

RECORD OF DECISION

McCoy Solar Energy Project and Amendment to the California Desert Conservation Area Plan

Lead Agency:

*United States Department of the Interior
Bureau of Land Management*

Environmental Impact Statement DES 12-21
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McCoy Solar Energy Project Decision to Grant Right-of-Way and Amend California Desert Conservation Area Plan

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1.0 Summary

This Record of Decision (ROD) describes decisions of the United States Department of the Interior (DOI) and the Bureau of Land Management (BLM) to allow solar energy-related use of specified property and to approve 2 right-of-way (ROW) grants to lease land managed by the BLM in Riverside County, California, and the approval of these decisions by the Secretary of the Interior. This ROD approves the construction, operation and maintenance, and decommissioning of an up to 750-megawatt (MW) photovoltaic (PV) solar energy generation facility and related infrastructure called the McCoy Solar Energy Project (MSEP), which was identified as the Preferred Alternative in the Proposed Plan Amendment/Final Environmental Impact Statement (PA/FEIS) (77 FR 75632-01, December 21, 2012). This ROD also amends the *California Desert Conservation Area Plan* (1980, as amended) (CDCA Plan) to identify the MSEP site as available for solar energy generation.

These decisions are based on the careful consideration of: (i) the information generated during the analytical and consultation processes required by the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and DOI tribal consultation policies; (ii) the reasonable alternatives to the proposed MSEP and potential for resource conflicts associated with the proposed solar energy generation facility and related infrastructure in Riverside County, California; (iii) the Agency's balance of essential considerations of national policy and the MSEP's potential impacts on environmental and cultural resources; and (iv) the reasonable means to avoid, minimize, or mitigate those impacts.

As described herein, these decisions rely upon the comprehensive analyses and information reflected in the PA/FEIS, the United States Fish and Wildlife Service (USFWS) Biological Opinion (BO), the Memorandum of Agreement (MOA) executed pursuant to Section 106 of the NHPA, and other documents and consultations referenced in these documents. These decisions also are based on full public disclosure and involvement, government-to-government consultations with affected Indian tribes, and comprehensive analyses prepared by technical experts pursuant to all requirements with Federal laws. Further, based on the analysis in the record, this ROD emphasizes, but is not limited to, the following considerations:

- The BLM prepared the PA/FEIS in accordance with the FLPMA, the NEPA, the Council on Environmental Quality's regulations for implementing NEPA (Title 40, Parts 1500–1508 of the Code of Federal Regulations [40 CFR Parts 1500–1508]), DOI regulations for implementing NEPA (43 CFR Part 46), and applicable BLM authorities. The PA/FEIS documented the analysis of potential effects of the proposed action and alternatives on the human environment in the MSEP.
- The renewable energy produced by the MSEP could have a net reduction of up to 631,218 metric tons of carbon dioxide equivalents per year (MTCO_{2e}/year) that may otherwise be emitted by natural gas fired electricity; this displacement of fossil fuel use would occur if the solar energy produced by the MSEP were fully integrated into the region-wide electrical grid and used to offset generation from higher polluting power plants.

- The FLPMA's mandate to manage public lands for multiple uses, and the balancing of important statutory and policy directives aimed at diversifying the Nation's energy supply, achieving energy independence, creating jobs, and implementing the Energy Policy Act of 2005 direction to authorize at least 10,000 MW of non-hydropower renewable energy by 2015, against the importance of preserving environmental and cultural resources found on the public lands that might be affected by construction, operation, maintenance and decommissioning of the MSEP.
- Formal consultation with the USFWS and the USFWS's determination that the MSEP is not likely to jeopardize the continued existence of the desert tortoise or destroy or adversely modify designated critical habitat because the MSEP is not in designated critical habitat. (USFWS 2013; see Appendix 2 of this ROD).
- Compliance with the requirements of Section 106 of the NHPA as evidenced by the executed MOA. Through modifications of the proposed project and the stipulations of the MOA as negotiated through consultation, the MSEP's adverse effects to cultural resources have either been avoided entirely or will be avoided, minimized or mitigated to the extent feasible in accordance with the MOA. (See MOA at Appendix 3 of this ROD).
- The Bald and Golden Eagle Protection Act (BGEPA) prohibits any form of possession or taking of bald eagles (*Haliaeetus leucocephalus*) or golden eagles. The nearest active golden eagle nest is 9.2 miles away from the MSEP and only infrequent foraging within the MSEP is expected, as analyzed in the Golden Eagle Risk Assessment that was included in the FEIS at Appendix 3-C. Further, measures to minimize impacts to golden eagles, including the requirement to conduct an annual inventory during construction, are included as a condition of this ROD. (See Appendix 4 of this ROD).
- The Federal Migratory Bird Treaty Act of 1918 (MBTA) makes it unlawful to pursue, hunt, take, capture, kill, or sell most birds listed under the act. Wildlife surveys conducted in 2011 and burrowing owl surveys conducted from 2007 to 2011 revealed that western burrowing owls are present in the project area, which are protected by MBTA. This ROD conditions the ROW grant for the MSEP on mitigation measures to avoid, minimize and offset impacts to burrowing owls, including pre-construction surveys, relocation plans in consultation with BLM, USFWS, and the California Department of Fish and Wildlife, and on a requirement that the grant holder acquire compensatory burrowing owl habitat. (See Appendix 4 of this ROD).
- The stipulations and mitigation measures adopted by this ROD to ensure compliance with all applicable laws, regulations, standards, guidelines, and policies will mitigate the impacts to environmental resources to the maximum extent practicable, including, but not limited to:
 - Desert tortoise, including mitigation for habitat
 - Cultural resources

