

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: Spa Resort Casino/Canyon Conference Room
100 North Indian Canyon Drive
Palm Springs, CA

DATE AND TIME: Saturday, October 14, 2006
8:05 a.m. to 2:19 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
(No. 3710)

JOB NO. 65785JG

1 A P P E A R A N C E S

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MEMBERS PRESENT:

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RON KEMPER (CHAIRPERSON)

4

ROY DENNER

RON SCHILLER

5

PAUL SMITH

BILL BETTERLEY

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TOM ACUNA

THOMAS DAVIS

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TOM SCOTT

WALLY LEIMGRUBER

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DAVE CHARLTON

CAROL WILEY

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HOWARD BROWN

10 STAFF PRESENT:

11 STEVE BORCHARD, DISTRICT MANAGER

BRUCE SHAFFER

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STEVE RAZO

VICKI WOOD

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TONY DANNA

HECTOR VILLALOBOS

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JOHN KALISH

ROXIE TROST

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1 Palm Springs, CA Saturday, October 14, 2006

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4 P-R-O-C-E-E-D-I-N-G-S

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7 CHAIRMAN KEMPER: I will call the DAC

8 meeting together. We will start off with the pledge

9 of allegiance with Bill Betterley.

10 (Pledge of allegiance).

11 CHAIRMAN KEMPER: I would like to

12 welcome everybody, and we will start off with a review

13 of the agenda. If there are any changes requested by

14 the DAC members, this would be the time to do it.

15 Seeing none, the next item will be to approve the June

16 24th minutes for the meeting. If I can have a motion

17 and a second?

18 MEMBER BETTERLEY: So moved.

19 MEMBER SMITH: Second.

20 CHAIRMAN KEMPER: Any discussion?

21 Seeing none I will call for the question. All in

22 favor, signify by saying aye. Aye. Any opposed? Any

23 abstentions? Passes unanimously.

24 Is Gail here?

25 MR. KALISH: No, Gail is under the
5

1 weather. I got a call an hour ago and she says she is
2 not feeling well. She wishes we should be here, but
3 can't make it.

4 CHAIRMAN KEMPER: She was to be here to
5 do a summary of the field tour.

6 MR. KALISH: I'm prepared to do that.

7 My name is John Kalish, associate field
8 manager for the Palm Springs field office. And
9 yesterday, we went on a tour of two areas within our
10 field office. We headed out to the Dos Palmas
11 Preserve, a great area, and a really nice visit for
12 all of those that could attend. We did cover the
13 project that we have ongoing out in Dos Palmas, which
14 involves some fairly extensive habitat restoration
15 efforts in coordination with a number of cooperators
16 that we have involved in this project, the cooperators
17 being the Center For Natural Lands Management as well

18 as the Coachella Valley Water District and the San
19 Diego Water Authority.
20 And then from Dos Palmas, we drove back on
21 around through Mecca and drove up Box Canyon. And
22 then spent a little time discussing the Meccocopia
23 Special Recreation Management Area and talked about
24 the various issues that we plan to address in our
25 Recreation Area Management Plan. So that, given that

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1 summary, do you have any questions or anything you
2 would like me to address?

3 CHAIRMAN KEMPER: Thank you very much.

4 At this time we will take public comment
5 for items not on the agenda from the public. Come
6 forward.

7 MR. STEWART: John Stewart. I'm
8 representing the California Association of Four-Wheel
9 Drive Clubs, and I would like to bring to Council's
10 attention a pamphlet here published by the BLM called
11 "The BLM's Priority For Recreation and Visitor's

12 Services." It lays out a -- goals for recreation
13 perhaps throughout BLM's field offices. One of them
14 is "Ensure a quality experience and enjoyment of
15 natural, cultural resources on public land, and
16 appropriate recreation opportunities on public land
17 also there."

18 One of the issues or one of the points in
19 the milestones, it says "Implement comprehensive
20 travel management through national strategies for
21 motorized, mechanized, and nonmotorized recreation."
22 There are some action plans or action items addressed
23 in here. One of them is to develop a mountain
24 bicycling strategic action plan and another deals with
25 a nonmotorized recreation strategic plan.

7

1 I would like to see the BLM actually enter
2 into a strategic plan for motorized recreation, of
3 which all of the field offices now start planning for
4 recreation across the Desert District instead of in
5 individual pockets where someplace you have pockets of

6 excellence, with the TRT work being done down at a
7 Glamis, and the new TRT down at Dumont Dunes, and some
8 other places are doing quite a remarkable job with
9 limited resources.

10 I would encourage the BLM to take these
11 little boxes of excellence and develop a strategic
12 plan that works across the Desert District so they can
13 leverage the manpower resources for volunteer efforts
14 through the various user communities and look at
15 making better use of the limited funds available to
16 provide a quality recreation experience for the
17 public. Thank you.

18 CHAIRMAN KEMPER: Thank you,
19 Mr. Stewart. Anybody else?

20 MR. DANNA: Tony Danna, the Bureau of
21 Land Management, Sacramento. I wanted to remind
22 everyone, the last couple of meetings I have come and
23 talked about the Recreation Resource Advisory Council.
24 This Council made a recommendation for two people to
25 be on that. I just want to make sure that everybody

1 is reminded that we need to get those nominations in
2 for whoever is interested, including the two people
3 nominated from the Council. And the cutoff date on
4 that is the 23rd of September --

5 MR. RAZO: 23 October.

6 MR. DANNA: I'm sorry, what did I say?
7 October 23.

8 MEMBER LEIMGRUBER: Who are the two from
9 this committee?

10 MR. DANNA: Ron and Roy nominated from
11 this Council. So I wanted to remind you, I think
12 several times --

13 CHAIRMAN KEMPER: Do we need to do more
14 than that? We have nominated them.

15 MR. DANNA: That nomination has moved
16 forward to both Ernie Weingard for the Forest Service
17 and to Mike Pool.

18 CHAIRMAN KEMPER: Thank you. Ron
19 Schiller.

20 MEMBER SCHILLER: I did get a letter in
21 the mail from the Forest Service, but I wasn't sure.

22 I assume there is something coming from the BLM as
23 well, and I would get the resume in myself.

24 MR. DANNA: No, the document coming is
25 being run by the Forest Service as far as the

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1 nomination process. Again, the Forest Service will be
2 the lead on this. They will run the Council. But we
3 wanted to try to make sure BLM had representation from
4 our councils on that group. So that's why I went
5 around asking for nominations.

6 MR. SCHILLER: So then there should be
7 something from the BLM for those recommendations, I
8 would think?

9 MR. DANNA: Yes, and that nomination
10 went forward, but we need you to put in your
11 nomination for that.

12 MEMBER SCHILLER: No problem with that.

13 CHAIRMAN KEMPER: Anybody else from the
14 public for items not on the agenda?

15 Okay. At this time we will start with

16 Council Member reports. If you will introduce
17 yourself, we will start on the right and whatever
18 report you have for the Council.

19 MEMBER BETTERLEY: I have nothing to
20 report, but I would certainly like to thank Richard
21 Milanovich for the reception last evening and John for
22 the tour that he gave us and everybody for yesterday.
23 It was very good.

24 MEMBER THOMAS DAVIS: Good morning. Tom
25 Davis, welcome to Indian Country. And I'm glad that
10

1 we were able to host you this weekend and I hope
2 everybody enjoyed their accommodations. I have
3 nothing further to report.

4 MEMBER SCHILLER: Sorry I missed the
5 tour yesterday. I looked forward to that, but
6 something came up and I couldn't make it. And I
7 missed the dinner as well. I apologize for that. I
8 got hung up in the traffic coming down Cajon Pass. It
9 took three hours, so I missed the dinner as well. And

10 I just wanted to apologize for that.

11 I did have one thing that I wanted to ask,
12 and I know I asked it before about a year ago. And
13 that is in relation to the -- all the lawsuits that
14 are being filed regarding the West Mojave Plan. As a
15 member of the public who has participated in that
16 process over 13 years, to have the lawsuits take place
17 is very frustrating.

18 But what concerns me the most is the
19 settlement agreements that are often made outside the
20 public's view. And I noticed that several other
21 agencies, one in particular, is the EPA, I have seen
22 several Federal Register notices where they have
23 entered into settlement agreements with the appellants
24 and then going for public review on that settlement
25 agreement. It seems to me that that would be

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1 something that should be considered in these cases
2 that are taking place here within the district.

3 I just find it frustrating to work 13 years

4 on a project, see no participation by the appellant,
5 the appellant come in and files and lawsuits are being
6 settled outside the public review. So I don't know if
7 there is -- what kind of possibility there is, but I
8 just would like to state for the record as a member of
9 the public that it's extremely frustrating.

10 CHAIRMAN KEMPER: Thank you, Ron. Tom.

11 MEMBER ACUNA: Thank you, Mr. Chair. I
12 was just wondering, we didn't close the public
13 comment. I had a comment and I wanted to ask John a
14 little something. Is it okay to talk about that right
15 now?

16 CHAIRMAN KEMPER: Sure.

17 MEMBER ACUNA: You mentioned that you
18 wanted to interconnect the various areas in the BLM
19 district. Can you shed some light on what your vision
20 was there? And how it would be done?

21 MR. STEWART: What I have reference to
22 is that the Needles field office, Ridgecrest and
23 Barstow field office all have plans for recreation.
24 And yet they have boundaries within their areas which,

25 say, split the offices. I'm looking at the fact that

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1 if one or another is going to apply for a grant

2 application, make sure that the work is coordinated

3 between the two offices and something that would

4 actually benefit and work towards the recreation.

5 For example, you take 395 corridor from

6 Barstow up to Ridgecrest. Within that region there

7 are places where, being that Barstow has some

8 responsibility and Ridgecrest has some other, I want

9 to make sure that any effort done in one office is

10 also worked across the boundaries for another. And

11 looking at recreation as a whole within their national

12 strategic umbrella is to make sure there is an

13 opportunity to develop.

14 If you put up a road sign that it's not

15 providing recreation opportunity, if you are going to

16 look at restoration, let's do it smartly and cost

17 effectively. Let's do a better job at the route

18 management and travel management plans, especially

19 where you are crossing the different district
20 boundaries. And also part of this is that when you
21 get into the Needles field office area, there is an
22 adjoining area that is actually in California managed
23 by the Arizona BLM office that creates other problems
24 there. And that, who has now responsibility for
25 conducting or looking at event permits or actually

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1 managing that segment of property in order to ensure
2 that recreation opportunities are there?

3 And that's when I look at the strategic
4 plan and looking at what BLM has put out with their
5 national OHV strategy and their national policy, which
6 is up for review now. And this guide book that they
7 put out, NEMO plan, NECO and all these others, there
8 are points of recreation addressed, there are things
9 to do, but yet there is no cohesive plan for managing
10 for recreation opportunity. It's all -- to me, it's
11 all very disjointed, so where is the effort going?

12 MEMBER ACUNA: Maybe we could get a

13 response from the BLM and perhaps address John's
14 thoughts and how you really approach it. Or do you
15 feel the process in place is adequate or would you
16 change it, perhaps? Is there somebody that could
17 answer that?

18 DIRECTOR BORCHARD: I'll take a shot at
19 answering what. When John was talking about how we
20 could go about integrating those recently developed
21 existing plans, that is what I -- in an effort to
22 prepare some sort of document that would integrate
23 those plans or look, maybe, evaluate where there are
24 inconsistencies between those plans. I guess I'm not
25 aware of -- which should be no surprise -- of

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1 inconsistencies between those plans. I don't know if
2 any of the field managers here are aware of
3 inconsistencies along those plan boundaries. But one
4 of the possible things we could do is evaluate the
5 recreation direction those plans spell out, where the
6 boundaries meet, as a first step towards some form of

7 integration.

8 I know John and I talked a little bit about
9 this at a leadership -- OHV leadership meeting and,
10 you know, I expressed the sentiment that I wasn't
11 interested in taking on a new planning process.
12 However, I think an effort to evaluate the
13 compatibility of our recreation components of our
14 various plans where they meet is probably something we
15 could do without expending a lot of our resources on
16 it. My concern is using limited resources to take
17 that on so shortly after we've spent so much effort at
18 developing these plans.

19 I guess that's what I would propose as a
20 first step, that we would look for inconsistency and
21 then based on the results of that evaluation of those
22 plans, then we would propose steps to -- how we would
23 go about dealing with any inconsistencies we find.

24 MEMBER ACUNA: At least from my
25 perspective, I'm against developing lots of

1 regulations and more policies and making everybody's
2 life more difficult. But if there is a way we can --
3 integration of various plans to make sure they are
4 consistent.

5 Say you have a trail that goes through one
6 area and the other area. Consistent identification of
7 allowable use, for example, that makes sense. You
8 don't want to have a railroad that kind of comes to an
9 end because it hits the county line or something like
10 that. So it makes sense if we could somehow look at
11 that maybe administratively, work with your staff and
12 talk about that to at least explore the idea. And if
13 you don't change it right away, then maybe in the next
14 round of the plan adjustments, that's something that
15 you can put down as a goal, perhaps.

16 CHAIRMAN KEMPER: Paul Smith.

17 MEMBER SMITH: Paul Smith,
18 public-at-large representative. One I would like --
19 I'm from Twentynine Palms, which is in the area of
20 influence of the Barstow office of the BLM, but trying
21 to look at larger desert issues.

22 We are very pleased to see the Barstow

23 office being sort of the lead agency on working on
24 getting a national scenic highway system and byway
25 system and trail system going in the desert. We think

16

1 that from the Twentynine Palms or the eastern side of
2 the Morongo Basin area, that such a system stretching
3 from the Anza Borrego Desert all the way to Death
4 Valley would do some wonderful things for the desert.

5 It would first of all introduce people to
6 that part of the desert as being a very significant
7 area from the scenic and tourism visitation
8 standpoint, which should have a positive economic
9 effect. I believe also what comes out of that is a
10 substantially increased respect for our desert
11 environment by the people that use it. And I think
12 this is an educational thing which is extremely
13 valuable.

14 Parallel to that, I see the Barstow office
15 also playing a very strong role with the Old Spanish
16 Trail Association. And I would hope that these

17 cultural things continue to play a strong role in what
18 the BLM does. I think that long-term, they are very
19 important, particularly in light of what we can
20 foresee in the next 15 years of the tremendous
21 population explosion crossing the desert. And now is
22 the time to get some of these cultural resource
23 protections in place so that they don't get destroyed
24 accidentally just by development.

25 I was extremely pleased to visit the Dos

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1 Palmas area yesterday. It not only has great cultural
2 significance, but I had no idea of what a valuable
3 biological resource it is. And I think this DAC
4 should be aware that the Dos Palmas area has -- while
5 it does have a few serious invasive pest-type
6 problems, it's aggressively working on them,
7 particularly Tamarisk.

8 It also has some of the best native seed
9 stock for certain types of plants and the desert pup
10 fish. So I think -- I had no concept of how

11 significant it could be in the ultimate restoration of
12 the Salton Sea area. And we should be aware of its
13 importance as essentially a seed stock producer for
14 rehabbing the Salton Sea area as that occurs.

15 I'm the chair of the Surprise Canyon
16 Technical Review Team. We have had no recent
17 meetings. I gather from the Ridgecrest report that
18 internally within the BLM, that is moving forward. I
19 would note that there has been a lawsuit filed by a
20 group of the people that own property up in the --
21 actually the National Park Service part of the area.
22 I have no idea what is going to transpire with that
23 litigation. It's just another lawsuit that will keep
24 Ron Schiller on his toes watching, I'm sure, as the
25 rest of us.

18

1 We are also very mindful and very
2 appreciative of the BLM adding additional law
3 enforcement to the Morongo Basin portion, stretching
4 from Yucca Valley eastward out of the Barstow office

5 area. This has long been sought for, and the public
6 reaction to it is very favorable.

7 And then I would just make a couple of
8 comments. This will be my last meeting on the DAC.
9 And several things really strike me as extremely
10 important, some of which I wasn't able to successfully
11 do much about.

12 I think that there is a gross
13 misapprehension in Washington as to the need for and
14 importance for law enforcement in some of the remote
15 areas of the California desert. I know the
16 congressional head of appropriations in congress
17 personally told me he did not think there was a strong
18 need for law enforcement in some of these remote areas
19 of the desert.

20 My experience is these remote areas of the
21 desert are soon not to be so remote. They are in
22 great need of protection, both from the standpoint of
23 law enforcement, archaeology protection and resource
24 protection. And I know that I will continue to try
25 and carry that message in my own little way whenever I

1 can.

2 I think the shortage of funding even over
3 and above law enforcement within the BLM is a national
4 disgrace. And I thought, well, my last parting words
5 here will be to express that. I happen to sit on the
6 Board of the California Institute of Public Affairs,
7 which works closely with the IUCN in Switzerland on
8 the protection or working on urban interface with
9 protected areas. And it's a common phenomenon in
10 protected areas around the world that politicians are
11 eager to acquire an area and put it in the protected
12 status, as we do here with national parks, wilderness
13 and BLM areas, but then to fail to fund them. So this
14 is not -- the United States is not alone in doing it.

15 But I would hope that this DAC and our BLM
16 people would continue to really seek to overcome what
17 is surely a national disgrace that we are not
18 protecting some of our most treasured assets,
19 particularly when they are under growing pressure from

20 a rapidly increasing population.

21 It's been a pleasure. I'm not leaving the
22 meeting. I'm enjoying the meeting. But just to
23 express how much of a pleasure it has been to get to
24 know some of the key BLM personnel. And it has
25 certainly given me a high regard and respect for the

20

1 professional way in which they conduct their
2 activities and operations.

3 So that's my report.

4 CHAIRMAN KEMPER: Thank you, Paul. Tom.

5 MEMBER ACUNA: Thank you. Okay, so

6 let's see. Today I'm going to be bringing in as a

7 utilities guy some discussion on pipeline integrity.

8 The agenda has SCE here. They are not going to be

9 here today, but they promised me they will be at the

10 next meeting.

11 I want to highlight that what I am going to

12 try to do in the future is try to bring utility

13 representatives to the DAC so they can talk a little

14 bit about their business and how they are operating in
15 the desert. They have a lot of infrastructure passing
16 through the BLM. And I think it's a great idea for
17 people to be in tune with what they are doing. And
18 it's just part of the whole big picture.

19 The people that are coming in -- I'd better
20 give them a call because I think this meeting is going
21 to go a little quicker than we had planned per the
22 agenda. But they will give a discussion of pipeline
23 integrity, which is basically, pipelines do corrode
24 over time. And all pipeline companies have to do
25 periodic inspections and repairs at times. And how

21

1 they do that work and -- there is a way to do this
2 work while minimizing impacts and also complying with
3 natural resource laws. So we will be talking about
4 that. And I think it's kind of interesting how that
5 all occurs.

6 So next meeting we will have somebody from
7 SCE, and I will try to get someone from PG&E, maybe

8 perhaps Caltrans in the future to talk about some of
9 the projects that are occurring here.

10 So with that, I will pass the mic. Thank
11 you.

12 CHAIRMAN KEMPER: Thank you, Tom.

13 MEMBER LEIMGRUBER: Well, good morning,
14 welcome. Most of us here are familiar faces. And I
15 want to express my appreciation as an elected
16 representative for all of the work and efforts by our
17 BLM, the organization that has worked hard on
18 different management plans so that the multiple use
19 concept can be enforced in our vast California Desert
20 Conservation Area. As we have traveled all of these
21 tours up and down the state of California here, we
22 have seen how important it is to maintain parts of
23 every multiple use concept that BLM has put forward.

24 As an elected representative that is in the
25 fifth district of the County of Imperial, again, this

22

1 is going to be my last meeting, as well. We have over

2 one million visitors that recreate in the Imperial
3 Sand Dune Recreational Area, and managing this
4 important resource is a huge economic benefit not only
5 to the County of Imperial, but I believe many western
6 states here in our country.

7 I believe we need to continue to focus on
8 officer safety as well as public safety use on public
9 lands. And we have found that we are managing the
10 huge visitor populations that recreate. They are
11 enjoying this resource. And let's continue that
12 effort for -- as well as Imperial County, further
13 north into the Dumont Dunes area, a much smaller area,
14 but similar issues that we all face as the off-road
15 community continues to look for pristine recreational
16 areas to enjoy.

17 The County of Imperial this past Tuesday
18 did file an intervention in this lawsuit that was
19 filed back in August of 2006. We know that there was
20 an action brought against the BLM and US Fish and
21 Wildlife Service as well as our Secretary of Interior,
22 Dirk Kempthorne. And I have copies of a one-page
23 resolution that I would like to leave here with our

24 Desert Advisory Council members. I would also like to
25 have this actually entered into the record. And so

23

1 I'm going to hand this here to our stenographer and at
2 least have the public's awareness that because of
3 management plans that are in place, groups begin to
4 challenge those and then look for blanket closure.

5 The County of Imperial is going to oppose
6 such action. We will continue to, as well, look at
7 all of the impacts that could be created by -- as a
8 result of a very few. And this was an action that we
9 felt that was necessary and not only the County of
10 Imperial, but San Bernardino and Kern County as well
11 have filed intervention status in this lawsuit.

12 And with that, Mr. Chairman, I'm going to
13 go ahead and conclude. And again, this -- as an
14 elected representative, I have enjoyed my term here,
15 and as well, I would like to express my appreciation
16 to the Agua Caliente resort here -- nation -- for
17 hosting this event, having the reception and have been

18 a very, very -- just a pleased experience here at
19 the resort. Thank you.

20 CHAIRMAN KEMPER: Mr. Denner.

21 MEMBER DENNER: Roy Denner.

22 First I would like to ditto Ron Schiller's
23 comments on missing the tour yesterday and the dinner
24 yesterday evening. Southern California's Friday night
25 traffic made my dinner decision for me.

24

1 A couple of items of interest on the OHV
2 area. US Fish and Wildlife has denied the petition to
3 list 16 species that certain groups say are endemic to
4 the Imperial Sand Dunes. We were happy to see that
5 because that was a shotgun blast that really had no
6 support or evidence or science behind it.

7 The other two hot issues for the OHV
8 community today are, one, the cost of obtaining
9 permits and paying cost recovery fees. John Stewart
10 is here to talk to us about that today. And John
11 gratefully accepted the lead of the TRT for that

12 issue. And I appreciate that, and I'm anxious to hear
13 where we stand on it.

