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COMMENTS ON DRAFT OF LAND USE AND PLANNING DOCUMENT
 BY MOJAVE TRAILS GROUP
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1. It is the request of the Mojave Trails Group (MTG) that for the sake of continuity, clarity, the stakeholders groups ability to discuss issues with common terms and definitions, as well as future applications of the final policies of the DRECP, that some definitions be established and included in the documentation to support our purposes in this action. Those purposes are represented by those terms that are relative to public use, transportation methods, and areas where the various methods of transportation and recreation and public use are authorized inside of the DRECP Planning Area. Please keep in mind that we are not attempting to alter or eliminate any existing laws, general management plans or such regarding this subject matter. It is our desire, that at the end of the DRECP process that one source exists defining and clearly informing the public of the ways and means of their uses inside the Planning Area.

In keeping with a format already established within Section 3, "DRECP Protected Area Categories" found in the Working Draft For Land Use and Ownership we propose adding the following:

(The numbering scheme is our own and provided purely as an aid for discussion. It is our thought that all this suggested language be included as additional Sections and line items to this document being commented on here. However, if there already exists a more appropriate location in existing documentation we will gladly accept inclusion in that location. Please note that this is a work in progress and is subject to refinements and suggestions from others as time allows.)

Please consider that we have no intention

1.1. Inclusion of the terms, "Public Use"; "Public Use Transportation (PUT)"; "Public Use Recreation and Transportation Infrastructure (PURTI)".

1.1.1 Define "Public Use" at a minimum, but not limited to, as: Those outdoor activities not prohibited by law, as established by general management plans, or any binding legal authority, which occur accordingly in all Land Types of the DRECP Planning Area by visitors; a few traditional examples include:

- Multiple Use activities.
- Camping.
- Hiking.
- Educational and scientific efforts.
- Exploration for the sake of environmental issues.
- Spiritual activities..
- Rock hounding.
- Bicycling

- Hunting
- Motorized vehicle use where authorized, in all adopted general management plans, traditional use areas where no management plan exists, and inside the policies of the DRECP.
- Nudism, while the sensitivity of others IS taken into consideration.
- Activities on private property.

1.1.2 Define "Public Use Transportation (PUT)" at a minimum, but not limited to, as: Any method or means of on the ground conveyance intended to transport and enable the public, individually or as a group, to participate in activities as described in 1.1.1 above and 1.1.3 below. A few traditional and potential future examples include:

- Travel by animal.
- Travel by foot.
- Human powered devices such as wheelchairs and bicycles.
- Motorized devices intended for the handicapped.
- Motorized Street legal vehicles, with any number of wheels.
- Four wheel drive vehicles.
- Green Sticker type vehicles with any number of wheels.
- Trailers intended to be towed behind motorized vehicles to carry other vehicles and or supplies.
- Trailers or carriers such as rickshaws, or those devices intended to carry pets or supplies that are human powered or towed behind human powered devices or motorized devices for the handicapped.
- Electric powered vehicles.
- Any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain.

1.1.3 Define "Public Use Recreation and Transportation Infrastructure (PURTI)" at a minimum, but not limited to, as: Those places on the ground inside of the DRECP Planning Area where transportation methods or means described in 1.1.2 above occur on the ground in order to enable "Public Use" activities as described in Section 1.1.1 above. A few traditional and potential future examples include:

- All legally binding general management plans by any governmental agency currently enforceable, which have been adopted by the DRECP.
- Areas or items of cultural historical value. This includes at minimum, Native American and Western Cultural items.
- Public Use as defined by the policies of the DRECP on mitigation lands established to offset damage occurring to the environment and desert species, which has occurred due to the development of renewable energy facilities under this action.
- Public Use as defined by the policies of the DRECP on mitigation lands established to offset damages and losses occurring to the public at large due to the development of renewable energy facilities under this action.
- Let it be understood that: Any person operating a Public Use Transportation vehicle inside the DRECP Planning Area on the Public Use Recreation and Transportation Infrastructure (PURTI) shall conform to all terms and conditions of the underlying legally binding documentation on which PURTI is based.

1.1.4 These three terms, "Public Use"; "Public Use Transportation"; "Public Use Recreation and Transportation Infrastructure (PURTI)", intertwine, enable, and complement each other. None are complete without the others and they should be used as synonyms for the purposes of the DRECP. Wherever one is present, it should be established that all three are present concurrently in various allowable forms

END OF SUGGESTED LANGUAGE FOR REQUESTED DEFINITIONS.

SECTION-BY-SECTION COMMENTARY ON THIS DOCUMENT:

We respectfully request that the following concepts and or language be included in our suggested location or another location inside the DRECP documentation as deemed appropriate:

Section 1.1

- Please include the official maps of the CALIFORNIA DESERT PROTECTION ACT OF 1994 as a data source.

- On page 2 of the document there are references made to revisions of two management plans being in progress: They are Red Rock Canyon State Park and Salton Sea National Wildlife Refuge. MTG agrees that the listing of both these areas in this document is valid. However, it is our position that only those plans that are in their currently enforceable form be referenced. We respectfully request that any language making reference to any plans or actions currently under revision be stricken from the document. It is our position that only currently enforceable plans and laws be considered by the DRECP as Land Use Plans.

Page 2 - In reference to the variety of data sources used to develop a comprehensive map of land use plans we see the need for inclusion of other sources of information in order to paint a more complete picture of the scope of our interest. As additional guidelines and to assist the DRECP stakeholders group in understanding the interests of public use, citizen inventories as described below should be allowed to be entered into the data bases and mapping process's of the DRECP. These is requested in part to cover the gaps that may exist in agency documentation and to identify those places in the planning area that the public holds as valuable and are not already included in the DRECP documentation. These inventories shall include at a minimum but not be limited, to the following:

- a- Cultural areas or artifacts for Native American or Western Culture.
- b- Any items traditionally thought by the public to be found under the "multiple use" and "multiple use access" concepts which are not included elsewhere.
- c- Citizen inventory of all roads, routes, ways, trails, and multiple use points of interest, which exist on the ground in areas of the DRECP Planning Area which are not covered by a general management plan which includes such.
- d- Citizen inventory of all Public Use Recreation and Transportation Infrastructure (PURTI) which might exist inside of potential or actual mitigation lands.

e- Citizen inventory of options to aid in an effort to leave mitigation lands undisturbed by Transportation methods while maintaining access around the mitigation lands to existing Public Use Recreation and Transportation Infrastructure (PURTI).

f- Areas of concern where access may be lost due to lack of easements and rights of way as property ownership and land use designations change.

- Section 3 should specifically exclude Public Use Recreation and Transportation Infrastructure (PURTI), from being considered as eligible for an elevation in their conservation status under the terms as set forth in this section. To elevate the surrounding area's status is acceptable as long as the Public Use Recreation and Transportation Infrastructure (PURTI) is fully mitigated in-perpetuity.
- Section 3. For the sake of absolute clarity, and to relieve public fears, we ask that this Section specifically state that any existing Public Use Recreation and Transportation Infrastructure (PURTI) which is currently "cherry stemmed" or included by any legal or administrative means, throughout legally defined wilderness areas, or wilderness study areas, shall remain open to Public Use as presently allowed by the wilderness area, or wilderness study area, general management plans and by the legal entities which established the wilderness areas. This should apply to wilderness areas established by any governmental body.
- We ask, for the protection of the interests of the public at large who use the Planning Area's Public Use Recreation and Transportation Infrastructure (PURTI), that no policy of the DRECP encourage or enable any of the governing bodies listed in section 1.1 to elevate the conservation status of the Public Use Recreation and Transportation Infrastructure (PURTI).
- . None of the types of classifications as described in sections 3.1.1, 3.1.2, 3.1.3, table 2 and figure 1 sufficiently present any methods to consider Public Use Recreation and Transportation Infrastructure (PURTI). For that reason we ask that the following statements should be included in their respective locations:
 - a- Type 1, 2, and 3 lands often have general management plans which include Public Use, travel by Transportation methods intended for use on the Public Use Recreation and Transportation Infrastructure (PURTI).
 - MTG agrees that Type 1 lands can potentially serve as important "core areas" to help meet DRECP conservation goals as long as access issues are considered. It is our preferred choice that previously isolated, private, in-holdings, with willing sellers inside of Type 1 lands be first choice in achieving this goal.
 - In section 3 the only mention of development of any lands occurs under the Type 3 classification in a manner that is described as "limited" and "can be expected to remain reasonably intact for the foreseeable future". Are the areas under consideration for renewable energy facilities and transmission corridors being excluded from this classification process?

