

1. INTRODUCTION

The Proposed Plan Amendment (PA) and Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) is a joint document published by the Bureau of Land Management (BLM), U.S. Department of Interior, and the County of Imperial, California (County).

This Proposed PA & Final EIS/EIR analyzes the impacts of Ocotillo Express LLC's (Applicant's) Ocotillo Wind Energy Facility (OWEF). The Applicant has filed with the BLM an application for a Right-of-Way (ROW) authorization to construct, operate, maintain, and decommission an approximately 12,500-acre, up to 465-megawatt (MW) wind energy project including a substation, operations and maintenance facilities, transmission lines, and temporary construction lay down areas (CACA-51552). The project also includes a switchyard, which would not be decommissioned. The *Regional Context* for the proposed OWEF is shown in Figure 1-1 (See Appendix A for all figures referenced in the PA & Final EIS/EIR). The *Proposed OWEF Site Layout* is shown in Figure 2.3-1. This PA & Final EIS/EIR presents the potential effects of the OWEF and five alternatives on BLM-administered lands and other affected lands and resources. In this analysis, six alternatives, including the proposed OWEF or Proposed Action, were developed and evaluated. These include:

- The Proposed Action - 155 Wind Turbine Generators/Approval of a land use plan amendment to make site available for wind energy development (Alternative 1);
- 137 Wind Turbine Generators Alternative/Approval of a land use plan amendment to make site available for wind energy development (Alternative 2);
- 105 Wind Turbine Generators Alternative/Approval of a land use plan amendment to make site available for wind energy development (Alternative 3);
- No issuance of a ROW Grant or County approval/No Land Use Plan (LUP) Amendment (Alternative 4, or the "No Action Alternative");
- No issuance of a ROW Grant or County approval/Approval of a land use plan amendment to exclude wind energy development on the site of the Proposed Action (Alternative 5); and
- No issuance of ROW Grant or County approval/Approval of a land use plan amendment to make site available for future wind energy development (Alternative 6).

In compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the BLM and the County prepared this Final EIS/EIR to inform the public about the OWEF and to meet the needs of federal, state, and local permitting agencies in considering the OWEF. The BLM authorization of a ROW grant for the project would require a Resource Management Land use Plan Amendment to the California Desert Conservation Area Plan (BLM, 1980), as amended (CDCA Plan).

This Final EIS/EIR describes and evaluates the environmental impacts that are expected to result from construction, operation, maintenance, and decommissioning of the OWEF and discusses mitigation measures that, if adopted, would avoid, minimize, or mitigate the adverse environmental impacts identified. This Final EIS/EIR also identifies alternatives to the Proposed Action (including a No Action Alternative), and evaluates the environmental impacts associated with these alternatives. In accordance with NEPA requirements, the alternatives identified constitute reasonable alternative means of meeting the purpose and need for the action. In accordance with CEQA, the alternatives identified respond to the stated purpose and need for the proposed project (including a No Action Alternative) that could avoid or

minimize significant environmental impacts associated with the project as proposed by the Applicant. Specifically, the information contained in this Final EIS/EIR will be considered by the BLM in its deliberations regarding approval of the ROW grant and Land Use Plan Amendment and may also be considered by the other agencies with regard to their respective permits, including the County, and other federal, state, and local agencies.

Project Refinements after Publication of the NOI/NOP and Changes after Publication of the Draft EIS/EIR

After publication of the Notice of Intent (NOI) and Notice of Preparation (NOP), the Applicant modified the Proposed Action by reducing the number of wind turbine generators from 193 to 155. This was done in order to avoid or minimize certain environmental impacts. Specifically, wind turbines were eliminated to avoid direct impacts on cultural resources, minimize potential impacts on bighorn sheep, avoid streambeds, address noise and shadow flicker concerns, and avoid airspace conflicts.

Wind turbines were also eliminated to avoid wake effects that could affect turbine manufacturer's site suitability analysis and to avoid terrain where turbine installation and construction would be problematic. Wind turbine wake describes the reduction in wind energy downstream from the turbine cause by the extraction of energy from the wind by turbine. As the wind proceeds downstream, there is a spreading of the wake and then, eventually, the wake recovers towards free stream conditions. Wake effect is the aggregated influence on the energy production of the wind farm, which results from the changes in wind speed caused by the impact of the turbines on each other (Wind-energy-the-facts.org, 2011).

Finally, the locations of many of the remaining 155 turbine sites were also modified as part of a "micro-siting" exercise to minimize direct impacts on cultural resources, biological resources, and surface drainage features. Some of these changes were made in response to concerns raised at the public scoping meetings conducted in early January 2011.

On February 3, 2012, the Applicant submitted a letter to Imperial County indicating that it would no longer be seeking approval for the single wind turbine located on private property. Because this was the only proposed turbine location not located on BLM-administered land, it was the only location that required approval only from Imperial County. Without this turbine location, the project no longer requires a General Plan amendment or zone change to be approved by Imperial County. The Final EIS/EIR has been revised to reflect the fact that a General Plan amendment and zone change are no longer required; however, the impact analysis still includes the turbine on private property. Also, the County is no longer required to conduct tribal consultation pursuant to SB 18 for the project as that requirement is only triggered by a proposed General Plan amendment.

