

DAC winter meeting report: Mojave Trails NM, PRPA & DRECP

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THE DESERT DISTRICT ADVISORY COUNCIL (DAC) convened in Barstow on February 25th in a day-long meeting that marked significant transitions in **BLM** personnel and in the council itself. The agenda featured presentations on key land use plans and proposed regulations that will affect hobby collecting on public lands. Fossils were a recurring theme carried over from the previous day's field tour – an entire day devoted to visiting some of Southern California's most famous fossil localities: Amboy Crater, Marble Mountains, and Pisgah Crater. All three are now within the boundaries of the **Mojave Trails National Monument (MTNM)**. A brief overview is posted on BLM's Facebook page (see short URL: <https://goo.gl/BuUXIM>). The article features photos that captured a beautiful day.

A main feature of both the Field Tour and the **DAC** meeting agenda was the **Paleontological Resources Protection Act of 2009 (PRPA)**. As most **CFMS** members are aware, on February 6, the comment period concluded on a Proposed Rule under the **PRPA**. More than 460 comment letters were submitted, including a detailed letter written by **Karol McQueary**, president of the **Southern California Paleontological Society (SCPS)**. Her letter incorporated input from **Andrew Hoekstra**, Paleontology Resources Specialist, **CFMS**; **Linda McCall**, president, **North Carolina Fossil Club**; **Mike Nelson**, PLAC Chair, **RMFMS**; and **Lisbet Thoresen**, PLAC-South Chair, **CFMS**. The letter addressed problematic language in the proposed rule. The application of both its general intent and detailed specifications exposes hobby collecting of fossils, minerals, and rocks on federal lands to potentially onerous constraint or curtailment. Given the scope of **PRPA's** authority and the far-reaching impact of implementing its regulations,

the **SCPS** letter garnered a lot of support. It was submitted by **Karol McQueary** with 64 signatures of officers representing gem-mineral, lapidary and fossil clubs from throughout the United States, **AFMS** and five of its seven regional federations, including **CFMS**, several other non-profit organizations, and several credentialed professionals.

The **BLM's** fossil-focussed agenda for the February Field Tour and **DAC** meeting was a welcome nod to the Rockhound-Fossil community's input on the proposed Rule under **PRPA**.

The key DAC meeting agenda of particular interest to Rockhounds included the **PRPA**, **MTNM**, **Desert Renewable Energy Conservation Plan (DRECP)**, and Disturbance Caps. Damage caused by OHVs during the **King of the Hammers** event (February 3-11, 2017) elicited spirited and extended discussion initiated by Council member **Billy Mitchell**, who represents Ranching and Grazing. Conversely, the



Left to right: Mike Ahrens, Needles BLM Field Office Manager; Kyle Sullivan, Mojave Trails National Monument Manager; Randy Banis, Desert Advisory Council Chairman and Beth Ransel, California Desert District Manager at the unveiling of the new Amboy Crater National Natural Landmark sign during a field trip through the Mojave Trails National Monument on February 24, 2017. Photo: Steve Razo, BLM.

desert tortoise relocation program received scant mention, despite being both controversial and enormously ambitious – 1500 tortoises are slated to be relocated onto **BLM** land (see: <https://www.blm.gov/press-release/update-blms-record-decision-tortoise-relocation-public-lands>). A few members of the public managed to enter a few choice words into the record.

A condensed overview and observations on the three primary topics covered at the **DAC** meeting – **PRPA**, **MTNM**, and **DRECP** is given below.

I. PRPA

BLM has few paleontological specialists, so **Phil Gensler** from the Santa Fe, New Mexico field office was tapped to come and make a presentation. **Lisbet Thoresen** took the opportunity to give him a copy of the **SCPS** comment letter on the **PRPA** letter and spent time reviewing it with him. The letter was also entered into the record as part of comments delivered by **Lisbet Thoresen** and other Rockhound advocates, including **Marcia Goetz**, **Ruth Hidalgo**, **Sam Merk**, and **Ofelia Warthen**. The number of signatories (64) to the letter was recited aloud to impress upon everyone present that the Rockhound community is a consequential Stakeholder whose opinion on the **PRPA's** rule matters. Chairman **Randy Banis** asked **Thoresen** to show the 10 pages of signatures appended to the 6-page letter to impress upon the Council members and **BLM** staffers that our community rallied together in huge numbers out of concern about parts of the Proposed **PRPA** rule. (Thank you, Randy Banis.)

