

Appendix 6

Determination of NEPA Adequacy

This page intentionally left blank.

The Bureau of Land Management (BLM) is using this Determination of National Environmental Policy Act (NEPA) Adequacy (DNA) Worksheet to evaluate new circumstances and additional information that has become available subsequent to publication of the Final Environmental Impact Statement (FEIS) for the Calico Solar Project to determine whether or not supplemental NEPA analysis is required in conformance with the Council of Environmental Quality regulations found under 1502.9. Use of the DNA Worksheet for this purpose is consistent with guidance in Section 5.1 of the Bureau of Land Management’s (BLM) NEPA Handbook (H-1790-1, 2008).

6.1 Determination of NEPA Adequacy

U.S. Department of the Interior, Bureau of Land Management

BLM Office: Barstow Field Office

Case File/Project Number: CACA 49537, LLCAD08000, L51030000.FX0000, LVRAB109AA03

Proposed Action Title/Type: Calico Solar Project and California Desert Conservation Area Plan Amendment

Location/Legal Description: San Bernardino County, California

Applicant: Calico Solar, LLC

6.2 Description of the Proposed Action

6.2.1 Background

On March 14, 2007, Stirling Energy Systems (SES) Solar Six, Limited Liability Company (LLC) and SES Solar Three, LLC, submitted applications for right-of-way (ROW) grants to the BLM to construct and operate a concentrated solar dish power plant facility on federal public lands in San Bernardino County, California. The two ROW application areas were subsequently combined into one project (SES Solar One) proposed for an 8,230-acre site located immediately north of Interstate 40, approximately 37 miles east of Barstow, California. On December 2, 2008, SES Solar One, LLC (SES Solar Three, LLC and SES Solar Six, LLC) submitted an Application for Certification (AFC) to the California Energy Commission (CEC) to construct and operate the SES Solar One Project. In January 2010, the project name was formally changed to the Calico Solar as

a result of SES Solar Three, LLC, merging into SES Solar Six, LLC, to create Calico Solar, LLC. Calico Solar, LLC, is a subsidiary of Tessera Solar.

6.2.2 Proposed Action

The FEIS Proposed Action is to authorize the construction, operation, maintenance, and decommissioning of a nominal 8,230-acre (13 square mile) 850-megawatt (MW) solar energy facility on BLM-administered land. Approximately 1,180 acres of public land within the proposed project area have been acquired with Land and Water Conservation Funds (LWCF) or have been donated to the BLM (“acquired and donated lands”). The project proposal includes approximately 34,000, 25-kilowatt (kW) solar dish Stirling systems (SunCatchers). Each SunCatcher consists of an approximate 38-foot-high by 40-foot-wide solar concentrator dish that supports an array of curved glass mirror facets. These mirrors automatically track the sun and focus solar energy onto a power conversion unit that generates electricity.

The Calico Solar Project would also include a number of related facilities and infrastructure on the project site, including: a new 230-kilovolt (kV) Calico Substation; approximately 2 miles of single-circuit 230-kV transmission tie line to connect the new Calico Substation to the existing Southern California Edison (SCE) Pisgah Substation; project roads and fencing; an administration building; and a main services complex. Approximately 0.1 mile of the new 230-kV transmission tie line would be outside of the project site to connect the new Calico Substation to the existing SCE Pisgah Substation. The Applicant has a 20-year Power Purchase Agreement (PPA), which it signed with SCE on August 9, 2005. The term of the proposed ROW grant is 30 years.

6.2.3 CDCA Plan Amendment

The BLM is also considering amending the California Desert Conservation Area (CDCA) Plan to accommodate a solar power project on the project site. 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 specifically identified in that land use plan be considered through the plan amendment process. If the BLM decides to approve the ROW grant, the BLM will also amend the CDCA Plan as required.