- Lands with Wilderness Characteristics
- Special status plants and wildlife, and
- Air quality

1.1 Background

As part of an overall strategy to develop a diverse portfolio of domestic energy supplies for our future, the Energy Policy Act of 2005 (Pub. L. No. 109-58, Aug. 8, 2005) encourages the development of renewable energy resources on public lands, which includes solar energy. Section 211 of the Energy Policy Act of 2005 specifically encourages the approval of at least 10,000 MW of non-hydropower renewable energy projects on public lands nationwide within the next 10 years. Secretarial Order 3285 issued by the Secretary of the Interior (Mar. 11, 2009, as amended Feb. 22, 2010) establishes as one of DOI's highest priorities the production, development, and delivery of renewable energy. In response, the BLM updated its Solar Energy Development Policy to direct the BLM to facilitate environmentally responsible commercial development of solar energy projects on public lands and to use solar energy systems on BLM facilities where feasible. See Instruction Memorandum (IM) No. 2011-003 (Oct. 7, 2010), updating IM No. 2007-097 (April 4, 2007). Applications for commercial solar energy facilities are processed as ROW grant authorizations under Title V of the FLPMA and 43 CFR § 2804. ROW applications for solar energy development projects are identified as a high priority workload and are to be processed in a timely manner. This priority is consistent with the above statutory authorities and the Secretarial Order. The MSEP would support this priority while also balancing DOI and BLM's responsibilities to manage for multiple uses.

McCoy Solar LLC, a subsidiary of NextEra Energy Resources LLC (Applicant) is the project proponent for the MSEP. The Applicant submitted an initial Standard Form (SF) 299 *Application for Transportation and Utility Systems and Facilities on Federal Lands* to the BLM for the MSEP on January 29, 2007, for 20,480 acres to construct, operate, maintain and decommission a photovoltaic solar facility. The Applicant later requested to reduce the ROW size by 9,920 acres to 10,560 acres by letter on January 15, 2008. On July 15, 2010, the Applicant requested an additional 3,040 acres be removed from the requested ROW area to reflect the current ROW application area of approximately 7,700 acres. On December 1, 2010, the Applicant filed an amended SF-299 to include land needed for linear facilities such as the generation-transmission (gen-tie) line and access roads. In November 2012, the Applicant revised the western boundary of the solar facility site based on discussions with regulatory agencies, including USFWS, California Department of Fish and Wildlife (CDFW), formerly California Department of Fish and Game, and the BLM.

1.2 Purpose and Need

As described in Chapter 1, Section 1.2.1 of the PA/FEIS, the DOI/BLM's purpose and need for action as described in this Record of Decision (ROD) is to respond to the application filed by McCoy Solar LLC, a subsidiary of NextEra Energy Resources LLC (Applicant), under Title V of

the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC §1761 et seq.) for a ROW grant to construct, operate, maintain, and decommission a solar photovoltaic (PV) facility on public lands in compliance with FLPMA, BLM ROW regulations (43 CFR Part 2800), and other applicable Federal laws. The BLM's purpose and need for action also includes consideration of a concurrent amendment of the applicable resource management plan, which is the CDCA Plan. In conjunction with compliance with FLPMA, the BLM's purpose and need for action is also to further statutory and policy purposes relating to advancing renewable energy development directives, including:

1. Executive Order 13212, dated May 18, 2001, which mandates that agencies act expeditiously and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
2. The Energy Policy Act of 2005 (EPAct), § 211, which states: "It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on public lands with a generation capacity of at least 10,000 megawatts of electricity."
3. Secretarial Order 3285A, (March 11, 2009, amended February 22, 2010), which "establishes the development of renewable energy as a priority for the Department of the Interior."