In the absence of any clear definition, we believe that two additional Types of classification should be utilized. A Type 4 category would include lands which are available for industrialized renewable energy projects. We suspect, that with this category it is possible that some Type 3 lands may be listed as Type 3 and Type 4 at the same time. It is our request that multiple listings be shown if applicable. As well, we see the need for a sub-classification of the Type 4 lands. This sub-classification shall be those lands which have been "restored" after any renewable

energy project constructed under the legal mandate of SB 34, or any other applicable laws, any relevant executive order by any governor of the State of California which affects the policies of the DRECP, and actions or policies enacted by the DRECP itself. This sub-category shall be known as "Type 4A" Its general description shall read: "Lands previously utilized for the purposes of renewable energy projects under the DRECP". They are to be considered as fully mitigated for environmental damage and heavily altered from their natural condition. This classification shall apply immediately in conjunction with the release of liability of the respective renewable energy leaser having fulfilled their compliance with restoration requirements.

Our second request in this matter is for a Type 5 land classification. This would be those lands set aside as energy corridors. Our request here is only for the purposes of identification so we can include the roads built inside these corridors for inclusion in the Public Use Recreation and Transportation Infrastructure (PURTI).

The effort here is to provide a clear overview, inside of one document, the areas available for renewable energy projects, energy transmission corridors, land use conditions, land use plans, and the Public Use Recreation and Transportation Infrastructure (PURTI).

- In section 3.1, we ask that the first sentence should include a comment reflecting our purposes. An example might be: The DRECP conservation strategy will be designed to compliment and support the extensive network of conservation areas and their incorporation with Public Use and the Public Use Recreation and Transportation Infrastructure (PURTI).

- In section 3.1, we ask that the second sentence include the statement: "Lands that have low or no conservation status and are not part of the Public Use Recreation and Transportation Infrastructure (PURTI) would be eligible for acquisition,....."

- In section 3.1.1 Type 1 lands. We ask that somewhere in this section that the ideas of Public Use and Public Use Recreation and Transportation Infrastructures (PURTI) be introduced as currently authorized for this type of land.

- Section 3.1.2 Type 2 lands. We ask that somewhere in this section that the ideas of Public Use and Public Use Recreation and Transportation Infrastructures (PURTI) be introduced as currently authorized for this Type of land.

- Section 3.1.3 Type 3 lands. We ask that somewhere in this section that the ideas of Public Use and Public Use Recreation and Transportation Infrastructures (PURTI) be introduced as currently authorized for this Type of land.

- Section 3.1.2 Type 2 lands. Just as Death Valley National Park is listed in two different land types so should be Red Rock Canyon State Park. We request that the descriptive term of "(Portions)" be added below the Park's listing under Type 2 lands in Table 2.

- Section 3.1.3 Type 3 lands. As first mentioned previously, Red Rock Canyon State Park should be listed under two different types of land classification. A "Portion" of this Park should be listed under Type 3 inside of Table 2.

- It is our position that any and all "Tribal Lands" as mentioned in Table 2 should be regarded by the DRECP as un-touchable unless the respective tribe agrees otherwise.

- In its current form Figure 1 and Table 1 are missing, and we believe should include, Public Use and Public Use Recreation and Transportation Infrastructures (PURTI).

- Please include Type 4, Type 4A, and Type 5 lands as described above in Table 1 and Figure 1.

END OF SECTION BY SECTION COMMENTARY

SOME POINTS OF CONCERN, WHICH WE FEEL, SHOULD BE INCLUDED IN THE DRECP POLICIES WHICH WE ARE UNCERTAIN OF WHERE TO PLACE THEM.

1- We ask that an absolute cap of lands to be utilized for renewable energy projects under the DRECP be established. That cap should be based on calculations formulated from electrical energy consumption amounts and currently mandated laws establishing the percentage required to be produced by renewable energy sources located in the DRECP planning area. We understand that at present there may be some question in regards to the amount needed to be produced. For that reason it is understood that we will need to wait for this number to be calculated.

2- Public or State lands which have been utilized for renewable energy projects under the DRECP and have finished their life cycle as such shall be reused for new renewable energy projects if such plans to construct new facilities still exist at that future time. If, at that future time when any new renewable energy facility is to be constructed, and the cap of useable lands for such as is established has been reached, the new project must wait until lands defined as Type 4A are available.

3- Lands typed as Type 4A, and not slated for any new construction of renewable energy facilities, should be immediately released back to the public lands system from which they were originally acquired.

4- Projects which fail for any reason and are shut down by the project owners should be restored in a timely manner and reclassified as Type 4 or Type 4A and dealt with appropriately.

5- We ask that Public Use Recreation and Transportation Infrastructures (PURTI) be restored to the lands in a condition and location similar to what existed prior to the construction of the renewable energy facility.

END