

RECORD OF DECISION

Blythe Solar Power Project and Amendment to the California Desert Conservation Area Plan

Riverside County, California

Lead Agency:

*United States Department of the Interior
Bureau of Land Management*

Environmental Impact Statement FES 10-41
Case File Number: CACA 048811

Blythe Solar Power Project Decision to Amend the CDCA Plan and to Grant

*United States Department of the Interior, Bureau of Land Management
Palm Springs South Coast Field Office (PSSCFO)
1201 Bird Center Drive
Palm Springs, CA 92262*

October 2010



Cooperating Federal Agency:
Department of Energy (DOE)

DOI Control Number: FES-10-41

BLM Publication Index Number: BLM/CA/ES-2010-015+1793

NEPA Tracking Number: DOI-BLM-CA-060-0010-0013-EIS

TABLE OF CONTENTS

	<u>Page</u>
List of Abbreviations	iv
Executive Summary.....	1
1.0 Decisions	3
1.1 Background	3
1.1.1 Application/Applicant	4
1.1.2 Purpose and Need.....	5
1.1.3 EIS Availability, 30-Day Review, Protests.....	5
1.1.4 BLM Authority under FLPMA and NEPA.....	6
1.1.5 Other Authorities and Policies	8
1.2 Information Developed Since the PA/FEIS.....	9
1.3 Decisions Being Made.....	12
1.3.1 Bureau of Land Management ROW Grant.....	12
1.3.2 Land Use Plan Amendment.....	13
1.3.3 Revisions to Open Routes	14
1.3.4 What is not Being Approved	15
1.4 Right-of-Way Requirements.....	16
1.4.1 Post-approval Siting Conformance Process	16
1.5 Summary of Conclusions	17
2.0 Mitigation and Monitoring.....	18
2.1 Required Mitigation	18
2.2 Monitoring, Mitigation, and Enforcement	19
2.3 Mitigation Measures Not Adopted.....	19
2.4 Statement of All Practicable Mitigation Adopted.....	20
2.5 Coordination with Other BLM Monitoring Activities	20
3.0 Management Considerations	21
3.1 Decision Rationale	21
3.1.1 Respond to Purpose and Need	21
3.1.2 Achieve Goals and Objectives.....	22
3.2 Required Actions	22
3.2.1 Endangered Species Act of 1973.....	22
3.2.2 Bald and Golden Eagle Protection Act.....	23
3.2.3 National Historic Preservation Act of 1966.....	23
3.2.4 Clean Air Act, as Amended in 1990	23
3.2.5 Incorporate CDCA Plan Management Considerations	24
3.2.6 Identify Site Location per the California Desert Conservation Area Land Use Plan.....	24
3.2.7 Statement of No Unnecessary or Undue Degradation.....	24
3.2.8 Statement of Technical and Financial Capability	26
3.3 Relationship to BLM and Other Plans, Programs, and Policies	27
3.3.1 Tribal Consultation	27
3.3.2 United States Fish and Wildlife Section 7 Consultation	27

	<u>Page</u>
3.0 Management Considerations (continued)	
3.3.3 NHPA Section 106 Programmatic Agreement	28
3.4 Consultation with Other Agencies	29
3.4.1 Consultation with Other Federal Agencies	29
3.4.2 Consultation with State, Regional, and Local Agencies	29
3.5 Land Use Plan Conformance and Consistency	31
3.5.1 Conformance with the CDCA Plan	31
3.5.2 BLM's Northern and Eastern Colorado Desert Coordinated Management Plan Amendment to the CDCA Plan	40
3.5.3 Utility Corridors	41
3.6 Adequacy of NEPA Analysis	41
4.0 Alternatives	43
4.1 Alternatives Fully Analyzed	43
4.1.1 The Proposed Action – Blythe Solar Power Project.....	43
4.1.2 Reconfigured Alternative	44
4.1.3 Reduced Acreage Alternative	44
4.1.4 No Action/No Project Alternative A.....	45
4.1.5 CDCA Plan Amendment/No Action Alternative B	45
4.1.6 CDCA Plan Amendment/No Action Alternative C	45
4.2 Alternatives Not Fully Analyzed	45
4.3 Environmentally Preferred Alternative	47
4.4 Agency Preferred Alternative / Selected Alternative	47
5.0 Agency and Public Involvement	48
5.1 Scoping.....	48
5.2 Draft EIS Comment Period.....	49
5.3 Final EIS Comment Period.....	49
5.4 Protest Period.....	49
5.5 Consultation/Coordination with Other Agencies and Entities	51
5.5.1 Governor's Consistency Review.....	51
5.5.2 United States Fish and Wildlife Consultation	51
5.5.3 National Historic Preservation Act.....	51
5.5.4 Tribal Consultation	52
5.5.5 Department of Energy.....	52
5.5.6 United States Army Corps of Engineers.....	52
5.5.7 United States Environmental Protection Agency	52
5.5.8 Summary of State, Regional and Local Agency Consultation	53
6.0 Errata	54
7.0 Final Agency Action	58
7.1 Land Use Plan Amendment	58
7.2 Right-of-Way Grant and Route Closure Authorization	58
7.3 Secretarial Approval	59

Appendices

1. Responses to Comments on the PA/FEIS
2. Biological Opinion
3. Programmatic Agreement
4. Environmental Construction and Compliance Monitoring Program
5. Location Maps
6. Protest Settlement Agreement

Please Visit the Blythe Solar Web Page for the Appendices

<http://www.blm.gov/ca/st/en/prog/energy/fasttrack/blythe/fedstatus.html>

List of Abbreviations

AFC	application for certification
AO	authorized officer
ARRA	American Recovery and Reinvestment Act
BA	biological assessment
BLM	Bureau of Land Management
BO	biological opinion
BRSA	biological resources survey area
CDCA	California Desert Conservation Area
CDFG	California Department of Fish and Game
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CPUC	California Public Utilities Commission
CTTM	Comprehensive Travel and Transportation Management
DNA	Determination of NEPA Adequacy
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
ECCMP	Environmental and Construction Compliance Monitoring Program
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
ESA	Endangered Species Act
FEIS	final environmental impact statement
FLPMA	Federal Land Policy Management Act of 1976
I-10	Interstate 10
kV	kilovolt
LLC	limited liability company
MDAPMD	Mojave Desert Air Pollution Management District
MOU	memorandum of understanding
MW	megawatt
NAHC	Native American Heritage Commission

NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	notice of availability
NOI	notice of intent
NTP	notice to proceed
PA	programmatic agreement
PA/FEIS	plan amendment and final environmental impact statement
PMPD	presiding member's proposed decision
POD	plan of development
PPA	power purchase agreement
ROD	record of decision
ROW	right-of-way
RSA	Revised Staff Assessment
RWQCB	Regional Water Quality Control Board
SA/DEIS	staff assessment/draft environmental impact statement
SCE	Southern California Edison
SF	Standard Form
SHPO	California State Historic Preservation Office
U.S.	United States
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service

Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of the Interior (DOI) and the Bureau of Land Management (BLM) for the Blythe Solar Power Project and Amendment to the *California Desert Conservation Area Land Use Management Plan* (1980, as amended) (CDCA Plan). This ROD approves the construction, operation and maintenance, and termination of the proposed Blythe Solar Power Project on approximately 7,025 acres of public lands in Riverside County, California, and amends the CDCA Plan to identify the Blythe Solar Project as a recognized power generation facility. These decisions were analyzed in the Plan Amendment/Final Environmental Impact Statement (PA/FEIS), issued on August 20, 2010 through the Environmental Protection Agency's Notice of Availability published in the Federal Register.

This ROD has two decisions: (1) a CDCA Plan Amendment; and (2) a right-of-way (ROW) grant decision under Title V of the Federal Land Policy and Management Act (FLPMA). The ROW will be granted to Palo Verde Solar I, LLC, and will allow the construction, operation and maintenance, and termination of the Blythe Solar Power Project that was analyzed in the PA/FEIS as the BLM's Agency Preferred Alternative, and which also is referred to as the Selected Alternative in this ROD. Amendment of the CDCA Plan is required to allow a solar energy generation project on this site because the site was not already identified as a site for power generation in the current Plan. The proposed CDCA Plan Amendment was reviewed by the Governor's Office of Planning and Research and was found to be consistent with state and local plans.

This decision reflects careful consideration of the information generated from the Blythe Solar Power Project environmental review process, and further reflects resolution of the issues brought to the BLM and the DOI through such process.

This ROD applies only to BLM-administered lands, and to the BLM's decisions on the Blythe Solar Power Project. Other agencies, including the California Energy Commission (CEC) and the U.S. Department of Energy (DOE), are responsible for issuing their own decisions and applicable authorizations for the Blythe Solar Power Project.

ES.1 Decision Rationale

These decisions fulfill legal requirements for managing public lands. Granting the ROW contributes to the public interest in developing renewable power to meet state and federal renewable energy goals. The stipulations in the grant ensure that authorization of the Blythe Solar Power Project will protect environmental resources and comply with environmental standards. These decisions reflect careful balancing of many competing public interests in managing public lands. These decisions are based on comprehensive environmental analysis and full public involvement. The BLM engaged highly qualified

technical experts to analyze the environmental effects of the Blythe Solar Power Project. During the scoping process and following the publication of the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS), members of the public submitted comments that enhanced the BLM's consideration of many environmental issues relevant to this project. The BLM, CEC, DOE, U.S. Fish and Wildlife Service, and other consulted agencies used their expertise and existing technology to address the important issues of environmental resource protection. The BLM and DOI have determined that all practicable mitigation measures contained in the PA/FEIS and the Biological Opinion which avoid or minimize environmental harm have been adopted.

1.0 Decisions

1.1 Background

This Record of Decision (ROD) for the Blythe Solar Power Project and Associated Amendment to the *California Desert Conservation Area Plan* (CDCA Plan) approves the construction, operation, maintenance, and termination (which includes decommissioning) of the proposed 1,000-MW Blythe Solar Power Project on approximately 7,025 acres of BLM-administered public lands in Riverside County, California, as analyzed in the *Final Environmental Impact Statement and Proposed Amendment to the California Desert Conservation Area Plan for the Blythe Solar Power Project* (PA/FEIS) and as noticed in the August 20, 2010, *Federal Register* (75 Fed. Reg. 51,479). This decision approves the Blythe Solar Power Project Agency Preferred Alternative as analyzed in the PA/FEIS, with some post-PA/FEIS modifications and clarifications. The Agency Preferred Alternative is also referred to as the Selected Alternative in the ROD.

This approval will take the form of a Federal Land Policy and Management Act (FLPMA) right-of-way (ROW) grant, issued in conformance with Title V of FLPMA and implementing regulations found at 43 Code of Federal Regulations (CFR) Part 2800. In order to approve the site location for the Blythe Solar Power Project, the BLM also approves a land use plan amendment to the CDCA Plan, with the resultant closure of three Open Off-Highway Vehicle Routes that traverse the approved project site.

The decisions contained herein apply only to the BLM-administered public lands within the Selected Alternative.

One ROW grant will be issued to Palo Verde Solar I, LLC for a term of 30 years with a right of renewal so long as the lands are being used for the purposes specified in the grant. The ROW grant will allow Palo Verde Solar I, LLC, the right to use, occupy and develop the described public lands to construct, operate, maintain, and terminate a concentrated solar thermal electric generating facility with four adjacent, independent solar plants of 250 megawatt (MW) nominal capacity each (for a total capacity of about 1,000 MW nominal capacity) in eastern Riverside County, as the BLM identified and evaluated in the PA/FEIS. The project site is located approximately two miles north of the I-10 freeway, and eight miles west of the city of Blythe, California, within Township 6 South, Ranges 21 and 22 East and Township 5 South, Range 22 East. Figure 1, provided in Appendix 5, Location Maps, shows the location of the project site.

Palo Verde Solar I, LLC may, on approval from the BLM, assign the ROW grant to another party in conformance with the Part 2800 ROW regulations. Construction of the project may be phased; however, the BLM typically requires the initiation of project construction within two years of the issuance of a ROW grant. In addition, initiation of construction will be conditioned on final approval by BLM of the construction plans. This

approval will take the form of an official Notice to Proceed (NTP) for each phase or partial phase of construction. If the approved project does not progress to construction, operation, or is proposed to be changed to the extent that it appears to the BLM to be a new project proposal on the approved project site, that proposal is subject to additional NEPA review.

The ROW is conditioned on implementation of mitigation measures and monitoring programs as identified in the PA/FEIS, the Biological Opinion issued by the United States Fish and Wildlife Service (USFWS), The National Historic Preservation Act (NHPA) Section 106 Programmatic Agreement (PA), the California Energy Commission (CEC) Conditions of Certification, and the issuance of all other necessary local, state, and federal approvals, authorizations and permits.

In addition to the commercial solar parabolic trough generating station, the other main features of the project include an administration building, parking area, maintenance building, switchyard, bioremediation areas, wastewater treatment facilities, access and maintenance roads, perimeter fencing, central gas pipeline, a distribution line, fiber optics line, and water wells; offsite project features include access to the site, a distribution line gas pipeline, fiber optics lines, and a double circuit 230 kilovolt (kV) gentie line that would connect into the power grid at the planned Southern California Edison Colorado River Substation approximately five miles southwest of the site.

Surveys and ground clearance are expected to begin in November 2010, and construction for Phase I A is planned to begin December 2010. Project construction will occur in three phases and total build-out is expected to take 69 months to complete. Commercial operation of Unit One is anticipated in May 2013, with subsequent units coming online in 6- to 12-month intervals.

The Blythe Solar Power Project is one of the first large-scale solar energy generation projects approved on public lands. The BLM worked closely with state and federal partners and the public in an unprecedented collaborative effort. Through this process, the BLM has gained insights into the complexity of permitting utility-scale renewable energy projects on diverse public lands, and the need for flexibility throughout the process. The BLM will continue to engage agency partners and the public in this constantly evolving environment.

1.1.1 Application/Applicant

Pursuant to an agreement with Solar Millennium jointly to develop the Blythe Solar Power Project, Chevron Energy Solutions submitted a Standard Form 299—"Application for Transportation and Utility Systems and Facilities on Federal Lands" with the BLM Palm Springs/South Coast Field Office for a ROW grant to Palo Verde Solar I, LLC. Palo Verde Solar I, LLC is a wholly-owned subsidiary of Solar Millennium and is the single applicant (Applicant) for the Blythe Solar Power Project. Solar Millennium is part of an international company in the renewable energy sector and a global leader in the

field of solar-thermal (parabolic trough) power plants. Together with the company's other subsidiaries and associates, the company covers all important business sectors along the value chain for solar-thermal power plants, including: financing, project development, technology development, and the turnkey construction and operation of power plants. The Applicant is seeking approval to construct, operate, and decommission the Blythe Solar Power Project and related facilities and infrastructure. The Applicant has demonstrated technical and financial capabilities as part of the ROW grant application process.

Parallel to the Federal ROW grant application process, an Application for Certification (AFC) for the project was filed with the CEC. Since filing its original ROW application with the BLM, the Applicant's development plans have been updated several times through submittals to the CEC project docket. The CEC project docket can be accessed online at http://www.energy.ca.gov/sitingcases/solar_millennium_blythe/index.html.

The Applicant and Southern California Edison (SCE) have entered into a 20-year Power Purchase Agreement (PPA) for the provision of renewable electricity. The California Public Utilities Commission (CPUC) approved the PPA on July 8, 2010. The Applicant submitted a Large Generator Interconnection Application to the California Independent System Operator (CAISO) in January 2008. The CAISO Phase I Interconnection Study was released in July 2009, and the CAISO Phase II Interconnection Study was released in July 2010. The Applicant is currently negotiating the final terms for a Large Generator Interconnection Agreement (LGIA) with SCE, and expects to sign a LGIA in November 2010.

1.1.2 Purpose and Need

BLM's Purpose and Need

The BLM's purpose and need for the Blythe Solar Power Project is to respond to the Applicant's application under Title V of FLPMA for a ROW grant to construct, operate, maintain and terminate a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws.