Readers should also be aware that further project changes are possible after publication of this Final EIS/EIR. Decisions made by the BLM and the County may result in either the denial or approval of the proposed project, or approval with modifications. For example, at the time of publication of this Final EIS/EIR, the Applicant had proposed to eliminate some of the turbine locations analyzed in this document in order to further reduce effects on cultural resources. If these turbine locations are eliminated, only 112 wind turbines generators would be installed at the project site (see Figure 2.1-6 in Appendix A).

1.1 Purpose and Need

NEPA Regulations published by the Council on Environmental Quality (CEQ) state that environmental impact statements' Purpose and Need section "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR §1502.13). The following discussion sets forth the purpose of and need for the action as required under NEPA.

1.1.1 BLM Purpose and Need

In accordance with Federal Land Policy and Management Act (FLPMA) (Section 103(c)), public lands are to be managed for multiple uses that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the Proposed Action is to respond to a FLPMA ROW application submitted by the Applicant to construct, operate, maintain, and decommission a wind energy-generating facility and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies.

The proposed action would, if approved, assist the BLM in addressing the following management objectives:

- Executive Order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
- The Energy Policy Act 2005 (EPAAct 05), which sets forth the "sense of Congress" that the Secretary of the Interior should seek to have approved non-hydropower renewable energy projects on the public lands with a generation capacity of at least 10,000 MW by 2015.
- Secretarial Order 3285A1, dated March 11, 2009, and amended on February 22, 2010, which "establishes the development of renewable energy as a priority for the Department of the Interior."

This proposed action, if approved, would also further the development of environmentally responsible renewable energy as a priority for the Department of the Interior.

The BLM will decide whether to deny the proposed ROW, grant the ROW, or grant the ROW with modifications. Modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)). In connection with its decision on the OWEF, the BLM's action will also include consideration of potential amendments to the CDCA. The CDCA, while recognizing the potential compatibility of wind energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the land use plan amendment process. If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA as required.

1.1.2 U.S. Army Corps of Engineers Draft Section 404(b)(1) Alternatives Analysis Basic and Overall Project Purpose and Need

The U.S. Army Corps of Engineers (ACOE) is a cooperating agency with the BLM on this Draft EIS/EIR. The Federal Clean Water Act (CWA) Section 404(b)(1) Guidelines (Guidelines) promulgated by the U.S. Environmental Protection Agency (EPA) explain that, when an action is subject to NEPA and the ACOE is the permitting agency, the analysis of alternatives prepared for NEPA will in most cases provide the information needed for analysis under the Guidelines. The Guidelines also state that, in some cases, the NEPA document may have addressed "...a broader range of alternatives than required to be considered under [the Guidelines] or may not have considered alternatives in sufficient detail to respond to the details of these Guidelines. In the latter case, it may be necessary to supplement these NEPA documents with this additional information." (40 CFR 230.10(a)(4)). In light of this statement in the Guidelines and because the project purpose statement under NEPA and the Guidelines are not necessarily identical, the ACOE has reviewed and refined the project purpose to ensure it meets the standards of the Guidelines.

For CWA Section 404 purposes, the ACOE's Draft Section 404(b)(1) Alternatives Analysis for the proposed OWEF provides the following statement of basic and overall project purpose:

The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed action, and is used by the ACOE to determine whether an applicant's project is water dependent (i.e., whether it requires access or proximity to or siting within waters of the U.S.). The basic project purpose for the proposed action is "Energy Production." The basic project purpose is not water dependent. The discharge of fill material is not proposed to occur in any special aquatic sites in the project area. Therefore, the rebuttable presumptions that there are less environmentally damaging alternatives for the proposed activity that do not affect special aquatic sites does not apply [40 CFR 230.10(a)(3)].

The overall project purpose is "To provide a wind energy facility ranging in size from approximately 315 MW to 465 MW in Imperial County, California."

1.1.3 Applicant's Objectives

The Applicant's fundamental objective for the Proposed Action is to construct, operate, maintain, and eventually decommission an up to 465-MW wind energy facility and associated interconnection transmission infrastructure to provide renewable electric power to California's existing transmission grid to help meet federal and state renewable energy supply and greenhouse gas (GHG) emissions reduction requirements. The Applicant is committed to constructing and operating the project in an environmentally responsible manner and to providing a sustainable source of renewable energy to the State's investor-owned utilities and the public. The Applicant's specific objectives for the project are:

- To construct and operate a cost competitive up to 465-MW wind energy facility to provide a renewable and reliable source of power to California's investor-owned utilities (IOU);
- To locate the project on contiguous lands with high wind potential to maximize operational efficiency while minimizing environmental impacts and water use;
- To minimize environmental impacts and land disturbance by locating the project near existing transmission infrastructure and roads and by avoiding sensitive environmental areas, recreational

resources and wildlife habitats (e.g., Desert Wildlife Management Areas, Areas of Critical Environmental Concern);

