

# NATIONAL PUBLIC LANDS NEWS

A non-partisan, non-profit California Corporation

P.O. Box 403. Inyokern, California 93527

<http://www.nplnews.com>

January 21, 2010

California Energy Commission  
Attention: Erick K. Solorio, Project Manager  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512

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|--------------------------|
| <b>DOCKET</b>            |
| <b>09-AFC-9</b>          |
| DATE _____               |
| RECD. <u>JAN 22 2010</u> |

Dear Mr. Solorio,

NPLNEWS is neither opposing nor endorsing the Solar Millennium Project. We are a non-profit, non-partisan, public interest organization. NPLNEWS focuses its interest on the integrity of the public land management processes including NEPA and the pre and post permit disclosure requirement programs.

NPLNEWS has long advocated for the balanced special management of the California desert resources. NPLNEWS goal is to assure the public that publicly owned resources would not be unduly degraded.

Recently Bob Abbey, Bureau of Land Management (BLM) Director said at a recent presentation, "*The fast-track process is about focusing our staff and resources on the most promising renewable energy projects, not about cutting corners, especially when it comes to environmental analyses or opportunities for public participation*".

In the Applicant's letter that was sent to the California Energy Commission (CEC) under the Introduction section, states, "*The proposed project is one of the "fast track" projects identified by the Secretary of the Interior for expedited review in order to be able to commence construction in 2010 and potentially be eligible for incentives offered under the American Recovery and Reinvestment Act. This will require close adherence to the joint 12-month AFC/EIS schedule recently established between the CEC and BLM. To this end, the Applicant has sought to minimize all potential environmental impacts through project siting and design. The AFC has been developed through close consultation with the BLM and we understand that it will be reviewed under the joint CEQA/BLM process, resulting in a joint CEQA/NEPA document.*"

Yet, Solar Millennium is being allowed by the BLM to bypass the full disclosure environmental impact statement (EIS) required by the National Environmental Policy Act with the promise that it is less than significant.

The following paragraph is taken from the actual report, however, in contradiction to this report, it was stated at the CEC Meeting held in Ridgecrest California that sixty-nine desert tortoises were counted, which is a 25% increase and makes it one of the highest populated areas in California.

*“The investigation focused on special-status plants and wildlife, including the federally and State-listed desert tortoise (DT), State-listed Mohave ground squirrel (MGS), and the western burrowing owl (WBO), a CDFG species of special concern. Spring surveys identified a total of 50 DTs in the study area, 40 inside the Project disturbance area and 10 in the buffer. The Project site is not located in DT critical habitat, or in a designated DT Desert Wildlife Management Area (DWMA). No MGS were observed in the study area, but 1,725.6 acres of suitable and 234.7 acres of high-quality MGS habitat occur within the disturbance area. A total of 844 acres of the RSPP disturbance area (south of Brown Road) occur within the MGS Conservation Area, a designated Wildlife Habitat Management Area. This represents 6.6 percent of the 12,801 acres allowed for development within the MGS Conservation Area. Several MGS records occur in the vicinity of the RSPP site, and thus MGS would be expected to occur in the area. One WBO pair, and four additional individuals were detected in the disturbance area, and an additional WBO pair was detected in the buffer. With implementation of avoidance, minimization, and mitigation measures, Project impacts to DT, MGS, and WBO would be less than significant.”*

Under the Water section it states it has one large and several associated smaller washes in the study area, but no mention of the historic and costly flood of 1984 not only to Ridgecrest but also to the Naval Weapons Center at China Lake, California.

Water resources in California are managed under a complex federal and state regulatory process.

It is not clear how this water-intensive project located on federal lands can possibly be properly managed when the federal permitting agency has no jurisdiction over the most critical aspect of the project: water quality and quantity.

In other words, the agency that is issuing the permit is not the agency who manages the water. This leaves the public with no clear single regulatory agency to manage the water resources.

Recently a deal was cut with the Indian Wells Valley Water District to provide the water for this service, however the water supply of Indian Wells Valley is finite and we should be looking at more scientific data than the 1959 report that is cited in the applicant's file.

This more detailed data is omitted. Water pumpage and consumptive water use exceeds the natural recharge to the Valley's ground-water supply. In 1984, 28,000 acre-feet of water was pumped from the aquifer. This figure presented annual water pumpage increases of 9% above the natural recharge. Today we are using 30,000 acre-feet. Domestic wells south and east of the Ridgecrest area are becoming contaminated with poor quality water. This water is flowing into the Ridgecrest area because concentrated pumping is lowering the water table. If the present pumping pattern is continued, saline water from the China Lake playa will migrate into the heavily pumped area in the Ridgecrest and Intermediate Well Fields and will shorten the useful life of the

water supply. We are now currently dropping one foot a year in our aquifer (2010) and our population has increased by two thousand since 2000. Unfortunately, no one has a handle on when it will become exponential.

One well owner has already expressed concern that his well will drop further. Is there verbiage in the contract with IWWVD that says that the applicant will pay for future drilling of wells both private and with IWWVD or will the residents of the valley have to pick up future drilling costs.

The Geotechnical report bypassed the following information. *"The area, associated with the Eastern California Shear Zone (ECSZ), has experienced numerous earthquake swarms in the past (groups of several thousand quakes under magnitude 6.0 or so) often with no obvious mainshock. The 1995 Ridgecrest earthquake sequence started on August 17, when a magnitude 5.5 quake, centered 18 kilometers (11 mi) north of the town of Ridgecrest, shook the area and spawned over 2,500 aftershocks over the course of the following five weeks. Then, on September 20, 1995, the second large quake struck the area: it measured magnitude 6.0."*

No single defining document is available to show the differences between south and north array when it comes to soil analysis. BLM did not approve a more intensive soil study for compaction to determine soil characteristics even though a Level II was indicated.