2.0 Overview of Alternatives

In the PA/FEIS, the BLM evaluated three action alternatives consisting of a Plan Amendment and project components and one No Action alternative. Alternative 1, the Proposed Action, was identified as the BLM's preferred alternative, with the exception of the proposed generation-tie (gen-tie) line, for which the BLM preferred the Alternative 3 Central Route.

Alternative 1: Proposed Action. The Proposed Action consists of solar panel arrays in Units 1 and 2, for up to 750 MW. The Proposed Action also includes a gen-tie line, access road route, and a distribution line. The Proposed Action would permanently occupy an approximately 4,437-acre solar plant site, a 14.5-mile gen-tie within a right-of-way width of 100 feet (Eastern Route), and a 2-acre switch yard within an approximately 7,700-acre ROW on BLM administered land, and would occupy 477 acres of privately owned land under the jurisdiction of Riverside County. This alternative would require a CDCA Plan Amendment (see Section 11.2, below, regarding the CDCA Plan amendment and conformance with the CDCA Plan).

Alternative 2: Reduced Acreage. The Reduced Acreage alternative would consist only of Unit 1, for a capacity of 250 MW. The solar plant site would permanently occupy approximately 2,259 acres of BLM administered land and 477 acres of privately owned land under the jurisdiction of Riverside County. Because this alternative can be supported by the Proposed Action Eastern Route

gen-tie or the Alternative 3 Central Route gen-tie, no unique gen-tie route is included in the description of this alternative. This alternative would require a CDCA Plan Amendment.

Alternative 3: Reconfigured Gen-tie/Access Road Route. This alternative consists of two options for alternate gen-tie line routes (a Central Route and a Western Route) that could be combined with the solar panel arrays in either the Proposed Action or Alternative 2. The Central Route would be a total of 12.5 miles long, 5.5 miles of which would differ from the Proposed Action gen-tie line. It would be located farther west than the Eastern Route and would be collocated with the approved gen-tie line for the adjacent Blythe Solar Power Project (BSPP). A maintenance road and spur roads would be collocated with the Central Route gen-tie line. The Western Route would be 15.5 miles long, 8.5 miles of which would differ from the Proposed Action gen-tie line. It would be located farther west than either the Eastern Route or the Central Route, and would travel along the western side of the adjacent BSPP. No maintenance road or spur roads would be collocated with the Western Route gen-tie line.

Alternative 4: No Action. Under the No Action alternative, the BLM would deny the Applicant's ROW grant application and no CDCA Plan Amendment would be required. It is important to note however that the Approved Resource Management Plan Amendments/ROD for Solar Energy Development in Six Southwestern States (Solar PEIS ROD) effected a CDCA Plan amendment designating the Riverside East Solar Energy Zone (SEZ) (including the MSEP application area) as a priority location for utility-scale solar energy development. Accordingly, it is very likely that commercial-scale solar development would be promoted within the ROW application area by the BLM even if the MSEP ROW application were denied. Further, all other uses allowable on CDCA Multiple Use Class-L lands would continue to be available if the BLM selected the No Action Alternative.

As described in Section 2.9 of the PA/FEIS, alternative sites, technologies, and methods were considered as alternatives to the MSEP but not carried forward for detailed analysis. The BLM considered potential alternative sites located on private land, BLM administered land, and on brownfields/degraded lands identified by the U.S. Environmental Protection Agency. Additionally, the BLM considered alternative types of energy projects including solar power tower, distributed solar, and wind energy, among others. Finally, the BLM also considered conservation and demand-side management as a potential alternative to the Project. The BLM eliminated these alternatives from detailed analysis based on the BLM's conclusion that the alternatives: would not respond to the BLM's purpose and need; would be technically or economically infeasible; would be inconsistent with the basic policy objectives for the management of the area; implementation of the alternative would be remote or speculative; would be substantially similar in design to an alternative that is analyzed; and/or, would have substantially similar effects to an alternative that is analyzed.

2.1 Environmentally Preferred Alternative

In accordance with 40 CFR 1505.2(b), the BLM has identified Alternative 4, the No Action Alternative, as the environmentally preferred alternative because it would cause the least damage

to the biological and physical environment in the project area because it would not create a disturbance in the near term. However, even under the No Action Alternative, development of the requested ROW area for solar use would be open and available for solar development because the site is located within the Riverside East Solar Energy Zone as designated in the Record of Decision for the Solar Programmatic EIS (the “Solar PEIS ROD”) and thus, available for solar development.

