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1516 Ninth Street  
Sacramento, CA 95814-5512  
Email Address: [docket@energy.ca.gov](mailto:docket@energy.ca.gov)

California Energy Commission <b>DOCKETED</b> <b>09-RENEW EO-1</b>
TN 74821 FEB 20 2015

RE: Desert Renewable Energy Conservation Plan

Dear Sirs:

Please accept this correspondence as the comments of the Off-Road Business Association ("ORBA") with regard to the Desert Renewable Energy Conservation Plan ("DRECP"). Prior to addressing the specifics of these concerns, a brief summary of ORBA is needed. ORBA is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner and appreciates the opportunity to provide comments on this issue. ORBA representatives have been actively involved in the DRECP development process as Fred Wiley was appointed by Governor Schwarzenegger to serve on the DRECP committee to represent recreational business interests.

**Executive Summary.**

ORBA commends the efforts of all involved in the development of the DRECP, as these efforts are targeting one of the first large scale management plans in the country and has brought together a wide range of user groups and interests. Throughout the multiyear planning efforts the desire and intent that the DRECP streamline the permitting process for renewable energy projects while avoiding unnecessary or unintended impacts to other uses of public lands has been the objective. After a review of the DRECP, ORBA submits that none of the Alternatives that are currently provided have a reasonable expectation of achieving that goal. Many of the proposed standards directly impact activities totally unrelated to renewable energy development in ways that simply never specified or analyzed, such as recreational access to public lands. As a result, ORBA is not able to support any of the Alternatives.

ORBA submits that significantly more research must be undertaken on numerous foundational interests in the DRECP process such as: economic analysis of impacts to activities unrelated to

renewable energy development; providing clarity for the funding sources for subsequent site specific planning that must be undertaken; removal of standards directly targeting usages entirely unrelated to renewable energy development; avoiding subjective standards of management such as "most restrictive" standards for an area and providing basic clarity in the management standards for areas where management plans are to be developed. ORBA submits that failing to provide this clarity in site specific analysis has directly impaired the public's ability to meaningfully comment and will result in significant financial burden to agencies and those participating in activities that are entirely unrelated to renewable energy development.

ORBA further submits that the current status of DRECP standards may mitigate financial burdens on energy developers and shifts this financial burden to other user groups while removes a significant funding source for analysis of site specific issues with energy development proposals. Frequently a wide range of analysis must be undertaken at the expense of those undertaking a large development project. This funding would be significantly impaired or entirely removed under the DRECP, while significantly impacting the management of these unrelated activities.

**1. Additional time is requested to allow for meaningful public comment.**

ORBA respectfully requests that an extension of the deadline for public comment be granted in order to allow the public to more completely review and understand the DRECP proposal. The DRECP is an exceptionally large document that attempts to integrate numerous planning factors into a single management standard. Often the standard of management for a particular area simply is never clearly stated. The DRECP further creates management plans or specifies criteria for hundreds of SMA, ACEC, and Conservation areas that are to be developed. This type of integration is complicated by the fact that the public must not only review the DRECP but also must review NEPA analysis and planning documents for any planning areas that are within the DRECP as this information simply has not been provided. Simply compiling an accurate summary of current management of each area could easily take more that the time period that has currently been provided.

DRECP team literally took years to develop the DRECP in its current form and now lay persons are being asked to review the completed document in only 150 days and formulate meaningful comments on the proposal. This is simply unfair and directly impairs the ability to develop public comment. ORBA requests maximum time period allowed for such public comment within the guidance documents for development of the DRECP.

**2. Supplemental NEPA analysis must be provided.**

ORBA has noted several issues on which mandatory analysis of issues has not been provided at all or is facially insufficient. These include but are certainly not limited to: failing to accurately summarize current management standards in many areas; economic analysis of impacts of the various management standards to local communities and Wilderness suitability inventories.

These issues are more specifically addressed in subsequent portions of these comments, but ORBA simply is unaware how to remedy these failures of analysis without supplemental analysis and additional public comment periods.

