



February 22, 2015

Jay & Karen Moon  
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**Via E-mail [docket@energy.ca.gov](mailto:docket@energy.ca.gov) and First Class Mail**

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

RE: Draft DRECP document and related Environmental Impact Report/Statement

**Dear DRECP Commissioners,**

I am the Lessee of the Clark Mountain Grazing Allotment #9003 managed by the Bureau of Land Management's (BLM) Needles Field Office, with an adjacent and contiguous grazing lease on Mojave National Preserve Lands (OM Ranch).

This letter presents my and other BLM Grazing Lessees review and comments of the Draft Desert Renewable Energy Conservation Plan (DRECP or Plan) and related Environmental Impact Statement/Environmental Impact Report (EIS/EIR), California, 79 Fed. Reg. 57971 (September 26, 2014) The DRECP has failed to adequately comply with the Taylor Grazing Act (TGA), National Environmental Policy Act (NEPA), the Federal Lands Policy Management Act (FLPMA), and the Endangered Species Act (ESA).

The Draft EIS/EIR inadequately assesses environmental impacts as required by law including significant singular and cumulative impacts to endangered species, prime agricultural land, cultural and historical resources, water sources, plant communities, biotic crust, forage availability, economic impacts to my business and local economy, San Bernardino County, California's beef industry, Allotment Management Plans, added stress to livestock thereby decreasing productivity, increased Tortoise densities and competition with livestock and other wildlife. Alternatives to the Plan have not been adequately considered and without further consideration will eliminate all of the past progress that has been made in protecting prior preferential rights of land users and the wild environment.

we wish to make it clear that we generally support California's Renewable Energy goals as they pertain to clean energy requirements. We also support the view that clean renewable energy is a necessity for Californians. However, because of the

Project Impacts to our ranches, the livestock industry, and the environment, to maintain our way of life and preserve the viability of our ranches, we find ourselves in the position of opposing the proposed DRECP and alternatives as currently written.

NEPA and Bureau of Land Management regulations require Carefully Considered, Consultation, Coordination, and Cooperation in regards to plans that will effect our grazing operations. As Federal Grazing Lessees we have a vested and effected interest in what significant impacts will occur to our grazing operations and associated Allotment Management Plans and Grazing Leases due to the proposed Draft DRECP plan and need more time to completely consider all of the alternatives.

As stated above the Draft EIR/EIS as proposed has failed to adequately comply with the TGA, NEPA, FLPMA, and the ESA. Identification and analysis of the significant, direct, indirect, and cumulative environmental impacts of the proposed Plan, and in conjunction with Livestock Grazing, Mining and Recreational uses. The DRECP and these combined Prior Preferential uses result in cumulative effects that are inadequately addressed in the Draft EIR/EIS.

The Draft EIR/EIS is flawed in that it does not assess in any meaningful way the impacts to grazing operators on private and federal lands.

It inadequately addressed NEPA requirements to assess impacts and to provide proper mitigation. The Draft EIR/EIS conveniently ignores that the CDCA states, and NEMO recognizes that currently and historically, livestock grazing has been and continues to be a significant use of renewable resources on public land in the California Desert. The Federal Land Policy and Management Act of 1976 (FLPMA) and the Public Rangelands Improvement Act of 1978 recognize livestock grazing as a principal use for the production of food and fiber. Pursuant to the decision in *Natural Resources Defense Council, Inc., v. Morton* (388 F. Supp. 829, 1974; 527 F. 2d 1386, 1976) livestock grazing on public land has been judged to be a major Federal action requiring an Environmental Impact Statement (EIS) mandated by the National Environmental Policy Act (NEPA). As such, the DRECP should fully address the impacts to the livestock industry on federal and private lands.