Out of the action alternatives, the environmentally preferred alternative would be Alternative 2, the reduced acreage alternative, combined with the shorter, 12.5-mile Central gen-tie route. This alternative would result in less ground disturbance than any of the other alternatives.

3.0 Decision

The decision is hereby made to approve the Agency Preferred Alternative (also called the Selected Alternative) described in this section and to amend the CDCA Plan to allow solar energy-related use of specified property and to approve 2 ROW grants to the Applicant covering lands managed by the BLM in Riverside County, California, for the construction, operation, maintenance, and decommissioning of the up to 750 MW MSEP. These decisions are consistent with the BLM’s obligations under FLPMA to manage public lands for multiple uses. Granting the ROWs contributes to the public interest in developing renewable power to meet State and Federal renewable energy goals.

This approval will take the form of 2 FLPMA ROW grant issued in conformance with Title V of FLPMA (43 U.S.C. § 1761 et seq.) and its implementing regulations (43 CFR § 2801 et seq.). In order to approve the site location for the MSEP, the BLM also approves a land use plan amendment to the CDCA Plan. The decisions contained herein apply only to the BLM administered public lands within the boundary of the Selected Alternative. The project site is located in the southern California inland desert, approximately 13 miles northwest of the City of Blythe and 6 miles north of the Interstate 10 (I-10) freeway in Riverside County, California, within Sections or portions of Sections 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, Township 5S, Range 21E. Figure 1 and Figure 2, provided in Appendix 1 of this ROD, show the location of the project site.

The ROW grant authorizations will allow McCoy Solar, LLC the right to use, occupy, and develop the described public lands to construct, operate and maintain, and decommission a solar PV electric generating facility composed of two units: Unit 1 would have a capacity of up to 250 MW and Unit 2 would have a capacity of up to 500 MW. Within the ROW area, construction and operation would permanently disturb approximately 4,394.5 acres for a solar plant site, linear facilities outside the solar plant site (including a gen-tie line and access road), and a switchyard to be located adjacent to and connect into the Colorado River Substation. The MSEP also would disturb approximately 477 acres of lands within Unit 1 of the solar plant site that are under the jurisdiction of Riverside County and outside of the ROW grant boundary.

The total site construction period would consist of approximately 46 months. Construction would occur in two sequential phases, with separate ROW grants issued for each phase. Each ROW

grant will be issued to McCoy Solar, LLC for a term of 30 years with a right of renewal so long as the lands are being used for the purposes specified in the grant. The BLM requires the initiation of project construction within two years of the issuance of a ROW grant. In addition, initiation of construction will not occur until the BLM issues to the Applicant an official Notice to Proceed (NTP) for each phase or partial phase of construction. Construction of Unit 1 and the linear facilities would occur first. If the approved project does not progress to construction, operation, or is proposed to be changed to the extent that it appears to the BLM to be a new project proposal on the approved project site, that proposal would be subject to additional review under NEPA.

The ROWs are conditioned on the Applicant's compliance with terms and conditions in the grant and implementation of mitigation measures and monitoring programs as identified in: the PA/FEIS; the BO issued by the USFWS, which is provided in Appendix 2 of this ROD; NHPA Section 106 Memorandum of Agreement (MOA), which is provided in Appendix 3 of this ROD; and the issuance of all other necessary local, State, and Federal approvals, authorizations, and permits.

This ROD applies only to BLM administered lands, and to the BLM's decisions on the MSEP, including the PA for the CDCA. It does not apply to private lands or other lands outside the BLM's jurisdiction. Other agencies, including, but not limited to, the U.S. Department of Energy (DOE) and Riverside County, are responsible for issuing their own decisions and applicable authorizations for the MSEP. For example, the BLM understands that Riverside County will need to complete environmental analysis of the project under state law before it can make decisions regarding the land use permits required for development of the MSEP on the approximately 477 acres under its jurisdiction.

4.0 Management Considerations in Selecting the Preferred Alternative

The BLM selected Alternative 1 combined with Alternative 3's Central Route gen-tie line as the Agency's Preferred Alternative. The selection of this Preferred Alternative reflects careful balancing of many competing public interests in managing public lands in accordance with the multiple use mandate and other obligations in FLPMA. It also is based on comprehensive environmental analysis and full public involvement in accordance with NEPA.

4.1 Federal Land Policy and Management Act of 1976

The FLPMA establishes policies and procedures for the management of public lands. In Section 102(a)(8) of FLPMA, Congress declared that it is the policy of the United States that:

“ . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and

domestic animals; and that will provide for outdoor recreation and human occupancy and use (43 U.S.C.1701(a)(8)).”

