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California Energy Commission

Dockets Unit, MS-4

Re: Docket No. 09-Renew EO-01

1516 Ninth Street

Sacramento, CA 95814-5512

docket@energy.state.ca.us

Re: **WORKING DRAFT, Outline for the Desert Renewable Energy Conservation Plan**

**Docket No. 09-Renew EO-01**

Please consider the following commentary and suggestions in regards to the Working Draft Outline for the DRECP.

Sincerely,

David Beaumont

Mojave Trails Group

**Section 1.1 Overview and Background.** Unless it can be shown that the RPS goals of 40% and 50% are a legal mandate of this process we respectfully request that they be stricken from this document.

**Section 1.2 Goals:** Please include;

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a- Preserve and enhance opportunities for all forms of public use, outdoor recreation, means of human connectivity to nature, and on the ground transportation means including motorized vehicles.

b- For the sake of clarity and brevity, please define and adopt terms relative to public presence inside of the DRECP Planning Area. Our suggested language for this is included at the end of this document in a section entitled: "MTG Definitions"

c- Until that time which common terms are established we will move forward in this manner:

To establish clear language and maps that define what is meant by outdoor recreation, public use, access methods and means, transportation methods, interpreting and showing the varied opportunities for the public to be present in the planning area and the particularly important aspect of being able to engage in personally meaningful experiences.

This language and the resulting maps shall include but not be limited to:

- Emphasis on access itself as a form of recreation and or a necessary component in fulfilling public use needs.

- Travel by foot, horses, motorized and non-motorized on the ground vehicles on roads, routes, ways, or trails in a manner designated for such uses.

d- Establishment and acceptance of the concept that public use, public transportation methods in all their various forms, and the all the varied places accessed, are essentially to be used as synonyms. Where any one of these three components are present, so should the other two be present in order to make a viable public use and recreation plan.

e- Establishment of language which allows public user maintenance and repair of designated travel routes.

f- Establish a means to balance public presence and conservation activities while still allowing the broad range of traditional and future usage which fulfils public needs.

g- Establish a means to mitigate the lost aspects of public use, in all their varied forms which currently exist, or which might exist in the future, that are lost due to the impacts of establishing and enacting a renewable energy program in the Planning Area.

Section 1.3.5, Covered Activities, or as appropriate under section 5, please include

our requested language shown above under Section 1.2: Goals.

Section 2.2 **Physical Conditions**. Please include the following:

a- All opportunities for public use.

b- Those areas classified as "Open" by the BLM as part of the existing landscape.

- Under Section 2.4, **Land Use**. Please include:

a- Public uses.

b- On the ground means and methods for public use transportation.

c- Language establishing and defining a public use recreation and transportation infrastructure.

d- The creation of documentation in order to communicate to the public at large, items a, b, and c above.

Section 2.5 Other Environmental Setting Topics: Please include the following where appropriate;

a- "Scenic and Cultural Resources" must by definition be accessible to the general public, with its rich cultural make-up, including the various ethnicities, and the physically and economically challenged.

b- The entire DRECP Planning Area, including all which it offers to support public use, will be considered as a Cultural Resource and physical and environmental landscape. The definition of "Cultural Resource", "physical and environmental landscape", should be expanded to include but not be limited to:

- Historic relics from earlier periods of western development including mines, roads, forts, ranches, etc.

- Facilities such as campgrounds; trail heads; rest stops; back country cabins; shelters; etc.

- Areas accessible by motorized vehicles and or any other means of on the ground transportation and all paved or un-paved roads, routes, ways, or trails. As well as those areas they connect and pass through.

- Areas of spiritual or scientific value.

- Open areas intended specifically for the recreational aspects of operating on the ground motorized vehicles.

## Section 3 CONSERVATION AND PLANNING PROCESS

MTG has found great difficulties in attempting to fit our interests into this section inside of the existing framework. In an effort to resolve these difficulties, while leaving the existing subsections intact, we suggest adding a new sub-section where the topic can be addressed. This section should be more than just a recreation plan, it should encompass all public uses of the Planning Area as defined in Sections 1.2, 2.2, 2.4, and 2.5 and their detailed sub-sections. Such efforts shall include but not be limited to:

- a- In regards to Sections 3.1.2, 3.1.3, and 3.1.4 of this document, the interests of this section shall include methods to mitigate the environmental impacts of public use and establish compatibility with public use and the subjects of these three sections.
- b- Integrating existing general management plans which cover such aspects into DRECP plans and goals.
- c- Working with the environmental community to establish routes of human connectivity for public use which establish least impact alternatives while still allowing access which fulfills the current and future needs of the public.

