1	STEPHAN C. VOLKER (CSB #63093) 11.140 JOSHUA A.H. HARRIS (CSB #226898) LAW OFFICES OF STEPHAN C. VOLKER		
2	436 14th Street, Suite 1300 Oakland, California 94612		
3 4	Telephone: 510/496-0600 Facsimile: 510/496-1366		
5	Attorneys for Appellants		
6	BACKCOUNTRY AGAINST DUMPS, PROTECT OUR COMMUNITY FOUNDATION, EAST COUNTY COMMUNITY ACTION		
7	COALITION, DONNA TISDALE		
8			
9	BEFORE THE INTERIOR BOARD OF LAND APPEALS		
10	UNITED STATES DEPARTMENT OF THE INTERIOR		
11			
12	BACKCOUNTRY AGAINST DUMPS, PROTECT ) NO. OUR COMMUNITY FOUNDATION, EAST )		
13	COUNTY COMMUNITY ACTION COALITION, ) NOTICE OF APPEAL DONNA TISDALE		
14	Appellant,		
15	V. ()		
16 17	UNITED STATES DEPARTMENT OF THE		
17	INTERIOR, BUREAU OF LAND MANAGEMENT, ) KEN SALAZAR, in his official capacity as Secretary )		
	of the Department of the Interior, JAMES L. ) CASWELL, in his official capacity as the Acting )		
	Director of the Bureau of Land Management, MIKE ) POOLE, in his official capacity as California State )		
	Director, United States, Bureau of Land Management, ) and VICKI WOOD, in her official capacity as Field		
22	Manager, El Centro Field Office, United States Bureau ) of Land Management,		
23	Deciding Officers.		
24	)		
25	Notice is hereby given, pursuant to 43 C.F.R. § 4.411, that Backcountry Against Dumps,		
26	Protect Our Community Foundation, East County Community Action Coalition, and Donna		
27	Tisdale ("appellants") appeal the decision of the Bureau of Land Management ("BLM"), dated		
28	January 20, 2009, and published in the Federal Register on February 20, 2009, entitled Record of		
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Decision for the Sunrise Powerlink Transmission Project and Associated Amendment to the
Eastern San Diego County Resource Management Plan, CACA 47658, approving the Sunrise
Powerlink Transmission Project (hereinafter "SPTP" or the "project")<sup>1</sup> without compliance with
applicable environmental laws, including the National Environmental Policy Act, 42 U.S.C. §
4321, et seq. ("NEPA"); the Federal Land Policy Management Act, 43 U.S.C. §1701, et seq.
("FLPMA"); the Endangered Species Act, 16 U.S.C. §1531, et seq. ("ESA"); and the National
Historic Preservation Act, 16 U.S.C. §470 et seq. ("NHPA").

8 The grounds for this appeal are that the decision to approve the project is subject to the 9 aforementioned environmental laws, among others, and that such laws required that BLM first 10 conduct additional environmental reviews and consultations with other federal and state agencies 11 before deciding whether to approval the SPTP. BLM failed to adequately conduct such reviews 12 and consultations, and therefore the decision to approve the project should be reversed.

- This appeal is based on this notice, the records pertaining to the above-referenced
  approvals on file with BLM, the Statement of Reasons in support of this appeal, and on such
  further evidence and law as appellants may present during the course of this appeal. Appellants
  are also filing a request for stay pending this appeal. The request is being filed concurrently with
  this notice of appeal.
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## STATEMENT OF STANDING

19 Appellant Backcountry Against Dumps ("BAD") is a community organization comprising 20 numerous individuals and families residing in the Boulevard region of Eastern San Diego County 21 who are directly affected by the approval of the SPTP and by BLM's land use planning and 22 management for its adjacent lands within the Eastern San Diego County Planning Area. BAD and 23 its members are vitally interested in proper land use planning and management of BLM lands 24 within this planning area and seek to maintain and enhance their ecological integrity, scenic 25 beauty, wildlife, recreational amenities, watershed values and groundwater resources. Members 26 of BAD rely for their entire domestic, municipal and agricultural water supply on the vulnerable 27 28 <sup>1</sup>SCH #2006091071; DOI Control No. FES-08-54; 74 Fed. Reg. 7915, February 20, 2009.