6.2.4 Environmental Documentation

Pursuant to a 2007 Memorandum of Understanding (MOU) between the California BLM and the CEC to conduct joint environmental review of solar thermal projects that are

proposed on federal land managed by the BLM, a joint federal-state environmental analysis review of the Calico Solar project was prepared by the CEC. The joint SA/DEIS Notice of Availability (NOA) was published in the *Federal Register* on April 2, 2010. Subsequent to release of the SA/DEIS, the BLM and CEC decided to each prepare independent subsequent environmental documents, while continuing to coordinate and cooperate in these efforts. The Environmental Protection Agency and BLM published notices of the availability of the Final EIS (FEIS) on August 6, 2010. The CEC published a Supplemental Staff Assessment (SSA) on July 21, 2010, and Part 2 to the SSA on August 9, 2010.

Under the FEIS analysis, the Proposed Action is to authorize the construction, operation, maintenance, and decommissioning of a 8,230-acre solar electric-generating facility, as proposed in Calico Solar LLC's application; and to approve a CDCA Plan amendment in response to the application. The FEIS action alternatives include (1) the Proposed Action (as described above); (2) the Reduced Acreage Alternative, a 2,600-acre project, and (3) the Avoidance of Donated and Acquired Lands Alternative, a 7,050-acre project that avoids the 1,180 acres of donated and LWCF-acquired lands in the project area.

The FEIS for the proposed Calico Solar Project also evaluated an Agency Preferred Alternative (Alternative 1A). This 6,215-acre alternative was developed by the BLM in consultation with federal and state regulatory agencies and the Applicant to reduce impacts to high-value wildlife habitat and provide for east-west corridor movement along the northern portion of the project that is important to federally protected desert tortoise and other sensitive wildlife and plant species. The movement of the northern border fence-line approximately 4,000 feet to the south left a 1,770-acre desert tortoise linkage area between the foothills of the Cady Mountains and the north project boundary. The project boundary of Alternative 1A was also designed to remove from the project 245 acres of cultural resource sites that qualified for listing on the National Register of Historic Places, and identified 6.65 acres of avoidance areas within the project to protect sensitive plant species.

In addition, the FEIS evaluated a No Action Alternative denying Calico Solar LLC use of the lands under application, and two other No Action Alternatives including a land use plan amendment that would both deny the proposed Calico Solar Project, and would amend the CDCA Plan to either 1) approve the project site for future solar development or 2) prohibit future solar development on the project site.

6.2.5 Post-FEIS Information

Since publication of the FEIS by the BLM and the SSA by the CEC, the Presiding Committee of the CEC has conducted evidentiary hearings and has accepted and

docketed additional information concerning the biological and cultural resources of the project site, among other project information. On September 3, 2010, the Presiding Committee issued an order directing Calico Solar LLC to provide review of reduced-acreage project alternatives to reduce impacts to environmental resources, primarily the desert tortoise. On September 8, 2010, the Applicant filed six reduced-acreage scenarios for CEC staff review and discussion. As a result of the CEC staff review and Committee discussions, the Applicant proposed a modification for the Calico Solar Project with BLM in what is known as reduced project footprint acreage scenario 5.5 (Scenario 5.5).

Scenario 5.5 proposes 26,540 SunCatchers on a reduced project site of 4,604 acres by moving the northern project site boundary of the FEIS Agency Preferred Alternative farther to the south, and removing an additional 1,602 acres of high-value desert tortoise habitat from the 6,215-acre Agency Preferred Alternative project site.

On September 25, 2010, the CEC issued the Presiding Member's Proposed Decision (PMPD) that would approve Scenario 5.5, and started a public comment period on the PMPD. In addition to describing the impacts of the reduced acreage Scenario 5.5, the PMPD includes a number of Conditions of Certification that would accompany the CEC's decision. The CEC Committee will accept comments on the PMPD through October 22, 2010. All of the testimony docketed in the CEC proceedings, the SSA issued by the CEC staff, and the PMPD issued by the CEC have been made a part of the Administrative Record for the Calico Solar Project.

