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Finding of No Significant Impact

Campo Verde Gen-Tie Project

El Centro Field Office
1661 South 4th Street
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INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of right-of-way (ROW) grants under Title V of the Federal Land Policy and Management Act (FLPMA), 43 United States Code (USC) Section 1761, for a gen-tie line and spur improvements to an existing access road across public lands under the jurisdiction of the Bureau of Land Management (BLM), El Centro Field Office, as explained below. The gen-tie line and spur road improvements on public lands are related to the development of solar energy generation facility on private lands. Authorizations for ROW grants are regulated by BLM in accordance with 43 Code of Federal Regulations (CFR) Section 2800 *et seq.*, consistent with Department of the Interior (DOI) and BLM policies and the California Desert Conservation Area Plan (CDCA Plan) (1980, as amended).

In addition to the direct and indirect impacts of two alternative gen-tie alignments and spur road improvements, this FONSI also considers as cumulative effects the environmental impacts of the entire energy generation project (see below), including non-Federal actions located on private lands. For purposes of the National Environmental Policy Act (NEPA), these non-Federal Actions are not “connected” to the requested ROW grant for the gen-tie line and spur road improvements as the solar generation facility could be developed with or without the issuance of a ROW from the BLM. The BLM NEPA Handbook provides that if the non-Federal action cannot be prevented by BLM decision-making and its effects cannot be modified by BLM decision-making, the effects of the non-Federal action may still need to be analyzed in the cumulative effects analysis for BLM action, if they have a cumulative effect together with the effects of the BLM action. While analysis of the effects of these non-Federal actions provides context for the analysis of the BLM action, their consideration in the determination of the significance of the BLM action is limited. (40 CFR 1508.7; 40 CFR 1508.25(c); BLM NEPA Handbook [January 2008] at pp. 46-48.) As explained below, the non-Federal actions are not connected to BLM ROW decision because they can proceed whether or not the BLM grants the requested ROW.

PROJECT DESCRIPTION

Campo Verde Solar, LLC has proposed to construct the Campo Verde Solar generation facility on privately-owned lands in Imperial County, CA. In conjunction with this private land activity, Campo Verde Solar, LLC has requested a ROW from the BLM for a gen-tie to connect this solar generation facility to the Imperial Valley Substation. The Campo Verde Gen-Tie Project Environmental Assessment analyzed three action alternatives: two alternative routes on BLM administered lands, and one route that would not require any action from the BLM.

Alternative 3 – Alternative Gen-Tie Across BLM Land Alternative or Selected Alternative in the Campo Verde Gen-Tie Project Environmental Assessment (EA) consists of the following

primary components:

- a) 0.4 mile length, 160-foot-wide, approximately 17.4 acre ROW across BLM managed land for construction, operation, maintenance and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line, with 3 conductors per circuit;
- b) 0.4 mile length on private land
- c) use of existing associated access road with newly created temporary 20 foot wide spur roads;
- d) an estimated four structures located on lands managed by the BLM;
- e) a small 100 foot by 150 foot area around each structure site cleared of obstructions and temporarily used for construction on the BLM managed lands;
- f) approximately 5 tensioning / pulling sites on BLM managed land, with each site resulting 100 foot by 400 foot of temporary disturbance; and
- g) an optical ground wire installed underground from the southern structure into the Imperial Valley Substation per San Diego Gas & Electric's requirement.

Campo Verde Solar, LLC had originally proposed to construct a 230-kv transmission line within Utility Corridor "N" of the CDCA Plan. The initially proposed transmission line would require a 160-foot-wide ROW corridor extending from the north side of the existing Imperial Valley Substation north approximately one mile to the Project's solar generation facility site. This is analyzed in the EA as Alternative 2: Proposed Gen-Tie Across BLM Land. This line, as proposed, consists of:

- a) 0.9 mile length, 160-foot-wide, approximately 39.2 acre ROW across BLM managed land for construction, operation, maintenance and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line, with 3 conductors per circuit;
- b) 0.1 mile length on private land
- c) use of existing associated access road with newly created temporary 20 foot wide spur roads;
- d) an estimated ten structures located on lands managed by the BLM;
- e) a small 100 foot by 150 foot area around each structure site cleared of obstructions and temporarily used for construction on the BLM managed lands;
- f) approximately 5 tensioning / pulling sites on BLM managed land, with each site resulting 100 foot by 400 foot of temporary disturbance; and
- g) an optical ground wire installed underground from the southern structure into the Imperial Valley Substation per San Diego Gas & Electric's requirement.

