's Saturday.

23 MR. HILLIER: Randy, could you take Dumont at
24 the same time?

25 CHAIRPERSON BANIS: No, because there's no

1 proposal. There's no document.

2 MR. BRAMHAM: We could make that.

3 MS. SYMONS: Fiscal year '14.

4 CHAIRPERSON BANIS: Steve, do you have just
5 a -- when we might -- is this it? Are we going to do
6 it, or you want to give us ten days? Two weeks?

7 MR. RAZO: Teri.

8 DIRECTOR RAML: You can tell the enthusiasm
9 with which we are all approaching this. The Forest
10 Service has been desperately trying to pull together a
11 meeting, and they -- you know, it's not the lack of
12 staff commitment now. The regional -- or our state
13 director reached out to -- regional forestry is willing
14 to do it.

15 It is actually -- now, you'll find this ironic.
16 The RRAC's calendar, they have a similar sort of
17 representational setup that we do, and there's a certain
18 number of people where their calendar makes their
19 ability to come together and have a quorum kind of
20 impossible. I'll run back one more check, because I
21 know that we can just call it this way.

22 Randy and Jim have been talking, and the Forest
23 Service would really like to come through for us because
24 it is their job, and they're all positioned to do it.
25 Randy Moore is the regional forester. Jim Ken is the

1 state director.

2 CHAIRPERSON BANIS: Jim.

3 DIRECTOR RAML: I'm sorry.

4 CHAIRPERSON BANIS: Yeah, but not on this.
5 He's as surprised as I am.

6 DIRECTOR RAML: For the last several months the
7 staff level has been saying, we can do this we're,
8 willing to have an RRAC meeting just for the BLM
9 proposals. So we have been really hoping they would do
10 that for several reasons. So I think, you know, you
11 could probably ink it in, I think, but even -- let me
12 get -- like I said, I keep hoping they'll pull it
13 together.

14 MEMBER SALL: More than not?

15 DIRECTOR RAML: Yeah.

16 MEMBER SALL: Got it.

17 DIRECTOR RAML: We'll do our best to help make
18 sure we prepare you for this discussion. It's WEMO,
19 WEMO, only compressed.

20 MEMBER SHUMWAY: That's a little bit of an
21 exaggeration.

22 CHAIRPERSON BANIS: I don't think I have any
23 more announcements of that nature. But any objections
24 to moving on? The next item was the SRP subgroup. The
25 SRP subgroup has resumed its meeting schedule; SRP,

1 meaning special recreation permits. The BLM has called
2 for nominations for re-applicants or new applicants to
3 the subgroup. They called for the nominations on the
4 15th of May with a deadline of June 17. They submitted
5 a report of action requesting information on how the
6 field offices process special recreation permits, in
7 particular how do they address multiple permit requests
8 for the same weekend? And do longstanding organizations
9 have priority over keeping their dates in the future
10 years?

11 There was also an information request, or a
12 notice to the DAC that the subgroup is moving on to the
13 topic that has been approved by the DAC to look at when
14 is a special recreation permit required? That would be
15 to better help the Bureau better clarify to the public
16 the difference between casual use and a permitted event.
17 And there are some fine lines, and they're going to look
18 at that and see if there's a better way to communicate.

19 We've heard this before from the public, that
20 they're getting information that their garden club needs
21 a permit, but these guys don't and so forth. That's
22 what this all comes out of, is a chance to clarify that
23 and maybe come up with some more guidance for the
24 public. Plus social media, the internet and things have
25 come into play since the previous advertising clause was

1 in effect. And so that needs to be looked at to see if
2 social media is the same as advertising or something
3 different, so that's a fascinating subject. And I'm
4 looking forward to hearing their input and their advice.

5 Last item I have on the SRP subgroup, if
6 there's no objections. I'd like to appoint Kim as the
7 new representative to the SRP subgroup on behalf of the
8 DAC, and I'd like to name her as the chair of that
9 group. And I think she will bring her experience with
10 the DAC to that group well. She's been going to all of
11 those meetings even before she was on the DAC. So I
12 have full confidence that she's more than up to speed.
13 She might even be a step or so ahead, which is great.

14 So hearing and seeing none, thank you, Kim, for
15 volunteering. You're the new chair of that group.
16 Congratulations. My sympathies.

17 Moving on now to Public Questions and Comments
18 on Subgroup Reports. I have Ed Waldheim. I have two
19 other cards. I have an Ed and Gerry for Field Manager
20 Reports later. Oh, wait. Sorry. Wait a minute. It
21 should be DAC questions first. We missed that. My
22 fault. Go to the DAC first, Questions Or Comments on
23 the Field Manager Reports, and the then we'll move on to
24 our public comments. Sorry.

25 Why don't I just turn it over to you, April.

1 You go next. Questions on the field office reports.

2 MEMBER SALL: Okay. Thank you. First question
3 is actually for the Palm Springs Field Office. I was
4 curious since -- do we have a Palm Springs? Oh, sorry.
5 I'm sorry. I was curious. The Palen Solar Project,
6 since that has been purchased by BrightSource Energy,
7 which plans to use a different type of technology, could
8 you give a brief update on where that's at in the NEPA
9 process.

10 MS. NABAHE: We're still working that out right
11 now.

12 MEMBER SALL: Right. Are they overdue for
13 getting back to you, or are they just taking a while?

14 MS. NABAHE: Yeah. The company is struggling a
15 little bit, yeah. So yeah.

16 MEMBER SALL: Okay. Other question was for the
17 existing wind projects in the San Gorgonio Pass. Are
18 there ongoing monitoring or any studies that BLM has
19 implemented in the past for impacts to species from
20 those projects? And secondly on the re-powers that are
21 being proposed, are there new requirements for studies
22 and monitoring?

23 MS. NABAHE: They're not re-powers. Are you
24 talking about re-powers or renewals for the lease?

25 MEMBER SALL: Both, I guess.

1 MS. NABAHE: Okay. We have a current operator
2 right now that is doing a renewal and a re-power, and
3 he's doing some current avian studies and bat-monitoring
4 studies, and our office did have a meeting a couple of
5 weeks ago with all the wind lease holders and explained
6 to them the new current guidance on the requirements for
7 avian studies, survey studies. So we're still in the
8 works on getting some additional information to our
9 leaseholders on some ideas, and then we're going to
10 throw it out to the group, and then they're going to
11 provide comments on that to us.

