

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	222233
Document Title:	Anthony Furr - Sara Stratton Comments Further Response as Commenter-Protestant (1 of 3)
Description:	Letter
Filer:	System
Organization:	Anthony Furr - Sara Stratton
Submitter Role:	Public
Submission Date:	1/18/2018 5:05:40 PM
Docketed Date:	1/18/2018

Comment Received From: Anthony Furr - Sara Stratton
Submitted On: 1/18/2018
Docket Number: 09-AFC-07C

Further Response as Commenter/Protestant

Document 1 of 3

Additional submitted attachment is included below.

Apostolic Gates of Praise Solar, LLC
Anthony Furr, Ceo
2148 Irvin Way, Sacramento, Ca.
95822,
anthonyirroll@comcast.net.
Tele: 916-662-7366

January 18, 2018

Re: Further response as commenter/protestant

Corrected Comment Letter: [DOI-BLM-CA-D060-2017-0001-EIS \(Palen Solar Project\) to the BLM Public Solicitation](#)

Gentlemen and Gentle ladies:

I Thought to thank you for the initial opportunity to comment on the proposed Final Palen Solar Project siting decision pending in the **Bureau of Land Management (BLM)** above identified, along with Constitutional issues raised in the Proposed Land Use Plan Amendment under agency review. I now must ask for your indulgence in accepting this updated and corrected version of that comment letter.

Name of Resource Management Plan Amendment Being Protested:

1. **Palen Solar Project Draft Supplemental EIS/Environmental Impact Statement/Environmental Impact Report/EIR/land Use Plan Amendment for the Palen Solar Project Formerly known as Palen Solar Power Project.**
2. **By Anthony I. Furr, on behalf of the Apostolic Gates of Praise Solar LLC, a non profit 501(c) limited liability Corp. See Ex. A.**
3. **916-662-7366**
4. **My interest in the subject of the Palen Solar Power Project Certification application is to alert potential users of construction water in the Chuckwalla Valley that water theft from my land will be prosecuted. I bought a developed, strongly producing, water well and fifty acres of land in the Chuckwalla valley for use in jojoba bean research and production of solar electricity 10 years ago. The BLM was aware of my concerns over my privately-owned water system through face to face discussions and warnings made in the BLM office at Palm Springs in 2013.**
5. **Issues being protested are that the present filing, itself, among other more objectionable reasons, for this filing is, in part, an attempt to obtain free water from privately owned developed water systems. In protester's case unconsented water extractions currently being used for jojoba bean plant research. In sum, the filing is partially is being used to sneak a default past this protester, and similarly situated persons, private entities and public associations. For it is a senseless errand to seek approval of forcible entry in search of**
6. **The default would fall upon all private property owners in BLM's jurisdiction of Southwestern California, including the Southern California coast. Protester's interest in this case is certainly not paramount to overall private property benefits. BLM is seeking, in its amended application for certification of the Palen Solar Project, an Agency APPROVAL OF A PROPERTY PROPERTY USE PLAN THAT INCLUDES FORCIBLE ENTRY AND WATER EXTRACTION FROM**

PRIVATE PROPERTY WITHOUT NOTICE, CONSENT OR COMPENSATION, NOR BOND OR ASSURANCES OF WHO WILL PAY FOR DAMAGES CAUSED THE PRIVATE PROPERTY BEFORE SUCH POSSIBLE ACTORS FILE BANKRUPTCY.