14 The second thing runs throughout the field
15 managers' reports that we are reading here for this
16 meeting. All over California and other states, public
17 and for-profit organizations are looking at public
18 lands where they might develop energy sources,
19 geothermal, solar, run transmission lines, put through
20 pipelines, electrical lines and that sort of thing.
21 And the largest part of these applications go through
22 OHV areas, surprisingly enough. And I will talk more
23 about that when we talk about the OHV manager's
24 reports, because we are really concerned about losing
25 OHV areas, especially for private for-profit

25

1 operations on public lands.

2 That's all I have.

3 CHAIRMAN KEMPER: Tom.

4 MEMBER SCOTT: Good morning. I'm soft
5 today. Usually I'm bolder.

6 I want to thank everybody for the tour
7 yesterday and maybe take an opportunity to again point
8 out just how complex our landscape really is in
9 Southern California. We yesterday drove past the
10 greatest scarp in North America; that is, from the top
11 of San Jacinto down to the bottom of Palm Springs.

12 If you look at the wildlife, which is what
13 I work with, that happens along that transition, if
14 you were to try to find that in the Midwest, you would
15 end up going from Corpus Christi past Duluth. You go
16 1500 miles to catch what we get in eight miles.

17 So the point is that managing the BLM
18 desert lands really is rocket science. It's really
19 complex. And I think that I want to applaud our staff
20 again for the fact that they take on a task which I
21 think is sometimes misinterpreted by people in other
22 parts of the country that don't have this tremendous
23 topographic and meteorological variance that our folks
24 are forced to deal with. So that's the bully pulpit
25 part.

1 The other part is -- this is a request --
2 but could you mention the names of the people who are
3 going off the Council today so that we can thank them?
4 Just because I know that it's been an honor to serve
5 with everybody who has been on this committee and it's
6 been a real education for me to have a chance to talk
7 to those guys.

8 CHAIRMAN KEMPER: Thank you, Tom.
9 Howard.

10 MEMBER BROWN: Howard Brown representing
11 nonrenewable resources.

12 I was trying to figure out what to say. I
13 came across an article in one of my magazines, "New
14 BLM policy statement treats minerals industry better."
15 So in April, Kathleen Clark signed a new policy for
16 the BLM detailing the agency's approach to managing
17 energy and nonenergy mineral resources and covers 10
18 specific principles, one of which is the commitment to
19 keep public lands open and available to mineral
20 exploration and development in the absence of

21 withdrawal. And a commitment to process permits and
22 operating plans in a timely and efficient manner. So
23 I would hope that that will guide applications for
24 mining permits and the process can move more quickly
25 than it has in the past.

27

1 The other thing I wanted to mention was I
2 enjoyed the visit to the Dos Palmas Oasis yesterday.
3 I thought that was pretty interesting, particularly in
4 the context of as oases like that occur in other
5 deserts in the world, such as in Egypt. And in those
6 places, the oases are basically areas that allow
7 improved human experience, whereas here we seem to
8 close them to protect them from humans. So I think
9 that at least in the case of Dos Palmas, you should
10 allow vehicle access to it.

11 And that's about all I have to say.

12 CHAIRMAN KEMPER: Thank you, Howard.

13 Dave.

14 MEMBER CHARLTON: Dave Charlton,

15 renewable resources.

16 Just two comments. They were commenting on
17 the radio the other day that the United States
18 population is going over the 300 million mark. And it
19 seems like not too long ago it was over the 200
20 million mark. And the radio talk show host mentioned,
21 "What good has the 100 million people done to the
22 United States?"

23 And I guess you have to talk to an
24 economist when you talk about it being our future in
25 order to compete with China and India's populations.

28

1 But it just seems to me that the country is becoming
2 harder and harder to manage. And the natural
3 resources are reaching a critical limit if we are
4 going to keep this population growth going on.

5 At the TRT for Dumont Dunes I was listening
6 to a lot of the oldtimers fondly talking about what a
7 wonderful experience it was going out there and just
8 how crowded it is and all the crowd control problems

9 we are trying to deal with out there without adding
10 the myriad of rules to the situation. It just seems
11 like as the population goes up, we are going to have
12 more rules in order to deal with things, and that the
13 quality of life is going to go down. That doesn't get
14 mentioned often enough anymore.

15 Second thing is we have been doing some
16 regional management where I work in the West Mojave,
17 and I notice that the recovery of a western population
18 of the Desert Tortoise which is in trouble more than
19 any others is falling on the Ridgecrest group. And I
20 feel sorry for you. We have real problems with that
21 population.

22 The management areas in the West Mojave
23 topographically I don't think are really good for
24 recovery of the Desert Tortoise in that area. So we
25 have a really tough problem trying to deal with that,

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1 and I don't know if we are going to be successful in
2 the long run. That's all I have to say.

3 CHAIRMAN KEMPER: Carol Wiley.

4 MEMBER WILEY: Carol Wiley representing
5 the environmental community.

6 I want to report on a public lands day
7 event in my area. Various groups came together to
8 work at Juniper Flats, which is an area between the
9 fast-growing Victor Valley and the San Bernardino
10 mountains, a transitional zone that is mainly BLM
11 land, some private inholdings, but mostly BLM land.

12 The event was very successful. We had
13 various groups come together. We had the Mojave Fair
14 Club, Friends of Juniper Flats, Mojave Bird Club and
15 Victor Valley Community Christian Church. I think I
16 have their name wrong, but it was a local church
17 group joined us. We cleaned up trash, restored hill
18 climbs and fences, and had about 40 people show up.
19 So that was very successful. I want to thank Roxie
20 and her staff for their help and support. It made the
21 event more successful.

22 This is my last meeting of the DAC also.
23 It's been an honor to serve on the DAC. I've enjoyed
24 it. It's been very interesting, very educational, and

25 it's been fun. I particularly have enjoyed working
30

1 with the fellow DAC members. I have learned a lot
2 from all of them, and it's been particularly
3 interesting to work with all the BLM staff and get to
4 know them and the problems they are dealing with.

5 The field trips I've found particularly
6 interesting to see the resources that they have to
7 protect or they are working on, the obstacles they
8 have, and the successes they have. It's really very
9 educational to actually see on the ground the
10 resources that they are managing. So I just want to
11 thank everybody. It's been a wonderful term.

12 CHAIRMAN KEMPER: Thank you, Carol.

13 I'm Ron Kemper. I represent renewable
14 resources and grazing interests.

15 Just a few things that I would like to say.

16 This, too, will be my last meeting. And this six
17 years has been a wonderful experience because it
18 allowed me to look at other people's perspective. And

19 I think that as long as everybody was willing to
20 listen, we always were able to work together and find
21 ways to work out issues.

22 And I think it's sometimes frustrating for
23 all of us that have worked so hard to work out those
24 issues to be circumvented by lawsuits where people
25 never participated in the conversations. So that's

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1 been a frustrating experience, but the organizations
2 that are represented here and the people that will
3 have participated have worked very, very hard to work
4 out solutions.

5 Some of my thoughts that I would like to
6 pass on is, you know, as Dave said, we have had huge
7 population growth in California. We have almost
8 doubled our population in 20 years. We are projecting
9 that we are going to double it again in the next 20
10 years. The needs for renewable resources, for
11 nonrenewable resources, for recreation is going to
12 double or triple. So BLM has a tremendous job ahead

13 of them in managing our natural resources.

14 In most counties in the West, the bulk of
15 the land is federal and state land. It's not under
16 private ownership. It's not like the East or the
17 Midwest. In San Bernardino County, less than 2
18 percent of the undeveloped land, less than 2 percent
19 of the undeveloped land in the county is under private
20 ownership. The rest is public agencies. So it's
21 really, really important in how we deal with the
22 management of those lands. It's a huge economic
23 engine for our communities, and we have lots of things
24 to consider.

25 And I guess what I ought to do is have

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1 everybody stand up that's going off the DAC this year
2 so they can be recognized. And I want to thank each
3 and every one of you and even the folks that aren't
4 going off. It's sure been a pleasure working with all
5 of you. If everybody would stand up who is going off
6 the DAC.

7 MEMBER DENNER: Could Steve read off the
8 list? I'm not sure whether I'm off or not.

9 MR. RAZO: You are not going anywhere,
10 Roy.

11 CHAIRMAN KEMPER: Carol Wiley, Ron
12 Kemper, Paul Smith, and Wally Leimgruber.

13 (Applause from the audience.)

14 CHAIRMAN KEMPER: With that, I will --

15 MR. RAZO: One more. Jon McQuiston is
16 also, and he wasn't able to make the meeting.

17 CHAIRMAN KEMPER: And Jon McQuiston is
18 going off as well. Steve, your report.

19 DIRECTOR BORCHARD: Well, I think I
20 would like to start out by echoing my appreciation to
21 our host and express thanks to Richard for the
22 excellent meal last night and the enjoyable fellowship
23 that that setting provided and the lovely facilities
24 here for today's meeting. So if you could pass on
25 BLM's thanks, Tom, I would appreciate it.

1 I would also like to thank the departing
2 DAC members for their contributions, their years of
3 contributions to BLM and the effort they have put out
4 to participate in directing the management of the
5 public lands in the California desert. It's a
6 critical role, as Mike pointed out yesterday during
7 his presentation. And as you well know, a role that's
8 gone on here for about 30 years and is now emulated
9 all over BLM in the form of Resource Advisory
10 Councils. It's a forum that works to provide open
11 avenue for input and participation in those management
12 decisions. And we enjoy your participation and place
13 a very high value on it. So thank you very much for
14 your time and effort to volunteer in this capacity.

15 A little bit of talk of some of the
16 litigation activities that's gone on. As you know,
17 when cases are in certain stages, it's inappropriate
18 for us to say very much about it. So I think the
19 stage of the Surprise Canyon lawsuit fits that
20 category. We were in a position that we have to do
21 some filing, so we can't really talk about where we

22 are headed until after we have done those filings.

23 However, in the litigation involving the
24 Imperial Sand Dunes Recreation Area Plan, I think we
25 have had a decision from Judge Illston. And I can at

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1 least conceptually cover where BLM is looking at
2 heading in response to those decisions coming out of
3 Illston's court.

4 As you know, the Record of Decision was
5 vacated and our EIS -- I believe she used the word
6 "vacated" but there is no decision there. So there is
7 nothing to vacate. However, we will need to do
8 additional work, additional environmental analysis.

9 What that means is we will probably start
10 down the road to preparing a supplemental EIS that has
11 at least one additional alternative that we will
12 analyze. It will be a somewhat abbreviated process
13 compared to a full EIS, although we will have to
14 follow some of the same steps we would do, such as
15 scoping. In addition, the Fish and Wildlife Service

16 has some work to do. They have indicated they will
17 restart their effort to define critical habitat for
18 Pierson's milkvetch. However, that's really kind of
19 good news in one regard in that there is a lot of
20 really high quality scientific data available this
21 time with which that habitat -- that can be evaluated
22 in preparing those habitat boundaries.

23 The downside is you are starting a whole
24 new process all over again and there are pitfalls
25 along that path that you may not perceive when you

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1 begin that journey. The judge's decision does not
2 prevent us from moving forward on elements of the
3 RAMP, the Recreation Area Management Plan.

4 For example, in Vicki's report you read
5 that we moved forward with five acres of camp pad as
6 well as we are greatly improving the quality of our
7 comfort stations with 28 new toilets that will go in
8 this month. So other things in the RAMP will not be
9 held up. We facilitate that by doing environmental

10 assessments that tier to that EIS document. So we
11 won't be held up in moving forward with other actions.

12 Personnelwise in the district office, we
13 have a district ranger that has been selected, gone
14 through the clearance process, and will likely be
15 entering into duty later this month or early next
16 month. He will be immediately spending lots of time
17 in the field visiting with our law enforcement
18 officers and the field managers, getting to know
19 people and getting to know the issues out there, prior
20 to his 17-week visit to our federal law enforcement
21 training center in Georgia beginning in January.

22 We are also moving forward with our
23 replacing our Desert Managers Group coordinator
24 position. Early in that process I anticipate having a
25 vacancy announcement out before the end of the

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1 calendar year and possibly having someone on board in
2 March.

3 I think that's it for me.

4 CHAIRMAN KEMPER: Okay, with that, I'm
5 going to call a 15-minute break. It should be about 9
6 o'clock right now.

7 MR. RAZO: Correct.

8 CHAIRMAN KEMPER: So we will be back at
9 9:15.

10 (Brief recess was taken.)

11 CHAIRMAN KEMPER: I will call the
12 meeting back to order. We are back on the record.

13 Are there any questions from the Council
14 members regarding the field manager reports which they
15 were provided written copies of?

16 Ron Schiller.

17 MEMBER SCHILLER: Well, I had questions
18 on a couple of them. On the Barstow field manager's
19 report, Item No. 1, it refers to the Friends of El
20 Mirage applying for grants, including campground
21 development at El Mirage and passport system for OHV
22 open areas, a passport system for wilderness areas,
23 and a signing grant. And I'm curious about the
24 passport system for the OHV areas and how that's going
25 to work. And if there is going to be any public

1 review regarding those.

2 MS. TROST: Roxie Trost, field manager
3 from Barstow.

4 The passport system is just that. It's a
5 little book that will come out. And the Friends of El
6 Mirage has put together, they are called RTP grants,
7 Recreation Trails Program. And they did that in
8 cooperation with Barstow. But as a federal agency, we
9 couldn't apply for those grants.

10 The passport system is a little book that
11 will encourage people to visit all of our open areas
12 in Barstow rather than just El Mirage, and also parts
13 of an open area. So when they come into El Mirage, to
14 try to encourage them away from the lake bed, when
15 they go to other parts, they will receive a little
16 stamp that goes into their passport. When they go to
17 Dumont or to Razor, Johnson and Stoddard, they also
18 receive a little stamp. And their goal is to try to
19 fill the passport.

20 I think it's similar to other areas that
21 have that type of system. We developed it from the
22 Old Spanish Trail. Old Spanish Trail has just come
23 out with a similar passport. And as you visit
24 different parts of the Old Spanish Trail, you receive
25 a stamp in your passport. So that's where that came

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1 from.

2 MEMBER SCHILLER: Is there a fee
3 associated with that?

4 MS. TROST: There is no fee.

5 MEMBER SCHILLER: When it says passport,
6 I thought, is there a fee associated with that and
7 will that be required for me to visit one of those
8 areas?

9 MS. TROST: No. There is no fee. It's
10 just to encourage people to visit some other areas.

11 MEMBER SCHILLER: Okay. That answers my
12 question. Thank you.

13 MEMBER WILEY: You also mentioned a

14 wilderness passport.

15 MS. TROST: We are doing the same type
16 of program for our wilderness areas. So in our open
17 areas, they will receive the book and stamps, and we
18 are promoting the same type of thing for all of our
19 wildernesses. So there will be a passport and a stamp
20 for visiting each of our wilderness areas in Barstow.
21 It's to get people out and hopefully explore and learn
22 about new places.

23 MEMBER WILEY: Thank you.

24 CHAIRMAN KEMPER: Any other questions or
25 comments regarding field manager reports?

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1 MEMBER SCHILLER: Yes. On the
2 Ridgecrest field manager's report, I had a couple
3 quick questions.

4 On the minerals program update, it's
5 referring to the pumice claims, El Paso claims. Would
6 that be the Dutch Cleanser Mine? I was under the
7 impression that was patented, but I wasn't completely

8 sure.

9 MR. VILLALOBOS: It's referring to what
10 I call the Simonson claims. Simonson Claims.

11 MEMBER SCHILLER: That wouldn't be the
12 Dutch --

13 MR. VILLALOBOS: It's related to the
14 same -- the mining of the same deposits, but I don't
15 think it's the Dutch Cleanser mine.

16 MEMBER SCHILLER: I wanted to ask you
17 about the OHV grants.

18 I was curious as I go through and I look, I
19 was curious about how much other funding other than
20 Greensticker funds are expended for trail maintenance
21 on OHV-type roads other than Greensticker funds in the
22 Ridgecrest resource area.

23 MR. VILLALOBOS: Off the top of my head,
24 Ron, I don't have those figures. But we do get other
25 funding from our engineering program, which is 1651, I

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1 think. I don't remember the specific program. But

2 it's the engineering funds that we get. And we get
3 substantial funding from that and use it, probably to
4 the tune of -- right now, I can't even guess. But
5 several hundreds of thousands of dollars.

6 MEMBER SCHILLER: Under maintenance, it
7 cites 14 miles of roads were maintained. How does
8 that compare to how many miles of road were reclaimed?
9 Do you happen to know that?

10 MR. VILLALOBOS: I think every year we
11 do on the average of 250 to maybe, if we are lucky,
12 300 miles of road during the year. What you see there
13 is just during the summer of what we were able to do.

14 MEMBER SCHILLER: Then one last
15 question. Actually, a question and a comment. That's
16 regarding Furnace Creek, it being one of the areas
17 that I have long used Furnace Creek for my personal
18 recreation and my frustration at seeing it closed.

19 I'm concerned about the need for the --
20 having to go through the amendment process for the
21 Desert Plan. I dug out some of my old maps back as
22 far as -- into the seventies and that on BLM maps was

23 designated. It was designated in 85 inventories. And
24 it's been shown everywhere all along as open route
25 until the CBD lawsuit. And I don't understand if it's

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1 been designated open at all these times, why would
2 there be a need to amend the Desert Plan if it's to be
3 kept open? I know the Forest Service is extremely
4 frustrated with the situation. They were ready to
5 issue the decision in April, but we are still waiting
6 for a plan amendment to be announced, and it hasn't
7 even been put in the Federal Register yet.

8 MR. VILLALOBOS: Yes, putting it in the
9 Federal Register is something we are working on with
10 the Washington office right now and hopefully they
11 will help us get that done pretty soon.

12 As you recall, in the NEMO plan we made a
13 decision there to look and evaluate that outside of
14 the NEMO plan. And that's what we were doing as a
15 result of the lawsuit settlement. And we said what we
16 were going to do that in the lawsuit settlement was to

17 evaluate and determine whether we open, close or limit

18 that route.

19 So it's been a series of decisions that

20 have been made connected to the lawsuit closure. And

21 then making decisions in our Land Use Management Plan

22 that we were going to look at that and evaluate it,

23 and so we are doing so.

24 MEMBER SCHILLER: I still can't

25 understand, if it's been historically open at least

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1 since the seventies on the BLM maps and it was

2 specifically excluded from NEMO, why it would require

3 a plan amendment?

4 MR. VILLALOBOS: It's a matter of policy

5 and I'm following policy. I've consulted with the

6 state office and I have consulted with the Washington

7 office and that's the decision, matter of policy that

8 I have to follow.

9 MEMBER SCHILLER: Thank you.

10 DIRECTOR BORCHARD: Ron, it was part of

11 the settlement agreement that we would evaluate the
12 status of that road. And that's what we have to do to
13 comply with the Court sanctions.

14 MR. SCHILLER: In reading the settlement
15 agreement, I don't recall anything that had to do with
16 the plan amendment. So I just find it frustrating
17 because I can't grasp the rationale to require plan
18 amendment.

19 DIRECTOR BORCHARD: It's kind of the way
20 we do business in that if we are going to make a
21 decision that results in a changing a previous
22 planning decision, then that requires a plan
23 amendment.

24 MR. SCHILLER: Okay. I just have one
25 more last question on the Needles field office report.

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1 And that has to do with Bonanza Spring Riparian Area
2 Restoration. Under that item, it says that the
3 Bonanza Spring Riparian Area Revitalization project,
4 it goes on to say "incorporates low level recreation

5 opportunities." I'm not sure if I understand what a
6 low level recreation opportunity is. Does that
7 include hunting, gem and mineral collecting,
8 bicycling, motorized? I just was curious.

9 MR. RAZO: Larry Morgan is ill and was
10 not able to make it, but we will certainly get the
11 question to him and get response from him.

12 MR. SCHILLER: That's all the questions.

13 CHAIRMAN KEMPER: Tom.

14 MEMBER ACUNA: I have a question
15 regarding the El Centro field report. And this would
16 be the land use planning item, the draft Resource
17 Management Plan. Perhaps Vicki could just give me
18 kind of a big picture summary of what that covers and
19 what process you are using to carry that out, where we
20 are at.

21 MS. WOOD: Vicki Wood, El Centro field
22 office. You are talking about the actual RMP?

23 MEMBER ACUNA: Right.

24 MS. WOOD: We are in the process of
25 getting that draft out right now. It has to go

1 through the Washington office. And it's eastern San
2 Diego County, about 100,000 acres, and only about
3 25,000 of that we are going to make decisions on
4 because a lot of it is wilderness and other designated
5 areas.

6 MEMBER ACUNA: So is it your basic land
7 use plan for that area, then?

8 MS. WOOD: Yes, it is. It's a Resource
9 Management Plan.

10 MEMBER ACUNA: Right. Let me ask a
11 question with regard to utilities. How are they
12 treated in that general way?

13 MS. WOOD: The general treatment?

14 MEMBER ACUNA: We have the southwest
15 power line that goes through that area.

16 MS. WOOD: We will be making decisions
17 about utility lines. Anything specific that we are
18 going through on the utility corridor? I don't think
19 so. No, nothing specific.

20 MEMBER ACUNA: Are you going to be

21 identifying potentially the corridor that exists as an
22 energy corridor within that plan?

23 MS. WOOD: I don't have my experts here
24 so I don't know.

25 MEMBER ACUNA: Tony, do you have some
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1 thoughts on that?

2 MR. DANNA: Tony Danna, BLM Sacramento.

3 I was involved in some of the briefings
4 with Washington. And again, what Vicki said was there
5 are very limited decisions that are needed here.

6 There are only about 25,000 acres, about one quarter
7 of the area. And existing is probably going to stay.

8 And other than that, I don't think there is much
9 potential because of the fragmented lands for any
10 other decisions.

11 MEMBER ACUNA: Is it north of I-8, most
12 of the properties?

13 MR. DANNA: It's on both sides, north
14 and south of I-8. But it's that western part of the

15 San Diego County that goes up to the Forest Service.

16 MEMBER ACUNA: The reason I brought that

17 up is currently SDP&E is evaluating a potential route

18 at the directive of the Public Utilities Commission to

19 explore a route that's different than Anza Borrego.

20 And one idea is going through Cleveland National

21 Forest. And then a southerly route very close to

22 where the Southwest Power Line would be. So we would

23 be very interested, the utilities would be, in

24 reviewing that plan when it comes about.

25 MS. WOOD: Absolutely. And a couple

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1 members of our field office went to all the scoping

2 meetings for Sunrise Power last week. And we heard

3 all of that.

