

NATIONAL PUBLIC LANDS NEWS

A non-partisan, non-profit California Corporation

P.O. Box 403. Inyokern, California 93527

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DOCKET

09-AFC-9

DATE	MAY 21 2010
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May 21, 2010

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 28m 2009 letter to local BLM Ridgecrest Office

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

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 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.

I have been involved in federal land management issues in the California Desert area since 1975. I have been commenting as a private citizen and as a chairman of many organizations with interest in public land issues including the Federal Land Management Act (FLPMA), the California Desert Plan of 1980 and WEMO.

We are commenting specifically on the Solar Millennium Ridgecrest Project. This project is on public lands within the California Desert Conservation Area (CDCA). Congress mandated, and BLM prepared, a comprehensive land management plan to manage the resources with the CDCA in accordance with FLPMA and NEPA.

From the onset, the BLM has out-sourced its responsibilities under FLPMA and NEPA by delegating the responsibility to the CEC.

The process involved 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 and including WEMO but not exclusively. Designating a state agency as the lead for a federal agency action the CEC as the lead agency is inconsistent with federal law and clearly illegal.
2. BLM is the lead agency under NEPA and is the premier enforcement agency for this federal action. Other federal and state agencies can participate as cooperating agency under NEPA.
3. Delegating the responsibility to the CEC for federal actions within the CDCA does not work – evident by the problems and issues raised by the project to date.
4. CEC is not a land management agency and is not responsible to the American people for the management of the CDCA.
5. The NEPA EIS process has not been followed by BLM during the permitting process.
6. 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.

In a recent presentation by Mr. Abbey, *"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"*.

We are not against solar projects, but we are against less than full disclosure reports that have not been thoroughly approved all the processes.

Respectfully

Sophia Anne Merk
Public Coordinator for NPLNEWS.COM

Cc:
President Obama
Senators Boxer and Feinstein
Senators of the Energy Commission
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
Kern County Water Resources
Lahonton Water District, Indian Wells Valley Water District
California Resources Branch
Nuuicumni Indian Center, Bureau of Indian Affairs, SHPPO
USGS at Menlo Park