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CHAPTER 6

CONSULTATION AND COORDINATION

6.1 PUBLIC SCOPING

The BLM Arizona sponsored a public scoping period to support preparation of the RDEP EIS. During the scoping period, BLM solicited comments on the development of the RDEP, including its overall scope and issues and concerns regarding solar energy development in Arizona, and to nominate previously disturbed sites to be considered for renewable energy development.

6.1.1 EIS Scoping

The formal public scoping process for the EIS began on January 13, 2010, when the BLM Arizona State Office published the Notice of Intent in the *Federal Register* on January 13, 2010. The RDEP EIS scoping period ran from January 13, 2010, to March 11, 2010. The Notice of Intent notified the public of the BLM's intent to prepare an EIS, provided information on the proposed action, announced the dates for the public scoping period, and included a list of BLM-identified preliminary issues.

The preliminary issues identified in the Notice of Intent included:

- Suitability of the site or area for renewable energy generation and scale of possible generation;
- Proximity of the site or area to the existing electrical transmission grid and the feasibility of integrating new electric generation projects with the grid;
- Proximity of the site or area to population and electric use (load) centers;
- Determining the appropriate renewable energy generation technologies for implementation site-by-site or area-by-area;

- The possible need for environmental remediation of RDEP sites or areas based on previous uses and levels of disturbance and possible contamination of the sites or areas; and
- Addressing the possible need for remediation, and incorporating remediation into design criteria that that might apply to site- or area-specific projects.

In addition to the Notice of Intent, the BLM notified the public of the RDEP and associated scoping period through media outlets, postcards, emails, and the RDEP Web site.

The BLM hosted 10 scoping meetings between February 8, 2010, and February 25, 2010. The scoping meetings gave the public an opportunity to learn and ask questions about the RDEP, to submit their site proposals, and to share issues and concerns with the BLM. The BLM chose an open-house meeting format to encourage broader participation, to allow attendees to learn about the RDEP at their own pace, and to enable attendees to ask BLM representatives questions in an informal one-on-one setting. In addition, the BLM provided a 25-minute presentation at each meeting about the RDEP and the public's role in the scoping process. **Table 6-1**, RDEP Scoping Meetings, lists the scoping meeting dates, locations, and the number of people who attended each meeting.

Table 6-1
RDEP Scoping Meetings

Date	Location	Number of Attendees
Monday, February 8, 2010	Phoenix, Arizona, BLM Arizona State Office	39
Tuesday, February 9, 2010	Tucson, Arizona, The Hotel Arizona	41
Wednesday, February 10, 2010	Sierra Vista, Arizona, Buena High School	4
Thursday, February 11, 2010	Phoenix, Arizona, Arizona Game and Fish Department	7
Wednesday, February 17, 2010	Fredonia, Arizona, Fredonia High School	2
Monday, February 22, 2010	Snowflake, Arizona, Pioneer Junior College	9
Tuesday, February 23, 2010	Flagstaff, Arizona, Coconino High School	8
Wednesday, February 24, 2010	Kingman, Arizona, La Senita Elementary School	26
Thursday, February 25, 2010	Yuma, Arizona BLM Arizona Yuma Field Office	8

Comments received during the initial scoping period largely fell into several key categories: environmental, socioeconomic, siting and technology, stakeholder involvement, cumulative impact analyses, impact mitigation, policy, land use planning, alternatives to be analyzed, and coordination with ongoing regional and state planning efforts (see list in **Section 1.10**, Key Planning Issues). The

scoping summary report and copies of all written comments submitted by mail, email, or in person at public meetings are available from the BLM Arizona State Office and on the RDEP Web site; transcripts from the public meetings are also available.

6.1.2 Disturbed Site Nomination Scoping

To facilitate the site nomination process, the BLM launched a Web site that provided RDEP details, a list of nominated sites, and a site submittal form (see RDEP Web site for complete scoping report, forms, and scoping materials at http://www.blm.gov/az/st/en/prog/energy/arra_solar/scoping.html). Before the BLM Arizona State Office published the project Notice of Intent in the *Federal Register*, local, state, and federal agencies, private companies, and members of the public nominated 42 potential sites. Throughout the scoping period, the BLM continued to receive nominations for consideration through the Web site, individual letters, and scoping meetings from local governments, businesses, and members of the public, resulting in 22 additional nominated sites for a total of 64 sites to date. **Appendix C**, Solar and Wind Energy Assessment of Nominated Sites, summarizes all nominated sites. The appendix is an analysis and evaluation of the feasibility of the 64 suitable previously utilized sites in Arizona as sites for solar and wind energy generating stations. The appendix provides background information for the nominated sites, including solar and wind energy potential, environmental characteristics, and potential remediation or restoration requirements, and assesses the potential for solar and wind energy development on the nominated sites. The assessment used a site-screening process to evaluate the nominated sites; factors used in the evaluation included the area of developable land, solar and wind resource availability, maximum MW output, access to transmission lines and roads, water restrictions, and sensitive resource characteristics.