12 MEMBER SALL: Great. Thank you. My other
13 question was for Barstow. My apologies. I need to find
14 my notes, if someone else wants to take over.

15 CHAIRPERSON BANIS: Next, any questions, field
16 office reports? Go down this side. Go with Al, and
17 then I'll come down this side.

18 MEMBER MUTH: We are at Ridgecrest, and I see
19 we have a unique resource in Ridgecrest. It's a lake of
20 forage, if you look on Page 5 under "Status." I've just
21 never heard of that before. It's a typo. It's "lack of
22 forage." You provide me with too much information --
23 too much -- I can't resist.

24 MR. SYMONS: We have every other type of lake.
25 We figured we'd have a forage lake. We have China Lake

1 and everything.

2 MEMBER MUTH: And next one typo down, you
3 either excited or exited your target for adoption.

4 MR. SYMONS: Both.

5 MEMBER MUTH: I can't make out the word. The
6 word is "exceeded," I believe.

7 DIRECTOR RAML: Keep your glasses off, Carl?

8 MR. SYMONS: If I don't have any glasses, I
9 can't --

10 MEMBER MUTH: I also point out I'm appalled by
11 the cost of the Wild Horse and Burro Program. That
12 number comes out to be \$3,420 a day, \$102,600 a month,
13 1,131,200 per year. And the solution to the problem --
14 this isn't a criticism of you. Your hands are tied by
15 the Wild Horse and Burro Act. But you ship these things
16 off to some other place. They're going to have to take
17 care of them for the rest of their lives because there's
18 never going to be enough people to adopt those animals.
19 What can I say? I've had my rant.

20 MR. SYMONS: You'll notice actually hay prices
21 have gone down. If you look at the last DAC meeting
22 report, I believe the cost of hay was \$350 at the time.

23 MEMBER MUTH: And that's the good news.

24 MR. SYMONS: So it's gone down.

25 MEMBER MUTH: The next page under your "BLM

1 Actions" is a recreation of public purpose sale to an
2 exotic feline breeding compound. Can you sort of expand
3 on what that is.

4 MR. SYMONS: That's the feline cat park outside
5 of Mojave. I don't know if people are familiar with
6 that, but there's a feline animal park that's just
7 outside of Mojave. I don't know the exact name of it.
8 I can't remember, but they have different types of --
9 all different types of cats from lions to fisher cats to
10 other stuff that they breed there and rescue and stuff.
11 Part of it was built on BLM land, so part of it's
12 permitted by BLM.

13 MEMBER MUTH: Okay. I'm done.

14 CHAIRPERSON BANIS: Down this side. Kim?
15 Jess? Okay. Sure. Go ahead.

16 MEMBER SHTEIR: Just a quick question for
17 Barstow BLM regarding the Soda Mountain Solar Project.
18 I think somebody had told me that one of the
19 alternatives may include the transport of water into the
20 safe for use as opposed to the drilling of a well? Can
21 you confirm or --

22 MS. SYMONS: Okay. Seth, the project manager
23 is Jeff Childers. He's with the RECO team out of the
24 district office. And I have not gotten the latest brief
25 as to the range of alternatives. I can absolutely

1 follow up with him and get you the answer to your
2 question. And I can do that by next week.

3 MEMBER SHTEIR: Well, that would be great.
4 Thank you very much.

5 CHAIRPERSON BANIS: Good. Let's go down this
6 side. Richard.

7 MEMBER RUDNICK: Okay. Back to Ridgecrest.
8 Lava Mountain donation, it says here, has been accepted
9 and an allotment has been retired, a sheep allotment.

10 MR. SYMONS: Yes, that's correct.

11 MEMBER RUDNICK: And what's the donation?

12 MR. SYMONS: The donation is as the actual --
13 the preference, the allotment for the I.M. has come out
14 that allows us to accept for mitigation purposes grazing
15 allotments that can be donated back to the Bureau then
16 retired in perpetuity from grazing as mitigation for
17 renewable energy projects. And that was first. We
18 actually have had two now, two sheep allotments that
19 we've accepted back in donation as mitigation for
20 renewable energy.

21 MEMBER RUDNICK: So I take it Lava Mountain is
22 not a sheep outfit.

23 MR. SYMONS: No. That's the name of the
24 allotment. It's the Lava Mountain allotment. It
25 doesn't have anything to do with the company or the

1 person that's grazing.

2 MEMBER RUDNICK: So who would grant it back?
3 Who is the permit holder?

4 MR. SYMONS: I don't know the exact permit
5 holder. I can get those names for you, but I don't have
6 who was actually holding it at the time it was donated.
7 It was purchased by the energy company and then donated
8 back to us, but I'd have to get who was holding the
9 permit at the time.

10 MEMBER RUDNICK: I see. So the energy company
11 gave it back?

12 MR. SYMONS: Yeah.

13 MEMBER RUDNICK: You say it's retired from
14 grazing in perpetuity?

15 MR. SYMONS: Correct.

16 MEMBER RUDNICK: And what if in further
17 analysis grazing becomes necessary in that area to
18 maintain the wildlife or something else? Is that not a
19 tool you could use anymore?

20 MR. SYMONS: Right now it's scheduled to be
21 retired in perpetuity. You know, like anything else, if
22 situations change, if regulations change and we relook
23 at stuff, but the intent is under the I.M. and under the
24 regulations that came out, that it's retired in
25 perpetuity from grazing. And these allotments are

1 generally ones that have been marginal, especially
2 lately during the drought. Of course that's cyclical,
3 but they're marginal right now. And those are the ones.
4 The first ones that have been relinquished are the two
5 sheep allotments.

