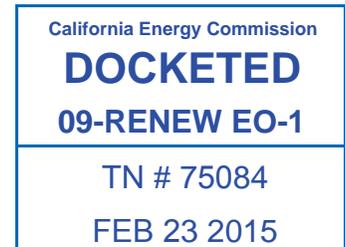


**Draft Desert Renewable Energy Conservation Plan (DRECP) and
Environmental Impact Report/Environmental Impact Statement (EIR/EIS)**

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

February 23, 2015

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This plan has the ability to change our desert like never before. It has many far reaching features and actions that will both affect and create effects that will last past many of our lifetimes. It has many very well thought out sections and scientific evidence that will manage many native species and help California develop a workable, comprehensive renewal energy plan. It is, however not without flaws. My comments follow, starting on the next page.

Thank You for your consideration.

James Kenney

Comment 1 Public Comment Period

The sheer size and complexity of this document is large and complicated. I was unable to fully comprehend all the nuisances and the depth of this document within the allotted public comment period. The DRAFT release within the holiday season made it hard to get started. Even now, as I read and reread sections of this plan; I'm uncovering new concerns, and failing to find answers to others. 150 days is not nearly enough time to analyze both the draft document and the potential affects, both good and bad on the desert and routes within the planning area. You state the plan won't affect route closures; it would be naive to believe that the addition of all the ACECs, ERMA's and SRMA's and NLCS designations won't have a direct affect on large areas and travel management routes.

This process will result in large number of new, or expanded defacto management plans for ACECs in the form of the BLM Worksheets in Appendix L. Under normal NEPA circumstances even one of these ACECs would usually see a minimum 30-day comment period for the public to evaluate and respond to the proposed conservation management actions (CMAs). Yet, the public is expected to review and comment on all 143 unit level management plans within the same 150-day comment period as the rest of the DRECP Draft EIR/EIS.

Consequently, in order for me to better analyze this Draft EIR/EIS, I request an additional 45-day extension to the public comment. Having talked to many others in public meetings, this is a theme I heard over and over. It would have been especially nice if the public could have seen the DRAFT WEMO EIR/EIS to get an idea of the proposed Travel Management Plan.

Comment 2 Public Meetings

The scoping hearings and public meetings for the DRECP Draft EIS/EIR were poorly promoted within the media outlets of the local communities in which the hearings were held. Stakeholder Committee meetings were also poorly noticed and were held well outside the DRECP planning area. This made it difficult or impossible for residents of affected communities to participate and comment early on in the process. A large portion of the general public still doesn't know or understand what the DRECP actually is!

I attended several public meeting on the Draft EIR/EIS. They were very informative initially, and helped us get a start. There were not enough follow-up meetings to help us as we gained more knowledge of the document. I honestly would like to have another comment period once all the present comments are analyzed and meetings scheduled to update us.

Comment 3 Notice of Availability

The DRECP's Notice of Availability is substantively defective in that it did not make it clear that it would be entirely replacing the Multiple Use Classifications that have been at the core of the California Desert Plan since 1980. This should be clarified and better defined so there is no mis-understanding the repercussions of this change.

Comment 4 Document issues:

General:

- a) The Conservation Management Actions (CMA's) for some BLM Worksheets (Appendix L) appear to exceed BLM's authority in regulating hunting.
- b) Extended Recreation Management Areas (ERMAs) appear only in the Preferred Alternative. ERMAs should have been included in more than one alternative in order to provide the public with a wide range of alternatives as required under NEPA.
- c) The DRECP Draft EIS/EIR document is simply too long and too complex for members of the public to fully understand the proposal. This is clearly evident by the disturbingly high degree of misperception exhibited by many stakeholders, local elected representatives, and members of the general public.

The length of the public comment period was too short meet the public need, and the document too limited in its distribution. We also received reports of faulty CD-R's, which thwarted some people's attempts to review the document.

- d) The Draft EIS/EIR should have analyzed and carried forward the Distributed Generation Alternative.
- e) The document maps included in the DRAFT are often unusable. In addition, the Data Basin DRECP Gateway maps do not properly designate certain areas, leading to mis-interpretation and conflicts in interpreting data. Maps should have discernible boundaries, indexed to roads and physical features recognizable to the end-user.

Comment 5 Conservation Planning Areas

Some recreation sites and their access roads may be located on private property within proposed Conservation Planning Areas (CPA's). If such lands are acquired for conservation using developer fees, these recreation sites and their access roads may be closed by state or federal wildlife management agencies that administer the CPA's. Therefore, when land is acquired in Conservation Planning and Priority Areas, existing OHV routes that tie into

adjacent designated routes on public lands should be automatically designated open until there occurs a public process to designate otherwise.

