

APPENDIX 1



**United States Department of the Interior
Bureau of Land Management
Ridgecrest Field Office**

**Solar Millennium LLC
Ridgecrest Solar Power Project
BLM File # CACA-049016**

SCOPING REPORT

RESULTS OF SCOPING

January 2010

Ridgecrest Field Office
300 S. Richmond Road
Ridgecrest, CA 93555
Hector Villalobos
Field Manager

Solar Millennium Ridgecrest Solar Power Project

I. Introduction

A. Brief Description of the Project

The project proposed by Solar Millennium, LLC, (applicant) is to construct, operate, maintain and terminate, the Ridgecrest Solar Power Project (RSPP), a utility scale parabolic trough solar thermal electric generating station. The proposed development is to provide approximately 250 megawatt (MW) capable of supplying enough renewable electricity for approximately 75, 000 homes or about 300,000 people.

If approved, the RSPP would be located on Bureau of Land Management (BLM) administered land five-miles west of the city of Ridgecrest, in Kern County, California. The actual proposed project site is located north and south of Brown's Road and southwest of U.S. Route 395.

The applicant applied for an amended right-of-way (ROW) to include approximately 1,448 acres for the facility footprint, which encompasses the area within the facility fence line. The disturbance area, which includes areas inside and outside of the facility fence line, is approximately 1,944 acres within an overall Project ROW area of 3,995 acres. The current access for the project is Brown Road. (See Figure 1: Project Location Map).

The project would interconnect with Southern California Edison's (SCE) existing 230 kV transmission line. A 230 kV switchyard (substation) is proposed to be constructed near the transmission lines on the south side of Brown Road at the Northwest corner of the Southern Solar field.

The Project would utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect radiant energy from the sun and refocus the energy on a receiver tube located at the focal point of the parabola. Through this process, a heat transfer fluid (HTF) is heated to high temperature (approx. 750°F) and piped through heat exchangers where it is used to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator to generate electricity.