- To develop a source of renewable electric power that can be placed into service in an expeditious manner by interconnecting to San Diego Gas and Electric's (SDG&E) Sunrise Powerlink 500-kV transmission line; and
- To assist California and its IOUs in meeting the State's Renewables Portfolio Standard (RPS) and GHG emissions reduction requirements, including the requirements set forth in Senate Bill (SB) 1078 (California RPS Program), Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), and the Governor's Executive Order S-14-08¹ to increase the state's Renewable Energy Standard to 33 percent renewable power by 2020. In particular:
 - California's RPS mandate that requires the State's IOUs to supply 20 percent of California's total electricity through renewable energy generation by 2010, as set forth in Senate Bill (SB) 1078 (2001-2002 Reg. Sess.) (establishing the California RPS Program) and SB 107 (2005-2006 Reg. Sess.) (accelerating the 20 percent requirement to 2010).
 - California's GHG emission reduction goals set forth in AB 32 that requires the State's GHG emissions be reduced to 1990 levels by 2020.

1.1.4 CEQA Objectives

The overall intent of the proposed OWEF is to promote the use of renewable energy to provide energy to local and statewide utility customers. The following objectives reflect the objectives for the OWEF:

- Provide energy from the Proposed Action to help meet California's Renewable Portfolio Standard (RPS) requirement for renewable energy;
- Develop a wind energy project on the windiest sites available to maximize energy production and provide the lowest-cost renewable, non-polluting electricity;
- Incorporate the BLM's Best Management Practices (BMPs) for developing wind energy and ensuring minimal environmental impacts.

In 2006, the State of California passed the California Global Warming Solutions Act (Assembly Bill 32), which requires the state to reduce emissions of carbon dioxide (CO₂) and other GHGs to 1990 emission levels (a 25 percent reduction) by 2020. Senate Bill 1368 was enacted in 2006, which prohibits California electric utilities from constructing power plants or entering into long-term energy purchase contracts with facilities that do not meet the GHG emissions standard. The California RPS legislation requires investor-owned utilities, publicly owned utilities, and energy service providers to increase purchases of renewable energy such that at least 33 percent of retail sales are procured from renewable energy resources by December 31, 2020. The proposed OWEF would contribute toward meeting the California RPS and GHG emissions legislation while satisfying increased demand for electricity.

1.1.5 Decisions to be Made

As defined by the purpose and need, the BLM is responding to the application from Ocotillo Express LLC for a ROW grant to construct, operate, maintain, and decommission a wind energy facility on public lands. In doing so, the BLM will adopt one of the alternatives described above or a variant similar to one of the alternatives.

¹ The RPS standard for 33 percent of energy from renewable sources by 2020 was enacted by law with the passage of SB X1-2, which was signed by Governor Brown on April 12, 2011.

Alternatives considered in the EIS/EIR are based on issues identified by the BLM and on comments received during the public scoping process. The BLM is required to consider a range of alternatives that are considered “reasonable,” usually defined as alternatives that are realistic (not speculative), technologically and economically feasible, and responsive to the purpose and need of the project. The EIS/EIR also needs to consider a “no action” or “no project” alternative.

This document provides information to the authorized officer to make the following decisions:

- Should the application area remain undesignated or be designated as suitable or unsuitable for wind energy development?
- If the BLM designates the area as suitable for wind energy development, it would decide:
 - Should the proposed ROW grant be issued as applied for, issued for a modified project, or denied?
 - If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA as required.

Similarly, the County of Imperial must respond to the applications submitted by Ocotillo Express LLC. In rendering a decision whether to approve the proposed project and issue the necessary permits to construct and operate the OWEF, the County must determine whether the project is consistent with the policies of the Imperial County General Plan and conforms to applicable regulations and standards set forth in County ordinances. The County must also make findings pursuant to CEQA that the project’s impacts on the physical environment have been mitigated to the degree feasible.

1.2 General Location and Map

The proposed OWEF is an up to 465-MW wind energy facility located on approximately 12,500 acres in Imperial County, California (Figure 1-1). The proposed OWEF would be located almost entirely on BLM-administered lands in the Imperial Valley. The Applicant has entered into an agreement with the owner of approximately 26 acres of private land near the center of the proposed project site for installation of a wind turbine generator. The separate parcels are consolidated into a single 465-MW wind project. The Sunrise Powerlink, an approved 500-kV transmission line, crosses the proposed project site (Figure 2.3-1), facilitating interconnection of the proposed OWEF and transmission of its renewable energy output to key load centers in southern California.

As shown on Figure 2.3-1, the proposed OWEF site consists of two site areas: the main northwestern site (Site 1), with an approximate area of 11,300 acres, and the smaller southeastern site (Site 2), with an approximate area of 1,200 acres.

A portion of the Imperial Highway (S2) runs through the proposed project site in a northwest to east direction, as well as Interstate (I-8), which crosses a portion of the southern area of the project site (Figure 2.3-1). The Evan Hewes Highway is located east of the proposed project site, traversing from northeast to southwest and merging with the Imperial Highway. Additionally, State Route 98 crosses the northeastern portion of Site 2 of the project site, and eventually connects to I-8.