In response to the CEC's Proposed Decision, Calico Solar LLC requested that the BLM consider authorizing a smaller, 4,604-acre project that would conform to Scenario 5.5. Through the FEIS, the BLM fully analyzed several action alternatives whose acreages exceeded the reduced-acreage Scenario 5.5, including the 8,230-acre Proposed Action and the Agency Preferred Alternative, which contemplated a 6,215-acre project, and an alternative that was smaller than Scenario 5.5, the Reduced Acreage Alternative, a 2,600-acre project that is similar in many respects to Scenario 5.5.

Modified Agency Preferred Alternative

The BLM proposes to modify the FEIS Agency Preferred Alternative (Modified Agency Preferred Alternative) to conform the proposed CEC Scenario 5.5 for the Calico Solar Project. Modification of the Agency Preferred Alternative to conform to Scenario 5.5 would reduce the disturbed area of the project site described in the FEIS Agency Preferred Alternative from 6,215 acres to 4,604 acres, and would reduce project power production from 850 MW to 663.5 MW. The reduced size would eliminate impacts to the 1,602 acres of high-value wildlife habitat removed from the FEIS Agency Preferred

Alternative, and would eliminate impacts to a total of 3,617 project acres as compared to the FEIS Proposed Action. The reduced footprint of the Modified Agency Preferred Alternative would also avoid approximately 1,088 acres of the 1,180 acres of acquired and donated lands within the FEIS Proposed Action project site. The modification would result in the inclusion of 37 acres of Land and Water Conservation Fund-acquired and 59 acres of donated lands. The total is 96 acres.

CDCA Land Use Plan Amendment

The Modified Agency Preferred Alternative would also include amending the CDCA Plan. The CDCA Plan would be amended to identify the modified project site to authorize the solar energy power facility. The siting amendments to the CDCA Plan to allow or prohibit solar power generation facilities on the Proposed Action project site are analyzed as Alternatives in the FEIS.

Impacts on Biological Resources as a result of the Modified Agency Preferred Alternative

Impacts to biological resources within the FEIS Agency Preferred Alternative are evaluated in Section 4.3 of the FEIS. Section 4.3.2.2 describes the higher value habitats near the foothills of the Cady Mountains that would be avoided if the project boundary were moved to the south of the Proposed Action boundary, and concludes that the 6,215-acre Agency Preferred Alternative, as compared to the 8,230-acre Proposed Action, would greatly reduce the barriers and topographical constraints to east-west movement for desert tortoises along the northern project boundary.

In the hearings on the CEC Scenarios 5.5 and 6, and included in the CEC testimony is the declaration of Patrick J. Mock, PhD. that describes the impacts to biological resources, including wildlife, vegetation, and aquatic resources associated with CEC Scenarios 5.5 and 6. Dr. Mock concluded that, “. . . overall, as compared to the 6,215-acre, 850 MW project analyzed in the SSA (the “850 MW Project”), both Scenarios would substantially lessen overall impacts to biological resources. Most significantly, both Scenarios would result in substantially reduced impacts to the federally and state-listed desert tortoise, Nelson’s bighorn sheep, jurisdictional waters of the State, and native vegetation.” The reduced 4,604-acre project area is likely to reduce the number of desert tortoise that would be subject to translocation efforts. Implementation of Scenario 5.5 is expected to affect an estimated 22 adult and sub-adult tortoises and 56 eggs in comparison to the 6,215-acre project estimated numbers of 107 adult and sub-adult tortoises and 436 eggs. The numbers equate to an 82% impact reduction to desert tortoises, as compared to the Agency Preferred Alternative analyzed in the FEIS. Biological resources on the 1,602 acres proposed to be removed from the project site in

the Modified Agency Preferred Alternative have been analyzed in Section 4.3 of the FEIS.

Dr. Mock also concluded that Scenarios 5.5 and 6.0 would substantially lessen impacts to jurisdictional waters of the State, “. . . because the avoided northern portion of the site supports the highest density of jurisdictional waters, significantly higher than the areas found in the southern portion of the site,” referring to SSA Biological Resources Figure 7. His declaration states that impacts to jurisdictional waters of the State would be approximately 152 acres under Scenario 5.5, approximately 126 acres under Scenario 6, and approximately 282 acres under the FEIS Agency Preferred Alternative. Impacts to jurisdiction waters in the 1,602 acres proposed to be removed from the project site in the Modified Agency Preferred Alternative have been analyzed in Section 4.3.2.2 of the FEIS.

Elimination of Detention Basins as a result of the Modified Agency Preferred Alternative

The Modified Agency Preferred Alternative does not include construction or maintenance of the series of detention basins proposed at the north boundary of the project site. Two detention basins proposed within the project site remain in the Modified Agency Preferred Alternative in the vicinity of the central services complex. The function and the impacts of the construction and maintenance for both the northern boundary and on-site detention basins are analyzed for all build alternatives in Section 4.17 of the FEIS.

On the project site, surface waters occur on discontinuous alluvial fans with areas that exhibit a mixed pattern of sheet flow or shallow concentrated flow across isolated, wide areas of land. The northern boundary detention basins are designed to intercept surface water flows from the four main drainages on the south slopes of the Cady Mountains at points immediately downstream of the mouths of the drainages where flow velocities are highest to reduce flood and sedimentation impacts to the northern portion of the Proposed Action project site. The Modified Agency Preferred Alternative retains the on-site detention basins and other structures that are designed to protect project facilities and off-site areas from flooding and erosion.

The CEC docket contains the report of Howard H. Chang, Ph.D., P.E., relating to the geomorphology and hydrology of the project as discussed in the FEIS, the hydrologic function of the proposed detention basins, and the effects of not constructing detention basins in Scenario 5.5 (the Modified Agency Preferred Action). Dr. Chang explained that the purpose of the detention basins is to reduce the storm discharge reaching the SunCatcher field.

With regard to the effects of deleting the detention basins on off-site impacts, Dr. Chang states: “The effects of the detention basins change with distance. They have the most important effects on the upper reaches of the washes on the alluvial fan. The effects decrease with distance toward downstream. For washes near the railroad, the effects are of long term nature. No detention basins are being considered for certain washes south of the railroad. As long as no detention basins will be installed on a wash, there should also be no effects.” Section 4.17.2.3 (Figure 1-2) of the FEIS describes the proposed on-site detention basin and storm-water management system for the Reduced Acreage Alternative, a project site configuration similar to that of the Modified Agency Preferred Alternative, with the northern project boundary located to the south, away from the Cady Mountain drainages. The Modified Agency Preferred Alternative would require the construction of an on-site storm-water management system similar to the one analyzed in the FEIS as part of the Reduced Acreage Alternative.

The elimination of the northern boundary detention basins in the Modified Agency Preferred Alternative (CEC Scenario 5.5) also changes the physical parameters of the Calico Solar Project analyzed in the Agency Preferred Alternative in the FEIS by shrinking its size and reducing impacts to on-site ephemeral streams.

Dr. Mock’s declaration indicates that the deletion of debris detention basins from the project area will have beneficial effects on biological resources. His declaration states: “By eliminating sedimentation basins, Scenarios 5.5 and 6 would eliminate the potential for long-term effects to nearby vegetation from modified flow and sedimentation regimes.” The surface hydrology and biological resource benefits of reducing the project footprint are described in Section 4.17.2.2 of the FEIS.

Except for the deleted northern boundary detention basins, all of the proposed on-site detention basins, implementation of BMPs, adoption of a final Drainage, Erosion and Sediment Control Plan (DESCP), a Stormwater Pollution Prevention Plan (SWPPP), and compliance with all applicable erosion and stormwater management mitigation measures described in the FEIS will be required to reduce surface water impacts on and adjacent to the project site. All NPDES requirements, including those necessary to fulfill the monitoring and inspection requirements will be adhered to during construction.

In addition, on September 22, 2010, the CEC staff docketed Updated Soil and Water Conditions of Certification that include, among other provisions, a requirement that Applicant submit Stormwater Control/Flood Protection Design Plans, and conduct a Hydrology Study to determine the erosion and sedimentation impact, if any, on BNSF infrastructure resulting from the project owner’s planned emplacement of SunCatchers, flood control structures and runoff control measures.

Temporary Construction Access

In the FEIS, the action alternatives included a temporary construction access across the BNSF ROW and a separate permanent access route and bridge later in time. This was subsequently modified such that the BNSF would build a temporary at-grade crossing in the same location where the permanent bridge crossing was identified in the FEIS for construction and the Applicant would use the planned permanent access route during construction instead of the temporary construction access. Impacts caused by construction and operation of the revised temporary construction access would be substantially similar to those of the construction access discussed in Agency Preferred Alternative of the FEIS.

Temporary Diesel Generators

In the FEIS, the build alternatives did not include use of diesel generators for construction power. The Applicant has subsequently learned that SCE would not be able to provide electrical power to the project until February 2011, at the earliest. As such, the Applicant has modified its proposal to include two Tier 3 (if available) or Tier 4 diesel generators to provide construction power until the Phase 1 upgrade of the existing SCE Pisgah substation is complete. Impacts to air quality under the Applicant's modified proposal would be substantially the same as for the FEIS Agency Preferred Alternative. The CEC Presiding Members Proposed Decision (PMPD) concludes that, with the required Conditions of Certification in place, "The project will not cause new violations of any NO₂, SO₂, PM_{2.5}, or CO ambient air quality standards. Therefore, the NO_x, SO_x, PM_{2.5}, and CO emission impacts are not significant. The project's NO_x and VOC emissions can contribute to the existing violations of the ozone standards. However, the required mitigation will reduce the project's impact to a level that is less than significant." One of the Conditions of Certification (AQ-SC5) requires that all stationary diesel equipment meet state standards.

Potable Water Supply

In the FEIS (section 2.2.3.2, pg 2-14), the Lavic Basin Well 3 was assumed to not be suitable for potable consumption, requiring the need for potable water to be trucked to the project site. The Applicant has subsequently determined that the water supply from Well 3 would be potable with chlorination and reverse osmosis, eliminating the need for water to be trucked to the site. The incremental use of water for domestic purposes would be an insignificant change in the groundwater pumping volumes, and would have no measurable effect on groundwater. The FEIS says that consumption for potable purposes will be 2.2 acre feet per year, and total water consumption for the project will be 20.4 acre feet per year (FEIS, Table 2-3, Page 2-15). The FEIS (section 4.17.2.1, pg 4-365) concludes that groundwater drawdown will amount to 136 acre feet per year

(construction rates) and will produce drawdown of the aquifer of 4.5 feet within 1,000 feet of the supply well, and will therefore have no effect on other wells or water sources. Therefore, using well water for potable purposes in the reduced acreage project will cause an insignificant effect on water groundwater resources.

Cultural Resources Programmatic Agreement Developed Post-FEIS

To address the CEC's Conditions of Certification for cultural resources with the Calico Solar project, it was determined in consultation with the California State Historic Preservation Officer (SHPO), that a Programmatic Agreement (PA) would be developed. The PA was executed between the BLM and the SHPO (the required signatories) on September 21, 2010.

The purpose of this PA is to provide processes whereby the Bureau of Land Management and the CEC, in consultation with the California State Historic Preservation Officer (SHPO), Indian Tribes, and other consulting parties, shall determine the steps the agencies shall follow to take into account effects on historic properties as required by Section 106 of the National Historic Preservation Act (NHPA) and to satisfy the requirements of the California Environmental Quality Act (CEQA). The CEC believes there is possibility that subsurface components associated with known cultural sites may exist within the project area that may change the eligibility of such resources under Section 106 of the NHPA. Although Historic Route 66 may be considered outside of the project Area of Potential Effects for cultural resources, there will be impacts under NHPA to visual resources looking from the historic route. Those impacts are discussed in Section 4.16.1.3 of the FEIS. The BLM and CEC have agreed to address mitigation measures for such impacts, if any, through the PA.

Benefits of the Modified Agency Preferred Alternative

The benefits of the Modified Agency Preferred Alternative over the FEIS Agency Preferred Alternative would include the following:

- Additional reductions in potential desert tortoise mortality and in numbers of desert tortoises requiring translocation. In the FEIS at pages 4-76, Table 4-11- Desert Tortoise Impacts Summary provides the numbers of directly and indirectly affected tortoises within the Agency Preferred Alternative area. One hundred seven adults and sub-adult tortoises are expected to be directly affected in the 6,215 acre Agency Preferred Alternative project site. In CEC testimony it was discussed that the 5.5 Scenario before the Commission would result in direct impacts to 22 adult and sub-adult tortoises. As such, impacts to desert tortoises in the Modified Agency Preferred Alternative would be substantially reduced, although not entirely

eliminated. Twenty-two adult and sub-adult tortoises and 56 eggs in comparison to the 6,215-acre project estimated numbers of 107 adult and sub-adult tortoises and 436 eggs.

- Retention of 1,602 additional acres of high-value wildlife habitat for desert tortoises, bighorn sheep, and other wildlife along the foothills of the Cady Mountains.
- Additional protection of the hydrologic function of high-value desert washes and associated wildlife habitat by eliminating obstruction of natural drainage patterns on the northern project boundary.
- Avoidance of surface disturbance impacts on approximately 1,084 of 1,180 acres (92%) of donated and acquired lands within the Proposed Action project site.
- Avoidance of surface disturbance of approximately 470 acres that will not be graded for detention basin construction.

The Modified Agency Preferred Alternative would result in fewer impacts to biological, soil and other resources than either the Proposed Action or the FEIS Agency Preferred Alternative.

6.3 Land Use Plan (LUP) Conformance

California Desert Conservation Area Plan Date Approved 1980, as amended

Western Mojave Desert Routes of Travel Designations

(WEMO) (amendment to the CDCA Plan) Date Approved June, 2003

BLM lands in the CDD are governed by the CDCA Plan. 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 specifically identified in the CDCA Plan be considered through the Plan Amendment process.

The Calico Project site is currently designated as Multiple-Use Class (MUC) M (Moderate Use) Designation in the CDCA Plan. That classification is intended to provide a controlled balance between higher intensity use and protection of public lands. Public lands classified as Moderate Use provide for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause. The construction and operation of a

solar generating project on the Calico Project site would require the BLM to amend the CDCA Plan to allow wind/solar energy generating activities in the MUC M (Limited Use) on the Calico Project site.

Based on Table 1, Multiple Use Class Guidelines, in the CDCA Plan, Electrical Generation Facilities, wind/solar use types are conditionally allowed in the MUC M designation contingent on NEPA requirements being met for the proposed use. As noted above, Chapter 3, “Energy Production and Utility Corridors Element” of the CDCA Plan specifically requires that new proposed power facilities not already identified in the Plan be considered through the Plan Amendment process. The Calico Project site is not currently identified as a solar site in the CDCA Plan and, therefore, a Plan Amendment is required to include the site with solar uses as a recognized element within that Plan.

Under Federal law, the BLM is responsible for processing requests for ROW grant applications to authorize proposed projects such as renewable energy projects, transmission lines, and other appurtenant facilities on land it manages. Because the Calico Solar Project is a privately initiated venture that would be sited on lands managed by the BLM, the project applicant has applied for a ROW grant from BLM pursuant to United States Department of Interior (DOI) regulations. If the ROW grant is approved by BLM, it will have conditions based on the Final EIS, the Record of Decision (ROD), and other Federal rules and regulations applicable to Federal lands. The applicant would then be able to construct and operate the proposed Calico Project on the project site.

The approval of the CDCA Plan amendment and the ROW grant application by the BLM, for the Calico Solar Project and the project site would be authorized in accordance with Title V of the Federal Land and Management Policy Act (FLMPA of 1976), and 43 Code of Federal Regulations (CFR) Parts 1600 and 2800.

The proposed action (the Calico Solar Project) is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

The 663.5 MW project and the other Build Alternatives would generally conform to the CDCA Plan through the prescribed NEPA compliance, the CDCA Plan amendment process, and the ROW grant application process. The CDCA Plan recognized the potential for future renewable energy development in the CDD. The CDCA Plan requires that site specific location identification occur for solar energy uses through the Plan amendment process. The 663.5 MW project and all the other Build Alternatives would require a Plan amendment to locate the project in the CDCA Plan Area in the CDD. The agreed upon changes would not alter the need for a plan amendment for site identification, nor would they vary the land use plan amendment analysis since no land use change is contemplated by these changes.

6.4 Identify Applicable NEPA Documents and Other Related Documents That Cover the Proposed Action

List by name and date all applicable NEPA documents and Other Related documents that cover the proposed action:

- SA/DEIS published by the CEC and BLM on April 2, 2010
- FEIS published by the BLM on August 6, 2010
- SSA published July 21 and August 9, 2010, as amended
- Presiding Member’s Proposed Decision (PMPD) issued on September 25, 2010
- Biological Opinion issued to the BLM from the U.S. Fish and Wildlife Service

6.5 NEPA Adequacy Criteria

- (1) A. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? B. Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? C. If there are differences, can you explain why they are not substantial?

Answer: 1.A. Yes, the Modified Agency Preferred Alternative is essentially similar to the Proposed Action analyzed in the FEIS, as well as the Agency Preferred Alternative. The 3,617-acre project footprint is entirely contained within the 8,230-acre analysis area of the Proposed Action and the 4,613-acre analysis of the FEIS Agency Preferred Alternative.

1.B. The Modified Agency Preferred Alternative is located within the same footprint of the Proposed Action and the Agency Preferred Alternative. As such, the geographic and resource conditions are the same as those analyzed in the EIS. The affected environment and the environmental consequences of the 8,230-acre Proposed Action have been fully described and analyzed in the existing NEPA documents, as has the Agency Preferred Alternative. The Modified Agency Preferred Alternative would provide for the construction of fewer (26,540) SunCatchers than the number of SunCatchers for the Agency Preferred Alternative (34,000), and accordingly, would generate less (663.5

MW) energy (versus 850 MW for the Agency Preferred Alternative), and eliminate 470 acres of detention basin construction. The net environmental impacts of the Modified Agency Preferred Alternative would be less than for the FEIS Agency Preferred Alternative, and no impacts not already analyzed in the FEIS are anticipated.

1.C. The elimination of the northern boundary detention basins reduces impacts to the natural drainages on the project site, including reducing the area of State jurisdictional waters affected. Removal of the northern boundary detention basins will not affect off-site flooding or erosion because on-site detention basins and other storm-water control structures remain in the Modified Agency Preferred Alternative. Because of the designed purpose for the northern boundary detention basins, and the relocation of the northern boundary away from the foothills of the Cady Mountains, elimination of the detention basins does not affect project flood control, which remains a BLM mitigation requirement and a CEC Condition of Certification.

- (2) Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Answer: Yes, the range of alternatives considered in the FEIS is appropriate with respect to the Modified Agency Preferred Alternative. The Modified Agency Preferred Alternative is substantially similar to the Agency Preferred Alternative of the FEIS and enhances achievement of the resource protection objectives intended to be addressed by the Reduced Acreage Alternative, and by the Avoidance of Acquired and Donated Lands Alternative analyzed in the FEIS.

Alternative 2, the Reduced Acreage Alternative, would reduce impacts to higher biological resource values in the northern project area but not eliminate impacts to cultural resources in similar areas below the railroad grade as the Modified Agency Preferred Action. Therefore, the Modified Agency Preferred Alternative offers greater overall resource protection than FEIS Alternative 2.

Alternative 3, Avoidance of Acquired and Donated Lands, was developed to reduce impacts on acquired and donated lands in order to protect resource values on those lands. The FEIS analysis demonstrates that the lands lying in the northern area of the proposed project site in the foothills of the Cady Mountains contain relatively much higher biological resource values, in terms of both tortoise habitat and California State jurisdictional waters, than other portions of the site, including the acquired and donated lands parcels. The Modified Agency Preferred Alternative offers greater overall protection to biological and hydrological resource protection in the project area than does Alternative 3 or the FEIS Agency Preferred Alternative. A total of approximately 96 acres of donated and acquired land would be adversely affected by the Modified Agency

Preferred Alternative, compared to 1,180 acres in the Proposed Action. The 96 acres of acquired and donated lands that would still be affected by the Modified Agency Preferred Alternative, however, are located outside the areas of highest biological value.

No Action Alternative 4 would deny the Calico Solar Project and not affect the CDCA Plan. Alternative 5 would deny the Calico Solar Project and amend the CDCA Plan to identify the project site as available for solar power development. These alternatives are not similar to the Modified Agency Preferred Alternative inasmuch as the Modified Agency Preferred Alternative would approve the project on site.

- (3) Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated list of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Answer: Yes, the existing analysis of the FEIS is valid, particularly in light of additional resource information that has been provided to the CEC through evidentiary hearing testimony and in response to CEC data requests. This information includes the additional information and proposed Scenarios 5.5 and 6.0 submitted by the Applicant to the CEC; the testimony before the CEC including the declaration of Dr. Patrick Mock and the report submitted by Dr. Howard Chang; the SSA published by the CEC staff; and the PMPD and associated Conditions of Certification published by the CEC Committee. This information does not change the analysis of the FEIS, but supplements the detail of the information analyzed in the FEIS, and is consistent with the substance and conclusions of the FEIS regarding project-related impacts of the Calico Solar Project.

- (4) Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Answer: Yes, as discussed above, the direct, indirect, and cumulative effects that would result from implementation of the Modified Agency Preferred Alternative are similar to those analyzed in the FEIS. As discussed above, the direct and indirect effects of the modified 4,613-acre Agency Preferred Alternative would be substantially less than those of both the original 8,230-acre Proposed Action and the 6,215 acre FEIS Agency Preferred Alternative. The cumulative effects of the Modified Agency Preferred Alternative would be less with respect to the desert tortoise, State jurisdictional waters,, and desert bighorn sheep, and substantially similar to those of the original Proposed Action and FEIS Agency Preferred Alternative.

- (5) Are the public involvement and interagency review associated with existing NEPA documents adequate for the current proposed action?

Answer: Yes, the public involvement and interagency review associated with the FEIS are adequate for the Modified Agency Preferred Alternative. Public comments received during scoping and the formal SA/DEIS and FEIS comment periods have expressed concern about impacts on biological and cultural resources in the project area. The Modified Agency Preferred Alternative would reduce impacts on those resources. The Modified Agency Preferred Alternative has been developed in consultation with the USFWS, CEC, CDFG and other state and federal agencies to reduce impacts on jurisdictional resources on the project site.

Concerns expressed in comments on the SA/DEIS and the FEIS regarding the hydrological effects of the project on the BNSF Railroad are addressed in revised proposed CEC Conditions of Certification.

6.6 Conclusion

Based on the review documented above in this DNA, I conclude that the change in circumstances described above conform to the applicable land use plan inasmuch as the process to amend the plan remains the same for any of the action alternatives, and that the NEPA FEIS documentation fully covers the change in circumstances described above and as reflected in the BLM identified Modified Agency Preferred Alternative and no supplementation under NEPA is required.

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Conclusion (*If you found that one or more of these criteria is not met, you will not be able to check this box.*) [See following page.]

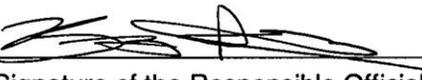
Based on the review documented above in this DNA and consistent with the Council on Environmental Quality guidelines at Part 1502.9, I conclude that the change in circumstances described above conform to the applicable land use plan inasmuch as the process to amend the plan remains the same for any of the action alternatives, and that the modifications are consistent with the project NEPA documentation for the 663.5 MW project and the other Build Alternatives, and no supplementation under NEPA is required.



Signature of Project Lead



Signature of NEPA Coordinator



Signature of the Responsible Official:

10/13/2010
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.