6 MEMBER RUDNICK: I see just below that you have
7 one scheduled for the Walker Pass allotment.

8 MR. SYMONS: That's the second one. I just
9 accepted that one.

10 MEMBER RUDNICK: And that, I understand, was
11 held by the Audubon Society? Kern River Preserve?

12 MR. SYMONS: I'd have to check back in the
13 records and tell you exactly.

14 MEMBER RUDNICK: I think it was.

15 MR. SYMONS: I believe it was not being grazed
16 at the time.

17 MEMBER RUDNICK: It hasn't been grazed for
18 quite a few years. In fact that's the allotment that
19 goes over Walker's Pass alongside both sides of
20 Highway 178. It's curious to me. And I know it's
21 nothing personal with you, but it's curious to me why
22 these allotments can end up in hands that are not
23 livestock people like the Audubon or the Kern River
24 Preserve, which is an arm of the Audubon, and then
25 retired forever without a vote or without somebody in

1 the livestock industry being able to use that, utilize
2 it.

3 And I happen to know from my personal
4 experience that the Walker Pass allotment is in very
5 good shape, even in this drought. And in parts of the
6 country like New Mexico, they have ranchers that save
7 areas for times of drought and allow other ranchers to
8 use them. And that would have been a very good thing
9 for that to happen in this case this year.

10 It's just a personal thing with me, and it just
11 doesn't seem right. It doesn't stand up to what the
12 Bureau is supposed to be managing livestock allotments,
13 and people not in the livestock business end up with
14 them and donating them, taking a tax write-off or a
15 donation or whatever they do and retire these.

16 MR. SYMONS: Yeah, right. And this is actually
17 a fairly -- like I said, it was a new one. The Lava
18 Mountain was the first one that's actually been done.
19 It's just a new authority that we've been given to allow
20 that to happen. Before, if it came back in, it would be
21 recycled back out. It would be analyzed and recycled
22 back out. But this is a new regulation, and we got our
23 policy down that allows it to do that. And they've
24 chosen to act on that.

25 MEMBER RUDNICK: Right. And I understand the

1 law used to be just the opposite. That could not
2 happen.

3 MR. SYMONS: Correct.

4 MEMBER RUDNICK: Somehow that changed.

5 Another question. On Wild Burros and Horses,
6 you mention here that the Navy has requested for the BLM
7 to take off some wild horses and burros off their land?

8 MR. SYMONS: That's correct. I got a formal --
9 a request letter. We work with a lot of the military
10 bases. They pay to have that. But right now we still
11 have to go -- we're on a type of moratorium. We won't
12 have the authority to go out and do any gathers without
13 running it all the way up to Washington to get an
14 exemption for that. So right now we're prohibited from
15 doing any gathers, but we have been formally asked for
16 the letter from the base commander to do that.

17 MEMBER RUDNICK: Is there a charge? Does BLM
18 get reimbursed?

19 MR. SYMONS: Yes, we do. We've gotten money
20 from China Lake. We also get money from NASA. We've
21 also gotten money from Fort Irwin to help that happen
22 and also help with their holding costs and doing that.
23 Military does pay for that.

24 MEMBER RUDNICK: In the past I know China Lake
25 has been a private lake, had burros and horses removed.

1 Is that a possibility now? Do you know?

2 MR. SYMONS: As far as I know, right now that's
3 not, because the BLM still manages the horses and
4 burros, even though -- because it's withdrawn land, but
5 the agreement we have is that we still will do the
6 management portion. So they coordinate with us. Just
7 as just a few weeks back we did a head count on the
8 base. We used their ships, and they paid for the wages
9 and everything else. And we just recently did a count
10 on the horses and burros on the base, and part of that
11 is in response to trying to manage their --

12 MEMBER RUDNICK: How many was there?

13 MR. SYMONS: Steve has got the number right
14 there. I don't have it right off the top of my head.

15 MR. RAZO: This answers all your questions.

16 MR. SYMONS: I believe when they flew, they got
17 a count on the horses. I believe they did not see any
18 burros, but sometimes they miss those because part of
19 the flights that we do -- we have two different types of
20 flights. One you can go real low and count and get a
21 lot of data. But that requires a very, very specific
22 certified pilot and ship and everything.

23 And then we have the higher elevation, where
24 you just fly across the top, and whatever you can see
25 from a higher elevation, and that's the type we did.

1 It's a safer -- and the shifts don't have to have
2 special services, other than the normal aviation that
3 the BLM would require from the military.

4 MEMBER RUDNICK: It says here it was estimated
5 to be 55 or 60 horses, an estimate of 30 burros?

6 MR. SYMONS: Yeah. And the estimate is from
7 previous ones, but I don't believe that they actually
8 were able to find the herds of the burros. But I could
9 be wrong, but I just heard them talking as they were
10 coming through. We just recently did it.

11 MEMBER RUDNICK: Thank you, Carl.

12 MEMBER SHUMWAY: Can I ask a quick question,
13 Mr. Chairman. Carl, so following up to Richard's
14 question to you, so this was BLM land that originally
15 had a grazing allotment; right?

16 MR. SYMONS: Are you referring to the Walker
17 Pass allotment?

18 MEMBER SHUMWAY: Yes.

19 MR. SYMONS: Yes.

20 MEMBER SHUMWAY: A BLM land that originally had
21 a grazing allotment which fits in with BLM's multiple
22 use. And it's still good grazing land; right?

23 MEMBER RUDNICK: Yes.

24 MEMBER SHUMWAY: So was this relinquishment of
25 the potential to even get another grazing allotment

1 because it fulfilled some habitat thing. So we are
2 here. We're fighting against habitat and grazing land?
3 I mean, what quality would the proponent be able to use
4 a grazing allotment for mitigation measure?

5 MR. SYMONS: Yeah. They're putting it back and
6 using it for habitat versus taking the grazing off of
7 it. And the thought process is --

8 MEMBER SHUMWAY: What kind of habitat does it
9 qualify?

10 MR. SYMONS: It would depend. Some might be
11 tortoises. Some other might be other types of animals
12 or plants. I mean, it just depends on the
13 characteristics of the allotment.

14 MEMBER SHUMWAY: It just seems to go against
15 the multiple-use mission of the BLM, especially if it's
16 still suitable for grazing. Just my opinion.

17 MEMBER RUDNICK: I don't want to belabor the
18 point, but the fact that it can't ever be grazed -- and
19 I don't know if there was a comprehensive analysis of
20 what's there or whether grazing is important to it or
21 not, but I do graze in other areas west of Bakersfield
22 where the Tipton kangaroo rat is an endangered species
23 and grazing is a very important part with the biologists
24 there to maintaining their population. In fact they see
25 an explosion when there's grazing.

1 And I would hate to see the BLM or anybody else
2 exclude something that can be used by a person and
3 actually be a degradation to the land by not grazing it.
4 So it's something -- I know the policy has changed, but
5 I guess it could always be changed back also.

6 MR. SYMONS: Right. And other than the bill
7 that was passed -- and then they had the regulations.
8 But other than that, I don't know the specifics of what
9 analysis was done as far as when they decided to do
10 that, whether they take into account the non-grazing on
11 it or whether they just looked at the grazing issue and
12 saying -- taking grazing off Federal Lands.

13 But all the specifics says is that it has to be
14 part of a conservation plan. It has to be included in
15 that. It can't just be any allotment that's out there.
16 The land that's in it has to be part of a conservation
17 plan in order for it to qualify for mitigation measures.
18 That's why it was with the habitat. So I should state
19 that it's not just any allotment that's out there. It
20 has to be contained within a plan.

21 MEMBER RUDNICK: Do you know how many
22 allotments in the California Desert are designated as
23 that would qualify for --

24 MR. SYMONS: No, I don't, but I could check
25 with our range staff and find out and get that

1 information back to you.

2 MEMBER RUDNICK: I would be interested.

3 MR. SYMONS: I'll try to get that, and I'll try
4 to get the names as well for you.

5 MEMBER REILLY: May I?

6 CHAIRPERSON BANIS: Of course.

7 MEMBER REILLY: It sounds like this is a
8 question of interest to the DAC, and maybe it would be
9 something that we could ask for from the BLM, whoever
10 would be able to find that information as to what that
11 process is, how it went from a grazing allotment to an
12 Audubon lands and further on, just so we understand the
13 process.

14 CHAIRPERSON BANIS: The next meeting the topic
15 is the working landscape. We'll be dealing with grazing
16 issues, mineral issues and other, you know, uses of the
17 land. I think that would be a great discussion to have,
18 a good topic to have. We'll get some more answers then.

19 MEMBER RUDNICK: Excellent.

20 CHAIRPERSON BANIS: Get more background, the
21 history and some answers on that at the next meeting.

22 MR. SYMONS: Yeah. And if you'd like, I can
23 take the lead on that, since the first two were in
24 Ridgecrest, to provide that information back.

25 CHAIRPERSON BANIS: Yeah, let's do that. Let's

1 put that in as a topic for sure for next time.

2 MEMBER RUDNICK: That's all I have, Carl.

3 CHAIRPERSON BANIS: Great. Don?

4 MEMBER RUDNICK: I have one more but not for
5 Ridgecrest. Rusty, on the Horse Thief Springs.

6 MR. LEE: Yes.

7 MEMBER RUDNICK: Two things here. U.S. Iron,
8 it says, did some damage to the spring itself?

9 MR. LEE: Yes.

10 MEMBER RUDNICK: Or to the road?

11 MR. LEE: No. They bulldozed the spring and
12 the trees around it.

13 MEMBER RUDNICK: And was there cattle grazing
14 there at the time?

15 MR. LEE: There were. It's within an
16 enclosure.

17 MEMBER RUDNICK: That's been taken care of now?

18 MR. LEE: That has been taken care of. They
19 settled. We went through a couple of appeals, and then
20 they finally settled up to about \$80,000, and we will be
21 contracting out repair of that area this fall. We have
22 a contractor in place, but we have to wait until this
23 fall before we can do the work on it.

24 MEMBER RUDNICK: Did that affect the -- I see
25 just below it you've issued a ten-year grazing permit

1 for the Horse Thief Spring allotment. I assume that's
2 the same area.

3 MR. LEE: Yes, it is.

4 MEMBER RUDNICK: Did that affect the allotment?

5 MR. LEE: No relationship, whatsoever. One of
6 our key issues on that allotment to get to the point
7 where we can reissue the grazing least on it was
8 condition of the riparian areas. So we made sure the
9 three riparian areas on the allotment were properly
10 exclosed, and at the time of the allotment evaluation
11 they were. Livestock were not into spring areas.
12 Riparian areas look good. They passed PFC assessments,
13 and that's literally PFC.

14 MEMBER RUDNICK: Is everybody happy now?

15 MR. LEE: Oh, no way.

16 CHAIRPERSON BANIS: Same topic?

17 MEMBER JOHNSTON: Yeah.

18 MR. LEE: It would take about an hour. This
19 ties back in with what you were asking with him on the
20 Feinstein language for using allotment relinquishments
21 as grazing, as mitigation for specifically for desert
22 tortoise for renewable energy projects. And that is
23 very large, and it's very complex at this point.

24 Our permittee there -- in fact, all three
25 permittees have been offered funds from renewable energy

1 companies. Two of them are in negotiation at this point
2 in time, and unfortunately, how you do that, how it will
3 be accepted involves the State of California, CDFW, Fish
4 and Wildlife Service. San Bernardino County has weighed
5 in. I should let you know San Bernardino County
6 actually approves of buying out allotments as
7 mitigation, because that does not involve buying private
8 land, which takes from their tax base. So it's a big,
9 hairy thing, and it's fully appropriate, I think, for
10 the next discussion with the DAC.

11 MEMBER RUDNICK: Thank you.

12 MEMBER JOHNSTON: Question, Rusty. Isn't this
13 U.S. Iron the same outfit that bulldozed the trees and
14 who had to remediate?

15 MR. LEE: That's exactly what Richard was
16 asking about. That was Horse Thief Springs where they
17 did that. All of that has been sorted out. We have a
18 good relationship with the company now. They understand
19 what the requirements are. They've got a permit in
20 place to use the road. They're producing on their
21 property. They're hauling their materials out, and they
22 paid up to repair the damage.

23 CHAIRPERSON BANIS: Thanks for your patience,
24 Don. You're up. Got a couple?

25 MEMBER HOUSTON: I'll see if I can remember.

1 Katrina, I have a real quick one for you. It's about
2 the Desert Tortoise Recovery Action Plan. It's
3 undergoing a revision, and the write-up says a forum for
4 public comment will be provided. Do you have a date for
5 that forum?