The proposed OWEF site currently has existing access via I-8 to the south and/or the S2, which crosses near the center of the project site. Please see Figure 2.1-4 for a complete list of access locations during construction and operation of the proposed OWEF.

The site is located immediately north of the Jacumba Wilderness, approximately two miles west of the Yuha Basin Area of Critical Environmental Concern, approximately 1.5 miles southwest of the Plaster City Off-Highway Vehicle Open Area, approximately one mile south of the Coyote Mountains Wilderness, and adjacent to Anza-Borrego Desert State Park (See Figure 3.16-1). The proposed OWEF would be visible from portions of these special land use areas.

The Emory Ranch Airport is located outside of the proposed OWEF site boundaries, approximately 0.25 mile from the boundary of Site 1. Additionally, the proposed OWEF would be located approximately five miles southwest of the Naval Reservation Target 103, identified as a live bombing area, which is also a military flight training corridor.

The proposed OWEF would be located south of several large quarries in the southern foothills of the Coyote Mountains, and would be located approximately eight miles west of the large gypsum sheetrock manufacturing plant located in the unincorporated community of Plaster City. The nearest sensitive receptors are located immediately south of the northeastern portion of the proposed OWEF site in the unincorporated community of Ocotillo and east of the southeast portion of the proposed project in the unincorporated community of Nomirage.

1.3 Major Authorizing Laws and Regulations

The primary agency-specific authorizing laws and regulations are summarized below.

1.3.1 Bureau of Land Management

The BLM's authority and policy guidance for making a decision related to the OWEF flows from Title V of the FLPMA [43 U.S.C. 1701, et seq.], Section 211 of the EPAct (119 Stat. 594, 600), BLM's Wind Energy Development Policy (dated December 19, 2008), Secretarial Order 3285A1(dated March 11, 2009, as amended February 22, 2010), and BLM Instruction Memoranda 2011-59, 2011-60 and 2011-61 (each dated February 7, 2011). FLPMA authorizes the BLM to issue ROW grants for systems used for generation, transmission, and distribution of electric energy. Section 211 of EPAct states that the Secretary of the Interior should seek to have approved a minimum of 10,000 MWs of renewable energy generating capacity on public lands by 2015.

1.3.2 U.S. Army Corps of Engineers

Section 404 of the CWA authorizes the Secretary of the Army, acting through the ACOE, to issue permits regulating the discharge (placement) of fill material into waters of the U.S. Waters of the U.S. are broadly defined in 33 CFR Section 328.3(a) to include navigable waters; perennial, intermittent, and ephemeral streams; lakes, rivers, ponds, wetlands, marshes, and wet meadows. Throughout the Draft PA & Draft EIS/EIR process, the BLM has provided information to the ACOE to assist them in making a determination regarding their jurisdiction and need for a Section 404 permit.

1.3.3 U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction to protect threatened and endangered species under the Endangered Species Act (ESA) [16 U.S.C. Section 1531 et seq.]. Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a

federally-listed species. This consultation has been initiated through a request by the BLM to initiate formal consultation and the submittal of a Biological Assessment (BA).

1.3.4 California Department of Fish and Game

The California Department of Fish and Game (CDFG) has the authority to protect water resources of the State through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The BLM and the Applicant will provide information to CDFG to assist in its determination of the impacts to streambeds, and identification of permit and mitigation requirements.

CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act (CESA). The Applicant may need to file an Incidental Take Permit application with CDFG.

1.3.5 Imperial County

Imperial County, as a political subdivision of the State, shares responsibility in implementing California's RPS Program and GHG emissions reduction requirements, including the requirements set forth in AB 32. Accordingly, implementation of the proposed OWEF will require discretionary approvals from Imperial County for those private land portions of the project which include a Conditional Use Permit and a variance for structure height (turbine) in accordance with the requirements of the County of Imperial Land Use Ordinance (Title 9 of the Code of Ordinances).

Imperial County is responsible for certifying the Final EIS/EIR, which is required prior to making any decision to approve the proposed project. The County will make the decision to certify the Final EIS/EIR after reviewing the document for consistency with CEQA requirements (CEQA Guidelines §15090). If the Final EIS/EIR shows that the proposed OWEF would have significant and unavoidable (not mitigable) impacts and the County decides to approve the project, then the County will need to adopt a "Statement of Overriding Considerations" explaining the reasons for approving the project despite its significant impacts (CEQA Guidelines §15093).

An analysis of the proposed OWEF's consistency with applicable policies of the Imperial County General Plan is provided in Appendix K.

1.4 Relationship of Proposed Action to BLM Policies, Plans, and Programs

Federal Land Policy and Management Act of 1976

FLPMA provides the BLM's overarching mandate to manage the lands and resources under its stewardship based on the principles of multiple use and sustained yield. Multiple use is a concept that directs management of lands and resource values in a way that best meets the present and future needs of Americans and is defined as "a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources" (FLPMA §103[c]). In processing a land use plan amendment, BLM must also comply with the BLM Planning Regulations (43 CFR Part 1600) and the BLM Land Use Planning Handbook (H-1601-1; March 2005).