ORBA further submits that the frequent utilization of standards similar to "most restrictive" alternative of varying and often unspecified standards in the DRECP directly impacts the ability to provide public comment. ORBA submits that if the developers of the DRECP are unable to clearly state the required management standards for an area in a clear and concise manner, any expectation that the public will be able to undertake this analysis is simply unreasonable. As a result any public input will be impaired and based on an entirely subjective attempt of the public to summarize management standards that clearly are highly subjective to begin with. In this situation there is no reasonable probability that comments are all based on the same management standards and ORBA has no idea how a range of alternatives can be developed for an area when "most restrictive" type standards are relied on.

ORBA submits that the application of "most restrictive" standards type management is highly subjective to the particular manager or member of the public, as what may be restrictive to one user group may be highly favorable to another. Closing an area to multiple use access is clearly the most restrictive standard to someone that is seeking multiple use access but the same closure is the most favorable to someone seeking a non-motorized recreational experience. How this type of conflict of perspective could ever be addressed or resolved in public comment is yet to be seen.

ORBA submits that NEPA analysis and public comment simply cannot be meaningfully obtained when there is this level of subjectivity involved in the analysis. ORBA further submits that analysis of cultural and paleontological resource standards requires a high degree of site specific analysis, which has not been provided at this point. ORBA submits that many portions of DRECP management may look significantly different with the application of this site specific inventory and recreational access must be balanced with other uses after this site specific inventory has been provided. Application of overly restrictive standards for management of possible impacts in an attempt to avoid these inventories simply is unacceptable to ORBA as these are the types of impacts to activities that are completely unrelated to renewable energy development the DRECP process has always sought to avoid.

**3a. Changes to multiple use management was outside the intent of the DRECP process but many proposed standards directly address only multiple usage of DRECP areas.**

ORBA is very concerned that the intent of the DRECP was to streamline the permitting process for renewable energy development. ORBA remains committed to these goals of the DRECP process but is very concerned that the scope of many of the designations in the DRECP directly impact the multiple use standards and management of the DRECP planning area. This type of analysis simply was never undertaken in the DRECP process. It is ORBA's intent to highlight several management standards that clearly only impact multiple use recreational access and in

no way relate to renewable energy development. These examples are in no way intended to be an exhaustive list of multiple use management as ORBA is unable to determine specific management standards for areas as a result of the "more restrictive" management standards. Often this standard cannot be summarized or articulated and results in the public being unable to comment on management at all.

The management of multiple uses on federal lands has always been a complex process governed by a wide range of planning requirements and statutory mandates, such as NEPA, MUSYA, and FLPMA. In addition to these general planning requirements, the importance of multiple usage of much of the DRECP area is specifically addressed in FLPMA as follows: The Congress finds that–

- (1) "the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population; " <sup>1</sup>

Given the specific identification of these usages as priority management issues by Congress, ORBA asserts that the DRECP should provide at least comparable analysis of these usages as would normally be provided in NEPA associated with an RMP revision or other landscape level planning.

In light of this specificity of FLPMA on these usages for the California desert, the complete failure of the DRECP to provide specific analysis of these factors directly supports ORBA's desire for supplemental analysis. An example of the lack of analysis and failure to balance identified priority usages for the CDCA would be that ACEC standards in preferred alternative often speak of limiting motorized access to areas but failing to clarify that motorized usage remains a valid usage of the area. Restricting motorized access to any area impacts all types of recreational usage. ORBA is completely unable to understand how such a site specific management standard is related to Renewable Energy development and at no point is there any analysis of the impacts that these standards may have on multiple usage provided in the DRECP. ORBA submits that clarity in the continued motorized access to ACEC areas must be provided but this does not mitigate the need for supplemental analysis and public comment on the issue.

ORBA submits that proposed recreational access standards to Wilderness Characteristics areas in Alternative 3 is another example of the per se failure to balance multiple usage interests. Alternative 3 specifically provides as follows:

#### ***"II.6.2.3.4 Wilderness Characteristics***

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<sup>1</sup> See, 43 U.S.C. 1781 (a)

In addition to the CMAs listed in the Preferred Alternative, all lands identified for management to protect wilderness characteristics in Figure II.6-5 are closed to all mechanized and motorized transport. "<sup>2</sup>

ORBA is unsure how closing Wilderness Characteristics areas to all multiple use access relates to renewable energy development. ORBA submits that most visitation to any of these areas will have no relationship to renewable energy activity to begin with. While these standards are unrelated to renewable energy development, these types of standards would significantly impact multiple use recreation on these areas. Given that recreational usage is a priority usage of the CDCA, ORBA is vigorously opposed to the addition of any standards that are not directly related to renewable energy management if there is revision of the preferred alternative. These types of management changes must be specifically analyzed and simply have not been.