6 MS. SYMONS: No, I don't. The report was
7 provided for some internal review back in March. We
8 were given about 30 days or so, and so those comments,
9 they're working on that right now. So I don't have a
10 projected date of when Version 2 of that document will
11 be out.

12 MEMBER HOUSTON: You think this year?

13 MS. SYMONS: Teri, have you heard? I would
14 hope that it would be, but I have not heard a date, so I
15 can't commit.

16 MEMBER HOUSTON: Okay. Thanks.

17 DIRECTOR RAML: DRECP, DRECP, DRECP.

18 CHAIRPERSON BANIS: Ron?

19 MEMBER JOHNSTON: Katrina, on the
20 Calnev Pipeline.

21 MS. SYMONS: Okay.

22 MEMBER JOHNSTON: This is the third pipeline
23 they're putting in there, or are they replacing one of
24 the existing pipelines?

25 MS. SYMONS: Calnev new?

1 MR. LEE: This will be a third line.

2 MS. SYMONS: New.

3 MEMBER JOHNSTON: And they're going to be
4 sending, it says, refined petroleum products. What is
5 it? Finished gasoline? Or what are they going to be
6 putting through it?

7 MS. SYMONS: I don't know, but I can get back
8 with you on that.

9 MR. LEE: Everything.

10 MEMBER JOHNSTON: Is it underground or above
11 ground?

12 MS. SYMONS: Combo.

13 MR. LEE: I haven't seen on your side, our
14 portion was underground. They send slugs of product.
15 Actually the gentleman next to you can probably explain
16 this better than I can, but it's a multiplicity of
17 projects. Their main place they supply to is the
18 McCarran Airfield in Las Vegas. It's mainly jet fuel.
19 They'll change over a lot of the gas station fuel in
20 that area, heavy crude, whichever is needed, tank farm,
21 and then they sell sort it out and sell it. A lot of
22 tanks.

23 CHAIRPERSON BANIS: Paul?

24 MEMBER O'BOYLE: I'm good.

25 CHAIRPERSON BANIS: Dinah?

1 MEMBER SHUMWAY: I'm good.

2 CHAIRPERSON BANIS: Oh, April?

3 MS. SYMONS: You found your notes, April?

4 MEMBER SALL: Yeah. Two things, I guess. Real
5 quickly on the geothermal, I was wondering if there has
6 been any updates on any new geothermal either about to
7 be permitted or recently permitted in 2012, because we
8 haven't had an official briefing, I think, on this topic
9 for a couple of years.

10 MR. SYMONS: Mike Lystad handles our zone
11 geothermal. So as far as Ridgecrest goes, we're still
12 working. Hopefully we'll publish a final EIS for Haiwee
13 in -- is it in August now? It's been bumped back a
14 little bit, but as far as specifics, because we have
15 some down in El Centro and some other places. So he's
16 more familiar with that as far as the whole area. He
17 can answer.

18 DIRECTOR RAML: Michael, I know it's towards
19 the end of the day, but tell the people a little bit
20 about what you do, because we hate to have you sitting
21 here all day and not hear from you.

22 MR. LYSTAD: I just came in this afternoon.

23 DIRECTOR RAML: Then never mind. Talk a little
24 bit about your roles and responsibilities.

25 MR. LYSTAD: My name is Mike Lystad, and I'm

1 the south zone geothermal lead. We have a north and a
2 south zone here in California. So I deal with
3 everything from Mammoth on down to the El Centro area,
4 and I take care of all the downhole stuff, the drilling
5 permits, most of the reports and do all the production
6 verification and different stuff like that.

7 MEMBER SALL: How many megawatts of geothermal
8 is currently on BLM land in your region, approximately?

9 MR. LYSTAD: Approximately. Well, because the
10 production numbers are propriety as far as the
11 geothermal companies, you know, at Coso up here on BLM
12 land there's maximum of 90. Each plant is 30 megawatts,
13 so that would be 90. El Centro, their maximum output
14 would be, like, 75 or 85 megawatts. But as far as the
15 actual numbers, the companies keep them proprietary.

16 MEMBER REILLY: Is there a geothermal resources
17 map available for this southern region either online
18 or --

19 MR. LYSTAD: I have my own maps that I make up
20 everything, but I can do stuff for you and get you a map
21 where all the stuff is, if you'd like.

22 MR. HILLIER: Noah, Noah website.

23 CHAIRPERSON BANIS: Dinah. Just a minute.
24 Steve, have you got the answer?

25 MR. RAZO: Geothermal was on what I was handing

1 out.

2 MEMBER SHUMWAY: The California Geological
3 Society with the California Division of Mines and
4 Geology published a geothermal map about the 1980s, late
5 1970s and '80s.

6 MR. LYSTAD: And the California Department of
7 Geothermal Resources, they have a website, and they have
8 several maps that have wells and everything on them.

9 MEMBER SHUMWAY: Yeah, they're very detailed.

10 MR. LYSTAD: Yes.

11 MEMBER REILLY: I was asking for the actual
12 resources that had been mapped. I was curious about
13 what was available, not just what's been developed.

14 CHAIRPERSON BANIS: Questions? Comments? Very
15 good.

16 MR. LYSTAD: Okay.

17 CHAIRPERSON BANIS: Thank you.

18 MR. SYMONS: One of the things they might be
19 interested in, I was just going to ask, did you talk
20 about the situation with complying with the courts and
21 the recent ruling?

22 MR. LYSTAD: The Truckhaven, there are three
23 lessees there. And the lease says we have to unitize,
24 and so we came up and said you got to make a north and
25 south unit. There are three lessees in the north unit,

1 and they have not come up with a unitization agreement.
2 They really can't get along, I don't think, real well.
3 And there's just one lessee in the south unit.

4 So you know, if they can't unitize, they're
5 going to have to lose their lease eventually, and I
6 think there's going to be a meeting with all the lessees
7 in the State office next week, and they're going to
8 explain to the State Director what they want to do, and
9 he's going to tell them what he wants done.