- 7. Plainly, all private property in the BLM jurisdiction of this proposed rule and use are in jeopardy of a legally led government, water extraction program by invasions of private land to get private, previously appropriated water by an uncontested process, dubbed "Due Process" to legally overcome private property owners lawful possession of such water in such private water wells such as the water system on protester's agricultural research and future solar powered farm.**
- 8. BLM ROW holders, and assignees thereof, have in the recent past (2011-2016), piped water from my private water well system, underground, to gov't land 300 yards away at 500 g.p.m to build out the Desert Sunlight solar plant. For four months, day and night, weekends as well, in the recent past private water poured into gov't taxpayer funded holding ponds on BLM land. Ex.____. Unlawful Water Extractors, UWX, have in the past been BLM ROW holders such as First Solar Inc., an Abengoa Sa subsidiary. These ROW UWX's believe prior appropriated water, from someone else's water well, even while on another's private property, is there simply for taking water by a violent break-in and seizure of water from the water well itself, Ex____. UWX's use submersible, centrifugal water pumps to pump water from the private property wellhead through underground water pipes. The piped water, hidden from view, travels at high speed to ROW's project holding ponds where water hauler trucks siphon water into water truck filling ponds close by. "Close by means" on the opposite side of a mile long, 12 ft. high fence, electrified, canvass covered, cyclone fence with warnings on the canvass, in bright red letters, showing an electrified "stickman" on the canvass facing my side of the fence. This water is unpaid for when it passes into UWX's retaining ponds built with US taxpayer funds. The water pipes were not detectable from the Google satellite until a flash flood uncovered parts of the pipe from the subject private property to the BLM property. Ex____. The UWX extractions were not suspected because UWX s fence canvass cover their high fences bordering on my property boundary line with ROW holder, Desert Sunlight Solar Power Plant. The UWX's' ability to extract water from my land was simply an invasion, underground, by a neighbor, unknown to me, into my developed water well system by subterfuge. I would prefer this form of corruption be eliminated because such tactics are unamerican, foreign to American sense of fair play, illegal, contrary to the rule of law established in this country. Regrettably, it is impossible to stop corruption from outside our national borders, water thefts of this nature should not occur.**
- 9. By obtaining A DEFAULT AGAINST PRIVATE PROPERTY OWNERS who may have an interest in these issues dealing with private water, especially those owners who did not get the message to send a comment letter. Undoubtedly, some private property owners are without NOTICE or a practical, legal remedy. Except for the remote possibility that notice in the Federal Registry may have reached them in roundabout manner, but even if such FR notice did reach affected private owners this FR notice makes no mention, whatsoever, of these proposed unlawful water takes appearing in the language of the presently structured proposed rule. The ROW holder may thus OBTAIN PRIVATE PROPERTY WATER by gov't-break-in after obtaining default, ROW holder does NOT PAY FOR WATER they take, even when that water**

cost is included in ROW building expense and so BUDGETED in the Energy loan application FOR ROW's holder's DOE LOAN GUARANTEE.

Beneficial Use of Water at Commenters Developed Water Well System Is Worthy of Consideration as a beneficial use

Commenter has always understood the brief history of the area location of his property in the Chuckwalla Valley. It was always used as an experimental laboratory housing ecological mystery and economic challenge related to Jojoba bean growing, harvesting and propagation. Commenter's grantor was an instigating force in beginning the jojoba bean research and entry into the Chuckwalla Valley experience.

BRIEF HISTORY OF THE AREA AS I KNOW IT

In the 1980s many people in the conservation movement became fascinated with the prospect of replacing gasoline CO2 emissions while protecting whales from slaughter to extract whale oil. See Ex___. Jojoba bean oil was believed to be the solution to environmental degradation posed by "smog" widely proclaimed among conservationists at the time gasoline consumption world-wide was the great problem getting worse.

Donna and Larry Charpid were pioneers in The conservationist movement that spread to the Chuckwalla Valley. I believe the Charpeids may have inadvertently found a very helpful environmental answer to combating drought In Western US deserts and birth place of Jojoba In The Chuckwalla VALLEY.

I learned from my grantor, Rev. Dorothe (correct spellig) Strang, many years before taking partial title (1/3), to an undivided interest in this desert site. See Exs___. As a result of Dorothe's acquaintance with me, I discovered the Charpeids' jojoba plant cultivation program. Actual jojoba trees plantings of grafted jojoba plants. This small contribution to assist the nearby aquifers maintain water in the valley works. The changes jojoba has made amount to a dramatic, perceptive difference in the ecology of the Chuckwalla Valley. Particularly where the Charpieds actually sought to make the jojoba grow. Why one must ask is there water under my water well? Because I believe jojoba has sent deep into the earth long TAP ROOTS THAT HAVE DIED FOR LACK OF WATER BUT SPREAD A FIBROUS NET OF THINE ROOTS IN A FASTENED NET CAPTURING WATER SEEPAGE. From this research site it is plain to see: 1) Jojoba bean seeds have spread from its home in the Chuckwalla Valley world-wide: jojoba cultivation is presently an on-going project in the Chuckwalla Valley at Charpeids' ranch off Kaiser Rd. 7 or 8 miles from the intersection of Highway 10 and Kaiser Rd. at Desert Center. See Ex. _____. See Exs.____ (County of Riverside Area Plan, pgs-22-23) for Chuckwalla Valley uses and zoning; special mention is made of Jojoba bean production and jojoba seed export and propagation.

