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Protecting Public Lands for the
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September 12, 2011

Mr. Jim Bartel, Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 10
Carlsbad, CA 90211

California Energy Commission
Dockets Office
MS-4, Docket No. 09-RENEW EO-01, Scoping Comments
1516 Ninth St.
Sacramento, CA 95814-5512

DOCKET

09-RENEW EO-1

DATE SEP 12 2011

RECD. SEP 13 2011

Re: Public Scoping for the Desert Renewable Energy Conservation Plan EIR/EIS

Dear Mr. Bartel and California Energy Commission:

Please accept this letter as official comments on the Public Scoping for the Desert Renewable Energy Conservation Plan Environmental Impact Report Environmental Impact Statement (EIR) and Environmental Impact Statement (EIS) on behalf of myself, on behalf of the American Lands Access Association for whom I serve as the Southern California Representative, and on behalf of rockhounds (rock, gem and mineral collectors) everywhere.

The purpose of the American Lands Access Association ("ALAA") is to promote and ensure the rights of amateur fossil and mineral collecting, recreational prospecting and mining, and the use of public and

private lands for educational and recreational purposes; and to carry the voice of all amateur collectors and hobbyists to our elected officials, government regulators and public land managers.

The Searchers is one of the largest, most progressive rockhound clubs in Southern California and perhaps the whole country. It typically has 150-200 members join/rejoin every year to share in the rockhound experience. It is a 501(c)(3) organization which means it is tax exempt due to its educational status. Its members volunteer at the Long Beach VA Hospital and teach veterans new and marketable lapidary and jewelry making skills, teach classes at local schools, and host demonstrations available for the public to see every week of the year. It has monthly meetings, door prizes, field trips, workshops, rock swaps and educational programs from guest speakers from within and outside of the club. Some of the past programs have included presentations on petrified wood, coining, cutting fire agate, casting, silversmithing, wire wrapping, gold panning, Topaz Mtn, The Oceanview Mine, pegmatite minerals, Owens Valley minerals, field trips, videos related to the hobby, geology, and much more. It is a member of the California Federation of Mineralogical Societies and the American Federation of Mineralogical Society. The Searchers would be directly affected by loss of access to rock, gem, mineral and fossil collecting locations because those activities are central to its purpose.

For purposes of this letter, use of the term “rockhound” refers to persons who collect rocks, gems, minerals and/or fossils. When used herein, the term “we” refers to myself, the American Lands Access Association (“ALAA”), the Searchers, and rockhounds everywhere (as rockhounds from all over the United States, and all over the world, come to Southern California to collect the unique and wonderful rocks, gems, minerals and fossils found here). These comments shall in no way prevent other individuals or organizations I represent from submitting additional comments that shall also become part of the public record.

The May 4, 2011 draft DRECP Conservation Framework Strategy Report recognizes that “The plan area supports a diverse range of outdoor recreation activities and opportunities, including numerous non-motorized and motorized uses over large areas of public lands. Demands for recreation on desert lands in California, especially on BLM and other public lands, is increasing due to several factors and trends, including a growing appreciation of natural, cultural, aesthetic, and other values in desert landscapes, and saturation of other outdoor recreation areas closer to Southern California urban centers.”

The ALAA represents tens, if not hundreds, of thousands of individuals and families that engage in rock, gem, mineral and fossil collecting and other recreational activities on public lands. The access required to pursue these and other recreational activities on public lands nearly always utilizes unimproved routes and are motorized and mechanized dependent, which form of access necessarily falls under Off Highway Vehicle (OHV) travel. It also requires continued access to many areas of public lands where the rocks, gems, minerals and fossils are located.

The DRECP has the potential to have a significant impact on access to public land, both directly and indirectly, if the plan does not properly and adequately address several issues.

Renewable energy projects covered by the DRECP will have footprints that will undoubtedly preclude use of areas that were formerly available for public use, including recreational purposes such as rockhounding. Not only will the project area no longer be accessible, but existing routes will likely also be severed resulting in blocked access to other routes and the areas and regions that they serve, including the spur roads close to the collecting areas used by rockhounds.