10 CHAIRPERSON BANIS: Very good. Thank you. I
11 think we're good.

12 MR. LYSTAD: Thank you.

13 CHAIRPERSON BANIS: All set on the field office
14 manager and those reports? Okay. Well, I sort of
15 almost did my job here. It's 4:00 p.m., but we have two
16 people who are going to close our meeting for us.

17 Comment first, Ileene Anderson, and then Gerry
18 will be our last speaker from the public. After that
19 we'll quickly review the items for next agenda, and we
20 might want to look at a date, and then we're out of
21 here; okay?

22 MS. ANDERSON: Thank you. I like this. I just
23 have a couple of questions for the field managers from
24 the reports, and I'm going to start from the west and go
25 east, basically.

1 Carl, I had a couple of questions on your
2 report with regards to renewable energy. And under
3 Tyler Horse it talked about something projected for the
4 Federal Register release on June 24th, and I'm just
5 wondering if that's the draft EIS, I'm presuming. It's
6 on Page 6.

7 MR. SYMONS: Yeah. It's still in the draft
8 format. They're trying to get out the Federal Register
9 Notice for -- I believe it is the actual action that's
10 going -- that's not going to go forward but is proposed
11 to go, because it was still trying to get that
12 finalized. And where there's going to be the exact size
13 and things, they are going to go forward with.

14 MS. ANDERSON: Then a follow-up question to
15 that. Do you know, are they going to be seeking a take
16 permit for condor on that one?

17 MR. SYMONS: The last that I knew, they're
18 still trying to work that out. There was a conference
19 call just the other day -- actually two days ago, I
20 guess it was. And they're trying to figure out whether
21 they're going to be able to get the radar system similar
22 to what they're doing in Alta East up and running but
23 also trying to do human -- have actual human monitors,
24 because they're not sure whether or not they can get a
25 reliable radar system up in the timeframe that they want

1 in order to start production and start getting it built.

2 So they are looking at long-term for
3 non-banded, non-marked condors. And right now the
4 consensus is, they're going to need to probably do human
5 monitors. And what they're saying is that they need
6 dedicated human monitors, not people on-site keeping an
7 eye out for them. They need to have monitors that are
8 specifically dedicated to watching for condors and other
9 species.

10 MS. ANDERSON: Okay. Thank you. And one other
11 question for you. On the North Sky River there's a note
12 about right-of-way grant amendment. Can you talk a
13 little bit about that for the final right-of-way.

14 MR. SYMONS: Oh, that's when North Sky River
15 was -- when we issued the right-of-way grant on it, the
16 right-of-way grant was designed for the work that was
17 done on the road, and so they had a width in order to
18 allow for that work to get done and everything. Now the
19 modification is, it's done, and we want to take any
20 excess land out of the right-of-way, and then they no
21 longer have the rights or whatever to do it and not
22 encumber any more lands than is absolutely necessary.

23 And it's a common thing during construction.
24 You give them the room in case they need to locate it.
25 Once they do, you relinquish the land that's not used.

1 MS. ANDERSON: Thank you for that
2 clarification. Then Katrina, I had two questions for
3 you. One, is there any update on the orange fungus
4 infestation on the Amargosa Bowl?

5 MS. SYMONS: I do not have an update, but what
6 I can tell you is we got the \$24,000 grant to put
7 towards further studies.

8 MS. ANDERSON: Great. And then my other
9 question for you is with regards to Granite Wind -- and
10 this is just a deadline question. It's talking about a
11 joint supplemental draft EIS/EIR is supposed to be
12 projected for publication in the summer of 2013. Do you
13 have any more of --

14 MS. SYMONS: It's now been changed. You know,
15 NEPA schedules keep on slipping. It's now been changed
16 to early 2014.

17 MS. ANDERSON: Okay. Great. Great. Thank
18 you.

19 And then last but not least, Rusty, I have a
20 question for you with regards to the First Solar
21 StateLine Solar Farm, and again the status talks about
22 it's scheduled for distribution and public comment in
23 the summer of 2013. And I'm just wondering if you had a
24 more specific timeline.

25 MR. LEE: No. In fact --

1 CHAIRPERSON BANIS: There's an update on this.

2 MR. LEE: I wanted to go home.

3 CHAIRPERSON BANIS: Good job working this with
4 you. Thanks, Ileene, for asking.

5 MR. LEE: We received a revised plan and
6 development from the company Friday evening, 1,000 pages
7 electronic version. We're looking at that right now.
8 Our contractor is chomping at the bit and very
9 frustrated that things keep changing on him. He's a
10 good contractor. They have revised their footprint down
11 to 1600 acres from their previous 2150, same megawatts.
12 They're taking a more dense approach. They have
13 increased the corridor between there and Stateline
14 mountains.

15 This is part of why NEPA is important. Even if
16 the public doesn't see parts of NEPA, the contractors
17 look at it, proponents look at it. They read the
18 comments. They see what's going on. They see what they
19 can do to minimize their impacts before it even gets out
20 the door. The other thing they have changed is that
21 they put a mowing component into it. That's where we
22 need more information from them.

23 First Solar's previous approach, they have a
24 fancy name for it, and they try to sell it. It's
25 basically bare dirt slick. And the new standard, as you

1 can tell, over at Zzyzx, I think, from NextEra -- it's
2 one of their recently proposed projects -- is looking at
3 mowing, so they have decided to look at mowing. They're
4 proposing mowing for about one third of the project and
5 a different surface treatment for another third,
6 depending on what the actual surface on the terrain is
7 like.

8 So we're having to go back and look at that,
9 and that's all very different from what we had in the
10 draft EIS, so it probably is going to still be late
11 summer and then early fall timeframe.

12 MS. ANDERSON: Are you thinking about a
13 supplemental EIS then, or how is that going to be
14 handled?

15 MR. LEE: We're discussing it, but I think
16 there's just going to be an additional alternative that
17 includes mowing.

18 MS. ANDERSON: Okay. Thank you very much.
19 That's all my questions. Thank you.

20 CHAIRPERSON BANIS: Thanks, Ileene, for coming.
21 Hi, Gerry. Last one up. These are comments on the
22 field manager and office reports. Thanks.

23 MR. HILLIER: Thank you very much,
24 Mr. Chairman. You know, one of the worst places to be
25 in public speaking is to be the only thing standing

1 between the group and lunch or between the group and
2 dinner. In my case, you have left me the last person
3 standing between you and the road home, which is not
4 enviable, but it will make me quick.

