

Energy - Docket Optical System

California Energy Commission

DOCKETED

09-RENEW EO-1

TN # 742HF

JAN 01 2015

From: Joe M. <trilogyjoe@yahoo.com>
Sent: Monday, January 05, 2015 2:02 PM
To: Energy - Docket Optical System
Cc: vlcampbell@blm.gov; Carl Symons; Congressman Cook; Congressman McCarthy
Subject: RE: DRECP, CEQA and NEPA Response to CA Energy Com.
Attachments: BLM steering committee response REV 2.pdf

To everyone,

It is quite obvious that there is plenty of missing information and flawed analysis that would substantially change conclusions to the DRECP and any more ACEC's or NLCS's. Lets stop the madness of lawsuits and get back to the good ole days without the groups that cause problems to the BLM. Here is our OFFICIAL LETTER IN RESPONSE TO DRECP. We are respectfully asking for another extension over the February 23rd 2015 extension, since we are trying to address each one of the 130 sections throughout California, on the DRECP and reading through all of it with comments and rewrites of language.

Thank You

Joe M.

California Desert District Mining Coalition



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Thursday, December 11, 2014

TO:

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov

Bureau of Land Management
Vicki Campbell, DRECP Program Manager
Via BLM Field Office and Manager Carl Symons
Email: vlcampbell@blm.gov

Subject: "DRECP NEPA/CEQA"

Due to issues requiring modification, clarification, missing information and flawed analysis that would substantially change conclusions;

The thousands of miners and mining claims in California and specifically in the California Desert District that must be considered a stakeholder in this process under their CAMC designations. California Desert District Mining Coalition on behalf of all mines and miners in the designated areas of the DRECP and new ACEC's are requesting a forty five (45) day extension **from** February 23rd 2015 due to conflicts of agencies and law to be clarified and corrected.

FLPMA did not repeal the Mining Act (30 USC 22-54). **(Conflict 1)**

Can an ACEC be placed over the top of an already existing (exclusive) use of land with a documented priority of use claimed in good faith for mining purposes? No. FLPMA was not intended to disrupt "valid existing rights" **(Conflict 2)**

Therefore, the most effective comment that could be made regarding these ACEC's is the BLM is failing to exclude valid existing mining claims (historic and present) from ACEC's application. Said another way would be that ACEC's priorities of non-use (wildlife habitat) is in **direct conflict (Conflict 3)** with valid existing mining uses. Priority of use is determined by which came first, the mining claim recordation or the change of the lands use.

BLM's authority under FLPMA to make rules regarding ACEC's (part 11) is tempered by the language in FLPMA (parts 3,7,8), especially the Multiple Surface Use Act (30 USC 612(b)). In real simple terms, the BLM cannot designate a ACEC over the top of a valid unpatented mining claim without some form of clashing and materially interfering with the rights of the miner to extract under the mining law. If a mining claim was located prior to 1976 (FLPMA) had any new ACEC placed on it that would violate part 3 of FLPMA. **(Conflict 4)**

At first blush, the question needs to be asked: Are NLCS and ACEC compatible with the Multiple Surface Use Act, specifically 30 USC 612(b). We would like a FOIA (freedom of Information Act request) from all legal authorities BLM is using for NLCS and ACEC. It looks like at a glance that that there are many conflicts. **(Conflict 5)**

Signed

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