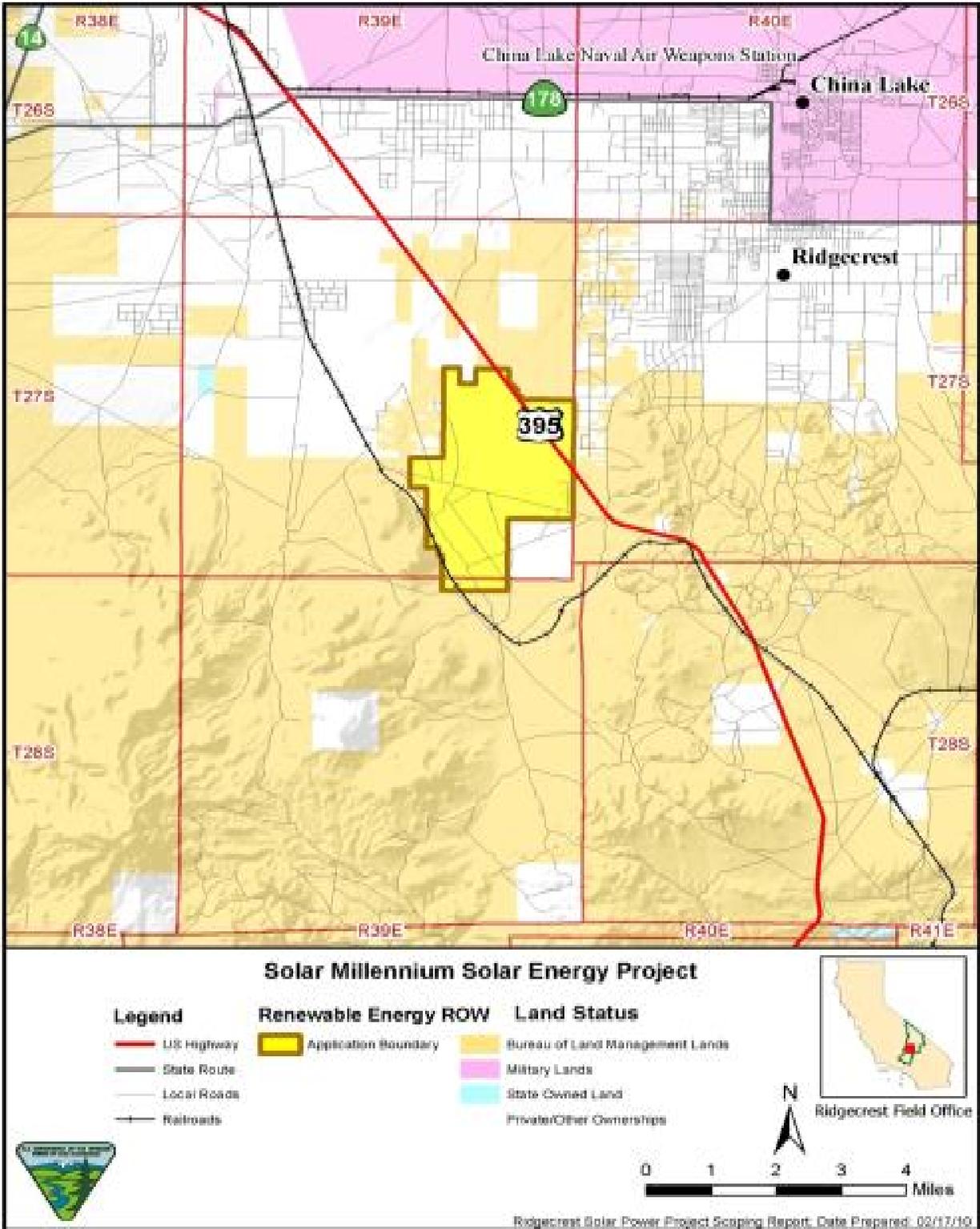


Figure 1: Project Location

B. Potential Land Use Plan Amendment to the California Desert Conservation Area Plan

The Project would be located on land that is subject to the BLM's California Desert Conservation Area (CDCA) Plan. All of the public lands in the CDCA under BLM management and have been designated geographically as Multiple Use Class's (MUC) as follows: Controlled Use (C), Limited Use (L), Moderate Use (M), and Intensive Use (I). Scattered and isolated parcels of public land in the CDCA which have not been placed within multiple-use classes are unclassified land. These parcels will be managed on a case-by-case basis. The proposed Project would be located on both unclassified lands and class L lands. For class L lands, wind and solar electric generation facilities may be allowed after National Environmental Policy Act (NEPA) requirements are met. The CDCA also states that sites associated with power generation or transmission not identified in the CDCA will be considered through the Plan Amendment process. The Project site is currently not identified in the CDCA. Therefore prior to ROW grant issuance, the Project would require a Land Use Plan Amendment to the CDCA.

C. Purpose and Need for the Project

The Proponent proposes to assist the State of California in meeting the State of California Renewable Portfolio Standard Program goals and reduce greenhouse gases by developing a 242 (250) megawatt solar parabolic energy production plant and related facilities in Kern County, California on Bureau of Land Management (BLM) administered lands.

BLM's purpose and need for the Solar project is to respond to the Proponent's application under Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1761) for a right-of-way grant to construct, operate and decommission a solar parabolic facility on BLM lands. BLM will consider alternatives to the Proponent's proposed action and will include terms and conditions. If BLM decides to approve issuance of a ROW grant to the Proponent, BLM's actions would include amending the California Desert Conservation Area Plan concurrently. BLM will take into consideration the provisions of the Energy Policy Act of 2005 in responding to the Proponent's application.