4 MEMBER ACUNA: Thank you, Vicki.

5 CHAIRMAN KEMPER: Roy Denner.

6 MEMBER DENNER: The concerns I have run

7 through all of the field manager reports for this

8 meeting. If you look -- if you read these reports,

9 you see more than we have ever seen before,
10 investigations regarding implementation of projects in
11 the desert that are either public utilities type
12 projects or in many cases private for-profit projects.
13 And it's proliferating, expanding very rapidly, and we
14 are really concerned.

15 For example, we are looking at power
16 transmission lines; we are looking at the
17 implementation of high pressure natural gas lines; we
18 are looking at moving irrigation canals around; we are
19 looking at geothermal studies and solar energy plants.

20 And lo and behold, most of these projects
21 involve OHV lands. I don't see any of them that say
22 they are looking at a wilderness area or a Desert
23 Tortoise area. You drive across the desert from here
24 to Las Vegas and you can go for hours by land that
25 does not allow vehicle access. There are millions of

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1 acres out there that has been set aside for wilderness
2 and/or the Desert Tortoise, which by the way, if you

3 remember, we had the new Desert Tortoise recovery
4 officer here about three or four meetings ago. And he
5 made the statement that we don't know any more about
6 that critter today than we did when the original
7 Desert Tortoise Recovery Plan was adopted.

8 So here we are with a situation where
9 nobody wants to touch Desert Tortoise lands but
10 everybody is ready to jump on OHV lands and do these
11 projects. Originally we were told, well, there are
12 only a few of these things going on. It's not going
13 to be a very big impact. And people think, for
14 example, geothermal energy exploration shouldn't
15 impact the land very much.

16 That's not so. After they drill a well,
17 they have this huge serpentine system of large pipes
18 above ground that allow for expansion and contraction
19 as the gases are cooled. You will read in here under
20 the El Centro field office report that they are
21 looking at a proposal for a solar energy plant that
22 gobbles up 6,000 acres of public land. 6,000 acres
23 relative to the land available for OHV recreation is a

24 huge percentage of the opportunities we have. 6,000

25 acres within a wilderness area or Desert Tortoise

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1 management area is a drop in the bucket.

2 Furthermore, most of these projects, once

3 they are implemented, are pretty benign relative to

4 the environment. I mean, a tortoise can certainly

5 survive around a pipeline or a windmill. In fact we

6 had a tour that showed that the tortoises were doing

7 really well in wind energy plants because the blades

8 were keeping the ravens away from them.

9 A wilderness area, after a temporary

10 disturbance to implement a solar system, would

11 certainly recover itself at time. But once that

12 system takes over OHV lands, they are gone to OHV

13 recreation forever. And now I'm hearing as soon as

14 the first geothermal guy, for example, puts his bid in

15 to get public lands to develop this, which is a really

16 good resource -- I'm in favor of geothermal and I'm in

17 favor of solar energy -- it's just a question of where

18 it is and what impact it has on what our people like

19 to do.

20 At first, it was just a few applications

21 for this sort of thing. And as soon as the word gets

22 around to all the people that do that, the

23 applications for these kinds of projects are

24 multiplying faster than the tortoise, certainly, maybe

25 faster than the rats. And it's time we take a look at

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1 it.

2 I'd like the Council's support on asking

3 the District Manager to appoint somebody in his office

4 to be the interface with the OHV community on this

5 issue. You can read these field manager reports and

6 it talks about all these projects. But not one report

7 has a map that shows where the project that is being

8 proposed is likely to be located or what the impact on

9 things like OHV recreation are.

10 We have had some good talks with people

11 that manage OHV lands about the concept of mitigation.

12 We've suggested before that mitigation should apply
13 when recreation is impacted by the use of public
14 lands, just like we applied mitigation to
15 environmental impacts. And there is some favorable
16 thought about that, but, for example, a number of
17 these projects are being proposed in the Ocotillo
18 Wells area. And we have actually gone out there and
19 talked to real estate agencies and there is not nearly
20 enough land to mitigate the impact on the recreation
21 out there, even on a one-to-one basis. There is not
22 enough land available to impact recreation.

23 So the bottom line is the impact of all
24 these things that are good for the public, on OHV
25 recreation are going to be disastrous if we don't find

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1 some process to control it.

2 So Steve, if you could appoint somebody --
3 actually, I would like the Council's support on that.
4 I don't know if it needs to be a motion or whatever.
5 But Steve, for those of us in the recreation community

6 to sit down and go through all of those proposals and
7 try to figure out just what the impact is and where
8 the impact is located, we would have to hire four
9 people. You have to do it anyhow in order to address
10 those requests for the use of public lands.

11 I would like to have somebody that would be
12 an interface that would put all of this together on
13 one big map and say -- perhaps two or three levels of
14 where you stand with these people, RFPs that are being
15 evaluated in the final stage. Maybe at the other end,
16 just conceptual requests about information on using
17 public land and maybe something in the middle that's
18 in process, where we could sit down and look at one
19 large map and see what the overall impact on
20 recreation -- not just OHV recreation. Any impacts
21 that these commercial and public endeavors may have on
22 recreation at large. I mean, we just don't have
23 enough lands left that we can have for-profit
24 companies come in and take away our recreation
25 opportunities.

1 DIRECTOR BORCHARD: I think your request
2 is very reasonable, and I believe we can accommodate
3 your request. And I guess I sympathize with your
4 point of view, sitting here and watching all this
5 activity and reading all this activity in these
6 reports.

7 I do want to make a comment, though, that
8 the BLM is part of the executive branch of the federal
9 government. And our chief executive is President
10 Bush, and President Bush has a very large influence on
11 where we place our priorities. And one of BLM's top
12 priorities and has been for, oh, about four years or
13 five years now is working on energy for domestic
14 energy for the U.S. So I guess there are those in the
15 department and at BLM leadership that would look at
16 these field manager reports and say, boy, these people
17 are working on the Bureau's priorities.

18 However, those are national priorities and
19 we constantly deal with integrating both our local
20 priorities and national priorities. And our No. 1 --
21 I can easily say our No. 1 priority in CDD or our

22 No. 1-A priority or 1-B priority is recreation. So we
23 struggle with integrating national and local
24 priorities.

25 So I guess to circle back with your request
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1 for kind of a comprehensive look, districtwide, at all
2 the different energy projects, we can accommodate that
3 and prepare some information and appoint a contact
4 point for communications. No problem with that at
5 all.

6 MEMBER DENNER: I appreciate that. In
7 fact, Steve, we are in a position to help you with a
8 lot of this stuff. You talk about energy production
9 being a high priority. If you haven't already gotten
10 it, you will be getting a letter from Attorney David
11 Hubbard. We have done some research. For example,
12 what you get for what you pay. I don't know if you
13 are looking at this thing, but this solar energy plant
14 proposed out in the Ocotillo Wells area, 6,000 acres
15 it takes and it will supply enough energy for 75,000

16 homes. A drop in the bucket.

17 Probably the only reason the developer

18 wants to do this project out there is because of the

19 tax credits he gets. If he had to justify it based on

20 a return on investment, it would be a total failure.

21 Yet we are going to lose 6,000 acres so some private

22 company can get tax credits and 75,000 homes can get

23 electricity? 6,000 acres are gone to recreation. We

24 can help with that sort of study for you to justify

25 why even though energy production is top priority,

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1 sometimes it doesn't make sense in lieu of what we

2 sacrifice.

3 **DIRECTOR BORCHARD:** You also brought up

4 mitigation. And that will be part of the discussion

5 and part of the planning process on any energy project

6 anywhere. And mitigating impacts to habitat as well

7 as all other existing uses, such as recreation.

8 Yeah, I was also in on a call last week

9 with Daphne Green, Ocotillo Wells State Recreation

10 Area manager and we did talk about mitigation and talk
11 about going -- she suggested we look at going beyond
12 one-to-one, one acre for one acre, beyond that, such
13 as might be required for habitat mitigation.

14 MEMBER DENNER: If the lands are
15 available. But if you could give us the name of a
16 person ASAP, we would appreciate it.

17 MEMBER SCOTT: I'm going to be the naive
18 one on this. Do we have a comprehensive plan for
19 energy development that would sort of point to those
20 areas that might be good for energy development and
21 those areas that might be in conflict?

22 DIRECTOR BORCHARD: I'm probably not the
23 best one to answer this because I'm not intimately
24 familiar with all of our plans. So maybe field
25 managers want to chime in here. I know we have gone

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1 through a process where we have identified utility
2 corridors, and we also go through a process where we
3 identify potential areas for geothermal development.

4 Wind, I don't know if our planning process

5 identifies --

6 MS. TROST: For wind and solar energy,

7 it requires further testing. So those areas are not

8 specifically identified. So a company will come in

9 and provide us information and want to do testing for

10 those areas to find out whether or not it's feasible.

11 After that, they will submit an application if they

12 determine that it is feasible. At that point is when

13 we take it through the NEPA process.

14 MEMBER SCOTT: The reason I ask this

15 question is if we are approaching every project as

16 it's own unique entity, that's a good way to crash and

17 burn, I think, because you don't get any comprehensive

18 planning. It seems like we should take a broad view.

19 If we allow every project to go in that's proposed, we

20 lose the desert. But yet one project at a time

21 doesn't seem like all that much. And I think this is

22 one of the things in land development that's happened

23 on the other side of the mountains that has not gone

24 well because it's piecemeal. And when people step

25 back with comprehensive plans, everybody seems to be a

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1 little happier in the long run.

2 DIRECTOR BORCHARD: I know we go

3 through -- part of the required process by the

4 National Environmental Policy Act when we are making

5 and analyzing the impacts of a decision, is to analyze

6 the cumulative impacts of an individual project. So

7 we do go through a process where we compare and

8 consider that individual project on a much larger

9 scale.

10 MEMBER SCOTT: But it's always reactive,

11 and if no project is proposed --

12 DIRECTOR BORCHARD: No, it's not

13 strategic.

14 MEMBER SCOTT: If there is no project

15 proposed at a place where the KV line ought to go

16 through, then the good work never gets done and you

17 are also trying to make the best of a bad lot. That's

18 all I'm saying.

19 Maybe if there is some way to get out in
20 front of this and say these are the regions where we
21 think that these things should be encouraged, you
22 would be doing the job for the president and maybe at
23 the same time saving the OHV areas.

24 CHAIRMAN KEMPER: Tom.

25 MEMBER ACUNA: I have a comment. And I
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1 hear what you both, Roy and Tom, are saying. You
2 don't want to do poor planning.

3 When you build energy sites in various
4 operations, you have to build transmission lines and
5 cumulatively they all have an impact and you are
6 right. You build a spiderweb, and you don't want to
7 do that. You want to focus and do comprehensive
8 planning. We have a mandate to have 20 percent
9 renewable energy sources, and that's what is really
10 driving California. That's coming right out of the
11 governor, and it's to all utilities. We have got to
12 have that. So how do we do that? So they are looking

13 at these resources and we are letting individuals

14 develop ways to do that.

15 I think this is a good opportunity. If you

16 take that 20 percent and you identify potential ways

17 to get that and if the BLM were to identify locations

18 strategic to locations for power lines and other

19 issues, you might have something good going here. So

20 I'm supportive of what you are saying. I wanted to

21 make sure that everybody understood that the goal is

22 20 percent, and so that's the big picture. How do we

23 meet that in what combination?

24 MR. SHAFFER: Bruce Shaffer, the

25 Assistant District Manager.

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1 One of the things that we briefed Steve on

2 in the last month, actually, the governor's office has

3 established a joint land use committee and it's

4 consisting of a lot of the federal military

5 installations within specifically Southern California

6 as well as some of the counties and some of the other

7 federal land management agencies.

8 And our first meeting is actually next

9 Monday, I think, Hector, out in Ridgecrest. And one
10 of the things that committee is wanting to look at is
11 all of our land use plans throughout the different
12 jurisdictions -- county, military installations, land
13 management agencies -- as well as look at the issues
14 of renewable energy, wind energy -- and that's the
15 only one I will be real specific on. We know where
16 the wind resource is as a general rule. The
17 governor's office, Wind Energy Association keeps good
18 mapping.

19 Now, they still have to go out and do site
20 specific locations, and they do that with monitors to
21 see, okay, we think wind energy is here. We think the
22 wind source is here. So they test it and do it over
23 time. And each of our managers in our field offices
24 have applications that come in. And they look at
25 those, see if, okay, yeah, validating whether that

1 wind is there efficient enough to maintain turbines.

2 Geothermal is the same way. There is

3 mapping that says generally where it's at, just like

4 oil exploration. But again, unless you do site

5 specific testing, you can't really validate it. I

6 think that's what the managers are saying in the land

7 use plans. We have those general documentations that

8 show where the resources are, but they still have to

9 test and validate that it's enough there for some kind

10 of long-term production and/or development.

11 MEMBER ACUNA: Good points. So you have

12 got the general areas. Now, how do you link them to

13 urban areas with power lines that carry the juice to

14 them?

15 MR. SHAFFER: Well, again, that's one of

16 the issues I think this land use committee is going to

17 start looking at. Again, I will go back to wind

18 energy. We meet about every other month. We have a

19 group called the Wind Working Group, and what that

20 group does is we look again where the major resources

21 are for wind energy, where the existing transmission

22 lines are, where the corridors need to be. And those

23 are really looked at statewide. And then, of course,
24 when they are looking at bringing them across state
25 boundaries, because as most people know, electrical
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1 transmission lines all have to interconnect. You
2 can't have a dead-end loop. Everything has to be
3 looped in. So, yes, we do continue to look at those.
4 We talk about those both on regional bases as well as
5 throughout the state.

6 MEMBER ACUNA: The recent PEIS actually
7 facilitated by the Department of Energy, that was --
8 what they are basically doing there is trying to link
9 the urban area to energy. And they develop energy
10 corridors through federal lands. And I was surprised.
11 I would say even our own company, we were not able to
12 identify the linkages adequately, and neither was the
13 federal government. And so the plans don't reflect
14 much except what is existing. It didn't reflect what
15 we need for the future.

16 And I think there is an opportunity here

17 still, because they are still evaluating it. I really
18 think that PEIS should take some time here and get
19 back with folks like yourself and the BLM to say,
20 okay, we have these energy areas. How do we really
21 connect to them because I think we missed that point.

22 MR. SHAFFER: And I believe that's some
23 of the issues that we will be taking to that joint
24 land use committee when we meet with the governor's
25 office next week.

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1 MEMBER ACUNA: If Sempra can give you
2 any support on that, I'm certain we could help you
3 with that.

4 CHAIRMAN KEMPER: Bill Betterley.

5 MEMBER BETTERLEY: Is local government
6 involved in that?

7 MR. SHAFFER: Yes.

8 CHAIRMAN KEMPER: Roy Denner.

9 MEMBER DENNER: Bruce, I have a real
10 simple question for you. And I also have something

11 for Roxie.

12 But you say that locations of geothermal
13 energy and wind energy have been identified. My
14 simple question is, Is there any consideration to
15 developing those resources in areas that are
16 considered to be either wilderness or Desert Tortoise
17 habitat?

18 MR. SHAFFER: I would have to go back
19 and look at the specific site and the land use plan.

20 MEMBER DENNER: I would find it a real
21 coincidence if these resources only exist in OHV area.

22 MR. SHAFFER: We can certainly look into
23 that and look at the percentage of whether it's OHV
24 land or wilderness and see where they are being
25 targeted by the industry.

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1 MEMBER ACUNA: Roy, you would have to
2 change all land use plan methodology, because anytime
3 you build anything, you don't build things like that
4 in wilderness areas. That's where we go.

5 MEMBER DENNER: We never have. But when
6 all of the OHV areas are used up and they still want
7 to build more energy plants, they will have no choice
8 but to go to wilderness and Desert Tortoise areas.

9 CHAIRMAN KEMPER: We are losing control.

10 MEMBER DENNER: I had a comment for
11 Roxie, too.

12 MR. VILLALOBOS: I would like to share
13 with you --

14 CHAIRMAN KEMPER: Let me take charge of
15 the meeting. Steve has been trying to get a word in
16 edgewise here for about ten minutes, so I'm going to
17 recognize Steve.

18 DIRECTOR BORCHARD: Roy just asked the
19 question if any of the energy proposals would
20 potentially impact either habitat management areas or
21 wilderness areas. And, yes, indeed, there are
22 proposals being evaluated that include alternatives
23 that could impact both wilderness areas and habitat
24 management areas.

25 MEMBER DENNER: See, Tom, miracles can

1 happen.

2 CHAIRMAN KEMPER: Hector.

3 MR. VILLALOBOS: I would just like

4 to help answer Roy's question here about the

5 evaluation of some of the resources. I remember back

6 in the seventies, I worked to evaluate geothermal

7 resources both in Southern California and in Nevada.

8 At that time we started working in the Imperial Valley

9 area to identify what we called known geothermal

10 resource areas and also in the China Lake area.

11 So we identified those areas and drew some

12 lines on the ground, basically identifying the

13 geothermal potential for those areas. And that

14 started back in the seventies. The idea was that

15 these things would be integrated into the land use

16 management plans as they were done.

17 Also, in the evaluation of wilderness study

18 areas, I was involved in doing that, too, and we

19 evaluated mineral resources in those areas to see what

20 the potential was. We identified areas of high
21 potential, low potential or no potential for minerals.
22 And that included energy, hard rock, and other
23 leasable minerals.

24 And so if they were -- some of these
25 mineral resources were identified within wilderness

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1 study areas, they were identified to the decision
2 makers, and they would make decisions whether or not
3 to include or exclude those kinds of things. Again,
4 the idea is do some homework first before making them
5 wilderness. And then let the decision makers know
6 what the potential is there and take that into
7 consideration and then underlying land use management
8 plans would integrate those things also.

9 In the Ridgecrest field area we identified
10 back in the eighties an area for wind energy
11 production. The potential was there. They also
12 identified areas that didn't have potential, and they
13 had some lease opportunities that came up at that

14 time. So there was a generation of wind development
15 that occurred many years ago with the incentives, like
16 you said.

17 In California, the interest is there again.

18 Some of the interest is in areas that were already
19 evaluated for wind energy, so we are making -- going
20 through those. Some -- because of the incentives,
21 some areas that are outside of those original areas
22 are being looked at now. And that's where we are
23 looking at doing the testing, looking at permitting
24 anemometers to be done and looking to see what the
25 potential is for those particular components.

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1 So that's how it's kind of growing. Those
2 things might require plan amendments as we go along.
3 There is another geothermal exploratory well going in
4 the Ridgecrest area partially outside of the known
5 geothermal resource area identified many years ago.
6 That again, as the proponent drills exploratory wells,
7 then tests the resources out there and sees what the

8 potential actually is for development, we may be
9 looking at a plan amendment, as I think El Centro is
10 also.

11 So that's kind of -- you know, we tried to
12 identify the lines on the ground where we think the
13 potential is years ago. With incentives, with the
14 price of gas the way it is right now, it draws more
15 interest and we start getting outside those boxes that
16 were originally drawn.

17 MEMBER DENNER: So we could expect that
18 you will be identifying for whoever our contact
19 becomes where those exploratory wells are being
20 drilled?

21 MR. VILLALOBOS: You bet. If I had a
22 map right now, I could point right there.

23 MEMBER DENNER: Well, we haven't seen
24 it.

25 CHAIRMAN KEMPER: Tom.

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1 MEMBER THOMAS DAVIS: I think to wrap

2 this up, but to put kind of a big umbrella on this, is
3 when we get these reports, I think it would be
4 extremely helpful at the meeting and during submittal
5 process when we get these reports to have something
6 that's graphic, that's site-specific as much as
7 possible with both corridors and site-specific
8 projects. I think from a land use planning
9 standpoint, having a perspective of how these
10 different projects relate to us and their scope is
11 important geographically as well as issuewise. So I
12 think that would be an appropriate addition to our
13 regular reports. I know that you have the GIS
14 capability to do that.

15 CHAIRMAN KEMPER: Thank you, Tom. Ron
16 Schiller.

17 MEMBER SCHILLER: I have a comment and a
18 question.

19 It's interesting to note that the two major
20 alternate energy developments being considered at
21 Ridgecrest are both -- one is on private land. The
22 other is on state land. So they don't have to deal
23 with the BLM.

24 I was told by one particular individual
25 that if we drill on the state land, even though it's
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1 not optimum for exploration, all we have to do is deal
2 with the right-of-way to get the equipment in, with
3 the BLM, and don't have to do the hassle.

4 The other question I had as was mentioned
5 earlier about an upcoming meeting in the Ridgecrest
6 area on this land committee -- how can I find out more
7 information on that and when it's going to be?

8 MR. VILLALOBOS: Just call me up.

9 MR. SCHILLER: Okay, I will do that.

10 Thank you, Hector.

11 CHAIRMAN KEMPER: All right.

12 MEMBER DENNER: I still need to respond
13 to something Roxie said, and then I think I'm done.

14 But Roxie suggested that our concern about
15 the wind energy situation might be a little premature.
16 Let me read a sentence or two out of the El Centro
17 field manager report here. It says, "Applications for

18 wind energy testing facilities include proposals from
19 Clipper, Biorenewable, RENEWergy and Wind Hunter." So
20 there are concrete proposals requesting study plots
21 for wind energy plants. And I would expect that with
22 those, they have identified -- if they are giving you
23 a proposal, they must be saying we want to test in
24 this area or that. So rather than wait until the
25 project is completed and the EIS is put out, it would

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1 be really nice if we could know up front what we might
2 anticipate in terms of impacts coming downstream.
3 That's all.

4 CHAIRMAN KEMPER: Carol.

5 MEMBER WILEY: Yes, I just want to note
6 that wilderness is a valuable resource and that's why
7 the Wilderness Act was put in place. And it needs to
8 keep its place also.

9 CHAIRMAN KEMPER: Thank you, Carol.
10 Tom. I have a question and Tom, you might be able to
11 answer it or any of the staff members.

12 I'm having a hard time, as I suspect other
13 people are, understanding the scope. So if we are
14 talking about 20 percent replacement with renewable
15 energy sources, how many units of energy is that and
16 what are we looking at realistically in a commitment
17 of lands, whether they are public or private, on an
18 acreage basis? Are we talking about thousands of
19 acres, tens of thousands, hundreds of thousands of
20 acres to produce that 20 percent of energy? So I
21 think that will give perspective to what the goal is.

