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July 6, 2010

Ms. Janet Eubanks, jeubanks@ca.blm.gov
BLM California Desert District
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553

California Energy Commission
Attention: Erick K. Solorio, Project Manager, esolorio@energy.state.ca.us
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512

Ref: January 22, 2010 ltr docket number
March 12, 2010 ltr BLM Receipt to Air Resources Board
July 28, 2009 letter to local BLM Ridgecrest Office
May 21, 2010 ltr to CEC

Re: Ridgecrest Solar Power Project Staff Assessment – Draft Environmental
Impact Statement

Dear Ms. Eubanks,

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 CEQA, 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.

NPLNEWS staff has been involved in federal land management issues in the California Desert area since 1975 and some of us have been commenting as private citizens and as chairmen of organizations with interest in public land

issues including the Federal Land Policy & Management Act (FLPMA) and the California Desert Conservation Plan of 1980 and Amendments, including the West Mojave Plan (WEMO).

Congress mandated, and BLM prepared, a comprehensive land management plan to manage the resources with the CDCA in accordance with FLPMA and NEPA.

NPLNEWS is commenting specifically on the Solar Millennium Ridgecrest Project. This project is on public lands within the California Desert Conservation Area (CDCA), specifically, the WEMO amendment. From the outset, the BLM has out-sourced its responsibilities under FLPMA and NEPA to the California Energy Commission (CEC) by delegating the responsibility to comply with the federal acts to that agency. This is contrary to the letter and spirit of FLPMA and NEPA as legislated by Congress. The CEC is a permitting agency not a land management agency and is not responsible to the American people for the management of the CDCA.

The BLM is required to strike the right balance between use and conservation of the CDCA, as mandated by Congress. The CEC has no such mandate and therefore not administratively and technically equipped to lead the NEPA process.

The process, as conducted by the CEC during the past couple of years, in processing the federal right of way application for the solar project is fundamentally flawed for the following reasons:

1. NEPA has primacy in this case since this is a federal action on federal lands administered by the BLM under the CDCA Plan of 1980 and amendments, including WEMO. Designating a state agency as the lead for a federal agency is inconsistent with federal law. The CEC's responsibility is limited and only focuses on licensing of solar projects 50 MW and larger.
2. BLM is the lead agency under NEPA and is the only legal entity for this federal action. Other federal and state agencies can participate as cooperating agency under NEPA (40 CFR 1501.6). The reason BLM must be the lead is due to the fact that BLM is a federal land and resource management agency. In other words BLM must manage the project within the context of a larger more comprehensive resource management

planning process in order for the project to be compatibility with other land uses within local and regional areas.

3. Delegating the responsibility to the CEC for federal actions, within the CDCA, is unworkable – evident by project-related problems and issues raised by the public to date, and it's most recent petition to ask for more time to get more data.
4. The federal Council of Environmental Quality (CEQ) promulgated regulations implementing NEPA at 40 CFR 1500. Part 1502 dedicates an entire section of the regulations addressing the Environmental Impact Statement (EIS) process. Not a single provision of 40 CFR 1502 was followed by BLM during presentation of the Solar project.
5. Some specific comments regarding the content of the DEIS.
 - a. The Draft was written in March of 2010 and there has been numerous workshops where the draft was substantially re-written and not purview to the public.
 - b. The Draft has not been circulated to the public in a meaningful way that is generally used for comment periods under NEPA. Regulation at 40 CFR 1502.10 requires that “agencies shall use a format for EIS’s each will encourage good analysis and clear presentation of the alternatives including the proposed action”. This has not been adhered to with the presented Staff Assessment and Draft Environmental Impact Statement and Draft California Desert Conservation Area Plan Amendment dated March 2010 Report.
 - c. BLM did not share the above-mentioned report with the public until requested to do so. This is evident by a link that was just posted by the BLM on the BLM California Website to the CEC Website the week of June 15, 2010 on a document that is four inches thick (1500 pages) with a deadline of July 8, 2010.
 - d. Two historical asserted road rights by Kern County were not discovered until June 24, 2010. Other rights of ways issued related to Cal Trans and private citizens properties still need to be examined and are not included in the above-mentioned report.
 - e. A complete water study needs to be included in the EIS, including alternatives to the proposed water usage. There are major water management issues in the Indian Wells Valley and the EIS process is

the only appropriate framework for timely disclosure and analysis of the impacts of this project on the water resources. For example, it is a well known fact that the Indian Wells Valley is over-drafting the basin by 2 to 6 feet a year, which will eventually lead to degradation of the water qualities that could start reflecting more arsenic and total solids in their water. Water Quantity may not be defined as significant, but Water Quality is. We understand that the water consumption has been cut significantly, however, we question the quality of water that will be left in the Indian Wells Valley as the decrease to the aquifer will at some time be exponential and not linear.