1.1.3 EIS Availability, 30-Day Review, Protests

Pursuant to a July 2007 Memorandum of Understanding (MOU) between the BLM and CEC for the joint environmental review of solar energy projects, the BLM and CEC jointly prepared the SA/DEIS for the Blythe Solar Power Project, which included analysis of no action/no construction alternatives, and several construction alternatives, in addition to the proposed project. The SA/DEIS was circulated for agency and public comment between March 19, 2010, and June 17, 2010; those comments and BLM's responses are provided in the PA/FEIS. Comments on the SA/DEIS were used to develop the PA/FEIS.

Copies of the PA/FEIS (DOI Control No. FES 10-41), dated August 2010, are available at the BLM Palms Springs / South Coast Field Office (1201 Bird Center Drive, Palm Springs, California 92262) and the BLM California Desert District Office (22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553). The PA/FEIS also is available online at the BLM website at:

http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Blythe_Solar_Power_Project.html.

Although not part of its normal EIS process, because of the unique nature of these projects and information gathered after the SA/DEIS had been published, the BLM made the PA/FEIS available for an additional 30-day public review/comment period. This comment period ran concurrently with the standard land use plan protest period from August 20, 2010, to September 20, 2010. Sixteen comment letters were submitted on the PA/FEIS. All substantive comments received during the 30-day protest period were reviewed and responded to by the BLM in this ROD. The BLM's responses to these comments are included in Appendix 1 to this ROD, *Response to Comments on the Final Environmental Impact Statement*. Six protests were filed; all have been resolved by the Director or withdrawn.

After issuing this ROD for the Blythe Solar Power Project, the BLM will publish a Notice of Availability of the ROD in the Federal Register.

1.1.4 BLM Authority under FLPMA and NEPA

Federal Land Policy and Management Act of 1976

FLPMA establishes policies and procedures for the management of public lands. In Section 102(a)(8), Congress declared that it is the policy of the United States that:

“. . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use (43 U.S.C.1701(a)(8)).”

FLPMA Section 202 and the regulations implementing FLPMA's land use planning provisions (43 CFR subparts 1601 and 1610) provide a process and direction to guide the development, amendment, and revision of land use plans for the use of the public lands.

Title V of FLPMA (43 United States Code (USC) 1761-1771) authorizes the BLM, acting on behalf of the Secretary of the Interior, to authorize a ROW grant on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM's implementation of its statutory direction for ROW authorizations is detailed in 43 CFR Part 2800. The BLM Authorized Officer administers

the ROW authorization and ensures compliance with the terms and conditions of the ROW lease. “Authorized Officer” means any employee of the Department of the Interior to whom the agency has delegated the authority to perform the duties described in 43 CFR Part 2800. This authority is derived from the authority of the Secretary of the Interior, and may be revoked at any time. The authority to approve all actions pertaining to the granting and management of Title V ROWs on public lands is delegated to the respective BLM State Directors (BLM Manual 1203, Appendix 1, p.33). In California, the authority of the BLM State Director to approve actions pertaining to the granting and management of Title V ROWs has been further delegated to the Field Managers. In respect to this specific ROW grant, this authority has been delegated to the Field Manager of the BLM Palm Springs-South Coast Field Office, who will be responsible for managing the ROW grant for the Blythe Solar Power Project.

National Environmental Policy Act

Section 102(c) of the National Environmental Policy Act (NEPA) (42 USC 4321 et seq.) and the Council on Environmental Quality (CEQ) and DOI implementing regulations (40 CFR Parts 1500–1508 and 43 CFR Part 46) provide for the integration of NEPA directives into agency planning to ensure appropriate consideration of NEPA’s policies and to eliminate delay.

When taking actions such as approving CDCA Plan Amendments and ROW grants, the BLM must comply with NEPA and the CEQ’s regulations implementing NEPA. Compliance with the NEPA process is intended to assist federal officials in making decisions about projects and planning that are based on an understanding of the environmental consequences of the decision, and identifying actions that protect, restore, and enhance the environment. The SA/DEIS, PA/FEIS, and this ROD document the BLM’s compliance with the requirements of NEPA for the Blythe Solar Power Project.

CDCA Plan

In furtherance of its authority under the FLPMA, the BLM manages public lands in the California Desert District pursuant to the CDCA Plan, and its amendments. The Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not specifically identified in the CDCA Plan for a specific project site be considered through the Plan amendment process. Because the CDCA Plan has not previously identified the Blythe Solar Power Project site for power generation, the Plan must be further amended to allow a solar energy generation project on that site. The planning criteria for considering an amendment to the CDCA Plan are discussed in CDCA Plan Chapter 4.10, *Land Use and Corridor Analysis*.

Guidance and Regulations

The BLM processes ROW grant applications for solar development in accordance with 43 CFR 2804.25 and the BLM’s 2008 “Guidance for Processing Applications for Solar

Power Generation Facilities on BLM Administered Public Lands in the California Desert District,” which states:

When all or part of a proposed renewable energy project is located in a designated utility corridor, the impacts of occupying the utility corridor must be analyzed, along with alternatives that would help mitigate the impacts to the utility corridor. The EIS prepared for a proposed solar energy project should analyze the impact that the project would have on the ability of the utility corridor to serve its intended purpose, i.e., would the corridor continue to retain the capacity to site additional utilities in the corridor or would the project so constrain the available land within the corridor that it would limit the corridor’s ability to locate additional linear facilities, e.g. transmission lines, pipelines, etc.

As discussed in PA/FEIS Section 3.6.3, *Existing Situation*, Blythe Solar Power Project solar generating facilities would not be within designated corridors; however, ancillary facilities associated with the project would be within a Section 368 Designated Corridor as defined by the Energy Policy Act (identified as Corridor 30-52, 2 miles in width), as well as a locally-designated Corridor K.

The potential project impacts related to occupying a utility corridor are evaluated in PA/FEIS Section 4.6, *Impacts on Lands and Realty*. In the immediate vicinity of the project site and within affected utility corridors, additional capacity is available for future projects. Joint use of the corridor is adequate to accommodate the Blythe Solar Power Project and its ancillary facilities, as well as currently authorized but yet unbuilt and pending projects.

1.1.5 Other Authorities and Policies

In conjunction with the FLPMA, applicable BLM authorities and policies also include:

- Energy Policy Act (119 Statutes 594, 600), Section 211, which states “It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on public lands with a generation capacity of at least 10,000 megawatts of electricity.”
- BLM’s Solar Energy Development Policy (April 4, 2007), which states the BLM’s general policy is issued under Instruction Memorandum 2007-097 Solar Energy Development Policy to facilitate environmentally responsible commercial development of solar energy projects on public lands and to use solar energy systems on BLM facilities where feasible. Applications for commercial solar energy facilities will be processed as ROW authorizations under Title V of FLPMA and 43 CFR, Part 2800. Commercial concentrating solar power (CSP) or photovoltaic electric generating facilities must comply with BLM’s planning,

environmental, and ROW application requirements, as do other similar commercial uses.

- Executive Order 13212 (May 18, 2001), which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the “production and transmission of energy in a safe and environmentally sound manner.”
- Secretarial Order 3285 (March 11, 2009), which “establishes the development of renewable energy as a priority for the Department of the Interior.”

DOE Authority under EAct

The DOE is a cooperating agency with the BLM on the PA/FEIS for the Blythe Solar Power Project. The Energy Policy Act of 2005 (EAct), as amended by Section 406 of the American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111-5, established a Federal loan guarantee program for eligible energy projects. Title XVII of the EAct authorizes the Secretary of Energy to make loan guarantees for a variety of types of projects, including those that “avoid, reduce or sequester air pollutants or anthropogenic emissions of greenhouse gases, and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued.” The purposes of the loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits. The DOE’s purpose and need for action is to comply with its mandate under Title XVII of the EAct by selecting eligible projects that meet the goals of the Act.

The Applicant applied to the DOE for a loan guarantee under Title XVII of the Act, as amended, for Solar Power Units 1 and 2 of the Blythe Solar Power Project.

1.2 Information Developed Since the PA/FEIS

Since the preparation and publication of the PA/FEIS, new information has become available. This new information, described below, did not result in any significant modifications to the Selected Alternative or require any additional NEPA analysis.

Some minor clarifications, however, have been made to the Plan of Development (POD) and to the Environmental Construction Compliance and Monitoring Program (ECCMP) (Appendix 4 of this ROD) for the Blythe Solar Power Project. The POD will govern any inconsistency of fact relating to the project description.

- The PA/FEIS states that the routing of communications lines would be adjacent to the Black Rock Road, and the site access road. This is incorrect. Instead, voice and data communications for the Blythe Solar Power Project would be provided by a new twisted pair telecommunications (telecom) cable. The routing for this cable would

end at the existing infra-structure near Mesa Drive. The Blythe Solar Power Project also would have two other telecom lines required by the California Independent System Operator to provide operational data to the Colorado River Substation. The primary transmission-related telecom line would be strung overhead along the same poles as the 230 kV gen-tie line to the Colorado River Substation. Both of the buried telecom cables will be adjacent to the site access road for the portion north of I-10. The redundant telecom line will continue south of I-10 to the Colorado River Substation following the route of the gen-tie line, while the Blythe Solar Power Project telecom cable will follow Black Rock Road to Mesa Drive.

- Surveys of the gen-tie route for cultural and biological resources were completed during the spring of 2010, prior to publication of the PA/FEIS. The preliminary results of these surveys were provided to the BLM in a letter report dated May 11, 2010, with a final addendum submitted to BLM on July 23, 2010. The final report, however, was not submitted to the BLM until August 25, 2010, after publication of the PA/FEIS.

Biological surveys were conducted in spring 2010 for the disturbance area of the Reconfigured Alternative, in order to survey areas not surveyed in 2009, such as the re-routed gen-tie line. The major focus of the biological investigation was to assess potential impacts to special status plant and wildlife species that may occur within the proposed project biological resources survey area (BRSA) and the Reconfigured Alternative BRSA. Surveys were conducted to map vegetation communities and waters of the State and to determine the presence or absence of special status plant and wildlife species. These surveys were conducted in accordance with applicable regulations and established survey protocols for various special status species. The fieldwork focused on rare plant surveys, delineation of jurisdictional areas, protocol surveys for desert tortoise and western burrowing owl, avian point count surveys, and a general wildlife inventory.

- Since the publication of the PA/FEIS, fall surveys for botanical resources have been completed for the project site. The surveys did not encounter any plant species not previously identified during other botanical surveys and documented in the PA/FEIS.
- The PA/FEIS did not explicitly discuss the salvage of cactus and yucca plants as part of botanical resource mitigation. The salvaging of cactus and yucca prior to ground disturbing activities is consistent with BLM regulations and policy. The Applicant must implement the Decommissioning Plan dated October 4, 2010, as revised to include the salvage of cactus and yucca plants.
- The PA/FEIS did not discuss the Applicant-proposed mitigation measures for the evaporation ponds. PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, correctly reports the results of a 1986 study, which showed that much of the risk of bird collisions came from their attraction to “adjacent evaporation ponds and agricultural fields.” The section should have discussed, however, the measures the Applicant proposed (as part of the project) to take to prevent the ponds from being an

attractant for birds. As noted in PA/FEIS Appendix G, Condition of Certification BIO-25 requires: (1) netting of all evaporation ponds to exclude birds and other wildlife; (2) additional visual bird deterrents and a rigorous monitoring program to verify that the netting is effective in excluding birds and other wildlife; and (3) adaptive management and remedial action to discourage wildlife use, if monitoring detects bird use at the ponds. The ECCMP applicable to the Blythe Solar Power Project (Appendix 4 to this ROD), includes clarifications to the PA/FEIS relating to mitigation measures in the following ways:

- One of the biological mitigation measures referenced in the PA/FEIS, BLM-BIO-21, has been superseded and is no longer required. This mitigation measure initially required the Applicant to create a new water source or acquire compensatory habitat to mitigate potential impacts to the spring foraging habitat for Nelson's bighorn sheep. The PA/FEIS refers to California Energy Commission Conditions of Certification throughout Chapter 4, *Environmental Consequences*, and in Appendix G, as such COCs were set forth in the August 11, 2010 Presiding Members' Proposed Decision. Since the COCs may change in the final license or as a result of amendments to the license, however, the PA/FEIS should have referred to the COCs as set forth in the license, as amended.
- To clarify the method and means that the Applicant shall use to communicate with the public and affected jurisdictions about the Blythe Solar Power Project (see, e.g., BLM-REC-2, BLM-REC-4 and OHV-1), the Applicant shall prepare a one-page fact sheet and submit it to the BLM's Palm Springs South Coast Field Office for appropriate distribution.
- The BLM's understanding of potential impacts to Colorado River Water from groundwater pumping associated with the project, and the potential need for an entitlement for Colorado River Water, has changed since the publication of the PA/FEIS. In the SA/DEIS for the project, the CEC and BLM did not determine whether groundwater pumping would result in impacts to Colorado River Water. Instead, the SA/DEIS stated, "[i]f new wells [for the Blythe Solar Power Project] will draw water from mainstream of the lower Colorado River," mitigation requirement SOIL&WATER-3 would require the Applicant to acquire an entitlement of offset to lower Colorado River water.

The PA/FEIS Section 4.19.5, *Residual Impacts after Mitigation Measures are Implemented*, implies, however, that groundwater basins are hydrologically connected to the Colorado River, and therefore the Applicant must obtain an allocation from the Colorado River. The PA/FEIS states "all or a portion of the groundwater production at the site will be considered Colorado River water. Consequently, the [project] has the potential to divert Colorado River water and that part, if not all of the water, would come from the Colorado River Basin." The PA/FEIS analyzed potential impacts to the Colorado River accordingly.

Since the publication of the PA/FEIS, it is the BLM's decision not to make a determination as to whether the groundwater for the Blythe Solar Power Project is Colorado River water. The California Energy Commission suggests in its Final Decision for the Blythe Solar Power Project that implementation of the Conditions for Certification and updated modeling may show that groundwater pumping will not draw down from the Colorado River. As a term and condition of the BLM authorized ROW for the project, the Applicant must comply with all CEC Conditions of Certification, which include water mitigation, modeling, and monitoring measures.

Moreover, the BLM has thoroughly reviewed the regulatory framework regarding the use of the accounting surface methodology of determining impacts to the Colorado River, and determined that no formal regulation exists that requires the Applicant to acquire an allocation at this time. The Bureau of Reclamation has not finalized its rule on the accounting surface methodology for the Colorado River. This ROD recognizes that, should a rulemaking ever be finalized on the currently proposed accounting surface, the BLM will work with the Applicant to ensure that appropriate processes are followed to obtain such an allocation.

- The BLM did not intend the visual resource mitigation measure BLM-VIS-1 to be imposed where views of the backs of solar troughs could not be visible outside the facility due to fences and other intervening structures or obstructions. As such, the Applicant will not be required to utilize this measure when it is unnecessary and ineffective.
- In instances where the mitigation measures (see Appendix 4 to this ROD) require the Applicant to submit compliance-related reporting to the CEC and to the BLM, the BLM and CEC will work together to avoid duplicative submissions where possible.

1.3 Decisions Being Made

1.3.1 Bureau of Land Management ROW Grant

Under federal law, the BLM is responsible for processing requests for ROW grant applications to determine whether and to what extent to authorize proposed projects, such as renewable energy projects and other appurtenant facilities, on land it manages. Because the project is a privately-initiated venture and would be sited on lands managed by the BLM, the Applicant applied for a ROW grant from the BLM pursuant to federal law and regulations. . In addition, BLM has limited the grant to those lands necessary for constructing, operating, maintaining, and terminating the authorized facilities on public lands. In addition, the grant includes conditions based on the PA/FEIS, the Biological Opinion, the Programmatic Agreement, and other applicable federal rules and regulations to protect public health and safety, and to ensure the project will not result in unnecessary or undue degradation of the public lands. On approval of the ROW grant, the Applicant will be authorized to construct and operate the 7,025 acre, 1,000-MW solar project if it meets the requirements specified in the ROD. The ROD requires the

Applicant to secure all necessary local, state and federal permits, authorizations and approvals before the BLM will issue an NTP for the first phase of the project. On receipt of the NTP, and by remaining consistent with it, the Applicant will be able to construct and operate the Blythe Solar Power Project on the proposed site.