Section 3.1 **Conceptual Conservation Planning Principles**. Please add that shown in ***bold italics*** to the first sentence as shown.

“This section builds on the setting information developed in Sections 2.2 and 2.3, ***2.4, and Section 2.5*** as well as the ISA input (Section 1.1.3), program goals (Section 1.2) and regulatory...”

### 3.2 Preliminary DRECP Renewable Energy Goals

- Please add the following into Section 3.2: An important factor in site consideration will be, accomodation of public use. This includes access for the purposes of transportation to enable human connectivity on paved or un paved roads, routes, ways and trails, as well as camping inside the transmission corridors.

Section 3.3 **Preliminary Gap Analysis**. Due to the current shortage of information and plans relative to public use we see the need for the development of a preliminary gap analysis process under Section 3.3 which shows gaps in information for our purposes across the whole of the Planning Area. Using some existing language from Section 3.3 as boiler plate we request the following language be included with modifications shown in ***bold italics***.

It is also our request that the land use information taken from Section 2.4 include our comments previously submitted on Section 2.4 under the name of David Beaumont for Mojave Trails Group.

With that request in mind please include our suggested language:

“This section summarizes the land use information from Section 2.4, preferably into a data layer that can be visually depicted in a single graphic and described in text and tabular format. By combining this information with the Sections **3 and 3.1** conservation planning principles as well as the Sections 2.2 and 2.3, **and 2.5** setting information, a preliminary analysis of gaps in **public use** will be developed and presented in graphic, narrative and quantitative terms. The purpose of the gap analysis is to identify areas and **issues** important for **public use in all its forms.**”

#### 4.0 Conservation Strategy

As a conservation strategy please include the following as part of the DRECP final planning effort:

##### **Public Use Mitigation Plan.**

For the purposes of clarity and brevity we will be utilizing the **MTG Definitions** included at the end of this document concerning "Public Use"; "Public Use Transportation (PUT)"; "Public Use Recreation and Transportation Infrastructure (PURTI)"

In an effort to mitigate the damages and losses of Public Use due to the construction of industrial scale renewable energy facilities inside the DRECP Planning Area we ask that the following be included:

- a- This mitigation will be applied to fully off-set any biological or environmental damage caused by the existence of "Public Use"; "Public Use Transportation (PUT)"; "Public Use Recreation and Transportation Infrastructure (PURTI) on all Land Types currently found inside of the DRECP Planning area.
- b- This application of mitigation also applies to any future actions taken by the conservation aspect of the DRECP in an effort to minimize environmental damage by re-routing of the Public Use Recreation and Transportation Infrastructure (PURTI).
- c- Mitigation of lands used for Public Use will be funded by solar applicants.
- d- All that is mitigated for Public Use shall be done so in-perpetuity.
- e- Mitigation ratio applied for the benefit of Public Use shall be at the prevailing rate.
- f- Setbacks for the purposes of calculating the acreage to be used for determining mitigation shall be set at 35 feet from the centerline.

Section 4.1 **Introduction and Approach.** Please add to the introduction:

The conservation strategy and approach will include preservation and enhancement of all forms of public use, outdoor recreation, spiritual purposes, scientific and/or educational, access, means of human connectivity, and on the ground transportation means which includes motorized vehicles. Preserve and enhance opportunities for all forms of public use, outdoor recreation, spiritual purposes, scientific and/or educational, access, means of human connectivity, and on the ground transportation means which includes motorized vehicles. The efforts here are to establish a means by which public use and presence in the Planning Area will not be considered contrary to biological or environmental conservation, preservation, enhancement or be considered impediments to species migration.

Also, please modify the following sentence, found in the second paragraph of Section 4.1, as indicated with ***bold italics***:

"The biologically ***and public use*** based conservation strategy will likely involve a tiered approach of conservation and planning principles; program level biological goals, objectives, and conservation measures; species-specific goals, objectives and measures, and specific monitoring requirements."

**6.0 Description of Covered Activities.** Please include the following:

"Public Use"; "Public Use Transportation (PUT)"; "Public Use Recreation and Transportation Infrastructure (PURTI)"

Section 6.2 **RPS Requirements.** Unless it can be shown that the RPS goals of 40% and 50% are a legal mandate of this process we respectfully request that they be stricken from this document.

## **MTG Definitions**

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 sensitivities of others are 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 which 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