

Medicine Lake geothermal issue goes back to BLM

David Smith, Siskiyou Daily News, 12-22-10

MEDICINE LAKE — The continuing battle over geothermal exploration in the Medicine Lake Highlands has charted a different course in recent months, with a court decision to send one issue back to the United States Bureau of Land Management (BLM) to work with the involved parties.

That issue concerns leases held by energy company Calpine for geothermal exploration in the Fourmile area — which has gone to the Ninth Circuit Court of Appeals twice — and whether or not those leases had expired in 1998, when the appeals court ruled that extensions granted by the BLM had to be invalidated due to faulty environmental review.

When the case came back to the appeals court, the petitioning parties — the Pit River Tribe, the Native Coalition for Medicine Lake Highlands Defense and Mount Shasta Bioregional Ecology Center — argued that with the lease extensions invalidated, the leases themselves expired and would require a new leasing process and new environmental review associated with that process.

In August, the appeals court rejected that interpretation, sending the suit back before the district court, allowing that court to proffer a remand order for BLM to enter a new environmental review process for extending the leases, which would allow the agency to “have absolute discretion to void or cancel the leases, deny lease extensions or unit commitment, and add or modify lease conditions,” and that “BLM shall have absolute discretion to deny, approve, or modify the plan of utilization” for the Fourmile Hill plant planned on the leased grounds.

According to Tim Burke of the BLM Alturas office, with the district court issuing the remand order in November, the parties are still in the process and no actions have been taken.

While the possibility exists to move ahead with the Fourmile Hill issue, Mount Shasta Bioregional Ecology Center Director Michelle Berditchevsky explained that other suits have been dormant on other leases in the Highlands since Calpine’s bankruptcy filing in 2007 and those can possibly move forward with direction from the Fourmile Hill suit, which may also affect the outcome of other leases and BLM actions in the future.

The other suits, according to briefs submitted to the district court, present similar arguments on lease extensions in other areas, including concerns about how geothermal development may affect cultural heritage sites and other interests in the area.

Berditchevsky explained that the other cases may possibly be consolidated.

It is not known at present when those suits will move forward or when the BLM will have an opportunity to issue decisions on the leases.