1.3.2 Land Use Plan Amendment

Under the CDCA Plan, the Blythe Solar Power Project site is currently classified as Multiple-Use Class (MUC) L (Limited Use). The CDCA Plan provides guidance concerning the management and use of BLM lands in the California Desert while balancing other public needs and protecting resources. The CDCA Plan contemplates industrial uses analogous to the solar use analyzed by the proposed plan amendment, including utility rights-of-way outside of existing corridors, power plants, and solar energy development and transmission (CDCA Plan, p.95). The CDCA Plan provides in its guidelines that solar development in Class L areas “may be allowed after NEPA requirements are met” (CDCA Plan, p. 15). In the CDCA Plan ROD, the Assistant Secretary for Land and Water Resources discussed remaining major issues in the final CDCA Plan before he approved the same (CDCA ROD, p.10 et seq.). One of the remaining major issues was the allowance of wind, solar, and geothermal power plants within designated Class L lands (CDCA ROD, p. 15). That ROD recognized that:

These facilities are different from conventional power plants and must be located where the energy resource conditions are available. An EIS will be prepared for individual projects.

The recommended decision, which was ultimately approved, noted:

Keep guidelines as they are to allow these power plants if environmentally acceptable. Appropriate environmental safeguards can be applied to individual project proposals which clearly must be situated where the particular energy resources are favorable.

This issue, the allowance of wind, solar, and geothermal power plants on designated Class L lands in the CDCA, was approved by the Assistant Secretary for Land and Water Resources, and concurred in by the Secretary of the Interior on December 19, 1980. According to its terms, the BLM must amend the CDCA Plan to allow siting of a solar power generating facility within in the CDCA on MUC L lands.

Based on the MUC Guidelines provided in Table 1 in the CDCA Plan, solar uses are conditionally allowed in the MUC L designation contingent on NEPA requirements being met for the proposed use. The PA/FEIS and ROD for the Blythe Solar Power Project meet NEPA requirements for consideration of the project and for consideration of the project site as suitable for development. The CDCA Plan is specifically amended by this ROD to identify this site as suitable for the proposed type of solar energy development.

1.3.3 Revisions to Open Routes

In 2002, the BLM updated access plans and routes in the eastern Colorado Desert through the Northern & Eastern Colorado Desert Coordinated Management Plan (NECO) Amendment to the CDCA Plan. The NECO Amendment assigned access for off-highway vehicle (OHV) routes in the eastern Colorado Desert. Currently, there are five open routes traversing the project site. Open Route access is defined in the CDCA Plan as:

“Access on route by motorized vehicles is allowed. Special uses with potential for resource damage or significant conflict with other use may require specific authorization.”

The five open routes on the site are shown on Table 4.16-1 and on Figures 10 and 10a in the PA/FEIS. In order to accommodate the Selected Alternative, three open routes identified in the PA/FEIS (Routes 661085, 66113, and 66115) will be closed. These routes are comprised of approximately 4.5 miles of public access. With approval of the ROW grant, the BLM will designate these three open routes as closed. The perimeter of the project site will be fenced, which will prevent public access within the project site, except for access to holders of valid existing rights. The other routes in the project vicinity will remain open and are outside the ROW boundary for the Blythe Solar Power Project. (See additional discussion in Section 6.0, *Errata*, of this ROD.) There are at least five other designated routes under the NECO plan located east and northwest of the project boundary, as well as dozens of smaller and ancillary routes. These routes will remain available to public use and enjoyment and, as a result, extensive connectivity to public lands north of this project will continue to exist.

Additionally, since this project is located in Multiple Use Class L (Limited), OHV travel is allowed in open washes. In the original project design, the McCoy Wash would have been transected by the project, which would have resulted in the closure of the wash to OHV users. The footprint of the Selected Alternative as approved in this ROD, however, does not transect McCoy Wash, and user access to the Wash will not be affected. (See additional discussion in Section 6.0, *Errata*, of this ROD.)

The administrative process for revising designated routes, given the evolving and changing priorities for public lands, is described in the CDCA Plan Motorized Vehicle Access Element and in BLM guidance, *Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning Process* (CTTM) (Instruction Memorandum 2008-014, Oct. 27, 2007). These revision processes recognize the changing contexts and need for flexibility in allowing OHV public access on BLM-managed lands. The Motorized Vehicle Access Element of the CDCA Plan (page 82) describes the process for changing the designations of vehicle access routes as:

“Decisions affecting vehicle access, such as area designations and specific route limitations, are intended to meet present access needs and protect sensitive resources. Future access needs or protection requirements may require changes in these designations or limitations, or the construction of new routes...Access needs for other uses, such as roads to private lands, grazing developments, competitive events, or communication sites, will be reviewed on an individual basis under the authority outlined in Title V of FLPMA and other appropriate regulations. Each proposal would be evaluated for environmental effects and subjected to public review and comment. As present access needs become obsolete or as considerable adverse impacts are identified through the monitoring program, area designations or route limitations will be revised. In all instances, new routes for permanent or temporary use would be selected to minimize resource damage and use conflicts, in keeping with the criteria of 43 CFR 8342.1.”

The BLM processes for revising route designations are further provided for in the CTTM policy. According to that policy, changes to a travel network in a limited area may be made through activity-level planning or with site-specific NEPA analysis. While changes to area designations (e.g., limited to open) require a plan amendment, changes to route designation (e.g., open to closed, closed to open) do not require a Land Use Plan amendment. This administrative process, along with the administrative process described in the CDCA Plan, is implemented to change the affected open routes on the project site to closed routes. The closure of these routes was described and analyzed in the PA/FEIS for the Blythe Solar Power Project, consistent with the CTTM policy.

1.3.4 What is not Being Approved

During pre-application, the Applicant contacted the BLM to evaluate a number of project site locations in which the 1,000-MW solar power project site was considered potentially feasible. The BLM discouraged the Applicant from including in its application alternate BLM locations with significant environmental concerns, such as critical habitat, Areas of Critical Environmental Concern, Desert Wildlife Management Areas (DWMAs), designated OHV areas, wilderness study areas, and designated wilderness areas or other sensitive resources. The BLM encouraged the Applicant to design a project with the fewest potential conflicts.

A total of 24 alternatives were developed for consideration in the joint CEC-BLM Staff Assessment and Draft Environmental Impact Statement (SA/DEIS). After the release of the SA/DEIS for public review, the BLM continued to consult and coordinate with Federal and State regulatory agencies regarding the project to avoid impacts to desert tortoise habitats, rare plants, and cultural resource sites eligible for National Register of Historic Places listing. As a result of these discussions, the terms conditions and requirements of the Biological Opinion and Programmatic Agreement will govern implementation of the Proposed Action.

As discussed in PA/FEIS 2.5.6, *Alternatives Considered but Eliminated from Detailed Analysis*, other alternative sites, technologies and methods were considered but eliminated from detailed analysis in the PA/FEIS for the Blythe Solar Power Project. Six alternatives (including the proposed action) were developed for full consideration in the PA/FEIS: no action alternative, a no project alternative with an amendment to identify the site as suitable for solar development, a no project alternative with an amendment to identify the site as unsuitable for solar development, the applicant's proposal, a reconfigured alternative, and a reduced acreage alternative

After consideration of the impact analysis in the PA/FEIS and comments from the public, federal and state agencies, and local groups and individuals, the Selected Alternative was identified as the Agency Preferred Alternative in the PA/FEIS. The rationale for this decision is discussed below in Section 3.1.

1.4 Right-of-Way Requirements

The BLM uses SF 2800-14 (ROW Lease/Grant) as the instrument to authorize the ROW grant for the project; it includes the Plan of Development (POD) and all other terms, conditions, stipulations, and measures required as part of the grant authorization. Consistent with BLM policy, the Blythe Solar Power Project ROW grant will include a diligence development and performance bonding requirement for installation of facilities consistent with the approved POD. Construction of the initial phase of development must commence within 12 months after issuance of the Notice to Proceed but no later than 24 months after the effective date of the issuance of the ROW grant. The holder shall complete construction within the timeframes approved in the Plan of Development, but no later than 24 months after start of construction or as otherwise approved by the BLM for phased construction.

1.4.1 Post-approval Siting Conformance Process

Surface disturbance locations and acreages identified in the PA/FEIS are anticipated to be sufficient for the construction and operation (including maintenance) of the project and all ancillary improvements. However, specific linear route alignments and other project engineering refinements often continue past the project approval phase and into the construction and operation phases. As a result, facility locations, work area locations and disturbed acreages locations documented in the PA/FEIS often have minor location shifts after project approval. The project applicant has conducted resource surveys beyond the extent of the facility descriptions identified in the document in anticipation of the need to make such adjustments in the construction and operation phase to minimize impacts to resources and facilitate minor changes in facility design.

The following describes the procedures to be used for addressing minor modifications to facility alignment and location. This procedure will be identified as a term and condition of the ROW grant.

Subsequent to issuance of the ROW grant, when work areas outside those identified in the ROW are found to be needed (whether on federal or non-federal lands), additional inventory and evaluation will be performed if necessary to ensure the impact on biological, cultural, and other resources are avoided or minimized to the maximum extent practicable. Revised facility locations and survey results would be documented and forwarded to the BLM in the form of a Conformance Request. BLM consultations will be required as necessary prior to approval of the Conformance Request. At the conclusion of project construction or as project phases are completed, as-built drawings must be provided to the BLM for the purpose of conforming the ROW to the as-built locations. All Conformance Requests will be documented and tracked to ensure the acreages of disturbance affected by post-authorization conformance changes remain within the limits of impacts analyzed in the PA/FEIS and approved in the ROD and ROW grant.

1.5 Summary of Conclusions

The Selected Alternative for the Blythe Solar Power Project is the action alternative that provides the most public benefits and avoids the most cultural, biological and hydrological resources for the following reasons:

- As a result of consultation with Tribal governments and representatives and the Programmatic Agreement, many cultural resources in the area are avoided by the Selected Alternative, or the impacts are substantially mitigated.
- Based on the conditions in the Biological Opinion/Conference Opinion and the ongoing consultation with the USFWS during project construction and operations, many biological resources in the area are avoided by the Selected Alternative, or the impacts are substantially mitigated.
- The applicant agreed to adopt the dry-cooling alternative as the proposed action in order to further reduce groundwater impacts within the sub-basin.
- In addition to the mitigation provided for in this ROD, the Applicant through the protest negotiation process has agreed to continue to work with the BLM on providing additional funding for the following enhanced desert wildlife management opportunities:
 - The Applicant, in coordination with the BLM, will work to identify specific fencing strategies along the I-10 Corridor or other heavily used access/recreation areas within the Chuckwalla DWMA to maximize protection of Desert tortoise by reduce direct or indirect mortality associated with recreational vehicle use;
 - The Applicant, in coordination with the BLM, will work to ensure enhanced funding is available to maintain certain existing infrastructure that is

currently used to enhance protection of Desert tortoise, including, but not limited to: road underpasses, fencing, gates, and barrier crossings;

- The Applicant in, coordination with the BLM, will work to identify specific habitat enhancements within the DWMA that could be used to increase habitat values for Desert tortoise and other sensitive species;
- The Applicant, in coordination with the BLM, will provide enhanced funding that may facilitate the BLM's restoration of illegal routes or closed routes. Illegal routes are those that have been created via unauthorized use of recreational off-highway vehicles in areas that are closed to such use.

As a result, the 1,000-MW Selected Alternative would result in less than or similar impacts to the other action alternatives related to cultural resources and biological resources.

Additionally, the Blythe Solar Power Project is expected to provide climate, employment, and energy security benefits to California and the nation. The project takes a major step toward meeting state and federal climate change goals. It will provide clean electricity for homes and businesses, and bring much-needed jobs to the area; Eastern Riverside County has a high unemployment rate: 12.7 percent (PA/FEIS, p. 4.13-3). The project is expected to create 1,004 jobs during peak construction, as well as 221 permanent, full-time jobs during the plant's operation (PA/FEIS, p. 4.13-12).

2.0 Mitigation and Monitoring

2.1 Required Mitigation

The Blythe Solar Power Project includes the following measures, terms, and conditions:

- Avoidance, Minimization, and Mitigation Measures provided in PA/FEIS Chapter 4, *Environmental Consequences*, and Appendix G, *Conditions of Certification*, as amended by the errata (Section 6.0 of this ROD);
- Terms and Conditions in the United States Fish and Wildlife Service Biological Opinion provided in Appendix 2, *Biological Opinion*, of this ROD, as such may be amended over time; and
- Terms and Conditions in the Programmatic Agreement provided in Appendix 3, *Programmatic Agreement*, of this ROD, supersede the mitigation measures identified in the PA/FEIS as BLM-CUL-1 through and including BLM-CUL-9.

The complete language of these measures, terms, and conditions is provided in the Plan of Development for the Blythe Solar Power Project as stipulated in the ROW grant for

compliance purposes. These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1).

2.2 Monitoring, Mitigation, and Enforcement

Federal Regulations require the BLM, or other appropriate consenting agency, to adopt mitigation (40 CFR 1505.2(c)) and other conditions as established in the Final EIS or during its review and committed as part of the decision, unless such agency explains why such measures were not adopted. The agency may also provide for monitoring to assure that its decisions are carried out and should do so in important cases. The BLM must adopt a monitoring and enforcement program where applicable for any identified mitigation (40 CFR 1505.2(c)). The BLM shall:

- a. Include appropriate conditions in grants, permits or other approvals;
- b. Condition funding of actions on mitigation;
- c. Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures they have proposed and that were adopted by the agency making the decision; and
- d. Upon request, make available to the public the results of relevant monitoring (40 CFR 1505.3).

The ECCMP for the Blythe Solar Power Project is provided in Appendix 4 of this ROD. It is also available on the following BLM website:

http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Blythe_Solar_Power_Project.html.

As the federal lead agency for the Blythe Solar Power Project under NEPA, the BLM is responsible for ensuring compliance with all adopted mitigation measures for the Blythe Solar Power Project in the PA/FEIS. The complete language of all the mitigation and compliance measures terms, conditions, stipulations, including those found in the Biological Opinion, Programmatic Agreement, and ROW grant, is provided in the POD. The BLM also has incorporated this mitigation into the ROW grant as terms and conditions. Failure on the part of Palo Verde Solar I, LLC, as the grant holder, to adhere to these terms and conditions could result in various administrative actions up to and including a termination of the ROW grant and requirements to remove the facility and rehabilitate disturbances. All practicable means to avoid or minimize environmental harm have been adopted under this decision.

2.3 Mitigation Measures Not Adopted

Consistent with 40 CFR 1505.2(c), all practicable means to avoid or minimize environmental harm from the Blythe Solar Power Project have been adopted as discussed in the previous section. Also as discussed above, a ECCMP for the project

has been adopted and is provided in Appendix 4 of this ROD. There are no BLM identified mitigation measures that have not been adopted in this ROD or developed through the protest resolution process.

2.4 Statement of All Practicable Mitigation Adopted

As required in the BLM *NEPA Handbook H-1790-1* and 40 CFR 1505.2(c), all practicable mitigation measures have been adopted for the Blythe Solar Power Project. The complete language of those measures is provided in Appendix 4.

2.5 Coordination with Other BLM Monitoring Activities

In 2007, the BLM and the CEC formalized a Memorandum of Understanding (MOU) for the joint environmental review of solar thermal power plant projects to be located on public lands. In September 2010, that MOU was amended to ensure that jointly reviewed and approved solar thermal power plant projects, located on public lands, are constructed, operated, maintained, and terminated in conformity with the decisions issued by the BLM and the CEC.

That MOU Amendment specifically indicates that it is in the interest of the BLM and CEC

. . . to share in construction compliance, environmental compliance, design review, plan check, and construction, maintenance, operation and termination inspection (collectively 'compliance review') of solar thermal power plant projects on public lands, to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the state and federal levels, to develop a more efficient compliance review process, and to meet state and federal requirements.

As documented in the MOU Amendment, BLM will provide primary compliance oversight for the ROW terms and conditions that are required by the BLM and that are separate and apart from those for which the primary oversight is being administered by the CEC.

