United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
www.ca.blm.gov/barstow

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In Reply Refer To:
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CACA-53865
LCAD080.32

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RETURN RECEIPT REQUESTED

DECISION

Aurora Solar, LLC	:	Silurian Solar Project
1125 NW Couch Street, Suite 700	:	CACA - 53865
Portland, OR 97209	:	

APPLICATION REJECTED

On August 28, 2012, Aurora Solar, LLC (Aurora Solar) submitted a right-of-way (ROW) application (SF-299) with the Bureau of Land Management (BLM) Barstow Field Office to construct, operate, maintain, and decommission a photovoltaic solar thermal energy generation project on public lands in San Bernardino County, 10 miles north of Baker, California, in the Silurian Valley, pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). Aurora Solar proposes a 200 megawatt (MW) energy generation system encumbering 1,616 acres of public lands with related generation tie-line to connect to an existing Los Angeles Department of Water and Power transmission line. Total proposed project acreage would encompass 7,218 acres, all on public land.

Secretarial Order 3285, signed March 11, 2009, established environmentally responsible renewable energy development as a priority for the Department of the Interior. Additionally, the Energy Policy Act of 2005 and the President's Climate Action Plan (June 2013) set goals for renewable energy development on public lands. With the signing of the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS) Record of Decision (ROD) in October 2012, the BLM designated 17 Solar Energy Zones (SEZs) that it determined to be well suited for utility scale solar energy development (two additional SEZs have been designated since the ROD). With this ROD, the BLM made a policy decision that it is in the public interest to concentrate utility scale solar energy development in SEZs in order to permit solar development in an efficient, standardized, and environmentally responsible manner.

In order to accommodate the need for flexibility, the Solar PEIS ROD also allows for utility scale solar energy development to occur in appropriate areas outside of SEZs that have not been

excluded from solar energy development. This particular project proposal was determined to be in such a variance area. Appendix Section B.5 of the Solar PEIS ROD established a variance process through which the BLM would determine whether a project proposed in a variance area would be able to avoid, minimize, and/or mitigate impacts to sensitive resources as necessary and be in the public interest. If the BLM determines, through the variance process, that a proposed project cannot achieve this standard and would not be in the public interest, the BLM may deny the application. The variance determination for this application is enclosed (see Silurian Valley Solar Project Variance Determination).

Based on information collected through the variance process and summarized in the attached variance determination, the BLM has determined that the Silurian Valley Solar Project would not be in the public interest and is denying the ROW application in accordance with 43 CFR 2804.26(a)(2). As explained in the variance determination, the applicant has not demonstrated that the proposal will avoid, minimize, and/or mitigate, as necessary, sensitive resources. The proposed project has the potential to impact important biological, cultural, recreational, and scenic resources. Additionally, the Silurian Valley is largely undisturbed, and sufficient lands are still available in two SEZs within the state of California that can accommodate the same energy production. The applicant has not shown that the project is consistent with applicable local plans and policies or that the project will optimize the use of transmission infrastructure. These and other considerations are fully discussed in the attached variance determination.

Pursuant to 43 CFR 2804.26(a)(2), the BLM can deny a ROW application if "[t]he proposed use would not be in the public interest." As the BLM's California State Director has determined that the proposed project is not in the public interest, I am denying the ROW application for the Silurian Solar Project, CACA-53865. The issuance of this letter constitutes a final decision by the BLM in this matter.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall 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.

Katrina Symons
Field Manager

Enclosures
Silurian Valley Solar Project Variance Determination
Form 1842-1

cc: Jeff Childers, California Desert District Renewable Energy Coordination Office