6.2 GOVERNMENT-TO-GOVERNMENT CONSULTATION

The federal government works on a government-to-government basis with Native American tribes. The government-to-government relationship was formally recognized on November 6, 2000, with Executive Order 13175 (*Federal Register*, Volume 65, page 67249). As a matter of practice, the BLM coordinates with all tribal governments, associated native communities, native organizations, and tribal individuals whose interests might be directly and substantially affected by activities on public lands. In addition, Section 106 of the NHPA requires federal agencies to consult with Indian tribes for undertakings on tribal lands and for historic properties of significance to the tribes that may be affected by an undertaking (36 CFR 800.2(c)(2)). BLM Manual 8120 (BLM 2004a) and BLM Handbook H-8120-1 (BLM 2004b) provide guidance for Native American consultations. The BLM has given substantial consideration to the proper conduct of government-to-government consultations for this project in order to provide for multiple opportunities for tribal consultation and has provided tribes with multiple ongoing opportunities to comment and receive information on and participate in the RDEP.

Executive Order 13175 stipulates that tribes identified as “directly and substantially affected” be consulted by federal agencies during the NEPA process. The BLM initiated contact with the following 23 tribal governments early in the EIS process:

- Ak-Chin Indian Community
- Fort Yuma-Quechan Tribe
- Pascua Yaqui Tribe
- Colorado River Indian Tribes
- Cocopah Tribe
- Yavapai-Prescott Indian Tribe
- Hualapai Tribe
- Hopi Tribe
- White Mountain Apache Tribe
- Havasupai Tribe
- San Carlos Apache Tribe
- Tonto Apache Tribe
- Navajo Nation
- Yavapai-Apache Nation
- Chemehuevi Tribe
- Kaibab Paiute Tribe
- Fort Mojave Tribe
- Pueblo of Zuni
- Gila River Indian Community
- Salt River Pima-Maricopa Indian Community
- Tohono O’odham Nation
- Fort McDowell Yavapai Nation
- San Juan Southern Paiute Tribe

Before and during the EIS public scoping phase, the BLM presented information on the RDEP to tribal officials and representatives in meetings at tribal offices at the Fort McDowell Yavapai Nation, Gila River Indian Community, Salt River Pima-Maricopa Indian Community, Ak-Chin Indian Community, Kaibab Paiute Tribe, Hualapai Tribe, and Hopi Tribe.

In May and June 2010, the BLM sent formal letters to the tribes inviting them to serve as cooperating agencies for the EIS and initiating formal consultation in

accordance with the NHPA and other legal authorities. Although no tribes requested formal status as cooperating agencies, several tribal governments responded with comments or requests for additional information or meetings.

In March 2011, letters were sent to the tribes providing an update on the progress of the EIS effort and the preliminary alternatives. BLM responded to letters and email correspondence received from several interested tribes. On April 15, 2011, the BLM Arizona State Director presented information and discussed the RDEP with elected tribal leaders at a meeting of the Inter Tribal Council of Arizona in Phoenix. Handouts were distributed to provide information on the project with preliminary maps of alternatives.

In August 2011, BLM sent letters to nine tribal governments to inform them that the newly proposed Agua Caliente SEZ would be analyzed in this EIS. Associated consultations are ongoing.

In addition to presentations at the Inter Tribal Council and follow-up contacts with tribal governments and staff via letters, email, and telephone, BLM managers and staff participated in face-to-face meetings with officials or representatives of the Gila River Indian Community, Salt River Pima-Maricopa Indian Community, Ak-Chin Indian Community, Tohono O'odham Nation, Hopi Tribe, Kaibab Paiute Tribe, Pueblo of Zuni, Hualapai Tribe, Fort Yuma-Quechan Tribe, Cocopah Tribe, San Carlos Apache Tribe, and White Mountain Apache Tribe.

During these meetings, the tribes identified their interests and concerns in regard to developing renewable energy projects on tribal lands, and highlighted a need by some tribal officials to better understand the nature, benefits, costs, and environmental impacts of various technologies. Tribes are concerned about the potential adverse effects of renewable energy development on tribal lands, adjacent lands, traditional territories, archaeological sites, and places of traditional cultural and religious importance. They are also concerned about potential impacts on springs and other water sources, and on animal and plant species of cultural significance. Some tribal representatives expressed concern about the visual impacts of solar tower and wind technologies.

Government-to-government consultation for the RDEP is ongoing via phone calls and emails. The BLM will continue to consult with interested tribes and will continue to keep all tribal entities informed about the NEPA process for the EIS. In addition, the BLM will continue to implement government-to-government consultation on a case-by-case basis for site-specific renewable energy development projects on BLM-administered lands.

6.3 COORDINATION WITH BLM WASHINGTON OFFICE AND ARIZONA FIELD OFFICES

Regular conference calls and other communications have been held with the BLM Washington Office, Division of Renewable Energy (the lead BLM office for preparing the Solar PEIS) to share information and coordinate developments

between the two initiatives. The BLM Arizona State Office and the field offices provided much of the GIS data that allowed mapping of the BLM-administered lands and special areas. Arizona state and field office staff were involved in reviews of preliminary internal draft sections of text.