As part of the MOU Amendment, the BLM and CEC agree to communicate and cooperate in a manner in order to avoid duplication of efforts and to assist each other in effective implementation of compliance efforts for the construction, maintenance, operation, and termination of the Blythe Solar Power Project.

The MOU Amendment is an attachment to the ECCMP provided in Appendix 4.

The BLM recognizes that the CEC conditions of certification (COCs) are not generally within the enforcement authority of the BLM because those COCs are requirements originating in state law and regulations. While the Applicant must comply with those

measures, they are not directly enforceable by the BLM. For those COCs that are also within the enforcement authority of the BLM because of overlapping authorities, the BLM has incorporated provisions of those COCs into its ROW grant as its own terms and conditions subject to its enforcement authority.

In some instances, the BLM identified potential mitigation measures for impacts to public land resources that would not be, and have not been, identified as mitigation measures required by other agencies. In those instances, individual mitigation measures were developed by the BLM that will be incorporated in the ROW grant, and will be monitored and managed solely by the BLM. In addition, standard terms and conditions for approval of the use of public land will be incorporated in the ROW grant and, therefore, will be enforced by the BLM as part of any ROW grant approved for the Blythe Solar Power Project.

The BLM also is developing a protocol for long-term monitoring of solar energy development with Argonne National Laboratories, and the U.S. Department of Energy. The draft protocol recommends the development of a comprehensive monitoring program covering a broad list of resources. The draft protocol also recommends the involvement of other federal and state agencies with a likely interest in long-term monitoring, as well as stakeholder engagement. As the protocols are finalized for this monitoring program, the BLM expects to participate fully in these endeavors and to engage solar energy applicants. As long term monitoring plans evolve, the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant, and conduct long-term monitoring activities.

3.0 Management Considerations

3.1 Decision Rationale

This decision approves a ROW grant and associated plan amendment for the Blythe Solar Power Project in accordance with the Agency Preferred Alternative (Selected Alternative) as analyzed in the PA/FEIS. The BLM's decision to authorize this activity and to amend the CDCA Plan is based on the rationale described throughout the ROD and as detailed in the following sections.

3.1.1 Respond to Purpose and Need

Approval of the ROW grant for the Selected Alternative responds to the BLM's purpose and need for the Blythe Solar Power Project, by responding to the Applicant's application under Title V of FLPMA for a ROW grant to construct, operate, maintain and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. The BLM's decision to amend the CDCA Plan is also necessary for meeting the agency's purpose and need for the action. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities

on public lands, requires that all sites associated with power generation or transmission not already identified in that plan be considered through the plan amendment process. Therefore, prior to issuance of a ROW grant for the Blythe Solar Power Project, the BLM will amend the CDCA Plan as required to allow for solar use on the project site.

Under the Energy Policy Act of 2005, federal agencies are directed to encourage the development of renewable energy. By entering into an MOU with the CEC, National Park Service (NPS), U.S. Department of Energy (DOE), and the U.S. Army Corps of Engineers (USACE), the BLM has committed to work with state and federal agencies to achieve California's Renewable Portfolio Standards energy goals and greenhouse gas emission reduction standards in a manner that is both timely and in compliance with federal and state environmental laws. The purpose of the MOU is to assist with the implementation of applicable state and federal laws, regulations, and policies.

The construction, operation, maintenance, and termination activities associated with the Selected Alternative, either singularly or with mitigation, are in conformance with the following land use plans and policies:

- BLM policy and guidance for issuing ROW grants, including BLM Manual 2801.11;
- California Desert Conservation Area Plan of 1980, as amended; and
- Northern & Eastern Colorado Desert Coordinated Management Plan, 2002.

The Selected Alternative meets the BLM purpose and need for the Blythe Solar Power Project.

3.1.2 Achieve Goals and Objectives

Selection of the 1,000-MW Selected Alternative would accomplish the objectives of the purpose and need, including meeting power demand, as well as federal and state objectives for renewable energy development. The project complies with CDCA Plan objectives for the Multiple Use Class L – Limited, land use designation. Additionally, the BLM consulted extensively with several parties to identify project modifications that would minimize impacts to natural and cultural resources. The Selected Alternative provides the best balance between maximizing renewable energy capacity while reducing adverse impacts as compared to other action alternatives.

3.2 Required Actions

The following federal statutes require that specific actions be completed prior to issuance of a ROD and project approval:

3.2.1 Endangered Species Act of 1973

Under Section 7 of the Endangered Species Act, as amended (ESA, 16 U.S.C. 1531 et seq.) a federal agency that authorizes, funds, or carries out a project that “may affect” a

listed species or its critical habitat must consult with the United States Fish and Wildlife Service (USFWS). The Applicant submitted a draft Biological Assessment in March 2010 and a revised draft Biological Assessment in July 2010 in accordance with Section 7 of the ESA for potential effects to Desert tortoise (*Gopherus agassizii*). The USFWS issued a Biological Opinion for the Blythe Solar Power Project on October 8, 2010 which is provided in Appendix 2. The Biological Opinion concluded that the Blythe Solar Power Project would not adversely modify Desert tortoise critical habitat and would not be likely to jeopardize the continued existence of the Desert tortoise. Measures included in the Biological Opinion would reduce any anticipated adverse impacts, and the BLM's issuance of an NTP will require the Applicant to comply with the Biological Opinion. Furthermore, the ROW grant contains a standard stipulation that requires compliance with the Biological Opinion.

3.2.2 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d) provides for the protection of bald and golden eagles by prohibiting, except under certain specified conditions, disturbance or harm of these species. To comply with the Act and based on the USFWS's recommendation (memo dated September 15, 2010, available as part of the project record), and in accordance with BLM's Instruction Memorandum (IM) 2010-156, the BLM will require the Applicant to develop an Avian Protection Plan (APP) within six months of initiating facility construction. This APP will identify steps the Applicant will take to ensure eagle impacts are mitigated to the extent possible including, but not limited to, on-going surveys, impact monitoring, and facility design.

3.2.3 National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470) requires federal agencies to take into account the effects that their approvals and federally funded activities and programs have on significant historic properties. "Significant historic properties" are those properties that are included in, or eligible for, the National Register of Historic Places. The BLM initiated consultation for the Blythe Solar Power Project under Section 106 of the NHPA, and the requisite process has been completed. A Programmatic Agreement for this project was executed by signature between the BLM and the California State Historical Preservation Officer (SHPO), Advisory Council for Historic Preservation, on October 7, 2010, pursuant to 36 CFR 800.14(b). The Programmatic Agreement is provided in Appendix 3 of this ROD, *Programmatic Agreement*. The terms and conditions of the Programmatic Agreement supersede the mitigation measures identified in the PA/FEIS as BLM-CUL-1 through and including BLM-CUL-9.

3.2.4 Clean Air Act, as Amended in 1990

Title 40 CFR Section 51 (Subpart W - Determining Conformity of General Federal Actions to State or Federal Implementation Plans), Title 40 CFR Section 93 (Subpart B -

Determining Conformity of General Federal Actions to State or Federal Implementation Plans) and 42 U.S.C. Section 7606(c) require federal actions to comply with the requirements of the 1990 amendments to the Clean Air Act (CAA, 42 U.S.C 7401Ch. 85). The Blythe Solar Power Project is expected to meet the requirements of the CAA based on compliance with the project mitigation, terms, conditions, and stipulations related to emission controls and reductions during project construction, maintenance, operation, and termination.

3.2.5 Incorporate CDCA Plan Management Considerations

The CDCA Plan Amendment is warranted. The record indicates that the Selected Alternative for the Blythe Solar Power Project can be constructed on BLM-administered lands, and that project construction will result in fewer significant, unmitigable impacts to biological resources, and produce a more economically feasible project, than would occur with the other build alternatives with comparable energy production analyzed in the PA/FEIS. The approval of the site location based upon NEPA satisfies the requirements of the CDCA Plan.

3.2.6 Identify Site Location per the California Desert Conservation Area Land Use Plan

The BLM has found that 7,025 acres in the Selected Alternative, as described in the PA/FEIS for the Blythe Solar Power Project, is suitable and can be designated for solar energy development based on compliance with the requirements of NEPA. The CDCA Plan amendment applies the public lands within the boundary of the project site for the Selected Alternative as shown in Appendix 5, Location Maps. The legal description of the project site is described in the ROW for this project to be granted by the BLM.

3.2.7 Statement of No Unnecessary or Undue Degradation

Congress declared that the public lands be managed for multiple use and sustained yield, in a manner to protect certain land values, to provide food and habitat for species, and to provide for outdoor recreation and human occupancy and use (43 USC 1701 (a)(7), (8)). Multiple use management means that public land resources are to be managed to best meet the present and future needs of the American public, balanced to take into consideration the long term needs of future generations without permanent impairment of the lands (43 USC 1702(c)). The BLM manages public land through land use planning, acquisition, and disposition, and through regulation of use, occupancy, and development of the public lands (Subchapters II and III, respectively, 43 USC 1711 to 1722, and 1731 to 1748).

The FLPMA specifically provides that in managing the use, occupancy, and development of the public lands, the Secretary shall take any action necessary to prevent unnecessary or undue degradation of the lands (43 USC 1732(b)). The process for siting and evaluating the Blythe Solar Power Project has included extensive efforts on

the part of BLM, the applicant, CEC, public commentors, and other agencies in order to identify a project that accomplishes the purpose and need and other project objectives, while preventing, to the extent possible, any unnecessary or undue degradation of the lands. These efforts have included:

- Siting of the proposed facility in a location in which solar power development can be authorized (following NEPA review), and which has not been specifically designated for the protection of any resources.
- Modification of the proposed boundaries of the facility to minimize impacts to mineral, biological, and other resources.
- Evaluation of project location alternatives which could meet the purpose and need for the proposed project, but result in the avoidance and/or minimization of impacts.
- The development of mitigation measures, including compensation requirements for the displacement of desert tortoise habitat, to further avoid or minimize impacts.

In addition, BLM ROW regulations at 2805.11(a)(1) to (5) require determinations for the following:

BLM will limit the grant to those lands which BLM determines:

- (1) You will occupy with authorized facilities;
- (2) Are necessary for constructing, operating, maintaining, and terminating the authorized facilities;
- (3) Are necessary to protect the public health and safety;
- (4) Will not unnecessarily damage the environment; and
- (5) Will not result in unnecessary or undue degradation.

The lands described in Section 3.2.6 of this ROD are the minimum necessary to accommodate the 7,025-acre project. All areas under the Selected Alternative that were not necessary for the construction, operation, and maintenance of the facilities were removed from the project description. The applicant has consolidated activities within the construction staging area to minimize the amount of additional temporary workspace needed to construct and assemble facility components. All temporary disturbances associated with underground utilities will be immediately restored to minimize erosion in accordance with approved restoration plans. Public health and safety will not be compromised by the project as construction work areas will be posted and public access to those areas controlled to prevent possible injury to the public. During operations site security will be maintained with perimeter control fencing and security personnel.

The Selected Alternative will achieve all of the beneficial impacts including socioeconomic benefits of increases in employment and fiscal resources, and displacement of greenhouse gas and air pollutant emissions associated with fossil-fueled power plants. Based on the comparative analysis of the ability of each alternative to meet the purpose and need, and the environmental impacts that would be associated

with each alternative as discussed in the PA/FEIS and as summarized above, the Selected Alternative was identified by BLM as the alternative that does not unnecessarily damage the environment or create unnecessary or undue degradation of the lands.

As noted above, Congress specifically recognized multiple use and sustained yield management for the CDCA, through the CDCA Plan, providing for present and future use and enjoyment of the public lands, The CDCA Plan identifies allowable uses of the public lands in the CDCA. In particular, it authorizes the location of solar power generating facilities in MUC L and other land classifications upon NEPA review. BLM has conducted that review, and as indicated in the PA/FEIS and portions of this ROD, has adjusted the project to meet public land management needs and concerns. In particular, the BLM has determined that the Selected Alternative meets national renewable energy policy goals and objectives and falls within the guidelines of the CDCA Plan.

In addition, the project meets the requirements of applicable ROW regulations inasmuch as it includes terms, conditions, and stipulations that are in the public interest; prevents surface disturbance unless and until an NTP is secured; is issued for a period of 30 years, subject to renewal and periodic review; and contains diligence and bonding requirements to further protect public land resources. This approval provides that public land will be occupied only with authorized facilities and only to the extent necessary to construct, operate, maintain, and terminate the project. BLM conditions of approval provide for public health and safety and protect the environment and public lands at issue. These conditions of approval include compliance with this ROD, the PA/FEIS, the Biological Opinion, NHPA Section 106 requirements and the Programmatic Agreement. All of these federal requirements provide the basis for BLM's determination that the project will not unnecessarily and unduly degrade these public lands.

3.2.8 Statement of Technical and Financial Capability

The FLPMA and its implementing regulations provide the BLM the authority to require a project application to include information on an applicant's technical capability to construct, operate, and maintain the solar energy facilities applied for (43 CFR 2804.12(a)(5)). This technical capability can be demonstrated by international or domestic experience with solar energy projects or other types of electric energy-related projects on either federal or non-federal lands. The Applicant has provided information on the availability of sufficient capitalization to carry out development, including the preliminary study phase of the project, as well as site testing and monitoring activities.

Palo Verde Solar I, LLC's statement of technical and financial capability is provided in the POD and the application for a ROW. Palo Verde Solar I, LLC is a private enterprise that is a wholly owned subsidiary of Solar Millennium, LLC. In turn, Solar Millennium, LLC, Berkeley, California, is the wholly owned subsidiary of Solar Millennium AG, Erlangen, Germany. Solar Millennium AG is an international company in the renewable energy

sector, with its main emphasis on solar-thermal power plants. The Solar Millennium Group specializes in parabolic trough power plants, a proven and reliable technology, and has achieved a leading position worldwide. The company covers all important business sectors along the value chain for solar-thermal power plants - from project development and technology to turn-key construction, as well as plant operation and investments in power plants. Based upon the information provided by the Applicant in its POD, the BLM has determined that it has the technical and financial capability required to construct, operate, and maintain the approved facility.

3.3 Relationship to BLM and Other Plans, Programs, and Policies

3.3.1 Tribal Consultation

The BLM conducted government-to-government consultation with a number of Tribal governments. The consultation and discussions revealed concerns about the importance and sensitivity of cultural resources on and near the Blythe Solar Power Project site, concerns about cumulative effects to cultural resources, and, further, that they attach significance to the broader cultural landscape. As a result of the Native American Consultation process, many important cultural resources were identified in the project area, and subsequently avoided in the Selected Alternative.

As described in Section 3.2.3, *NHPA Section 106 Programmatic Agreement*, the BLM also consulted with Native American Tribes and interested tribal members on the development and execution of a Programmatic Agreement for the Blythe Solar Power Project. In accordance with 36 CFR Part 800.14(b), programmatic agreements are used for the resolution of adverse effects for complex project situations and when effects on historic properties (resources eligible for or listed in the National Register of Historic Places [National Register]) cannot be fully determined prior to approval of an undertaking.

Based on the ongoing consultation with Tribal governments and representatives and the Programmatic Agreement, many cultural resources in the area are avoided by the Selected Alternative and unavoidable impacts are substantially mitigated. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to cultural resources.

3.3.2 United States Fish and Wildlife Section 7 Consultation

The BLM permit, consultation, and coordination with the USFWS required for the Blythe Solar Power Project complies with the federal Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) regarding potential take of the Desert tortoise.

The USFWS has jurisdiction over threatened and endangered species listed under the ESA. Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. This consultation was initiated through the preparation and submittal of a Biological Assessment (BA), which described the proposed action to the USFWS. Following review of the BA, the USFWS issued a Biological Opinion, which is attached as Appendix 2 of this ROD, specifying the mitigation measures that must be implemented for any protected species. The Biological Opinion concluded that the Blythe Solar Power Project is likely to adversely affect Desert tortoise but not jeopardize the species or result in adverse modification of critical habitat for that species. Measures included in the Biological Opinion would reduce any anticipated adverse impacts. These measures are mandatory and are conditions of approval of this ROD.

Based on the conditions in the Biological Opinion and the ongoing consultation with the USFWS during project construction and operations, many biological resources in the area are avoided by the Selected Alternative or the impacts are substantially mitigated. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to biological resources.

3.3.3 NHPA Section 106 Programmatic Agreement

Under Section 106 of the NHPA, the BLM consults with Indian tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on cultural resources affected by BLM undertakings. Adverse effects that the Selected Alternative could have on cultural resources will be resolved through compliance with the terms of a Programmatic Agreement under NHPA Section 106 (16 USC 470; 36 CFR 800.14).

The BLM prepared a Programmatic Agreement for the Blythe Solar Power Project in consultation with the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, CEC, interested Native American Tribes (including tribal governments as part of government-to-government consultation described earlier), and other interested parties. The executed Final Programmatic Agreement, provided in Appendix 3 of this ROD, will govern the continued identification and evaluation of historic properties (eligible for the National Register) and historical resources (eligible for the California Register of Historic Places), as well as the resolution of any effects that may result from the Blythe Solar Power Project. Historic properties and historical resources are significant prehistoric and historic cultural resources as determined by the BLM.

3.4 Consultation with Other Agencies

3.4.1 Consultation with Other Federal Agencies

United States Department of Energy

The DOE is the agency responsible for implementing key parts of the Energy Policy Act of 2005, including the federal loan guarantee program for eligible energy projects that employ innovative technologies. Title XVII of the Energy Policy Act authorizes the Secretary of Energy to make loan guarantees for a variety of types of energy related projects. The two purposes of the loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

The DOE was a cooperating agency with the BLM on the PA/FEIS. The purpose and need for action by the DOE is to comply with its mandate under the Energy Policy Act by selecting eligible projects that meet the goals of that Act. As such, the BLM provided the DOE with copies of the preliminary Draft EIS, the Draft EIS, the preliminary PA/FEIS, and the PA/FEIS for review. Except to define its purpose and need for the action, the DOE did not provide any comments to the BLM on the NEPA documents for the Blythe Solar Power Project.

United States Environmental Protection Agency

The EPA provided written comments on the proposed project and the EIS preparation during the scoping process, and written comments during the review period for the SA/DEIS as documented in PA/FEIS Section 5.5, *Public Comment Process*. The EPA also submitted comments on the PA/FEIS. The responses to EPA's comments on the PA/FEIS are provided in Appendix 1, *Response to Comments*, in this ROD.

United States Army Corps of Engineers

Project-related impacts to Waters of the U.S. require authorization by the USACE pursuant to Section 404 of the Federal CWA under a Standard Individual Permit subject to the CWA Section 404(b)(1) Guidelines. On August 2, 2010, the USACE determined that the project site does not support water resources meeting the definition of Waters of the U.S. and that a CWA permit will not be required.

3.4.2 Consultation with State, Regional, and Local Agencies

Section 5.5, below, lists other federal, state, regional and local agencies with which the BLM and/or the Applicant have consulted, as part of one or more of the following project phases: planning, scoping, public review of the SA/DEIS, and public review of the PA/FEIS. In addition to the NEPA coordination process, the Applicant may have to obtain permits and other approvals from other agencies or comply with requirements of

other agencies that did not provide written input on the project and/or the EIS. Those agencies include, but may not be limited to:

State Water Resources Control Board/Regional Water Quality Control Board

The State Water Board works in coordination with nine Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance and restore water quality. The RWQCBs have authority to protect surface water and groundwater. Throughout the NEPA process, the BLM, CEC, and the Applicant have invited the RWQCBs to participate in public scoping and workshops and have provided information to assist them in evaluating the potential impacts and permitting requirements of the proposed project. The USACE determined that the project site does not support water resources meeting the definition of Waters of the U.S. and that a CWA permit will not be required. In the absence of Waters of the U.S., a CWA Section 401 Certification from the Lahontan Regional Water Quality Control Board (RWQCB) will not be required.

California Department of Fish and Game

The CDFG has the authority to protect water resources through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The BLM, CEC, and the Applicant have provided information to the CDFG to assist in their determination of the impacts to streambeds, and identification of permit and mitigation requirements. The CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act. The desert tortoise is listed under the California Endangered Species Act. The CDFG has asserted its jurisdiction over 593 acres of streambeds for direct impacts to jurisdictional waters to the State, and 183 acres for indirect impacts, within the Proposed Action project site. In November 2010, the Applicant submitted a Notification of Lake or Streambed Alteration for the Blythe Solar Power Project to the CDFG.

Riverside County

The 7,025-acre Selected Alternative contains no land under the jurisdiction of Riverside County. The BLM and CEC provided opportunities during scoping for the County to provide input to the environmental technical studies for the project. The County did not submit comments to the BLM on the DEIS or the FEIS.

3.5 Land Use Plan Conformance and Consistency

3.5.1 Conformance with the CDCA Plan

The California Desert Conservation Area Plan

The FLPMA (43 USC 1761; 43 CFR 1600, Section 501) establishes public land policy; guidelines for administration; and provides for the management, protection, development, and enhancement of public lands. The FLPMA specifically establishes BLM's authority to grant rights-of-way for the generation, transmission, and distribution of electrical energy as follows:

- (a) The Secretary, with respect to the public lands ... are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for:
 - (4) systems for generation, transmission, and distribution of electric energy

The FLPMA is relevant to the Blythe Solar Power Project because it establishes BLM's authority to grant a ROW on public lands for the generation, transmission, and distribution of electrical energy. Because the FLPMA authorizes the issuance of a ROW grant for electrical generation facilities and transmission lines, the Blythe Solar Power Project would be consistent with the FLPMA.

The CDCA Plan was developed as mandated by the FLPMA. Specifically, the CDCA Plan is the Resource Management Plan (RMP) for the Blythe Solar Power Project site and the surrounding area as required under the FLPMA. The CDCA Plan is a comprehensive, long-range plan that was adopted in 1980; it since has been amended many times. The CDCA is a 25-million-acre area that contains over 12 million acres of BLM-administered public lands in the California Desert, which includes the Mojave Desert, the Sonoran Desert, and a small part of the Great Basin Desert. Those 12 million acres of public lands are approximately half of the total land area in the CDCA. The site proposed for the Blythe Solar Power Project includes approximately 7,025 acres of BLM-administered land in the CDCA.

Goals and actions for each resource managed by the BLM are established in the 12 Elements in the CDCA Plan. Each Plan Element provides a Desert-wide perspective of the planning decisions for one major resource or issue of public concern, as well as more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

The Blythe Solar Power Project site is classified in the CDCA Plan as Multiple-Use Class (MUC) L (Limited Use). MUC L "...protects sensitive, natural, scenic, ecological, and cultural resource values." Public lands designated Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. The CDCA Plan states, "... electrical generation plants may be allowed ..." within the Limited Use designation. Specifically, wind and solar electrical generating facilities "... may be allowed after NEPA

requirements are met.” Electrical generating facilities using nuclear and/or fossil fuels, however, are not allowed within the Limited Use designation. Approval of the Selected Alternative amends the CDCA Plan following the process anticipated in the CDCA Plan to identify the site as suitable for solar energy development. As stated in the PA/FEIS, the CDCA Plan Amendment would only apply to the BLM-administered land being evaluated for the Blythe Solar Power Project. Accordingly, the CDCA Plan Amendment and the overall amendment process are consistent with the CDCA Plan.

Need for a CDCA Plan Amendment

To accommodate the Blythe Solar Power Project, the CDCA Plan is being amended because “[s]ites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process.” As specified in CDCA Plan Chapter 7, *Plan Amendment Process*, there are three categories of Plan Amendments. Approval of the Blythe Solar Power Project would require a Category 3 amendment to the CDCA Plan to accommodate a request for a specific use or activity that will require analysis beyond the Plan Amendment Decision.

The CDCA Plan Amendment to designate (identify) the site of the Selected Alternative for solar energy generation is provided in the ROD through the following Land Use Plan amendment analysis.

Land Use Plan Amendment Analysis

The proposed Land Use Plan Amendment to be made by the BLM is a site identification decision only. Because the proposed solar project and its alternatives are located within MUC L, the classification designations govern the type and degree of land use action allowed within each classified area. All land use actions and resource management activities on public lands within an MUC designation must meet the guidelines for that class. MUC L allows electric generation plants for solar facilities after NEPA requirements are met. These guidelines are listed in Table 1, Multiple Use Class Guidelines, in the CDCA Plan. The specific application of the MUC designations and resource management guidelines for a specific resource or activity are further discussed in the plan elements section of the CDCA Plan. In Class L designations, the BLM Authorized Officer (AO) is directed to use his/her judgment in allowing for consumptive uses by taking into consideration the sensitive natural and cultural values that might be degraded.

The site for the Blythe Solar Power Project meets the MUC Guidelines (as applicable to this project and site) for the following reasons:

Air Quality: Class L lands, including the project site, are to be managed to protect their air quality and visibility in accordance with Class II objectives of the federal CAA. The worst-case emissions that would be associated with the Blythe Solar Power Project are provided in PA/FEIS Section 4.2, *Impacts on Air Quality*. Those values were compared to emissions objectives for air quality and visibility associated with Class II areas in 40

CFR 52.51, and are all well below the limitations required for Class II areas. Therefore, the Selected Alternative conforms to the Class II objectives referenced in the CDCA Plan guidelines.

Water Quality: Class L designations will be managed to provide for the protection and enhancement of surface and groundwater resources, and best management practices (BMPs) will be used to avoid degradation and to comply with Executive Order (EO) 12088. PA/FEIS Section 4.19, *Impacts on Water Resources*, evaluated the alternatives for the potential to impact groundwater and surface water resources. Development and operation of the Blythe Solar Power Project raised concerns about concentrated drainage and ensuing soil erosion and sediment transport offsite, as well as water quality. The incorporation of CEC Conditions of Certification WATER-1 through WATER-17 will reduce these potential impacts. Although the BLM has not established BMPs for solar projects, it has reviewed, and agrees with the implementation of, the BMPs that would be associated with the project and its alternatives. Those BMPs were derived from a variety of sources. Implementation of these BMPs, and BLM's standard terms and conditions requiring compliance with other federal, state, and local regulations, would constitute compliance with EO 12088. Those measures are applicable to all project alternatives, and would therefore conform to the Guidelines in Table 1 of the CDCA Plan.

Cultural and Paleontological Resources: Archaeological and paleontological values will be preserved and protected as described in PA/FEIS Section 4.4, *Impacts on Cultural Resources*. The Programmatic Agreement, provided in Appendix 3 to this ROD, specifically addresses compliance with 36 CFR 800 in project construction, operation, maintenance, and decommissioning, including identification of properties listed or eligible for listing on the National Register of Historic Properties. The identification of the project site was subject to the MUC Guidelines for cultural and paleontological resource protection as is evidenced by the applicability of the Guidelines to the specific facility proposal. As such, the project and the project site are within the MUC Guidelines for cultural and paleontological resource protection established by the CDCA Plan based on implementation of the PA.

Native American Values: Native American cultural and religious values will be protected and preserved on MUC L lands with appropriate Native American groups consulted. Repeated efforts and opportunities were provided to allow tribal entities to raise concerns regarding the project and, as a result, the cultural guidelines with respect to requirements for consultation were met. The concerns raised are addressed in the Programmatic Agreement in Appendix 3 to this ROD. The protection of cultural resources, as addressed in the Programmatic Agreement, ensures that preservation and protection of cultural and religious values is accomplished in accordance with the CDCA Plan MUC Guidelines.

Electrical Generation Facilities: Solar generation may be allowed on the project site after NEPA requirements are met. The analysis in the PA/FEIS, which addresses each

of the project alternatives, comprises the NEPA compliance required for this MUC guideline.

Transmission Facilities: Class L guidelines allow electric transmission to occur in designated ROW corridors. The Blythe Solar Power Project meets this guideline for the build alternatives by locating new transmission facilities in existing ROW corridors to the extent feasible.

Fire Management: Fire suppression measures in Class L areas will be taken in accordance with specific fire management plans, subject to such conditions as the BLM AO deems necessary. The project site is within the area covered by the BLM California Desert District and the Palm Springs South Coast Field Office and their relevant fire management and suppression policies, as well as by the Riverside County Fire Department.

Vegetation: Table 1 of the CDCA Plan includes a variety of guidelines associated with vegetation. These are addressed in the PA/FEIS as follows:

- *Native Plants:* Removal of native plants in Class L areas is only allowed by permit after NEPA requirements are met, and after development of necessary stipulations. Approval of the ROW grant for the Selected Alternative would constitute the permit for such removal. The mitigation measures in the PA/FEIS and conditions of approval described elsewhere in this ROD constitute the stipulations to avoid or minimize impacts from the removal.
- *Harvesting of Plants by Mechanical Means:* Harvesting by mechanical means also is allowed by permit only. Although the build alternatives would include the collection of succulents and seeds to assist with reclamation, the removal of these items would not be done for distribution to the public. Also, the guidelines for vegetation harvesting include encouragement of such harvesting in areas where the vegetation would be destroyed by other actions, which would be the case with the Selected Alternative. Because plants would not be distributed to the public, and harvesting would conform to the guidelines, the Selected Alternative conforms to this MUC guideline.
- *Rare, Threatened, and Endangered Species, State and Federal:* In all MUC areas, all state and federally listed species will be fully protected. In addition, actions which may jeopardize the continued existence of federally listed species will require consultation with the USFWS. As evaluated in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, no federally or state listed plants would be impacted by the build alternatives. The Selected Alternative will result in impacts to an area supporting Sonoran Creosote Bush Scrub through fragmentation or permanent loss, but is not a sensitive plant group, and therefore the selected alternative conforms to the MUC guidelines.

- **Sensitive Plant Species:** Identified sensitive plant species will be given protection in management decisions consistent with BLM's policy for sensitive species management (BLM Manual 6840). The objective of that policy is to conserve and/or recover listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. As described in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, the Selected Alternative may impact land supporting California Native Plant Society-identified sensitive plants, including Harwood's Milk-vetch, Las Animas Colubrina, Harwood's Woollystar (*Eriastrum*), Ribbed cryptantha, Winged cryptantha, Utah milkvine, and Desert unicorn. With the exception of Harwood's Woollystar (*Eriastrum*), these plants are not BLM sensitive species and, moreover, the implementation of mitigation measures, including BIO-1 through BIO-8, BIO-14, BIO-19, BIO-22, BIO-23, and BIO-28, would avoid or minimize impacts on vegetation resources.
- **Unusual Plant Assemblages (UPAs):** No UPAs were identified on the project site.
- **Vegetation Manipulation:** Manipulation of vegetation in Class L areas by mechanical control or aerial broadcasting is not permitted. Vegetation manipulation is defined in the CDCA Plan as removing noxious or poisonous plants from rangelands; increasing forage production; creating open areas within dense brush communities to favor certain wildlife species; or eliminating introduced plant species. None of these actions would be conducted as part of the Selected Alternative. Therefore, action would conform to the guidelines.

Motorized Vehicle Access/Transportation: Pursuant to the CDCA Plan guidelines in Class L areas, new roads may be developed under ROW grants or approved plans of operations. In areas designated as limited use area for OHV use, such as the site locations under consideration for the project, changes to the transportation network (new routes, re-routes, or closures) in Limited areas may be made through activity-level planning or with site-specific NEPA analysis (BLM Instructional Memorandum 2008-014). Three of the five existing open OHV routes on the Blythe Solar Power Project site will be closed. These changes are made with the site-specific NEPA analysis provided in Section 4.16, *Impacts on Transportation and Public Access*, in the Final EIS, and therefore conform to the Plan guidelines.

Wildlife Species and Habitat: Table 1 of the CDCA Plan includes a variety of guidelines associated with wildlife. These are addressed PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, as follows:

- **Rare, Threatened, and Endangered Species, State and Federal:** In all MUC areas, the CDCA Plan guidelines for wildlife require that state and federally listed species and their critical habitat be fully protected. Actions that may jeopardize the continued existence of federally listed species require consultation with the USFWS. As discussed in Section 4.21, *Impacts on Wildlife Resources*, the

Desert tortoise is federally listed. As specified in the guidelines, BLM conducted formal consultation with the USFWS in accordance with Section 7 of the Endangered Species Act. As a result of the consultation, the USFWS issued a Biological Opinion (See Appendix 2 to this ROD). As a term and condition of the ROW grant and consistent with the CDCA Plan guidelines, the Applicant is required to conform to all measures outlined in the Biological Opinion to minimize and mitigate impacts to desert tortoise.

- *Sensitive Species*: Identified species would be given protection in management decisions consistent with BLM's policy for sensitive species management (BLM Manual 6840). The objective of this policy is to conserve and/or recovered listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. Sensitive wildlife species, including special-status wildlife, evaluated in PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, and PA/FEIS Appendix H, *Biological Cumulative Impacts Analysis*, include Desert tortoise, Nelson's bighorn sheep, Mojave fringe-toed lizard, golden eagle, American badger, desert kit fox, Western burrowing owl, Le Conte's thrasher, burro deer, and Couch's spadefoot toad. Impacts to these species were described in the PA/FEIS and all necessary consultation with the FWS was completed. Specific mitigation measures are included to prevent impacts to these species and therefore the selected alternative conforms to the MUC L guidelines.
- The Selected Alternative includes extensive mitigation to avoid and reduce adverse impacts to wildlife species. Introduction of native species is permitted in Class L areas, and habitat manipulation is allowed subject to environmental assessment, as is done within the PA/FEIS for the Blythe Solar Power Project. Therefore, the Selected Alternative conforms to these guidelines.
- The Selected Alternative does not involve the control of depredation wildlife and pests. Therefore, this guideline is not applicable to these actions.
- The implementation of mitigation measures, including BIO-1 through BIO-28, avoids or minimizes impacts of the project on wildlife resources.

The project and the site location do not impact the following public land resources or uses: Agriculture, Communication Sites, Environmental Justice, Livestock Grazing, Land Tenure Adjustment, Minerals, National Scenic or Historic Trails, Recreation (other than route closure), Waste Disposal, Wetland/Riparian Areas, Wild and Scenic Rivers, or Wild Horses and Burros. Therefore, these guidelines are inapplicable to the land use plan decision being made in this ROD.

Required CDCA Plan Determinations

As discussed in CDCA Plan Chapter 7, the BLM must make certain required determinations in amendments to the CDCA Plan. The required determinations and how

they were made for the CDCA Plan Amendment for the Blythe Solar Power Project are provided below.

Required Determination: Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

The Applicant's request for a ROW grant was properly submitted; the PA/FEIS was the mechanism for evaluating and disclosing environmental impacts associated with that application. No law or regulation prohibits granting the CDCA Plan Amendment.

Required Determination: Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

The CDCA Plan does not currently identify any sites as solar generating facilities. Therefore, there is no other location within the CDCA that could serve as an alternative location without requiring an amendment similar to the one required for the Selected Alternative on the Blythe Solar Power Project site. The Selected Alternative does not require a change in the Multiple-Use Class classification for any area within the CDCA.

Required Determination: Determine the environmental effects of granting and/or implementing the applicant's request.

The PA/FEIS evaluated the environmental effects of approving the CDCA Plan Amendment and the ROW grant application for the Blythe Solar Power Project.

Required Determination: Consider the economic and social impacts of granting and/or implementing the applicant's request.

The PA/FEIS evaluated the economic and social impacts of the Plan Amendment and the ROW grant.

Required Determination: Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, state, and local government agencies.

A Notice of Intent (NOI) to amend the CDCA Plan was published in the Federal Register on November 23, 2009 (Volume 74, No. 224). Fourteen comment letters were received within the 30-day scoping period, which ended on December 23, 2009. In accordance with the NOI, issues identified during the scoping period are placed in the comment categories below.

- Issues to be resolved in the Plan Amendment: Comments were received regarding the purpose and need for the project; as well as concerns about the impacts to air, soils, water, biological, cultural and other resources that could occur if the CDCA Plan was amended to allow the proposed use. These comments were considered in the PA/FEIS.

- Issues to be resolved through policy or administrative action: Comments requesting that specific environmental impacts and mitigation measures be analyzed in the Final EIS were considered in the PA/FEIS.
- Issues beyond the scope of the Plan Amendment: Issues raised in comments that were determined to be beyond the scope of the EIS related to independent analysis of resource values of various renewable energy zones, the adequacy of “end of project life” planning and the relative balance among renewable energy generation options to meet the forecasted demand for 2020.

Required Determination: Evaluate the effect of the proposed amendment on BLM management’s desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

The balance between resource use and resource protection is evaluated in the PA/FEIS. The FLPMA Title VI, as addressed in the CDCA Plan, provides for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and maintenance of environmental quality. Multiple use includes the use of renewable energy resources, and, through Title V of FLPMA, the BLM is authorized to grant rights-of-way for the generation and transmission of electric energy. The acceptability of use of public lands within the CDCA for this purpose is recognized through the CDCA Plan’s approval of solar generating facilities within Multiple-Use Class L. The PA/FEIS identifies resources that may be adversely impacted by approval of the Blythe Solar Power Project, evaluates alternative actions which may accomplish the purpose and need with a lesser degree of resource impacts, and identifies mitigation measures that, when implemented, would reduce the extent and magnitude of the impacts and provide a greater degree of resource protection.

CDCA Plan Decision Criteria

The CDCA Plan defines specific Decision Criteria to be used by the BLM in evaluating applications in the Energy Production and Utility Corridors Element of Chapter 3. The consideration of these Decision Criteria for the Blythe Solar Power Project is described below.

Decision Criterion: Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors.

The Blythe Solar Power project helps minimize the number of separate rights-of-way by being proposed largely within existing utility corridors as described later in this section. Electrical transmission associated with the project around and south of I-10 will occur within these existing corridors.

Decision Criterion: Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables.

The Blythe Solar Power Project solar generating facilities would not be within designated corridors; ancillary facilities associated with the project would, however, be located within designated corridors around and south of I-10. Placement of Blythe Solar Power project within existing designated corridors maximizes the joint-use of these corridors for electrical transmission.

Decision Criterion: Provide alternative corridors to be considered during processing of applications.

This decision criterion is not applicable to the Blythe Solar Power project. Placement of the proposed facility adjacent to existing corridors does not require designation of alternative corridors to support the project.

Decision Criterion: Avoid sensitive resources wherever possible.

The extent to which the Blythe Solar Power project has been located and designed to avoid sensitive resources is addressed throughout the PA/FEIS. The BLM and other federal regulations that restrict the placement of proposed facilities, such as the presence of designated Wilderness Areas or Desert Wildlife Management Areas, were considered in the original siting process used by the Applicant to identify potential sites for the project locations. The alternatives analysis considered whether the purpose and need of the project could be achieved with a different build alternative, but with a lesser effect on sensitive resources. That analysis indicated that the alternatives would likely result in generally similar impacts as the project.

Decision Criterion: Conform to local plans whenever possible.

The extent to which the Blythe Solar Power Project conforms to local plans is addressed in Section 5 of the PA/FEIS. Some comments on the SA/DEIS suggested that compliance with local land use plans (including the Riverside County General Plan; Palo Verde Valley Area Plan, which is an extension of the Riverside County General Plan; and Blythe Airport Land Use Plan) is required. However, these plans pertain to non-federal land in the vicinity of the site and do not control federal actions on federal land. Accordingly, decision criterion is not applicable to the Blythe Solar Power Project.

Decision Criterion: Consider wilderness values and be consistent with final wilderness recommendations.

The Blythe Solar Power project site is not in a designated Wilderness Area or Wilderness Study Area.

Decision Criterion: Complete the delivery systems network.

This decision criterion is not applicable to the Blythe Solar Power Project.

Decision Criterion: Consider ongoing projects for which decisions have been made.

This decision criterion is not applicable to the Blythe Solar Power Project. Approval of the project would not affect any other projects for which decisions have been made.

Decision Criterion: Consider corridor networks that take into account power needs and alternative fuel resources.

This decision criterion is not applicable to the Blythe Solar Power Project. The project does not involve the consideration of an addition to or modification of the corridor network.

3.5.2 BLM's Northern and Eastern Colorado Desert Coordinated Management Plan Amendment to the CDCA Plan

Various federal regulations, Executive Orders, and the CDCA Plan require the BLM to designate routes of travel as Open, Limited, or Closed to vehicular travel and to assure that resources are properly managed in a multiple use context.

In 2002, in an amendment to the CDCA Plan, the BLM identified and designated many routes of travel in the Northern & Eastern Colorado Desert Coordinated Management Plan (NECO) amendment. This amendment to the CDCA Plan clarified, updated, and assigned designations (Open, Closed, or Limited) to all travel routes within the NECO amendment area.

The project site is within the NECO amendment area. There are five open routes within the ROW grant boundary of the project site. The five open routes on the project site follow established dirt roads/trails on the site and are described in PA/FEIS Section 4.16, *Impacts on Transportation and Public Access – Off Highway Vehicle Resources*, and identified in Table 4.16-1, *Designated Routes within Blythe Project Area*.

The designated open routes on the project site will be affected by the project, which requires closure of three open routes. Specifically, three open routes located within the project footprint will be closed to public access. The closure of these routes is an administrative action by the BLM taken in conformance with current BLM policy.

Under the policy provisions of the BLM Washington Office Instruction Memorandum No. 2008-014, *Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning*, selection and designation of individual routes within a Limited area is an implementation decision but is not a land use plan decision. All of the open routes affected by the Blythe Solar Power Project footprint will be closed to public access, except valid existing rights. The changes to the travel network (routes) in the Multiple Use Class L (Limited) (MUC-L) area within the Blythe Solar Power Project site are being closed upon the approval of the ROW authorization for the project. Those routes are described in Table 4.16-1 in the PA/FEIS.

The other routes in the project vicinity will remain open and are outside the ROW boundary for the Blythe Solar Power Project. (See additional discussion in Section 6.0, *Errata*, of this ROD.) There are at least five other designated routes under the NECO plan located east and northwest of the project boundary, as well as dozens of smaller and ancillary routes. These routes will remain available to public use and enjoyment and, as a result, extensive connectivity to public lands north of this project will continue to exist.

Additionally, since the project is located in MUC-L, OHV travel is allowed in open washes with the NECO planning area. In the original project design, the McCoy Wash would have been transected by the project, which would have resulted in the closure of the wash to OHV users. The footprint of the Selected Alternative as approved in this ROD, however, does not transect McCoy Wash, and user access to the Wash will not be affected. (See additional discussion in Section 6.0, *Errata*, of this ROD.)

3.5.3 Utility Corridors

The Blythe Solar Power Project site would not be within designated corridors; however, ancillary facilities associated with the project would. Locating parts of the proposed project within these utility corridors is consistent with the designation of those corridors by the BLM as utility corridors and would not adversely impact other uses in these corridors.

3.6 Adequacy of NEPA Analysis

Section 1.2 above discusses the modifications to the Selected Alternative that have occurred since the publication of the PA/FEIS due to necessary clarifications and/or new information (e.g., completion of biological surveys). None of the modifications discussed above alters the level of information provided to the public through the NEPA process, the description of the project, or the BLM's overall analysis of potential impacts by the BLM. Because these clarifications and modifications do not result in a change of impacts beyond those evaluated during the NEPA process, and are well within the Selected Alternative analyzed in the FEIS, additional or supplemental NEPA analysis is not required. (40 CFR 1502.9(c)).

The BLM provides the following rationale for the changes addressed in Section 1.2:

- **Routing of Communication Lines:** The impacts associated with the transmission-related telecommunications (telecom) cables were not fully analyzed in the PA/FEIS. The primary transmission-related telecom line would be strung overhead along the same poles as the 230 kV gen-tie line to the Colorado River Substation. Impacts from this line are redundant to those already analyzed in the PA/FEIS for the 230 kV gen-tie line. Additionally, the redundant transmission-related telecom will be buried similar to Blythe Solar Power Project telecom cable, and therefore will result in

impacts redundant to those analyzed for the project-related telecom cable in the PA/FEIS.

- **Cultural and Biological Survey Report for Gen-Tie Route:** The preliminary results of these surveys were provided to the BLM in a letter report dated May 11, 2010, with a final addendum submitted to BLM on July 23, 2010. The final report, however, was submitted to the BLM on August 25, 2010, after publication of the PA/FEIS. The final report reflected only minor comments submitted by the BLM, and did not reflect new or substantially different information than was understood from the preliminary report. As such, this information does not alter the analysis as provided in the PA/FEIS.
- **Fall Botanical Surveys:** The botanical surveys conducted in fall 2010, after publication of the PA/FEIS, did not encounter any species not already discussed and analyzed in the PA/FEIS.
- **Cactus and Yucca Salvage Plan:** The salvaging of cactus and yucca prior to ground disturbing activities does not change the impacts to those plants on the project site as analyzed in the PA/FEIS.
- **Mitigation Measures for Evaporation Ponds:** The PA/FEIS failed to address the Applicant-proposed mitigation measures for avian species around the evaporation ponds, which reduce the likelihood of impacts to avian species. Through imposition of the mitigation measures, even if resident or migratory birds initially were attracted to the evaporation ponds, the netting would preclude use of the ponds for drinking, foraging, resting or nesting, and birds would be unlikely to linger in an area that provides no habitat or foraging opportunities. Accordingly, the aviation assessment in the PA/FEIS correctly concluded that, with the implementation of BIO-25, the Blythe Solar Power Project would not increase in the number of birds in the vicinity of the Blythe Airport.
- **Water Source Mitigation Option for Bighorn Sheep:** This mitigation measure initially required the Applicant to create a new water source or acquire compensatory habitat to mitigate potential impacts to the spring foraging habitat for Nelson's bighorn sheep. In light of amendments by the CEC to the license for the Blythe Solar Power Project, the mitigation for bighorn sheep includes acquisition of habitat only, and no longer includes the creation of a new water source. This change does not alter the analysis of the PA/FEIS because the Applicant will still mitigate impacts to bighorn sheep through the habitat acquisition option, as analyzed.
- **Communication with the Public:** The requirement that the Applicant develop a one-page fact sheet is ministerial and does not involve impacts to any resource areas.
- **Colorado River Water Permit:** Since the publication of the PA/FEIS, the BLM has refined its understanding of the proposed accounting surface methodology for the

Colorado River, and its potential applicability to the Blythe Solar Power Project. Due to the uncertainty of the current methodology, which the BLM relied upon in the PA/FEIS, the BLM is not making a determination as to whether the groundwater for the Blythe Solar Power Project is hydrologically connected to the Colorado River. The BLM fully analyzed in the PA/FEIS potential impacts of groundwater pumping on the Colorado River, if it is later determined that the groundwater basins are hydrologically connected to the Colorado River. As such, should the law ever require the Applicant to obtain an allocation of Colorado River Water, the PA/FEIS already analyzed those potential impacts.

- **Visual Resource Mitigation Measure:** The BLM has clarified that the Applicant will not be required to utilize mitigation BLM-VIS-1 on structures that are not otherwise visible to the public. This clarification does not alter the visual resource impacts as analyzed, because the visual experience of the public will remain the same.
- **Compliance-Related Reporting:** The BLM has clarified that the Applicant should avoid duplication between the CEC and BLM in compliance-related reporting on mitigation measures. Because this change is ministerial it does not involve impacts to any resource areas.

4.0 Alternatives

The Selected Alternative was chosen from among a total of 24 alternatives considered by the BLM, five of which were carried forward, in addition to the Proposed Action, for more detailed review; the remaining 19 alternatives were considered but eliminated from detailed analysis.

4.1 Alternatives Fully Analyzed

The Proposed Action and five alternatives were fully analyzed in the Blythe Solar Power Project PA/FEIS, Section 2.5.4. Each is described in detail in the PA/FEIS and summarized below.

4.1.1 The Proposed Action – Blythe Solar Power Project

The Proposed Action includes a solar thermal facility and double-circuit 230 kV power transmission line (gen-tie) on BLM-administered public land in eastern Riverside County. The Blythe Solar Power Project consists of four adjacent, independent power block units of 250 MW nominal capacity, each for a total nominal capacity of 1,000 MW commercial solar parabolic trough generating station and ancillary facilities. The project also includes onsite facilities, such as an administration building, parking area, maintenance building, switchyard, bioremediation areas, wastewater treatment facilities, access and maintenance roads (either dirt, gravel or paved), perimeter fencing, central gas pipeline, a distribution line, fiber optics line, and water wells. Offsite project facilities include

access to the site, a distribution line gas pipeline, and fiber optics lines. The double circuit 230 kV gen-tie line will connect into the power grid at the planned Southern California Edison Colorado River Substation approximately 5 miles southwest of the Blythe Solar Power Project. The total permanent footprint of the proposed on-site facilities will be fenced and, including rerouting drainage channels, will be approximately 6,840 acres. The proposed off-site linear facilities will be approximately 185 acres. The total estimated permanent footprint is approximately 7,025 acres.

4.1.2 Reconfigured Alternative

The Reconfigured Alternative would be a 1,000 MW solar facility like the Proposed Action and also would require a CDCA Plan amendment, the details of which are discussed in Section 2.5.4 of the PA/FEIS. The Reconfigured Alternative was developed by the Applicant in response to a data request submitted by the CEC. The alternative was developed to reduce impacts related to a major unnamed dry wash that flows through the proposed site along the southwestern side. Three of the proposed solar fields would remain at their proposed locations. Unit 3, i.e., the southwestern solar field would be relocated approximately 0.8 mile south of its proposed location, on approximately 1,350 acres of land (approximately 150 acres larger than Unit 3 as proposed, which was proposed at 1,200 acres). Of the total acreage of the Reconfigured Alternative, approximately 480 acres (a portion of Unit 3) would be outside of the ROW application area, but the alternative would remain entirely within BLM-administered lands. A modified ROW application would be required to incorporate these lands into the action area.

While the Reconfigured Alternative would reduce potential impacts to the dry wash, the project would require the ground disturbance and development of an additional 150 acres in order to reconfigure the solar parabolic troughs and related infrastructure. The overall disturbance for the Reconfigured Alternative is less consolidated than for the Agency Preferred Alternative, and would spread the impacts over a larger expanse of public land. Moreover, the Reconfigured Alternative would impact an additional 1.5 miles of designated off-highway vehicle routes of travel within the project area. Allowing for off-highway vehicle access is an important objective of the CDCA Plan. Therefore, the BLM did not select this alternative as the Agency Preferred Alternative.

4.1.3 Reduced Acreage Alternative

The Reduced Acreage Alternative would retain only Units 1, 2 and 4 of the Proposed Action, with the ability to generate 750 MW. Unit 3 (250 MW) would not be constructed. This alternative would require a CDCA Plan amendment. The details of this alternative are discussed in Section 2.5.4 of the PA/FEIS. This alternative would be located entirely within the Applicant's ROW grant application area as defined by the Applicant, and its footprint would occupy approximately 4,750 acres of land. Units 3 and 4, as proposed for the Proposed Action, were designed to share water treatment systems and water

storage tanks for dust control; the shared facilities are proposed to be located in Unit 3. As such, the shared facilities would need to be relocated to Unit 4.

This alternative was analyzed for two major reasons:

- It would eliminate approximately 25 percent of the Proposed Action, thereby reducing the degree of impacts for many resources areas; and
- It would eliminate the 1,200-acre southwestern solar field, which is located on flowing desert washes and, thereby, would reduce impacts to state waters and to desert dry wash woodlands, a vegetation community classified as sensitive by the BLM and CDFG, and to wildlife movement corridors.

Following detailed analysis in the PA/FEIS, the BLM did not select the Reduced Acreage Alternative as the Agency Preferred Alternative because the resulting project would produce 25% less electricity, and although this alternative may have slightly less impacts to a few resource areas, the slight reduction of impacts did not represent the best balance of uses for the public lands especially when considered with the Congressional, Presidential, and Departmental directives supporting renewable energy development on public lands (PA/FEIS Section 1.1) and the use of applicable mitigation to offset impacts.

4.1.4 No Action/No Project Alternative A

Under this No Action alternative, the ROW grant application would be denied, and the ROW grant would not be authorized. The CDCA Plan (1980, as amended) would not be amended.

4.1.5 CDCA Plan Amendment/No Action Alternative B

Under this No Action alternative, the ROW grant application would be denied, and the ROW grant would not be authorized. The CDCA Plan (1980, as amended) would be amended to identify the application area as unsuitable for any type of solar energy development.

4.1.6 CDCA Plan Amendment/No Action Alternative C

Under this No Action alternative, the ROW grant application would be denied, and the ROW grant would not be authorized. The CDCA Plan (1980, as amended) would be amended to identify the application area as suitable for any type of solar energy development.

4.2 Alternatives Not Fully Analyzed

The SA/DEIS considered a private lands alternative in detail consistent with the requirements of the California Environmental Quality Act (CEQA). This Private Lands Alternative is described in Section 2.5.6 of the PA/FEIS. The BLM considers the private

lands alternative as essentially equivalent to the No Action Alternative for the purposes of the NEPA analysis, and an unreasonable alternative to the BLM for a number of reasons as explained in the PA/FEIS. Generally, use of multiple private parcels would have presented too much uncertainty in the company's ability to obtain all the necessary leases, permits and approvals. Furthermore the BLM's NEPA Handbook (H 1790-1) states that "an action alternative may be eliminated from detailed analysis if it is ineffective (would not meet the purpose and need)." The Handbook further states:

For most actions, we recommend that the purpose and need statement be constructed to reflect the discretion available to the BLM, consistent with existing decisions and statutory and regulatory requirements; thus, alternatives not within BLM jurisdiction would not be "reasonable."

In addition, the private land alternative also was eliminated because it is economically infeasible, due to the conformation of the alternative site consisting of three unconnected areas. Although it theoretically would be possible to develop the solar units in non-contiguous areas, the cost of the project would increase due to the need for additional infrastructure (transmission, water, etc.) and expanded need for site security. Finally, approval of any specific private land alternative would be remote and speculative, because site control for the proposed site would require the willing participation of 23 separate landowners. For these reasons, the private land alternative was eliminated from detailed study in the PA/FEIS.

In addition to the Private Lands Alternative, several other sites and a number of technologies for renewable energy were also considered but not carried forward for detailed analysis in the NEPA analysis. Generally, the alternative site locations were eliminated from further analysis because they would have substantially similar effects to the proposed Blythe Solar Power Project and other analyzed alternatives, or because they do not meet project objectives. The following alternative sites were evaluated in this analysis: i) East of Lancaster Alternative; ii) El Centro Alternative; iii) Johnson Valley Alternative; and iv) Chuckwalla Valley Alternative. Those alternatives are described in Section 2.5.6 in the PA/FEIS, including the rationale for why they were eliminated from detailed analysis in the environmental document. Generally, the BLM eliminated the alternative site locations from further analysis for the following reasons: site is too remote and speculative for the Applicant to gain site control of private site comprised of dozens to hundreds of separate parcels; development of the alternative site would not avoid or substantially reduce the adverse impacts of the proposed project; site is infeasible due to distance to transmission interconnection; development of the site would be inconsistent with objectives of the CDCA Plan because of impacts to recreation or special status species,

For purposes of comparison, several alternative solar generation technologies were evaluated as potential alternatives to the Blythe Solar Power Project, which would use the solar trough technology. The BLM considers the alternative technologies to solar, such as wind and geothermal, as essentially equivalent to the No Action Alternative for the purposes of the NEPA analysis, and an unreasonable alternative to the BLM for a number of reasons as explained in the PA/FEIS; as such, those alternatives were eliminated from further analysis. The following solar generation technologies, however, were considered in this analysis: i) Stirling energy systems technology; ii) solar power tower technology; iii) linear Fresnel technology; and iv) photovoltaic technology. Each of the alternative solar generation technologies is discussed in detail in Section 2.5.6 of the PA/FEIS, including the rationale for why they were eliminated from detailed analysis in the environmental document. Generally, alternative solar technologies were eliminated from further analysis because they would have substantially similar effects to the proposed project and other analyzed alternatives, and because this technology is not within the area of expertise of the Applicant, and therefore would not likely be technically or economically feasible for the Applicant to implement.

Finally, the BLM eliminated from further analysis the alternative of conservation and demand-side management, as discussed in detail in Section 2.5.6 of the PA/FEIS. Briefly, this consists of a variety of approaches to reduce electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution. This approach does not respond to the BLM's purpose and need to respond to Palo Verde Solar I's application, and is remote or speculative because it is not sufficient to address all of California's energy needs.

4.3 Environmentally Preferred Alternative

The environmentally preferred alternative would be either the No Action Alternative or the CDCA Plan Amendment/No Action Alternative B. Neither of these alternatives would allow development of the energy generating project and neither would have impacts on the ground. However neither of these alternatives would allow the development of renewable energy, which is a national priority.

4.4 Agency Preferred Alternative / Selected Alternative

As identified in PA/FEIS Section 2.5.5, *Preferred Alternative*, the BLM's preferred alternative (also referred to as the Selected Alternative in this ROD) is the proposed Blythe Solar Power Project. After the release of the SA/DEIS for public review in March 2010, the BLM continued to consult and coordinate with Federal and State regulatory agencies regarding possible refinements to the Proposed Action to further avoid impacts to resources on the project site. Through this collaborative process, the BLM and its consulting and cooperating agencies developed various mitigation and monitoring measures for incorporation into the Blythe Solar Power Project. The Selected Alternative includes all of the mitigation measures and Conditions of Certification

included in Appendix 4 to this ROD. This alternative provides the least environmental impacts to resources while allowing the development of a renewable energy project at the full capacity requested by the Applicant.

5.0 Agency and Public Involvement

5.1 Scoping

Scoping activities for the Blythe Solar Power Project were conducted by the BLM in compliance with the requirements of NEPA. While many of the scoping activities were conducted jointly with the CEC workshops, the BLM held a public scoping meeting on December 11, 2009 at the University of Riverside Palm Desert Campus. The Applicant, BLM, and CEC provided presentations describing the environmental review process. The BLM's scoping activities are described in detail in the Final Scoping Report Blythe Solar Power Project (January 2010).

Public notice regarding the proposed joint SA/DEIS and the scoping and public information meetings was provided in the "Notice of Intent To Prepare Two Environmental Impact Statements/Staff Assessments for the Proposed Chevron Energy Solutions/Solar Millennium Palen and Blythe Solar Power Plants, Riverside County, CA and Possible Land Use Plan Amendments" (74 Fed. Reg. 224, pp. 61169-61171, Nov. 23, 2009); the CEC "Notice of Informational Hearing and Public Site Visit and Bureau of Land Management Scoping Meeting" on January 12, 2010 and February 24, 2010; and the CEC "Notice of BLM and Energy Commission Staff Data Response and Issues Resolution/Scoping Meeting for the Blythe Solar Power Project" on March 24, 2010.

Public notice regarding the proposed joint SA/DEIS and the scoping and public information meetings was provided in the "Notice of Intent To Prepare Two Environmental Impact Statements/Staff Assessments for the Proposed Chevron Energy Solutions/Solar Millennium Palen and Blythe Solar Power Plants, Riverside County, CA and Possible Land Use Plan Amendments" (74 Fed. Reg. 224, pp. 61169-61171, Nov. 23, 2009); the CEC "Notice of Informational Hearing and Public Site Visit and Bureau of Land Management Scoping Meeting" on October 10, 2008; and the CEC "Notice of BLM and Energy Commission Staff Data Response and Issues Resolution/Scoping Meeting for the Blythe Solar Power Project" on December 2, 2008.

Written comment cards were received from attendees at the December 11, 2009, meeting and in response to the NOI, and a total of 14 comment letters were received during the scoping process. Many of the comments covered similar issues pertaining to the effects analysis of purpose and need, air, soils, water resources, biology, vegetation,

cultural resources, land use, public health and safety, noise vibration, recreation, socioeconomics, cumulative impacts, and the development of alternatives. These issues were described in the BLM Scoping Report, dated January, 2010.

5.2 Draft EIS Comment Period

The BLM and CEC jointly prepared the SA/DEIS for the proposed project incorporating information received during scoping. The SA/DEIS review period was initiated by publication of the Notice of Availability (NOA) in the Federal Register on March 19, 2010 (73 Fed. Reg. 61,902). Interested parties identified in the EIS mailing list were notified of the publication of the SA/DEIS. The comment period ended June 17, 2010.

The BLM received ten comment letters on the SA/DEIS. A number of the comments received on the SA/DEIS discussed the same issues or environmental concerns, including, among others, the adequacy of the data relied upon by the BLM, the purpose and need for the Blythe Solar Power Project, alternatives, biological resources, climate change and greenhouse gases, water rights, water quality, and cultural resources. Rather than repeat responses to these common comments, the BLM provided Common Responses. All public comments received were carefully analyzed and agency responses were included in Section 5.5 of the PA/FEIS.

5.3 Final EIS Comment Period

The EPA Notice of Availability of the PA/FEIS was published in the Federal Register on August 20, 2010 (75 Fed. Reg. 51479). As part of the environmental review process, the BLM provided an additional opportunity for agencies and the members of the public to review and comment on the PA/FEIS. This additional comment period lasted 30 days, began on August 20, 2010 and closed on September 20, 2010. During this additional review period, 16 comment letters were received. The BLM's responses to these comments are provided in Appendix 1, *Responses to Comments on the PA/FEIS*. The BLM reviewed the comments on the PA/FEIS and determined that they did not raise any significant new circumstances or information relevant to environmental concerns associated with the Blythe Solar Power Project. Therefore, no changes to the proposed decision were determined to be warranted.

5.4 Protest Period

As noted above, the EPA Notice of Availability of the PA/FEIS was issued on August 13, 2010. Release of the PA/FEIS initiated the 30-day protest period, which closed on September 20, 2010. During that period, any person who participated in the planning process and believed they would be adversely affected by the CDCA Plan Amendment had the opportunity to protest the proposed amendment to the Director of the BLM. Detailed information on protests may be found on the BLM Washington Office website:

http://www.blm.gov/wo/st/en/prog/planning/protest_resolution.html.

Six protests have been resolved by the Director or, as noted below, have been withdrawn by the protesting party. In general, protesters were not in support of the proposed amendment and raised the following issues, among others: range of alternatives, cumulative impacts analysis, appropriate use of Class "L" lands, and conformance with the CDCA Plan. At the request of various interested organizations, the BLM met, in accordance with its policy (BLM Land Use Planning Handbook, Appendix E, p. 6 (2005)) in an effort to resolve the protest issues raised by these organizations.

As a result of these meetings, a number of the protesting organizations and the project Applicant agreed to certain project conditions which were reduced to writing and presented to the BLM for inclusion in the BLM Preferred Alternative and as modifications to the Plan of the Development (see Appendix 6 to this ROD). These terms and conditions further describe and refine the mitigation measures identified in the FEIS and require (i) the acquisition of habitat for bighorn sheep in lieu of the option to construct a guzzler as compensation for habitat impacted by the project; (ii) the habitat acquisition attributes for bighorn sheep, desert tortoise and desert wash microphyll woodlands and the requirements for permanent protection for mitigation/compensatory lands and (iii) the creation of a fund for the implementation of certain conservation enhancement activities. According to the agreement between and among the project applicant and the organizations, these and other agreed-upon terms have been incorporated into a modified Plan of Development for the project. The BLM has analyzed these revised terms and conditions and determined that the terms and conditions fall within the alternatives analyzed in the PA/FEIS, and therefore do not require the BLM to supplement the PA/FEIS prior to issuance of the ROD. The BLM has accepted these agreed upon terms as part of the amended Plan of Development, and has incorporated into and will administer these terms as part of the ROW grant in accordance with 43 CFR 2805.12(i)(5), 2807.16, and 2807.17. The agreed upon terms are not subject to amendment without the agreement of the Applicant and the organizations and only if approved by the BLM in accordance with 43 CFR 2807.20. The organizations have withdrawn their protests.

In addition to the mitigation provided for in this Record of Decision, the Applicant, through the protest negotiation process, has agreed to continue to work with the BLM on providing additional funding for enhanced resource management within the Chuckwalla DWMA and adjacent environs. Such enhancements include but are not limited to:

Enhanced Desert Wildlife Management Opportunities

- The Applicant in coordination with BLM will work to identify specific fencing strategies along the I-10 Corridor or other heavily used access/recreation areas within the Chuckwalla DWMA to maximize protection of Desert tortoise by reduce direct or indirect mortality associated with recreational vehicle use;
- The Applicant in coordination with BLM will work to ensure enhanced funding is available to maintain certain existing infrastructure that is currently used to enhance protection of desert tortoise including but not limited to: road underpasses, fencing, gates, barrier crossings etc.;
- The Applicant in coordination with BLM will work to identify specific habitat enhancements within the DWMA that could be used to increase habitat values for Desert tortoise and other sensitive species;
- The Applicant in coordination with BLM will provide enhance funding that may facilitate BLM to restore illegal routes or closed routes. Illegal routes are those that have been created via unauthorized use of recreational off-highway vehicles in areas that are closed to such use.

5.5 Consultation/Coordination with Other Agencies and Entities

5.5.1 Governor's Consistency Review

The proposed CDCA Plan Amendment was reviewed by the Governor's Office of Planning and Research following the issuance of the PA/FEIS, and was found to be consistent with state and local plans.

5.5.2 United States Fish and Wildlife Consultation

Pursuant to the Endangered Species Act Section 7 consultation requirements (16 U.S.C. Section 1531 et seq.), the USFWS issued a Biological Opinion for the project, which is provided in Appendix 2, *Biological Opinion*, to this ROD.

5.5.3 National Historic Preservation Act

The BLM coordinated and consulted with potentially affected Native American Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. Section 470). NHPA Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. For the Blythe Solar Power Project, adverse effects that the proposed or alternative actions may have on cultural resources will be resolved through compliance with the terms of a

Programmatic Agreement (PA) reached in accordance with 36 C.F.R. Section 800.14(b). The PA governs the conclusion of the identification and evaluation of historic properties eligible for the NRHP, as well as the resolution of any adverse effects that may result from the proposed or alternative actions. The PA is attached to this ROD as Appendix 3.

5.5.4 Tribal Consultation

Tribal consultation occurs on a government-to-government level in accordance with several authorities, such as NEPA; the NHPA; the American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996), as amended; and Executive Order 13007 (May 24, 1996), concerning Indian Sacred Sites. For the Blythe Solar Power Project, the BLM conducted government-to-government consultation with a number of Tribal governments. The consultation and discussions revealed concerns about the importance and sensitivity of cultural resources on and near the Blythe Solar Power Project site, concerns about cumulative effects to cultural resources, and, further, that they attach significance to the broader cultural landscape. As a result of the Native American Consultation process, many important cultural resources were identified in the project area, and subsequently avoided in the Selected Alternative.

5.5.5 Department of Energy

The DOE provided language for the EIS that would allow the DOE to use the PA/FEIS to meet its NEPA requirements for purposes of making a funding decision pursuant to DOE programs.

5.5.6 United States Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) has jurisdiction to protect water quality and wetland resources under Section 404 of the Clean Water Act. Under this authority, the USACE reviews proposed projects to determine whether they may impact such resources, and/or be subject to a Section 404 permit. Throughout the Draft SA/EIS process, the CEC, BLM, and the Applicant provided information to the USACE to assist the agency in making a determination regarding its jurisdiction and need for a Section 404 permit. The USACE rendered a final opinion on August 2, 2010 concluding that the Blythe Solar Power Project does not affect waters of the U.S. and, thus, does not require such a permit.

5.5.7 United States Environmental Protection Agency

The EPA provided comments on the Blythe Solar Power Project during the scoping process, on the SA/DEIS and on PA/FEIS. These comments enhanced the BLM's consideration of many environmental issues relevant to this project.

5.5.8 Summary of State, Regional and Local Agency Consultation

In addition to coordinating with the California Energy Commission to prepare the joint Draft SA/EIS for the Blythe Solar Power Project as described above, the BLM also coordinated with a number of state, regional, and local agencies..

California Department of Fish and Game

The CDFG has the authority to protect water resources of the State through regulation of modifications to streambeds, under Section 1602 of the California Fish and Game Code. The CEC, the BLM, and the Applicant have provided information to the CDFG to assist in its determination of the impacts of the Blythe Solar Power Project to streambeds, and identification of permit and mitigation requirements. The Applicant filed a Streambed Alteration Agreement with CDFG on November 25, 2009. The requirements of the Streambed Alteration Agreement are included as a recommended Mitigation Measure. The CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act (CESA, California Fish and Game Code Section 2050, et seq.). On January 12, 2010, the Applicant filed an application for authorization for incidental take of the desert tortoise under CESA Section 2081(b). The requirements of the Incidental Take Permit are included as a recommended Mitigation Measure.

Mojave Desert Air Pollution Management District

The Mojave Desert Air Pollution Management District (MDAPMD) has authority to implement within its jurisdiction the requirements of the New Source Review (NSR) permitting program that was adopted as part of the 1977 Clean Air Act Amendments. NSR is a preconstruction permitting program that ensures that air quality is not significantly degraded from the addition of new and modified facilities and assures people that large new or modified industrial sources of air pollutants will be as clean as possible. Pursuant to this authority, the MDAPMD reviewed the proposed Blythe Solar Power Project, evaluated worst-case or maximum air quality impacts, and established control technology requirements and related air quality permit conditions. The MDAPMD issued a Final Determination of Compliance for the Blythe Solar Power Project on July 8, 2010.

Riverside County Fire Department

The Riverside County Fire Department provided comments on the PA/FEIS for the Blythe Solar Power Project. These comments enhanced the BLM's consideration of emergency and public service responders and response times.

Metropolitan Water District of Southern California

The District, a public agency and wholesale water retailer, provided comments on the SA/DEIS and the PA/FEIS for the Blythe Solar Power Project. These comments enhanced the BLM's consideration of issues related to water resources, including groundwater.

Additional State, Regional, and Local Agency Coordination

As noted above the state, regional, and local agencies consulted or communicated with include:

- Metropolitan Water District of Southern California
- Native American Heritage Commission
- Riverside County
- Riverside County Fire Department
- United States Environmental Protection Agency

The following non-governmental organizations also provided comments:

- Basin and Range Watch
- Center for Biological Diversity
- Defenders of Wildlife
- Greenaction
- La Cuna de Aztlan Sacred Sites Protection Circle
- Natural Resources Defense Council
- Sierra Club, California/Nevada Desert Energy Committee of the Sierra Club
- Wilderness Society
- The Wildlife Society

6.0 Errata

The purpose of these errata is to correct factual inaccuracies or typographical errors in the PA/FEIS for the Blythe Solar Power Project.

The Blythe Solar Power Project Plan of Development (POD) will govern in the event of any factual discrepancies between it and the PA/FEIS. To the extent that the clarifications below affect the project description, the POD will incorporate these clarifications. To the extent that such clarifications affect a mitigation measure, Appendix 4, *ECCMP*, contains the final language.

- Table ES-2 inadvertently omitted summaries of impacts related to cultural resources impacts for the Reconfigured and Reduced Acreage alternatives. Readers may refer

directly to the analysis of such impacts that was provided in PA/FEIS Section 4.4.3, *Differences Among Alternatives*.

- As corrected (with changes shown in redline/strikeout) Table ES-17 should have read as follows: “Transport large equipment in accordance with a permit from ~~complaint with~~ CalTrans.”
- PA/FEIS Chapter 2 incorrectly stated that the solar mirror washing for the Blythe Solar Power Project would require approximately 30 acre feet (af) per year of water. The correct amount is approximately 230 ac-ft/yr of water for mirror washing, and the PA/FEIS properly analyzed the impacts for 230 af per year. The total water demand during operation, including these 230 ac-ft, would be approximately 600af per year.
- PA/FEIS Section 4.2, *Air Quality*, incorrectly stated that there would be a total of four HTF ullage systems. The Blythe Solar Power Project would employ only one HTF ullage system, which would vent continuously at a low rate. Daily emission rates would be limited by CEC Condition of Certification (COC) AQ-21.
- The PA/FEIS incorrectly states that the gen-tie route “include[s] areas not previously surveyed for biological and cultural resources” (see, common response to comments concerning suggested supplementation/recirculation, PA/FEIS Section 5.5.4.7). In fact, the gen-tie re-route cultural resources survey was completed by AECOM between April 30 and May 28, 2010, and surveys for biological were also conducted during the spring of 2010, prior to publication of the PA/FEIS.
- PA/FEIS Section 4.8, *Impacts on Multiple Use Classes*, incorrectly stated that “[a]ll of the action alternatives would affect a small portion of critical habitat.” In fact, the Blythe Solar Power Project site (including the linear facilities) contains *no designated critical habitat for any listed species*, and the project would not affect any designated critical habitat. The sentence should have read “[a]ll of the action alternatives would affect a small portion of suitable habitat.”
- PA/FEIS Section 4.11, *Impacts on Public Health and Safety*, incorrectly stated that each unit of the Blythe Solar Power Project would store 1.3 million gallons of HTF. In fact, the project would use 2.2 million gallons of HTF (Therminol VP-1 Biphenyl (26.5 percent); Diphenyl Ether (73.5 percent)) per unit. This correct amount was identified in the CEC’s Presiding Member’s Proposed Decision (PMPD) and was used to develop COC HAZ-MAT-1. COC HAZ-MAT-1 refers to an Appendix A (Table 5.6-3R) that inadvertently was omitted from PA/FEIS Appendix G. Additionally, PA/FEIS Section 4.11 should have indicated that the Blythe Solar Power Project would use hydrogen for turbine cooling. The project would use hydrogen in the generator cooling loop and “tube trailer.” The cumulative (i.e., all 4 units) piping system inventory would be 1,400 pounds with 2,600 pounds in storage. The Blythe Solar Power Project would employ a pressure safety tank, crash posts, and pressure relief valves to ensure that the hydrogen is used and stored safely (see, HAZ-MAT-1 Appendix A (Table 5.6-3R)).
- PA/FEIS Section 4.16, *Impacts on Transportation and Public Access – Off Highway Vehicle Resources*, incorrectly states that the Blythe Solar Power Project would result in the loss of legal access to two inholdings. This is not the case. Legal access will be maintained. Also in PA/FEIS Section 4.16, the PA/FEIS incorrectly states,

“[t]he McCoy Wash, a navigable wash, would be transected by the project site which would result in closure of the wash to OHV users.” This is not the case. In fact, the McCoy Wash does not run through the site and the ROW grant authorized in this ROD does not include the McCoy Wash.

- PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, discusses the proposed evaporation ponds. The section is inconsistent as to whether the project would use evaporation ponds; the PA/FEIS should have stated consistently that the project would use evaporation ponds. The PA/FEIS correctly reports the results of a 1986 study, which showed that much of the risk of bird collisions came from their attraction to “adjacent evaporation ponds and agricultural fields.”
- Table 4.21-2, *Comparison of Compensatory Mitigation Requirements for Proposed Action, Reconfigured Alternative, and Reduced Acreage Alternatives*, incorrectly reported the total desert tortoise compensatory mitigation as 7,02 acres. The correct amount is 7,027 acres.
- PA/FEIS *Glossary of Terms*, incorrectly defines the Secretary of the Interior. The correct definition is: The United States Secretary of the Interior is the head of the United States Department of the Interior. The Department of the Interior oversees such agencies as the Bureau of Land Management, the United States Geological Survey, and the National Park Service. The Secretary is a member of the President's Cabinet. The Secretary of the Interior is eighth in the United States presidential line of succession. The current Secretary of the Interior is former Senator Ken Salazar of Colorado.
- The PA/FEIS refers to California Energy Commission Conditions of Certification (COCs) throughout Chapter 4, *Environmental Consequences*, and in Appendix G, as such COCs were set forth in the August 11, 2010 Presiding Members' Proposed Decision; however, because the COCs may change in the final license or as a result of amendments to the license, the PA/FEIS should have referred to the COCs as set forth in the license, as amended. In light of such amendments, BLM-BIO-21 has been superseded and no longer is required.
- Compliance-13 requires the Applicant to petition the California Energy Commission pursuant to 20 CFR 1769 to modify the project (including linear facilities) design, operation or performance requirements, and to transfer ownership or operational control of the facility. The last paragraph of this measure inadvertently was excluded from PA/FEIS Appendix G, *Conditions of Certification*. That paragraph should read: “Verification Change: A verification may be modified by the CPM without requesting an amendment to the decision if the change does not conflict with the conditions of certification and provides an effective alternate means of verification.”
- AQ-SC7, concerning an Operations Dust Control Plan for the project site, was included in PA/FEIS Appendix G, *Conditions of Certification*; identification of this measure inadvertently was omitted from PA/FEIS Section 4.2, *Impacts on Air Resources*. The mitigation measure is included in Appendix 4 to this ROD, *ECCMP*.
- BLM-BIO-10, concerning the development and implementation of a final Desert Tortoise Relocation/Translocation Plan, was identified in PA/FEIS Section 5.5, *Public Comment Process*, but inadvertently excluded from Section 4.21, *Impacts on Wildlife*

Resources. However, BLM-BIO-10 has been superseded by revisions to the COCs and no longer is required.

- Concerning the “start of construction” as used in BLM-REC-4, -REC-5 and OHV-1, the BLM did not intend to extend the pre-construction schedule by imposing 60 days’ advance notice and, instead, is amenable to the correction to a 15-day requirement as proposed by the Applicant in its September 10, 2010, comment letter on the PA/FEIS.
- BLM-SOIL&WATER-11, -12 and -14, relate to climate change and flooding. The Applicant has submitted detailed designs for the first phase of drainage (for Units 1 and 2) to the California Energy Commission’s Chief Building Officer (CBO). The BLM has determined that compliance with such designs, with the approval of CBO for Units 1 and 2 and ultimately for Units 3 and 4, would be sufficient to address the concerns that are the focus of BLM-SOIL&WATER-11, -12 and -14. Thus, these measures have been superseded and no longer are required.
- Mitigation Measures in PA/FEIS Section 4.19 labeled as “WATER” should have been labeled “SOIL&WATER” as they are in PA/FEIS Appendix G, *Conditions of Certification*. Mitigation measures applicable to the project are set forth in full in the ECCMP included as Appendix 4 to this ROD. As corrected (with changes shown in redline/strikeout) the statement in Section 4.19.2, Discussion of Direct and Indirect Impacts [of operations on Water Resources], concerning rip-rap should have read as follows: “The Applicant has prepared a Draft Channel Maintenance Plan, which addresses some of the potential issues associated with long term operation of the channels. However, the plan does not adequately address the issue of the collection of offsite flows or the use of soil cement along areas subject to inflows from offsite watersheds. The document also references the use of riprap for erosion mitigation; however, riprap would not be allowed on the site where incompatible due to its incompatibility with biological resources in the area.”

7.0 Final Agency Action

7.1 Land Use Plan Amendment

It is the decision of the Bureau of Land Management to approve the Proposed Plan Amendment to the California Desert Conservation Area Land Use Management Plan (CDCA Plan, 1980, as amended) to identify the project site as available for solar energy development. The Proposed Plan Amendment and related Environmental Impact Statement (EIS) was published on August 20, 2010 in the Federal Register (75 Fed. Reg. 51479). I have resolved all protests on the Proposed Plan Amendment and, in accordance with BLM regulations, 43 CFR 1610.5-2, my decision on the protests is the final decision of the Department of the Interior.

Based on the recommendation of the State Director, California, I hereby approve the Proposed Plan Amendment. This approval is effective on the date this Record of Decision is signed.

Approved by:



Robert V. Abbey
Director
Bureau of Land Management

10-21-10

Date

7.2 Right-of-Way and Route Closure Authorization

It is my decision to approve a solar energy right-of-way lease/grant to Palo Verde Solar I, LLC, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. It is my further decision to close routes within the solar energy power facility site as described in this Record of Decision and its Final EIS. These decisions are effective on the date this Record of Decision is signed.

Approved by:



Robert V. Abbey
Director
Bureau of Land Management

10-21-10


Date

7.3 Secretarial Approval

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in federal district court.

Approved by:

OCT 22 2010



Ken Salazar
Secretary
U.S. Department of the Interior

Date