Comment 6 National Landscape Conservation System

a) The NLCS was established in Section 2002 of the Omnibus Public Lands Management Act of 2009. Subsection (c)(2) directs the Secretary to manage the system "in a manner that protects the values for which the components of the system were designated." The CDCA was designated by Congress in the Federal Land Policy and Management Act of 1976. In Section 601 [43 U.S.C. 1781] subsection (a)(1), Congress found that "the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources." Section II.3.2.2.1.1, paragraph 1, of the DRECP Draft EIS/EIR states that "future travel management planning will emphasize travel on routes that provide for the enjoyment and enhancement of the ecological, cultural, and scientific values for which individual units are designated." Unfortunately, the CDCA's Congressionally recognized value of recreation is omitted from this key NLCS description. This paragraph must be changed to include recreation so that it reads: "Future travel management planning will emphasize travel on routes that provide for the enjoyment and enhancement of the ecological, cultural, scientific, recreational and economic values for which individual units are designated." During the Stakeholder process assurances were sought by recreation representatives that would prevent the DRECP from leading to the closure of designated routes on conservation lands. As proposed, the NLCS CMA's would do just that.

Comment 7 Special Recreation Management Areas

Visitor access to some OHV Open Areas, such as Rasor and Dumont Dunes, require the use of BLM designated routes. Although SRMAs are proposed to overlap OHV Open Areas in order to exclude them from renewable energy development, the access roads to these areas are not included. It is possible the access roads could be impacted and even rerouted, causing access to be compromised. SRMAs for OHV Open Areas must be expanded as necessary to insure unimpeded access to visitor access roads.

Comment 8 Mining

1) The DRECP does not have the authority to repeal the National Mineral and Mining Policy Act of 1872. However, CMA's for the proposed NLCS and ACECs appear to contain restrictions on mining beyond the DRECP's scope of authority.

b) FLPMA did not repeal the Mining Act (30 USC 22-54). The Minerals and Mining community must be part of the decision making process. They appear to have been left out, not consulted out and ignored as Federal Stakeholders in this process. I recommend the participation of the CDDMC in the land use planning processes would bring an important voice for resource development to the DRECP. In these times of recession and anemic recoveries, job creation has been cited as a priority by the government. Comprehensive resource management and development can create jobs and add to the tax base.

Comment 9 ACECs, SRMAs and ERMAs

a) Adding and/or enlarging so many ACECs at one time is overly ambitious. The net result is a massive power grab on behalf of the BLM, in some areas that don't really merit such designation. The Panamint Valley, North Searles, and El Paso areas come to mind. The justification; these areas needed to be protected from becoming DFAs. Much of these areas are also going to be NLCS areas also so they will be already protected.

b) The BLM Worksheets for the Cerro Gordo, Panamint Valley, North Searles, and Tecopa ACECs, SRMAs, and ERMAs are vague, repetitive, historically misleading, and confusing. Most of these areas are also designated NLCS, which can be restrictive to other uses. The casual user, especially, will not understand what they mean, and the BLM will not be able to properly address the difference in interpretations. I recommend the BLM Worksheets be rewritten and simplified to better explain allowable and prohibited uses.

c) The multiple designations (above) might result in a CMA written so strictly as to preclude long established motorized recreation events. Panamint Valley has long been the home of Panamint Valley Days (2015 will be the 30th Annual event). It would be a shame to lose this event. The CMA could also result in the loss of recognized motorized recreation such as the Nadeau Historic Recreation Trail, another favorite trail for local access. This all because recreation has been left out of the NLCS designation.

d) Panamint Valley/Lake areas suggest removing routes in some riparian areas, including Pleasant Canyon. This is one of my favorite routes, because of its lush vegetation and primitive trail. The alternate is a dozer bladed road on top of a ridge that will be impassable when wet, with little scenic value. We must not lose these wonderful landscapes. This also flies in the face of the "this is not a route closure plan"!

Comment 10 Water Basins

Nowhere in this document do I see a comprehensive evaluation of the many water basins that will be affected by the DFAs. This is a desert and water has proven to be a commodity more

valuable than almost any other resource, especially to the wildlife and the many small communities within this plan. We must develop a coordinated plan for effective and conservative use of water with the size and footprint of large scale renewable energy projects. Once the water is overused or gone, it will be too late to put an alternate plan in action.

Comment 11 Economic Concerns for the Counties

This plan has the ability to affect numerous small and large diverse groups that now use the desert and associated county lands for economic sustenance. The counties themselves will be subject to the economics of land withdrawal, movement on the tax base, increased and varied demands on county services. Recreation areas, grazing, farming, tourism, expansion of urban areas, will all impact the counties and their subsequent budgets. This impact of the DRECP is under documented and under analyzed, and must be taken into account.

Respectfully submitted by

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