California Desert Conservation Area Plan

The CDCA encompasses 25 million acres in southern California designated by Congress in 1976 through FLPMA. The BLM manages about 10 million of those acres. Congress directed the BLM to prepare and implement a comprehensive long-range plan for the management, use, development, and protection of public lands within the CDCA. The 1980 CDCA Plan, as amended, is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The CDCA Plan provides overall regional guidance for BLM-administered lands in the CDCA and establishes long-term goals for protection and use of the California desert.

The CDCA Plan establishes four multiple use classes, multiple use class guidelines, and plan elements for specific resources or activities, such as motorized vehicle access, recreation, and vegetation. The multiple use classes are:

- **Class C (Controlled Use).** About four million acres are Class C. These include 69 wilderness areas (3,667,020 acres) created by Congress with the October 1994 passage of the California Desert Protection Act. These lands are to be preserved in a natural state; access generally is limited to nonmotorized, nonmechanized means—on foot or horseback.
- **Class L (Limited Use).** About four million acres are Class L. These lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. They provide for generally lower-intensity, carefully controlled multiple uses that do not significantly diminish resource values.
- **Class M (Moderate Use).** About 1.5 million acres are Class M. These lands are managed in a controlled balance between higher-intensity use and protection. A wide variety of uses, such as mining, livestock grazing, recreation, energy, and utility development are allowed. Any damage that permitted uses cause must be mitigated.
- **Class I (Intensive Use).** About 500,000 acres are Class I. These lands are managed for concentrated use to meet human needs. Reasonable protection is provided for sensitive natural values and mitigation of impacts, and impacted areas are rehabilitated when possible.

The land use plan for the BLM-administered lands is the CDCA Plan of 1980, as amended. In the CDCA Plan, the location of the proposed OWEF facility includes land that is classified as Multiple-Use Class L (Limited Use). The Plan states that wind energy facilities may be allowed within Limited Use areas after NEPA requirements are met. This PA & EIS/EIR will act as the mechanism for complying with those NEPA requirements. Because wind energy facilities are an allowable use of the land as classified in the CDCA Plan, the Proposed Action does not conflict with the CDCA Plan. However, Chapter 3, “Energy Production and Utility Corridors Element” of the CDCA Plan also requires that newly proposed power facilities that are not already identified in the CDCA Plan be considered through the Plan Amendment process. The proposed OWEF is not currently identified within the CDCA Plan and, therefore, a Plan Amendment is required to include the facility as a recognized element within the CDCA Plan.

Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States

The BLM is responsible for the development of energy resources on BLM-administered lands in an environmentally sound manner. To address increased interest in wind energy development and to implement the national energy policy recommendation to increase renewable energy production, the BLM undertook efforts to evaluate wind energy potential on public lands and establish wind energy policy. The BLM, in cooperation with the DOE, prepared a programmatic environmental impact statement (PEIS) in

2005 to: (1) assess the environmental, social, and economic impacts associated with wind energy development on BLM-administered land; and (2) evaluate a number of alternatives to determine the best management approach for the BLM to adopt in terms of mitigating potential impacts and facilitating wind energy development.

The Final PEIS analyzed three alternatives for managing wind energy development on BLM-administered lands, including: (i) the proposed action, which would implement a Wind Energy Development Program, establish policies and best management practices (BMPs) for wind energy right-of-way (ROW) authorizations, and amend 52 BLM land use plans; (ii) the no action alternative, which would allow continued wind energy development under the terms and conditions of the BLM Interim Wind Energy Development Policy; and (iii) a limited wind energy development alternative, which would allow wind energy development only in selected locations.

Based on the Wind PEIS, the BLM decided to implement a comprehensive Wind Energy Development Program to administer the development of wind energy resources on BLM-administered public lands in 11 western states – Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming – that included amendments to 52 BLM land use plans in 9 of the states in the study area – Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

To support such wind energy development on public lands and also to minimize potential environmental and sociocultural impacts, the BLM proposes to build on the interim policy to establish a Wind Energy Development Program. Anticipated elements of the BLM’s proposed Wind Energy Development Program include: (1) an assessment of wind energy development potential on BLM-administered lands through 2025 (a 20-year period); (2) policies regarding the processing of wind energy development ROW authorization applications; (3) best management practices (BMPs) for mitigating the potential impacts of wind energy development on BLM-administered lands; and (4) amendments of specific BLM land use plans to address wind energy development.

1.4.1 Planning Criteria (BLM)

The CDCA planning criteria are the constraints and ground rules that guide and direct the development of the Plan Amendment. They ensure that the Plan Amendment is tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. They focus on the decisions to be made in the Plan Amendment, and will achieve the following:

“Sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process.”

Because the proposed facility is not currently identified within the CDCA Plan, an amendment to identify the proposed facility within the CDCA Plan is hereby proposed. As specified in the CDCA Plan Chapter 7, Plan Amendment Process, there are three categories of Plan Amendments, including:

Category 1, for proposed changes that will not result in significant environmental impact or analysis through an EIS;

Category 2, for proposed changes that would require a significant change in the location or extent of a multiple-use class designation; and

Category 3, to accommodate a request for a specific use or activity that will require analysis beyond the Plan Amendment Decision.