Title V of FLPMA (43 USC 1761-1771) and the BLM’s ROW regulations (43 CFR Part 2800) authorize the BLM, acting on behalf of the Secretary of the Interior, to authorize a ROW grant on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM Authorized Officer (AO) administers the ROW authorization and ensures compliance with the terms and conditions of the ROW lease. This authority is derived from the authority of the Secretary of the Interior, and may be revoked at any time. With respect to this ROW grant, this authority has been delegated to the Field Manager of the Palm Springs South Coast Field Office, who will be responsible for managing the ROW grant for the MSEP. The grant includes terms and conditions, including compliance with the BO and mitigation measures identified in the FEIS, as well as compliance with other applicable Federal rules and regulations, that are designed to protect public health and safety, prevent unnecessary damage to the environment, and ensure that the project will not result in unnecessary or undue degradation of public lands.

4.2 National Environmental Policy Act and Public Involvement

Section 102(c) of NEPA (42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) and DOI implementing regulations (40 CFR Parts 1500–1508 and 43 CFR Part 46) provide for the integration of NEPA directives into agency planning to ensure appropriate consideration of NEPA’s policies and to eliminate delay. When taking actions such as approving CDCA Plan amendments and ROW grants, the BLM complies with the applicable requirements of NEPA, the CEQ’s NEPA regulations, the DOI NEPA regulations, and the Agency’s own policies for the implementation of NEPA. Compliance with the NEPA process is intended to assist Federal officials in making decisions that are based on an understanding of the environmental consequences of the proposed action, and identifying actions that protect, restore, and enhance the environment. The Draft Plan Amendment/Environmental Impact Statement (Draft PA/EIS), PA/FEIS, and this ROD document the BLM’s compliance with the requirements of NEPA for the MSEP.

The BLM engaged highly qualified technical experts to analyze the environmental effects of the MSEP and alternatives. During the scoping process and following the publication of the Draft PA/EIS, members of the public submitted comments that enhanced the BLM’s consideration of many environmental issues relevant to the MSEP. The BLM, USFWS, CDFW, Riverside County, and other consulted agencies and tribes used their expertise and best available information to address important resource issues.

The PA/FEIS (Chapter 4) presents an analysis of the environmental consequences that would result from each of the four alternatives described above, including their effectiveness in meeting the BLM’s purpose and need for action, which includes consistency with the requirements of the FLPMA, the policy and legal directives encouraging renewable energy development on BLM administered public lands, and basic policy objectives for the management of the CDCA. The BLM’s purpose and need is described in Section 1 of this ROD.

The MW capacity associated with the Preferred Alternative will best assist the BLM in addressing these several management and policy objectives. The Preferred Alternative would generate up to 750 MW of electricity annually and is expected to provide climate, employment, and energy security benefits to California and the Nation. The project will provide clean electricity for homes and businesses, and bring much-needed jobs to the area. With unemployment rates of 13.9 percent in Riverside County and 10.5 percent in La Paz County, Arizona (PA/FEIS, p. 4.15-3), employment of workers for project construction would have a beneficial effect in helping to reduce unemployment. The project is expected to create 503 jobs during the construction period and 34 permanent, full-time jobs during its operation (PA/FEIS Table 4.15-1, p. 4.15-3; Table 4.15-2, p. 4.15-5). By contrast, Alternative 2, the Reduced Acreage Alternative, would result in the production of 250 MW of electricity annually and create fewer jobs. In terms of the gen-tie, the Eastern Route proposed as part of Alternative 1 and the Western Route considered as part of Alternative 3 would be longer and cause effects on the human environment potentially greater than those of the Preferred Alternative's Central Route while providing the same point of electricity interconnection.

5.0 Protests on the Proposed Land Use Plan Amendment

Pursuant to the BLM's land use planning regulations in 43 CFR 1610.5-2, any person who participated in the land use planning process for the MSEP and who has an interest that is or may be adversely affected by the planning decision may protest approval of the proposed Plan Amendment contained in the PA/FEIS within 30 days from date the EPA publishes the Notice of Availability (NOA) in the Federal Register. Detailed information on protests may be found on the BLM Washington Office website:

http://www.blm.gov/pgdata/content/wo/en/prog/planning/planning_overview/protest_resolution.html.