5 CHAIRPERSON BANIS: It's because we've gotten
6 great tidbits of wisdom from you, and there's no better
7 way to depart than with a really good one.

8 MR. HILLIER: Thank you for that. I'm not sure
9 that that's necessarily always consistent. I always
10 wear my Athenian owl there for sudden bursts.

11 But at any rate, this morning there was a
12 discussion of fencing of private land that have occurred
13 as a result of the acquisition of some private land that
14 still stayed in private ownership, as I understood it,
15 here in Kern County. This issue is much broader
16 districtwide. And I'm sorry I didn't get a chance to
17 speak to it this morning. But it does tie in, frankly,
18 timingwise with some questions that Richard raised, when
19 he brought up the grazing.

20 And so you'll recall at the DRECP discussion
21 three counties made presentations, and if there was one
22 unifying statement that all three counties made, it was,
23 we don't want to be losing further tax base as a result
24 of mitigation that's required for renewable energy. And
25 so that's been consistent.

1 And my organization, Quadstate, has sponsored
2 resolutions which have been adopted by the National
3 Association of Counties, frankly, to discourage private
4 land acquisition in order to preserve the tax base. And
5 I confess that the wildlife agencies have never gotten
6 the memo yet, and so the press for private land
7 acquisition continues.

8 There's one little wrinkle, though, and this is
9 what I wanted to let the council know about and they can
10 ruminant on. Along with the acquisition of private
11 lands for mitigation -- and most of these renewable
12 energy projects require a state 2081 permit, as well as,
13 you know, whatever Section 7 is required at the federal
14 level, particularly for desert tortoises. Where they're
15 involved, a 2081 is required.

16 The State, regardless of who is the ultimate
17 destination of the land, whether it's the State Fish and
18 Wildlife Department, though I still have a problem
19 saying that, or BLM, the donator -- I kind of have to
20 put that in quotes -- the donator who has to offer up
21 the mitigation land also has to deposit with the State
22 of California Enhancement and Endowment Funds. These
23 amount to -- and don't quote me exactly on the figures,
24 but they're around there, about \$1300 an acre for the
25 enhancement fee for every acre donated -- do the

1 arithmetic on that -- and another \$300 an acre for the
2 endowment from which maintenance can be drawn.

3 Part of the use of that money can be fencing
4 the piece of land. And if the State of California
5 decides to go out there and fence this acquired land to
6 make sure that it's managed consistent with the
7 conservation for which it was acquired for mitigation,
8 they can do that. They may have to get a permit from
9 BLM to do it, but, you know, in terms of practicality,
10 I'm not sure what would go on. So this aspect, even if
11 land becomes ultimately publicly owned, doesn't
12 guarantee that there won't be a fence there. And that
13 is an ongoing problem with this whole acquisition thing.

14 Again this working landscapes theme for the
15 next meeting might be a good time to weave that in, but
16 I can tell you on behalf of the counties that I speak
17 for that this whole area of land acquisition and erosion
18 is a tremendous concern.

19 The second part of that -- and it gets to
20 Richard's point -- because private land was getting in
21 short supply in East Mojave, several of the ranchers out
22 there and a couple of them hanging on by their
23 fingernails economically anyway, have tried to offer
24 their allotments to the renewable energy companies as a
25 way of reaping at least some return on their capital

1 investment for their ranches. And there was an ongoing
2 discussion between -- or among all the parties relative
3 to renewable energy.

4 The California Department of Fish and Game, now
5 California Department of Fish and Wildlife, objected to
6 that because there was no guarantee that BLM would not
7 do exactly what Richard suggested, have the allotment
8 for a while, and if somebody wanted to come in and use
9 it, that they could reallocate it back to grazing again.
10 And so the Department of Fish and Game, even under
11 managed use. Would not agree that unless the area was
12 permanently withdrawn from grazing, that they would go
13 along with the use of that land for mitigation.

14 And so the only way to overcome that was with
15 special legislation. And congressman Lewis and Senator
16 Feinstein teamed up and got that written into the
17 appropriation bill. I think it was the fiscal year '11
18 appropriation bill specifically at the request of that
19 small group of ranchers mostly in the East Mojave, but
20 it would apply desertwide, CDCAwide.

21 And so that's why that is that, if the
22 secretary closes it to grazing, it has to stay that way.
23 Otherwise it could not be acquired for mitigation. And
24 that was done in order to get that legislation through
25 and become operational, as it has begun to get

1 operational here in Ridgecrest. And management of the
2 resources and uses of livestock as a tool have nothing
3 to do with it. It's just simply a practical out for
4 this.

5 Ironically and kind of as a side bar there, one
6 of the authors of this and one of the people who helped
7 carry it was a former district manager here, Henry
8 Bisson. And so that's the way it is, and it's not
9 something that we necessarily agree with. But on the
10 other hand, it can help to stem this tide of eroding
11 private land base and, you know, facilitate renewable
12 energy. And, you know, whatever you feel
13 philosophically, that's the way it is.

14 CHAIRPERSON BANIS: Thank you.

15 MR. HILLIER: Thank you, Mr. Chairman, for
16 making time for me.

17 CHAIRPERSON BANIS: Thank you. Okey dokey.
18 Can we pull out our calendars for a moment.

19 MR. MATTHEWS: Mr. Chairman, can I ask a
20 procedural question?

21 CHAIRPERSON BANIS: Pull out your calendars,
22 and look at October. What have you got, Dave? Real
23 quick now, because the court reporter, she's getting a
24 little tired.

25 MR. MATTHEWS: I was just wondering, is there a

1 window or procedure where we can provide written
2 comments on the meeting today to get into the record?

3 CHAIRPERSON BANIS: Absolutely.

4 MR. MATTHEWS: Okay.

5 CHAIRPERSON BANIS: Absolutely. Anything
6 that's submitted for this meeting to the BLM can be
7 added into the record. In fact many people opt to
8 submit written comments. We give them to the
9 stenographer. She attaches it to the back.