Based on these criteria, approval of the proposed OWEF would require a Category 3 amendment. The section below (1.4.2 – Statement of Plan Amendment) summarizes the procedures necessary to evaluate the proposed Plan Amendment, as well as the procedures required to perform the environmental review of the ROW application.

1.4.2 Statement of Plan Amendment

The Implementation section of the Energy Production and Utility Corridors Element of the CDCA Plan lists a number of Category 3 amendments that have been approved since adoption of the CDCA Plan in 1980. An additional amendment is proposed to be added to this section of the CDCA, and would read “Permission granted to construct wind energy facility (proposed Ocotillo Wind Energy Facility).”

Plan Amendment Process

The Plan Amendment process is outlined in Chapter 7 of the CDCA Plan. In analyzing an applicant’s request for amending or changing the Plan, the BLM District Manager will:

- Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.
- Determine if alternative locations within the CDCA Plan are available which would meet the applicant’s needs without requiring a change in the Plan’s classification, or an amendment to any Plan element.
- Determine the environmental effects of granting and/or implementing the applicant’s request.
- Consider the economic and social impacts of granting and/or implementing the applicant’s request.
- Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, State, and local government agencies.
- Evaluate the effect of the proposed amendment on BLM management’s desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

Decision Criteria for Evaluation of Proposed Plan Amendment

The Decision Criteria to be used for approval or disapproval of the proposed plan amendment require that the following determinations be made by the BLM Desert District Manager:

- The proposed plan amendment is in accordance with applicable laws and regulations; and
- The proposed plan amendment will provide for the immediate and future management, use, development, and protection of the public lands within the CDCA.

The BLM Desert District Manager will base the rationale for these determinations on the principles of multiple use, sustained yield, and maintenance of environmental quality as required in FLPMA.

Decision Criteria for Evaluation of Application

In addition to defining the required analyses and Decision Criteria for Plan Amendments, the CDCA Plan also defines the Decision Criteria to be used to evaluate future applications (e.g., application for ROW) in the Energy Production and Utility Corridors Element of Chapter 3. These Decision Criteria include:

- Minimize the number of separate ROWs by utilizing existing ROWs as a basis for planning corridors;
- Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables;
- Provide alternative corridors to be considered during processing of applications;
- Avoid sensitive resources wherever possible;
- Conform to local plans whenever possible;
- Consider wilderness values and be consistent with final wilderness recommendations;
- Complete the delivery systems network;
- Consider ongoing projects for which decisions have been made; and
- Consider corridor networks which take into account power needs and alternative fuel resources.

1.5 Relationship of Proposed Action to non-BLM Policies, Plans, and Programs

1.5.1 Relationship to Federal Plans, Policies, Programs, and Laws

National Environmental Policy Act

NEPA (42 USC. 4321 et seq.) declares a continuing federal policy that directs “a systematic, interdisciplinary approach” to planning and decision-making and requires the preparation of environmental statements for “major Federal actions significantly affecting the quality of the human environment.” The Council on Environmental Quality’s (CEQ’s) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) require Federal agencies to identify and assess reasonable alternatives to proposed actions. Federal agencies are further directed to emphasize significant environmental issues in project planning and to integrate impact studies required by other environmental laws and Executive Orders into the NEPA process. The NEPA process should, therefore, be seen as an overall framework for the environmental evaluation of federal actions. In processing ROW applications, BLM must also comply with the Department of the Interior’s regulations applicable to implementing the procedural requirements of NEPA (43 CFR Part 46), as well as BLM’s NEPA Handbook (H-1790-1; January 2008).

Clean Air Act

The Clean Air Act (CAA) (42 USC 7401-7661), as amended, regulates air pollution to improve air quality. It regulates air emissions from area, stationary, and mobile sources. This law also authorizes the USEPA to establish National Ambient Air Quality Standards to protect public health and the environment.

Clean Water Act

The CWA (33 USC 1251-1376) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires that an applicant for a Federal license or permit that allows activities resulting in a discharge to waters of the U.S. must obtain a state certification that the discharge complies with other provisions of the CWA. The RWQCBs administer the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) from a point source into waters of the U.S.

Section 404 establishes a permit program administered by the ACOE regulating the discharge of dredged or fill material into waters of the U.S., including wetlands. The CWA also contains the requirements under which the RWQCBs set water quality standards for all contaminants in surface waters.

Endangered Species Act of 1973

The ESA (16 USC 1531-1543) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The USFWS administers the ESA. The major components of the ESA are:

- Provisions for the listing of threatened and endangered species;
- The requirement for consultation with the USFWS on federal projects that may affect listed species or their habitat;
- Prohibitions against “take” of listed species. Under the ESA, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct”; and
- Provisions for permits to allow the incidental taking of threatened and endangered species.