22 MEMBER ACUNA: Well, I'm not the expert,
23 but I can tell you, just take the last number of
24 SDG&E. In terms of electric power, I think we were
25 4500 megawatts. That's a peak. But if you took 20

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1 percent of that, you are going to be dealing with,
2 what you got there? 900 megawatts. So this Sterling
3 Energy power plant they are proposing for somewhere in
4 the El Centro district, that's going to put out about
5 900 megawatts. So that would fulfill that need.

6 But there is no guarantee that thing is
7 going to get built. There are a lot of other folks
8 that are putting forth projects. And the whole issue
9 is you can't hang your hat on any one particular
10 developer. You have got to encourage a number of them
11 to get that whole mix that you need.

12 Now, if you don't meet that, what is San
13 Diego going to do? They are going to build power
14 plants on the coast. And I can tell you right now
15 there is a huge outcry about energy plants in Carlsbad
16 or Chula Vista. They want them gone. They want to
17 turn them into bayfront redevelopment projects and
18 they want the power plants to go. So utility
19 companies are getting squeezed between two different
20 hard directions.

21 CHAIRMAN KEMPER: So a 900 megawatt
22 operation, how much acreage are we talking about?
23 Does anybody have any idea.

24 MEMBER ACUNA: Roy was right. It was
25 about 10 square miles.

1 CHAIRMAN KEMPER: About 6,000 acres or
2 so. Maybe not that much land altogether to meet the
3 goal of 20 percent reduction of liability on some type
4 of renewable resources.

5 MEMBER ACUNA: Right.

6 CHAIRMAN KEMPER: Any other questions or
7 comments? Ron Schiller.

8 MEMBER SCHILLER: Actually, I have a
9 question for Tom regarding the renewable energy
10 resources. I'm constantly reading about geothermal
11 and wind energy and solar energy. Where does
12 hydroelectric fall? It would seem to me that would be
13 a renewable energy. If not, why not?

14 MEMBER ACUNA: Oh, no, that's a great
15 point. Over by Lake Elsinore there is a LEPS -- I
16 don't know what the acronym is -- but the idea is they
17 are going to take water from the lake and pump it up
18 to the hill at night when energy use is low cost. And
19 in the morning when everybody's flipping on their
20 light, they run the water down the hill and they make

21 money, and that is the point. They are looking at it.

22 That is one way of creating energy.

23 MEMBER SCHILLER: I had in mind more

24 dams like we have in the sea areas and such.

25 MEMBER ACUNA: No, we don't have any
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1 hydro, SDG&E does not. But the folks that are doing
2 hydro are having tough times keeping their power
3 plants running at the maximum capacity, simply because
4 the watershed management and wildlife for fish and
5 that type of thing, they are being cut back on how
6 much power they can produce because they have to put
7 more water out. So they are not offering the optimum.
8 Then you get back into the repowering issue. So they
9 need equipment that creates more energy with the same
10 or less volume of water.

11 MEMBER BETTERLEY: It's seasonal, too.

12 CHAIRMAN KEMPER: Another question for
13 possibly Tom. If we were to grade energy sources as
14 to value, in other words what it cost to put out a

15 kilowatt, what are our most efficient and what are our
16 least efficient? Can you grade them one through five.

17 MEMBER ACUNA: I think you answered it,
18 Roy. The nuclear stuff is low cost. And boy, oh,
19 boy, you get a big bang for your buck. I don't mean
20 the other way. It's a risk.

21 But when it comes to solar, you would be
22 surprised at the various types of methodologies. Some
23 are more efficient in payback than others. Some of
24 it's untested technology. There is a big range, and I
25 don't have the numbers for you. Maybe that is

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1 something that in the future we could come up with to
2 tell you what's the payback on the various forms of
3 energy. Out of interest, we would be happy to do
4 that.

5 CHAIRMAN KEMPER: I think that would be
6 helpful. For those of us that are interested in
7 saving as much land as we can, we are also interested
8 in getting the biggest bang for the buck energywise.

9 And of course, we are all consumers, so it faces us
10 down line. If we are using three or four times as
11 much land to implement a renewable energy resource
12 that actually costs more money, then why not use less
13 land and use something more effective?

14 MEMBER ACUNA: And I think I would like
15 to make a motion that at the next meeting, we have
16 more of an energy focus. And I think where you were
17 going, Tom, a moment ago about having a GIS map
18 illustrating where these potential areas are and these
19 corridors are, I think it would be a great update for
20 all of us on the board. I think energy is a very,
21 very big thing for our country. And it's not going to
22 go away. And it's probably -- I think recreation is
23 really important, Roy. But I have to think energy is
24 even more important because it affects everybody.

25 So I would make a motion that we band

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1 together and get the offices to kind of come up with a
2 presentation on what's being proposed on BLM lands so

3 that we can just assess it.

4 CHAIRMAN KEMPER: Thank you, and we can
5 take that up as an action item late in the meeting.

6 If there are not any more questions or
7 comments, I know that we have gotten through the
8 meeting a little bit quicker than planned. And we
9 have already passed the section or the time period in
10 which we were taking public comment on items that were
11 not on the agenda. So I'm going to reopen that up for
12 anybody who is maybe in the audience that would like
13 to speak to something that's not on the agenda.

14 Please come forward.

15 MS. MERK: Thank you very much. I
16 missed the public comment this morning.

17 My name is Sophia Merk. I live in
18 Ridgecrest, California. And I want to say -- I want
19 to take a moment and say happy 30th birthday for the
20 Federal Land Policy Management Act of '76. As we all
21 know, 94-579 was passed by the House, Senate and
22 signed into effect by the president. And it passed
23 both houses. I mean, the House of Representatives and
24 the Senate. And that was quite a huge undertaking at

25 the time.

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1 I was what you might call a user of public
2 lands back then, and I started writing letters. My
3 first letter to a public official was in 1975, and it
4 had to do with the BLM lands. I was really happy when
5 the 1980 plan was put into effect. And I was really
6 happy when the NEPA process was defined and kind of
7 spearheaded the whole CDCA. And the NEPA process, if
8 you look at it, it defines everything. It makes it --
9 it makes it so you can look at all different angles.
10 And as we know, when you take one little row of corn,
11 you might say, in a field, and you just let -- and you
12 put the whole hypothesis on that one row of corn and
13 you don't take into effect the whole field, you might
14 come up with a different policy.
15 And with the CDCA, the way it was defined
16 and everything, they were supposed to look at the
17 whole California Desert Conservation Area. I was very
18 happy today to hear Dr. Tom saying that he wanted a

19 comprehensive plan for the whole, if I got that right.

20 Anyway, I think that would be very, very good.

21 Unfortunately, what's been happening in the

22 CDCA -- and I see it a lot -- it's becoming

23 fragmentized, it's being regionalized. It first

24 happened with the WEMO, NEMO and WECO, then it

25 happened with regional offices and so on and so forth.

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1 I think good planning for the whole CDCA is really a

2 great undertaking, and it should be initiated and it

3 should be explored.

4 I would also like to -- just kind of just

5 ramble. But one of the things I see going on is that

6 in the last six or seven years we have the Desert

7 Managers Group that are meeting and everything. But

8 they would benefit so much from listening to the DAC

9 and vice versa. I think it would be good if there was

10 more interplay between the Desert Managers Group and

11 the DAC. I think it -- I think better policies would

12 be coming forthwith because I think a lot of policies

13 are coming just from the field offices. And I think

14 it would be better if it came from the DAC.

15 The DAC was legitimized by Congress and

16 you have every right to interplay with the Desert

17 Managers Group and I would really hope that you guys

18 do it.

19 But anyway, Happy Birthday, Happy 30th.

20 And I'm sorry that Mr. Borchard wasn't able to make

21 the Ridgecrest area. There were a lot of us that

22 would have liked to have met him. And I would also

23 like -- I'm just rambling now, so I'm going to get off

24 and let somebody else talk.

25 CHAIRMAN KEMPER: Thank you very much.

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1 Anybody else from the public that would like to speak

2 at this time? Seeing none, I'm going to go ahead and

3 call a 15-minute break and we can be back in 15

4 minutes.

5 (Brief recess was taken.)

6 CHAIRMAN KEMPER: If Juan Palma is here,

7 are you ready for your presentation?

8 MR. PALMA: Yes.

9 Good morning, everyone. I happened to
10 catch a cold this past week. I'm not contagious, but
11 my voice got screwed up and I will cough here and
12 there. My name is Juan Palma, and I'm the field
13 manager for the Las Vegas field office. It
14 encompasses the southern part of the state of Nevada
15 and the northern part of the Mojave Desert.

16 I want to take a few moments with you
17 because some of you -- I don't know who -- is
18 interested in a little bit of information on what we
19 are doing on that southern part of the state. Now,
20 some of you are not going to agree with the stuff and
21 some of you are going to agree with the stuff. But
22 that's just the way it is. So we are going to at
23 least share with you what we are doing. And you may
24 have some questions. I want to move forward and show
25 you these slides as quickly as I can and save time for

1 questions.

2 A little bit about myself. I grew up on a
3 reservation called the Yakima Reservation in the state
4 of Washington. It overlooks on the west side the
5 Cascades Range and on the eastern side you have the
6 Palouse Country. That's where I grew up as a child
7 and I have fond memories of where I grew up out in
8 eastern Washington.

9 I started with the Forest Service many
10 years ago, and that's where most of my career has been
11 with the Forest Service. I started as a GS-1 and
12 ended up being the forest supervisor for Lake Tahoe.
13 And I spent a number of years dealing with that
14 nonsense over there. And I left Forest Service and
15 went to BLM as a district manager for the BLM in
16 eastern Oregon. And I was there for a very short time
17 and they asked me back to Lake Tahoe. And I was the
18 executive director of the Lake Tahoe Regional Planning
19 Agency. TRPA was the acronym.

20 And most recently I came back to the BLM,
21 and the BLM is kind of a muddled organization. In

22 some parts it looks this way and some parts it looks
23 that way. And it was one muddled up part in western
24 Colorado and my task was to unmuddle it. And now I'm
25 in Las Vegas. So that's a little bit about myself and

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1 the BLM and my background with some of the land that
2 we deal with.

3 So let's talk about the Southern Nevada
4 Public Land Management Act. I'm going to use the
5 acronym SNPLMA. What it is, the Southern Nevada
6 Public Land Management Act of '98 really stated that
7 we, the BLM, were to dispose of certain lands in Clark
8 County. Those lands were about 46,000 acres. We have
9 disposed of about, thus far, a little over 12,000. Of
10 those 12,000 that we actually put forth into private
11 hands, some of those lands have been reserved, in
12 addition to those 12,000, some for affordable housing.
13 We have mandated affordable housing. And some other
14 uses we have, schools, parks, all kinds of other
15 stuff. Of the 46,000 acres, about 29,000 are left to

16 be disposed of.

17 Those individuals involved in the creation
18 of SNPLMA were many. And the history of the SNPLMA is
19 long. But Senator Ensign was involved in the House at
20 the time, Senator Bryan and Reid and many, many others
21 that were involved in the development of SNPLMA back
22 in '98.

23 I was in Lake Tahoe at the time, '98, and
24 at that time we had land exchanges. Oh, my gosh, some
25 of them left blood all over the place in land

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1 exchanges. When I was there, we exchanged the
2 Thunderbird Lodge in Lake Tahoe. The Dreyfus Estate
3 we exchanged for lands in Clark County at the time.
4 Del Webb Corporation, we exchanged the land. But the
5 changing was very traumatic stuff. For some of us
6 that have actually been in the middle of the
7 hurricane, it's not something we look forward to do
8 that.

9 Out of those processes, land exchanges,

10 emerged the idea that there must be a better way than
11 land exchanges. And that's where the birth of SNPLMA
12 began to emerge, the idea. Also Congressman Burton
13 and Santini, they created what's called Burton-Santini
14 Act. And those lands in Clark County that were sold
15 at the time for -- as we procure land in Lake Tahoe.
16 Out will all those processes emerged SNPLMA in 1998.

17 The disposal boundary was developed by a
18 group of individuals. The SNPLMA law authorized us to
19 dispose of public land. They were very specific. It
20 allocates revenue generated from those sales among
21 local governments and state, as well as some of the
22 federal agencies.

23 It's specific to the -- the revenue is
24 specific. Some of that amount goes into an account,
25 and I will describe that clearly in a moment. And it

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1 defines what sensitive lands we can procure. I'm
2 going to have to turn a little bit. If you see that
3 disposal boundary, you can see where the Las Vegas,

4 the city proper is. And you can see the boundary
5 that's a little bit dashed around the city. That's
6 what we call the disposal boundary. That's where
7 those 46,000 acres we are talking about are inside of
8 that boundary. Out of those 46,000, about 29,000 are
9 left to be sold yet.

10 When we dispose of those lands, the money
11 that we collect goes into three main pockets:
12 5 percent goes to the State of Nevada for education,
13 and they have received a substantial amount;
14 10 percent goes to the Southern Nevada Water Authority
15 for the infrastructure of water in that part of the
16 country, and that's a very substantive amount they
17 have received over the last five years. 85 percent
18 goes to a special account for the Secretary of
19 Interior. And that 85 percent is -- I will show you
20 how it's divided, how we allocate the funds.

21 It's impossible to tell you all the
22 intricate processes. I'm just going to whet your
23 appetite. We don't have enough time to go through all
24 the intricate detail. But that 85 percent that is set
25 aside in a special account is divided into the

1 following categories that you see up on your screen.

2 By law, it tells us in what areas and whom can we

3 allocate these funds to.

4 First one is the acquisition of

5 environmentally sensitive lands in the State of

6 Nevada, but giving priority to Clark County. So we go

7 forth and find those environmentally sensitive lands

8 that are in private hands, and it's a willing buyer,

9 willing seller. That's the only process we use,

10 willing seller and buyer. And we acquire those lands

11 through SNPLMA.

12 Capital improvements on certain federal

13 lands, we use those funds. The federal agencies, we

14 have a partnership in the south called the Southern

15 Nevada Agency Partnership. It includes the Forest

16 Service, Park Service, BLM, and Fish and Wildlife

17 Service. Those four agencies can come forth and do

18 capital improvements. They may be recreation type

19 activities, campgrounds. It could be all kinds of

20 series of buildings, capital-type stuff. Trails, et

21 cetera, et cetera.

22 We also use some of those funds as the

23 third category for the development of the Multispecies

24 Habitat Conservation Plan for Clark County. And we

25 allocated millions and millions of dollars for that

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1 conservation plan. Fourth is development of parks,

2 trails and natural areas for the local jurisdictions.

3 This is local governments, local cities. By far, the

4 majority of the funds go to that, by far.

5 And the local jurisdictions and the federal

6 government work very closely together to make sure the

7 trails don't dead end. Sometimes local governments in

8 planning -- I used to not work in federal service but

9 I worked with local service, TRTA. And sometimes they

10 do their own thing. And we want to make sure they

11 connect with us so that the trail that they are

12 planning, the park that they are planning, there is

13 some conductivity to the federal land. That's a

14 critical component.

15 The fifth is conservation initiatives on
16 federal lands. Those conservation measures, I will
17 talk about those later, but it includes all kinds of
18 studies. It might be actual on-the-ground
19 archaeological reconnaissance. It could be a whole
20 multitude of projects, literally dozens and dozens of
21 projects that otherwise we could not get funded
22 through the normal bureaucracies we work under.

23 Federal restoration of projects for Lake
24 Tahoe: As you know, Lake Tahoe, some of us put
25 together the IP for Lake Tahoe, an improvement

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1 program, 1 billion point 5, and they tap into the
2 funding stream for Lake Tahoe. So a lot of this money
3 goes to Lake Tahoe for the restoration projects there.

4 The last one reimburses the BLM in Las
5 Vegas for implementing this whole activity, the
6 operational cost of this whole activity.

7 There are some other aspects that we fund

8 that the Congress has given us. But in general,
9 that's where we allocate those funds, that 85 percent.

10 How do we allocate that 85 percent? What is the
11 process that we do?

12 It's quite an involved process, and I'm not
13 going to describe all of it to you but just in general
14 get a sense of it. We have subgroups at the local
15 level. For example, we have a subgroup for the parks,
16 trails and natural areas that is 95 percent-plus local
17 governments. The cities, the county, all of those
18 kinds of individuals that form a subgroup that they
19 decide which parks, which trails, which wetlands,
20 which this or that should come forth for funding. We
21 have another subgroup of federal managers that they
22 decide which conservation initiatives, which capital
23 improvements, and what goes forth. So we have
24 subgroups, not just one, but many.

25 The subgroups then recommend to the working

1 group, which is composed of a little more regional

2 executives from both the state, counties, NECO, where
3 we have a representative on our working group, as well
4 as other kinds of entities that formulate -- that's
5 one body. And that body collects all the information
6 coming forth. They review all of the proposals and
7 then that working group recommends to the executive
8 committee what proposals may go to the Secretary. The
9 executive committee you see there, that third bar, is
10 composed our state director, who is the chair of that
11 body. It's composed of the regional director of Park
12 Service, John Jarvis out of San Francisco, the
13 Regional Forester out of Ogden, and the Regional
14 Director of Wildlife Service, Steve Thompson, out of
15 Sacramento. That composes the executive committee.

16 There is a procedure, a formality they go
17 through, and they finally agree which proposal will be
18 forwarded to the Secretary. The Secretary goes
19 through all those proposals, reviews them with now his
20 staff, and then they finally get approved and funded.
21 That's the procedure how we allocate that 85 percent.

22 The purchasing of environmentally sensitive

23 land is a critical topic for us. We are disposing of
24 land, but we are also buying land. And I won't go
25 through all that. But it's a critical process.

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1 We consult with obviously the state and
2 local governments. When we dispose of land -- let me
3 describe in this slide how we dispose of land. There
4 is a group of individuals, all the mayors of
5 Henderson, Las Vegas, North Las Vegas, county
6 commissioners from Clark County and myself. We form a
7 group called the Federal Lands Committee. And all the
8 lands that get disposed of come to that body. They
9 present to us which parcels are to be sold, and we
10 agree or disagree and approve or disapprove which
11 parcels will eventually be sold.

12 Once that body approves of parcels to be
13 sold, then they get to another process to be sold. So
14 there is a lot of involvement from local governments.
15 In fact we at BLM we don't sell land, per se. We
16 simply have to work with local governments to decide

17 which parcels are ready, because they know what
18 development is going and what infrastructure they may
19 not have or have.

20 There are other provisions in the law that
21 are critical for us. I'm not going to go through all
22 of them other than just to say that we have to also
23 account for many other things. I mentioned to you one
24 that is called affordable housing. Some of you may
25 say, what does a field manager from the BLM have to do

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1 with affordable housing? I can tell you I spend an
2 awful lot of my time dealing with the question of
3 affordable housing because the law stated that we, the
4 BLM, were to make available BLM lands for affordable
5 housing in the city. So some of us spend an awful lot
6 on the whole question, how do we make that happen,
7 which is unusual for a BLM office or manager to be
8 involved in that kind of stuff. But it's really
9 important. Only to say that there are some other
10 aspects of the law that were put into it.

11 I think we talked about that. Let's talk
12 about some of the funding thus far that we have done
13 over the last few years. For land acquisition thus
14 far, we have -- well, you can see that column, about
15 337 million dollars for land acquisition that we have
16 set aside or allocated thus far. For capital
17 improvements, about 419 million dollars for the
18 federal agencies. For parks, trails, natural areas,
19 where it says PT&A, about a little over 1 billion
20 dollars to be allocated to local governments.

21 For Lake Tahoe, we have allocated thus far
22 about 230 million dollars. About 2 billion have been
23 allocated to the local governments. As you can see 50
24 percent of that, that's the 85 percent that's being
25 allocated. And for Multispecies Habitat Conservation

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1 Plans, it's that bottom left column, about 51 million
2 dollars for all kinds of improvements to support
3 tortoise habitat and all kinds of tortoise activities
4 we are doing on that part of the country.

5 For conservation initiatives, these are the
6 initiatives for the federal agencies, all the way from
7 archaeological reconnaissance surveys to all kinds of
8 other stuff, about 170 million dollars allocated to
9 the four federal agencies thus far. And that SARS
10 stands for -- sometimes our projects don't quite match
11 what we do on the ground. They come in a little
12 higher. So we have to allocate a little more money in
13 some of those projects, and that's what that column of
14 70 million is.

15 The PPP stands for Preproposal Planning.
16 We do a lot of analysis prior to the projects being
17 proposed. So we do analysis before that, 25 million
18 dollars. A total allocation of 2.3 billion dollars in
19 the last five to six years. That's coming out of
20 12,000 acres that we sold thus far.

21 This simply just describes where the land
22 acquisition is occurring. I'm going to move fairly
23 quickly, but this gives you a glance how much of this
24 acquisition is BLM and Forest Service and Fish and
25 Wildlife Service.

1 Revenue thus far from July 31 of this year,
2 if you look at that line, it says total collections,
3 it's 2.9 billion dollars since inception of SNPLMA.
4 And you can see where the revenue is coming from.
5 Most of it is from the disposal of land.

6 The bottom number, that 88 million, it's
7 the interest that we earn. We actually have investors
8 in Denver that invest these funds both in daily
9 accounts, weekly accounts, monthly accounts -- I don't
10 understand the whole process -- but there are
11 investment firms that can invest this money. And we
12 also have those individuals that do that. And that's
13 the revenue from just purely the investments that go
14 on.

15 Let me cover that. Thus far for education
16 for the State of Nevada, a little under 150 million
17 dollars has been allocated from this account for the
18 State of Nevada. For the Southern Nevada Water
19 Authority, about 280 million dollars has been
20 allocated for the infrastructure of water in the

21 community. And then Clark County for the Department
22 of Aviation, about 7 million.

23 Let me stop there. And again, I just -- I
24 didn't cover all of the intricate pieces, but just to
25 give you a sense that there is a procedure for the
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1 disposal of land as well as the allocation of the
2 funds. And again, I'm convinced that some of you may
3 not agree with disposal of public lands, but the
4 bottom line is we are doing it in one part of the
5 country. And here is how we are doing it there.
6 Obviously, we can always improve on our processes, but
7 that's what we are doing.

8 What I didn't talk about -- and we would be
9 happy to show some of you -- is the wonderful
10 improvements that I believe we have done on the BLM
11 lands that otherwise we could not have done. In terms
12 of recreation, we have some wonderful areas in
13 Southern Nevada. For example, Red Rock National
14 Conservation Area. I consider that to be a jewel of

15 the BLM. Clearly a wonderful place we can preserve
16 and conserve for generations to come. This law also
17 preserved Sloan Canyon, a little over 2,000
18 petroglyphs. Clearly we can't dispose of this land.
19 This is an endowment for generations to come. We have
20 set those aside. Those are not for sale.

