



Inyo County Board of Supervisors
Po Box N
Independence, California

February 26, 2018

RE: Agenda item # 10 Desert Renewable Energy Conservation Plan (DRECP) and the BLM's Notice of Intent to amend associated Land Use Plans.

Dear Honorable Members of the Board,

Thank you for the opportunity to provide comments on Agenda Item #10, February 27, 2018.

Commendation of Inyo County's Past and Continued Commitment to DRECP

First, we would like to thank each of you for your past commitment and engagement on the DRECP. The DRECP was eight years in the making and, as the staff report notes, Inyo County has been engaged in the DRECP since 2010. The Plan was developed with significant involvement from every level of government and by all stakeholders in the public lands of the California desert. The DRECP that resulted, after eight years of hard work, represents a compromise among many interests. Indeed we would also like to thank you again, now, for your continued involvement and commitment as the Department of Interior (DOI) seeks to revisit the Plan. We are saddened by this unwelcome development. As you are aware, Friends of the Inyo has been engaged in DRECP since 2014 and was a stakeholder with the County on aligning the DRECP and the Renewable Energy General Plan Amendment (REGPA) to appropriately site and limit industrial scale renewable energy development in the County.

Re-Opening Will Undermine Confidence in Public Process, Create Uncertainty, and Constitute a Waste of Taxpayer Dollars

Re-opening the DRECP now would undermine this years' long effort that incorporated the most current science, data, plans and extensive input from desert counties, and many years of blood, sweat and tears on the part of desert residents and stakeholders. Such an action will certainly undermine Inyo County constituent confidence in effective public process. Further, it would create an extremely high level of uncertainty for the future of the California desert's public lands and its communities, for residents, visitors and developers alike. It also would constitute a step backward in land use planning, including in Inyo County, and be needlessly costly to the County and taxpayers.

Inyo County Participated Extensively in the Development of the Plan's Land Use Designations

Between the draft and final versions of the DRECP, the BLM, with input from Inyo County and local stakeholders, eliminated the Charleston View and Lone Pine Development Focus Areas (DFAs), removed the "variance" lands north of Owens Lake that would've allowed renewable energy development in the Owens Valley, aligned the Rose Valley and Trona DFAs with the REGPA's SEDAs, prohibited wind development in the Rose Valley SEDA, modified maps to remove existing gravel operations and known deposits from DFAs as well as lands designated for recreation and conservation, and modified the boundaries of the Alabama Hills Special Recreation Management Area to be consistent with the recommendations of the Alabama Hills Stewardship Group. Other additions to the National Conservation Lands between the draft and final DRECP were minimal and within the reasonable range of alternatives of the Draft DRECP (BLM LUPA/ROD, p. 65-66). With this in mind, Friends of the Inyo asks the board today to support the DRECP in its current form, and oppose the reopening and possible amending of the Plan.

The Plan Allows for Development and Supports the Outdoor Tourism Industry

We understand the County still has concerns about the scale of land designated for conservation that would, subject to valid existing rights (including mineral rights and rights-of-way), effectively exclude large portions of BLM lands in the County from potential development. We would like to remind the County that these lands have long been used for recreation and offer extensive and varied outdoor tourism opportunities that support the County's rural economy. The County previously supported the NLCS designations, "if they are crafted in a manner that ensures the ability to continue to accommodate multiple uses, including mining" (Inyo DRECP DEIS comment letter, 2/17/2015). Because the mineral segregation that was put in place with the DRECP Record of Decision was lifted on 2/6/2018, these lands are open to the filing and working of mineral claims, exploration, and the development of mining under the Mining Law of 1872. These lands also align with the County's tourism message of wide open spaces and undeveloped vistas. With the DOIs review, there is a substantial risk of development on these lands. The public lands encompassed by the conservation designations serve the dual purpose of helping to remove pressure, particularly on private lands, to accommodate mitigation for development projects on public and private lands including renewable energy and related infrastructure projects (substations, transmission, etc.). Renewable energy companies and counties themselves requested that the BLM use the extensive public lands in the desert to help accommodate needed mitigation for disturbance activities on private lands.

Further Studies Are Unlikely to Provide Additional Useful Information

Regarding the County's desire to see a local Socio-Economic and Environmental Justice Analysis provided in the FEIS, this would be extremely cost prohibitive for

BLM to do at the scale of the DRECP (22 million acres, of which 2.9 million acres are in Inyo County). Furthermore, such an analysis is very unlikely to change land allocations on the ground. Friends of the Inyo agrees an Inyo County-specific economic analysis could help to inform planning decisions, but the DRECP is not a feasible venue for it. To re-open the DRECP to another round of planning and public comment will be costly to Inyo County and taxpayers. Planning staff's time will be directed to the DRECP and away from other critical planning efforts of the County. This is also true of the mapping errors and unclear areas of designation within the final Plan. It is impossible for a plan the scale of DRECP, which covers seven counties, to incorporate small-scale, parcel level changes. Such an undertaking by BLM, given its limited budget and capacity, would not be feasible. Changes to maps could be remedied in the future through work with the local field offices.

Disturbance Caps Provide for Flexibility

The issue of disturbance caps (DCs) were described within the DRECP Draft DEIS (DRECP Appendix L: see http://www.drecp.org/draftdrecp/files/Appendix_L_Bureau_of_Land_Management_Worksheets/Appendix_L_BLM_Worksheets-ACEC_Part1.pdf), and were not something that came about at the eleventh hour. From the early stages, DCs were designed by BLM to allow for flexibility for development projects while maintaining the current character of the land. DCs do not prohibit projects from occurring in NCLs.

Disturbance caps would not impact ongoing road maintenance. Generally, disturbance caps will not be applied in a way that interferes with previously approved activities such as roads and campgrounds and there are other exceptions. See http://www.drecp.org/finaldrecp/lupa/DRECP_BLM_LUPA.pdf, p. 48. If a proponent of development such as a mining company wants to widen a road for improved access to a mining claim it would be subject to disturbance caps if the disturbance cap threshold for that particular area is already exceeded, in which case the company would be required to take action to mitigate disturbance in the unit. However, overall, BLM will permit a company with a valid existing right to access the mine.

Current Mining Claims are Unaffected by the DRECP

As noted, under the Mining Law of 1872 the BLM's ability to constrain development to protect the surrounding environment is actually extremely limited. The County successfully lobbied for the cancellation of the mineral withdrawal and, as a result, all current and future mining claims remain intact.

Recommendation that the Board Oppose Amendment of the DRECP

In closing, we would again like to commend Inyo County, as well as the State Office of the BLM and the CEC for their exemplary job at outreach and engagement with the public, local and tribal governments and various stakeholders during the DRECP process. We recommend Inyo County's letter to the BLM strongly state the County's opposition to amending the DRECP and focus on the risk of opening additional lands in the County to renewable energy development and creating a whole new level of uncertainty for desert communities. The DRECP took eight years to develop and it has been finalized for just 18 months. Implementation has barely begun. Let's give this Plan a chance to work.

Respectfully Submitted,

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Policy Director