

EXECUTIVE SUMMARY

ES.1 Background and Project Overview

This Proposed Plan Amendment (PA) and Environmental Impact Statement/Environmental Impact Report (EIS/EIR) analyzes the impacts of Ocotillo Express LLC's (Applicant) Ocotillo Wind Energy Facility (OWEF). The application for this project was filed with the Bureau of Land Management (BLM) as an Application for a Right-of-Way (ROW) authorization to construct, operate, maintain, and decommission, an approximate 12,484-acre, up to 465-megawatt (MW) wind energy project including a substation, switchyard, administration, operations and maintenance facilities, transmission, and temporary construction lay down areas (CACA, 51552). The *Regional Context* for the proposed OWEF is shown in Figure 1-1 (See Appendix A for all figures referenced in the PA and EIS/EIR). The *Proposed OWEF Site Layout* is shown in Figure 2.3-1. This Proposed PA and EIS/EIR present the potential effects of the OWEF and 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 (Alternative 1);
- 137 Wind Turbine Generators Alternative (Alternative 2);
- 105 Wind Turbine Generators Alternative (Alternative 3);
- No issuance of a ROW grant or County approval/No Land Use Plan (LUP) Amendment (Alternative 4);
- 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).

The Applicant proposes to construct, operate, maintain, and decommission the proposed OWEF in Imperial County, California, near the unincorporated community of Ocotillo. The project would be located on BLM-administered land except for approximately 500 acres of private and public land outside the project boundaries would be utilized for road access and collection line ROWs.

Proposed Action (Alternative 1)

The proposed OWEF (Alternative 1) consists of the construction, operation, maintenance, and decommissioning of wind turbine generators (WTGs) and associated facilities necessary to successfully generate up to 465 MW of electrical energy. A proposed total of 155 WTGs would be located on the project site. After construction of all WTGs, the project would produce up to 465 MW of energy.

The proposed OWEF site consists of two site areas: the main northwestern site (Site 1) with an approximate acreage of 11,269 and the smaller southeastern site (Site 2) with an approximate acreage of 1,167. The Sunrise Powerlink 500-kV transmission line crosses the proposed OWEF site, facilitating interconnection of the proposed OWEF and transmission of its renewable energy output to key load centers in southern California.

ES.2 Purpose and Need

National Environmental Policy Act (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.

ES.2.1 BLM Purpose

In accordance with Federal Land Policy and Management Act (FLPMA) (Section 103(c)), public lands are to be managed for multiple use 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 (EPA 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.

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.

ES.2.2 U.S. Army Corps of Engineers Draft Section 404(b)(1) Alternatives Analysis Basic and Overall Project Purpose

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 Corps 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."

ES.2.3 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'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.

ES.2.4 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.

ES.3 Decisions to be Made

As defined by the purpose and need, the BLM is responding to the Applicant's application 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 below or a variant similar to one of the alternatives (see Section ES.3.1).

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 the Applicant. 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

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.

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.

ES.3.1 Alternatives

Alternatives were evaluated for inclusion in the EIS/EIR using appropriate screening criteria pursuant to NEPA and CEQA. These criteria were used to evaluate whether a potential alternative would: achieve the project purpose and meet most project objectives; be feasible; and offer environmental advantages over the proposed project, including avoidance or reduction of significant environmental impacts. As part of the alternatives screening process, twenty (20) alternatives located on BLM-administered lands and other affected lands and resources were evaluated. Of those alternatives, six alternatives, including the proposed OWEF or Proposed Action, were developed and evaluated in this EIR/EIS, as follows (see Chapter 2 for complete descriptions of these alternatives):

- **Proposed Action - 155 Wind Turbine Generators (Alternative 1).** This alternative consists of 155 WTGs designed to produce up to 465 MW of energy. The proposed OWEF would be constructed at both the northern site (Site 1) and southern site (Site 2) in a single phase.
- **137 Wind Turbine Generators Alternative (Alternative 2).** This alternative is conceptually similar to Alternative 1, but with 18 fewer WTGs (137 total), with five optional turbine sites. These turbines would be 2.3-MW WTGs, which would meet the Power Purchase Agreement amount of 315 MW. The locations of the substation, switchyard, O&M facility, batch plant, rail yard, and MET towers are the same as Alternative 1.
- **105 Wind Turbine Generators Alternative (Alternative 3).** This alternative is conceptually similar to Alternative 1, but with 50 fewer WTGs (105 total). These turbines would be 3.0-MW WTGs to meet the Power Purchase Agreement amount of 315 MW. In addition, the MET tower on Site 2 would be eliminated. The locations of the substation, switchyard, O&M facility, batch plant, rail yard, and remaining MET towers are the same as Alternative 1.
- **No issuance of a right-of-way grant or County approval; No LUP Amendment (Alternative 4).** Under this No Action Alternative none of the project components would be built. This alternative is equivalent to the No Project Alternative under CEQA.
- **No issuance of a right-of-way 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).** Under this No Project Alternative none of the project components would be built, but there would be an amendment to the CDCA Plan that would identify the project site as unsuitable for wind energy development.
- **No issuance of right-of-way grant or County approval; approval of a land use plan amendment to make site available for future wind energy development (Alternative 6).** Under this No Project Alternative none of the project components would be built, but there would be an amendment to the CDCA Plan that would identify the project site as suitable for wind energy development.