D. Agency Coordination

D.1 Lead Agency

The California Energy Commission (CEC) is responsible for licensing solar parabolic projects that are 50 MW and larger. Therefore, the Project is also under the jurisdiction of the CEC. The Applicant submitted an Application for Certification (AFC) for the Project to the CEC on September 1, 2009 and a Supplement to the AFC was submitted on October 26, 2009. The CEC and the BLM entered into a MOU on August 8, 2007

and as lead agencies under CEQA and NEPA agreed that a single environmental report can meet both agencies environmental requirements. It is assumed that any future EIS data and analysis will be incorporated into the CEC's AFC documentation and processes.

D.2 Cooperating Agency

The cooperating agency (CA) role derives from the National Environmental Policy Act (NEPA) of 1969, which calls on federal, state, and local governments to cooperate with the goal of achieving "productive harmony" between humans and their environment. The Council on Environmental Quality's (CEQ) regulations implementing NEPA allow federal agencies (as lead agencies) to invite tribal, state, and local governments, as well as other federal agencies, to serve as CAs in the preparation of environmental impact statements. In 2005, the BLM amended its planning regulations to ensure that it engages its governmental partners consistently and effectively through the CA relationship whenever land use plans are prepared or revised.

State agencies, local governments, tribal governments, and other federal agencies may serve as CAs. CEQ regulations recognize two criteria for CA status: jurisdiction by law and special expertise. The BLM regulations incorporate these criteria.

40 CFR 1508.5 (CEQ) Defining eligibility. "Cooperating agency" means any Federal agency other than a lead agency which has "jurisdiction by law" or "special expertise" with respect to any environmental impact....A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

The BLM has invited approximately 4 tribes and multiple state and local agencies to participate in the planning process as Cooperating Agencies. The Department of Energy may be a Cooperating Agency.

II. Scoping Process Summary

A. Notice of Intent

The BLM published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on November 23, 2009 in the Federal Register. Publication of the NOI began a 30-day comment period which ended on December 21, 2009. BLM provided a website with Project information that also described the various methods of providing public comment on the Project including an e-mail address where comments could be sent electronically.

B. Public Notification

Notification for a public Scoping Meeting held on January 6, 2010 appeared in the Riverside Press Enterprise on November 24, 2009 and the Ridgecrest Daily Independent on December 26, 2009. Notification was also published on the BLM website on November 23, 2009.

C. Public Scoping Meeting

A public Scoping Meeting was held on January 5th and 6th, 2010 at the Ridgecrest City Hall located at 100 W. California Ave., Ridgecrest, California. A presentation describing the Project was made by Solar Millennium, LLC with presentations describing the environmental review process presented by members of the BLM and CEC. Approximately one-hundred twenty attendees were present during the scoping meetings.

D. Written Comments

Fifty-Eight comment letters were received between both agencies within the original comment period ending on December 21, 2009. The public was permitted fifteen days after the last Public Scoping Meeting on January 6, 2010. The comment period ended January 21, 2010. Another 15 letters were submitted (through January 21, 2010). Most of the comments were received prior to the deadline and are summarized below. It should be noted additional letters were filed with the agency and CEC after this date and most are available on the CEC web site for the Ridgecrest Solar project. Many of those letters raised similar concerns to the letters and comments we have officially examined in this report.

III. Comment Summary and Analysis

Issues were identified by reviewing the comment documents received. Many of the comments identified similar issues; all of the public comment documents were reviewed and the following section provides a summary of the issues, concerns, and/or questions raised. For this report, the issues have been grouped into one of the three following categories:

- Issues or concerns that could be addressed by effects analysis;
- Issues or concerns that could develop an alternative and/or a better description or qualification of the alternatives;
- Issues or concerns outside the scope of the EIS.

The comments discussed below are paraphrased from the original comment letters. To a minor degree, some level of interpretation was needed to identify the specific concern to be addressed. Many of the comments identified similar issues; to avoid duplication and redundancy similar comments were grouped together and then summarized.

Original comment letters may be reviewed up on request at the BLM California Desert District at 22835 Calle San Juan De Los Lagos, Moreno Valley, California, 92553, during normal business hours, from 8:00 a.m. to 4:00 p.m.

