

CHAPTER 5 – CONSULTATION AND COORDINATION

This chapter describes the consultation and coordination activities Western and its cooperating agencies have carried out with interested agencies, organizations, tribes, and individuals while preparing the Draft EIS and Proposed YFO RMP Amendment. The NEPA and CEQ regulations require the public’s involvement in the decision-making process, as well as allowing for full environmental disclosure. Guidance for implementing public involvement is outlined in Title 43 CFR, Part 1610.2.

During the early phases of the scoping process, Western determined that an EIS would be required to comply with NEPA prior to taking action on QSE’s interconnection request to Western and the ROW application to the BLM. An EIS is the most detailed and complex of NEPA documents, and it includes requirements for significant public coordination and involvement throughout its preparation and review. NEPA and CEQ require Western to identify any potential environmental impacts associated with the Applicant’s Proposed Project so the lead Federal agency can consider them when making its final decision.

5.1 CONSULTATION WITH AGENCIES AND INDIAN TRIBES

5.1.1 Cooperating Agencies

Cooperating agency status provides a formal framework for governmental agencies to engage in active collaboration with a Federal agency to implement the requirements of the NEPA (42 USC 4321 et seq.). Cooperating agencies may include those Federal, State, or local agencies that have jurisdiction by law, or have special expertise or information that will assist in development of the analysis (40 CFR Section 1501.6). Jurisdiction by law means agency authority to approve, veto, or finance all or part of the proposal (40 CFR Section 1508.15). The BLM must approve or deny the ROW application to construct, operate, maintain, and decommission the Project, which would be entirely located on BLM-administered land; therefore, the BLM YFO is serving as a cooperating agency. The BLM will make a decision relative to the Project, based on the analysis disclosed in this EIS.

In addition to the BLM YFO, Western invited the following agencies to consider becoming a cooperating agency:

- DOI, Bureau of Reclamation
- DOI, USFWS
- DOI, USFWS, Kofa National Wildlife Refuge
- DOD, Luke Air Force Base
- DOD, Marine Corps Air Station, Yuma
- USACE
- USAG–YPG
- ADEQ
- ADOT
- ADWR
- AZGFD
- Town of Parker, Arizona
- Town of Quartzsite, Arizona

The USAG–YPG, USACE, AZGFD, and ADEQ, have formally requested to be cooperating agencies for this Project. Each of these agencies has agreed to participate as a cooperating agency and review material for the EIS pertaining to their legal and regulatory responsibilities.

The USAG–YPG has consulted with QSE, Western, and the BLM regarding the potential effects of the Project on military training activities on nearby USAG–YPG land. The USACE has provided review of the Draft EIS and Proposed YFO RMP Amendment with an emphasis on potential impacts from Project construction and operation on jurisdictional waters of the U.S. The AZGFD has contributed special expertise and has reviewed data and impact assessments relative to biological resources (wildlife, vegetation, and special status species). The ADEQ has provided review of the Draft EIS and Proposed YFO RMP Amendment, with emphasis on air and water quality impacts, given their authority for specific permits related to these resources.

The U.S. Bureau of Reclamation (April 14, 2010) and ADWR (May 17, 2010) formally declined the invitation. As of May 2011, Western has not received a response from other invitees.

5.1.2 Section 7 of the Endangered Species Act

The USFWS has jurisdiction over threatened and endangered species listed under the ESA (16 USC Section 1531 et seq.). Consultation with the USFWS under Section 7 of the ESA is required if any Federal action affects a federally-listed species or designated critical habitat. A request was submitted to the USFWS requesting information regarding any species listed under the ESA that are known to occur within the Project area. In a response dated February 17, 2011, the USFWS stated that no species listed under the ESA are likely present in the Project area nor is any critical habitat present. Biological surveys were conducted in the spring and fall of 2009 and spring of 2010. No federally listed threatened, endangered, or candidate species were observed nor is any designated critical habitat present within the Project area.

5.1.3 Consultation and Coordination with Indian Tribes

The American Indian Religious Freedom Act, NEPA, and Section 101(d)(6)(B) of the NHPA requires consultation with Native American tribes who attach religious and/or cultural significance to historic properties. In addition, Section 106 regulations state that the agency official shall acknowledge that Native American tribes possess special expertise in assessing NRHP eligibility of historic properties that may possess religious and cultural significance to them (36 CFR 800.4(c)(1)). There is a legal distinction between Native American tribes who are federally recognized and those who are not. Federal recognition signifies that the United States government acknowledges the political sovereignty and identity of a tribe and from that recognition flows the obligation to conduct dealings with that tribe’s leadership on a “government-to-government” basis. As a result, this consultation is the responsibility of the Federal agency overseeing the undertaking; in this case, Western.

Per the Memorandum of Understanding between Western and the BLM, Western was designated to serve as the lead agency for compliance with Section 106 of the NHPA. In this role, Western assumed the lead responsibility for carrying out legal compliance and consultation requirements with the SHPO and Indian tribes. The BLM participated in tribal consultation meetings;

reviewed all cultural reports, consultation materials, and related documentation prepared by Western; and coordinated with Western throughout the Section 106 processes to ensure that these efforts were consistent with the requirements of BLM Manual 8110, *Identifying and Evaluating Cultural Resources*; and BLM Manual 8120, *Tribal Consultation Under Cultural Resources*.

Western initiated tribal consultation in September 2009 to ensure that tribes were provided an opportunity to identify concerns about historic properties, advise on the identification and evaluation of historic properties (including those of traditional religious and cultural importance), articulate views on the Project's effects on such properties, and to participate in the resolution of possible adverse effects. Tribes who received letters are:

- Ak-Chin Indian Community
- Chemehuevi Indian Tribe
- Cocopah Indian Tribe
- Colorado River Indian Tribes
- Fort Mojave Indian Tribe
- Fort Yuma-Quechan Tribe
- Gila River Indian Community
- Hopi Tribe
- Hualapai Tribe
- Pueblo of Zuni
- Salt River Pima-Maricopa Indian Community
- Tohono O'odham Nation
- Twenty-Nine Palms Band of Mission Indians
- Yavapai-Apache Nation
- Yavapai-Prescott Indian Tribe

Following the initiation of the tribal consultation process, Western and the BLM held meetings with the tribes to share information about the Project and results of surveys, and request feedback from the tribes regarding places of traditional importance. Dates for these activities are listed below.

- On September 22, 2009, members of the Cocopah, Hualapai, and Colorado River Indian Tribes attended a consultation meeting and site visit with representatives from Western and the BLM.
- On October 28, 2009, a consultation meeting was held with the Fort Yuma-Quechan Tribe regarding the Project.
- On March 1, 2010, a consultation meeting was held with the Tohono O'odham Nation.
- On August 13, 2010, Western and BLM held a tribal consultation meeting that included members of the following tribes: Chemehuevi, Fort Yuma-Quechan, Yavapai-Prescott, Fort Mojave, and Colorado River Indian tribes.
- On September 17, 2010, the Four Southern Tribes, which includes the Tohono O'odham Nation and the Ak-Chin, Gila River, and Salt River Pima-Maricopa Indian communities, were presented with information on the Project.
- On October 19, 2010, Western and BLM held a tribal consultation meeting with, and presented a Project update to, the Fort Yuma-Quechan Tribe staff and Cultural Committee.

Western's consultations with tribes having traditional cultural associations with the Project area identified seven locations of traditional importance outside the Project area, including places of religious significance near the Colorado River, as warranting visual simulations to characterize the potential visual impacts of the Project (see Table 3-37 and Section 4.16 for discussions on visual simulations). Western conducted meetings with the tribes to share information on the visual impacts analysis, to ensure that their views are taken into account in identifying and resolving any adverse effects.

In December 2009, Western distributed a draft Programmatic Agreement to address potential adverse effects on properties listed in or eligible for the NRHP to the tribes, the BLM, Arizona SHPO, and the Advisory Council on Historic Preservation. Based on refinements of the Project description and the developing results of the cultural resource inventory and assessment, which indicated that conflicts with preservation of cultural resources would be less complex than originally estimated, Western determined that a Programmatic Agreement was not warranted. The draft Programmatic Agreement was formally withdrawn in March 2010. Western invited the tribes to participate as consulting parties to a Memorandum of Agreement, should one be needed to resolve any adverse effects identified following evaluation of the survey results.

Also in March 2010, Western sent letters to the tribes to again solicit information regarding cultural resources that the tribes thought should be considered, and invited the tribes to become cooperating agencies for the preparation of the EIS. At this time, no tribes have responded that they would like to be included as cooperating agency.

In December, 2010, the SHPO and BLM concurred with Western's recommended determination of "no adverse effect," thus concluding the NHPA Section 106 process. Therefore, given the results of resource identification and evaluation, and the "no adverse effect" determination from the SHPO, there was not a need to resolve adverse effects through the use of a Programmatic Agreement or Memorandum of Agreement, or to further consult with the Advisory Council of Historic Preservation.

In early 2011, the BLM determined that it would need to amend the YFO RMP, specifically the boundaries of the VRM Class designations if the proposed Project were to be approved for a ROW grant. In March, 2011, the BLM published a Notice of Intent in the Federal Register announcing its consideration of a plan amendment. In accordance with BLM policy in implementing NEPA and FLPMA, Section 202(c)(9), the BLM is obligated to coordinate all aspects of planning with Indian tribes. Therefore, in April, 2011, the YFO formally corresponded with the consulted Indian tribes to inform them of the proposed plan amendment, with a request for any related comments, as Tribes had expressed concerns during the EIS process about potential effects on visual resources. The Tohono O'odham, Fort Yuma-Quechan, Cocopah, and Yavapai Prescott tribes have expressed objections to amending the land use plan. The tribes have expressed a general concern about protecting scenic qualities and visual landscapes important to certain Tribes. Tribal consultation activities under NEPA and FLPMA related to the plan amendment are ongoing.

As explained in Section 3.1, the plan amendment being considered concurrently with the Proposed Project simply allows the Proposed Project to be built, and therefore it does not change the methods or conclusions in this EIS with respect to visual and/or cultural resource impacts. For that reason, the proposed plan amendment is simply a component of the QSE Project, which

has already been the subject of tribal consultations in conjunction with the Section 106 process and is the undertaking for purposes of Section 106 compliance. As explained above, the Section 106 process has been concluded for the Proposed Project, and a separate 106 process is not required for the proposed plan amendment.

5.2 PUBLIC INVOLVEMENT PROCESS

Public involvement in the EIS process includes the steps necessary to identify and address public concerns and needs. The public involvement process assists agencies in: (1) broadening the information base for decision-making, (2) informing the public about the Applicant's Proposed Project, alternatives, and potential long-term impacts that could result from implementation of the Applicant's Proposed Project or alternatives, and (3) ensuring that public needs are understood by the agencies. Public participation in the EIS process is required by the NEPA at four specific points: (1) issue scoping, (2) review of the Draft EIS and Proposed YFO RMP Amendment, (3) review of the Final EIS Proposed YFO RMP Amendment, and (4) receipt of the ROD.

5.2.1 Scoping

Details about the scoping process and issues identified are described in Section 1.9 in this EIS. The public was notified of the Project and upcoming scoping meetings through the Notice of Intent published in the Federal Register on January 14, 2010, thus commencing the 30-day scoping period to disclose potential issues and concerns associated with the Applicant's Proposed Project. The scoping period opened on January 14, 2010, and closed on February 13, 2010. Three scoping meetings were held from January 26, 2010 through January 28, 2010, in Yuma, Parker, and Quartzsite, Arizona. A total of 42 people attended the three meetings. Western collected stakeholder comments at public meetings as well as comments sent via fax or mail. Information obtained by the agencies during public scoping was combined with issues identified by Western and the cooperating agencies, and forms the scope of this EIS.

On March 30, 2011, the BLM issued a separate notice of its consideration of amendment of the YFO RMP (76 FR 2011-7413). The comment period for the BLM's notice closed on April 29, 2011.

5.2.2 Draft EIS and Proposed YFO RMP Amendment Review

The 90-day comment period for public review of the Draft EIS and Proposed YFO RMP Amendment will begin with the publication of the Notice of Availability in the Federal Register. Western will distribute press releases announcing the dates, locations, and times of the public meetings to local and regional print and broadcast media. The Draft EIS will be posted on Western's and the BLM's Yuma Field Office websites at:

- Western: <http://www.wapa.gov/transmission/quartzsitesolar.htm>
- BLM YFO: http://www.blm.gov/az/st/en/prog/energy/solar/quartzsite_solar_energy.html

In addition, the EIS will be distributed to agencies and individuals who request copies.

5.2.3 Final EIS and Proposed YFO RMP Amendment

After the public comment period for the Draft EIS and Proposed YFO RMP Amendment, a Final EIS and YFO RMP Amendment will be prepared. This document will include descriptions of public comments and indicates how they were addressed in the Final EIS. A Notice of Availability will be published in the Federal Register announcing completion of the Final EIS and YFO RMP Amendment. Per 40 CFR 1506.10, a 30-day protest period is required between the publication of the Final EIS and issuance of the ROD. In addition, the land use plan amendment process will include a 60-day Governor's consistency review, as required by the BLM land use planning regulations. The 30-day period and the 60-day governor's consistency review will run concurrently.

5.3 RECIPIENTS OF THIS EIS

Pursuant to CEQ regulations (40 CFR § 1502.19), Western is circulating this Draft EIS and Proposed YFO RMP Amendment to (1) agencies having jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State, or local agency authorized to develop and enforce environmental standards; (2) the Applicant; and (3) any agencies, organizations, or individuals requesting a copy of the document.

The mailing list for this Project was developed from the stakeholders list compiled prior to and during the scoping process, and then supplemented throughout the EIS process. A complete list of all recipients of the Draft EIS and Proposed YFO RMP Amendment can be found in the Administrative Record.

Those receiving the Draft EIS and Proposed YFO RMP Amendment have 90 days in which to provide comments. Comments should be as specific as possible. According to CEQ (40 CFR § 1503.4), Western must respond in writing to every comment. These comments, and responses to each comment, will be published as part of the Final EIS and YFO RMP Amendment.

5.4 LIST OF PREPARERS

Preparation of this EIS and plan amendment was an interdisciplinary team effort. Specialists from Western and cooperating agencies have reviewed and approved the analysis contained within this Draft EIS, as well as provided document preparation oversight. The following section lists the individuals involved in the preparation of this Draft EIS and Proposed YFO RMP Amendment.

5.4.1 Western Area Power Administration

- Chris Lyles – Project Manager
- Liana Reilly – NEPA Document Manager

- William Werner – Regional Environmental Office Contact
- Stephen Tromly – Cultural Resources

5.4.2 Bureau of Land Management

5.4.2.1 BLM Washington DC Office

- John McCarty – Chief Landscape Architect

5.4.2.2 BLM Arizona State Office

- Jim Kenna – State Director
- Rebecca Heick – Branch Chief/Minerals & Lands
- Eddie Arreola – Project Manager/RECO Supervisory Project Manager
- Connie Stone – Cultural Resources/RECO Archaeologist
- Kevin Grove – Biological Resources/RECO Wildlife Biologist
- Jackie Neckels – NEPA/RECO Planning and Environmental Coordinator
- Jim Renthall – Air, Water and Soil/Natural Resource Specialist
- Bill Wells – Hydrology/Hydrologist
- Dennis Godfrey – Public Affairs
- Don Applegate – Recreation and Visual Resources/Recreation Program Lead

5.4.2.3 BLM Yuma Field Office

- James (Todd) Shoaff – Yuma Field Office Field Manager
- Karen Reichhardt – Assistant Field Manager
- Vanessa Briceño – Project Manager
- Tom Jones – Cultural Resources/Archaeologist
- Jeff Young – Biological Resources/Wildlife Biologist
- Dave Daniels – NEPA/Planning and Environmental Coordinator
- Ron Morfin – Visual and Recreation Resources/Wilderness and Recreation Specialist

5.4.3 Project Proponent and their Contractors

- Tom Georgis, SolarReserve – Senior Vice-President, Development
- Andrew Wang, SolarReserve – Director, Development
- Scott Kaminski, SolarReserve – Senior Project Engineer
- Charles Diep, SolarReserve – Director of Engineering Services
- Cheryl Leutjen, SolarReserve (consultant)
- Bob Anders, WorleyParsons (consultant)
- Debbie Builder, WorleyParsons (consultant)

5.5 EIS CONTRACTOR AND SUBCONTRACTORS

Name	Degree(s)	Professional Discipline/Expertise	Years of Experience
Kevin Duncan, AICP	BS	Senior Planner, Land Use, Recreation	9
Sandra Fairchild	BS	NEPA Oversight, Sr. Project Manager, Water Resources	26
Bob Farmer (ERM)	BS, MS, PhD	Subcontractor, Air Quality Services	26
Amy Jerome	BS, MBS	Project Manager, Senior NEPA Reviewer	12
Michael Kirby	BS, MS, PhD	Geology, Soils, Paleontology	20
N. Conrad Langley	MLA, BFA	Visual Resources	12
Robert Pape	BA	Biological Resources, Wetlands/Waters of the U.S.	19
Devin Petry	BA	Land Use, Environmental Coordinator	3
Alison Pruet	BS, MS	Biological Resources, Document Production	4
Ashley Rosia	BA	Public Health and Safety, Hazardous Materials	2
Matt Sauter	BS, MS	Geology, Soils, Paleontology	2
Jason Scott	BS, MS	Biological Resources	18
Marc Schwartz	BS, MLA	Director of Visual Resources	10
Mickey Siegel	BS, MCRP	Principal, Senior Management	30
Andrew Smigielski	BS, MS	Subcontractor, Senior Traffic Engineer	17
E. Linwood Smith	BA, MS, PhD	Director of Biological Resources	35
Steve Swanson	BA, MA, PhD	Cultural Resources	17
Kristin Terpening	BS, MS	Biological Resources	16