It is possible that not all of the wind turbine locations analyzed as part of Alternatives 1, 2, and 3, above, will be approved. The Record of Decision to be issued by the BLM may result in either the denial or approval of the proposed project, but could also result in the approval of a different number of wind turbines than described in Alternatives 1, 2, or 3, provided that the approved configuration is within the range of alternatives analyzed in this Final EIS/EIR. Based on information developed during the Section

106 process for the OWEF and comments received on the Draft EIS/EIR, the Applicant proposed that BLM consider a new project configuration that eliminates 43 of the turbines proposed under Alternative 1 in order to further reduce the effects of the OWEF on cultural resources (“Refined Project”). Under the Refined Project configuration, only 112 wind turbine generators would be approved and installed, and those 112 turbines would be located on turbine sites selected from a pool comprised of only 118 of the 155 turbine sites evaluated under Alternative 1 (i.e., 112 installation sites plus 6 alternate sites). These changes would result in a project similar in size to Alternative 3. A map of the proposed 112 wind turbine configuration, plus the 6 alternative turbine sites can be seen on Figure 2.1-6 in Appendix A. As explained below, the BLM determined that this new configuration did not require a new alternative to be analyzed in this EIS/EIR because the 112-turbine configuration simply represents a subset of the turbine sites already presented and analyzed by the BLM in the Draft EIS/EIR and, therefore, the impacts associated with the installation and operation of wind turbines at those sites have already been disclosed and analyzed in this EIS/EIR.

ES.3.2 Comparison of Alternatives

Table ES-1 summarizes the alternatives and their impacts. The selection of one of the three action alternatives (Alternatives 1, 2, and 3) would result in amendment of the CDCA Plan to determine the suitability of the site for the development of a wind energy project. However, the actual environmental consequences anticipated would result from the development of the Proposed Action; therefore, the table summarizes environmental impacts resulting from the project pursuant to NEPA and CEQA (Guidelines Section 15123(b)(1)).

ES.3.3 Federal Lead Agency Preferred Alternative and CEQA Environmentally Superior Alternative

ES.3.3.1 Federal Lead Agency Preferred Alternative

The “preferred alternative” is a preliminary indication of the federal responsible official’s preference of action, which is chosen from among the Proposed Action and alternatives. The preferred alternative may be selected for a variety of reasons (such as the priorities of the particular lead agency) in addition to the environmental considerations discussed in the EIS.

In accordance with NEPA (40 CFR 1502.14(e)), the BLM has identified its preferred alternative as the Refined Project. The BLM has determined that the Refined Project would not result in effects that are outside the spectrum of alternatives analyzed in the Draft EIS/EIR because the Refined Project configuration utilizes turbine sites that are already part of the existing alternatives analyzed in the Draft EIS/EIR with respect to Alternative 1, the Proposed Action. Therefore, the impacts associated with the construction, operation, maintenance, and decommissioning of wind turbines at those sites have already been fully disclosed and analyzed in the Draft EIS/EIR. Thus, the Refined Project is merely a reduction in scope and impact version of Alternative 1. Moreover, given its size, the impacts associated with the Refined Project (112 turbines) are similar to, or only slightly larger than, the impacts identified for Alternative 3 (105 turbines). As explained above, the Refined Project would further avoid direct impacts to identified cultural resources within the OWEF project site. The BLM has determined based on these considerations that the Refined Project does not constitute a “substantial change” in the [P]roposed

[A]ction ... relevant to environmental concerns” or significant new information bearing on the Proposed Action or its alternatives. (40 CFR 1502.9(c)(1), (2)).

ES.3.3.2 CEQA Environmentally Superior Alternative

In accordance with CEQA requirements, an “environmentally superior alternative” must be identified among the alternatives analyzed in an EIR or EIS/EIR. The environmentally superior alternative is the alternative found to have an overall environmental advantage compared to the other alternatives based on the impact analysis in the EIR. If the environmentally superior alternative is the No Project alternative, State CEQA Guidelines Section 15126.6(e)(2) requires the EIR to identify an environmentally superior alternative from among the other alternatives.

In the case of the Proposed Action, the No Project alternative would be superior to any of the action alternatives because the impacts of implementing the Proposed Action would be avoided for the time being. Among the other alternatives, the County of Imperial has identified Alternative 3 (105 Wind Turbine Generators) as the environmentally superior alternative because it would involve installation of the fewest number of turbines and, therefore, would result in the least environmental disturbance. Consequently, Alternative 3 would have the smallest impact on natural habitat and the lowest potential for disturbing cultural and paleontological resources. It would also generate the least amount of air pollutants during construction and would require the least amount of water for construction. Visual and noise impacts would also be reduced due to the fewer number of turbines compared to the other action alternatives. While physical impacts on the environment at the project site would be reduced with Alternative 3, this alternative would not fully meet the project’s objectives as it would only enable the generation of approximately 315 MW of wind energy rather than the 465 MW sought by the Applicant. Also, while the reduced number of turbines associated with Alternative 3 would reduce direct project impacts, the environmental benefits associated with the generation of electricity from renewable resources would be reduced compared to Alternative 1. It should also be noted that the suitability of 3.0-MW turbines for this site, as well as the commercial availability of these turbines, could hinder the implementation of this alternative.

ES.4 Connected/Cumulative Actions

There are no other actions that are connected to the OWEF that would require any action from the BLM or County of Imperial. The Sunrise Powerlink transmission line, to which the proposed OWEF would connect, has already been approved and is currently under construction. The Sunrise Powerlink project was considered in the cumulative impact analysis in this EIS/EIR and, similarly, the cumulative impact analysis in Sunrise Powerlink EIS/EIR considered the impacts of the proposed project and other reasonably foreseeable renewable energy projects in region.

There are a large number of renewable energy and other projects proposed throughout the California desert that were identified as potentially contributing to cumulative environmental impacts. Those cumulative projects are discussed in detail in Section 4.1.5, Cumulative Scenario Approach, along with other types of reasonably foreseeable projects.

ES.5 Environmental Consequences

ES.5.1 Impact Summary Table

Table ES-1 summarizes the environmental impacts that would occur as a result of the OWEF and Alternatives by environmental parameter. Appendix I, Mitigation Monitoring Program, identifies the mitigation measures included to avoid or substantially reduce adverse impacts. The unavoidable adverse impacts that would remain after mitigation are also discussed at the end of each section in Chapter 4.

