

DOCKET

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April 20, 2011

California Energy Commission
Commissioner Karen Douglas and
Robert B. Weisenmiller

RE: CALICO SOLAR PROJECT,
AMENDED PETITION

Mr. Jim Stobaugh, Project Manager
BLM--Nevada State Office

DOCKET # 08-AFC-13C

Mr. Craig Hoffman, Project Manager
California Energy Commission

VENUE: PUBLIC INFORMATIONAL HEARING, APRIL 20, 2011, 3PM, AT HAMPTON INN,
BARSTOW CALIFORNIA

SUBJECT: CALIFORNIA ENERGY COMMISSION HEARING ON AMENDED PETITION FOR CALICO
SOLAR PROJECT. THESE BELOW COMMENTS WILL BE HAND-DELIVERED TO THE
PUBLIC ADVISOR'S OFFICE REPRESENTATIVE AT SAID PUBLIC HEARING

Dear Commissioners, Mr. Stobaugh and Mr. Hoffman:

My below comments were largely ignored and unaddressed in the earlier review process for the original application for the Calico Solar Project. And some of my comments are newly made.

In the very early stage of the review process for the original application for the Calico Solar Project, I listened in over the telephone to a CEC-hosted hearing, whereat one of the Commissioners introduced an executive from another state agency in the Governor Schwarzenegger administration.

Said executive thereafter, in what seemed to be a clear attempt to intimidate the CEC staff, told them that he didn't want the process to get in the way of the project. One wonders if that sort of intimidation was done openly, what was said behind closed doors to shut down the proper staff review of said project, as dictated by CEQA, NEPA and the Warren-Alquist Act.

With the expectation that the Governor Brown administration will take their civic duties more seriously than did the previous administration, my below comments are submitted for your consideration:

1--Inre motorized vehicle access to private lands adjacent to or nearby to the Calico Solar Project, including in Section 36, T9N, R5E, SBM and Section 1, T8N, R5E, SBM, in particular, the previously existing access via the Hector Road railroad crossing and Hector Road north of that crossing will be blocked off or greatly diminished by the applicant and the CEC and BLM, unless this issue is revisited.

There are about 80 private land parcels north of the Hector Road railroad crossing, which are in danger of being completely landlocked by this project. Alternate routes suggested by the predecessor applicant simply do not exist.

As some history, many government and privately published maps show road access to said sections 36 and 1. Moreover, a cattle rancher named Boswell, about half a century ago, purchased thousands of acres north of the Hector Road railroad crossing from the railroad company, which is predecessor of the BNSF Railroad Company. Boswell obtained a grazing lease from the BLM and operated a cattle business, with range improvements and obviously had an implied easement across the seller's railroad crossing at Hector Road. All subsequent owners of said lands, including the owners of the 80 land parcels above described, have an implied easement at said railroad crossing.

Tessera Solar paid about \$90,000.00 to the BNSF Railway Company to install a locked gate at the Hector Road crossing about two years ago. This greatly diminished access to the 80 land parcels. My attempts to get exact information from BNSF Railway Company as to how much coverage they would require from an applicant, in re insurance policy requirements, to get a key to the locked crossing gate at Hector Road, have not been replied to.

If a bridge is built by applicant over the railroad at Hector, it should be a condition of approval that said private land owners should have unrestricted use of that bridge.

The land zoning of the 80 land parcels is residential. If motorized vehicle access is denied to them, and denied to postal delivery, school buses, building contractors and service providers, isn't that a "take" of the property by the CEC & the BLM?

2--In the event that access is opened to area private land owners, or even if they have to walk or ride in on horseback or helicopter; under CEQA, NEPA and the Warren-Alquist Act aren't you required to do a serious study on the potentially significant project impacts and possible mitigations in re said 80 properties, in regards project initiated dust, and dust potential for spreading endemic Valley Fever; noise from the sun-catcher machinery; visual impacts; glint-glare impacts on vehicle traffic north of the railroad tracks; drainage issues re diversion of streambeds; and existing tortoises now living on said private lands?

3--For the original project, there was zero recognition of project impacts on the community of Newberry Springs. Clearly, workers, contractors and service providers will live in Newberry Springs and impact on recreational facilities, school facilities, roads and groundwater. Those impacts, and impacts on Newberry Springs Fire Department facilities need to be professionally considered and mitigated.

Newberry Springs is governed by an independent community services district. It is a poor community, without professional management. Because we do not have professional management to argue our case for project impact mitigations, doesn't that situation put the burden on you to represent our community interests vis-a-vis the applicant?

4--An example of how this community was short-changed in the review of the original application for the Calico Solar Project; CEC staff, as I roughly recall, made a suggestion that the applicant hand over about \$2 million, and \$1million per year thereafter to the County Fire Department. Nothing

was suggested as mitigation monies for the Newberry Springs Fire Department.

This neglect by CEC staff is unfair, to say the least. It is the Newberry Springs Fire Department (an independent entity, not connected to the County Fire Department, except by a mutual aid agreement) that has been the normal first-responder to calls for service in the Hector area.

The Newberry Springs Fire Department is more than ten miles closer to the Hector project site area than is the nearest San Bernardino County Fire Department facility on Kathy Lane in the Harvard area. In addition to which, the County Fire Department response from Harvard has the real potential to be delayed in response by two at-grade railroad crossings, not including the railroad grade crossing at Hector.

Moreover, there is no requirement, that I recall, in the CEC staff-suggested mitigation payments to the County Fire Department, that that money be entirely spent for Hector area facilities and services. What prevents that mitigation money from being spend in other distant areas?

If the Newberry Springs Community Services District and/or Fire Department can not adequately argue their case for a significant share of the staff recommended mitigation funds, then a neutral arbiter (paid for by project applicant) should be appointed by the CEC, to resolve this issue.

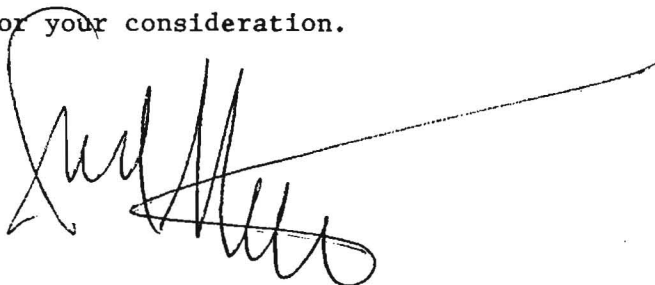
5--On the subject of local hiring, inre the valley fever issue, please take note of a suggestion in a Draft EIR for a project in Southern California, by Impact Sciences, revised in November, 2010 for the Travertine Point project. In the air quality section, on page 6.3-117, it says "(t)he following mitigation measures would reduce valley fever and Hantavirus risk during construction.

--Hire crews from local populations when and where possible, since it is more likely that they have been previously exposed to the fungus (coccidioides immitis) and are therefore immune."

Thank you for your consideration.

Sincerely,

Fred Stearn

A handwritten signature in black ink, appearing to read 'Fred Stearn', is written over a horizontal line. The signature is stylized and somewhat cursive.