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Bureau of Land Management
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Case File CACA- 051552

Finding of No Significant Impact

Ocotillo Wind Energy Facility (OWEF) Project Weed Management Plan Environmental Assessment

Imperial County, California

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243

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Proposed Action Title/Type:

Use of Herbicides and Manual Weed Eradication on Public Land for Integrated Weed Management on the Ocotillo Express Wind Energy Facility Project Site.

Applicant/Proponent:

Ocotillo Express LLC, a wholly owned subsidiary of Pattern Energy.

Location of Proposed Action:

Activities would occur on approximately 720 acres of public land within the Ocotillo Wind Energy Project, as legally described in the BLM-issued right-of-way (ROW) Grant, dated May 11, 2012.

INTRODUCTION

Ocotillo Express, LLC (OE, LLC) is the holder of a federal right-of-way (ROW) grant, issued pursuant to Title V of the Federal Land Policy Management Act (FLPMA) and right-of-way regulations under 43 Code of Federal Regulations (CFR) 2800. The ROW, issued by the Bureau of Land Management (BLM) on May 11, 2012, and serialized as CACA- 051552 authorizes OE, LLC to construct, operate, maintain, and decommission a wind energy facility on public lands in Imperial County.

As described in Mitigation Measures Veg-1d and PHS-6 in the Record of Decision (ROD) for the project, OE, LLC is required to abide by non-native invasive weed control procedures developed in cooperation with the BLM and Imperial County prior to, during, and after construction. Additionally, Stipulation 19 in the ROW grant requires OE, LLC to prepare and implement a Noxious Weeds and Invasive Species Control Plan (called the Invasive Weed Control Plan (IWCP) in this Environmental Assessment (EA)) and to prepare a Pesticide Use Proposal (PUP) if herbicides are to be used on the project site. An IWCP was prepared for the OWEF Project utilizing the description of activities associated with noxious weed control in the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the OWEF Project (March 2012). Additional environmental analysis pursuant to the National Environmental Policy Act (NEPA) is demonstrated in this site-specific EA (DOI-BLM-CA-D070-2013-0060-EA) analyzing the effects of the proposed methods for invasive species control. The integrated pest management method for invasive plant species control analyzed in this EA utilizes a combination of herbicides and manual removal methods. The herbicides that would be used on site would be limited to glyphosate and triclopyr.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action is in conformance with the planning direction developed for this area, including the management goals identified in the 1980 California Desert Conservation Area (CDCA) land use plan, as amended. Additionally the proposed action integrated analysis and decisions from the following environmental documentation: the 2007 Final Programmatic Environmental Impact Statement (PEIS) for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States and the 2011 Final Environmental Impact Report (EIR)/EIS for the OWEF Project.

FINDING OF NO SIGNIFICANT IMPACT

The El Centro Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and results in no significant impacts to the environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. “Significantly” as used in NEPA requires considerations of both context and intensity. In making this Finding of No Significant Impact (FONSI), the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27.

Context: NEPA requires 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 upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in Environmental Assessment (EA) #DOI-BLM-CA-D070-2013-0060-EA. The context of the EA analysis was determined

to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

Intensity: This refers to the severity of impact. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

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

Beneficial: Invasive weed species have the potential to out-compete native species and change the overall quality of the habitat. By removing invasive plants, the Proposed Action would result in long-term beneficial effects on wildlife communities by reducing habitat degradation therefore improving habitat and ecosystem function.

The Proposed Action also would result in beneficial effects to cultural resources, because treatment and prevention of invasive, non-native species would reduce the potential for soil erosion, potentially leading to the loss of cultural resources.

There are no adverse effects associated with the Proposed Action.

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

The Standard Operating Procedures (SOP) for Applying Herbicides in Appendix A of the EA are designed to ensure and protect health and safety of application crews. Additionally, as analyzed in the EA, any potential human exposure risks from activities described under the Proposed Action would have minimal to no effect on public health or safety.

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.*

The Proposed Action would result in beneficial effects to cultural resources, because invasive plants may have long-term negative impacts on cultural resource sites by displacing native vegetation and increasing the potential for soil erosion, potentially leading to the loss of cultural resources. In addition to limiting these impacts, removal of invasive vegetation would contribute to the restoration and maintenance of historic and ethnographic cultural landscapes as discussed in the EA. Negative effects would not be

adverse due to the implementation of SOPs (refer to Appendix A) during treatment of invasive plants.

The Proposed Action would not occur within or adjacent to areas of critical environmental concern (ACEC)s, essential fish habitat, farmlands, livestock grazing, wild and scenic rivers, wild horses and burros, or wilderness/wilderness study areas/lands with wilderness characteristics.

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

Effects that would occur from implementation of the IWMP are known and understood due to the description of activities in the Final EIS/EIR for the OWEF and the description of the effects analysis in the EA.

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

The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

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.

The Proposed Action does not set a precedent for future actions. Future actions would be subject to evaluation through the appropriate level of NEPA documentation.

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 Proposed Action is not related to other actions within the cumulative assessment area that would result in cumulatively significant impacts.

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.

The Proposed Action would not affect significant scientific, cultural, or historical resources.

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 endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.*

The EA identified that there are no federal- or state-listed plant species within the OWEF site, and although there are two BLM-sensitive plant species on the OWEF site (Little San Bernardino Mountains linanthus [*Linanthus maculatus*] and Mountain Springs bush lupine [*Lupinus excubitus* var. *medius*]), neither was found in the areas proposed for implementing the Integrated Weed Management Plan under the Proposed Action.

The EA acknowledged that 16 federally listed and/or BLM sensitive animal species were detected within the OWEF project site during biological resource surveys conducted for the OWEF. These species included rosy boa (*Charina trivirgata*; BLM sensitive), flat-tailed horned lizard (*Phrynosoma mcallii*; BLM sensitive), golden eagle (*Aquila chrysaetos*; federal species of concern and BLM sensitive), burrowing owl (*Athene cunicularia*; federal species of concern and BLM sensitive), ferruginous hawk (*Buteo regalis*; BLM sensitive), Vaux's swift (*Chaetura vauxi*; federal species of concern), northern harrier (*Circus cyaneus*; federal species of concern), yellow warbler (*Dendroica petechia brewsteri*; federal species of concern), willow flycatcher (*Empidonax traillii*; federally listed as endangered), merlin (*Falco columbarius*; federal species of concern), prairie falcon (*Falco mexicanus*; federal species of concern), loggerhead shrike (*Lanius ludovicianus*; federal species of concern), osprey (*Pandion haliaetus*; federal species of concern), Le Conte's thrasher (*Toxostoma lecontei*; federal species of concern and BLM sensitive), western mastiff bat (*Eumops perotis californicus*; BLM sensitive), and Peninsular bighorn sheep (*Ovis canadensis nelsoni*; federally listed as endangered).

Review of the Vegetation and Wildlife/Special Status Species/Threatened and Endangered Species sections of the EA indicates an overall improved/sustained ecological condition for the threatened and candidate species under the Proposed Action are the impacts associated with the Proposed Action are not expected to adversely affect the ability of species to occupy or thrive in an area. Therefore, it has been determined the proposed activities would not adversely affect any threatened or candidate species or their critical habitat.

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.*

The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action

is in conformance with all applicable 43 CFR (Code of Federal Regulations). The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act. A Biological Opinion (BO) pursuant to Section 7 consultation was issued by the U.S. Fish and Wildlife Service to the BLM for the OWEF on April 26, 2012.

All practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land are inherent to the Proposed Action.