Under air quality, the issue of Valley Fever is a real significant issue in Kern County. Scraping over 3920 acres of top soil is going to increase the amount of fugitive dust and is surely going to disturb the anthrospore in alkali soil and possibly cause Coccidioidomycosis. This dust will migrate north to where the local population resides.

Recently the two Chamber of Commerce's, Inyokern and Ridgecrest, endorsed this project because it will bring construction jobs for three months. However, is a permanent staff of sixty to seventy highly specialized company people that will be running the plant with possibly five to ten people locally used for lower paying jobs enough of an offset to stop paying taxes to Kern County until 2016 and the possible environmental damage that this will do?

*"Section 73 of the California Revenue and Taxation Code allows a property tax exclusion for certain types of solar energy systems installed between January 1, 1999, and December 31, 2016. This section was amended in 2008 to include the construction of an active solar energy system incorporated by an owner builder in the initial construction of a new building that the owner-builder does not intend to occupy or use."*

The Native Americans have expressed their displeasure about utilizing this area, as it will affect their sacred lands.

*"Based on archival research, systematic field surveys, and consultation with interested parties, 63 new archaeological sites and three built environment resources were inventoried for the Project. None of the built resources are significant; the potential exists for significant impacts as defined by CEQA at nine of the archaeological sites. All nine sites are prehistoric and consist of lithic scatters, lithic and groundstone scatters, or rock features. Potential adverse effects to the*

*nine archaeological sites are expected."*

We are not against solar projects, but we are against poor planning and less than full disclosure reports that have not been thoroughly approved by their scientific peers.

We would be happy to provide additional concerns and recommend solutions to address some of the environmental issues that may result from this solar project.

CEC is the permitting-issuing state regulatory agency while BLM is a public land and resource management agency. In other words BLM must manage the project within the context over larger more comprehensive resource management planning process in order for the project to be compliant with other land uses within local and regional area.

BLM is required under NEPA to prepare an EIS that fully analyzes the impacts of Alternatives including the Proposed Action in order to disclose to the public the impacts of the project on the public lands.

We hope that the draft EIS uses the issues brought forward in the scoping process to prepare the EIS in accordance with NEPA and CEQ regulations at 40 CFR 1500.

We are also enclosing a letter that was dated July 28, 2009 regarding an environmental disclosure letter addressed to the BLM Field Office that they were not following proper NEPA procedures.

Respectfully

Sophia Anne Merk

Public Coordinator for NPLNEWS.COM

Cc: BLM Ridgecrest Field Office, BLM California District Office, BLM State Office, BLM National Office  
California Fish and Game Department  
US Fish and Wildlife Services  
Environment Protection Agency  
Kern County Planning Department  
Kern County Water Resources  
Lahonton Water District  
Ridgecrest City Council  
Ridgecrest Chamber of Commerce  
Inyokern Chamber of Commerce  
Cerro Coso Community College  
SHPPO  
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USGS at Menlo Park

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July 28, 2009

Hector Villaboiss, Field Manager  
Ridgecrest BLM Office  
300 South Richmond Road  
Ridgecrest, CA 93555

Re: Geotechnical Investigation, Ridgecrest Solar Plant, DOI-BLM-CA-50-2009-0001-0072

Dear Hector ,

The Geotechnical Investigation, Ridgecrest Solar Plant, DOI-BLM-CA-50-2009-0001-0072 that was completed in June 2009 and with a Decision Record of June 24, 2009 was completed in a manner that bypassed the inspection of the public.

We, at National Public Lands News (NPL News), realize that Environmental Assessments (EA) don't always go through the complete NEPA Analysis, however, we were assured at the meeting that was held on May 28, 2009 at the regular session of the Ridgecrest Steering Committee, that when and if an EA was forthcoming, we would be apprised of the situation. This comment was made in front of the public, the Steering Committee and the Indian Wells Valley Cooperative Ground Water Management Group (IWVCGWMG).

After reading the Geotechnical Investigation, we realize that this is scientific investigation and no aspects of the project have been identified that would cumulatively affect the environment or public safety especially since Fish and Wildlife and Archaeologists would be working in conjunction with the project.

However, we would like to point out for future use, that the water data should be made available to the public, the IWVCGWMG, the Steering Committee and the Lahonton Water District.

Also, on page 14 of the Geotechnical Investigation it is stated the EA would be made available on the BLM NEPA Website. To date, this has not been completed.

NPL News also believes that the whole NEPA process should be used in the future, including formal scoping, defining lead agencies, etc. California Air and Water Agencies also needs to be included in this list as most of the concerns of the public at the May 28, 2009 meeting were concerned about the water usage as the Indian Wells Valley is currently over-utilizing their ground water capacity as noted on page 10 by the statement; "Averaged over the whole of the basin, water levels in the valley are decreasing by approximately 0.50 to 1.50 feet per year." Many of the public were also concerned with blowing dust and possible access for existing roads and trails.

In conclusion, we would like to state that we are in favor of green energy when completed by NEPA transparency and look forward to a promising partnership with Solar Millennium, LLC, the BLM, Kern County, the State, and the public.

Sophia Anne Merk  
NPL News