21 We have also set aside 14 wildernesses in
22 this part of the country, which we had almost none
23 before. That's a good thing. We have a little over a
24 million acres of ACECs set aside for the process. And
25 about a million acres of those have been set aside for

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1 tortoise habitat. We have some other ACECs for
2 archeological reasons.

3 I can just go on and on and on. I talked
4 to you about the money side, but I haven't talked to
5 you -- and I would be happy to talk to you -- about
6 the other side of the ledger, which is what has been
7 set aside in that for the conservation of natural
8 resources in the southern part of the state. That's

9 my presentation. I would be happy to open it up for
10 any questions you might have on any of these topics.

11 Mr. Chairman, I will let you manage the
12 plans.

13 CHAIRMAN KEMPER: Let's move back up to
14 our chairs.

15 Juan, first of all, we thank you for coming
16 all the way from Clark County and making this
17 presentation. And you are here at my request and a
18 few other of the Council people as being able to build
19 a model that we think may work for at least parts of
20 Southern California. And thank you very much for
21 coming. With that, I will open the floor to
22 questions. I believe Roy Denner had one.

23 MEMBER DENNER: My question is going to
24 be obvious to the rest of the council.

25 I don't see any allocation for motorized

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1 recreation opportunities. All this money is coming in
2 and going to set aside parks and wilderness areas.

3 What about motorized recreation, which as you know in
4 the Las Vegas area and the rest of Nevada is a big
5 economic engine. There is a lot of off-road people
6 with their vehicles in that state.

7 MR. PALMA: We have an area, as an
8 example, what we call Nellis Dunes. It's a high
9 recreation area that is BLM right now. There is
10 tremendous conversations going on right now with Clark
11 County, North Las Vegas, plus the BLM. We are already
12 in the process of funding a study as to what might we
13 do with that recreation site. There's a lot of OHV
14 activity that goes on in the Nellis Dunes, about 9,000
15 acres.

16 And we feel very frankly that there is a
17 very strong possibility we can do something there for
18 motorized recreation. And the study -- first we like
19 to do the planning, Roy. And then come back and then
20 do the capital after that. That's the lessons that we
21 learned, that we can't kind of flop an idea out there.
22 We have to have companies that help us out. We are
23 doing that right now. And I suspect that at the end

24 of the day we will come up with some capital

25 improvements to do that, whether the county manages

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1 the facility, whether it's the BLM -- we haven't

2 decided yet -- but we are focusing some energy to your

3 question as both money and time.

4 MEMBER DENNER: But in the plan itself,

5 you talked about how the money is being distributed.

6 As I understand it, there is no recreation element

7 specified in that plan that certain amounts have to be

8 allocated to motorized recreation. It's just

9 hopefully you are a good guy and like what is going on

10 out there and support it?

11 MR. PALMA: I think that's a different

12 question than the first one. The question you are

13 asking now, if you were to do something like this -- I

14 don't know if you are -- but if you were to do

15 something like this, clearly one of those categories

16 you have to stick in there, capital improvements,

17 that's one you ought to consider. Yeah, that's a

18 different question, Roy, and I think if you were to do
19 something like that in this part of the country, would
20 you put that as a funding criteria? And yeah, you
21 could certainly do that. No, it's not in ours. We
22 are doing some of those things, because you are right,
23 some of us think we ought to not forget about that.

24 CHAIRMAN KEMPER: Any other questions
25 from this side?

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1 MEMBER ACUNA: I just have a general
2 thought. I don't know if California would ever
3 implement this kind of program. It sounds like a good
4 idea. I just look at the other board members. Do you
5 think this would ever fly in California?

6 CHAIRMAN KEMPER: I do. For obvious
7 reasons. And I will answer that a little bit.

8 We have lots of disposable land that
9 doesn't meet the qualities of what the BLM is trying
10 to manage. And we are fortunate that they reside
11 around areas like Palm Springs. And I was told by a

12 couple of managers, well, we are not like Las Vegas.

13 We don't have valuable land.

14 I beg to differ. I'm probably paying more

15 for bare land in Palm Springs than I am in lots of

16 areas of Henderson and Vegas. And I think if we

17 really looked at what our potential assets are here,

18 we have a plan that was initiated 30 years ago that in

19 1990 dollars takes 100 million dollar a year to

20 implement. And our budget is 18 million.

21 We are talking to a gentleman here who is

22 investing their funds because they can't spend it all

23 or haven't been able to thus far. And they still have

24 other land identified to expose in growth areas. Las

25 Vegas is certainly the highest growth area in the

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1 nation, but California doubled its population in 20

2 years and we will do it again. And there are certain

3 areas that can be identified. And that's why they

4 were asked to give a presentation. Some of our most

5 difficult lands to manage are the ones that border

6 urban sprawl. Any other comments from -- yes. Tom.

7 MEMBER SCOTT: This is a great idea.

8 But what happens with the challenges of people saying,

9 Well, gee, this is federal land. So why isn't this

10 money going back to the treasury? And there have even

11 been sort of suggestions of that in Congress. So how

12 do you create a system which actually returns the

13 resources to where they have been taken away?

14 MR. PALMA: That's a tough question,

15 Tom. From the political process, I think you are

16 going to have to have strong support at the local

17 level. Form those coalitions both in the House and

18 Senate, they support this. And lucky for us we do

19 have that strong support on both sides of the aisle

20 for this money to remain where it is.

21 But you are absolutely correct. Many

22 challenges are coming forward and have come forward,

23 and I'm sure a lot of negotiations I'm not aware of at

24 those levels to keep the money where it's being

25 generated. I don't know how else you are going to

1 keep it, because looking at those sums of money, an
2 awful lot of hands want to get in the cookie jar.

3 Tough challenge.

4 CHAIRMAN KEMPER: Steve.

5 MR. BORCHARD: I think I can talk to
6 your question a little bit, Tom.

7 I had the opportunity to work on a similar
8 bill for Lincoln -- White Pine County in Northeastern
9 Nevada patterned after both the Southern Nevada Public
10 Lands Management Act and the Lincoln County bill.
11 What it takes is it takes a broad coalition. It takes
12 off-highway vehicle support. It takes wilderness
13 support. In the case of Northeastern Nevada, the
14 livestock community, the tribal interests, the state
15 refuge managers. All of them have to be interested,
16 as well as those communities that are -- could be
17 affected or benefit from this conversion of land to
18 revenue. So it takes a broad coalition who will
19 support and voice their opinions strongly to the local
20 and national political representatives. That's the
21 way it happens.

22 CHAIRMAN KEMPER: Yes, Tom.

23 MEMBER THOMAS DAVIS: Juan, you

24 mentioned that you are acquiring additional lands

25 using these funds; correct? So what is the net result

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1 of acquisition acreage for protected lands, wilderness

2 lands, other recreational lands from the disposition

3 lands versus the acquired lands?

4 MR. PALMA: The verdict is still out,

5 Tom. All I can tell you is at this point in time if

6 all acquisitions were to go through, we will be

7 probably not quite even, but fairly close to it. And

8 the reason I say the verdict is still out is because

9 we have 30-plus acquisitions in play right now. And

10 whether those actually happen or not -- there is

11 always negotiation going on. I want \$10, I will give

12 you \$8, I will give you \$9. That's going on right

13 now. And those haven't happened other than in play

14 right now. So we have several hundred million dollar

15 in play. But if they were to happen, I think it will

16 balance out at the end of the day.

17 MEMBER THOMAS DAVIS: Is the goal to

18 equal out?

19 MR. PALMA: No.

20 MEMBER THOMAS DAVIS: Regarding the

21 Southern California situation, there are a couple

22 things going on. I would like to ask maybe Steve to

23 comment on one of them. And that is I read in the --

24 while I was visiting in the Eastern Sierras in the

25 newspaper there -- I mentioned this to Hector at the

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1 break -- there is a land consolidation program of the

2 different -- a cooperative of the different federal

3 and state agencies that have inholdings that they are

4 disposing of in some fashion and acquiring others in

5 exchange.

6 We have a lot of -- as we do here, the

7 reservation is checkerboard. The BLM holdings in this

8 area are checkerboard. There is a lot of opportunity

9 to consolidate. We are working with BLM on a

10 consolidation plan ourselves. So what I am asking
11 you, is the ulterior motive here linking the
12 consolidation aspect of things to a program that BLM
13 is contemplating in the area to both consolidate land
14 holdings and/or disposing of them in the various
15 areas?

16 DIRECTOR BORCHARD: No. Consolidation
17 efforts that I'm familiar with are not -- don't have
18 complicated goals. The goal of consolidation is to
19 simplify management. Where you have a state parcel
20 that's alone out in the middle of a federal sea of
21 parcels, it doesn't make sense for the state to try
22 and manage that parcel. It's much easier to throw it
23 in and have it managed as -- under the same procedures
24 as the federal side of it is managed. So no, I guess
25 I don't see an ulterior motive of consolidation being

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1 the first step and disposal being the next. I'm not
2 aware of that motive on the federal land managers
3 part.

4 MR. PALMA: I can tell you, Tom, what I
5 look at, because all acquisitions come for my review,
6 at least for BLM. I look at those biological as well
7 as natural resources, archaeological resources. I
8 will give you one example.

9 I'm looking at a 200-plus-acre parcel right
10 now that was in private hands for many, many
11 generations. And because it was in private hands,
12 there is some wonderful archaeological resources
13 unknown to many except the families that lived there,
14 they knew about them. Also lots of water on that
15 particular property.

16 It's obviously very important for us from
17 two aspects: The archaeological; and two, we can
18 provide some of that water for not only riparian
19 issues habitat, which has all the implications that
20 come with a good riparian habitat. So I look at those
21 resources that we have. So I definitely want to
22 acquire that 200-plus acres. I look at that. Not
23 necessarily this consolidation of lands. It's what is
24 out there that I would be able to acquire for the BLM

25 so we could have protection of those natural

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1 resources. That's what I look at.

2 MEMBER THOMAS DAVIS: Well, I guess the

3 question I was getting to is there is a model here.

4 Is there -- on the staff level and up, is there a

5 contemplation of this type, of applying this model?

6 And although I don't see it maybe in this particular

7 area, it would certainly be a challenge because of our

8 great, vast conservationist constituency we have. But

9 there is an opportunity.

10 We talk about unfunded mandates. We talk

11 about lack of funding for the plan, execution of

12 programs, lack of law enforcement in the desert area.

13 And there is no funding coming down the pipe. I think

14 this is something that maybe seriously needs to be

15 looked at.

16 CHAIRMAN KEMPER: Tom, what I can share

17 with you -- I don't know that the staff here is

18 completely on board. What I can tell you is the

19 reason that Juan is probably here is I have had --
20 because I was the chair, I have been invited back to
21 the national RACs. And the problems we face here are
22 the same across the West. We always have this one
23 little group of people that's represented by the Las
24 Vegas or the Clark County RAC that says, Well, we
25 solved our problems.

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1 And we go, how did you do it? And they go,
2 it's kind of complicated but we have all gotten
3 together and we came up with the plan. And we fund
4 all of our projects.

5 So the reason that Juan was invited here
6 today is I don't really see Southern California as
7 being a whole lot different. It's probably different
8 to the guy who is in Wyoming on a RAC, but for us in
9 Southern California, we share a lot of similarities
10 and we have huge funding problems.

11 And Clark County or Southern Nevada has
12 been able to solve theirs with a very comprehensive

13 plan that I think does what everybody wants. You have
14 to get by -- well, you are going to lose this five
15 acres and you're going to buy this 10 acres and you
16 are going to lose this. You know, when you can sell
17 land for \$300,000 an acre I think was the average at
18 the last auction, and you can go out and buy
19 inholdings for \$1,000 an acre which is more habitat
20 sensitive, it just isn't on the edge of urban sprawl
21 and being a dumping ground, it's a home run for
22 everybody.

23 So I hope staff will consider it and Steve
24 and the rest of the DAC. I think it's part of the
25 solution for the plan. We have had a plan for 30

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1 years. We just never had the money to implement it.

2 Roy.

3 MEMBER SCOTT: I will jump ahead really
4 quick. You mentioned basically investments. And this
5 is one of our concerns in terms of wildlife. We
6 acquire land and then have no money to manage it. And

7 in some cases we are always going to be an interface,
8 even though we may use that process to make this a
9 less porous or less integrated interface, we still
10 need to manage.

11 How did you guys hang onto the investment
12 money? That seems to be another place for people who
13 would rob it as quickly as they could.

14 MR. PALMA: Again, I'm just whetting
15 your appetites. For some of you that want to get into
16 the really intricate details, we could spend hours
17 talking about it.

18 I will give you one example. Sloan Canyon.
19 We consider that a most important resource for us in
20 Southern Nevada. It's an archaeological site. It has
21 literally hundreds, over 2,000 petroglyphs. And we
22 were able to convince other groups that we must
23 protect this resource, which they agreed.

24 So we took a parcel of land, a little over
25 500 acres which we were going to sell anyhow. We sold

1 that, took that 62 million from that sale, set it
2 aside as an endowment for Sloan Canyon. So I have
3 that endowment to manage. So when I manage Sloan
4 Canyon, our goal -- and we have done a business model
5 for Sloan Canyon with all kinds of mathematics that we
6 do -- is that we live off the interest of the \$60
7 million.

8 So we have three rangers that patrol Sloan
9 now, the various trails the plan was assigned. We
10 have several interpreters, on and on and on. We fund
11 that organization for Sloan, which didn't exist up to
12 a couple years ago, out of just simply the interest of
13 the \$62 million. We have done a business plan with a
14 curve as to how long that would last us, how long
15 would that investment last us. And we see that, as
16 far as the curve goes, depending how we spend it, it
17 will go anywhere from 50 to 100 years, plus, depending
18 on how smart we are on that investment.

19 Again, I can go on with all these examples.
20 But that's just one where we have done an endowment.
21 I'm working right now on another situation which I
22 just keep to myself for now. But protecting some very

23 rich paleontological resources out there. And by
24 golly, I want to take a bite at that apple because we
25 have to conserve it. Not a lot of land, but if we can

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1 do the same model that we did for Sloan and reserve
2 some funds for generations to come, long after I'm
3 long gone and all of us are long gone, I want that
4 money to continue to be -- those are the models we are
5 starting to go into.

6 MEMBER SCOTT: So to state this really
7 clearly, it's a federal organization which has an
8 endowment which is capable of creating operating funds
9 for the agencies?

10 MR. PALMA: That's correct.

11 MEMBER SCOTT: Hum.

12 CHAIRMAN KEMPER: It's kind of
13 interesting when you run a government agency like a
14 business, isn't it? I want to compliment you. What
15 you guys have done has been absolutely wonderful. And
16 it's a model that I think can be used in lots of

17 places in the West, maybe not all, but certainly in
18 lots of areas in the West. And you guys have done an
19 absolutely incredible dynamic job, and I think you
20 have set the stage for many years to come.

21 MR. PALMA: Thank you, Mr. Chairman. A
22 couple of closing comments after Roy.

23 MEMBER DENNER: I would agree with you
24 that California represents a perfect opportunity to
25 implement this kind of a program. I don't see it ever

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1 happening, though. Steve, correct me. If I'm right,
2 I think we are actually going the other way. In spite
3 of the fact that you are seriously underfunded, don't
4 you have money set aside for land acquisition rather
5 than land disposal?

6 DIRECTOR BORCHARD: Our funds available
7 for land acquisition have gone the same direction our
8 operational dollars have gone. They keep going down.
9 The land and water conservation funds, which I think
10 is what you are referring to, balances have -- I think

11 are 10 percent of what they were three or four years
12 ago. So they are being phased out.

13 The administration is not really interested
14 in increasing the acreage of land in the public
15 domain. The administration is interested in going the
16 opposite direction.

17 CHAIRMAN KEMPER: Roy, just to comment:
18 If my numbers are right, I think our current budget
19 for the BLM is about \$18 million. The plan calls for
20 about \$100 million a year being spent. Las Vegas,
21 without having sold a fourth of the land that they
22 have available to sell, and setting up their endowment
23 program which draws interest, is producing about \$300
24 million a year; is that correct?

25 MR. PALMA: About that much, yes.

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1 CHAIRMAN KEMPER: About \$300 million a
2 year. They are looking for projects to spend money
3 on. They are looking for identifiable stuff. Funding
4 is not their issue. It always has to be managed and

5 considered, but they have a ready pool. And they have
6 the ability to protect truly sensitive lands and
7 helpless species and that sort of thing.

8 Paul.

9 MEMBER SMITH: I think you have answered
10 it, but I want to be really sure. Who holds legal
11 title to the endowment funds?

12 MR. PALMA: I want to make sure I
13 understand your question. When you say "who," the
14 federal government, for sure. It's a government
15 agency.

16 MEMBER SMITH: It's a governmental
17 agency? It's not a nonprofit of any sort?

18 MR. PALMA: No, sir. Paul, we have in
19 Denver, we have a Denver Business Center. And they do
20 a lot of our business kinds of stuff for the BLM
21 across the country. We have hired individuals inside
22 the organization whose sole purpose is to manage our
23 funds for Las Vegas. They don't do anything else for
24 the BLM but to manage that portion of it. But it's a
25 federal agency.

1 Let me conclude my remarks by saying that I
2 don't know what you all are going to do. It's not my
3 intent to sell you. This is not a sales pitch on you
4 or anyone in the state. Clearly, you will do whatever
5 is right for this part of the country.

6 But let me just tell you from my
7 perspective that for me, I have always believed for a
8 long time as I looked at the wonderful lands to the
9 west of the reservation where I grew up, what a
10 wonderful idea public lands has been in this country.
11 Most other countries around the world don't have this
12 concept of public lands. We do. And I think it's
13 been a wonderful idea.

14 Some of us, some of you, all of you, have
15 been involved in public lands for a long, long time.
16 I have, as well. And I can tell you that there is a
17 lot of passion for public lands from all kinds of
18 sides, as it should be because it's such a wonderful
19 endowment for all of us.

20 But I believe that some of us have come to
21 conclude that in order to really protect public lands,
22 we have to be smart about it. We have really got to
23 be smart about it. And for myself, I believe that
24 started many years ago when I was in Lake Tahoe when
25 we were wondering, what is it we need to do to protect

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1 Lake Tahoe, truly a jewel of the Sierras? It must be
2 protected for generations to come.

3 And if I were to show you a map of Lake
4 Tahoe, how we have acquired those lands for the
5 public, you would be surprised how much has really
6 grown over the years: In the hundreds and hundreds
7 and hundreds of acres.

8 I think if you are going to do something or
9 even think about something like this, you ought to
10 consider really developing a strong, clear vision. In
11 Lake Tahoe we had four. I just talked about one,
12 water clarity. That was one of our missions. It was
13 brought -- In fact, we had a lot of meetings where we

14 brought the president and vice president in 1997. We
15 developed a clarity of vision. No pun intended. And
16 we started with local communities. We used to gather
17 300 or 400 people in one room and say, What's
18 important to you home owner? What's important to you,
19 business owner; what's important to you, federal
20 owner?

21 And from there we developed the vision that
22 water clarity was the most important thing we had to
23 do. The Chamber of Commerce supported it. The
24 environmental community supported it. The League to
25 Save Lake Tahoe supported it.

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1 Then we began to say, How is it that we
2 achieve that vision? And where does the money come
3 from to achieve that? So my suggestion is that maybe
4 you won't start from the money side. You start from
5 the vision side. What is it you really want to
6 achieve? Because without that vision, Mr. Chairman,
7 it's hard to really figure out why are we doing this.

8 And I can tell you this much that since I
9 have been in Las Vegas for a year and a half now,
10 that's where I focus a lot of my energy. I don't want
11 us to be spending money left and right without clear,
12 crisp vision of where we are going. And by God, I
13 want to look 50 years back in the future looking back
14 and say, we have done something good for public lands
15 here. So my advice to you is start there, because
16 once you have that commonality of vision, then other
17 things would emerge from there. That's my thought.
18 Thank you for inviting me.

19 (Applause from the audience.)

20 CHAIRMAN KEMPER: We are a little bit
21 ahead of schedule. Does everybody want to break early
22 for lunch?

23 MEMBER ACUNA: Let me share a couple
24 thoughts on this. The two folks that are supposed to
25 be here aren't here yet. They are on their way. So

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1 if you wanted to let lunch go and let's continue on,

2 if that's what you wanted to do, perhaps John Stewart

3 could do his presentation. And then hopefully our

4 guys will come in. Or we could stay with the agenda.

5 DIRECTOR BORCHARD: If John is prepared?

6 CHAIRMAN KEMPER: John, are you prepared

7 to move forward? Is there anybody here that you

8 expected to be here to hear you speak?

9 MEMBER THOMAS DAVIS: Richard Begay is

10 also here ready to make his presentation, so he can go

11 ahead of yours.

12 MEMBER ACUNA: That would be fine.

13 CHAIRMAN KEMPER: Richard.

14 MEMBER THOMAS DAVIS: Not in front of

15 Mr. Stewart. He is putting off his presentation.

16 Mr. Stewart is next. Correct?

17 CHAIRMAN KEMPER: Right.

18 MEMBER THOMAS DAVIS: And hopefully

19 Mr. Begay would be after that.

20 CHAIRMAN KEMPER: You want Richard after

21 John?

22 MEMBER THOMAS DAVIS: Yeah. I don't

23 want to take time from Mr. Stewart. I was taking time

24 from Tom.

25 CHAIRMAN KEMPER: Very good.
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1 MR. STEWART: Good morning,
2 Commissioners. I am John Stewart with the California
3 Association of Four-Wheel Drive Clubs and United
4 Four-Wheel Drive. And this particular topic here
5 revolves around the TRT that was created to address
6 the special recreation permits and most specifically
7 the cost recovery efforts.

8 Roxie has assured me that everybody has
9 received a packet of items that are the result of the
10 TRT's work. And I would like to start off in that we
11 looked at this as really looking at three
12 considerations: No. 1, we have the condition of
13 normal operations. No. 2, you have events which
14 require special recreation permit. And then you have
15 events which require something more, which is cost
16 recovery. That's when cost to issue the permit
17 exceeds a certain threshold.

18 As a result of what we have done, we looked
19 at the desire to establish a policy to review permit
20 applications and help define when cost recovery kicks
21 in.