- f. The DEIS socio economics section does not clearly define the impacts to the Indian Wells Valley's largest employer, the Naval Air Warfare Center Weapons Division at China Lake.
- g. The Naval Air Warfare Center Weapons Division at China Lake expressed concerns regarding air clarity impacts associated with the cooling tower plumes, thermal signatures, glint, fugitive dust, light pollution, radio frequency encroachment, impact to navy water resources and encroachment into military influence areas.
- h. The applicant proposes to utilize 165 acre-feet of water for maintenance and operations of the facility plus 1500 acre-feet of water for construction. This has been pointed out at numerous workshops (after the DEIS) that this number is too low to move and grade 7.5 million cubic yards of material that may possibly contain Valley Fever spores. Numerous people in the industry estimate 6000-8000 acre-feet is needed.
- i. Under Cultural Resources and Native American values, letters were sent out to the Tule River Indian Tribe, Tejon Indian Tribe, Kern Valley Indian Council and Tubatulabals. The analysis of pre-historic and native resources associated with this area overlooks the ties between this area and other significant resource districts, including the Coso District to the north. The DEIS excludes the Terese Petroglyph and significant papers such as dating Classic Coso Style Sheep Petroglyphs in the Coso Range and El Paso Mountains; Implications for regional prehistory dated 2/15/04. This significant find dictates that the tribes to the north and east should be added to the consultations; i.e. the Bishop Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, the Fort Independence Paiute Tribe, the Lone Pine Paiute-Shoshone Tribe, the Panamint Indian Tribe, and the Timbisha Shoshone Tribe.

The BLM should continue the dialogue with Tule Indian Tribe, the Tejon Tribe, The Kern Valley Indian Council and the Tubatulabals, but add the other tribes for consultation.

- j. Many of the safety aspects of the proposed solar plant have not been adequately discussed with Kern County - as discussed in the workshops on April 22 and 23, 2010. The applicant had set up a meeting with the County regarding fire and police safety but these meetings were not to occur before the thirty day deadline that superimposed the discretionary 45 day period as per CEQA and were not disclosed to the public before the July 8, 2010 NEPA deadline.
- k. Many changes regarding hazardous waste and air quality were scheduled in workshops in April and still have not been documented in the DEIS.
- l. Changes in wet cooling towers from 16 hours to 24 hours have not been adequately addressed in the document.
- m. The addition of two 4-acre ponds has not been adequately addressed.
- n. The additional acreage that was added to the first proposal straddling the watercourse has not been adequately addressed. There has not been adequate scientific data provided by the Corp of Engineers nor the United States Geological Survey regarding the possibility of actually changing a watercourse which was instrumental in a flood that damaged personal property and Naval Air Warfare Center Weapons Division Property in the 1980's nor is it documented anywhere in above mentioned report.

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*".

Greg Miller of the BLM California Desert District Renewable Energy Manager said to the District Advisory Council on June 19, 2010 that the fast track projects include only the applications that are far along in the permitting process. By any standard of measurement, Ridgecrest Solar has not published a single page of a NEPA EIS. It is not clear what criteria BLM used to determine that this project warrants fast-track status?

Please see our referenced letters for more specifics that although some were docketed, they were not acknowledged received in the text. These letters do have date stamps by the local BLM Office.

It is still unclear 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 that manages the water. This leaves the public with no clear single regulatory agency to manage the water resources or our aquifer.

To reiterate, the CEC and the BLM is required under CEQA and 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.

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 Agency (Terry Rogers)
Kern County Water Resources
Lahonton Water District, Indian Wells Valley Water District
California Resources Branch
Native American Tribes
USGS at Menlo Park