Finally, as noted in Section 2.4 of the EA, Campo Verde Solar, LLC identified a potential alternative configuration (Alternative 4: Private Land Gen-Tie Alternative) of the transmission interconnection line that would not require any action from the BLM. This alternative would consist of:

- a) from the western boundary of the solar generation facility a 1.75 mile length, 160-foot-wide new construction of a private land gen-tie for construction,

- operation, maintenance and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line, with 3 conductors per circuit;
- b) gen-tie would enter the site of the Imperial Solar Energy Center West and would utilize available capacity on one of the circuits on their double-circuit gen-tie lines that has an approved ROW to the Imperial Valley Substation
 - c) creation of access road with newly created temporary 20 foot wide spur roads;
 - d) an estimated 18 structures, beyond those already approved;
 - e) a small 100 foot by 150 foot area around each structure site cleared of obstructions and temporarily used for construction;
 - f) approximately 3 tensioning / pulling sites, with each site resulting 100 foot by 400 foot of temporary disturbance; and
 - g) an optical ground wire installed underground from the southern structure into the Imperial Valley Substation per San Diego Gas & Electric's requirement.

Since a portion of the Campo Verde Gen-Tie Project's gen-tie line and some of the access road spurs are located on BLM managed lands, they require a ROW grant from the BLM prior to their construction. As a result, Campo Verde Solar, LLC submitted an application for a ROW grant on BLM managed lands, using "Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands," to the BLM on September 9, 2011. In connection with that request an EA was prepared to meet the requirements of NEPA for the proposed project. The BLM is the lead agency for NEPA purposes.

This FONSI is for the proposed 160-foot-wide ROW for the construction and operation of the gen-tie line, use of temporary construction sites, the use of the existing dirt road on BLM lands, the creation of spurs to the access road, and ancillary facilities as described above and in Chapter 2, Alternatives 2 and 3, in the EA. This FONSI considers the environmental impacts of these components, as well as the impacts of the generating facility, private land segments of the access road, and their ancillary facilities located on private lands (collectively the "non-Federal actions"). The environmental effects of the private land generation activities are analyzed in the EA as cumulative effects.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based on a review of the EA and the supporting documents, I have determined that Alternatives 2 and 3 are (1) not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively; and (2) in conformance with the following statutes and plans: FLMPA, CDCA Plan, Yuha Basin Area of Critical Environmental Concern (ACEC) Management Plan, Yuha Basin Flat-Tailed Horned Lizard (FTHL) Management Area (MA), and FTHL Range-wide Management Strategy (RMS) . Per the Council on Environmental Quality (CEQ) regulations, 40 CFR 1508.27, whether a proposed action significantly affects the quality of the human environment is determined by considering the context and intensity of the action and its effects. No environmental effects associated with the Campo Verde Gen-Tie Project meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

If the federal agency prepares an EA and determines that the proposed federal action does not have the potential to significantly affect the quality of the human environment, then NEPA

allows the agency to prepare an EA and FONSI rather than an EIS (40 CFR 1501.4). Therefore, an environmental impact statement (EIS) is not required. My finding that Alternatives 2 and 3 will not significantly affect the quality of the human environment is based on the context and intensity of the project as described below.

Context

In NEPA “content” means the consideration of “the significance of an action in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.” (40 CFR 1508.27(a)). Here, the context of Alternatives 2 and 3 points to no significant unmitigated environmental impact considering the following:

1. Alternatives 2 and 3 are proposed to be sited on land already disturbed by past activities including agriculture and existing transmission lines, towers, and the substation, and will not result in substantial amounts of new areas of disturbance.
2. Alternatives 2 and 3 are a site-specific action directly involving approximately 39.2 and 17.4 acres, respectively, of BLM-administered lands that have local and regional importance. The context of the EA analysis was determined to be at local and regional scales focused on Imperial County, California. The effects of the action are not applicable on a statewide or national scale because no statewide or nationally significant values were implicated.

Intensity

The term “intensity” refers to the severity of a proposed action’s impact on the environment. In determining an impact’s intensity, the NEPA regulations direct federal agencies to consider the following ten factors, each of which is discussed below in relation to Alternatives 2 and 3. (40 CFR 1508.25(b)).

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

While consideration of a project's intensity must include analysis of both beneficial and adverse effects, only a significant adverse effect triggers the need to prepare an EIS (40 CFR 1508.27(b)(1); and the BLM NEPA Handbook (January 2008 at Section 7.3). The potential beneficial effects and adverse impacts of Alternatives 2 and 3 are discussed briefly in the following sections.

