



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Phoenix District
Sonoran Desert National Monument
21605 North 7th Avenue
Phoenix, AZ 85027
www.az.blm.gov



In Reply Refer To:
8012.1 (AZ240)

Decision Memorandum:

Sonoran Solar Energy Project Preliminary Geotechnical Exploratory Program Maricopa County, Arizona

U.S. Department of the Interior
Bureau of Land Management
Phoenix District

Applying
Categorical Exclusions 516 DM 6.5 Section 11.9 (E)(19)
NEPA No. DOI-BLM-AZ-P020-2010-001-CX

Background

Solar energy is one of the many energy resources now being developed on BLM-administered lands under right-of-way (ROW) authorizations or leases issued in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA) (United States Code, Title 43, Section 1701 et seq. [43 USC 1701 et seq.]).

Boulevard Associates, LLC (Boulevard) has applied to the BLM for a ROW on public lands to construct a concentrated solar thermal (CST) power plant and ancillary linear facilities necessary to operate the plant and connect it to the Arizona transmission grid. Necessary linear facilities for this project would include a 230- or 500-kilovolt (kV) transmission line, water supply facilities, pipelines, and well field access roads, a natural gas pipeline, and an access road. The project would be located in the Little Rainbow Valley, east of State Route (SR) 85, and south of the Buckeye Hills and the town of Buckeye in Maricopa County, Arizona. Under federal law, the BLM must consider requests for ROWs on the land it administers for projects that are in the public interest, for example the construction of power projects, their associated transmission lines, and other appurtenant facilities, as authorized by FLPMA Title V (43 USC 1761-1771).

Boulevard has retained Golder Associates, Inc. to conduct a geotechnical investigation, consisting of six geotechnical testing locations. The Land Use Application and Permit SF2920-1 was submitted and is serialized as AZA-35205. The results of the investigations will be used to support the design of the Sonoran Solar Energy Project which is being reviewed under a separate SF-299 ROW application (AZA-34187).

Purpose and Need for the Proposed Action

The BLM's purposes in considering solar energy projects are to meet the needs for use authorizations such as ROWs, permits, leases, and easements, while avoiding or minimizing adverse impacts to other resource values and locating the uses in conformance with land use plans. Section 211 of the Energy Policy Act of 2005 (119 Stat. 594, 660) and BLM's Solar Energy Development Policy establish a framework to process applications for ROWs and direct the BLM to be responsive to solar energy project applicants while protecting the environment. FLPMA and the *Lower Gila South Resource Management Plan* (BLM 1985, as amended 1988) both recognize that the Project area will be managed for multiple uses, including renewable energy development and production.

BLM is responding to the need to consider and potentially authorize the Land Use Application, Form 2920-1, submitted by Boulevard to conduct a geotechnical investigation in support of the design of the Sonoran Solar Energy Project. This application is serialized as AZA-35205.

Proposed Action

The proposed action would be to conduct a preliminary geotechnical investigation consisting of six geotechnical testing locations (see Figure 1). The results of the investigation will be used to support the design of the Sonoran Solar Energy Project which is being reviewed under a separate SF 299 right-of-way application. This project covers portions of T. 2 S., R. 3 W., section 13, aliquot; T. 2 S., R. 3 W., section 22 aliquot; T. 2 S., R. 3 W., section 23 aliquot; and T. 2 S., R. 3 W., section 24 aliquot (Gila and Salt River Meridian).

Plan Conformance

The action is consistent with the *Lower Gila South Resource Management Plan* (1988), as amended, which states: "...Lower Gila Resource Area processes a variety of land actions in the Lower Gila South RMP/EIS area—rights-of-way, communication sites, easements, permits, and unauthorized occupancy. All land cases would continue to be evaluated on a case-by-case basis..." (pg. 11)

Compliance with the National Environmental Policy Act

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM Chapter 6 Appendix 5 Section 11.9 (E)(19) states, "***Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.***" As described below, none of the exceptions to categorical exclusions from NEPA (contained in 516 DM 2, Appendix 2) apply to the proposed action:

2.1. Have significant impacts on public health or safety.

No impacts to public health or safety are anticipated to result from implementation of this project. No chemicals or surface disturbing materials posing short or long term public hazards will be used.