The EPA published a NOA of the PA/FEIS in Volume 77, page 75632-01 of the Federal Register on December 21, 2012. Publication of this NOA initiated a 30-day protest period, which closed on January 21, 2013. The BLM timely received two protests, one from the Center for Biological Diversity and the other from Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, The Wilderness Society, and Audubon California. Letters received after the close of the protest period were not effective protests, but were considered as comments on the PA/FEIS -- see Section 6 of this ROD. All protests have been resolved by the Director or, as noted below, withdrawn by the protesting party. In general, protesters were not in support of the proposed amendment and raised the following issues, among others: the BLM's purpose and need for the project, the range of alternatives analyzed in the EIS, potential impacts to desert species habitat and project infrastructure, and cumulative effects. In accordance with its policy (BLM Land Use Planning Handbook, Appendix E, p. 6 (2005)), upon request from the protesting parties, the BLM met with protesting parties and the applicant in an effort to resolve the protest issues raised.

As a result of these meetings, Natural Resources Defense Council, The Wilderness Society, and the Applicant agreed to certain additional project conditions (see Appendix 6, *Protest Settlement Agreement*). According to that agreement, these and other agreed-upon terms will be incorporated into a modified POD for the Project. The BLM is not a party to the protest resolution agreement and is not subject to its terms. In response to the agreement, the BLM has agreed to accept certain additional mitigation measures that will become a condition of the ROW grant as described below and in Appendices 1 and 4 to this ROD. The BLM has analyzed these terms and has determined that they are within the range of alternatives analyzed in the FEIS and do not require BLM to supplement the FEIS. These terms are described below and will be part of this ROD and the ROW authorization granted in accordance with 43 CFR §§ 2805.12(i)(5), 2807.16, and 2807.17. These conditions, including modifications thereto, are subject to the limitations agreed upon by the parties, which do not affect the BLM's authority under 43 CFR §§ 2807.15, 2807.20. Mitigation measure LWC-1 has been revised in Appendix 4 of this ROD in accordance with the agreement.

In partial response to protests, the BLM has decided to establish exclusion areas through 50-foot buffers around certain vegetated ephemeral drainages and desert dry wash woodlands. These exclusion areas will provide protection for certain dry wash associated plant species and wildlife that use these areas for food, water, and shelter. Details of this added mitigation measure can be found in this ROD, Appendix 4, mitigation measure Veg-10(C)(3) and in Appendix 1, Map 3.

Also in partial response to protests, BLM is clarifying the method and degree of site grading. Minimal grading and earthwork will be employed on the MSEP. Stormwater drainage will be designed to maintain existing surface water hydrology and drainage wherever possible. Solar tracking and framing structures will generally follow the existing land contours with localized grading utilized only where necessary to address major variations in topography in areas that would not significantly impact existing surface hydrology. Localized earthwork will be required for particular structures and installations such as buried electrical, parking areas, roads, structures, internal and external transmission poles, evaporation ponds, fencing and O&M facilities.

Finally, the BLM is clarifying that the holder of the ROW grant will provide project area access to members of the public subject to reasonable health and safety restrictions.

6.0 Notice of Clarifications of the PA/FEIS

Minor corrections to and clarifications of the PA/FEIS are provided in Appendix 7. These minor revisions have been made as a result of and in response to additional input received on the document (see Section 10.3 of this ROD) and internal BLM review. None of the minor corrections and clarifying statements affects the adequacy of the underlying FLPMA or NEPA analysis in the PA/FEIS.

7.0 Consistency and Consultation Review

7.1 Governor's Consistency Review

The FLPMA requires the Secretary of the Interior to “coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located.” 43 USC § 1712(c)(9). It further directs the Secretary to “assure that consideration is given to those State, local and tribal plans that are germane in the development of land use plans for public lands” and “assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans.”

Regulations implementing FLPMA, 43 CFR §1610.3-2(e), generally require a 60-day period for Governor's consistency review; however, by agreement, this review period has been expedited. The purpose of the review is to identify inconsistencies of the proposed PA with State and local plans, programs, and policies. On December 21, 2012, the BLM initiated the period of Governor's Consistency Review for the PA/FEIS in accordance with FLPMA. The Governor's Office of Planning and Research provided a formal response dated January 23, 2013 that did not identify any inconsistencies between the PA and any State or local plans, programs, and policies.

7.2 Cooperating Agency

The DOE was a cooperating agency with the BLM on the PA/FEIS for the MSEP. As a cooperating agency, the DOE was involved in the development of the Draft PA/EIS and PA/FEIS prior to their publication. If the DOE decides to enter into negotiation of a possible loan guarantee with McCoy Solar, LLC, the DOE may adopt the PA/FEIS to meet its NEPA requirements in making a determination of funding.