22 Now, to accomplish that, several of the
23 recreation planners and Ron Schiller from the DAC were
24 present at most all the meetings. We came up and
25 looked at several different items. One of the things

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1 we looked at was the policy created by the Nevada BLM
2 office, addressed how they addressed the special
3 recreational permits and cost recovery. We also
4 looked at the Washington IM's which directed the field
5 offices to implement cost recovery. And with that, we
6 laid out the process and defined a process that
7 provides consistent definitions and guidelines for the
8 permit process. And this is special recreation
9 permits and cost recovery that we are recommending for
10 the desert -- California Desert District to implement
11 across offices.

12 Now, under this there are clear and
13 definite guidelines now for assisting the permit
14 applicant to look at their permit and to discuss it
15 with the recreation officer, and then to determine
16 when a threshold is going to be exceeded that will
17 require cost recovery. Once it goes into cost
18 recovery, now we are proposing a consistent policy
19 that provides definitions and guidance to make the
20 permit and cost recovery efforts clear to the
21 applicant.

22 With that, you have got the proposed
23 policy. And it is the TRT's recommendation that it go
24 ahead. We do know that there are a few issues still
25 with it that may result in some discussion in the

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1 future, but we really attempted to come up with good
2 consensus to make sure everybody knew and understood
3 the process and what is required. So with that, any
4 questions?

5 CHAIRMAN KEMPER: You have recommended

6 approval, and I'm assuming that you have consensus in
7 the TRT as well as the managers?

8 MR. STEWART: Yes.

9 CHAIRMAN KEMPER: Okay. Very good. Ron
10 Schiller.

11 MEMBER SCHILLER: Yes. Having
12 participated in the -- all the meetings, I still have
13 several concerns. And that's not having to do with
14 cost recovery, but having to do with the rate of
15 charges that the cost recovery involve.

16 My major concern is the charge of the full
17 overhead rate to the permittee for the hourly charges
18 per personnel. And to go a little further, I would
19 like to bring up the way that that is charged and the
20 way it's been determined.

21 This has been based primarily on FLPMA and
22 on the Circular A-25. And I would just like to make
23 the point that Circular A-25 states that this guidance
24 is intended to be applied only to the extent permitted
25 by law. Thus, where a statute prohibits the

1 assessment of a user charge on a service or addresses
2 an aspect of the user charge, the statute shall take
3 precedence over the circular.

4 Then referring to the Land Management
5 Policy Act of '76 that is available in most of the BLM
6 offices, or at least the one in Ridgecrest, when I
7 look at Section 304, it states in part, "In
8 determining where costs are reasonable under this
9 section, the Secretary may take into consideration
10 actual cost, exclusive of management overhead."

11 And therefore, I would say that in this
12 case, the management overhead, which pays for the
13 building and the electric and the utilities and so on
14 and so forth, shouldn't be passed on to the party who
15 is requesting the permit. And that's what I base my
16 opposition to this proposal on. Thank you.

17 MR. STEWART: Not being a representative
18 of the federal government, I would have to pass that
19 one off to Roxie.

20 MS. TROST: The overriding authority was

21 with FLPMA, Ron, and just to help clarify for the
22 Council, our task in our TRT was not to decide whether
23 or not we would implement cost recovery. That was
24 actually done by the director of BLM and is far above
25 any of us. What our task was was to make sure that we

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1 implemented it consistently across all of the field
2 offices in the CDD.

3 As far as Circular A-25, one of the things
4 we do not charge for is management or managerial. But
5 I recently went through an Office of Inspector General
6 audit in my SRP program. And one of the things that I
7 was written up for was not applying Circular A-25,
8 which included things that are directly related to the
9 permit process. So if I were to charge anything for a
10 facility, that would mean that it required me to have
11 an outside facility that I rented for an event. It
12 was that large. We don't charge rental or normal
13 photocopying to an event, but as far as the
14 administrative costs for our staff, that is a required

15 charge for cost recovery. Did that help?

16 MEMBER SCHILLER: Well, not really. I
17 understand, you know, the collateral charges for
18 vehicles and so on and so forth. I guess what my
19 concern is the overhead that pays retirement and other
20 benefits, so on and so forth, is being passed on. And
21 I don't think that's part of the process, the
22 permitting process. And that's where I have my
23 concern. And I don't want to belabor it anymore. I
24 would like to express my concern there and my
25 disagreement.

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1 MS. TROST: That was noted, and we
2 agreed to disagree and concurred that this was a
3 requirement. And like I said, as I went through --
4 the Barstow field office went through our office
5 Inspector General audit, that was one item I was
6 specifically written up for was not applying that
7 correctly.

8 CHAIRMAN KEMPER: And here all these

9 years I thought you were perfect.

10 Okay, so the TRT I take it -- Roy. I'm

11 sorry.

12 MEMBER DENNER: I guess I have to get in

13 on this because I'm the one that asked this Council to

14 approve a TRT for cost recovery, because not only in

15 California but in other states, we were seeing vastly

16 different approaches to how promoters were charged for

17 putting on events. I think the TRT has accomplished

18 part of the job, you know, in coming up with standard

19 procedures so that somebody putting on an event in

20 Southern California isn't looking at a different

21 process than somebody doing the same thing in Northern

22 California. I think they have accomplished that.

23 But there is still an underlying problem.

24 And over the last week or two, I have gotten beaten up

25 pretty badly by some of the event promoters because

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1 it's costing tens of thousands of dollars in some

2 cases -- not all cases -- in some cases because of the

3 requirements, mostly the environmental requirements to
4 put on a simple event. And in some cases an event
5 that's been put on in exactly the same course in the
6 past is costing these promoters tens of thousands of
7 dollars to put on the very same event in the very same
8 area, maybe because this event hasn't been held for
9 the last four or five years.

10 And many of the promoters of the events in
11 the California Desert are moving to Baja. It's a
12 shame that we have an economic engine here that
13 provides communities with a significant income when
14 these events take place. And people are feeling that
15 they have to go to a different country to do what we
16 have been doing on our own public lands for many
17 years.

18 So the problem of the cost of these events
19 hasn't been resolved. The letter of the law in terms
20 of requirements to meet NEPA, CEQA, whatever, seem to
21 still be being applied by the BLM with the idea that
22 they better cover -- cross every single "T" and dot
23 every single "I" so they don't wind of getting sued
24 for not complying with the legal requirements. And I

25 don't know the answer to it. I'm just saying that the
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1 guys are all going through the same process to put on
2 the events. But the cost of the event, many people
3 feel it's an intentional effort to drive particularly
4 vehicle-oriented events out of the California Desert.
5 And I'm not sure where we go with that.

6 MR. STEWART: One of the issues that the
7 TRT did struggle with revolved around -- well, that
8 was one of them. There were actually two, because we
9 also really addressed when you cross a jurisdictional
10 boundary, such as to another agency, going from BLM to
11 the Forest Service with a permitted event. It also is
12 an issue when you look at going across state
13 boundaries, such as going from California into Nevada
14 or into Arizona with an event that is continuous and
15 requiring interaction from both of those different
16 offices.

17 Knowing that, even Roxie and the agency
18 says there is really nothing that we as the agency can

19 do about that at this point in time. And yet, it is
20 something that has to be worked out at a later point.
21 So that's fine. So the TRT proceeded and looked at --
22 let's look at the process now, making sure that there
23 are clear definitions and guidance for the field
24 managers and the field offices to evaluate and issue a
25 permit. From that assumption, we kind of let some of

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1 these others go.

2 Now, as far as what is the actual cost of
3 the permit, that becomes a very difficult one to
4 handle and define. So many of the events are linked
5 with the management plans and were they approved or
6 were they included within the management plans? Were
7 predetermined routes defined? Were cultural surveys
8 done? Were biological surveys done? And if these
9 were done, then you could leverage a management plan
10 to cover those costs. If those activities were not
11 done, then the event would have to assume the cost in
12 order to move ahead.

13 And one of the things is we did come up --
14 and you will find in this policy -- is it is not just
15 a singular year; that you can actually do it for
16 multiple years for the permits, which then, if you do
17 have high costs to incur for biological survey or
18 cultural survey, then you at least can amortize those
19 costs out over a number of years.

20 CHAIRMAN KEMPER: I just have a question
21 for clarification. Roy, I believe both you and Ron
22 served on that TRT. We have had the TRT come forward
23 and ask us for an action item which will be taken up
24 later. The questions that you guys have asked, did it
25 resolve what your concerns were or do you feel that

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1 the TRT has more work before you take it as an action
2 item? Roy?

3 MEMBER DENNER: I have a serious
4 dilemma. As I said, I'm the one who promoted the idea
5 of having a standard procedure, and I'm happy to see
6 that we have one. But if I was asked to vote today,

7 do we want to implement that procedure right now,
8 because of the flak I'm getting from other
9 organizations -- although I have to say none of them
10 are present here; I'm very unhappy about that -- they
11 hit me with all their complaints and problems but
12 nobody sees fit to come here and testify at this.
13 That's why I am saying, I have a real dilemma. I
14 don't think we are ready to vote on it at this
15 meeting, John.

16 As you know, what has been going on in the
17 last week has just raised hell with the air waves.
18 And I think we need to get some of our other
19 organizations, whether right or wrong about their
20 right to complain about this -- I think we need to
21 hear them out. This is going to be a long-term thing,
22 and I guess I would recommend we really don't vote on
23 it yet today, because there is work to done.

24 CHAIRMAN KEMPER: Do I understand your
25 concern isn't so much about the process, but not

1 having a standard fee schedule? Is that your
2 complaint?

3 MEMBER DENNER: Yes. But they are not
4 two separate issues, Ron. Unfortunately, they are
5 very much interrelated. The process and the cost are
6 not separate concerns. And that's what people are
7 saying. If we implement the program the way it's
8 written, they are automatically nailed to the wall
9 with costs that they think are extreme.

10 CHAIRMAN KEMPER: Let me ask the
11 question of staff. Is the process set and required
12 under the law? Or is it something that you come up
13 with? In other words, are we arguing about the cost
14 of something that we don't have any choice over?

15 MS. TROST: We didn't reinvent anything.
16 We took all the existing regulations, circulars,
17 instruction memorandums, and we pulled it all into one
18 location and tried to make sure that, one, each field
19 office was aware of it. We held SRP training for all
20 of our desert field offices and pulled it into the
21 policy that you have in front of you. So it wasn't a

22 new invention.

23 MEMBER DENNER: I understand that,

24 Roxie. And I'm not accusing you of inventing extra

25 tasks or whatever. But there are other opportunities.

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1 I mean, I've discussed this with Kathleen Clark. And

2 before we implement the procedure you put together,

3 abiding by existing requirements, maybe it wouldn't be

4 bad to play it by the people in Washington DC to say,

5 maybe some of these requirements are too stringent and

6 we need to change the regulations relative to cost

7 recovery. And nobody has addressed that side of it.

8 Like I say, I don't have the answer to the problem. I

9 think there are still some avenues that we might run

10 down, now that you have a proposed standard procedure.

11 MS. TROST: I agree, Roy. I guess my

12 only concern is our goal was to be able to provide

13 that consistency, so if we aren't able to go forward

14 with this policy, we are pretty much sharing the word,

15 go ahead and implement how you see fit.

16 And I think our goal was to make sure that
17 when we have an event in Barstow or Ridgecrest or
18 Needles, that we are all on the same page and using
19 the same set of guidelines.

20 MEMBER DENNER: I don't see anything
21 preventing you from doing that, but what you are
22 asking right now is for the DAC to approve of this
23 policy. And I'm suggesting that I don't feel we are
24 ready yet because we need to look at a few more
25 avenues. You can certainly proceed with the policy

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1 and everybody, whether they like it or not, is on the
2 same page. But whether that should be the final
3 policy and we should all approve it and put it in
4 concrete right now, I don't think it's time.

5 MR. STEWART: I think I need to make a
6 comment on that. When we looked at this and really
7 addressed it, we put in certain options where there is
8 a negotiation that can occur. In other words, if the
9 routes are identified and on the BLM's GIS layer, then

10 that will resolve one of the costs as far as
11 identifying the routes and GPSing the routes.

12 If the routes are not, then the promoter or
13 coordinator of the event can provide the agency with a
14 GPS track. And it does not have to be using the same
15 expensive precision GPS equipment that the agency
16 uses. They can use a consumer-grade GPS track
17 off-the-shelf type thing, providing that information.
18 That alleviates one of the costs of the permits, being
19 able to identify the routes.

20 Being able to identify the other costs, is
21 there a biological study necessary? Have they been
22 performed? These by law have to be addressed. If a
23 management plan includes those items already, then
24 that item is taken out of the cost. If not, somebody
25 is going to have to bare the cost. And if it's not

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1 that event, perhaps there is an avenue in here for
2 several people to get together to cover those costs
3 where they are necessary.

4 So when you get into this, I think the
5 policy is there that stands alone, but some of these
6 other costs of what applies or not is something that
7 really looks at essentially a higher level and much
8 more in depth. And that's going to have to take into
9 account how the management plans were written and are
10 defined and implemented over the course of time.

11 CHAIRMAN KEMPER: Thank you. Any more
12 questions or comments?

13 MEMBER SCOTT: I respect Roy's opinion.
14 But it seems like if Roxie is saying these are all
15 existing policies which are in place, it seems like we
16 should reward them for having tried to make them
17 consistent and for putting them all in one place so
18 everybody can see them. It seems like that deserves a
19 bit of acknowledgment.

20 So maybe the motion should be that we are
21 glad you went through the procedure, we are glad that
22 you have gone out to all the offices and looked for
23 consistency. And have a second motion perhaps that
24 follows Roy's concerns that maybe some of these should
25 be revisited, perhaps even on a national level. Would

1 that get us past that point?

2 CHAIRMAN KEMPER: I think what we can
3 do, I'm going to break for lunch here pretty quick.
4 And we are not going to have action items until this
5 afternoon. And everybody talk about it a little bit
6 and see how far they want to go. Okay. Thank you
7 very much. With that, I'm going to go ahead and
8 adjourn for lunch.

9 MEMBER THOMAS DAVIS: Could we possibly
10 have Mr. Begay's presentation so he can go home?

11 CHAIRMAN KEMPER: Sure.

12 MEMBER THOMAS DAVIS: Let me make an
13 introduction here.

14 I asked for this item to be put on the
15 agenda, and I would give you a preliminary idea of
16 what we were doing at one of our previous meetings.

17 About three years ago the Tribal Council,
18 faced with a couple of very large tasks that required
19 both federal and state review -- and NEPA comes into

20 play and a number of other things that this tribe is
21 traditionally known for is doing local government
22 control and exercising its sovereignty -- established
23 the route of establishing a Tribal Historic
24 Preservation Office. Using our GIS capabilities, our
25 own known cultural resources, we went ahead and did

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1 the database, the environmental review, and the
2 research and analysis and filed the application to
3 establish a Tribal History Preservation Office.

4 For those of you who aren't familiar with
5 why we do this, the federal government through the
6 Park Service designates the states as their agent for
7 cultural resource protection. And so in absence of a
8 Tribal Historic Preservation Office, the State of
9 California is our official historic preservation
10 entity through the due delegation of authority through
11 the National Park Service.

12 The regulations in federal law allow for
13 tribes to apply for and be designated as that entity

14 in their own traditional use area. So therefore, we

15 were -- Richard, we are the 32nd?

16 MR. BEGAY: 52nd.

17 MEMBER THOMAS DAVIS: We are 52nd.

18 There are 500 tribes across the nation that have been

19 designated as a Tribal Historic Preservation Office

20 with permitting authority and review authority over

21 cultural resources in our jurisdiction. With that,

22 Richard came on board subsequent to that. We are very

23 pleased to have him. He's an expert in this cultural

24 resource protection, archaeology, and is a Native

25 American himself from Arizona. And he has taken this

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1 office on.

2 And what I have asked him to do is

3 collaborate with our GIS department to create a

4 graphic for your use and for staff's use that clearly

5 identifies as best we can the actual Native American

6 fabric of our area, the Desert District.

7 And so with that, I will let Richard come

8 up and give you an overview of how this came about and

9 I will -- I have a bunch of tubes, so this is tube

10 weekend with a graphic that shows the map. I don't

11 have one for everyone. I anticipated all the DAC

12 members get one and staff gets what's remaining. And

13 I can provide more if you just contact my office.

14 CHAIRMAN KEMPER: Richard.

15 MEMBER ACUNA: Sorry, Tom. So you have

16 authority, then, in place of SHPO?

17 MR. BEGAY: That's correct.

18 Thank you for that introduction, Tom, and

19 welcome to Palm Springs and Section 14, which is one

20 of the reasons why we are here, why this office was

21 created. Just before I continue, I just want to say

22 that I had a great time visiting with some of you last

23 night. Dinner was good, and Bill here provided a lot

24 of laughs at our table, I'm sure as he always does.

25 My name is Richard. Although I have to

1 make one correction, Tom. I'm from New Mexico, not

2 Arizona. I am -- I do work as historic preservation
3 officer for the Agua Caliente Tribe. I'm native, but
4 not Agua Caliente. And a lot of times I make that
5 clear because a lot of times I get that question: Oh,
6 you are Agua Caliente? And they probably don't want
7 me as a tribal member. They are happy to have me work
8 for them.

9 But as Tom said, under the National
10 Historic Preservation Act and through some of the
11 amendments the last couple of years, federal -- Tribal
12 governments were given the authority to act as their
13 own historic preservation officer. There is a long
14 application process for that.

15 Basically, that authority extends us to be
16 able to review Section 106 documents, federal actions
17 basically on Indian lands, reservation lands, anything
18 that involves Agua Caliente undertakings, so you are
19 probably all familiar with that. So I don't want to
20 get too much on that.

21 My job is to build up the program. My
22 background is really working with federal agencies in

23 both Arizona, New Mexico, Colorado and Utah. So I
24 have had a lot of experience working with BLM, Park
25 Service and Forest Service. And one of the reasons

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1 why we do that, Agua Caliente is very interested in
2 working with BLM and the Forest Service and Park
3 Service because in the past, of course, we probably
4 all know about some Indian history. We have a small
5 reservation here, about 32 to 35,000 acres.

6 Well, that's just a very small portion of
7 what Agua Caliente people had in the past. When the
8 American government or the American people started
9 filtering in the 1850s and 1840s with the gold rush
10 and so on, a lot of those lands fell into nonIndian
11 hands. And the Agua Caliente people really have had
12 to fight hard to keep what they have had left.

13 If you take a look at the map, you will
14 notice that the Agua Caliente reservation is very
15 checkerboard. And part of that is because it's prime
16 real estate. It's very coveted, probably. It's also

17 very valuable and a lot of people work to get that
18 away from Agua Caliente and lot of other lands, too.
19 So the tribes made a real big effort to make sure that
20 those lands and the resources on those lands that are
21 now in nonAgua Caliente hands are protected and
22 managed in a way that is still of benefit to the Agua
23 Caliente people and also to the public.

24 In that sense we work with BLM. I work
25 very closely with Wanda here in the field office to

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1 make sure that some of those archeological resources,
2 historic resources, buildings, trails, sacred places
3 are protected and are managed in a way that are
4 consistent with federal regulations and also consider
5 the concerns of not only Agua Caliente people, but all
6 the Cahuilla tribes here.

7 There are nine tribes here from different
8 bands and, again, they also have territories larger
9 than what they originally had. So what we have tried
10 to do in working with those federal land managing

11 agencies, also counties and cities and so on, is to
12 say this is what we are concerned about. This is the
13 area we are really concerned about, and here are the
14 issues we are concerned about.

15 We are concerned about, first and foremost,
16 the protection of burials. That's why we ask federal
17 agencies, cities and counties to do the archaeological
18 surveys, what they are required to do under federal
19 and state laws, to make sure we identify those areas
20 and work with BLM to protect those or come up with
21 some mitigation.

22 What is on that map is, as Tom says, we
23 have identified some of the reservations or all of the
24 reservations in this area. And you will see Agua
25 Caliente there. And you will also see, just real

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1 quickly, in the greater Coachella Valley area, you
2 will see some, in this little corner, some -- they are
3 not specifically identified, but some areas where we
4 are really concerned about because those are historic

5 religious that were identified in the past literature.
6 And the way we came up with this is actually looked at
7 the literature because archaeological sites and their
8 locations are protected by federal law. So we didn't
9 want to give too much information, but you will see
10 concentration of archeological and religious sites we
11 are very concerned about. Of course, not all these
12 sites fall on BLM lands and some of them do.

13 This is what has been recorded in the
14 literature. There are a lot more sites out there
15 that, of course, have not been recorded or have been
16 but are not in the public domain. So we are very
17 interested in protecting those areas and working with
18 federal land agencies and other entities who do have
19 some say in the management of those lands.

20 You will see up here in this corner when
21 you pull out your map, that there is a little red
22 area. That's the larger what we call the traditional
23 use area, and, of course, that's larger than the
24 reservation. And the tribal council in consulting
25 with the tribal members came up with that area saying

1 this is the area we are really concerned about. This
2 is the area that our people in the past have used.
3 And if there is anything going on on state or federal
4 land or city land, my office is required to work with
5 those entities to make sure to identify cultural
6 resources and to work with them.

7 And Tom and I are hoping -- we gave you
8 this map to make sure you are aware of the areas we
9 are concerned about. And if there are areas that I
10 can help with in terms of addressing cultural issues
11 for Agua Caliente or any of our sister tribes, I would
12 be more than happy to assist. I don't know, Tom, if
13 you want to say something else.

14 MEMBER THOMAS DAVIS: Thanks, Richard.

15 I do want you to use this -- hopefully this
16 is a tool, and what I would like to see happen,
17 hopefully, is the host district offices or through
18 Steve's office reach out to the tribes in that region
19 where you are going to be meeting in the future and
20 hopefully invite them to the discussion about issues

21 that may relate to federal lands and their interest
22 and so forth. So at least you have a basis for
23 connecting the geography with the people. And
24 hopefully in the future, will have a stronger dialogue
25 in that area. So that's the purpose. Richard is

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1 happy to answer any questions.

2 MEMBER LEIMGRUBER: One question as a
3 county sup. Do you envision expanding perhaps
4 Southern California or even our group, California
5 Desert Conservation Area, so we have more
6 understanding on this whole area of where these
7 historical sites are identified? And as you brought
8 them out here in Palm Springs, if we could expand
9 that. Or is that another issue?