National Historic Preservation Act of 1966, as Amended

The National Historic Preservation Act (NHPA) (16 USC 470) requires federal agencies with jurisdiction over a proposed Federal project to take into account the effect of the undertaking on cultural resources listed or eligible for listing on the National Register of Historic Places and requires that the agencies afford the State Historic Preservation Office (SHPO), any potentially affected Indian tribe, and the Advisory Council on Historic Preservation with an opportunity to comment on the undertaking. When the Act was amended in 1980, Section 110 was added to expand and make more explicit the statute’s statement of Federal agency responsibility for identifying and protecting historic properties and avoiding unnecessary damage to them. Section 110 also charges each Federal agency with the affirmative responsibility for considering projects and programs that further the purposes of the NHPA, and it declares that the costs of preservation activities are eligible project costs in all undertakings conducted or assisted by a Federal agency.

1.5.2 Relationship to State and Local Laws, Plans, Policies, and Programs

California Endangered Species Act

The CESA (Fish and Game Code 2050 et seq.) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no State agency consultation procedures under CESA. For projects that affect a species that is both State and federally listed, compliance with the Federal ESA will satisfy CESA if the CDFG determines that the Federal incidental take authorization is “consistent” with CESA under Fish and Game Code Section 2080.1 and issues a Consistency Determination to that effect. For projects that will result in a take of a State-only listed species, an applicant must apply for a take permit under Section 2081(b).

California Fish and Game Code, Streambed Alteration Agreements

Sections 1601 to 1603 of the California Fish and Game Code require notifying CDFG prior to constructing any project that would divert, obstruct or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occur during the environmental review process. When an existing fish or wildlife resource may be substantially adversely affected, the CDFG is required to propose reasonable project changes and/or mitigation to protect the resource. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

State Historic Preservation Officer

The California SHPO reviews state programs and projects that may impact historic resources that are located on state-owned land pursuant to California Public Resources Code § 5024 and 5024.5. Additionally, the California SHPO is a mandatory consulting party in the Section 106 process and is required to respond, either with concurrence or non-concurrence, to BLM's documented finding of effect.

California's Renewables Portfolio Standard

California's RPS requires investor-owned utilities, publicly owned utilities, and energy service providers to increase purchases of renewable energy such that at least 33 percent of retail sales are procured from renewable energy resources by December 31, 2020. In the interim, each entity is required to procure an average of 20 percent of renewable energy for the period of January 1, 2011, through December 31, 2013; 25 percent by December 31, 2016, and 33 percent by 2020. These RPS requirements were enacted through Senate Bill (SB) X1-2, which was signed by Governor Brown in April 2011, and increase previous requirements set forth in SB 1078 (2001-2002 Reg. Sess.) (establishing the California RPS Program) and SB 107 (2005-2006 Reg. Sess.) (accelerating the 20 percent requirement to the year 2010).

Imperial County General Plan

Imperial County covers an area of 4,597 square miles within the southeastern portion of the State of California. Approximately 50 percent of Imperial County lands are undeveloped and under federal ownership and jurisdiction. Currently, 20 percent of the nearly 3 million acres of Imperial County is irrigated for agricultural purposes, most notably the central area known as Imperial Valley. The Imperial County General Plan consists of nine elements that serve as the primary policy statement by the Board of Supervisors for implementing development policies and land uses in Imperial County.

Imperial County Air Pollution Control District

The proposed OWEF is located within the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD), which reviews the plans and specifications for construction in the proposed project area. The ICAPCD would assess emissions and possible air contamination resulting from construction and operational activities (e.g., road dust, windblown contaminants, and emissions from construction activities).

1.5.1 List of Required Permits and Approvals

Table 1-1 provides a list of the anticipated Federal and State permits and approvals that would be required for the proposed OWEF, including those that would be issued by the Lead Agencies. Please note that CEQA review is only required for State or local approvals that are considered discretionary in nature.

Table 1-1. Entitlements Required for the Proposed OWEF	
Federal	
BLM	Record of Decision (ROD) Land Use Plan Amendment ROW Grant
BLM State Office	Archeological Resources Protection Act, Cultural Resource Use Permit
BLM El Centro Field Office	Fieldwork Authorization
USFWS	Biological Opinion
ACOE	CWA Section 404 Department of the Army Permit
Federal Aviation Administration	Determination of No Hazard (Received on October 2, 2009 for select locations) Updated Determination (Received on December 9, 2011)
US Department of Defense	Consultation (Verbally advised that the Department of Defense has no objection but a portion of the project would need to remain at 400 feet height limit)
US Department of Homeland Security	Consultation
National Oceanic and Atmospheric Administration, National Weather Service/Radar Operations	Consultation
State	
California Department of Fish and Game	Streambed Alteration Agreement Incidental Take Permit (if required by CDFG)
Colorado River RWQCB Region 7	National Pollutant Discharge Elimination System (NPDES) Permit Stormwater Pollution Prevention Plan (SWPPP) Water Quality Certification/CWA Section 401
California Department of Transportation	ROW Encroachment Permit Transportation Permit
California Public Utilities Commission	Power Purchase Agreement (approved in January 2012) Approval of SDG&E Switchyard and Loop-in
Native American Heritage Commission	Consultation on Sacred Areas to comply with State requirements
State Historic Preservation Officer	NHPA Section 106 Consultation
California Energy Commission	Renewable Portfolio Standard Certification
Local	
Imperial County (for project facilities on non-federal land)	Conditional Use Permit and Variance (Turbine) ROW Encroachment Permit Transportation Permit Grading Permit

1.6 Interagency Coordination

The BLM and County seek comments from and work closely with other regulatory agencies that administer laws, regulations, and standards that may be applicable to proposed projects. These agencies may include as applicable, the USEPA, USFWS, ACOE, State Water Resources Control Board/RWQCB, SHPO, CDFG, and the ICAPCD.