ES.5.2 Major Conclusions

The proposed OWEF (Proposed Action) would result in unavoidable adverse impacts even after implementation of mitigation measures for the following issue areas, as described below.

Air Quality. Air pollutant emissions during construction would result in temporary and unavoidable adverse NO_x and PM₁₀ impacts.

Cultural Resources. All of the alternatives would have an adverse impact to the setting of the resources that are contributors to the Traditional Cultural Property identified by certain tribes during Section 106 consultations for the OWEF. Project redesign and the implementation of the proposed mitigation measures may reduce some of these impacts, but in general they are thought to be unavoidable.

Noise. Operation of the wind turbines at night would result in a substantial increase over ambient noise levels and in the quieter areas (away from highways) would be perceived as a doubling of loudness such that operation of the wind turbines would result in an unavoidable adverse impact.

Paleontological Resources. Inadvertent damage could occur during excavation to paleontological resources not identified by paleontological monitors.

Vegetation Resources. Temporary disturbance and permanent loss of sensitive vegetation communities, jurisdictional areas, and special status plant species.

Visual Resources. Unavoidable impacts from the conversion of a natural desert landscape to a landscape dominated by industrial character. Long-term land scarring following project decommissioning due to the large impact area and long recovery time for desert vegetation.

Wildlife Resources. Temporary disturbance and permanent loss of suitable (unoccupied) peninsular bighorn sheep habitat, burrowing owl burrows and foraging habitat, special status raptor and migratory bird species (collision), and special status bat species due to collision. Alternatives 1 and 2 would also result in temporary and permanent unavoidable impacts to flat-tailed horned lizard.

Table ES-1. Comparison of Impacts by Alternative						
Resource	Alternative 1: Proposed Action	Alternative 2: 137 Wind Turbine Generators	Alternative 3: 105 Wind Turbine Generators	Alternative 4: No ROW grant, County approval, or LUP Amendment	Alternative 5: No ROW grant or County approval; Approval of a LUP amendment to exclude on-site wind development	Alternative 6: No ROW grant or County approval; Approval of a LUP amendment to allow future on-site wind development
<i>Air Resources</i>	Temporary unavoidable adverse impacts during construction. Daily construction NOx and PM10 emissions exceed ICAPCD thresholds. Operation emissions below the ICAPCD thresholds for all criteria pollutants.	Lower annual/total construction emissions and O&M emissions than Alternative 1 due to reduced number of wind turbines.	Lower annual/total construction emissions and O&M emissions than those of Alternatives 1 and 2 due to reduced number of wind turbines.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: Air pollutant emissions during construction would result in temporary and unavoidable adverse NOx and PM10 impacts. (Alternatives 1, 2, & 3)					
<i>Global Climate Change</i>	Off-setting reductions in GHG emissions are greater than the direct emissions from construction and operation of the project.	Off-setting reductions in GHG emissions are less compared to Alternative 1 due to reduced number of WTGs.	Off-setting reductions in GHG are less compared to Alternatives 1 and 2 due to reduced number of WTGs.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Cultural Resources</i>	Avoidance of adverse physical impacts to prehistoric resources, historic resources, multi-component resources, and built-environment through project redesign and mitigation. Under NEPA, adverse impacts to the setting of a significant TCP/ historic district and contributing prehistoric resources assumed eligible for the National Register of Historic Places resulting from the conversion of a natural desert landscape to an industrial landscape. Under CEQA, the County has determined that the project	Avoidance of adverse physical impacts to prehistoric resources, historic resources, multi-component resources, and built environment through project redesign and mitigation. Under NEPA, adverse impacts to the setting of a TCP and contributing prehistoric resources assumed eligible for the National Register of Historic Places resulting from the conversion of a natural desert landscape to an industrial landscape. Under CEQA, the County has determined that the project site not a historic resource.	Avoidance of adverse physical impacts to prehistoric resources, historic resources, multi-component resources, and built-environment through project redesign and mitigation. Under NEPA, impacts to the setting of a TCP and contributing prehistoric resources assumed eligible for the National Register of Historic Places resulting from the conversion of a natural desert landscape to an industrial landscape. Under CEQA, the County has determined that the project site is not a historic resource. Reduced potential	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.

Table ES-1. Comparison of Impacts by Alternative						
Resource	Alternative 1: Proposed Action	Alternative 2: 137 Wind Turbine Generators	Alternative 3: 105 Wind Turbine Generators	Alternative 4: No ROW grant, County approval, or LUP Amendment	Alternative 5: No ROW grant or County approval; Approval of a LUP amendment to exclude on-site wind development	Alternative 6: No ROW grant or County approval; Approval of a LUP amendment to allow future on-site wind development
	site is not a historic resource.	Reduced potential for unanticipated discoveries of cultural resources for Alternative 2 relative to the reduction in the construction and O&M footprint compared to Alternative 1.	for unanticipated discoveries of cultural resources for Alternative 3 relative to the reduction in the construction and O&M footprint compared to Alternatives 1 & 2.			
	Unavoidable Adverse Impacts: Under NEPA, construction and O&M activities would result in permanent unavoidable adverse impacts to the setting of an identified TCP assumed to be eligible for the National Register of Historic Places as a result of the conversion of a natural desert landscape to a landscape dominated by industrial character (Alts. 1, 2, & 3). Under CEQA, as in the Draft EIR, adverse impacts to historic viewsheds and indirect impacts to cultural resources would be unavoidable.					
<i>Environmental Justice</i>	No impact.	No impact.	No impact.	No impact.	No impact.	No impact.
	Unavoidable Adverse Impacts: None.					
<i>Lands and Realty</i>	Potential conflicts with existing land uses during construction and decommissioning. A General Plan Amendment (GPA), a zone change, and a conditional use permit (CUP) would be required.	Similar to Alternative 1; except construction would be completed in a single phase so the duration of impacts to existing land uses would occur over a shorter period of time.	Similar to Alternative 1; except construction would be completed in a single phase so the duration of impacts to would occur over a shorter period of time. No turbines would be constructed on private land; therefore, a GPA, zone change, and CUP would not be required.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Mineral Resources</i>	Sand and gravel required for access roads and concrete manufacturing. Existing local mineral operations may experience temporary access restrictions associated with transport trips.	Slightly less sand/gravel required than Alternative 1 due to the construction of 18 fewer wind turbines. Temporary access restrictions to existing mineral operations would be slightly less because less material would be needed.	Less sand/gravel required due to the construction of fewer wind turbines than Alternatives 1 & 2. Potential temporary access restrictions to existing mineral operations would be less than Alternatives 1 & 2 because less material would be needed.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Multiple Use Classes</i>	No Impact	No Impact	No Impact	No impact.	No impact.	No impact.
	Unavoidable Adverse Impacts: None.					