We ask the DRECP to also keep in mind the fact that some of the amenities and features offered by our public lands are irreplaceable. While roads and campsites can be relocated, items such as

specific rock hound areas cannot. Mineralogical deposits occur where nature has very uniquely placed them. Unlike some other uses of public lands, rockhounds utilize mineralogical deposits which cannot be relocated or replaced. Most rock, gem, mineral and fossil collecting locations have unique deposits that are unique to that location and are not found elsewhere. No practical mitigation is available for loss of access to such areas, therefore we request that such locations be excluded from closure or restriction and that motorized access, including spur roads serving those locations, be maintained. Rock, gem, mineral and fossil collection typically requires the use of hand tools and equipment that cannot be packed in or carried long distances and are therefore motorized and mechanized dependent. In addition, many rockhounds are elderly or handicapped and unable to travel much of any distance or carry weight very far in any event.

In the past, rockhounds have been forgotten or neglected and impacts to access for this type of recreational activity have been ignored at best. This has resulted in losses of vast areas that were formerly collection sites with no mitigation whatsoever. Because of this, rockhounds are paying attention when government action would take away yet more access to rock, gem, mineral and fossil collecting areas. In addition, it is important that the cumulative effects of past government actions, whatever they may be, have deprived rockhounds of former collecting locations.

Replacement of access lost for recreational and all the varied public use purposes, including Mechanized and Motorized Dependant Recreational Activities, must be considered on a overall view basis of the entire DRECP Plan Area with regard to the effects resulting from the past, present and potential future renewable energy facilities as well as any and all types of conservation efforts applied to the Plan Area that have or will affect the public's use. To consider only such losses on a project-specific basis denies all parties involved the opportunity to evaluate the cumulative losses for the Plan Area as is required by NEPA and our expectations. The application of NEPA with respect to analyzing cumulative effects is clear, it can and should apply to entire regions such as the DRECP Plan Area. Also, the requirement that the mitigation afforded must fit the situation being analyzed has been historically established.

To mitigate the potential loss of access that will potentially result from the covered activities that will contribute, either directly or indirectly, to a cumulative loss of access that must be minimized, we recommend that the DRECP incorporate the potentially applicable mitigation measures found in the Solar Energy Development Draft Programmatic Environmental Impact Statement (Solar Energy Development DPEIS) Volume I, Chapter 5, Section 5.5.3, and Appendix A.2.2.6 Design Features for Recreation Impacts that state:

Potential Applicable Mitigation Measures

- Public access through or around solar facilities should be retained to permit continued use of public lands and non-BLM administered lands,
- Solar facilities should not be placed in areas of unique or important recreation resources,
- Replacement of access for lost OHV use should be considered as part of the analysis of project-specific impacts. Any process for designating a replacement route would include the consideration of the designation criteria for routes as specified in 43 CFR 8342.1 and would be consistent with existing land use plans.

While the Solar Energy Development DPEIS is being developed for solar energy projects, the potential applicable mitigation measures for recreation can also be applied to other covered activities the DRECP will address.

Consideration through the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes and the final Preferred Alternative(s) resulting from the DRECP must include consideration for the direct and indirect impacts, and consequences, whether intended or unintended, of the interactions between the policies and actions established by both the DRECP and the Solar Energy Development plan currently being developed by the Office of Energy Efficiency and Renewable Energy, Department of Energy and the Bureau of Land Management, Department of the Interior. To fulfill the requirements of CEQA and NEPA, and for affected agencies to understand the public concerns over the interactions between these two plans, the opportunity for additional public review and comment must be granted when the Solar Energy Development DPEIS becomes available.

We also wish to review and comment on the yet to be released Preliminary Conservation Strategy (PCS) which will be an integral part of the overall DRECP. Since this document is not currently available, we recommend that an additional Scoping Period for the DRECP allowing additional public comment lasting at least 30 days be provided following the release of the PCA.

