18 February 2015

RE: Comments on Draft EIR/EIS for DRECP

Dear Mr. Beal,

My comments are as follows:

- Given that only 24,593 acres of renewable energy have been developed on five BLM parcels to date, I believe the No Action Alternative is working fine, compared to developing 177,000 acres under the DRECP.

- Why does the DRECP need to dispose of public lands managed by the BLM in the DFAs and non-designated areas? If only 177,000 acres are to be developed, why dispose of hundreds of thousands of acres of public lands in DFAs?

- If you call something an ERMA, how can you not expect it to attract extensive OHV recreation? Where is the analysis in the Draft EIR/EIS on the effects of this and SRMA designations?

- The GCP and NCCP are relying on compromised lands south of Edwards and east of California City. How is conservation in these areas able to offset the impacts of developing tortoise critical habitat?

- What is the conservation value in allowing development in the DTRNA, with even the preferred alternative calling for a 250-acre reduction?

- Since mitigation is currently 5:1 in DWMAs, why would 5:1 be restricted to only critical habitat in the DRECP?

- How can USFWS both write the plan and independently issue a biological opinion on it?

- It is disingenuous to report that declines of tortoise and Mohave ground squirrel are foreseeable events and therefore will not affect the function of the plan.

LaRue comments on DRECP
• If critical habitat is the basis for NCL designation, why is the Ord-Rodman Critical Habitat Unit the only one so designated?

• How can competitive OHV events be allowed in critical habitats when they are not allowed under current management?

• USFWS has a 254-page GCP and CDFW has only three pages in the NCCP; in effect, there is no NCCP, which could not be funded. Where is the NCCP document?

• Every alternative opens up critical habitat to development, which is not allowed under current management. Why is this construed as conservation?

• Finally, you are opening the entire desert and changing the face of the CDCA to accommodate a single use. These changes will open the door to new impacts that would not exist but for the DRECP. The Draft EIR/EIS fails to indicate how many tortoises will be lost to disposal of public lands, elimination of Multiple-Use Classes, introducing competitive vehicle events into tortoise critical habitats, re-designating areas as SRMAs and ERMAs, and identifying DFAs in critical habitat.

Thanks for your time,

Sincerely,

Circle Mountain Biological Consultants, Inc.
Edward L. LaRue, Jr., M.S.
Response to Comment Letter E25

Circle Mountain Biological Consultants, Inc.
Edward L. LaRue, Jr., M.S.
February 18, 2015

E25-1 Thank you for your comment. While it has not resulted in a change in the document, the BLM has taken it into consideration. Please note that the No Action Alternative is addressed in Volume II, Chapter II.2 and a Comparison of Alternatives is provided in Chapter IV.27. The amount of land developed for renewable energy is not necessarily expected to increase due to the DRECP. The DRECP identifies the areas most suitable for such development.

E25-2 While this comment has not resulted in a change in the document, the BLM has taken it into consideration. Identifying land for possible disposal in a land use plan does not implement a disposal action. Subsequent approval for disposal actions would require implementation-level decisions (rather than land use plan amendment-level decisions) and a site-specific NEPA process that identifies the impacts of such a disposal and would be required before a particular disposal action may be approved.

E25-3 Designation of an area as an ERMA or SRMA is a recognition of existing recreational values. The designation does not change existing authorize OHV use. OHV use is authorized by route designations, which are not considered (remain unchanged) in the DRECP. The impacts of Ecological and Cultural Conservation and Recreation Designations are included in each chapter of Volume IV.

E25-4 Following release of the Draft DRECP and in response to public comments received from a diverse group of stakeholders, the REAT Agencies (i.e., Bureau of Land Management [BLM], U.S. Fish and Wildlife Service [USFWS], California Energy Commission, and California Department of Fish and Wildlife [CDFW]) have adjusted the planning process and are employing a phased approach for the DRECP: one phase addressing BLM lands and another phase addressing non-federal lands. Under Phase I of the DRECP, the DRECP BLM LUPA and Final EIS addresses land uses, including renewable energy and transmission development, on BLM-administered lands only. See also Volume II which includes revised descriptions and mapping for the range of alternatives considered for the BLM LUPA. There are no HCP (GCP) or NCCP components of the BLM LUPA and Final EIS.