Table ES-1. Comparison of Impacts by Alternative						
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<i>Noise</i>	<p>Short-term elevated noise levels on site and along traffic routes during construction and decommissioning. Noise level at nearest residence from on-site construction or decommissioning of 51 dBA Leq (1-hr).</p> <p>Operational noise from WTGs would be 43.1 dBA Leq at the nearest sensitive receptor.</p> <p>Majority of Ocotillo would experience noise levels from turbines between 35-40 dBA Leq. Nomirage would experience between 30-35 dBA Leq.</p> <p>More intensive O&M activities resulting in short-term elevated noise levels of 47 dBA Leq (1-hr) at the nearest residence could occur during project operation, but such activities would be of limited duration.</p>	<p>Construction and decommissioning noise impacts the same as Alternative 1, but would occur for a shorter period.</p> <p>Operational noise from the WTGs would be 42.9 dBA Leq at the nearest receptor.</p> <p>O&M impacts would be identical to Alternative 1.</p>	<p>Construction and decommissioning noise levels at the nearest residence would decrease from 51 dBA Leq (1-hr) for Alternative 1 to 49 dBA Leq (1-hr).</p> <p>Operational noise from the WTGs would be 38.0 dBA Leq at the nearest receptor.</p> <p>Majority of Ocotillo would experience noise levels from wind turbines of less than 35 dBA Leq. Nomirage would not be affected.</p> <p>O&M impacts would be slightly less than Alternative 1 resulting in noise levels of 45 dBA Leq (1-hr) at the nearest residence.</p>	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	<p>Unavoidable Adverse Impacts: Operation of the wind turbines at night would result in a substantial increase over ambient noise levels and in the quieter areas (away from highways) would be perceived as a doubling of loudness such that operation of the wind turbines would result in an unavoidable adverse impact. (Alternatives 1 & 2)</p>					
<i>Paleontological Resources</i>	<p>Potential damage or destruction of unknown scientifically significant paleontological resources.</p> <p>640.0 ac. disturbed with low potential.</p> <p>23.9 ac. disturbed with moderate potential.</p>	<p>Potential damage or destruction of unknown scientifically significant paleontological resources.</p> <p>598.7 ac. disturbed with low potential.</p> <p>17.6 ac. disturbed with moderate potential.</p>	<p>Potential damage or destruction of unknown scientifically significant paleontological resources.</p> <p>493.2 ac. disturbed with low potential.</p> <p>2.6 ac. disturbed with moderate potential.</p>	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.

Table ES-1. Comparison of Impacts by Alternative						
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	Unavoidable Adverse Impacts: Inadvertent damage could occur during excavation to paleontological resources not identified by paleontological monitors. (Alternatives 1, 2, & 3)					
Public Health and Safety	Potential safety hazards to aircraft operations. Potential structure damage from seismic hazards. Potential temporary hazards during construction from release of hazardous materials and disruption to emergency access.	Similar to Alternative 1; however, the reduced number of turbines would slightly reduce potential hazards.	Similar to Alternative 1; however, the reduced number of turbines would reduce potential hazards.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: Although unlikely, it is possible that an accidental hazardous material release could occur and create a risk to the human and/or natural environment. (Alternatives 1, 2, & 3)					
Recreation	Temporary disruption to on-site recreation activities during construction. Permitted recreation activities would resume after construction is completed.	Similar to Alternative 1; however, fewer recreation areas would be disrupted during construction.	Similar to Alternative 1; however, less recreation areas would be disrupted during construction.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
Social and Economic Issues	Employment of 246 workers during construction, 27 during operation. No new housing induced. Worker spending beneficial to local business revenues. Effects on property value smaller in comparison to other relevant factors and would diminish with time.	Similar to Alternative 1 but reduced proportionate to number of WTGs installed.	Similar to Alternative 1 but reduced proportionate to number of WTGs installed.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					