THERE IS TNAGIBLE PROOF OF THE WORTH OF CONITUING RESEARCH INTO PROPAGATION OF JOJOBA

Perceptive environmental rewards have shown up in a convincing manner where jojoba have been planted and nursed to adulthood; water is being conserved where the Jojoba have been planted and later deprived of water to test the hardiness of the seed, but instead a different outcome has emerged, because a deep taproot of the jojoba and its affinity for the soil of the Chuckwalla Valley jojoba roots seek water underground to great depths. See jojoba expert dissertation in attachment. Ex.____. The wise use of plants to retain the water percolation led to the developed this water well

system on my parcels from the underground “water catchment” caused by dead jojoba bean roots holding back the natural gravitational percolation. Larry Charpeid is still at his ranch in the Chuckwalla Valley off Kaiser Rd. he and Donna bought their land to be used for jojoba bean experimentation many years ago. See [http WWW :// **Farming Without Water**](http://WWW:// Farming Without Water). Donna was editor of the Chuckwalla Valley Citizen and a prolific conservationist. Donna passed away recently. Larry is still working at the jojoba experiment.

It was my further understanding from Dorothie Strang, that Donna and Larry Charpeid came to the Chuckwalla Valley to follow a large investment being made by a medical group in jojoba plantings using desert land and local water. The doctors drilled a successful water well on land they had purchased. Because a county road (Kaiser Rd.) gave access to the jojoba bean experimental site, Larry and Donna chose this site to work on and plant jojoba. The [http www:// LaRonna Jojoba](http://www:// LaRonna Jojoba) web site put up by Donna Charpeid shows the work area at the jojoba bean experimental site with Huwell Houser acting as the host at the Charpeid work site. With investors’ money put to work in Chuckwalla Valley the doctors wisely placed 7,500 acres of desert land into jojoba bean plants. Some jojoba were placed on the property lines of the 50 acre ranch, all that is left of the 7,500 original acres, near a woody dry wash from Eagle mountain. See Ex.____ The woody wash shows presence of subterranean water by satellite today. See Ex.____. In fact, according to the satellite readings over the Chuckwalla, and on-the-ground examination by a naturalist who also noted the probability that local plants had fanned out their roots at a very deep location in search of the aquifer under the water well system on the ranch. Creating an aquifer under the well. The tap roots of jojoba can be as long as 100 feet or more according to attached dissertation on jojoba by an expert zoologist. See attachment Ex____.

CONCLUSION AND PLAN OF ACTION TO CONSERVE WATER AND ENERGY IN DESERT VALLEYS

The Charpeid experimentation and medical group investment led to the cultivation of jojoba bean roots under the ranch surface, These bean plants were intentionally deprived of water and dried up for lack of irrigation. This was necessary element, I am told, as a part of testing of jojoba plant heat and lack of water endurance. Only the hardest jojoba plants survive in all various climates of the arid world. See ex.____

Unintentionally, the jojoba bean experiment worked to save water that would ordinarily pass out of the aquifer into the flat of the valley floor and then either evaporate or pass to the Salton Sea. The expert on jojoba opines in his dissertation attached that the drying up of jojoba plant caused the deep jojoba tap roots to dive further into the dry soil and fan out underground and form a water bridge or entrapment of underground water which was supplied from the aquifer at times. In short, planting jojoba throughout the valley at mountain sloughs emptying into the valley, and dry washes and where rare, ephemeral stream

Issues Related to Obvious Violations Of Fundamental Constitutional Rights Requested for Agency Approval In The Proposed Rule Appear Extremely Harsh And Must Be Eliminated

Due to the harsh nature suggested in the Proposed Rule of seizure of private land in conjunction with the County of Riverside to lend its jurisdictional to help the BLM break into an established and developed water well system strikes one as ridiculous. I have spoken to the nature of some of these fundamental rights violations, suggested, expressly, in BLM/EDF-Renewable Energy ‘s **proposed** Rule (PR), I believed my interests as a construction water purveyor business was in jeopardy of government

seizure and appropriation to a government purpose without compensation. I spoke to the County of Riverside staffer last week and complained of the ruthless nature of the proposed rule. The staffer had no knowledge of the proposal. I spoke to the county executive of Riverside county out of paranoia, I reported what looked like a county water truck atop Eagle mountain which could be breaking and entering private land there in search of construction water. The County staffer contacted the BLM in Palm Springs who then spoke to the State Director of the BLM. By way of three-way call-back-when-you-can agreement. Everyone, mentioned in the three-way call back understanding three parties to the agency proposal agreed to the following: The County staffer, BLM State Director, Jerimiah Karusas and myself have agreed that the part of the proposed rule violating the Fifth and Fourteenth Amendment would be abandoned by the County of Riverside and the BLM. These proposal parts would be abandoned by BLM because entering and seizing private water, drilling on private land and breaking into private property would not be pursued in the hearing/decision for Rule any longer, that private property owners such as myself need not oppose this issue because it is abandoned on the following grounds:

- 1) Authority of the Fifth Amendment of U.S. Const requires just compensation for government “takes” of private property for a government purpose; 2) The Fourteenth Amendment to Const. applies the Fifth Amendment to the states, the Fourteenth Amendment also speaks of Equal Protection of the laws of citizens of the states. There has been no indication in the proposed order for a rule specifically stating whose land will invaded and thus bear the unequal burden of fighting the climate change alone. Without specificity as to whose private land and water will be taken in the pending proposal for a rule, and there is no other notice to private property owners as to which private land is being targeted for break-in and seizure of private water even from developed water well systems in the county, the proposal falls on the vagueness, random and capriciousness.
- 2) Everyone in the county of Riverside who learns of the governmental plot afoot to break in and seize whatever water, wherever they find it, even in private, developed water well systems, will be alarmed and fearful and thus bear an unjust burden in the fight against climate change by the mere publication of such a proposal. Oddly, the mere publication of the proposal, required by Due Process of proceedings, amounts to an intolerable invasion of fundamental rights to be left alone in the enjoyment of their property. The proposed rule also does not specify what/where “offsite wells” are located that will be used by BLM customer, EDF-Renewable, since these are “offsite” wells and are being claimed already by the BLM as supplying the needed water to the project.
- 3) Environmental Policy of the United States is being violated by the mere publication of the vague proposed order for rule. In Environmental policy of the U.S., on balance of national interests, states a regulatory scheme to regulate those activities of persons that have an environmental impact upon the United States. The goal in so acting is the protection of the environment for future generations while interfering as little as possible with the efficiency of commerce or the liberty of the people and to limit inequity in who is burdened with environmental costs. In the case at hand the randomness, the vagueness, the absent thoughtfulness propels the Board to accept the agreement of the parties in conference on these matters to agree with these concessions and promises, the entire proposal will make little sense unless some agreement to furnish water to the EDF-Renewable which commenter will much obliged to assist in selling water to any developer willing to pay for water.

- 4) Presently private property water wells, also exist in storage.
- 5) Stored water exists on commenter's land, I commenter is dedicated to jojoba bean propagation from the water on his property. As well, commenter seeks the continued experimentation in water conservation especially agricultural water to grow underground jojoba bean root dams at critical locations in the valley, both underneath commenter's water well and in other locations in the Chuckwalla valley, there is beneficial use of agricultural water in the **Chuckwalla Valley (CV) California**.
- 6) Commenter believes that his retention of stored water is not improper. The fact that commenter bought the water he intended to use in his solar plant before he attempted, unsuccessfully, to obtain a place in the grid queue. Commenter's fifty acre parcel acre parcel was not of interest to large solar power purchasers' commenter may still use his acreage, not used for jojoba propagation, as a source of contained solar power unit for the jojoba and construction water sales.

FINAL PHASE OF JOJOBA PROPAGATION

Commenter's only choice to save his \$100,000.00 cash investment and avoid an unshared burden of his investment in the Chuckwalla Valley to combat climate change, and as well, continue the jojoba experiment. This effort may lead hopefully to widespread, underground jojoba root, water catchments. Commenter believes a further beneficial water use would be to obtain a ROW from the BLM managed land and thereby store water near his water well, then through his water system pipe water onto nearby BLM land near Kaiser Rd. to facilitate loading of water haulers taking water to the solar construction site and with ease of delivery take and haul water to jojobas bean propagation sites in the valley. Conservationist volunteers come to mind as helpers.

Critical Item Checklist from the BLM Website for filing a

I think it is wrong to stymie the propagation of jojoba by allowing unauthorized water takes on private land.

Sincerely,

Anthony Furr

Possible, future legal contests may be filed related to these **PR issues and facts which makes the response herein particularly onerous on this commenter**. I raise well founded comments affecting myself. Many aspects of the proposed rule (**PR**) are too numerous to address with assuredness

If electing an alternative choice in this matter I would not continue any activity with Abengoa, or an Abengoa subsidiary, or insider stuff with Abengoa, especially in the capital raising markets or, guarantees' market or any Hedge Fund or commercial paper at the NYSE.