A. Effects Analysis

Comments in this category will be described in detail in the affected environment section of the EIS or addressed in the effects analysis for each alternative

Purpose and Need

- Project description should not be narrowly defined to rule out feasible alternatives

Air Resources (Air sheds)

- Greenhouse gas emissions/climate change impacts on plants, wildlife, and habitat adaptation
- Planning for species adaptation due to climate change
- Discussion of how projected impacts could be exacerbated by climate change such as water supply and reliability
- Quantify and disclose anticipated climate change benefits of solar energy
- Discussion of trenching/grading/filling and effects on carbon sequestration of the natural desert

Soils Resources

- Baseline conditions should be described and if the site is disturbed or impaired
- Impacts to desert soils
- Site area is prone to flooding; analysis must address how this may change
- Increased siltation during flooding and dust (see public health as well)
- Disturbance of soils in desert locations can lead to the introduction of invasive weeds
- Preparation of a drainage, erosion, and sediment control plan

Water Resources (Surface and Ground water)

- Effects of additional groundwater pumping in conjunction with other groundwater issues
- Groundwater impacts
- A description of the water rights permitting process and the status of water rights in the basin, including an analysis of whether the water has been over allocated

- An analysis of water reduction alternatives and alternative water sources
- Mitigation options require careful preparation and monitoring
- Water supply impacts related to dust control, fire prevention and containment, vegetation management, sanitation, equipment maintenance, construction, and human consumption

Biological Resources

- If there are threatened or endangered species present, recommend BLM consult with USFWS and prepare a Biological Opinion under Section 7 of the ESA
- Impacts to all known species, not just special status, should be analyzed to assure ecosystem level protection—permanent loss of 4,000 acres of habitat and associated species is significant and cannot be mitigated
- Define and discuss the condition of threatened species in terms of recovery or decline and how use of this site affects these circumstances
- Eliminate all grazing in the area and add fencing to exclude OHV trails and use
- Maximize options to protect habitat and minimize habitat loss and fragmentation
- Impacts associated with constructing fences
- Seasonal surveys should be performed for sensitive plant and animal species
- The proposed site is too important to the Desert Tortoise survival; alternative site is required
- The potential impact to the Mojave ground squirrel at this location cannot be mitigated
- Acquisition of lands for conservation should be part of mitigation strategy
- Mitigation should be 5:1 ratio for habitat removed
- Adaptive management should be considered in program design
- Mitigation should consider the removal of grazing land in habitat designated areas
- Impacts regarding habitat fragmentation and loss of connectivity
- Impact on washes
- Assess if Ravens or other predators will be attracted to mitigation sites.

Vegetation Resources (Vegetative communities, priority and special status species)

- Identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the Project area
- Include a full floral inventory of all species encountered on-site
- Seasonal surveys should be performed for sensitive plant species—lack of fall surveys may under represent onsite plants

- If transplantation is to be a part of the mitigation strategy, a detailed plan must be included as part of the EIS/SA
- Assess Project impacts affecting plant taxa occurring within the Project area that are considered rare within California but more common elsewhere
- Impacts to existing plant communities

Wildlife Resources (Priority species, special status species)

- Desert tortoise; high population density translocation proposed results in high mortality;
- Southern portion of site designated as critical habitat for the MGS (Mojave ground Squirrel).
- Impacts to the following species:
 - Western Burrowing owl
 - Loggerhead shrike
 - Le Conte's thrasher
- Impacts to wildlife movement corridors
- Preserve large landscape-level migration areas

Cultural Resources

- Have archaeological sites been evaluated pursuant to the National Register of Historic Places criteria?
- Site has significant Native American history
- Evaluate impacts affecting Sacred Sites and sacredness.
- Evaluate potential impacts on archeological, cultural, and historical resources in the vicinity of the Project, including, but not limited to: (1) Native American resources, burial sites, and artifacts; and (2) historical mining operations and related artifacts.

