



DESERT TORTOISE COUNCIL

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Via email only: planning@co.kern.ca.us

6 January 2014

To: Ms. Lorelei Oviatt, AICP, Director
Kern County Planning Department
2700 M. Street, Suite 100
Bakersfield, CA 93301-2323

RE: Draft EIR for the Fremont Valley Preservation Project by AquaHelio Resources, LLC.

Dear Ms. Oviatt

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

The Council is very disappointed to learn that we were not on the distribution list of non-governmental organizations (NGO) for circulation of the Draft Environmental Impact Report (EIR) for the proposed Fremont Valley Preservation Project. We first learned of this project in a Daily Independent newspaper article distributed in Ridgecrest, CA on 21 December 2013. Having thus been brought to my attention only a week ago, today I visited Kern County's website and found that the deadline for public comment for the Draft EIR was 15 November 2013, where you indicated if the county had not heard from us by 5:00 p.m. on that date, "...we will assume that you have no comments regarding this Draft EIR."

This is an inappropriate assumption. Given the location of the proposed project within the range of the desert tortoise and proximate to both the Desert Tortoise Natural Area and Fremont-Kramer Desert Wildlife Management Area, the Council is very concerned with this project. Assuming that the County is no longer receptive to comments on the Draft EIR, we formally request that the Desert Tortoise Council be added as an Affected Interest for distribution of the Final EIR or any interim documents that we may review and on which we may comment. Additionally, we ask that the Council be added to your programmatic distribution list for this and all other proposed projects in desert tortoise habitat within the eastern portions of Kern County.

Regards,

A handwritten signature in blue ink that reads "Ed LaRue".

Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson