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TO:

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
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Bureau of Land Management
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BLM Field Office and Manager Carl Symons
300 S. Richmond Road Ridgecrest, CA 93555

Subject: "DRECP NEPA/CEQA"

Locatable Minerals
Mineral Materials
Non-energy Leaseables

Final General Comment for: *Appendices L1 through L5, Draft Implementation, Implementation MOU's, Final Draft, Drafts, Executive Summary, volumes I-VI, the Development of Alternatives, Environmental Setting/Affected Environment, Environmental Consequences/Effects and Analysis, Consultation, Coordination and Public Participation and Mitigation Monitoring and Report Plan.*

Under the Mining Law of 1872: a Legal and Historical Analysis (From the National Legal Center for the Public Interest) a Legal and Judicial interpretation of the Codified Law 30 USC 21A -54. The Minerals and Mining Federal Stakeholders (MMFS) currently the California Desert District Mining Coalition (CDDMC) and after February 25th, 2015 the Mineral and Mining Advisory Council (MMAC) a Federal Land Stakeholder and along with Bureau of Land Management (BLM) shall consider this a NO-ACTION area and there shall be NO decision(s) on use of the public lands listed in the DRECP Indexes and Appendices until MMFS is conferred with and the Parties agree too.

Mining is needed for socio economic development and to support the national strategic need for reliable and sustainable domestic minerals, metals and rare earths (30 USC 612) and National Security Interests (DOD) that may exist in SCMSA 50 U.S.C. 98 et seq. & 98(c). FLPMA did not repeal the Mining Act (30 USC 22-54) nor was intended to disrupt "valid existing rights".

BLM has failed to recognize National Mineral and Mining Policy Act 30USC21a. BLM is violating the Federal Policy by excluding and not recognizing Minerals and Mining as Federal Stakeholders and coexisting Federal Land Stakeholders and consultants.

Renewable Energy, land designation and road designation projects and/or expansion areas are not considered compatible with the Multiple Surface Use Act (30 USC 611 4a-b) for the Minerals and Mining Federal Stakeholders (MMFS). DRECP, ESA, EPA, CWA, NLCS, ACEC's are not compatible with 30 USC 612(b). (see *Curtis-Nevada Mines case, cite: 611 F.2d 1277*) and 30 USC 21a-54 for the MMFS. Simply, it is illegal to close public lands, roads and entrance for mineral entry and mineral and mining development unless there has been a past congressional mineral withdrawal and any current decisions and approvals must include consulting the MMFS currently CDDMC after February 25th, 2015 Minerals and Mining Advisory Council (MMAC) also. CDDMC and MMAC along with BLM are the official Federal contacts.

All following land use designations listed herein need some other kind of approvals **not considered** or completed at this time and not allowed over mineral and mining development. Leasable energy, National Monument Area, State Park Area, Conservation Area, Wilderness Area, Mineral Withdrawal Area, Scenic Areas, but not limited too. DRECP assumptions that these designations are legal and passable are far from complete or accurate at this point.

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 Request (Freedom of Information Act request) from all legal authorities and Memorandum of Understanding (MOU) partners BLM is using for Mineral Closures, public land use, land designation changes, NLCS, ACEC and any other referred to designations under DRECP.* It looks like at a glance that that there are many unresolved conflicts.

CDDMC is currently operating under, MMFS and shall be consulted as a part of the Public Land use decisions. Along with the CDDMC, Minerals and Mining Advisory Council (MMAC) shall be consulted on all future land use issues and designation also.

See Congressional Letter accompanying these responses:

Signed
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