The BLM has notified affected Indian Tribes regarding the proposed OWEF, is seeking their comments, and has invited them to consult on the project on a government-to-government basis. A summary of the tribal consultation process to date is provided in Section 5.2.3.

1.7 Document Organization

This document follows regulations promulgated by the Council on Environmental Quality (CEQ) for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508); the Department of the Interior's NEPA regulations, 43 C.F.R. Part 46; the BLM NEPA Handbook, H-1790-1; Sections 201, 202, and 206 of FLPMA (43 CFR 1600); the BLM Land Use Planning Handbook, H1601-1, and DOE's NEPA implementing procedures (10 CFR 1021). This EIS/EIR describes the components of and reasonable alternatives to the Proposed Action and environmental consequences of the Proposed Action and the alternatives. In addition, the document incorporates provisions of CEQA to allow the County of Imperial to use this EIS/EIR in its environmental review and approval process. This document also addresses DOE's Floodplain and Wetland Environmental Review Requirements (10 CFR 1022).

The EIS/EIR is organized as follows:

- **Chapter 1** provides general background on the Proposed Action; identifies the purpose and need for the Proposed Action; and identifies roles of the BLM, other agencies, and authorities regulating various aspects of the Proposed Action.
- **Chapter 2** describes the Proposed Action and draft land use plan amendment decisions to be made and the alternatives development and screening process conducted for the project. It also presents a range of reasonable alternatives that address the stated purpose and need for the Proposed Action and identifies and explains why alternatives were considered but not analyzed in detail.
- **Chapter 3** describes the affected environment (existing conditions) for 23 environmental components in the Proposed Action area.
- **Chapter 4** provides a comprehensive analysis and assessment of impacts (direct, indirect, and cumulative) and mitigation measures (by environmental component) for the Proposed Action and other alternatives (including three No Action Alternatives). It also describes other aspects of BLM compliance with NEPA procedures, including a description of unavoidable adverse impacts, the commitments of resources (40 CFR, 1502.16), as well as addressing CEQA requirements.
- **Chapter 5** identifies the persons, groups, agencies and other governmental bodies that were consulted or that contributed to the preparation of the EIS/EIR; describes Native American consultations and public participation; lists agencies, organizations, and individuals that submitted comments on the Draft EIS/EIR; and provides a list of EIS/EIR preparers.
- **Chapter 6** includes a list of acronyms and abbreviations used in the EIS/EIR.
- **Chapter 7** includes a list of project terms used in the EIS/EIR.
- **Chapter 8** provides the references used in preparing the EIS/EIR.
- **Chapter 9** provides an index for key words used in the EIS/EIR.
- **Appendices** contain information that supplements or supports the analyses in the body of the EIS/EIR.

1.8 Issues to be Addressed

The issues evaluated in this EIS/EIR include the physical, biological, cultural, socioeconomic, and other resources that have the potential to be affected by activities related to the Proposed Action and alternatives. The issues are:

- Air Resources;
- Climate Change;
- Cultural Resources;
- Environmental Justice;

- Lands and Realty;
- Mineral Resources;
- Multiple Use Classes;
- Noise;
- Paleontological Resources;
- Public Health and Safety;
- Recreation;
- Social and Economic Issues;
- Soil Resources;
- Special Designations;
- Transportation and Public Access;
- Vegetation Resources;
- Visual Resources;
- Water Resources;
- Wildland Fire Ecology; and
- Wildlife Resources.

Resources that do not exist in the project area and, therefore, do not warrant analysis in the EIS/EIR include:

- Livestock Grazing; and
- Wild Horses and Burros.

In addition, the Initial Study for the proposed OWEF prepared by the County of Imperial concluded that the project would not cause significant impacts related to various topics addressed in the CEQA Environmental Checklist. Therefore, those topics are not addressed in this EIS/EIR, and the reasons for concluding that no significant impacts would occur related to those topics are disclosed in the Initial Study, which was distributed with the NOP in December 2010. CEQA Environmental Checklist topics not addressed in this EIS/EIR include:

- Impacts to agriculture and forestry resources;
- Hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school;
- Location of project facilities on a listed hazardous material site (listed pursuant to Government Code § 65962.5);
- Placement of housing within a 100-year flood hazard area;
- Expose people to excessive noise levels from aircraft operations due to proximity to a public airport or public use airport;
- Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere;
- Physical impacts associated with the provision of new or physically altered governmental facilities for schools, parks, and other public facilities;
- Construction or expansion of recreational facilities that might have an adverse physical effect on the environment;
- Determination by a wastewater treatment provider that it has adequate capacity to serve the project; and
- Lack of permitted landfill capacity to meet the project's solid waste disposal needs.