Table ES-1. Comparison of Impacts by Alternative						
Resource	Alternative 1: Proposed Action	Alternative 2: 137 Wind Turbine Generators	Alternative 3: 105 Wind Turbine Generators	Alternative 4: No ROW grant, County approval, or LUP Amendment	Alternative 5: No ROW grant or County approval; Approval of a LUP amendment to exclude on-site wind development	Alternative 6: No ROW grant or County approval; Approval of a LUP amendment to allow future on-site wind development
<i>Soil Resources</i>	Earth-disturbing activities could result in erosion and loss of topsoil.	Potential soil erosion and loss of topsoil would be slightly less than Alternative 1, due to the construction of fewer turbines.	Potential soil erosion and loss of topsoil would be less than Alternative 1, due to the construction of 50 fewer turbines.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Special Designations</i>	Temporary disturbance from air pollutants and noise. Temporary and permanent degradation from visual changes.	Same as Alternative 1.	Same as Alternative 1.	No impacts	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Transportation and Public Access</i>	No substantial change in intersection or street segment operation during construction, O&M, or decommissioning. Two intersections would temporarily change Level of Service (LOS) levels from LOS A to LOS B during construction.	Same as Alternative 1.	Same as Alternative 1.	No impacts	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					
<i>Vegetation Resources</i>	Direct impacts to 664.1 ac. of vegetation communities (80.4 ac. of sensitive communities and 583.7 ac. of non-sensitive communities). Direct impacts include 483.1 ac. of temp. impacts and 181 ac. of perm. impacts. Direct impacts to 80,558 special status plants (six different species) during construction.	Direct impacts to 616.5 ac. of vegetation communities (75.5 ac. of sensitive communities and 541.0 ac. of non-sensitive communities). Direct impacts include 447.0 ac. of temp. impacts and 169.5 ac. of perm. impacts. Direct impacts to 36,698 special status plants (five different species) during construction.	Direct impacts to 496.0 ac. of vegetation communities (63.0 ac. of sensitive communities and 433.0 ac. of non-sensitive communities). Direct impacts include 355.2 ac. of temp. impacts and 140.8 ac. of perm. impacts. Direct impacts to 1,465 special status plants (three different species) during construction.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: None.					

Table ES-1. Comparison of Impacts by Alternative						
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	Indirect impacts to sensitive vegetation communities and special status plant species would include fugitive dust and introduction and/or spread of invasive weeds.	Indirect impacts expected to be similar to and slightly less than Alternative 1.	Reduced level of indirect impacts to vegetation resources and special status plant species as compared to Alternatives 1 & 2.			
Unavoidable Adverse Impacts: Construction and O&M activities would result in temporary and permanent unavoidable impacts to sensitive vegetation communities and special status plant species. (Alternatives 1, 2, and 3)						
Aquatic Resources (Federal and State Jurisdictional Areas)	Direct impacts to 5.57 ac. of ACOE-jurisdictional areas (all impacts are to non-wetland Waters of the US). Direct impacts to 23.20 ac. of CDFG jurisdictional areas, including 18.73 ac. of vegetated communities and 4.47 acres of unvegetated streambed. Indirect impacts would include spread of fugitive dust and introduction and/or spread of invasive weeds.	Direct impacts to 5.31 ac. of ACOE-jurisdictional areas (all impacts are to non-wetland Waters of the US). Direct impacts to 20.71 ac. of CDFG jurisdictional areas, including 16.41 ac. of vegetated communities and 4.30 ac. of unvegetated streambed. Indirect impacts would be similar to and slightly less than Alternative 1.	Direct impacts to 3.61 ac. of ACOE-jurisdictional areas (all impacts are to non-wetland Waters of the US). Direct impacts to 10.71 ac. of CDFG jurisdictional areas, including 7.65 ac. of vegetated communities and 3.06 ac. of unvegetated streambed. Reduced level of indirect impacts to jurisdictional areas as compared to Alternatives 1 & 2.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
Unavoidable Adverse Impacts: Construction and O&M activities would result in temporary and permanent unavoidable impacts to jurisdictional areas. (Alternatives 1, 2, and 3)						
Visual Resources	Conversion of a natural desert landscape to a landscape dominated by industrial character. Long-term land scarring following project removal due to the large impact area, and slow recovery of vegetation.	Similar to Alternative 1.	Similar to Alternative 1, except Alternative 3 would eliminate visual impacts in the NE corner of Site 1 (reducing impacts to residents of Ocotillo and travelers on S2. Also eliminates visual impacts at Site 2 (reducing impacts residents of Nomirage and Ocotillo) and travelers on SR 98 and I-8. The sense of structural proliferation would be	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.

Table ES-1. Comparison of Impacts by Alternative						
Resource	Alternative 1: Proposed Action	Alternative 2: 137 Wind Turbine Generators	Alternative 3: 105 Wind Turbine Generators	Alternative 4: No ROW grant, County approval, or LUP Amendment	Alternative 5: No ROW grant or County approval; Approval of a LUP amendment to exclude on-site wind development	Alternative 6: No ROW grant or County approval; Approval of a LUP amendment to allow future on-site wind development
			reduced by limiting turbines to the north side of I-8.			
Unavoidable Adverse Impacts: Adverse and unavoidable impacts from the conversion of a natural desert landscape to a landscape dominated by industrial character. Long-term land scarring following project decommissioning due to the large impact area and long recovery time for desert vegetation. (Alternatives 1, 2, and 3)						
Water Resources	Possible temporary overdraft and/or drawdown conditions could occur at groundwater wells near the Pine Valley supply well, if this is the source of water to be used for project construction, operation, and/or decommissioning. Earth-disturbing activities would alter site-specific drainage patterns and could temporarily degrade surface water quality as a result of erosion and sedimentation.	Proportionately less water during construction for concrete manufacturing and access road improvements (including dust control), resulting in a marginally lower potential than Alternative 1 to result in temporary overdraft and/or drawdown. Slightly fewer jurisdictional drainages affected due to fewer road crossings than Alternative 1.	Proportionately less quantity of water would be required for concrete manufacturing and access road improvements than Alternatives 1 & 2. Fewer jurisdictional drainages affected due to fewer road crossings than Alternatives 1 & 2. Avoids drainage pattern alterations and potential flooding impacts on Site 2 and NE portion of Site 1.	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
Unavoidable Adverse Impacts: None.						
Wildland Fire Ecology	Moderate potential for a wildfire during construction or decommissioning due to moderately risky site conditions and climate. Wildfire ignition possible if WTG rotor blades spin out of control. Lightning strikes could create power surges resulting in a fire. Low probability of a wildfire during operations due to site conditions and proposed activities; however, a wildfire could result in destruction of property, loss of life, and	Slightly less potential for a wildfire during construction and decommissioning than Alternative 1, as activities would be reduced. Slightly less potential for a wildfire during O&M than Alternative 1, as activities would be slightly reduced and there would be fewer WTGs that could potentially start a fire.	Less potential for a wildfire during construction and decommissioning than Alternatives 1 & 2, as activities would be reduced. Less potential for a wildfire during O&M than Alternatives 1 & 2, as activities would be reduced and there would be fewer WTGs that could potentially start a fire.	No impact.	No impact,	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.