7.3 Government-to-Government Consultation with Tribes

As described in detail in Section 5.2.2.2 of the PA/FEIS, the BLM conducted government-to-government consultation with 15 federally recognized tribal governments in accordance with several authorities including, but not limited to, NEPA, the NHPA, the American Indian Religious Freedom Act, Executive Order 13175, Executive Order 13007, and DOI's Tribal Consultation Policy (Dec. 1, 2011). The BLM initiated consultation on August 17, 2011, prior to the publication of the Notice of Intent to prepare the Draft PA/EIS, reaffirmed its commitment to government-to-government consultation in the August 29, 2011, Notice of Intent (76 Fed. Reg. 53693), and provided other public notices about the project to provide reasonable notice of and seek input about how potential project-related changes could affect the use of sacred sites or their physical integrity. Individual government-to-government meetings with Indian tribes provided a separate forum for tribes to share information and concerns openly and candidly in an individual context, apart from other consulting parties and about other issues not necessarily related to the Section 106 process. In addition to Section 106 consultation meetings with all consulting parties, the BLM held individual meetings with interested tribes along with other efforts, which included site visits, individual meetings with tribal members and tribal council members, undertaken by

the agency as part of the government-to-government consultation process. These efforts are summarized in PA/FEIS Table 5-1.

Information and major concerns raised through correspondence and shared during group and individual meetings with tribes, as well as the actions that were undertaken during the consultation process, revealed concerns about the importance and sensitivity of cultural resources on and near the MSEP site and concerns about cumulative effects to cultural resources. As a result of this consultation process, many important cultural resources were identified in the area of potential effects, and subsequently avoided in the Selected Alternative.

7.4 NHPA Section 106 Compliance

Pursuant to Section 106 of the NHPA and the implementing regulations, the BLM consulted with the California State Historic Preservation Officer (CA SHPO), the Advisory Council on Historic Preservation (ACHP), interested tribal members, other consulting parties, and federally recognized Tribes. Section 106 of the NHPA requires Federal agencies to take into account the potential effects of a proposed undertaking on historic properties eligible for or listed in the National Register of Historic Places. The steps in the NHPA Section 106 process are described in Section 5.2.2.1 of the PA/FEIS. Significant events in the process that occurred prior to the availability of the PA/FEIS are summarized in PA/FEIS Table 5-1. The following events summarize the BLM's continued consultation and conclusion of its Section 106 obligations through an executed Memorandum of Agreement (MOA), which have occurred since the publication of the PA/FEIS:

- **December 5, 2012:** The BLM transmitted the revised draft MOA to all consulting parties, including the Indian tribes, providing 30 days for review. The BLM received 4 letters with comments from the consulting parties, including a comment letter from one Indian tribe.
- **January 8, 2013:** The BLM transmitted the draft Ethnographic Assessment to the tribes and individuals that participated in the study for review. The participating tribes included the Soboba Band of Luiseno Indians and the Colorado River Indian Tribes.
- **January 8, 2013:** The BLM transmitted the third revised draft MOA to all consulting parties, including the Indian tribes, providing 14 days for review. The BLM received no comments on the third revised draft MOA.
- **February 7, 2013:** The BLM updated the tribes on the status of the Ethnographic Assessment and sent tribes the agency's determinations and findings for ethnographic resources for Section 106. The BLM transmitted the revised and proposed final MOA for review.
- **February 22, 2013:** The MOA was executed through signatures from the BLM, CA SHPO, and ACHP.

Through the Section 106 process, the BLM made adjustments to the proposed undertaking to avoid potential adverse effects, and developed and executed a MOA for the MSEP to resolve those adverse effects that could not be avoided. The executed MOA, which was signed by the BLM, CA SHPO, and ACHP, is provided in Appendix 3. The MOA includes measures to avoid, minimize or mitigate concerns expressed by Indian tribes. Such measures include: a Historic Properties Treatment Plan, which describes in further detail measures to resolve and minimize adverse effects should the project be approved; a robust construction monitoring plan that provides for tribal participation, as well as a NAGPRA Plan of Action, to ensure the proper treatment and protection of prehistoric human remains should any be discovered; and funding and development provisions for a Long Term Management Plan to provide for post-construction archeological resource monitoring in response to concerns regarding the potential for degradation associated with increased access. Based on the ongoing consultation with tribal governments and representatives and the MOA, many cultural resources in the area are avoided by the Selected Alternative and unavoidable impacts are substantially mitigated through the terms of the MOA pursuant to 36 CFR § 800.6. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to cultural resources.