E25-5 See Response E25-4; the BLM LUPA and Final EIS addresses activities on BLM-administered lands only. See also Volume II which includes revised descriptions and mapping for the range of alternatives considered for the BLM LUPA; DFAs have been removed entirely from the DTNA in the Preferred Alternative of the BLM LUPA and Final EIS.
E25-6 While this comment has not resulted in a change in the document, the BLM has taken it into consideration. See Volume II, Section II.3.4.2 for the revised CMAs that apply to activities on BLM-administered lands, including a description of compensation CMAs. The compensation approach recognizes the restrictions placed on activities within BLM LUPA conservation designations (e.g., renewable energy development would be prohibited) and likewise considers the landscape-scale conservation value provided by the LUPA conservation designations for desert tortoise. By developing and implementing the BLM LUPA and its conservation designations, the BLM LUPA improves the protection and management of desert tortoise and its habitat on a landscape scale; thereby, reducing the mitigation obligation of allowable activities on BLM-administered lands.

E25-7 While this comment has not resulted in a change in the document, the BLM has taken it into consideration. See Response E25-4; the BLM LUPA and Final EIS addresses activities on BLM-administered lands only. The BLM LUPA and Final EIS is a BLM document; the biological opinion developed for the BLM LUPA and Final EIS will be an independent document developed by the USFWS.

E25-8 This comment appears to address the discussion of “changed circumstances” in the General Conservation Plan (GCP) component of the Draft DRECP and Draft EIR/EIS. A plan for responding to identified changed circumstances is required for Habitat Conservation Plans (HCPs, including GCPs) under Section 10 of the Endangered Species Act, which applies only to nonfederal lands. Under Phase I of the DRECP, the DRECP BLM LUPA and Final EIS considers renewable energy development only on BLM-administered lands, where a GCP or HCP would not apply. For renewable energy projects on nonfederal lands, the Draft DRECP and EIR/EIS proposed a programmatic GCP process for permitting incidental take of species listed under the Endangered Species Act. Incidental take permitting options for nonfederal lands will now be considered in Phase II of the DRECP. Therefore, the DRECP BLM LUPA and Final EIS does not cover nonfederal lands and does not include a GCP component, and does not include a discussion of “changed circumstances.”

E25-9 The BLM has identified those areas that best meet the criteria for conservation and inclusion as National Conservation Lands, which includes, but is not limited to lands with critical habitat. In general, National Conservation Lands are intended to preserve large landscapes with multiple resource values. Protection of critical habitat can also be accomplished by designations such as an Area of Critical Environmental Concern (ACEC) or Wildlife Habitat Management Areas (WHMA). The criteria for National Conservation Lands are found in the BLM National Landscape Conservation System Manual, MS-6100.

Several NCL areas have been modified or expanded since the Draft DRECP and these will be reflected in the Proposed LUPA and Final EIS.
Critical habitat areas are currently categorized as Multiple Use Class - Limited. This restricts vehicle use to existing roads. While the Desert Tortoise Recovery Plan does recommend eliminating competitive races in critical habitat, it is not required. BLM has denied or reduce competitive events in the past, but these decisions are done on a case by case basis.

Please refer to response C6-2.

While this comment has not resulted in a change in the document, the BLM has taken it into consideration. See Volume II which includes revised descriptions and mapping for the range of alternatives considered for the BLM LUPA, which include substantial areas of conservation designations. Also, under the No Action Alternative, all activities are not prohibited within critical habitat for desert tortoise; therefore, the alternatives of the BLM LUPA and Final EIS do not "open up critical habitat to development."

Please see response E25-2, E25-10, and E25-3. With regard to your concern that loss of the MUCs will cause adverse impacts, the BLM disagrees; the MUCs are not necessarily more restrictive to human uses than the new designations considered in the DRECP such as DFAs and NLCS. Please review Volume II, Section II.3.5.1 and Table II.3-29 for a summary of how the DRECP would modify the MUCs.
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