Beneficial Effects: As described in the EA, Alternatives 2 and 3 would contribute by transporting the renewable source from the generation site to the electrical grid. This will add another renewable energy source to California’s energy mix which and has the potential to contribute to stabilizing electricity prices, creating new employment opportunities, reducing reliance on imported fuels, and improving air quality by

eliminating emissions of criteria pollutants that would have otherwise originated from fossil-based electricity production.

Adverse Effects: The construction and operation of the proposed gen-tie line, temporary construction areas and access road spurs within BLM lands would impact resources as described in detail in the EA. The impacts of Alternatives 2 and 3 (including all components on BLM and private lands) will either be the same or less than the impacts of Alternative 4 (Private Land Gen-Ties Alternative) as described in detail in the EA. These potential impacts include a short term increase in traffic, temporary dust and particulate matter emissions, indirect impacts to culturally sensitive areas, and impacts to sensitive species habitat. Traffic and air quality impacts would be temporary in nature, and air emissions would be reduced through mitigation measures. Impacts to cultural resources have been reduced through the location of transmission lines near existing facilities, and avoidance of known sensitive cultural resources in the project design. Additionally there are mitigation measures to address new cultural resources that may be discovered during construction. Mitigation measures would minimize impacts to sensitive species habitat, and the BLM has determined through consultation with the US Fish and Wildlife Service (USFWS) that adverse impacts to federally listed species are not likely. The discussion of the environmental consequences of Alternatives 2 and 3 in the EA supports the conclusion that Alternatives 2 and 3 will not have a significant effect on the quality of the human environment. To the extent adverse effects were identified, the EA identifies/imposes mitigation measures that minimize those effects to less than significant levels under NEPA. These mitigation measures will be adopted as stipulations to the ROW.

2) The degree to which the selected alternative will affect public health or safety.

Sections 3.14 and 4.10: Public Health and Safety, Sections 3.22 and 4.18: Wastes, Solid and Hazardous, and Section 3.7: Fire and Fuels Management in the EA discussed, analyzed and disclosed potential health, safety, and hazardous materials impacts and determined that there are no significant impacts under Alternatives 2 and 3 related to these issues. During construction of the gen-tie line and access road spurs, construction equipment and vehicles are expected to generate some dust or particulate matter. Implementation of the mitigation measures described in the EA will minimize those impacts related to air quality. Similarly, the EA concludes that Alternatives 2 and 3 will not result in a substantial increase in hazardous or solid wastes. Additionally the project area has a low fuel load, and minimal historic fire occurrence.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

According to the BLM NEPA Handbook (January 2008, Section 7.3), “unique characteristics” are generally limited to those previously identified through a legislative, regulatory, or planning process.

The proposed gen-tie line corridor and access road spur components of Alternatives 2 and 3 are

within BLM lands and are located entirely within the Yuha Basin Area of Critical Environmental Concern (ACEC) and the Yuha Basin Flat-Tailed Horned Lizard Management Area (FTHL MA). As discussed in the EA, Alternatives 2 and 3's potential impacts to biological resources conform to the CDCA Plan and the intent of the ACEC Management Plan with regard to sensitive biological resources and sensitive cultural resources. As discussed in the EA, the design of Alternatives 2 and 3 are also consistent with the FTHL RMS. The gen-tie for both alternatives is within Utility Corridor "N" in the Yuha Basin ACEC. Utility Corridor "N" was created to allow utility transmission lines to pass through the ACEC to access the regional energy hub at the Imperial Valley Substation, thereby avoiding siting transmission lines in other more sensitive areas on BLM managed land. Moreover, Alternatives 2 and 3 would not result in an aggregate area of disturbance within the Imperial Valley that exceeds the FTHL RMS' 1% threshold.

Alternatives 2 and 3 would avoid the direct impact to previously recorded sensitive cultural resource sites. Moreover, the mitigation measures, including those that address new discoveries, provided in the EA would further reduce impacts to cultural resources under Alternatives 2 and 3.