ORBA also submits that the implementation of disturbance caps in NLCS managed areas, more extensively discussed subsequent portions of these comments, is another example of management that is completely unrelated to renewable energy as the NCLS lands are already subject to a complete exclusion of renewable energy development projects. Clearly these site specific management standards will impact a wide range of activity and the surface disturbance standards allow for no local flexibility in management determinations. ORBA is simply unsure how such a standard would relate to any management issue that might exist in these areas as while a closure might benefit some activities or species, other activities and species will be directly degraded.

**3b. DRECP is a landscape level plan and must allow flexibility for site specific analysis of multiple usage interests.**

ORBA has been very involved with numerous landscape level plans regarding the management of several either Endangered species or candidate species throughout the western United States including the Lynx and Sage Grouse. ORBA is aware that the DRECP is the first attempt to manage a specific usage at the landscape level rather than a specific species or habitat, but ORBA sees a lot of similarity in the management of specific areas in these landscape level efforts.

Previous species specific plans have always only provided general guidance for the management of site specific areas that allowed for a high level of flexibility in local decision making. The DRECP is the first to attempt to identify site specific management at this high a landscape level planning effort. ORBA is concerned that implementation of these standards will result in numerous unintended consequences if local managers are unable to determine what is the best management for a particular area in order to comply with poorly analyzed landscape level standards. ORBA also notes that such a standard has no flexibility to address

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<sup>2</sup> See, DRECP at pg. II.6-53

management that might be based on best available science for a particular area or a particular issue.

**3c. The failure to identify current management of areas will directly impair the application of "most restrictive" management standards.**

ORBA is very concerned that throughout the preferred alternative the requirement that a "more restrictive" of competing standards is applied for the management of an area. Often there is no attempt to summarize conflicting management standards for an area and there is no analysis of the cumulative impacts of these types of standards will have on activities that are completely unrelated to renewable energy development.

ORBA has been an active participant in a wide range of localized planning efforts, and is aware that often highly restrictive planning standards are put in place to address localized issues such as topography, historical management concerns or other highly localized factors in that planning process. Often these standards impact renewable energy development but are addressing more generalized management issues or problems as well. While the DRECP identifies management for some of these areas, the list is far from complete. This failure to directly address existing management standards directly impairs any of the limited analysis that has been performed.

ORBA is further concerned that the failure to provide this type of site specific comparison of management standards in the DRECP could be predicated on an assumption that the DRECP standards will always be more restrictive for all uses than current management for many of the factors that are addressed. This type of assumption is deeply troubling and well outside the scope of intended impact of the DRECP process. This type of a standard would be a facial violation of multiple use mandates that are uniformly required for public lands.

ORBA is also concerned that the specificity of many other standards in the DRECP will force land managers to undertake further analysis of existing planning in order to justify why local management standards, that may conflict with the DRECP standard is necessary for usage that are totally unrelated to renewable energy. Again these are the issues that the DRECP process specifically sought to avoid while streamlining the renewable energy process.

**4a. NLCS areas impermissibly limit activities that are unrelated to energy development.**

As previously noted in these comments, the importance of multiple usage in a large portion of the DRECP area is specifically addressed in FLPMA as follows: The Congress finds that—

- (1) "the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population; "<sup>3</sup>

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<sup>3</sup> See, 43 U.S.C. 1781 (a)

While the legislative standards are explicitly clear on large scale usage of DRECP lands, the DRECP asserts that NLCS lands shall be managed for ecological, cultural and scientific values of the NCLS unit.<sup>4</sup> ORBA is simply unable to find any basis for the alteration of these site specific multiple use standards provided in FLPMA. ORBA asserts that some level of balancing of usages must be provided for in the DRECP for the management of these areas in order to avoid a per se violation of FLPMA requirements.