Table ES-1. Comparison of Impacts by Alternative						
Resource	Alternative 1: Proposed Action	Alternative 2: 137 Wind Turbine Generators	Alternative 3: 105 Wind Turbine Generators	Alternative 4: No ROW grant, County approval, or LUP Amendment	Alternative 5: No ROW grant or County approval; Approval of a LUP amendment to exclude on-site wind development	Alternative 6: No ROW grant or County approval; Approval of a LUP amendment to allow future on-site wind development
	damage to natural resources.					
	Unavoidable Adverse Impacts: None.					
Wildlife Resources	<p>Direct impacts to 173.4 ac. of USFWS Essential Habitat for PBS, 137.4 ac. of FTHL-occupied habitat, 4 occupied burrowing owl burrows and 26 ac. of burrowing owl foraging habitat during construction.</p> <p>Indirect impacts would include spread of fugitive dust, use of night lighting, and introduction and/or spread of invasive weed species during construction and O&M.</p> <p>O&M activities would result in bird and bat collisions with wind turbines.</p> <p>O&M activities could result in disturbance to occupied FTHL habitat in the north-east portion of Site 1 and 3 PBS lambing areas in the I-8 Island.</p>	<p>Direct impacts to 161.1 ac. of USFWS Essential Habitat for PBS, 123.5 ac. of FTHL-occupied habitat, 4 occupied burrowing owl burrows and 26 ac. of burrowing owl foraging habitat during construction.</p> <p>Indirect impacts would be similar to and slightly less than Alternative 1.</p> <p>O&M activities would result in the same types of impacts to bird and bat species due to collision with wind turbines, but the collision risk is slightly reduced due to 18 fewer wind turbines.</p> <p>O&M activities could result in disturbance to 3 PBS lambing areas in the I-8 Island and occupied FTHL habitat in the northeast portion of Site 1.</p>	<p>Direct impacts to 148.3 ac. of USFWS Essential Habitat for PBS, 50.1 ac. of FTHL-assumed-occupied habitat, 4 occupied burrowing owl burrows and 26 ac. of burrowing owl foraging habitat during construction.</p> <p>Indirect impacts would be similar to and slightly less than Alternative 1.</p> <p>Bird and bat collision risk slightly reduced due to 50 fewer wind turbines. Indirect impacts to FTHL-occupied habitat reduced compared to Alternatives 1 & 2.</p> <p>O&M activities could result in disturbance to 3 PBS lambing areas in the I-8 Island and assumed-occupied FTHL habitat in the northeast portion of Site 1.</p>	No impact.	No impact.	No impact. Similar impacts to the Proposed Action could occur from a future wind energy project, if one were proposed for the project site.
	Unavoidable Adverse Impacts: Construction and O&M activities would result in temporary and permanent unavoidable impacts to suitable (unoccupied) PBS habitat, burrowing owl burrows and foraging habitat, special status raptor and migratory bird species (collision), and special status bat species due to collision (Alternatives 1, 2, and 3). Alternatives 1 and 2 would also result in temporary and permanent unavoidable impacts to flat-tailed horned lizard.					

The EIS/EIR analysis of the OWEF includes the proposed utility switchyard and loop-in to connect to the Sunrise Powerlink (SPL). As the CEQA Lead Agency, Imperial County has determined that no significant unavoidable impacts would be caused by these proposed facilities when constructed and operated in compliance with the provision set forth in the Final EIS/EIR. Standard Best Management Practices (BMPs), including operational protocols required by the SDG&E Subregional Natural Community Conservation Plan (NCCP) would apply to construction, operation, and maintenance of the utility switchyard and SPL loop-in (see Final EIS/EIR Section 2.1.3.6, SDG&E Best Management Practices). These BMPs include environmentally sensitive construction, including operation and maintenance techniques that reduce impacts to biological resources and prevent environmental degradation. Further, the utility switchyard and SPL loop-in would not result in any significant unavoidable impacts as described below:

- **Air Quality.** The utility switchyard and SPL loop-in comprise a small portion of the overall OWEF project – approximately 21 acres of the total of 196 acres of permanent disturbance for the overall project (Alternative 1). The temporary air pollutant emissions associated with construction of the utility switchyard and SPL loop-in would not exceed significance thresholds and operational emissions would be minimal.
- **Cultural Resources.** No archaeological or historical resources are located at the site of the utility switchyard and SPL loop-in. Although the OWEF site is located in an area considered eligible as a Traditional Cultural Property, the utility switchyard and SPL loop-in would be located adjacent to an existing transmission corridor and would not substantially change the cultural characteristics of the area.
- **Noise.** The utility switchyard and SPL loop-in are not located in close proximity to any sensitive receptors and operational noise would be well below background noise levels at that distance. Similarly, temporary construction-related noise also would not be significant based on the distance to sensitive receptors.
- **Paleontological Resources.** While the project site contains geologic formations with a Moderate and Very High potential to yield fossils, the utility switchyard and SPL loop-in are located in an area with Low potential to yield. Therefore, construction of the utility switchyard and SPL loop-in would not result in a significant impact to paleontological resources.
- **Vegetation Resources.** One sensitive vegetation community (teddy bear cholla scrub) occurs within the proposed utility switchyard and SPL loop-in and approximately 9.8 acres of this community would be directly affected by construction. One special status plant species (Wolf's cholla) occurs within the proposed utility switchyard and SPL loop-in and 6 individuals of this species would be directly impacted by construction. No federal or state jurisdictional areas occur within the proposed utility switchyard and SPL loop-in. Impacts to teddy bear cholla scrub are considered significant, but can be reduced to a less-than-significant level through implementation of Mitigation Measure Veg-2a (*Provide habitat compensation or restoration for permanent impacts to sensitive vegetation communities*). Impacts to Wolf's cholla are not significant because it would not exceed significance thresholds.
- **Visual Resources.** While the wind turbine generators are tall prominent structures, the utility switchyard and SPL loop-in are relatively low-profile facilities that will be located adjacent to the SPL transmission line. These facilities will not be visually prominent and will be located in an area already dominated by transmission infrastructure (the SPL and Southwest Powerlink), resulting in only a minor visual change at that location.
- **Wildlife Resources.** No special status wildlife species were documented within the proposed utility switchyard and SPL loop-in. Construction would result in direct impacts to 5.9 acres of USFWS Essential Habitat for PBS. Impacts to USFWS Essential Habitat for PBS are considered significant, but can be reduced to a less-than-significant level through implementation of Mitigation Measure

