

DOCKET

09-AFC-9

DATE	JAN 20 2010
RECD.	JAN 21 2010

Mary Jane McEwan, Attorney
Law Office of M.J. McEwan
350 E. Ridgecrest Blvd. Ste 102
Ridgecrest, CA 93555
mcewanmj@gmail.com

January 20, 2010

Eric Solorio, Project Manager
Siting, Transmission, and EPD
California Energy Commission
1516 Ninth Street, MS 15
Sacramento, CA 93814-5512

esolorio@energy.state.ca.us

Janet Eubanks, Project Manager
California Desert District
Bureau of Land Management
22834 Calle San Juan De los Lagos
Moreno Valley, CA 92553

carspp@blm.gov

Re: Proposed Solar Millennium Ridgecrest Solar Power Project

Dear Mr. Solorio and Ms. Eubanks,

I am writing on my own behalf as an individual, although I am also a board member for the Desert Tortoise Preserve Council. Our volunteer board has not had the time to review this particular project let alone all of the solar proposals that are being fast tracked. This is extremely unfortunate since the Bureau of Land Management and the California Energy Commission staffs are also too overloaded to adequately review the environmental impacts of all of these projects. It was remarkable to hear the testimony to that effect by the manager of the CEC staff at the hearing in Ridgecrest on January 5th.

I wish that I had more time to review this proposal thoroughly. I have experience writing and reviewing environmental impact statements, having worked for the Environmental Protection Agency in Washington D.C., and as a contractor for the Ridgecrest Field Office of the BLM. However I am a solo practitioner and have had limited time available. In addition the time I have taken is at the expense of my livelihood. That said, I feel the time spent is worthwhile since I am dedicated to the preservation of the desert ecosystem and its unique wildlife. My undergraduate degree was in environmental science. More importantly, I grew up in the Indian Wells Valley and love the desert. Throughout my life I have continued to study and learn about desert plants and wildlife. I also have spent days hiking, photographing, "rock-hounding" and climbing in the El Paso Mountains west and south of the project area. I appreciate both the scenic vistas by day and the stars at night, having attended several star parties given by the China Lake Astronomical Society, which are held monthly in the project area.

I am extremely concerned about the proposed right-of-way application by Solar Millennium a to construct a 250-megawatt (MW) dry-cooling, parabolic trough, solar thermal, electric power plant facility on public lands which have been designated *Limited Use* in the California Desert Conservation Area Plan Amendment for the West Mojave. The proposed industrial use is approximately two and a half miles east of the El Paso

Wilderness Area and three miles west of the Spangler Hills Off Highway Vehicle Area. Maintaining this area as Limited Use provides an essential buffer zone between the wilderness area and the intensive off highway vehicle area.

The BLM should not amend the West Mojave Plan to allow for an industrial use in this area. The area is designated as a Mojave Ground Squirrel Conservation Area. Maintaining connectivity that this narrow area provides between genetic populations of the Mojave Ground Squirrel is of particular concern. The limited survey conducted of the project site showed a high density of desert tortoises as well as Mojave ground squirrels, kit fox and burrowing owl. The population density of tortoises is much higher than other areas of the Mojave. The BLM should recognize that this is a testament to the value of setting aside *Limited Use* areas. This is one location where WEMO has apparently benefited wildlife populations. *The area should receive continued protection and should not be opened to intensive development.* The damage to the ecosystem and wildlife would be significant. In addition the scenic vistas would be destroyed: one of the most beautiful sights along Highway 395 is that of Indian Wells Valley and Owens Peak which is revealed as you round the bend just before the intersection of China Lake Boulevard. This view will be marred by the proposed project.

Reviewing this project and the other solar projects in the California Desert District cannot be done thoroughly under the fast track schedule that has been set up. An artificial deadline has been created by the provision of grant money for these developments. The headlong rush to qualify for federal grants has created a situation where it is impossible to adequately determine and review the environmental impacts as required by law. The cumulative impacts of all of these proposals is enormous and it will not be possible to mitigate them.

I am a board member for the Desert Tortoise Preserve Council. I have attended numerous meetings where the Council has considered whether to accept mitigation funds from developers and take on the commitment to locate and purchase habitat suitable for the desert tortoise, Mojave Ground squirrel and burrowing owl. The first question asked is the land available. The enormous extent of solar and wind projects proposed for the desert make it extremely unlikely that high quality habitat will be available. The applicant's attorney even stated at the hearing in Ridgecrest on January 5th, that he did not believe enough land is available to purchase to mitigate the impacts of this project as well as the other solar projects. He suggested alternative means of mitigation such as fencing in other areas. I do not feel this is a viable means of mitigation since it does little to prevent further decline of the desert tortoise population to fence areas with low population densities. Mitigation funds were already spent to fence Highway 395 south of the project area. These fences provide mitigation only on paper since the area fenced is subject to off road vehicle use and has few if any tortoises left. It makes much more sense to recognize the importance of limiting the use of an area with a high density of desert tortoise such as the site of the proposed project.

Translocation of the desert tortoise in the project area is also not a viable means of mitigation. Translocation of tortoises in other areas has resulted in a high mortality. In

addition with the project being reviewed on the fast track, there is not time to adequately study whether suitable sites are available to translocate the wildlife from the proposed project location.

The El Paso Mountains, both the wilderness portion and the limited use area, also provide valuable recreational opportunities. The surrounding area is used by hikers, campers, motorcyclists, four-wheel drive enthusiasts, rock hounds, and astronomy club members. The road along the power line crossing the project is used by all of them for access. In addition the BLM purchased the bridges along the old railroad right of way that skirts the project area for a future rails to trails project. The scenic views from such a trail would be destroyed by an industrial development adjacent to it.

I have enjoyed hiking nearby the project area and have found many artifacts, such as grinding stones and petroglyphs. I have attached a photograph of a Bighorn Sheep petroglyph I found on the slope near the southwest corner of Section 2, directly south of Section 35 where the project is proposed. While this petroglyph was not within the project area, the view from it looks directly across the proposed project area. I have included the photograph so that the Commission can appreciate the wide open vista that will be permanently lost if this project goes forward.

I have also attached a map of the El Paso Wilderness Area which was posted on the BLM website. This shows the northeast boundary of the wilderness extends into Section 32, just two and a half miles directly west of the proposed project.

Both the California Energy Commission and the Bureau of Land Management should take the time necessary to really consider the environmental impacts of this project especially in light of the cumulative impacts of all the projects proposed for the California desert. The plight of the desert tortoise is extreme. The BLM should be focusing efforts on the recovery of the tortoise population; not rushing through paper impact statements to give the go ahead to these projects. Our nation's need to lessen our dependence on foreign oil did not arise over night; a false sense of crisis should not be allowed to push aside the environmental considerations and protections that preserve the biodiversity and beauty of our nation. Once lost, they will be gone forever. Alternative locations with lesser impacts on threatened wildlife populations should be selected; in particular land that has already been degraded by abandoned agricultural use or overuse by off highway vehicles should be utilized.

Sincerely,

Mary Jane McEwan

Cc: Hector_Villalobos@ca.blm.gov, RFO



Photograph taken by Mary Jane McEwan on 12/31/2006 from slope near the southwest corner of Section 2: View north across Section 35, the location of the proposed project.

El Paso Mountains Wilderness