10 MEMBER THOMAS DAVIS: Well, if Richard
11 wants to speak to it. But as kind of a senior
12 executive with the tribe, our capacities and our
13 charges are limited. And we would hate to stretch
14 our -- not only the staff time and so forth to do such

15 a thing, but we would certainly collaborate and we
16 have in the past with other tribes in the past to do
17 that type of thing.

18 Now, the Bureau of Indian Affairs has all
19 this data for basically the reservations, where they
20 are located and what the governance is and who is in
21 charge. So we can access that. But that would be a
22 bigger collaboration than Richard's office could
23 possibly undertake. So I'm going to defend his
24 ability to and his workload.

25 MEMBER ACUNA: I just want to understand
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1 the process with regard to SHPO, your taking their
2 place. When the BLM Palm Springs office, for example,
3 is looking at a project and they go through a NEPA
4 review and they find out there is a potential issue,
5 are they currently working directly with your group?

6 MR. BEGAY: That's correct. So any
7 federal action, like a Section 106 action, on tribal
8 lands or if BLM is doing something off reservation but

9 within our traditional area, they will contact us and
10 we will work one-on-one with them under the Section
11 106 process.

12 CHAIRMAN KEMPER: Thank you very much.
13 Okay. I'm going to go ahead and call for the lunch
14 break. And we will meet back here, oh, let's say in
15 an hour and 15 minutes.

16 (Lunch recess taken.)

17 CHAIRMAN KEMPER: Very good. We will go
18 back on the record.

19 MEMBER ACUNA: Okay. So we are going to
20 move into the energy portion. For those that don't
21 know me, I'm Tom Acuna.

22 CHAIRMAN KEMPER: Talk louder.

23 MEMBER ACUNA: I'm Tom Acuna, and I
24 supervise a land use group out of SDG&E. We are part
25 of Sempra Utilities, and Sempra Utilities is really

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1 two utilities. One is Southern California Gas Company
2 and the other is SDG&E.

3 I wanted -- as your representative on the
4 rights-of-way, I wanted to make sure that you folks
5 are aware of what utility companies are doing and how
6 they utilize the desert. Southern California Gas
7 Company has six major gas pipelines, high pressure
8 transmission lines, that pass through the desert.
9 Each one of these lines carry about 10 percent of the
10 natural gas used by Southern Californians. So they
11 are very important to the reliability and the needs of
12 those urban users in Los Angeles and San Diego.

13 There are a number of things that go into
14 maintaining a pipeline. It's more than just putting a
15 pipeline in the ground and letting it transport the
16 gas. The gas -- these lines all need maintenance and
17 there are several activities that we have.

18 One of them is inspections. By the
19 Department of Transportation, we are required to make
20 sure that these pipelines are operating safely. For
21 example, you have spans that cross topographical
22 features. They are wrapped. They can corrode. They
23 need a wrapping that has to be inspected periodically.

24 They have to patrol the line to make sure there are no
25 leaks. They have detection devices to make sure there

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1 is no leaks. They can sense it.

2 They have cathodic protection facilities.

3 These pipes, when they go through wet areas with the

4 process of electrolysis, the pipelines will corrode.

5 So they have facilities in the ground that help

6 prevent that from happening that has to be maintained.

7 There is a lot of work related to

8 geotechnical stability. Some of these areas can be

9 eroded. In other places, they can have land collapse

10 endangering the pipelines. So there are a lot of

11 activities that we need to carry out. And probably

12 the most important thing we need is to have access

13 roads. We need access roads to all of our pipelines

14 to make this kind of inspection. And especially if

15 there is an emergency, we need to be able to get to

16 those pipelines.

17 So today that's what I wanted to share with

18 you, and I have asked two fellows to come and speak
19 with you. They have a lot of respect within the
20 industry and within our own company by those who they
21 work with, our engineering crews and field crews. One
22 of them is Tim Hepburn, and he is going to be the
23 first gentleman to speak to you. He is the project
24 manager with our pipeline integrity group.

25 The second person I'm going to introduce is
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1 a biologist by the name of Chris Soul, also very well
2 known in his tortoise work. So with that, we will be
3 addressing how we cover or how we work with regulatory
4 permits, with our programmatic permit. So for you
5 folks that don't know, we do have a programmatic
6 permit. It had a biological opinion issued by the
7 U.S. Fish and Wildlife Service by which we maintain
8 the pipelines. And it's been around for -- since '98;
9 is that right? '96; okay. It's a very effective tool
10 that the BLM granted to us, and we are very
11 appreciative of having that document.

12 So with that, Tim, maybe you could take

13 over.

14 MR. HEPBURN: Good afternoon. Like Tom

15 said, my name is Tim Hepburn. I'm a project manager

16 overseeing environmental impacts for the pipeline

17 integrity program for Southern California Gas Company.

18 I have a fairly short presentation. And to

19 keep you guys on track, I will blow through it pretty

20 quick. And feel free to ask questions either during

21 or if you want to wait until after, I would be more

22 than happy to answer them.

23 So what is the pipeline integrity program?

24 In a nutshell, in 2002 the federal government passed

25 the Pipeline Safety and Improvement Act, and that was

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1 pretty much as a direct result of two pipeline

2 incidents, one in Washington state, one in New Mexico.

3 Carlsbad, New Mexico was probably the most famous one.

4 It's administered by Department of Transportation and

5 the Office of Pipeline Safety.

6 And obviously, it requires pipeline
7 companies that transport hazardous materials, whether
8 it be natural gas, oil, gasoline, jet fuel, that sort
9 of thing, to internally inspect their pipelines as
10 both of those pipeline incidents were due to internal
11 corrosion. We have ten years to do our pipelines. We
12 have to do 50 percent of the top consequence pipelines
13 within the first five years, which is 2007. So we are
14 in kind of a mad scramble to get to that point.

15 The inspection type is dependent on the
16 threat to the pipeline. If the pipeline has a history
17 of internal corrosive liquids, we will internally
18 inspect the pipeline. If the pipeline is in areas
19 where we expect external corrosion, we can either
20 internally inspect it with an MFL tool, which is what
21 we call a smart pig, or we can actually do physical
22 inspections. We call it ECDA, which is External
23 Corrosion Direct Assessment, and that's basically
24 digging down to the pipeline, taking the pipeline
25 coating off, and physically looking at the pipe.

1 The lion's share of the pipeline integrity
2 program is what we call pigging the lines, which is
3 putting in a magnetic flux resonance tool or smart pig
4 into the line. In order to do that, there is a lot of
5 retrofitting activity that goes on. Our pipelines,
6 some of them were built in the thirties, most of them
7 in the fifties and sixties. And the technology wasn't
8 there for the kind of valves, Ts, and Ls to allow the
9 smart tool to go through the line. Many of the valves
10 are gate valves, which are reduced bore. So we have
11 to cut those valves out and put in full opening bore
12 valves.

13 So there is a lot of work up front before
14 we get a tool in the line to get the pipelines
15 retrofitted, ready for action. Once that's been done,
16 we will clean the line, put in a series of cleaning
17 tools, polyurethane foam pigs, what we call
18 construction brush magnet pigs. Then we will put a
19 gauging plate tool in the line, which basically has
20 aluminum plates on it that are kind of pizza cut. And
21 that will tell us if there is any reduced bores or

22 obstructions in the line that would stop the smart

23 tool.

24 The smart tool is about, depending on the

25 vendor, anywhere from a 1 million to 2 million dollar

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1 tool, so we want to take care of it. Once the smart

2 tool has gone through the line, within anywhere from

3 30 to 45 days, that vendor will supply us with a list

4 of anomalies, which is internal or external corrosion,

5 stretch corrosion, cracking, which is a manufacturing

6 defect. And they will give us a percentage of wall

7 loss. So once they give us that, then depending on

8 how significant that wall loss is, we will either have

9 an immediate action or something that's kind of urgent

10 or something that we can do kind of in the course of a

11 year.

12 And we have to, regardless of what the tool

13 tells us, even if it goes through that line and says

14 everything is 100 percent wall, we have to dig at

15 least three or four digs anyway to field truth that

16 tool. These tools have about a 10 percent range on
17 whether -- let's say it's a 10 percent anomaly. It
18 could be zero or it could be 20 percent. So we have
19 field truth and what we call correlate the data, which
20 is dig up sections of pipeline, take the coating and
21 wrap off it, and physically inspect it.

22 At that point if that anomaly is
23 significant enough, since we have the pipeline
24 exposed, we do a repair. If there is some very
25 significant corrosion or issues, we would actually do

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1 a pipeline replacement where we cut out a section of
2 the pipeline and put a new section in.

3 As an example of what these pigs look like,
4 the term "pig" came from back in the old days when
5 they used to run pigs through the line. They were
6 made of leather and they would make a squealing kind
7 of pig sound going through the line. So up on the top
8 left-hand corner you will see two versions of a
9 polyurethane foam pig, which is basically a

10 sacrificial tool. We will run that through and if it
11 does meet an obstruction in the line -- maybe a bad
12 valve or a section of one-inch tubing that's been in
13 the line we didn't know about -- that foam tool would
14 basically just disintegrate or cut but would get to
15 the other side and we would be able to inspect it. It
16 wouldn't tell where it is or what it is, but you don't
17 want to run a steel tool there and get it stuck and
18 cut up the pipeline to get the tool out.

19 In between those two foam pigs is what we
20 call a construction brush. It's basically a steel
21 body in the middle with rubber cups and disks with
22 steel brushes that actually will scrub the coating of
23 hydrocarbons off the inside of the line so that the
24 smart tool gets a good read on it.

25 Next to it on the top right is what we call

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1 a gauging plate. You will see the aluminum plates and
2 those will deflect, and they'll measure the deflexion.
3 And the vendor would then say, it's adequate and the

4 smart tool will make it through the line. Or they
5 will say, no, there is a problem. We are not putting
6 a tool in the line.

7 And the bottom two pictures are basically a
8 smart tool. You will see those long steel sections
9 are actually big magnets that magnetizes the pipes.
10 And in between those magnets are sensors that measures
11 magnetic flux resonance of that section. So if there
12 is corrosion, there would be a difference between the
13 reading of those magnets.

14 Here is a little video that one of our
15 vendors had put together. And it gives you kind of an
16 idea of what it looks like when we put tools in the
17 line.

18 Those are what we call launchers. We use
19 temporary ones which we bolt and unbolt and move them
20 around, so it's not a permanent facility on the
21 pipeline. But wherever we launch a pig, we have to
22 assemble one of those on the pipeline. So we open the
23 door, we push the tool in. The smart tools weigh
24 anywhere from 3 to 4,000 pound. We will close the

25 door, seal it up, and pressurize the pipeline. And

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1 the pig moves through the pipeline via differential

2 pressure, lower pressure ahead of it and higher

3 pressure behind it. It pushes through the line like

4 blowing a pea through the straw.

5 MEMBER BROWN: How fast does it go?

6 MR. HEPBURN: We can run the cleaning

7 tools between 8 and 10 miles an hour. But the MFL

8 tool, most vendors like about 5 mile an hour to get

9 real good data. These two saturate the pipe with the

10 magnetic field. There is a good illustration of the

11 magnets and the sensors in between them picking up all

12 the different issues on the pipeline.

13 MR. STEWART: How do you control the

14 information? Is it collected, transmitted back or --

15 MR. HEPBURN: The information is

16 collected on board the tool. It has a hard drive,

17 either solid state or a regular hard drive, and they

18 will download it on the other side when we pull it out

19 the line.

20 MR. STEWART: What distance generally
21 will one of these one through?

22 MR. HEPBURN: Depends on the pipeline.
23 We are only required to inspect what they call high
24 consequence areas, which is where people are. But it
25 doesn't make sense sometimes if we have 100 mile
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1 pipeline and there are only 3 miles scattered of HCA,
2 we will do the whole pipeline. And the longest we've
3 done, which is the section from Blythe to Cactus City,
4 we have two pipelines there we are actually busy with
5 now. Those are 77-mile runs. At 5 mile an hour, it
6 makes for a long day. When you put the tool in the
7 line, no one leaves until the toll is out of the line.

8 Just some of our challenges that we have.
9 Obviously, just the sheer volume of pipeline that we
10 have, we have about 2,000 miles of transmission
11 pipeline which is high pressure, anywhere from 400 to
12 1,000 pounds. And we are doing SDG&E pipelines

13 system, too, which is another 240 miles.

14 We have basically decided to do this with

15 absolutely no customer outages, so all of our

16 customers, which is residential, business, electric

17 generation, that type of thing, all stay on line

18 without any disruptions, which is no easy feat.

19 Material acquisition is huge right now. We

20 are not the only pipeline company that is required to

21 pig their lines, so there is a real lack of the kind

22 of materials we need. These big valves, pipe, steel

23 is a really big commodity right now. So we have about

24 anywhere from 20- to 35-week lead time on some of our

25 bigger valves, 30-inch, 36-inch, 42-inch valve.

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1 Vendor availability on the tools, there is

2 only a finite number of tools around, and they go all

3 over the world. Many of our tools come in before our

4 jobs from South America and when they leave, they go

5 to Europe. So scheduling that is difficult.

6 And then obviously the environmental

7 constraints. If we are in nesting season and we are
8 going through California sage, we have gnatcatchers.
9 And the agencies aren't real happy with us wanting to
10 go in during nesting season, that type of thing. So
11 we have a lot of scheduling-type conflicts we need to
12 work through.

13 Finding the anomalies, once the tool comes
14 back, the data comes back from the vendor, then it
15 will place that anomaly relative to a feature on the
16 pipeline, whether it's a valve, a T, something like
17 that. And it takes -- wherever the pipeline has been
18 welded, it can capture that weld location and it will
19 say it's so many feet south, west, east, north of such
20 and such a weld.

21 We have been pretty lucky so far. Our
22 pipeline segments are usually 40 feet long, so we can
23 isolate it to a 40-foot section. Sometimes the
24 vendors are a little bit off, so we have to start
25 chasing the anomaly. We may go up or down a section.

1 So a 50-foot excavation may lead to a 200-foot
2 excavation. Like I say, we have been pretty lucky so
3 far.

4 Tom was talking earlier about spans.
5 Oftentimes these spans are unsupported. They can
6 support themselves by the weight of the pipeline.
7 However, they are too long to support the weight of a
8 smart tool, anywhere between 3 and 4,000 pounds. So
9 sometimes we will have to put span supports in, which
10 the span is generally over a creek or a wash. The
11 picture to your right is a project we did at the
12 Ventura River in the city of Ventura. We had to bore
13 a new section of pipeline underneath the 33 freeway,
14 and that is the bore. It kind of gives you an idea of
15 the steps we take to protect water quality, protect
16 species, that type of stuff.

17 And a typical repair, it's kind of hard to
18 see, but you will see there is a section of pipeline
19 that's been sandblasted. And you will see an orange
20 or tan section there, it's actually what we call a
21 band. And it's basically just a piece of pipe we put
22 over the pipeline and weld it on, so it's basically

23 double thick right there.

24 That's a picture of what happens when you

25 have excessive internal corrosion and something sets

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1 it off. That's a picture of Carlsbad, New Mexico in

2 2000.

3 MEMBER SMITH: How often do you have

4 valves where you can shut off those things?

5 MR. HEPBURN: We have valves, depending

6 on the location, kind of out in the sticks where there

7 is not too much population, about every five miles.

8 In more built-up areas, what we call a Class 1 area,

9 every mile. And many of these are remotely operated

10 and they have devices on them that will sense a big

11 change in pressure and will automatically close

12 itself.

13 Now, that's the end of the presentation, so

14 if there are any questions, I will be more than happy

15 to answer those questions.

16 MEMBER SCHILLER: As far as working

17 pressure goes --

18 MR. HEPBURN: Some of our big
19 transmission lines that come in from out of state,
20 Arizona, those come in at 800, 900 psi. As it gets
21 into the L.A. basin we regulate it down to 450.

22 MEMBER SCHILLER: What diameter?

23 MR. HEPBURN: Many are 30 inch. That's
24 the most common. But we have as big as 36 inch.

25 MEMBER SCHILLER: What is the life span?

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1 Do you have a life span of a pipeline?

2 MR. HEPBURN: They don't technically
3 have a kind of like a public life span. They are
4 always being inspected, and some have been in since
5 the 1930s and they are still in great shape.

6 MEMBER SCHILLER: Do you ever change
7 diameter as you go?

8 MR. HEPBURN: We try to keep it the
9 same. If we get to a section where there is more
10 requirement for gas, it's actually easier to run a

11 separate pipeline. Not only is it easier, you have to
12 keep gas running through the pipeline that doesn't
13 have sufficient capacity to keep up the areas that
14 need the gas. Also, if you run a second pipeline, you
15 have backup so if you have an issue on either one of
16 the pipelines, you need to shut it down for repair or
17 you have some kind of problem where the gas needs to
18 keep flowing, we have a backup. So we will usually
19 run a second line.

20 MR. SCHILLER: To not disrupt service?

21 MR. HEPBURN: Because we are pushing
22 with gas pressure, gas will keep flowing through the
23 line. It's when they get stuck that you have a
24 problem.

25 MR. VILLALOBOS: How often do they get
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1 stuck?

2 MR. HEPBURN: I will take the fifth on
3 that. No. We have had three of them stuck, two of
4 which we had to cut out, one of which actually got

5 stuck on an obstruction and we tried to push it with
6 higher pressure and it basically fell apart. So we
7 sent in another pig to pick up the pieces.

8 MEMBER SCHILLER: Do you time your
9 inspection with pigs according to demand or do you do
10 that --

11 MR. HEPBURN: No. If there is too much
12 demand and our gas control, which is basically the
13 area conceived gas where it's flowing everywhere in
14 the system, they may not give us the pipeline because
15 there is too much demand on it. But other than that,
16 it's scheduled around when we can get a vendor, when
17 we can get the retrofits completed, when we can get
18 all the materials and any other environmental
19 constraints.

20 MR. VILLALOBOS: You figure when they
21 got stuck, that that happened? That sort of was a
22 proactive type of situation where you found an
23 obstruction (unintelligible).

24 MR. HEPBURN: Because these pipelines
25 are so old, some of our data is incomplete. So we

1 will have some situations where we have a piece of
2 one- or two-inch pipe going into the pipeline for
3 pulling out liquids that collect. There may not be a
4 record of that. If we don't have the record of that,
5 we put the pig through the pipe and it will be stuck
6 there. But usually we'll catch that.

7 MR. VILLALOBOS: Your transmission lines
8 are all steel but your distribution lines are PVC?

9 MR. HEPBURN: All the transmission lines
10 are steel, usually about three-quarters of an inch
11 wall thickness. Some of our higher pressure
12 distribution lines are steel. But some of the lower
13 pressure residential-type stuff are the plastic,
14 yellow plastic.

15 MEMBER ACUNA: Thank you, Tim.

16 MR. SOUL: All right. For those of you
17 that don't know, I'm Chris Soul. I'm a senior
18 environmental specialist with Sempra. Specifically, I
19 used to work in the Gas Company out of the Redlands

20 office. Now I'm actually working in Escondido for
21 SDG&E. But my love has always been the desert. I
22 have been sort of a desert rat for a long, long time.
23 So I'm going to sort of give an overview now following
24 up on Tim's explanation of what we have to do for
25 anomalies we find in the pipeline.

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1 I'm going to give you some photographs of
2 the pipeline areas. I keep forgetting, Tim, you have
3 this rigged the other way.

4 The first slide here is actually a
5 description so you can have an idea of a lot of the
6 pipelines that run in the Southern California area.
7 Those in red are our major transmission lines. Those
8 in blue are trunk lines that are also transmission.
9 They are generally just smaller diameter. The gold
10 bounded line there is actually the programmatic
11 biological opinion boundary line for the CDCA. So
12 everything within that bounded area is part of our
13 programmatic area.

14 The predominant lines that run through the
15 desert area here are lines 235, 3,000. Those are both
16 up in the Needles area. And those coming westward out
17 of Blythe, you have lines 2000, 2001 and 5000. There
18 is also line 6905 in the CDCA. 1185. Some of the
19 numeric values -- and I had a very hard time getting
20 my head around it when I came on -- pipeline segments
21 will sometimes change numerical values because they
22 were done under a different project number. So where
23 you see the lower lines coming out of Blythe down
24 here, 2000, 2001, all of a sudden you see 1030. Well,
25 1030 is actually a section or one of those original

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1 pipelines. It just happens to have a different
2 project number. So we kind of have to adopt and
3 improvise and overcome.

4 Anyway, so what I am going to cover is this
5 is actually an anomaly. It was a leak discovered
6 Memorial Day last year out in the Stoddard Valley
7 area. So since it's a desert project, it's quite

8 appropriate for this. The area that's flagged off,
9 one of the really interesting things about natural gas
10 leak is when the methane first starts seeping into the
11 ground, a lot of the vegetation will green up. So you
12 will actually get a greenup. But then over time, that
13 vegetation then, its roots asphyxiate due to methane
14 and it will die.

15 So you look around this area and you see
16 kind of green. But in an area around the leak, you
17 see a dead creosote bush in the middle of it and
18 almost nothing growing in that area. And this is
19 actually where, when they go in and beginning using
20 instruments to test, they actually stick probes into
21 the ground, pothole over the pipeline and look for the
22 highest concentration of gas. So they narrow it down
23 to the area.

24 In that area, you can see the vehicles that
25 were parked on the road. The anomaly is on the other

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1 side. This is the off-road use area, so you get a lot

2 of off-road vehicle traffic out here, quad runners,
3 motorcycles and things.

4 This is a precon survey construction
5 meeting. You can see the track hoe getting ready
6 right there beginning excavation at the leak site.
7 And once they get down to the pipe, you can actually
8 see the pipeline exposed now. In the process of doing
9 all this, we are going through all the terms and
10 conditions of a biological opinion, everybody gets
11 environmental training, precon meeting before the work
12 starts, basically giving everybody an overview of what
13 the environmental conditions are we have to comply
14 with when we are doing these jobs, speed limits, that
15 sort of thing, as well as, obviously, Desert Tortoise
16 protection, which is probably the biggest concern we
17 have when we are doing a lot of the work we do out
18 there in the desert.

19 Okay. So now they have more of the
20 pipeline exposed and they begin to excavate the
21 material from underneath the pipe, trying to determine
22 exactly what they call a fissure, a very, very small
23 hole in the pipeline through one of the processes Tim

24 mentioned, which is external corrosion. And that
25 could be where, over time, when the pipeline was
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1 initially put in, maybe the wrap didn't bond to the
2 bottom of the pipe.

