

Appendix C

Determination of NEPA Adequacy

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The BLM is using this Determination of National Environmental Policy Act (NEPA) Adequacy (DNA) Worksheet to evaluate new circumstances and information that have come up after publication of the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the Calico Solar Project in order to determine whether or not supplemental NEPA analysis is required. 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).

C.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.ER0000, LVRAB109AA02

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

C.2 Description of the Proposed Action

C.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.

C.2.2 Proposed Action

The Proposed Action is to construct 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 solar facility would operate for approximately 20 years based on the Purchase Power Agreement (PPA) signed with SCE on August 9, 2005, and this would be the term of the proposed ROW grant. The estimated lifespan of the project is 30 years.

C.2.3 CDCA Plan Amendment

The BLM is also considering amending the California Desert Conservation Area (CDCA) Plan as part of the Proposed Action. 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 identified in that 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.

C.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 review of the Calico Solar project was prepared by the CEC. The joint SA/DEIS was published on March 30, 2010.

Under the prepared SA/DEIS analysis, the BLM's Proposed Action is identified to authorize the Calico Solar project as proposed, and approve a CDCA Plan amendment in response to the application received from Calico Solar, LLC. The action alternatives include (1) the Proposed Action (as described above); (2) the Reduced Acreage Alternative, a 2,320 acre project that would connect a proposed transmission upgrade to the SCE grid capacity, and (3) the Avoidance of Acquired and Donated Lands Alternative, a 6,512-acre project that avoids the 1,718 acres of donated and LWCF-acquired lands in the project area. In addition, the SA/DEIS included a No Action Alternative and two alternatives that would deny the proposed Calico Solar Project and amend the CDCA Plan to either approve the project site for future solar development or prohibit future solar development on the project site.

C.2.5 Modification of the Proposed Action

After publication of the SA/DEIS on March 30, 2010, and at the request of the BLM, U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and other state and federal agencies, the Applicant proposed to reduce the footprint of the Proposed Action by (1) moving the northern border fence-line of the project area approximately 4,000 feet to the south to create a 1,770-acre desert tortoise linkage area along the foothills of the Cady Mountains which abut the project area on the north; (2) relocating border fence-lines on the southern boundary to remove 245 acres from the project site that contain sensitive cultural resources; and (3) identifying 6.65 acres within the project site on which no surface disturbing activities would occur to protect sensitive plant species.

These modifications would reduce the disturbed area of the project site from the original 8,230 acres to 6,215 acres. The proposed revisions to the footprint of the project area would also have the effect of avoiding surface disturbances on approximately 480 acres of the acquired and donated lands within the project site. The benefits of this modification to the Proposed Action would include the following:

- Reduction in desert tortoise mortality and in numbers of desert tortoises requiring translocation
- Retention of habitat and connectivity of habitat for desert tortoises, bighorn sheep, and other wildlife along the foothills of the Cady Mountains
- Protection of the hydrologic function of high-value desert washes and associated wildlife habitat

- Protection of several species of rare plants north of the project boundary and within the 6.65 miles of environmentally sensitive areas within the project site
- Protection of cultural resources with potential for National Register of Historic Places listing
- Improved opportunity to provide BLM route connectivity along the northern perimeter of the project site
- Avoidance of impacts on lands within the previous Cady Mountains Wilderness Study Area (WSA)
- Reduction of visual impacts from observation points in the Cady Mountains WSA
- Reduction of 110 miles of access roads to SunCatchers within the project site
- Avoidance of surface disturbance impacts on approximately 400 acres of land acquired with federal LWCF

The impacts on biological, cultural, surface water hydrology, and the other resources discussed above from the 8,230-acre Proposed Action are evaluated in SA/DEIS.

C.3 Land Use Plan (LUP) Conformance

As discussed above, the Proposed Action would be in conformance with the CDCA Plan if the Plan is amended in conjunction with approval of the grant of ROW. The CDCA Plan amendment is analyzed in the SA/DEIS.

C.4 Identify Applicable NEPA Documents and Other Related Documents That Cover the Proposed Action

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

The joint SA/DEIS published by the CEC and BLM on March 30, 2010.

C.5 NEPA Adequacy Criteria

- (1) Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? 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)? If there are differences, can you explain why they are not substantial?

Answer: Yes, the modified Proposed Action is essentially similar to the Proposed Action analyzed in the SA/DEIS. The modified Proposed Action would provide for the construction of 34,000 SunCatchers on the same project site and would be capable of generating the proposed 850 MW capacity. The modified Proposed Action would include all of the supporting and ancillary activities as the Proposed Action, including access routes, physical plant, roads, fences, etc. but with shorter lengths of linear features. The spacing of the SunCatchers would remain the same as for the Proposed Action, but undisturbed areas would be aggregated to the northern and southern edges of the project area to protect biological, cultural and other resources.

- (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 SA/DEIS is appropriate with respect to the modified Proposed Action. The modified Proposed Action is substantially similar to Alternative 1 (Proposed Action) of the SA/DEIS and furthers the resource protection objectives intended to be addressed by Alternative 3 of the SA/DEIS.

Alternative 3, Avoidance of Acquired and Donated Lands, was developed to reduce impacts on acquired and donated lands in order to protect resource values in the project area. The SA/DEIS 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 SA/DEIS also discloses significantly higher cultural resource values in the southern portion of the project site in the vicinity of the Burlington Northern Santa Fe (BNSF) railroad line than in other areas of the project site, including the acquired and donated lands parcels. The modified Proposed Action offers greater overall protection to biological, cultural, hydrological resource protection in the project area than does Alternative 3.

- (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 lists 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 SA/DEIS is valid, particularly in light of additional resource information that has been provided by the Applicant to the CEC in response to CEC data requests. BLM can reasonably conclude that the agency will not receive any new information that would substantially change the analysis of the modified Proposed Action.

- (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?

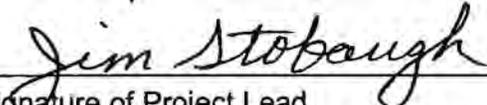
Answer: Yes, the direct, indirect, and cumulative effects that would result from implementation of the modified Proposed Action are similar to those analyzed in the SA/DEIS. As discussed above, the direct and indirect effects of the modified Proposed Action would be significantly less than those of the original Proposed Action, and would be less than those of Alternative 3, the alternative proposed to minimize impacts on resources in the project area. The cumulative effects of the modified Proposed Action would be substantially similar to those of the original Proposed Action.

- (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 SA/DEIS are adequate for the modified Proposed Action. Public comments received during scoping and the formal SA/DEIS comment period have expressed concern about impacts on both biological and cultural resources in the project area. The modified Proposed Action would reduce impacts on those resources. The modified Proposed Action has been developed in consultation with the USFWS, CDFG and other state and federal agencies to reduce impacts on jurisdictional resources on the project site.

C.6 Conclusion

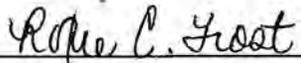
Based on the review documented above in this DNA, I conclude that the change in circumstances described above conform to the applicable land use plan inasmuch as the process to amend the plan remains the same for any of the action alternatives, and that the NEPA DEIS documentation fully covers the change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



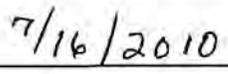
Signature of Project Lead



Signature of NEPA Coordinator



Signature of the Responsible Official:



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.

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