II. MTNM – Management Plan

Kyle Sullivan came from Colorado to take on management of the **MTNM**. At this point in time, the Stakeholders are much more familiar than he with the traditional uses of public lands in the Southern California desert and the accommodations made in deference to renewable energy projects which disadvantage Stakeholders. It is now a sobering realization that overlaying management plans, travel plans (e.g., **WEMO**), and land use amendments (**DRECP**) cannot be reconciled to produce a management plan for **MTNM** within three years of the national monument proclamation. Despite the federal mandate that a plan should be published within three

years of a proclamation, it is not a binding rule. **Sam Merk**, representing rockhounds, reminded the Council that 23 years have passed and Red Rock Canyon still has no management plan. She beseeched the **BLM** not to allow **MTNM** to languish. No one at **BLM** is going on record saying that the federally mandated deadline will slip, but unofficially, five years is looking like an optimistic goal.

In the meantime, a subgroup to the **DAC** for **MTNM** has been created. Applications are being accepted through April 10, 2017 (see: <https://www.blm.gov/sites/blm.gov/files/get-involved-rac-california-desert-district-mojave-trails-subgroup-application.pdf>). The successful candidates will be announced at the June **DAC** meeting. Only then can the management planning process really begin. A Rockhound advocate needs to be on that sub-group.

Unofficially, one of the new **DAC** members confided to **Lisbet Thoresen** that the **MTNM** Management Plan is being observed from Sacramento and Washington D.C. as the beta model for **BLM** administration of public lands under the **National Monument** designation. **MTNM** could have been brought into the **National Park Service**. Instead, the **MTNM** administered by **BLM** will test the efficacy of making accommodations traditionally disallowed, especially under administration by agencies other than **BLM** (i.e., **National Park Service** and **U.S. Forest Service, Fish and Wildlife**).

MTNM needs to be successful under **BLM** administration, not only for **BLM** and local special interest groups, but also because, if done well, it will be a blueprint replicated elsewhere in the United States. A bad process or a bad outcome for **MTNM** could portend the end of accommodations that otherwise might be contemplated for **BLM** management of other **National Monuments** in the future. This Management Planning Process needs to go well, and Rockhound need to engage in a full court press.

III. DRECP – Transitioning to Implementation (100 Day Plan)

Russell Scofield relocated to Southern California from the **BLM** office in Sacramento last year to oversee implementation of the **Desert Renewable Energy Conservation Plan (DRECP)** with the local counties. He announced the drafting of the First 100

Days Plan at the **DAC** meeting held in Riverside in October 2016. The Plan is a schedule of actionable items, then priorities, budget, and scoping. He assured the **DAC** members and the public that the Plan would be developed in consultation with Stakeholders, including recreation groups. Omitting Rockhounds from the recreation groups he cited, several Rockhound advocates who self-identified as Stakeholders proffered comment, speaking about Rockhounding values and asking to be consulted during the planning and implementation process.

The initial draft version of the First 100 Day Plan was presented at the February 25th meeting in Barstow. A hard copy of the 51/4-page document was distributed to the **DAC** members but not to the public at the time the presentation was made. (It was emailed to the attendees who requested it on February 27th.) It has been uploaded to the **SDMG** website at (short url: <https://goo.gl/mfxls6>). Rockhounds are encouraged to circulate it – as of April 1st, it appears that it still has not been posted to the **BLM** Web site.

During his presentation, **Mr. Scofield** reiterated his commitment to public engagement, saying that the First 100 Day Plan had been developed in consultation with Stakeholders. The hard copy document included a list of solar project permit petitions, which **Mr. Scofield** did not reference in his oral presentation.

Critical comments were made by both **DAC** members and the public. First, upon reviewing the document just made available to the Council members, **Leslie Barrett** cautioned **Mr. Scofield** on the importance of public engagement and transparency throughout the process,

admonishing him to make documents available for public review in advance of the **DAC-BLM** meetings. **Mr. Barrett** cautioned that the **DRECP** team could not expect to enlist public trust late in a process that did not include their input or consultation from the beginning. Perusing the hard copy of the draft, **DAC** chairman **Randy Banis** alerted Rockhounds in the audience to the list of solar project applicants petitioning for permits to build in **Development Focus Areas (DFAs)** that encroached into known Rockhounding localities (see Fig. 1 below).

The comments by **Mr. Banis** and **Mr. Barrett** prompted **Lisbet Thoresen** to comment that no one at **CFMS** had been consulted on the First 100 Days Plan despite **Thoresen** having reached out to **Mr. Scofield** in October. **Thoresen** also called attention to the explicit assurance made by **DRECP** Program Manager **Vicki Campbell** in a conference call on September 13, 2016 that **DFAs** were changed in the final **Record of Decision (ROD)** where they intruded Rockhounding localities. **Ms. Campbell** said that the changes were made in response to numerous detailed comment letters submitted to the **DRECP**