3 Of course, when we are talking pipeline
4 that's running pressures of 600, 700, 900 pounds per
5 square inch, a miniscule hole can be a tremendous
6 amount of release of natural gas, at least into the
7 soil around the pipe, which obviously was the case
8 whenever somebody who was doing off-road riding
9 smelled gas and called us and notified us.

10 This is kind of a setback, so you kind of
11 get an idea of the amount of the footprint of
12 disturbance involved when we have to excavate a
13 30-inch pipe at, say, seven feet deep. You have to
14 follow your OSHA regulations for not having too steep
15 a wall or too high a wall around the project. You
16 have to open up the ditch fairly wide and bank it,
17 have ramps down in there. So you end up with

18 significant spoil piles.

19 These two creosote bushes right there just
20 this side of that closest spoil pile, I kept telling
21 the guys, you know, let's leave all the vegetation we
22 can. And you will see in a little bit that those two
23 creosotes got left there, even though pretty much
24 everything around them got kind of decimated as we
25 were trying to get fill material back in over the

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1 pipe.

2 Another part that we contend with are these
3 guys in the tieback suits. They are asbestos
4 abatement contractors, because the old pipe wrap over
5 these lines had asbestos fiber in it. So they come
6 in, beat it with hammers, they soak it down, wet it to
7 keep it from becoming friable, and they put tarps down
8 and catch all the materials that comes off,
9 encapsulate it and put it in plastic bags and haul it
10 away for us.

11 These guys are actually tapping the line

12 right now. And they put in what's called a stack.
13 And that allows them to keep methane flow in the
14 pipeline on either side of where they are going to
15 have to do a pipeline replacement or cut. These guys
16 are actually in the process of making a cut. You can
17 see another stack now on the opposite side there by
18 the guy in the red hardhat. You also see flames above
19 the pipe. They keep a pilot hole lit and basically
20 what they do, as long as the flames which really kind
21 of freaked me out, as long as the flames are blowing
22 up in the air, everybody in the hole is happy. If
23 that flame goes out, everybody starts running,
24 including me. And that's because it means that oxygen
25 is now going into the line, and of course oxygen and

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1 gas, you get a good mixture and you get a big bang.
2 So as long as they have fire, they are all happy.
3 Once they get the pipe section cut out, and
4 what Tim showed you was a band where they actually
5 find anomaly, and they put reinforced steel bands over

6 the pipe where the anomaly is at. If they have a big
7 enough anomaly or a series of anomalies, they will
8 actually take an entire section of pipe out and call
9 it a pup. So in this particular instance, the pup has
10 been cut out and they are about to use another piece,
11 like that, to put in its place.

12 So they come in and they -- go back one
13 page. And as you can see they have also capped the
14 ends and used mud around the inside of the pipe to
15 make sure the methane stays above and below, the
16 cutout remains intact. Again, you don't want oxygen
17 to go up and mix in with your natural gas.

18 So here they have actually replaced the
19 pup, and they are putting it in place. When the job
20 is done, it looks like that. So you had all that time
21 and effort. You also see on this side the nipple
22 that's sticking up there on the top of the pipe.
23 That's a cathodic protection spot. That's where they
24 will actually go in and take reads, electrical
25 potential reads off the pipeline in the future.

1 Then those two creosote bushes, they
2 managed to survive the melee. Once we are done with
3 the project, we go in, shave the material, put a soft
4 sand material on top of the pipe, because you don't
5 want rocks or other hard objects abutting the pipes,
6 shade it and backfill it with the subsurface material.
7 And then we stockpile topsoil so that the seed bank in
8 the natural soils at the surface stay in place. And
9 we push that material right back on top and spread it
10 out and put everything back to natural contour.

11 And again, more photos of the area when the
12 project is completed. Again, it gives you kind of an
13 idea when you have to contend with an anomaly in the
14 desert, what kind of a project footprint you're
15 looking at.

16 The other thing we run into from time to
17 time, we get emergencies. And these are varied. We
18 might have an earthquake to rupture the line, down to
19 something as silly as someone trying to get a Darwin
20 award for shooting a hole in the pipeline. This is

21 the Badlands area just over west of Beaumont on
22 pipeline 5000. This is an access road, and I got a
23 call on a Saturday saying someone had shot a hole in
24 one of our 650 psi pipelines from about 30 feet away
25 with a 30.06. So I showed up and they are like, Well,
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1 you know, what do we do? We are going to have to
2 permit. How do we get down in the wash to get to our
3 pipeline and deal with it?

4 And essentially we were looking at this.

5 You know, the road you see in front here was badly
6 eroded. And they were like, Well, how do we do this
7 without needing a permit?

8 And I said, Essentially, push material down
9 to the edge of the wash, backdrag it up. Don't put
10 anything in the wash and you need no water permitting.
11 So that's what we did.

12 So now we had access to the pipeline.
13 There is the hole that the guy shot. He shot it
14 actually four times prior from farther back and wasn't

15 satisfied with the result of not getting a hole in it.

16 So he gave it one more go and he succeeded.

17 And this is a short video clip that I took

18 while I was there. There he is. I didn't find the

19 image. It's right there. Okay. So I don't have the

20 video image. What you hear, that's actually the sound

21 of the escaping gas. I'm sorry that the video didn't

22 pan out on there very well.

23 I'll tell you what I can do, just because

24 I'm really a stickler about that. There we go. Okay.

25 So you can actually see the bushes probably some 150

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1 feet above the pipeline on the wash bank there moving.

2 From a hole that size at 650 psi, that's a lot of gas.

3 He was very lucky in that when he shot the hole in

4 there, the methane was so pure that it hadn't mixed

5 with enough oxygen that it wouldn't catch on fire.

6 But probably a couple hundred feet up the wash where

7 it was now mixing, if somebody had come down there

8 smoking, you could have set fire to the canyon just

9 from that one location. Doesn't do the smoker any
10 good either. That would have been a good reason not
11 to smoke. So let me pick up right here where we left
12 off. Okay.

13 So anyway, here was a view of the span.
14 After the hole, they came down with their vehicles,
15 put platforms on there. You can see the pink band,
16 brought the line to flat pressure zero and began
17 making immediate repairs to it. There is a little
18 closeup. The only excavating we actually did in the
19 wash to make this emergency repair is get the
20 scaffolding rooted in the ground so it didn't slip and
21 slide. So they excavated a little material and pushed
22 the material back in. When it was all said and done,
23 we had a pipeline repair, and that was pretty much the
24 gist of it.

25 On the biology side of it, we are

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1 constantly trying to work with and I'm a desert
2 advocate, and the BLM offices out here in the desert

3 have been really phenomenal to work with. I saw John
4 Kalish back there. We have a lot of project that go
5 through his region. I work with George Mekkessel over
6 in Needles. I work with Charles Sullivan out of the
7 Barstow office. All of them have made doing the job
8 really fantastic. Larry La Pre has been great to work
9 with. He works very closely with Ernie Bransfield.
10 So when you get two guys out of two different
11 agencies, Fish and Wildlife and the BLM, they work so
12 closely together to help you, it's really been
13 excellent.

14 The turnaround time on jobs from the BLM
15 folks has just been great. So we have always been
16 very appreciative of the help they provide us in
17 processing the jobs and helping us ensure that what
18 we're doing is complying with the BO and any other
19 conditions they may have. I know John has told me a
20 few times, we get a lot of off-road use in that area.
21 So if you can, put up a safety fence or whatever. You
22 bet. We'd be glad to help.

23 Any questions? That was simple. I'm glad
24 you got the first part. Back to you, Tom.

25 MEMBER ACUNA: Thanks, Chris.
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1 Well, I think that kind of gives you an
2 overview of what goes into maintaining the pipeline.
3 And one of the most important things I would like to
4 share on behalf of Sempra Utility is that senior
5 management has taken environmental compliance very
6 seriously. And over the years we have gotten a lot
7 more regulations. And they have climbed up on the
8 ladder of importance. So they have sent that message
9 throughout the company.

10 Chris and Tim do a lot of training to
11 company employees about the importance of complying
12 with the regulations and the sensitive habitat,
13 tortoises and wildlife that we deal with. So I want
14 to thank both Tim and Chris for coming out here and
15 doing a great job. Appreciate it.

16 And I would like to say one last thing.
17 When it comes to issuing permits, you have to have an
18 organization that does a good job. And I've worked

19 with a lot of regulatory agencies, Coastal Commission,
20 Army Corps, U.S. Fish and Wildlife Service. And I
21 really believe that the BLM has done a very good job
22 and I think as DAC members, we should be proud of
23 that, that they are organized.

24 Some other groups are not as well
25 organized. An example would be perhaps the Coastal
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1 Commission. They are a very good organization, but it
2 takes a long time to get something cleared. We had a
3 "frak-out" or a spill of drilling mud, and we wanted
4 to do an emergency repair and cleanup to take the mud
5 out of the water. And it's been two weeks and we
6 still haven't gotten an answer back from the Coastal
7 Commission, whereas we could pick up the phone and
8 call the BLM and we are going to get the green light
9 we need to move ahead and make those emergency repairs
10 and cleanups.

11 So thank you, BLM, and thank you guys for
12 making a great presentation.

13 (Applause from the audience.)

14 CHAIRMAN KEMPER: The next item on the
15 agenda is a roundtable meeting and summary. And then
16 after that, we will take public comment on items on
17 the agenda. So I guess we need to select the next
18 meeting location and agenda topics.

19 One of the things that I would like to
20 bring up, I have been approached by two different
21 Council members, and I'm going to put it before Steve.
22 We have in the past as a DAC, waiting for
23 appointments, or least in the last couple of years, we
24 have continued to convene and meet as a group. What
25 you are going to be challenged with come December 31st

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1 if we don't do that is you are losing both of the
2 elected officials and you can't hold a meeting.

3 So if you would like us to continue to
4 participate until the new nominations are made, I
5 think everybody is willing to do that, but it would be
6 kind of your call. We have done it in the past, but

7 not with you as the District Manager. I don't know if
8 you want to give that some thought.

9 DIRECTOR BORCHARD: No, I don't want to
10 think about it. I know how slow things can go
11 sometimes up the chain of command for getting approval
12 for recommendations. And I would rather not allow
13 that process to inhibit the DAC's performance of their
14 valuable duties. So if you all are willing to
15 continue, I would appreciate your continued
16 participation until such time that we get those new
17 appointments confirmed.

18 CHAIRMAN KEMPER: Very good. Any
19 discussion regarding that? And I believe that the
20 DAC's already voted on this a couple times before, so
21 I don't think we need to do it again.

22 Any other discussion or topics that Council
23 people want to bring up at this time? We will
24 actually have the action item after the public
25 comment. No?

1 You want to select the next meeting

2 location and agenda topics? Tom.

3 MEMBER ACUNA: As I mentioned earlier in

4 the meeting, I would like to see us have a little more

5 energy focus, perhaps with the BLM making a

6 presentation with a map showing the areas where

7 renewable sources could take place, where the

8 corridors are currently being proposed, where they are

9 existing, so we have a little more discussion to see

10 what we on the DAC might be able to do or influence in

11 a positive direction to meet the new Energy Act

12 requirements and renewable mandates by the State of

13 California.

14 CHAIRMAN KEMPER: Okay. Tom.

15 MEMBER THOMAS DAVIS: I would like to

16 just add to that my suggestion earlier was to have,

17 paired with the reports that the field offices are

18 giving, the actual location, geography if it's

19 appropriate, of all the projects. Off-road vehicles,

20 whatever the -- whatever the case may be.

21 CHAIRMAN KEMPER: That's for area

22 managers' reports?

23 MEMBER THOMAS DAVIS: Right.

24 CHAIRMAN KEMPER: Today we got to hear a

25 very small segment of what Southern Nevada is doing,

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1 and I would like to continue to follow up. We do have

2 a TRT in place already, but they haven't actually met.

3 We were hoping to meet with the people from Clark

4 County three months ago, and that got postponed to

5 today. So I would like to see that TRT do some work

6 between now and then and see what kind of facts that

7 they can bring to the table that will be important to

8 this group for their area. So I would like to see

9 that be an agenda item.

10 On the other TRT, Surprise Canyon, you guys

11 are at a standstill because of lawsuits filed?

12 MEMBER SMITH: If I understand the

13 question, the composition of, like, the Surprise

14 Canyon TRT, some of us will be going off the board.

15 CHAIRMAN KEMPER: We haven't heard much

16 of Surprise Canyon for some time because there has
17 been a lawsuit filed.

18 MEMBER SMITH: I don't think it has to
19 do so much with the lawsuit as I think there is so
20 much agency input. And Hector or maybe Steve can fill
21 this in better than I can. My impression is that it
22 is working it's way through the process. And it's
23 just far more complicated than anybody anticipated due
24 to the numbers and the viewpoints of the different
25 agencies.

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1 CHAIRMAN KEMPER: I guess what I was
2 asking is you are not going to need a whole lot of
3 time to talk about Surprise Canyon or the TRT at the
4 next meeting?

5 MEMBER SMITH: I would anticipate that
6 we would not need any time.

7 CHAIRMAN KEMPER: Anything else that you
8 can see that should be a big agenda item? I think
9 between the two corridors and possibly the economic

10 opportunities in the sale or dispersal of urbanized
11 BLM land, that might be enough for next meeting along
12 with the regular TRT reports. Carol, do you have
13 anything? Where do we want to hold this meeting and
14 at what time of the year?

15 MEMBER ACUNA: I think we are going to
16 the Barstow area this time, aren't we? We have been
17 to Palm Springs, Borrego Springs, Ridgecrest, so would
18 it not be prudent to go to Barstow?

19 CHAIRMAN KEMPER: I would say Barstow or
20 Needles. Barstow is fine. Okay. Everybody in
21 agreement with Barstow?

22 And do we have any big calendar problems?
23 You want to go to January, February? Any preference?
24 Dave? Any preference?

25 MEMBER CHARLTON: No.
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1 CHAIRMAN KEMPER: When did we have it
2 last year?

3 MR. RAZO: I was just talking with Tony.

4 In terms of picking the day, we do know that the
5 nominees' packages have pretty much gone through the
6 department, so we are probably closer than we think to
7 the actual announcement of the new nominations. So
8 maybe if you are going to pick a January date, that
9 could collide with your concept of -- well, some
10 people might not -- this might be your last meeting.

11 CHAIRMAN KEMPER: Well, we can all hope.
12 Actually, it's been a wonderful experience, but I'm
13 sure we are all ready to pass on.

14 MR. RAZO: Usually it's a February
15 meeting that you do. Late January, February.
16 Occasionally you have gone into March.

17 CHAIRMAN KEMPER: Steve, do you have a
18 preference?

19 DIRECTOR BORCHARD: No, I don't.

20 MEMBER SMITH: In the interest of moving
21 forward, can I suggest we do it the last Friday and
22 Saturday of January?

23 CHAIRMAN KEMPER: That would be 26th and
24 27th?

25 UNIDENTIFIED SPEAKER: When is Super

1 Bowl?

2 MEMBER ACUNA: February 4.

3 CHAIRMAN KEMPER: I have a motion for

4 January 26 and 27. Do I have a second?

5 MEMBER BETTERLEY: I'll second.

6 MEMBER SCHILLER: There is a federal

7 holiday in there.

8 MR. RAZO: Martin Luther King is the

9 15th of January.

10 CHAIRMAN KEMPER: I have a motion and

11 second. Any further discussion? Hearing none, I'll

12 call for the question.

13 All in favor signify by saying aye. Any

14 opposed? Motion carries unanimously.

15 MEMBER THOMAS DAVIS: Mr. Chairman,

16 regarding the attendance and the meeting and

17 appointment schedules and your leaving, is there an

18 election process for a new chairman?

19 CHAIRMAN KEMPER: There is after

20 December 31, so I would assume that if -- well,
21 "assume" is a bad word, isn't it? If the new
22 appointments are not made, I would assume we would
23 move along like we have been. And as soon as the new
24 appointments are made, at their first meeting they
25 would have an election. Is that agreeable to

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1 everybody?

2 MEMBER THOMAS DAVIS: Absolutely.

3 CHAIRMAN KEMPER: Okay. At this time,
4 we will take public comment for items that were on the
5 agenda.

6 MR. STEWART: Good afternoon, Council
7 members. John Stewart, California Association of
8 Four-Wheel Drive Clubs, United Four-Wheel Drive
9 Association.

10 Earlier today the topic of energy and
11 recreation was addressed in some of the field
12 managers' reports. Specifically, how much footprint
13 is taken up by these resources? I had the opportunity

14 to attend a couple of briefings by the geothermal
15 projects in the Truckhaven Hills and the Superstition
16 Mountain areas out of the El Centro field office.

17 But this issue of footprint and how much of
18 a land impact was raised there with the geothermal.
19 And one of the -- specifically the Truckhaven proposal
20 which the builder -- now, this particular one -- back
21 up here. This particular proposal is on state land
22 and there is a segment of BLM land which is adjacent
23 to it. So all of this here will be on state land, but
24 what they are proposing is a 49 megawatt plant that
25 will have five or six dispersed wellheads and one

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1 other well site that would be used for reinjection of
2 wastewater back in the ground. Now, they would only
3 commit to covering approximately 100 acres of total
4 area.

5 What they would not commit to was the
6 entire area covered by the dispersed wellheads. Now,
7 in further conversation, they finally admitted that

8 while the central power facility would take 50 to 60
9 acres of land, and each wellhead to be two, three or
10 four acres of land depending upon terrain, the
11 spiderweb out from there is going to create a
12 perimeter issue that would have a serious impact
13 because there will be pipes aboveground, which would
14 be an obstacle for recreational vehicles transferring
15 from one area to the other.

16 While this company was willing to work to
17 install ramps or make sure some of the pipes were high
18 enough, it still creates a problem when you really try
19 to pin down from that central power facility to the
20 wellhead what is the distance. In general, they were
21 saying that this is highly dependant upon temperature
22 of water. The higher the temperature of water, the
23 further away they can drill or have the wellheads from
24 the central facility. So in reality, when you look at
25 the power plant, yes, it may take 100 acres of

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1 cumulative area. But by the time you really go with

2 the entire perimeter and what is necessary, you are
3 looking at an impact closer to 3,000 to 4,000 acres
4 for one operation.

5 So from that respect, any of the energy
6 projects could have a significant impact. And we do
7 encourage the BLM -- and this also applies within the
8 state -- but particularly within the BLM when these
9 come upon BLM lands is to look at mitigation issues
10 because there is a serious impact to recreation as
11 these things go forward. Thank you.

12 CHAIRMAN KEMPER: Thank you. Any other
13 comments for those items on the agenda? Seeing none,
14 we will move to the action item part of the meeting.

15 Does anybody have any motions they want to
16 make in regards to this meeting?

17 MEMBER SMITH: Yes. I would like to
18 make the following motion:

19 I move that we commend the efforts of the
20 BLM staff and the special recreation permit TRT in
21 collecting and consolidating BLM policies and
22 procedures for special recreation permits and cost

23 recovery. We endorse their efforts to train field

24 office staff in these policies and procedures.

25 This was really drafted by Tom Scott. But

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1 I thought that that's a way to make sure that we

2 encourage some particularly really strong directed

3 effort by the BLM staff and the technical review team

4 to bring things together so that there were common

5 policies put into effect and procedures put into

6 effect. It leaves open the thought that if some

7 future modification of the cost recovery needs to be

8 made, that's not frozen out by this at all. It really

9 endorses the efforts that have been made.

10 CHAIRMAN KEMPER: I will second it. Any

11 discussion? Mr. Schiller?

12 MEMBER SCHILLER: The TRT was actually

13 charged to do two things. One was the cost recovery

14 and the other was to streamline the permitting

15 process. I think the cost recovery portion is pretty

16 much done. And I think that maybe we could support

17 that portion as it was presented today. Can we

18 include that in the motion?

19 CHAIRMAN KEMPER: I think that's what

20 the motion is, isn't it?

21 MEMBER SMITH: The motion deals with the

22 special recreation permits and the cost recovery.

23 CHAIRMAN KEMPER: Roxie, would you come

24 forward? This TRT is still in operation, is it not?

25 It doesn't end with this recommendation?

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1 MS. TROST: That's correct. There were

2 certain parts of the special recreation permit program

3 that we needed to tackle in order to develop cost

4 recovery. We have done some of that as far as

5 streamlining the permit process. But the group agreed

6 that they would like to stay in touch with each other

7 and to continue working on SRP in general, some of the

8 other things defining commercial use and those types

9 of things.

10 CHAIRMAN KEMPER: Do you need direction

11 from this Council to do that, or are you continuing to

12 do that?

13 MS. TROST: I think we can continue to

14 do that and just update the Council on our progress.

15 CHAIRMAN KEMPER: Would you be prepared

16 to do that at the next meeting?

17 MS. TROST: Yes.

18 CHAIRMAN KEMPER: Okay, thank you. Any

19 more questions or comments? All in favor, signify by

20 saying aye. Any opposed?

21 MEMBER BROWN: Aye.

22 CHAIRMAN KEMPER: Any abstentions? We

23 have one opposed. Motion carries. Any other action

24 items.

25 MEMBER SMITH: Yes, I'm going to pass

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1 this over to the chair so he can make sure it gets to

2 the court reporter.

3 CHAIRMAN KEMPER: And I will do that.

4 Any other action items for today? Seeing none, I'll

5 take a motion to adjourn.

6 MEMBER LEIMGRUBER: So moved.

7 MEMBER ACUNA: We are good with the

8 energy --

9 CHAIRMAN KEMPER: You are good to go.

10 So I will entertain a motion to adjourn.

11 MR. SCHILLER: So moved, Mr. Chairman.

12 CHAIRMAN KEMPER: Second?

13 MEMBER BETTERLEY: I'll second.

14 CHAIRMAN KEMPER: All in favor signify

15 by saying aye. Any opposed? Any abstentions? Motion

16 carries unanimously. Thank you, everybody.

17 (The DAC Meeting concluded at 2:19 p.m.)

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2 REPORTER'S CERTIFICATE

3

4 I, Judith W. Gillespie, a certified
5 shorthand reporter, do hereby certify that the
6 foregoing pages comprise a full, true and correct
7 transcription of the proceedings had and the testimony
8 taken at the hearing in the hereinbefore-entitled
9 matter of Saturday, October 14, 2006.

10 Dated this 7th day of November, 2006, at
11 Riverside, California.

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Judith W. Gillespie, CSR No. 3710

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