Visual Resources

- Visual impacts to wilderness areas; increased light pollution on Desert night sky
- Avoid impacts affecting visually sensitive areas
- Analyze the Project's aesthetic and visual impacts that could affect desert star gazing and Native American practices

Land Use/Special Designations (ACECs, WAs, WSAs, etc.)

- Applicant implies that biological resources within project area are not sensitive because not located within Areas of Critical Concern (ACEC) or Desert Wildlife

Management Area (DWMA), but many areas outside such designated areas do contain significant biological resources

- Use private land not public lands
- Describe reasonably foreseeable future land use and associated impacts resulting from additional power supply

Public Health and Safety

- Evaluate the effects of Valley Fever from disturbed soils.
- Describe the HTF, potential remediation if spilled, remediation plans and offsite disposal

Noise/Vibration

- Consider wildlife as sensitive receptors
- Dry cooling process noise/vibration impacts on wildlife

Recreation (RMAs, facilities, LTVAs, dispersed recreation opportunities, etc.)

- Evaluation should include impacts regarding off-highway vehicle use (OHV), camping, photography, hiking, wildlife viewing, and rock hounding.
- Evaluation should include number of users, value of affected land for recreational purposes, and need to locate and acquire replacement venues for lands lost
- Indirect impacts caused by displacing recreational users
- Cumulative loss of land available for OHV recreation

Social and Economic Setting

- Evaluation of economic impacts due to construction, implementation, and operation.
- Economic impacts regarding loss of commerce due to recreational use losses.

Environmental Justice (minority and low-income communities)

- Evaluation whether diminished recreational access would be placed disproportionately on minorities and low-income communities.

Cumulative Impacts

- Identify impacts from other projects occurring in the vicinity, including solar, wind, geothermal, roads, transit, housing, ORV use, military maneuvers, and other development
- Include reasonably foreseeable Projects; include all the solar and wind applications within vicinity of Ridgecrest

- Identify cumulative impacts of the addition of numerous renewable energy projects on the desert
- Include discussion of cumulative impacts to ground water supply
- Analyze the potential for development and population growth to occur in those areas that receive the generated electricity
- Describe the reasonably foreseeable future land use and associated impacts that will result from the additional power supply; i.e., recreation, grazing, OHV.
- Examine the potential for ecosystem fragmentation associated with the cumulative effects of large-scale industrial development occurring in the California Desert areas
- Analyze the Project’s cumulative impacts affecting biological resources
- The cumulative impacts analysis should address species migration needs and other ecological processes that maybe caused by global climate change

B. Alternative Development and/or Alternative Design Criteria

Comments in this category will be considered in the development of alternatives or can be addressed through design criteria in the alternative descriptions.

- Project description should not be narrowly defined to rule out feasible alternatives
- Describe how each alternative was developed, how it addresses each Project objective, and how it would be implemented
- The preferred alternative should consider conjunctive use of disturbed private land in combination with adjacent lower value federal land
- Consider reduced Project size
- Alternatives should include: sites not under BLM jurisdiction such as fallowed alfalfa fields north of the city
- Alternatives should describe rationale used to determine whether impacts of an alternative are significant or not
- Local high winds in the valley will affect design and cooler temperatures at the site will likely require more energy to keep the HTF warm and fluid in the winter months
- Consider reconfiguration alternatives proposed by F&WS to minimize impacts to wildlife movement and sensitive biological resources and washes
- Consider cost and efficiency of energy for different technologies
- Consider alternative technologies that require significantly less water
- Consider the no-action alternative

C. Issues or Concerns Outside the Scope of the EIS

Comments in this category are outside the scope of analysis and will not be addressed in the EIS. Rationale for considering these comments out-of-scope is included.

- Consider development wherein solar and wind is focused first on lands which have lower resource value due to fragmentation, type conversion, edge effects, and other factors
- Consider abandoning the “fast track” approach because it does not allow enough time for an adequate analysis of impacts affecting natural, historical and cultural resource on and around the Project site