Any additional loss of access and recreational opportunity in the California deserts must be put into perspective. Over the last eight decades various management decisions, legislative actions and litigation have vastly limited the activities allowed on public lands. The 25 million acre congressionally –designated California Desert Conservation Area is a relevant illustration. By 1930, 25% of the desert became private land, including farms and towns,. The remaining 75% , mostly federal land, was considered to have little use and had very few restrictions affecting it's use. By 1976, 25% was still private and 25% was now used exclusively by the military or designated as state and/or national parks, which restricted use on that land to certain uses, leaving only 50% for limited public use. In 1980, the Bureau of Land Management was directed to develop a management plan for the remaining 50%.

After a significant planning effort involving federal, state and local agencies and the public, 2.1 million acres (approximately 8%) of land formerly used by the public was designated as wilderness, leaving only 42% for other uses. By 2007, the BLM was forced to amend management plans for the remaining 25% which resulted in species protection areas that further limited use and effectively reduced the 25% to approximately only 12.5%.

The remaining 12.5% (approximately) of limited-use areas that remain today will be significantly impacted by the DRECP and implementation thereof. The DRECP must additionally consider other upcoming changes that will potentially affect access and recreational opportunities such as the proposed Marine Corps 29 Palms Air Ground Combat Center expansion which also has the potential to remove a large amount of land from public use.

Among the potential indirect impacts of concern is the possibility that covered activities may result in the taking of threatened species that will increase pressure to identify mitigation necessary to offset such taking. This mitigation should not be allowed to authorize further “take” of public access for purposes such as rockhounding, OHV access and other forms of recreation. Recreation and public access should not be limited or curtailed to accommodate the possible loss of species resulting from other activities as that would result in additional “taking” of public

access for recreational purposes. It is time to start considering the human impacts of government actions and to stop taking access to public lands from it's owners.

The DRECP must fully examine recreation, including rockhounding, access, and the relationship between them. A dispersed motorized off-highway route network exists throughout the DRECP planning area and is utilized to pursue and support various activities including rockhounding. For this reason, data and specific information about the extensive recreational uses within the DRECP planning area is essential to developing the plan. The potential impact of the plan on recreation broadly, and rockhounding specifically, must be a consideration when developing the conservation plan.

For this reason, we recommend that the DRECP must include a process by which geographic information reflecting the interests of rockhounding, other forms of recreation, and public access is gathered and inventoried and made a part of the official map set for the decision making process. Furthermore, this effort must be funded and supported by the DRECP and the Renewable Energy Action Team (REAT). We further recommend that a funding mechanism to address the impacts to rockhounding, recreational generally, and public access that will be necessary to implement covered projects must be examined, developed and be included in the Plan. We know that rockhounds want to contribute to this effort, but do not have the resources to map the information themselves, nor should they be assigned the burden to do so. Since the BLM is responsible for mining claims, they have a database of known mineral locations. In addition, they have information regarding rocks, gems, minerals and fossils found in their areas which they offer to the public on their websites. Books have been published by authors such as Mary Francis Armstrong that identifies rocks, gems, minerals and fossils found in the Southern California deserts and the locations in which they are found. The CFMS has member clubs such as the Searchers all over the state with field trip records identifying collecting locations and would be happy to help. All of these sources should be utilized by the DRECP in identifying collecting locations and the routes needed to access them so that potential impacts to the public's access to the can be considered and avoided or mitigated.

The costs associated with mitigation for recreational and all the varied public use purposes, including Mechanized and Motorized Dependant Recreational Activities, should be covered by the renewable energy companies who have been permitted by the DRECP process to construct projects in the Plan Area.

Emphasis should be placed on locating as much of the required renewable energy facilities as possible on private lands which have been previously disturbed and in close proximity to the point of use which the facilities are serving.

We appreciate the opportunity to provide these comments on the Scoping for the DRECP EIR/EIS. We are committed to working cooperatively during the development of the DRECP to achieve a meaningful approach that recognizes the importance of rockhounding, recreation and access, and that reduces the potential of further losses to public access to collecting locations. Please do not hesitate to contact us if you have any questions or would like additional information.

Sincerely,

Kim Campbell
Rockhound Activist
Southern California Representative, ALAA
Director, The Searchers Gem and Mineral Society