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aquifers of Eastern San Diego County that are threatened with contamination and over drafting by
ongoing and proposed land use development, including the SPTP, related power development
projects, and their growth inducing impacts. BAD's members use BLM lands for aesthetic,
scientific, historic, cultural, recreational and spiritual enjoyment. The development proposed by
the SPTP threatens to harm the use and enjoyment of these public resources by BAD's members
as well as the public at large. BAD therefore seeks review of BLM's approval of the project.
BAD submitted a protest of the SPTP on November 17, 2008.

Appellant Protect Our Community Foundation ("POC") is also a community organization 8 comprising numerous individuals and families residing in Eastern San Diego County who are 9 directly affected by the approval of the SPTP. POC's purpose is the promotion of a safe, reliable, 10 economical, renewable and environmentally responsible energy future. POC's members use BLM 11 lands for aesthetic, scientific, historic, cultural, recreational and spiritual enjoyment. The SPTP 12 threatens to harm the use and enjoyment of these public resources by POC's members. POC 13 therefore has chosen to appeal BLM's approval of the project. Members of POC submitted 14 comments throughout the SPTP proceeding. 15

Appellant East County Community Action Coalition ("ECCAC") is a coalition of 16 community groups with the common goal of preserving rural quality of life and natural resources. 17 ECCAC and its members seek to maintain the ecological integrity, scenic beauty, wildlife, 18 19 recreational amenities, watershed values and groundwater resources in Eastern San Diego County. 20ECCAC's members use BLM lands for aesthetic, scientific, historic, cultural, recreational and 21 spiritual enjoyment. The SPTP threatens to harm the use and enjoyment of these public resources 22 by ECCAC's members as well as the public at large. ECCAC therefore seeks review of BLM's 23 approval of the project. Members of POC submitted comments throughout the SPTP proceeding. 24 Appellant Donna Tisdale lives on the Morningstar Ranch, located two miles west of Tierra 25 Del Sol road in Boulevard, California. Her residence and business rely exclusively on well water. 26 She is an active member of multiple community groups, including co-appellants BAD and POC, 27 and is a sitting member of the Boulevard Planning Group. Donna Tisdale advocates for the 28