Coordination with the state and field office staff will continue throughout the preparation of the Final EIS and ROD to ensure that the analysis adequately reflects state- and local-level concerns and issues regarding renewable energy development.

6.4 AGENCY COOPERATION, CONSULTATION, AND COORDINATION

The BLM invited federal, state, and local government agencies to participate in preparation of the RDEP as cooperating agencies. To date, eight agencies are working with the BLM as cooperating agencies, including:

- Arizona Department of Water Resources
- Arizona Game and Fish Department
- Arizona State Land Department
- Arizona Corporation Commission
- Arizona Department of Environmental Quality
- Central Arizona Water Conservation District
- US Bureau of Reclamation
- Western Area Power Administration

Interactions with the cooperating agencies have included periodic briefings and reviews of preliminary, internal draft sections of text. The BLM will continue to engage these cooperating agencies throughout the preparation of the EIS.

Additional federal agencies the BLM Arizona has coordinated with include the following:

- Department of the Interior:
 - Bureau of Indian Affairs
 - US Fish and Wildlife Service
 - National Park Service
- Department of Defense:
 - Military installations in Arizona
- US Forest Service

In accordance with the requirements of Section 106 of the NHPA, the BLM is coordinating with and soliciting input from the Arizona SHPO. The BLM and

Arizona SHPO are following the coordination protocols in the Arizona Protocol relating to amending resource management plans; the protocol provides for a phased consultation process related to historic, traditional, and cultural resources for an EIS and subsequent activities that could tier from a ROD. Per these procedures, the BLM Arizona initiated consultation with the Arizona SHPO by written correspondence on April 16, 2010. The letter introduced the RDEP and specified the need to consult on information regarding the amendment of land use plans. Also enclosed with the letter were two copies of the EIS scoping report for their review. The SHPO formally responded to the letter on May 27, 2010, expressing interest and support but no specific concerns. As the preliminary alternatives were identified, an additional letter was sent to SHPO on March 23, 2011, providing them with the new information. The SHPO responded to the preliminary alternatives letter by requesting additional information on the preliminary alternatives.

In accordance with the requirements of Section 7 of the Endangered Species Act, the BLM has consulted with the US Fish and Wildlife Service to ensure that the BLM's proposed action would not jeopardize the continued existence of any listed threatened or endangered species. These consultations are ongoing and will result in a biological assessment and biological opinion for the RDEP.

In addition, the BLM has coordinated and consulted with the Arizona governor and governor's office and other state agencies. Additional coordination will be conducted during review of the Draft EIS. Prior to approval of the proposed plan amendments, the governor will be given the opportunity to identify any inconsistencies between the proposed plan amendments and state or local plans and to provide recommendations in writing (during the 60-day consistency review period).

6.5 STAKEHOLDER OUTREACH AND COORDINATION

The BLM has met with numerous stakeholder groups to discuss their thoughts and ideas, and to identify any additional opportunities for or constraints on the project. The groups included:

- Arizona BLM RAC
- Arizona congressional staff
- State agencies:
 - Governor's Office
 - Arizona State University
 - Arizona Department of Mines and Minerals
 - Arizona Geological Survey
- Counties and municipalities

- Utilities:
 - Arizona Public Service
 - Salt River Project
 - Tucson Electric Power
- Environmental organizations:
 - Defenders of Wildlife
 - National Resources Defense Council
 - Sierra Club
 - Sonoran Institute
 - The Nature Conservancy
 - The Wilderness Society
 - Arizona Wilderness Coalition
 - Friends of the Sonoran Desert National Monument

6.6 POTENTIAL ADOPTION OF THE EIS BY OTHER ORGANIZATIONS

The RDEP EIS provides an analysis of the beneficial and adverse environmental, social, and economic impacts associated with renewable energy development on BLM-administered lands in Arizona. It identifies land use planning decisions, management actions, project design features, and best management practices that may be implemented to avoid, mitigate, or minimize potential impacts. The information contained in the EIS and the decisions represented here may be relevant to renewable energy development on other lands, including other federal, private, state-owned, and tribal lands. They also may be relevant to decisions regarding other related activities, including development of new transmission lines, substations, and other facilities.

Other agencies may elect to adopt this EIS, or a portion of this EIS, at some time in the future. The CEQ regulations provide specific guidance on the process by which one agency can adopt another agency's final environmental document even though it did not participate as a cooperating agency (40 CFR 1506.3). According to the CEQ in its March 23, 1981, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Question 30:

"If the proposed action for which the EIS was prepared is substantially the same as the proposed action of the adopting agency, the EIS may be adopted as long as it is recirculated as a final EIS and the agency announces what it is doing. This would be followed by the 30-day review period and issuance of a Record of Decision by the adopting agency. If the proposed action by the adopting agency is not substantially the same as that in [46 FR

18036] the EIS (i.e., if an EIS on one action is being adapted for use in a decision on another action), the EIS would be treated as a draft and circulated for the normal public comment period and other procedures (46 FR 55, 18026-18038).”

Individual organizations should consider their own NEPA implementing regulations to evaluate the potential benefits associated with implementation of all or portions of the EIS.

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