This proposed Plan decimates the area within and surrounding the plan area as well as the Carefully Considered Consultation, Cooperation and Coordination between all parties concerned in the creation of the California Desert Conservation Area Plan (CDCA). It also negatively impacts the EIS associated with the Northern and Eastern Mojave Plan (NEMO), a viable working Plan Amendment to the California Desert Conservation Area Plan. The CDCA and NEMO plan were derived over 30 years of painstaking collaboration and this project is inconsistent, undermines, and is detrimental with and to the goals of the WEMO and NEMO plans. It tears away at the custom and culture of cattle ranching in the Mojave Desert and further destroys the ability of California's beef industry to provide food for California and our Nation

by taking forage production away from the public lands. cattle will significantly increase utilization levels on remaining grazing areas, impact and compete with the desert tortoise and other threatened and non-threatened species, and have a more detrimental effect to biotic crust and soil infiltration, thereby causing un-necessary runoff and soil erosion to occur. These are significant environmental affects to listed species which must be addressed in the Draft EIR/EIS.

The BLM manages Livestock Grazing on federal land per CFR-2010-title 43-vol2 part 4100, with these objectives stated in § 4100.0–2 and under the authority specified in § 4100.0–3 of these regulations.

**§ 4100.0–2 Objectives.**

(a)The objectives of these regulations are to promote healthy sustainable rangeland ecosystems; to accelerate restoration and improvement of public rangelands to properly functioning conditions; to promote the orderly use, improvement and development of the public lands; to establish efficient and affective administration of grazing of public rangelands; and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

(b) These objectives will be realized in a manner consistent with land use plans, multiple use, sustained yield, environmental values, economic and other objectives stated in the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315, 315a–315r); section 102 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901(b)(2)).

[60 FR 9960, Feb. 22, 1995, as amended at 71 FR 39503, July 12, 2006]

**§ 4100.0–3 Authority.**

(a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a through 315r);

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);

(c) Executive orders that transfer land acquired under the Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 U.S.C. 1012), to the Secretary and authorize administration under the Taylor Grazing Act.

(d) Section 4 of the Oregon and California Railroad Land Act of August 28, 1937 (43 U.S.C. 1181d);

(e) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*); and

(f) Public land orders, Executive orders, and agreements that authorize the Secretary to administer livestock grazing on specified lands under the Taylor Grazing Act or other authority as specified.

[43 FR 29067, July 5, 1978, as amended at 49 FR 6449, Feb. 21, 1984; 49 FR 12704, Mar. 30, 1984; 50 FR 45827, Nov. 4, 1985; 61 FR 4227, Feb. 5, 1996; 71 FR 39503, July 12, 2006]

This proposed Plan does not uphold the objectives of the BLM's Grazing Regulations, fails to comply with the Taylor Grazing Act and the approved plan amendments to the CDCA that were completed partially under the authority listed above.

### **Cultural History**

The EIR/EIS totally ignores the custom and culture of cattle ranching in this area, not only as a historical use but as a currently permitted and economically viable use that provides food for California and our Nation. The EIR/EIS must properly assess and mitigate these impacts and yet fails to do so.

### **Environmental Justice**

The EIR/EIS fails to address as required under Executive Order (EO) 12898 the disproportionately high and adverse effects of this and other federal projects on the health or environment relating to my business and income as it qualifies as low income.

### **Affected Environment**

EIR/EIS The Clark Mountain Grazing Allotment is the key component to my small family owned cattle ranching business, this Plan will have a high and disproportionate effect on my ability to provide for my family, as well as the other ranchers affected and limit our capacity to contribute to the local economy in that it will reduce the number of grazing land available thereby having a detrimental effect on the cohesiveness of the livestock industry. This is one more failure to comply with the NEPA process and requirements and must be remedied in preparation of this Draft EIR/EIS.

### **Environmental Consequences**

#### Surface Water

The EA inadequately addresses impacts to stock waters. I have eleven State appropriated water rights within the Clark Mountain Grazing Allotment, the other ranchers all have appropriated water rights as well. These waters are all perennial and have good flow and quality. The effects of these springs not producing their current production will be devastating not only to my our cow herds but to big horn sheep, mule deer, federally protected horses and burros, and a multitude of other

wildlife dependent on these springs for survival. This Plan, now coupled with the, ISEGS, and the proposed State Line Solar Farm could have a direct and cumulative detrimental effect on spring production and needs to be adequately addressed.