**4b. The Preferred Alternative prohibits renewable energy development in NLCS/CDCA lands and then applies disturbance caps on all other activities.**

ORBA believes the surface disturbance cap proposed to be applied to all NLCS lands provides for a concrete example of impacts that will result from the overly broad application of the "more restrictive than" standards for the management of areas in the DRECP. ORBA also submits that the arbitrary application of such a surface disturbance cap is a violation of multiple use planning requirements for federal public lands.

While existing legislation for the management of the CDCA clearly balances multiple usage and recreational interests, the preferred alternative of the DRECP precludes all energy development in NLCS areas as follows:

**"Conservation and Management Actions in National Conservation Lands  
Renewable energy projects and related ancillary facilities are not allowed"**<sup>5</sup>

The DRECP then applies a disturbance cap to all NLCS areas as follows:

**"Disturbance caps** - Development in National Conservation Lands would be limited to 1% of total authorized disturbance, or to the level allowed by collocated ACEC, whichever is more restrictive."<sup>6</sup>

This DRECP standard has a note as follows:

**"Wildlife habitat disturbance caps only apply to lands not already included under ACECs or Wildlife Allocation disturbance caps, as described in the Special Unit Management Plans in Appendix L."**<sup>7</sup>

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<sup>4</sup> See, DRECP at II.3-319

<sup>5</sup> See, DRECP at II.3-382

<sup>6</sup> See, DRECP at II.3-382

<sup>7</sup> See, DRECP at pg II.3-382.

ORBA is completely unable to identify any scientific basis for such a cap or relate the cap to a particular management issue. ORBA is unable to locate any ACEC disturbance cap that could be construed to require limitations to a 1% visitation cap. ORBA is vigorously opposed to this arbitrary standard, which can only be targeting activity that is outside the scope of analysis of the DRECP as energy development has already been specifically prohibited in the CDCA. ORBA is simply unable to envision any areas where SRMA or other management has a standard that is more restrictive than a 1% surface disturbance standard for motorized usage. ORBA respectfully asserts that any protections that are asserted to result from ERMA or SRMA designations will be immediately lost as a result of the "more restrictive than" management standard. Imposition of such a standard is a facial violation of NEPA requirements and planning based on best available science.<sup>8</sup>

While the DRECP asserts Appendix L of the Plan provides necessary information on the disturbance cap, ORBA is wholly unable to locate any guidance or methodology on implementation of this standard. This is completely unacceptable as the standard completely lacks the definite statement of management standards necessary for review or the management issues that are to be resolved with the implementation of the disturbance cap. This type of information is critical in any application of the Wildlife footnote provided. ORBA submits that while some wildlife may benefit from a surface disturbance cap others will be harmed by the implementation of such a standard. For most species, surface disturbance is not an issue as winter range and private lands development have a far more direct impact on population than poor quality general habitat. ORBA further submits that the quality of surface disturbance also highly impacts the quality of the area for wildlife. Any assertion that a high speed arterial road results in similar levels of degradation of habitat areas as a single track trail used once or twice a day simply lacks any factual or scientific basis for the standard.

Further the DRECP fails to make any attempt to inform the public regarding areas that might identify areas that are in compliance with such a disturbance cap, areas that are at risk and areas that are not at risk of violating such a cap. Clearly imposition of this type of restriction would have long term economic impacts to communities that benefit from activities that could be limited on lands subject to the disturbance cap. This analysis simply is never provided.

ORBA submits that a comparison of the DRECP disturbance cap to the disturbance cap that has been proposed in various Sage Grouse landscape planning efforts will directly evidence the arbitrary nature of the DRECP disturbance planning cap. In Sage Grouse planning efforts, there are no provisions for such restrictive disturbance cap as Sage Grouse efforts seek to apply a 3-5% surface disturbance to priority habitat areas only. Application of such a Sage Grouse

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<sup>8</sup> See, 36 CFR §219.11.

habitat management standard has been hugely problematic in terms of implementation of the standard and highly controversial in terms of possible effectiveness due to issues with addressing private lands in the habitat areas; accurate calculation of disturbance levels; annual variations of numerous naturally occurring disturbances such as fire or drought.

