

NATIONAL PUBLIC LANDS NEWS.com

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Supervisor Robert Lovingood
Supervisor James Ramos
San Bernardino County, California

Dear Supervisors,

Since 1999 National Public Lands News, a non-profit organization dedicated to informing citizens about their public lands, has provided comments to BLM, NPS, US Forest Services and Kern, Inyo, Riverside and San Bernardino Counties regarding NEPA and CEQA documents.

The DRECP and other planning efforts are nothing but mini Resource Management Plans (RMP's) that BLM is supposed to complete every 15 years to allocate, administer and manage the resource within an area under their jurisdiction.

The difference is that the DRECP is a single issue-driven planning effort - not like RMPs, which address the entire resources in the subject area and are part of multi-use agency.

Planning only for desert tortoise (WEMO) or renewable energy (wind and solar) does not work because it does not take into account allocations and decisions made in the past RMP process regarding recreation, mineral, cultural and other resources in the area; in this case, the CDCA plan of 1980 and amendments.

Federal Land Policy Management Act (FLPMA) 94-579, Sec. 202. [43 U.S.C. 1712]

The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(c) Criteria for development and revision In the development and revision of land use plans, the Secretary shall -

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

- (3) give priority to the designation and protection of areas of critical environmental concern;*
- (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;*
- (5) consider present and potential uses of the public lands;*
- (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;*
- (7) weigh long-term benefits to the public against short-term benefits;*
- (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans*

The California Desert Conservation Plan is considered a RMP along with all of its amendments. Chapter seven of this document clearly states the amendment process and notification of the public.

The 1980 California Desert Conservation Area Plan Amendment Process

FACTS

1. The CDCA Plan established a process for amending the 1980 Plan to assure consistency and evenhandedness in future management of the California Desert.
2. The CDCA Plan established criteria for how BLM will review and process Plan amendments

Plan Amendment may be initiated at any time by the BLM California District Manager, in response to new findings under the continuing monitoring, and revision procedures.

Individuals and public or private organizations desiring to have the Plan or any of its elements amended may submit requests for amendment to the District Manager of the BLM, California Desert District. The District Manager will respond in writing within 30 days, acknowledging receipt of the request and informing the applicant of the process to be followed in studying and deciding upon the amendment. Processes will be consistent with Bureau procedures.

The general categories of Plan amendments anticipated are described below:

Category 1- *The proposed changes are less than significant EA -Level NEPA analysis (no EIS is required).*

i.e. NO significant changes to the goals and policies expressed in the Plan elements or in ACEC's or Special Areas.

Category 2- *The proposed change, based on preliminary analysis, will require a significant change to a Plan element, goals, policies, or the process in that element.*

Will require an EIS.

Category 3- *The proposed change is beyond BLM jurisdiction and requires legislation.*

Upon receipt of a request to consider a Plan amendment, the Desert District Manager shall decide:

(1) To consider the Plan amendment, in which case he shall determine the category of amendment to be assigned:

(2) Not to consider the Plan amendment, in which case shall notify the requestor stating the reasons for his decision.

Any decision to consider or not to consider a Plan amendment is subject to protest to the State Director.

ANALYSIS OF PROPOSED AMENDMENTS

In analyzing any applicant's request for amending or changing the Plan, the BLM District Manager, Desert District, will:

(1) Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

(2) Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

(3) Determine the environmental effects of granting and/or implementing the applicant's request.

(4) Consider the economic and social impacts of granting and/or implementing the applicant's request.

(5) Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies.

(6) Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

DECISION CRITERIA FOR APPROVAL OR DISAPPROVAL

Before submitting a recommendation for a Plan amendment, the BLM Desert District Manager must determine that the proposed amendment is in accordance with applicable laws and regulations and will provide for the immediate and future management, use, development, and protection of the public lands with the CDCA. The BLM Desert District Manager will base his rationale for such determination on the principles of multiple use, sustained yield, and maintenance of environmental quality, as required in the Federal Land Policy and Management Act of 1976.

PUBLIC NOTIFICATION

Notification of proposed amendments to or changes in the California Desert Plan will be published in the Federal Register. In addition, notices will also be published in a newspaper, or newspapers, of general circulation in the area which would be affected by the proposed amendment(s).

Further, a Plan amendment mailing list will be developed by the BLM and will include appropriate publications which publish material of interest to people concerned about public lands of the California Desert. All individuals, organizations, and other public agencies requesting notices of Plan amendment proposals or decisions will receive such notices. All notices and information will be published in this manner no later than 30 days prior to the first or subsequent public hearing, if one is to be held.

All county boards of supervisors and all city councils located where incorporated limits and spheres of influence encompass the land area which might be affected by a proposed amendment to the Plan will be notified of such application to amend no later than 30 days prior to any scheduled public hearings.

PUBLIC HEARINGS

Before the BLM Desert District Manager makes final decision(s) on proposed amendment(s), he may hold one or more public hearings to consider these proposals.

Source: 1980 CDCA Plan Ch 7

The BLM to this date has not held any Public Meetings, and in fact, you two Supervisors from San Bernardino County, are the only Public Officials that have held public meetings. I would like to congratulate you on taking this initial step and ensuring that the public is listened to. At the 'Public Meetings' the DRECP held, they were not held in the CDCA and there was no notification unless you were on their list. In going to those meetings, the public had very little chance to speak, only the designated stakeholders that were being paid to be there. At one meeting there was a show of hands of the actual public and who was being paid to participate. It was sad to see that the public that had traveled in some instances, four hours at their own expense, had to watch the paid lobbyists.

Thank you for the opportunity to share our information with you,

Sophia Anne Merk (Sam)
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cc: Governor Brown
Rep Cook, McCarthy, Raiz, Vargas
Senators Boxer and Feinstein
DRECP Karen Douglas
Kern and County San Bernardino Planning Department (Terri Rahhal)
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BLM – Sally Jewel, Director
BLM – Jim Kenna, State Director
BLM – Terri Raml, CDCA and Carl Symons BLM Ridgecrest
BLM – Area Managers, Bakersfield, Barstow, Bishop, El Centro, Needles, Palm Springs, Ridgecrest, Palm Springs
BLM – DAC
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