BLM California Solar Applications within the DRECP

Field Office	Project Name	Applicant Name	Project Type	Application Received	Capacity (MW)	BLM Acres	Geographic Location
Palm Springs	Palen/Maverick	Palen Solar 1, LLC (EDF)	Photovoltaic	3/13/2007	500	4,200	Desert Center area in Riverside East Solar Energy Zone - DFA
Palm Springs	Desert Quartzite	First Solar	Photovoltaic	9/27/2007	300	4,998	Blythe area in Riverside East Solar Energy Zone -DFA
Palm Springs	Crimson Solar	BrightSource	Photovoltaic	5/12/2009	450	4,000	Palo Verde Mesa, Riverside East Solar Energy Zone - DFA
Palm Springs	Jupiter	SunEdison	Photovoltaic	7/6/2015	250	1,800	Riverside East Solar Energy Zone - DFA
Ridgecrest	Camino	Aurora Solar, LLC	Photovoltaic	11/10/2015	40	670	Kern County - DFA
Ridgecrest	North of Kramer	First Solar	Photovoltaic	3/3/2016	440	3,913	San Bernardino County, north of Kramer Junction - DFA
Palm Springs	Io Solar	First Solar	Photovoltaic	5/23/2016	400	2,800	Riverside East Solar Energy Zone - DFA
Barstow	Oro Grande	Celtic Energy Corp	Photovoltaic	5/23/2016	100	1,058	Western San Bernardino County - DFA
Barstow	Lucerne Valley	Celtic Energy Corp	Photovoltaic	5/23/2016	40	516	Western San Bernardino County, near Hwy 247 - DFA
Palm Springs	SunPower	SunPower	Photovoltaic	7/16/2016	400	2,000	East of Desert Center, Riverside East Solar Energy Zone - DFA
Total:	10 applications				2,920	25,955	

Fig 1. Table from the BLM Draft DRECP: Transitioning to Implementation (2/24/2017).

(the comment period closed on February 23, 2015).

Needless to say, the **DRECP** implementation process is not off to a confidence-inspiring start. A **DRECP** subgroup to **DAC** was formally approved at the February meeting and applications may be found on the BLM Web site at: <https://www.blm.gov/sites/blm.gov/files/get-involved-rac-california-desert-district-drepc-subgroup-application.pdf>. Clearly, a Rockhound advocate needs to be on the **DRECP** subgroup advising the **DAC**. The deadline for applications is April 17, 2017.

Comment Period closes on proposed NCL Withdrawal

THANKS TO RUTH HIDALGO, who drafted a comment letter on the proposed public lands withdrawal from location and entry under US mining laws. The comment period closed on March 28th. **Ms. Hidalgo's** letter was written on behalf of the **Sierra Pelona Rock Club**, whose members always turn out for **BLM** meetings and Field Tours.

Ruth invested a tremendous amount of time identifying areas in the Proposed Withdrawal that appear to conflict with rock and mineral collecting areas. It was a challenge, because the maps provided by **BLM** were practically unusable references for trying to determine where the overlaps existed. Of particular concern was a possible encroachment into or immediately adjacent to **Hauser Beds**, which is subject to an MOU signed only last May 2016.

In the light of the executive order signed recently which recinds the proposed regulations covering mining on public lands, it is not at all clear whether or not comment letters are moot or provide a measure of insurance by going on record in case the proposed regulation is revived or modified at a later time.

Despite the time constraints, several clubs were able to reach out to their boards to obtain

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Editor's Note: The BLM's website, including the online newsletter, News.bytes, is undergoing long term maintenance. This overhaul has been going on since the Fall of 2016. These are important and useful resources.

Email BLM and tell them that getting their resources back online should be a high priority:

<https://blmca.sites.usa.gov/contact-us/>

Notice of Proposed Withdrawal; California Desert Conservation Area and Notice of Intent To Prepare an Environmental Impact Statement; California

The Bureau of Land Management (BLM) petitioned the Assistant Secretary of the Interior for Land and Minerals Management to withdraw 1,337,904 million acres of California Desert National Conservation Lands from location and entry under the United States mining laws for a period of 20 years, subject to valid existing rights. All of the lands (unless otherwise subject to an existing withdrawal) will remain open to the public land laws, leasing under the mineral and geothermal leasing laws, and disposal under the mineral material sales laws. The lands are located in the California Desert Conservation Area.

Source: <https://www.federalregister.gov/d/2016-31231>.

a quorum and approve signing onto the letter. Ruth Hidalgo appreciated very much having the support and signatures of **Doug True** for the **American Lands Access Association** and **Ye Olde Timers Club**; **Jim Betz** for the **Antelope Valley Gem and Mineral Society**; and **Shirley Leeson** for **San Diego Mineral & Gem Society**.

The final comment letter can be viewed on the SDMG Web site at our short URL: <https://goo.gl/qBDoXw>.