ORBA is also very concerned that the impact of any disturbance cap would be heavily impacted by local topography, adjacent lands development (both public and private) and the relevance of surface disturbance as a factor that might be impacting wildlife in the area. Surface disturbance is often wholly unrelated to wildlife populations in areas and in many areas wildlife populations are actually at or above target populations. ORBA asserts that a disturbance cap similar to that proposed would actually degrade the quality of the habitat as it would result in an over population of wildlife in the area.

ORBA vigorously asserts that the disturbance cap is completely unrelated to renewable energy development and is outside DRECP analysis. ORBA submits this standard will commonly be the most restrictive standard for the management of any area in the NLCS areas and the fails to provide even basic information on the standard. ORBA submits that the economic analysis of this standard is completely lacking and the implementation of this standard would result in significant negative impacts to a wide range of activities that are completely unrelated to renewable energy development.

#### **5. Recreational usage will be significantly impacted by the DRECP management standards.**

ORBA has provided several examples of management standards in the DRECP that are completely unrelated to renewable energy development that will impact multiple usage and recreational usage of the DRECP planning area. DRECP process was designed to streamline permitting process for energy development project and avoid impacts to other multiple uses.

ORBA submits that the impacts to multiple use recreational access are significant, as the mileage of multiple use routes in each management area is briefly outlined in the DRECP, which identifies:

"Impacts within the Plan Area would occur primarily where BLM conservation land designations intersect with BLM routes of travel, which would be 5,745 miles for National Landscape Conservation System (NLCS) lands, 2,984 miles for ACECs, 19 miles for wildlife allocations, 1,073 miles for SRMAs, 240 miles for lands with wilderness characteristics, and 1,420 miles for trail management corridors under the Preferred Alternative. The majority of these impacts would be within the CDCA."<sup>9</sup>

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<sup>9</sup> See, DRECP at IV.19-25

ORBA submits application of the 1% surface disturbance standard previously commented on to 5,745 miles of routes would have massive impacts to the recreational access and usage of these lands.

Imposition of the arbitrary closure of multiple use routes due to Wilderness Characteristics standards proposed in the DRECP without site specific analysis would close 240 miles of multiple use routes in the DRECP.

The failure to properly balance recreational usage of ACEC and SRMA areas with other factors would impact over 4,057 miles of routes and would weigh heavily in favor of closure of these routes.

ORBA submits that any impacts from closure of the routes identified above would be magnified by the lack of flexibility in standards to address local issues. Often routes on public lands provide access to large land areas that are used for recreation. Breaking a route will often close access to thousands of acres of public lands that might be outside of the particular area subject to the 1% disturbance standard or WSA designation. It is ORBA's position that the DRECP management standards could result in the loss of recreational activity on millions of acres of lands in the DRECP that in no way relate to energy development. These impacts must be addressed as such recreational access impacts are clearly outside any scope of analysis that results from a streamlined permit process for renewable energy.

While these impacts are massive in terms of recreational access the public is simply unable to meaningfully comment as the DRECP fails to explain the basis or need for many of these standards or how they will be implemented on the ground. ORBA submits that significantly more analysis must be provided on this issue as right now the public is unable to identify management issues in particular areas or routes that might be lost.

#### **6. Funding sources for subsequent planning efforts must be identified.**

The DRECP estimates that there will be between 125 and 175 site specific plans that would need to be developed as a result of implementation of the DRECP. Each of these plans would require additional public input and NEPA analysis to address current management. No funding for this planning has even been provided for in the DRECP is provided for. ORBA is intimately aware that existing budgets of land managers are already heavily taxed and additional planning will only increase funding burdens and limit on the ground management. This is entirely new planning on issues unrelated to renewable energy and these expenses should not be arbitrarily shifted to user groups that are in no way directly benefitting from the DRECP.

While Appendix I of the DRECP provides funding analysis for the future acquisition of property and mitigation that might be necessary, Appendix I fails to address funding necessary to develop management standards and analysis of management alternatives for property that is already currently owned by federal lands managers. It has been ORBA's experience that such

analysis is time consuming and expensive, and ORBA submits that it is exactly these types of impacts that the DRECP sought to mitigate for renewable energy development. ORBA is opposed to any assertion that further implementation of DRECP management changes will not result in additional burden to a wide range of users and managers that are entirely unrelated to renewable energy. ORBA submits that funding sources for this management must be identified prior to adoption of the DRECP in order to avoid these new financial burdens being shifted to activities or management completely un related to renewable energy.