The gen-tie pathway on private land and the generating site (which is outside the BLM lands) include areas mapped as prime farmland, farmland of local importance, and farmland of statewide importance, as defined by 7 CFR 657.5. Action alternatives will have a direct, indirect and cumulative impact on prime farmlands. However, the baseline use of the property has been for relatively low-value alfalfa production for decades. For these reasons, Alternatives 2 and 3 will not impact prime farmlands that are currently in active production. Although construction of Alternatives 2 and 3 will prevent the immediate use of the site for agricultural production, the lease for the private lands for Alternatives 2 and 3 will require Campo Verde Solar, LLC to restore the generating facility site to its agricultural use condition at the conclusion of the project operations and decommissioning, which could potentially result in returning the land to agricultural production. This restoration would not be monitored by the BLM: it would be accomplished through an agreement between the applicant, the land owner and Imperial County.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 CFR 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998). No public comments were submitted to BLM on this EA, and the BLM is unaware of any such substantial disputes.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). The BLM has previously authorized three 230-kv lines in this area and was able to use information gathered from those prior projects to estimate the potential impacts of Alternatives 2 and 3. As a result, the BLM can properly exercise its judgment and determine that it is unlikely that this project will have unique or unknown risks. The construction and operation of transmission lines and access roads and spurs is not unique or unusual. The effects of the construction and operation of transmission lines and access roads and spurs are well understood because the BLM has experience implementing similar actions in similar areas. For example, there are three existing transmission lines in Utility Corridor “N” and there are access roads adjacent to and around those transmission facilities. As such, there are no predicted effects of Alternatives 2 and 3 on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, the EA properly determined that Alternatives 2 and 3 would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set a precedent for, or automatically apply to future solar projects and ROWs that the BLM is reviewing. This is not the first transmission line ROW that the BLM has approved. Any additional ORW would be subject to additional analysis under NEPA before the BLM would issue a decision. Therefore, the type of land use action the BLM proposes to approve for Alternatives 2 or 3 does not establish precedents for future actions or represent a decision in principle about a future action.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts—which include connected actions regardless of land ownership.

The EA considered various types of past, present, and reasonably foreseeable projects on both public and private land within the geographic area of Alternatives 2 and 3. As stated in Chapter 3.24, sixty approved or proposed projects were considered for inclusion in the cumulative impact analysis in Chapter 4.22, Cumulative Impacts. These sections provide an introduction and table of the projects considered and the parameters/rationale for inclusion or excluding that project in the cumulative impact analysis. By way of example, the parameters used to evaluate individual projects for inclusion as “reasonably foreseeable” in the analysis were: (1) projects where the BLM has accepted a Plan of Development and determined it to be complete with sufficient details to analyze the potential impacts of the project; (2) private property projects in Imperial County that have submitted a Plan of Development; and (3) where information for such projects was available by the release of the Notice of Preparation of environmental analysis

documentation. The Campo Verde generation project was analyzed as a cumulative effect.

Authorization of new ROW grants and ongoing improvements that serve public utility transmission systems has been analyzed in the BLM CDCA Plan and subsequent plan amendments. These analyses have resulted in the designation of utility corridors and communication sites, and mechanisms for consideration of new facilities as the need arises. No significant site specific or cumulative impacts associated with the BLM action or the non-federal connected action have been identified that could not be avoided through mitigation, or that are inconsistent with those identified and analyzed within the above plans and programs.

The following are considered in this FONSI: (1) the existing analysis on which the BLM based its decision to amend its land use plan by adopting the FTHL RMS; and (2) substantial evidence regarding cumulative impacts from construction and operation of renewable energy projects as identified in the Solar Final Programmatic Environmental Impact Statement, which assumes a level of renewable energy development (both on and outside BLM land) consistent with each state's (Arizona, California, Colorado, New Mexico, Nevada, and Utah) renewable energy portfolio.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

This is a sub-factor of the “unique characteristics of the geographic area” factor and significance arises with the “loss or destruction” of significant scientific, cultural, or historical resources (BLM NEPA Handbook, Section 7.3). The EA discussed, analyzed and disclosed potential cultural resources impacts of Alternatives 2 and 3 and determined that Alternatives 2 and 3 would not result in any significant unmitigated impacts related to cultural resources or cultural resources sites.

Moreover, pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations the BLM consulted with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), federally recognized Tribes (Tribes), and other interested parties regarding the impacts of Alternatives 2 and 3 on historic and cultural resources. Pursuant to Section 106 of NHPA, determinations of significant impacts and/or mitigation measures to historic properties cannot be made without consultation, and the Decision Record must include either an executed MOA or Programmatic Agreement if any significant impacts are identified. The consultations for Alternatives 2 and 3 led the BLM to find that construction of the Campo Verde Project would have no adverse effects on historic properties. In the letter to the SHPO, the BLM also proposed to implement the following management or protective measures to support the no adverse effect finding:

1. Environmentally Sensitive Areas (ESAs) will be defined as areas within 50 feet of all archaeological sites. This includes archaeological sites determined eligible for inclusion in the National Register of Historic Places (NRHP), and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.
2. ESAs will be designated using temporary fencing or other easily recognizable boundary

defining materials.