Wild-1r (*Provide compensation for permanent impacts to PBS Essential Habitat*). Impacts to avian and bat species as a result of collision with switchyard and SPL loop-in features would not exceed the significance thresholds because the area is already dominated by existing transmission infrastructure and the collision risk to species would not increase substantially.

The County has therefore concluded that CPUC General Order 131-D, Section III.B.1.f, which provides for certain facilities which have undergone CEQA review as part of a larger project and for which the EIR finds no significant and unavoidable impacts caused by the facilities, is intended to apply to the proposed utility switchyard and SPL loop-in.

ES.5.3 Areas of Controversy

Based on input received from agencies, organizations, Native Americans and Tribal Governments, and members of the general public during scoping for the Draft EIS/EIR, several areas of controversy related to the OWEF emerged, including:

- Opposition to the placement of a large wind project on largely undisturbed desert land
- Concern for conflict with designated recreational and wilderness uses in the project area
- Concern regarding the impacts of the project on biological and cultural resources
- Concern regarding increased risk of wildfire hazards
- Concern regarding GHG emissions and climate change
- Concern regarding groundwater use
- Concern regarding the range of alternatives considered

Extensive comments were received during the scoping process for the OWEF. The scoping process and public input received during that process are provided in detail in Appendix C, Public Scoping Report.

ES.5.4 Issues to be Resolved

Extensive verbal and written comments were received during the scoping process for the OWEF project. The scoping process and public input received during that process are provided in detail in Appendix C, Public Scoping Report.

ES.6 Lead Agency Roles and Approvals

ES.6.1 Bureau of Land Management

As discussed in Section ES.2.1, the BLM's role is to respond to the Applicant's application under Title V of the FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, maintain, and decommission a wind energy facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. The BLM will decide whether to approve, approve with modification, or deny issuance of a ROW grant to the Applicant for the proposed OWEF. The BLM's action will also include consideration of amending the CDCA Plan 1980. If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA as required.

ES.6.2 County of Imperial

Implementation of the proposed OWEF would require discretionary approvals from Imperial County, including approval of a Conditional Use Permit and a variance for structure heights (turbines and meteorological towers) would also be required in accordance with the requirements of the County of Imperial Land Use Ordinance (Title 9 of the Code of Ordinances). Pursuant to an agreement between the County and the BLM, the CUP covers the entire project except SDG&E facilities, including the utility switchyard and SDG&E staging and storage areas. In addition, the County would need to issue various ministerial permits for the project.

ES.7 Native American Government-to-Government Consultation

The BLM consults with Indian tribes on a government-to-government basis in accordance with several authorities including NEPA, the NHPA, the American Indian Religious Freedom Act (AIRFA), and Executive Order 13007. Under Section 106 of the NHPA, the BLM consults with Indian tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on historic properties affected by BLM undertakings. To date, the BLM has identified and invited 14 Indian tribes and one non-federally recognized Indian tribe to consult on the OWEF. These tribes include the Barona Band of Diegueno Indians, Campo Band of Mission Indians, Cocopah Indian Tribe, Ewiiapaayp Band of Kumeyaay Indians, Fort Yuma Quechan Indian Tribe, Jamul Indian Village, Kwaaymii Laguna Band of Indians, La Posta Band of Kumeyaay Indians, Manzanita Band of Kumeyaay Indians, Mesa Grande Band of Mission Indians, San Pasqual Band of Diegueno Indians, Santa Ysabel Band of Diegueno Indians, Sycuan Band of Kumeyaay Nation, Torres-Martinez Desert Cahuilla Indians, and Viejas Band of Kumeyaay Indians.

The BLM invited Indian tribes to consult on the OWEF on a government-to-government basis at the earliest stages of project planning. Letters from the BLM were sent dated February 4, 2010, informing them about the application submitted by the Applicant for a ROW to conduct wind testing and to develop a wind energy generation facility near Ocotillo, California. The letters provided notification for both of the proposed projects, explained the role of the BLM and offered an invitation to the Tribes to consult in a government-to-government manner pursuant to the Executive Memorandum of April 29, 1994, and other relevant laws and regulations including Section 106 of the NHPA. The letters also requested assistance from the tribes identifying any issues or concerns about the two proposed projects, including the identification of sacred sites and places of traditional religious and cultural significance that might be affected by the proposed projects and needed to be taken into consideration by the agency.

The BLM sent follow up letters to tribes dated July 28, 2010, about the proposed wind development facility and invited them to enter into government-to-government and/or Section 106 consultation. The letters provided an update on the status of the environmental review process and cultural resources inventory planning. Attached to this letter was a copy of the Class II & III Inventory Research Design and Work Plan for their review and comment. These letters also requested assistance from the Tribes in identifying any issues or concerns they might have about the proposed project, including the identification of sacred sites and places of traditional religious and cultural significance that could be affected. The letters specifically asked that tribes let the agency know about areas of concern so that the cultural resources inventory could be adapted to include them. Finally, the letters notified tribes that Tierra

Environmental (the archaeological contractor) would be contacting them to determine if they had tribal representatives whom would participate in the inventory process.