### **7. ERMA standards must be carried through all Alternatives.**

ORBA notes that all ERMA standards are removed in all Alternatives other than the preferred alternative. Removal of these designations would result in far more impacts to multiple usage recreation than was ever anticipated by the committee. ORBA also submits that even inclusion of these ERMA standards in the alternatives may not be enough to provide the protection that is desired in these areas as ORBA believes that there will always be management standards for these areas than the multiple usage standards that are applied in the ERMA standards. As a result of the wide spread usage of "more restrictive" type management standards, ERMA protections for usage would often simply be lost. This is completely unacceptable to ORBA and is completely outside the scope and intent of the DRECP process.

### **8a. Economic analysis of impacts from the alternatives in the DRECP is legally insufficient.**

ORBA representatives were placed on the DRECP stakeholder committee to represent recreational business interests in the development of the plan. ORBA was shocked at the absolute lack of analysis of possible economic impacts to local businesses and communities as a whole from the implementation of the DREC even though the DRECP directly impacts the future of more than 14,000 miles of routes in the planning area. The DRECP economic analysis completely fails to identify visitation to areas in the DRECP that are proposed to have management changes, spending profiles of visitors that might be allowed in a particular area after management changes and spending profiles of recreational visitors that might be excluded. ORBA submits this basic user information is critical to the integration of economic impacts into the planning process. ORBA further submits that any assertion that renewable energy development will be sufficient to offset lost revenues from other activities throughout the DRECP analysis area facially lacks merit. These management changes will result in significant lost tax revenues that will have a wide range of impacts on local communities that must be balanced.

ORBA vigorously asserts that the exceptionally limited analysis of economic impacts from the DRECP fails to address the large scale management changes that are proposed to a wide range of activities unrelated to renewable energy development. ORBA submits that a cursory

comparison of the DRECP economic analysis to any other landscape planning efforts addressing specific species will immediately result in the insufficiency of the analysis of the DRECP to be shown. As previously shown, the DRECP is proposing significant management changes to a far wider range of activities than was ever envisioned in these species specific management plans.

The basic mandate to include documented economic analysis early in the interdisciplinary team process for public lands planning is provided by the Federal Lands Planning and Management Act ("FLPMA). FLPMA specifies the various criteria that must be incorporated at specific times in the development of a land use plan as follows:

**"(c) In the development and revision of land use plans, the Secretary shall—  
(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;..."**<sup>10</sup>

Again the specificity of FLPMA in addressing the California Desert Conservation District is highly relevant to this issue as FLPMA specifically provides as follows:

"The Congress finds that—the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population; "<sup>11</sup>

Given the specific identification of economics as a factor to be protected in the CDCA, ORBA vigorously asserts economic impacts must at least be analyzed in a manner similar to a traditional RMP or other landscape level planning effort. ORBA submits the DRECP has completely failed to satisfy this burden.

NEPA regulations provide for the analysis of economic impacts as follows:

"(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. ***The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.***"<sup>12</sup>

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<sup>10</sup> 43 U.S.C. §1712

<sup>11</sup> See, 43 U.S.C. 1781 (a)

<sup>12</sup> 43 CFR 1500.1(b)

The Organizations believe a brief summary of the standards that are applied by Courts reviewing agency NEPA analysis is relevant to this discussion as the Courts have consistently directly applied the NEPA regulations to EIS review. Relevant court rulings have concluded:

***"an EIS serves two functions. First, it ensures that agencies take a hard look at the environmental effects of proposed projects. Second, it ensures that relevant information regarding proposed projects is available to members of the public so that they may play a role in the decision making process. Robertson, 490 U.S. at 349, 109 S.Ct. at 1845. For an EIS to serve these functions, it is essential that the EIS not be based on misleading economic assumptions."***<sup>13</sup>

Again this is a general standard that does not address the heightened analysis requirements of the CDCA where economic activity is a management priority.

The basic mandate of FLPMA regarding the critical need for documented economic analysis is more specifically and extensively addressed in Appendix D of the BLM's Land Use Planning Handbook. Appendix D opens as follows:

**"A. The Planning Process**

**To be effective, social scientific data and methods should be integrated into the entire planning process, from preparing the pre-plan to implementation and monitoring.** The main social science activities for the various planning steps are outlined in Table D-1.

**Table D-1.—Social science activities in land use planning**

<b><u>Planning steps</u></b>	<b><u>Social science activities</u></b>
Steps 1 & 2—Identify Issues and Develop Planning Criteria	<ul style="list-style-type: none"> <li>▪ Identify publics and strategies to reach them</li> <li>▪ Identify social and economic issues</li> <li>▪ <b>Identify social and economic planning criteria</b></li> <li>▪ Identify inventory methods</li> <li>▪ <b>Collect necessary social and economic data</b></li> <li>▪ <b>Conduct social and economic assessment, including existing conditions and trends and the impacts of continuing current management</b></li> <li>▪ <b>Document assessment methods in an appendix or technical supplement</b></li> <li>▪ <b>Identify social and economic</b></li> </ul>
Step 3—Inventory Data	
Steps 4—Analyze Management Situation	
Step 5—Formulate Alternatives	

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<sup>13</sup> Hughes River Watershed Conservancy v. Glickman; (4th Circ 1996) 81 f3d 437 at pg 442; 42 ERC 1594, 26 Env'tl. L. Rep 21276

Step 6—Estimate Effects of Alternatives

**opportunities and constraints to help formulate alternatives**

- Identify analysis methods
- **Analyze the social and economic effects of the alternatives**
- **Document impact analysis methods in an appendix or technical supplement**

Steps 7 & 8—Identify Preferred Alternative and Finalize Plan

- Assess mitigation opportunities to enhance alternatives' positive effects and minimize their negative effects

▪ **Identify potential social and economic factors to help select the preferred alternative**

Step 9—Monitor and Evaluate

- **Track social and economic indicators**<sup>14</sup>

ORBA must note that economic concerns are the only factor that is addressed in every step of the planning process laid out in the BLM planning handbook. Documentation of economic forecasts and analysis methodology are required in two separate stages before release of draft alternatives. ORBA also submits that any economic analysis that is provided fails to analyze the impacts of the "more restrictive than" standards that are used throughout the DRECP.

Despite the clarity of BLM planning regulations regarding the need for specific economic analysis of management changes the DRECP and the identification of economic impacts as a management priority in the CDCA, the DRECP only provides the following analysis of possible economic impacts:

**"IV.23.3.3.2 Impacts of Changes to BLM Land Designations**

BLM LUPA land designations for conservation (NLCS lands, ACECs, and wildlife allocations) and as SRMAs for Alternative 1 would only be slightly reduced to 6,164,918 acres compared with 6,193,606 acres of these LUPA land designations associated with the Preferred Alternative. Similar to the Preferred Alternative, the primary potential socioeconomic impacts would be possible adverse impacts from limited or restricted access and use of BLM lands, which could both adversely and beneficially affect local economies and populations. Therefore, the types of potential socioeconomic and environmental justice analysis impacts associated with BLM LUPA land designations would be similar or identical to those discussed in Section IV.23.3.2.2 for the Preferred Alternative."<sup>15</sup>

ORBA submits that this analysis above represents the entirety of economic analysis in the DRECP, and that alternatives are compared on the basis of "slight" changes to economic

<sup>14</sup> See, BLM LUP Handbook H-1601-1 at Appendix D pg 2. Emphasis added.

<sup>15</sup> See, DRECP at pg IV23-55

contributions. ORBA submits that while the DRECP clearly will impact thousands of miles of routes in the planning area, there is simply no economic analysis of either the preferred alternative or any of the alternatives. ORBA must again note that just the imposition of the 1% surface disturbance standard would impact over 5,745 miles of routes. This level of closure or alteration in visitation patterns would have a significant impact on economic activity in the DRECP planning area and would directly create distinctive economic impacts between the alternatives that could not be accurately summarized as slight. This lack of analysis is a violation of numerous planning requirements for traditional planning and directly evidences a failure to meaningfully review economic impacts of the DRECP and the range of alternatives that are provided.