1	preservation of rural areas of Southern California and was recently featured on the front page of		
2	the Washington Post as a voice against the SPTP. Donna Tisdale uses BLM lands that will be		
3	affected by the project for recreational and spiritual activities. The project will adversely affect		
4	Donna Tisdale's interests by introducing industrial development into the McCain Valley and		
5	surrounding areas, thereby decreasing her enjoyment of the natural resources in the area. She has		
6	authored multiple letters opposing the project on behalf of community groups and submitted them		
7	to BLM and the California Public Utilities Commission.		
8	STATEMENT OF REASONS		
9	Appellants will file a Statement of Reasons in support of this Appeal and Request for Stay		
10	within 30 days as permitted under 43 C.F.R. § 4.412(a).		
11	CONCLUSION		
12	Appellants hereby appeal BLM's decision to approve the project. Appellants also asks		
13	this Board to issue a stay pending this appeal to protect the natural resources at stake here by		
14	preserving the status quo. Appellants' request for stay is filed concurrently herewith.		
15	Dated: March 23, 2009 Respectfully submitted,		
16			
17	STEPHAN C. VOLKER		
18	Attorney for Appellant Backcountry Against Dumps, Protect Our Community Foundation, East County Community		
19	Action Coalition, Donna Tisdale		
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1	PROOF OF SERVICE			
2	I, Teddy Ann Fuss, hereby declare:			
3	I am over the age of eighteen years, work in the County of Alameda, California, and am			
4	not a party to the within cause. My business address is 436 14th Street, Suite 1300, Oakland,			
	California 94612. On March 23, 2009, I served appellants' NOTICE OF APPEAL in the above-			
5	entitled matter as indicated below by placing true copies thereof in envelopes with postage fully			
6	prepaid for PRIORITY MAIL, CERTIFIED/RETURN RECEIPT REQUESTED U.S. Postal			
7	Service mailing, addressed as follows:			
8				
9	Interior Board of Land Appeals Office of Hearings and Appeals	Mike Pool BLM Director		
10	U.S. Department of the Interior 801 N. Quincy Street, Suite 300	1849 C Street NW, Rm. 5665 Washington DC 20240		
11	Arlington, VA 22203			
12	Jim Abbott, Acting State Director Bureau of Land Management	Tim Smith, Field Office Manager		
13	U.S. Department of the Interior 2800 Cottage Way (Room E-2853) Sacramento, CA 95825	BAKERSFIELD FIELD OFFICE 3801 Pegasus Drive Bakersfield, CA 93308		
14				
15	Jim Bartel Field Supervisor	Bureau of Land Management Barstow Field Office		
16	U.S. Fish and Wildlife Carlsbad Fish & Wildlife Office	2601 Barstow Road Barstow, CA 92311		
17	6010 Hidden Valley Road, Suite 101 Carlsbad, California 92011			
18	San Diego Gas & Electric	Bureau of Land Management		
19	c/o Jennifer F. Jett 101 Ash Street	Bishop Field Office 351 Pacu Lane, Suite 100		
20	San Diego, CA 92101	Bishop, CA 93514		
21	Sempra Energy	Bureau of Land Management		
22	c/o Randall L. Clark 101 Ash Street	California Desert District 22835 Calle San Juan De Los Lagos		
23	San Diego, CA 92101	Moreno Valley, CA 92553		
	Associate Solicitor	Bureau of Land Management		
24	Division of Mineral Resources Office of the Solicitor	Eagle Lake Field Office 2950 Riverside Drive		
25	U.S. Department of the Interior Washington, D.C. 20240	Susanville, CA 96130		
26	washington, D.C. 20240			
27				
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1	Regional Solicitor	Bureau of Land Management	
2	Pacific Southwest Region U.S. Department of the Interior	El Centro Field Office 1661 S. 4th Street	
3	2800 Cottage Way, Room E-2753	El Centro CA 92243	
	Sacramento, CA 95825-1890	Durson of Land Management	
4	U.S. Bureau of Land Management California State Office 2800 Cottage Way, Room W-1834 Sacramento, California 95825-1886	Bureau of Land Management Folsom Field Office 63 Natoma Street Folsom, CA 95630	
5			
6			
7	Timothy Burke, Field Manager U.S. Bureau of Land Management	Bureau of Land Management Hollister Field Office	
8	Alturas Field Office 708 W. 12th St.	20 Hamilton Court Hollister, CA 95023	
9	Alturas, CA 96101		
10	Lynda J. Roush, Field Manager	Bureau of Land Management	
11	Bureau of Land Management Arcata Field Office 1695 Heindon Road	Needles Field Office 1303 S. Hwy 95 Needles, CA 92363	
12			
13	Arcata, CA 95521-4573		
14	Bureau of Land Management Palm Springs South Coast Field Office 1201 Bird Center Drive	Bureau of Land Management Redding Field Office 355 Hemsted Drive	
15	Palm Springs, California 92262	Redding, CA 96002	
16	Bureau of Land Management	Bureau of Land Management Surprise Field Office 602 Cressler Street	
17	Ridgecrest Field Office 300 S. Richmond Rd.		
18	Ridgecrest, CA 93555	Cedarville, CA 96104	
19	Bureau of Land Management Ukiah Field Office		
20	2550 North State Street Ukiah, CA 95482		
21	Okiuli, 011 75 102		
22	I declare under penalty of perjury that the foregoing is true and correct, and that this		
23	declaration was executed on March 23, 2009, at Oakland, California.		
24			
25	Teddy Ann Fuss		
26			
20 27			
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