3. ESAs will be shown on the engineering plans for the project as off-limits to construction activities
4. ESAs will be defined areas where construction can occur while preventing construction activities and damage to archaeological resources within the designated ESA.
5. ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.
6. Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.
7. To facilitate continued tribal consultation for this undertaking, in consultation with Indian tribes and the BLM, the Applicant has agreed to develop and implement a tribal participation program to afford representatives designated by Indian tribes the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for monitoring.
8. The Applicant will develop procedures for archaeological monitoring, post-review discovery and unanticipated effects and submit to BLM for review and consultation with consulting parties.
9. The BLM will require the Applicant to develop and implement a Long Term Management Plan (LTMP) for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.

In accordance with 36 CFR 800.5(c), if the agency proposes a finding of no adverse effect, the SHPO shall have 30 days from receipt to review the finding. If the SHPO has not provided a response within the 30 day review period and no consulting party has objected, the agency may proceed and carry out the undertaking as proposed and conditioned. Implementation of the undertaking in accordance with the finding fulfills the agency's responsibilities under Section 106 of the NHPA. The BLM provided a letter to the SHPO proposing a finding of no adverse effect on May 22, 2012. The SHPO did not respond within the 30 day review period. BLM documented this in a memorandum dated July 6, 2012 and BLM may proceed with implementation of the undertaking as proposed.

An MOA or Programmatic Agreement was not necessary since no significant impacts were identified.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed or endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

As explained in Sections 3.3 and 4.3, Biological-Wildlife, in the EA, the construction and operation of the gen-tie, the solar generation facility and access road spurs on BLM and private

land may result in potential impacts to FTHL, Yuma clapper rails, Willow fly catchers, burrowing owls, nesting raptors, and migratory birds and their habitat. However, these potential impacts to threatened or endangered species habitat under Alternatives 2 and 3 are fully mitigated by measures provided in Section 4.3, which are designed to avoid, minimize, and mitigate these impacts

Specifically, the area in which the transmission line would be constructed is in the Yuha Basin ACEC and in the Yuha Basin MA for the FTHL, a sensitive species. There is FTHL habitat in the areas that would be affected by the proposed transmission line route. However, the FTHL RMS foresaw the impacts to the FTHL within the Imperial Valley Substation area and Utility Corridor "N" when it established a one percent planned disturbance threshold to accommodate multiple transmission lines and gen-ties in the broader area of the Campo Verde Solar Project. Alternatives 2 and 3 would not result in an exceedance of the one percent threshold, and therefore, the cumulative impacts of multiple transmission lines have already been considered and provided for in the Environmental Assessment for the FTHL RMS. Furthermore, as explained in Section 4.3 in the EA, mitigation measures would be implemented under Alternatives 2 and 3 to minimize impacts to the species in accordance with the FTHL RMS.

Similarly, there is burrowing owl, Yuma clapper rail, willow fly catcher, raptor, and migratory bird habitat near the generating facility site (not on BLM land). Mitigation measures provided in Section 4.3 in the EA for Alternatives 2 and 3 would avoid, minimize, or mitigate the potential impact to these species.

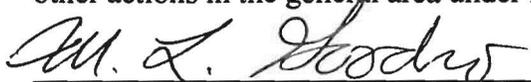
The BLM has, consistent with Section 7 of the Endangered Species Act (ESA), engaged in consultation with the US Fish and Wildlife Service (USFWS). The USFWS issued a concurrence memorandum dated August 15, 2012 stating that the project "is not likely to adversely affect" the southwestern willow flycatcher and Yuma clapper rail. Formal consultation is not required for the other above identified species because they are not identified as threatened or endangered under the Endangered Species Act.

10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

Alternatives 2 and 3 do not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the "public health" factor. The project will not violate environmental laws as documented in the EA and in this FONSI. Refer to the discussion for Intensity Factors 1 (compliance with water, air, hazardous materials, and other environmental laws), 8 (NHPA Section 106 compliance), and 9 (compliance with endangered species laws), above. Alternatives 2 and 3 also do not violate the Farmland Protection Policy Act. Finally, the project's ROW will require the Permittee (Applicant) to comply with all local, state and/or federal laws, rules, regulations, ordinance, and/or standards.

Conclusion

Based on the findings discussed herein, I conclude that Alternatives 2 and 3 will result in no significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.



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Date