Analysis indicates that recreational activity is a major economic driver for the state of California and the DRECP analysis area. California state parks estimates that recreational activity contributes over \$40 billion and 313,000 jobs to the California economy.<sup>16</sup> California state parks estimates that 68,000 jobs result from recreational activity in the DRECP planning area alone. The significance of motorized recreation to California communities must not be overlooked as well. Estimates for the economic contribution of the Johnson Valley/King of the Hammers race on BLM land exceeds \$86 million dollars a year for that event alone.<sup>17</sup> ORBA submits these are highly relevant economic drivers to local economies in the DRECP planning area and must be addressed.

USFS National visitor monitoring usage research has concluded that the type of visitor to a planning area can also have significant impacts to the economic contributions from those public lands.<sup>18</sup> The USFS has specifically concluded that non-motorized recreation spends on average approximately 1/3 of the amount spent by multiple users. While the USFS has recognized these impacts and directed decades of research towards the accurate calculation of these types of impacts, the DRECP simply asserts that these impacts are similar across the Alternatives and fails to provide any analysis of benefits that flow at the landscape level. This complete failure of economic analysis is a facial violation of numerous federal planning requirements.

As more specifically addressed in Section 5 of these comments, DRECP management standards will significantly impact thousands of miles of multiple usage routes in the DRECP. ORBA simply has no ability to meaningfully comment on this facially insufficient analysis of economic impacts from loss of these routes. This failure of analysis must be remedied and the conclusions must be subjected to public review and scrutiny as currently there is simply no economic analysis of the management alternatives.

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<sup>16</sup> See, Economic Contribution of Outdoor Recreation in California in 2008 available at <http://www.parks.ca.gov/pages/795/files/econ%20study%20ca%20fact%20sheet%202-25-11.pdf>

<sup>17</sup> <http://www.slideshare.net/JeffKnoll/johnson-valley-economic-impact-report>

<sup>18</sup> See; White and Stynes; *Spending Profiles of National Forest Visitors, NVUM Round 2 Update* ; March 2010 at pg 6.

**8b. The statutorily required Wilderness inventory has not been provided and grandfathered usages and previous management of these areas cannot be addressed.**

ORBA submits that the statutorily required inventory of Wilderness study areas and general Wilderness suitability has not been performed. The DRECP seeks to make significant alterations to the management of these areas without addressing previous management standards and inventory of usages that have historically been in these areas.

ORBA is aware that WSA areas frequently have grandfathered usages of study areas that result from the application of non-impairment criteria of §603 of FLPMA. ORBA is also keenly aware that these grandfathered usages are often the only reason that Congressional designation of these areas has not occurred. ORBA is simply unable to address site specific impacts to recreational usage of these WSA areas without the inventory.

ORBA is further keenly aware that many WSA areas have been specifically found ineligible for possible designation as Wilderness as a result of the usage or development of the areas as part of previous WSA inventories. Many times these areas were inventoried, found unsuitable for inclusion as Congressionally designated Wilderness and then managed for multiple usage in Resource management plans. The DRECP provides no mechanism for management of these areas in a manner consistent with historical usage and previous inventories and management. ORBA submits that impacts such as this that are completely unrelated to renewable energy and previous NEPA analysis and are clearly outside the scope of analysis of the DRECP process.

**9. Conclusion.**

After a review of the DRECP, ORBA submits that none of the Alternatives that are currently provided have a reasonable expectation of achieving that goal and many of the proposed standards directly impact activities, such as recreational access to public lands, that is simply outside analysis and scope of the DRECP process. As a result, ORBA is not able to support any of the Alternatives.

ORBA submits that significantly more research must be undertaken on numerous foundational interests in the DRECP process, such as: economic analysis of impacts to activities unrelated to renewable energy development; providing clarity for the funding sources for subsequent site specific planning that must be undertaken; removal of standards directly targeting usages entirely unrelated to renewable energy development; and providing basic clarity in the management standards for areas where management plans are to be developed. ORBA submits that failing to provide this clarity in site specific analysis has directly impaired the public's ability to meaningfully comment and will result in significant financial burden to

agencies and those participating in activities that are entirely unrelated to renewable energy development.

If you have questions please feel free to contact either Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz. You may also contact Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott Jones".

Scott Jones, Esq.  
Authorized ORBA Representative