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March 22, 2018

Jerome Perez
BLM-California State Director
2800 Cottage Way, Rm W-1623
Sacramento, CA 95825

Sent via email to: BLM_CA_DRECP@blm.gov

Re: Notice of Intent to amend the California Desert Conservation Area Plan and the Bishop and Bakersfield Resource Management Plans

Dear Mr. Perez:

We appreciate this opportunity to provide comments on BLM's Notice of Intent to amend the California Desert Conservation Area (CDCA) Plan and the Bishop and Bakersfield Resource Management Plans. The Pew Charitable Trusts was engaged with local partners as well as directly with BLM during the Desert Renewable Energy Conservation Plan (DRECP) process to amend the CDCA Plan and Bishop and Bakersfield plans. We have a keen interest in BLM's land management planning activities in the California Desert and across the West, where we participate with our partners in the public process of developing a balanced set of management prescriptions for our nation's public lands.

We view the 2016 Record of Decision and Final Desert Renewable Energy Conservation Plan as a strong, well-balanced approach to public lands management that provides sufficient area for the potential development of renewable energy while conserving the many outstanding ecological, cultural, and geological features of the California Desert Conservation Area. We understand the careful and deliberate process that was undertaken by your agency to select lands either for potential development or for designation as California Desert National Conservation Lands. Furthermore, we appreciate the transparency and collaboration that was part of the initial DRECP process, including the many public meetings that culminated in more than 16,000 public comments and involvement by myriad stakeholders.

Our recommendation is that the DRECP should be implemented as is, and that no amendments be made at this time. Part of the careful balance that was achieved in the plan includes the designation of 388,000 acres of Development Focus Areas, along with an additional 40,000 acres potentially available for renewable energy development. According to the state of California

Energy Commission and the California Secretary of Natural Resources, the plan includes ample provisions to enable the state to meet its ambitious renewable energy goals of 50% of its electricity from renewable sources by 2026. Thus, there are sufficient provisions to meet the directive of the President's Executive Order 13783, "Promoting Energy Independence and Economic Growth," while simultaneously allowing BLM to fulfill its multiple use mandate. Amending the plan could create uncertainty that would slow the process of renewable energy development in the California desert, and thereby stall the objectives that EO 13783 is aiming to achieve.

Another important component of the balanced plan is the inclusion of Areas of Critical Environmental Concern (ACECs). In designating 134 ACECs, the agency followed its statutory obligations under the Federal Lands Policy and Management Act of 1976 (FLPMA), which mandates that BLM "give priority to the designation and protection of areas of critical environmental concern (ACEC)." 43 U.S.C. § 1712(c)(3). ACECs are areas "where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes." Id. § 1702(a). With the passage of FLPMA, Congress gave clear intent to prioritizing, designating and protecting ACECs in BLM's land planning and management processes. The current DRECP contains 1.4 million acres as ACECs, and these designations should be maintained.

The California Desert National Conservation Lands designated by the DRECP Record of Decision also make up a significant part of the important balance in the final plan. Congressional intent regarding defining and managing National Conservation Lands both nationally and within the special circumstance of the California Desert Conservation Area is clearly defined. The Omnibus Public Land Management Act of 2009 provides clear direction to the agency for defining and managing National Conservation Lands. BLM's thorough documentation of the nationally significant ecologic, cultural, and scientific values of these special areas provides a strong foundation that supports their inclusion as National Conservation Lands and their conservation-based management. The 2.8 million acres of California Desert National Conservation Lands that are designated in the DRECP fulfill the direction given to the agency by Congress, while latitude to remove those protections, once in place, was not provided for in statute.

Finally, lands with wilderness characteristics are also a key part of the balanced plan. BLM is required to maintain a current inventory of its resources, including lands with wilderness characteristics. BLM has a legal obligation keep this inventory updated as well as incorporate this information into the development, maintenance, and updates to land use plans under sections 201 and 202 of the Federal Lands Policy and Management Act (FLPMA), 43 U.S.C. § 1711 (a).

As the U.S. Court of Appeals for the Ninth Circuit recently held (Case No. 05-35931, Oregon Natural Desert Association v, Bureau of Land Management), “wilderness characteristics are among the ‘resource and other values’ of the public lands to be inventoried under § 1711. BLM’s land use plans, which provide for the management of these resources and values are to ‘rely to the extent it is available, on the inventory of the public lands, their resources, and other values.’” 43 U.S.C. § 1711 (c) (4).

While BLM has not yet completed their LWC surveys for the plan area, thus far the agency has recognized over 540,000 acres to be managed for wilderness characteristics, ensuring that these lands will not be further degraded. Managing lands for their wilderness character is an important conservation component of the DRECP and is congruent with California Desert National Conservation Lands.

In closing, we value the time and input from the many stakeholders, including the 16,000 commenters, and the hard work that BLM invested over the eight-year DRECP process that led to such a well-crafted outcome. The final plan is well-balanced and provides sufficient area for the potential development of renewable energy while conserving the many outstanding ecological, cultural, and geological features of the California Desert Conservation Area. We strongly encourage the BLM to implement the 2016 Record of Decision and Final Desert Renewable Energy Conservation Plan as is, without pursuing any amendments at this time.

We appreciate the opportunity to provide comment on this important matter.

Sincerely,



Ken Rait, Project Director
U.S. Public Lands