10 MR. MATTHEWS: Thank you.

11 CHAIRPERSON BANIS: You betcha. How's
12 October 4th and 5th looking?

13 MEMBER SHUMWAY: What are we looking at?

14 CHAIRPERSON BANIS: This is meeting, the real
15 meeting, for the working landscape.

16 MEMBER SHUMWAY: We have September 6th and 7th
17 on my calendar.

18 DIRECTOR RAML: We have to change it.

19 CHAIRPERSON BANIS: We have to change the 6th
20 and 7th.

21 MEMBER SHUMWAY: It has to be in October.

22 CHAIRPERSON BANIS: We would like it to be
23 after September 30th.

24 MEMBER SHUMWAY: How about the 25th and 26th of
25 October?

1 MEMBER REILLY: You'll have to give me a day
2 exactly.

3 CHAIRPERSON BANIS: Keep going. Keep
4 suggesting, then. Whoever says no comes up with the
5 next one.

6 MEMBER SHTEIR: Fourth and fifth didn't work
7 for people?

8 MEMBER SHUMWAY: I'm in Europe for those first
9 three weekends. It's working landscapes, so I really
10 don't want to miss that meeting.

11 MEMBER SHTEIR: What about 18th and 19th?

12 MEMBER SHUMWAY: I don't get back until the
13 18th late.

14 CHAIRPERSON BANIS: November 1 and 2?

15 MEMBER SHUMWAY: That works for me. Does it
16 work for anybody else?

17 MR. RAZO: That would get us too close to if we
18 have a December meeting.

19 CHAIRPERSON BANIS: Well, we can't go backward.

20 DIRECTOR RAML: That might work, Steve.

21 CHAIRPERSON BANIS: Can't go backward, and
22 working landscape needs our industry representatives.

23 MEMBER REILLY: So it can't be the very end of
24 September?

25 DIRECTOR RAML: It has to be after the 30th.

1 MEMBER HOUSTON: As long as it's Friday and
2 Saturday, I can make it work.

3 MS. SYMONS: Randy, the November 1st and 2nd,
4 is that part of that Halloween holiday, so it's a
5 blackout date, so El Centro and Barstow is going to be
6 hammered.

7 MR. HILLIER: Eighth and ninth is a three-day
8 weekend too.

9 MS. SYMONS: But it's not one of those
10 designated holidays.

11 CHAIRPERSON BANIS: We may be talking about our
12 last meeting of the year, then. So we may be talking
13 about a last meeting of the year.

14 MEMBER SHUMWAY: The last meeting was supposed
15 to be volunteers, and maybe we could get more of them
16 together for the last meeting.

17 CHAIRPERSON BANIS: We can do this off the
18 record.

19 (Discussion was held off the record.)

20 CHAIRPERSON BANIS: The next DAC meeting will
21 be November 1st and 2nd, with the topic of the working
22 landscape at a location to be determined. Sound good?
23 Good. So items on the next agenda.

24 MEMBER SHUMWAY: Can I be first, please.

25 CHAIRPERSON BANIS: Yeah. Items for the next

1 agenda that have been suggested is the Questar Pipeline.
2 Seth, thank you. April, the iron mining,
3 Johnson Valley, a little more detail there, or to
4 discuss, at least. Jess, you came up with retirement of
5 grazing allotments and grazing issues. Got a good head
6 start. Very good.

7 Dinah?

8 MEMBER SHUMWAY: One last item. This is an old
9 item that came back because of WEMO. I can't believe
10 it's been almost two years since I talked about this.
11 Remember I talked about following a realtime NEPA
12 project through to educate all of us, especially me,
13 about because I'm totally selfish, especially me, about
14 how NEPA really works. And since WEMO is now done,
15 Katrina and I talked. We're going to meet in the next
16 couple of weeks, I think; right?

17 MS. SYMONS: We talked about July.

18 MEMBER SHUMWAY: Well, in July we're going to
19 choose a project. And I think my proposal to the DAC
20 would be that, since this is going to be for in the next
21 about six meetings, I would present how this process
22 works. Hopefully we'll be done by December, 2014, but I
23 will send a monthly updated to everybody just give an
24 e-mail for how the NEPA project is going with a
25 quarterly update. That would be my proposal for the

1 NEPA project, whatever it's going to be called, NEPA
2 little project.

3 CHAIRPERSON BANIS: Good. Okay. Well, then at
4 this point I'd be more than grateful to entertain a
5 motion to adjourn. Do we have one?

6 MEMBER SALL: Motion to adjourn.

7 MEMBER MUTH: Second.

8 CHAIRPERSON BANIS: Motion from April, second
9 from Al.

10 DIRECTOR RAML: Meeting adjourned.

11 CHAIRPERSON BANIS: Meeting adjourned at 4:24.

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13 (Whereupon, the proceedings were
14 concluded at 4:24 p.m.)

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M O T I O N S

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- 3 A. Maker: Muth
4 Second: Rudnick
5 Motion: To approve the transcript from the
6 February, 2013 meeting
7 Result: Motion carried
- 8 B. Maker: Sall
9 Second: Reilly
10 Motion: To request the BLM work with the REAT
11 agency to plan public meetings for the
12 DRECP draft document in the planning area in
13 the desert cities
14 Result: Motion carried
- 15 C. Maker: Shteir
16 Second: Johnston
17 Motion: To recommend DRECP and CEC to
18 include a comprehensive analysis of
19 socioeconomic impacts, particularly as they
20 relate to regional tourism in the draft DRECP
21 report so that we can understand better how it
22 might impact our regional tourism economy,
23 including recreation
24 Result: Motion carried
- 25 D. Maker: Scrivner
26 Second: Erb
27 Motion: To forward WEMO subgroup report (with
28 revisions) to the BLM and ask the BLM to
29 utilize this report and all of the data as very
30 as best as possible as they move forward in the
31 producing of the WEMO route network.
32 Result: Motion carried
- 33 E. Maker: Sall
34 Second: Muth
35 Motion: To adjourn
36 Result: Motion carried

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CERTIFICATE

I, DIANE CARVER MANN, C.S.R. No. 6008, in
and for the State of California, do hereby certify:

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

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

Witness my hand this _____ day of
_____, 2013.

Certified Shorthand
Reporter in and for the
State of California