2.2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.

The action will use existing roads where possible and will not blade or clear the sites. A Class III pedestrian survey has been conducted and no historic or cultural resources are within the area to be used. There will be no significant impacts on natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.

2.3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

Discussion of the proposed action for the Sonoran Solar Energy Project has been conducted with numerous and varied special interests, including the BLM Arizona Resource Advisory Council, Arizona Game & Fish Department, Arizona Department of Water Resources, holders of BLM land use authorizations in the area, other known users of the area, and BLM staff representing various natural resource disciplines has not indicated a potential for controversy or unresolved conflicts concerning alternative actions.

2.4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

No significant environmental effects or unique or unknown environmental risks will result from implementation of the action.

2.5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The action does not establish precedent for, or foreclose on, any future action.

2.6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The action is not connected to and cumulative with any other present or reasonably foreseeable future action that poses significant environmental effects.

2.7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

The project area does not contain any known properties listed, or eligible for listing, on the National Register of Historic Places.

2.8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

No endangered or threatened species, or their habitats, are present in the project area.

2.9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

No Federal, State, local, or tribal law will be violated by implementation of the action.

2.10. Have a disproportionately high and adverse effect on low income or minority populations.

No low income or minority populations will be affected by implementation of the action.

2.11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

No known Indian sacred sites or religious practices are known to occur in the project area. Local tribal members have indicated occasional use of certain areas adjacent to the eastern boundary of the North Maricopa Mountains Wilderness for collection of saguaro fruits, a practice of traditional cultural importance. Potential impacts of this proposed temporary route closure on these practices by tribal members will be mitigated by the provision of a stipulation allowing for the use of motor vehicles on temporarily closed routes by tribal members engaged in activities of traditional cultural importance.

2.12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.

The action is not expected to contribute to the introduction, continued existence, or spread of noxious weeds.

Decision and Rationale on Action

I have decided to grant this request because the proposed activities would have relatively short-term and localized impacts on noise or air quality in the study area. The duration of the entire program is expected to be only eight days. The disturbance upon leaving each site is expected to be limited to tire impressions on previously undisturbed ground of three sites (the other three sites will be on disturbed ground) and an approximate 6-inch diameter borehole site which will be backfilled to the surface with the drill cuttings immediately upon completion of the drilling activities.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

The following stipulation is required as a condition of implementation:

1. If any cultural and/or paleontological resource (historic or prehistoric), site, or object is discovered during the course of the restoration measures detailed above a BLM Phoenix District archaeologist will be immediately notified. All work will cease until an evaluation of the discovery is made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

Authorization

This action is being taken pursuant to the provisions of Presidential Proclamation 7397 (66 FR 7354, 3 CFR 7397) and 43 CFR 8341.2(a). 43 Code of Federal Regulations 8341.2(a) provides that “where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence.”

Implementation Date

This project work will begin in approximately thirty (30) days from the signature below.

Emily Garber, Manager
Lower Sonoran Field Office

Date

Administrative Review of Appeal Opportunities

This decision is subject to appeal per the procedures at 43 CFR 4.410-4.415. An appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted below, within 30 days following receipt of this decision:

Bureau of Land Management
Lower Sonoran Field Office
ATTN: Emily Garber, Manager
21605 North 7th Avenue
Phoenix, AZ 85027

The appeal shall state the reasons, clearly and concisely, why the appellant feels that the decision here is in error.

In accordance with 43 CFR 4.21(b)(1) a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this decision contact Emily Garber, Manager; Lower Sonoran Field Office; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.