## **Vegetation and Wildlife**

### Vegetation

The EIR/EIS fails to address the effects of increased soil compaction and break down of biotic crust due to increased densities of cattle concentrated into a confined area produced by the exclusion of cattle from historic rangelands, these affects need full NEPA review.

The Plan and the cumulative impacts of renewable energy projects will exclude my ability and the requirement of the BLM to properly manage range conditions. The impacts of these projects will denigrate the established Regional Standards for Public Land Health as set forth in the guidelines for grazing management as provided in the WEMO and NEMO plans. It will absolutely destroy the economic viability of our ranching operations and the livestock industry within the plan area, a full range of thoughtful and meaningful alternatives need to be compiled and carefully considered that fully address and mitigate these significant impacts, the previously stated objectives, and the below stated concerns.

Per The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*);

The National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982); and the Endangered Species Act of 1973(16 U.S.C. 1531-1544, 87 Stat. 884), as amended—Public Law 93-205, approved December 28, 1973,

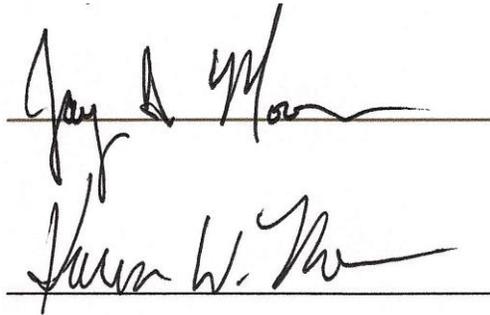
A full scope of studies and analysis need to, and must be, completed to address the many complex issues and considerations this Plan in conjunction with the many other factors will have on livestock grazing management; that include the potential alteration of cultural resources, grazing and ranching lifestyle as a cultural resource, natural vegetation communities, wildlife habitat, loss of prime agricultural land for grazing, loss or reduction in forage, endangered/threatened species, conflicts with recreation, commercial industries, riparian area management, range improvements/treatments/maintenance, water rights and associated use, the degradation of water resources for livestock, socio-economic impacts on current and future state and local grazing industries, grazing allotment permitted lessee's and sustainability of the western livestock industry and communities that are dependent

upon the rangelands impacted by this project. Also to study and analyze the effect on Mojave National Preserve lands and resulting impacts to lessees resulting from added grazing pressure on my permitted grazing lands within the Mojave National Preserve.

The Draft EIR/EIS is inadequate, It is the REAT's responsibility to correct this inadequacy and to re-notice this project and re-enlist the public comment period.

We would also ask for a 120 day extension to this comment period, so that others in the livestock and associated industries may have more time to thoughtfully consider and submit comments.

Sincerely,

The image shows two handwritten signatures in black ink, each written over a horizontal line. The first signature is 'Jay & Karen Moon' and the second is 'Karen W. Moon'.

Jay & Karen Moon  
Owner  
OM Ranch  
Vested, and Affected interest.

Cc:  
See Enclosure

Affected Interests:

Ron and Jonna Kemper  
Horse Thief Springs Allotment



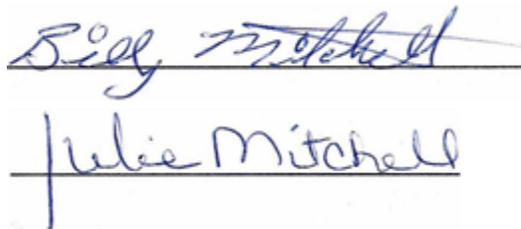
Two handwritten signatures in black ink. The top signature is 'Ron Kemper' and the bottom signature is 'Jonna Kemper'. Both are written over horizontal lines.

Jon Stone  
Round Mountain Allotment



A handwritten signature in blue ink, 'Jon Stone', written over a horizontal line.

Billy and Julie Mitchell  
Rattlesnake Canyon Allotment



Two handwritten signatures in blue ink. The top signature is 'Billy Mitchell' and the bottom signature is 'Julie Mitchell'. Both are written over horizontal lines.

Enclosure:

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