Since July 2010, activities that the BLM has undertaken as part of the tribal consultation process for this project include: continuing to send correspondence requesting input from tribes; conducting meetings including group and individual government-to-government meetings for the purposes of information and idea exchange; providing cultural resource site visits on its own initiative and as requested by consulting parties; responding to information requests; and encouraging Tribal participation during the archaeological survey completed for the OWEF.

Consultation with Indian tribes, and discussions with tribal organizations and individuals has revealed very strong concern about the project and the impacts it would cause under all of the build alternatives. They have clearly explained the importance and sensitivity of cultural resources within and near the OWEF project area. Many Tribes have told the BLM that they attach religious and cultural significance to the project area and the broader landscape and some have proposed that the project area is encompassed by a TCP. They view the high density of resources as interrelated and consider the area as a whole to be sacred. During consultation, multiple Tribes expressed their direct opposition to the project including the Campo Band of Mission Indians, Kwaaymii Laguna Band of Indians, Manzanita Band of Kumeyaay Indians, Quechan Indian Tribe, San Pasqual Band of Diegueno Indians and the Viejas Band of Kumeyaay Indians. The Southern California Tribal Chairmen's Association has also sent the BLM a resolution in opposition to the OWEF project (No. 2012-02), dated January 24, 2012.

In response to the concerns and issues raised during both government-to-government consultation and Section 106 consultations with tribes, the BLM has carefully considered the information shared and the concerns of the Indian tribes. It has incorporated the same into the decision-making process concerning historic properties and adverse effects to them, as well as the analysis of cultural resources for NEPA purposes. From early on in the consultation processes, the BLM responded to the feedback it received from the various tribes concerning the traditional cultural and religious significance ascribed to the area and the cultural resources. The BLM encouraged the archaeological contractors to contact the tribes that the BLM was consulting with on the project and invite them to participate in the archaeological survey to help facilitate information sharing and consultation on the importance of resources in the OWEF APE. During the survey, the BLM also encouraged the project Applicant to re-design their proposed project facilities to avoid physically affecting the numerous archaeological sites that were discovered. This request resulted in the complete avoidance of physical effects to all archaeological resources identified during the archaeological survey. Tribes also indicated the important relationship between sites, such as the Spoke Wheel Geoglyph and Signal, Sugarloaf and Coyote Mountains. In response, a revised project configuration was proposed and is under consideration that removes 43 turbines from the project footprint to avoid obstruction of the main viewsheds from the site (the Refined Project) and the BLM has identified this Refined Project as its preferred alternative. Furthermore, in response to the information shared with respect to the sacred, religious and cultural significance associated with cremations, and other sensitive resources, additional turbines have been removed from areas in close proximity.

As part of its consultation under Section 106, AIRFA, and Executive Order 13007 the BLM acknowledges the traditional importance and value of the TCP and the surrounding landscape as an integral part of tribes' history and continuing culture. Based on the information received in the consultation process, the BLM assumes the portion of the TCP within the project area is eligible under Criterion A of

the National Register for its traditional and cultural significance. The BLM continues to seek information from tribes about additional measures that could be implemented to protect, minimize and avoid impacts to the TCP to be documented and included in the Section 106 MOA and Historic Properties Treatment Plan that is under preparation and review for this project. The draft MOA as it currently stands includes measures to respond to the concerns expressed above by Indian tribes including the requirement of a Tribal Access Plan recognizing the importance of the TCP and their right to access federally managed lands to conduct cultural and religious practices, as variously specified in Executive Order 13007, the Religious Freedom Act (RFA), and the AIRFA.

The strong concerns raised about additional discoveries of cultural resources during construction, including cremation sites, has resulted in requirements within the MOA for a robust construction monitoring plan that provides for tribal participation as well as development of a NAGPRA Plan of Action to ensure the proper treatment and protection of prehistoric human remains should any be found during construction. Mitigation for the project in response to tribal concerns about increased access and potential looting or vandalism includes additional BLM ranger patrols and funding and the development of a long-term cultural resource monitoring program.

To address the concerns raised about the lack of tribal values within the archaeological report, the BLM is considering compiling all the tribal consultation information to date as well as summaries of addition previous ethnographic information about the project area into a separate stand-alone document to supplement the archaeological survey report. This has been discussed with some tribes and tribal members during government-to-government meetings and appears to be an idea that is received favorably.

ES.8 Public Participation

Scoping activities were conducted by the BLM in compliance with the requirements of NEPA for the OWEF on January 5 and 6, 2011. These scoping activities were conducted jointly with the County of Imperial. The BLM's scoping activities are described in detail in the Public Scoping Report, which is provided in Appendix C. The scoping report documents the Notice of Intent, the scoping meetings, workshops, and the comments received during scoping.

The BLM and County of Imperial distributed the Draft EIS/EIR for public and agency review and comment between July 8 and October 6, 2011. Public meetings on the Draft EIS/EIR were conducted on August 24 and 25, 2011, in El Centro and Ocotillo, California, respectively. A total of 405 comment letters, including e-mails, were received. Eight comment letters were received after the close of the comment period.

In connection with the Section 106 and government-to-government processes, the Lead Agencies agreed to fully consider any additional comments submitted by federally recognized Native American Tribes by December 9, 2011. Further, the BLM agreed to include any additional comments in the Final EIS/EIR received from tribes by February 17, 2012.

Appendix O (Comment Letters) and Appendix N (Response to Comments) of the Final EIS/EIR include all of the written comment letters received by the BLM and County of Imperial in response to the NOA and the responses to these comment letters.