7.5 Endangered Species Act—Section 7 Compliance

Section 7 of the Endangered Species Act (ESA) requires Federal agencies to ensure that their actions do not jeopardize the continued existence of threatened or endangered species or result in the destruction of their designated critical habitat. It also requires consultation with the USFWS in making that determination. On March 16, 2012, the BLM initiated formal consultation with the USFWS under Section 7 of the ESA Section 7. In May 2012 and November 2012, the BLM submitted additional information requested by the USFWS. The USFWS provided the BLM with a draft BO on January 24, 2012, and consultation concluded on March 6, 2013, with the issuance of a biological opinion (BO). The BO analyzed the effects of the MSEP on the federally threatened Mojave desert tortoise, concluding that the MSEP is not likely to jeopardize the continued existence of the desert tortoise. The entire project site is desert tortoise habitat, although the quality of that habitat varies, but the habitat is not designated as critical habitat. Five adult desert tortoises were observed during spring 2011 surveys. Surveys conducted for the Central Route in 2010 identified several instances of tortoise sign (bone fragments, scat, and burrows) in or near the proposed gen-tie route.

After reviewing the current status of the desert tortoise, environmental baseline for the action area, and effects of the proposed action and cumulative effects on the desert tortoise, the USFWS provided its BO (Appendix 2 of this ROD) that the MSEP is not likely to jeopardize the continued existence of the desert tortoise. The USFWS's BO identified reasonable and prudent measures that would reduce adverse impacts to the species. Implementation of these measures is mandatory and is a requirement of this ROD and the ROW.

8.0 Mitigation Measures

As required in the BLM *NEPA Handbook H-1790-1* and consistent with 40 CFR 1505.2(c), all practicable means to avoid or minimize environmental harm from the MSEP have been adopted by this ROD. The ROW grant authorizations are subject to the following measures, terms, and conditions:

- Terms and Conditions in the USFWS BO, provided in Appendix 2 of this ROD, as such may be amended over time;
- Stipulations in the MOA, provided in Appendix 3 of this ROD, as such may be amended over time; and
- Avoidance, Minimization, and Mitigation Measures provided in PA/FEIS Chapter 4, *Environmental Consequences*, amended as in Appendix 7 of this ROD and provided in their final form in Appendix 4 of this ROD.
- The Environmental Construction and Compliance Monitoring Program provided in Appendix 5 of this ROD.

These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1). Additional mitigation may be necessary to fully mitigate potential effects of the project according to State laws (including the California Environmental Quality Act), rules, policy, or regulations.

9.0 Monitoring and Adaptive Management

A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation. 40 CFR 1505.2(c). Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation and other conditions established in the PA/FEIS or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency.

The Environmental and Construction Compliance Monitoring Program (ECCMP) for the MSEP is provided in Appendix 5 of this ROD. As the Federal lead agency for the MSEP under NEPA, the BLM is responsible for ensuring compliance with all adopted mitigation measures for the project in the PA/FEIS. The BLM also has incorporated this mitigation into the ROW grant as terms and conditions. Failure on the part of McCoy Solar, LLC, as the grant holder, to adhere to these terms and conditions could result in various administrative actions up to and including a termination of the ROW grant and requirement to remove the facilities and rehabilitate disturbances.

Adaptive management has been incorporated into the mitigation measures adopted for the Selected Alternative. Adaptive management is a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting

outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to reevaluate the outcomes.

10.0 Public Involvement

10.1 Scoping

The BLM published a Notice of Intent to prepare a PA/EIS for the MSEP in the Federal Register on August 29, 2011 (76 FR 53693). The BLM held publicly noticed scoping meetings on September 20, 2011, at the University of California-Riverside, Palm Desert Campus and on October 19, 2011, in the Blythe City Council Chambers. The BLM also established a website that described the project, the process, and various methods for providing public input, including the phone number where the BLM's Project Manager for the project could be reached, physical addresses where project documents could be reviewed, and an e-mail address where comments could be sent electronically. Results of scoping were discussed in the Draft PA/EIS and are detailed in the scoping report available as part of this project record and on the BLM website.

10.2 Public Comments on the Draft PA/EIS

The U.S. Environmental Protection Agency (EPA) published a Notice of Availability (NOA) of the Draft PA/EIS for the MSEP on May 25, 2012 (77 Fed. Reg. 31355-02). The BLM held two public meetings: In Palm Desert on June 27, 2012, and in Blythe on June 28, 2012. The comment period ended August 23, 2012. Twenty-two comment letters were received and provided as Appendix J to the PA/FEIS. Responses to all letters were provided in Appendix K of the PA/FEIS, and all comments received from agencies, members of the public, and internal BLM review were considered and incorporated as appropriate into the PA/FEIS. Input received resulted in the addition of clarifying text, modification of the western boundary to avoid additional resource conflicts, and changes to the drainage design to accommodate the revised boundary. These changes were to the physical project footprint and did not significantly change proposed land use plan decisions.

10.3 Public Comments on the PA/FEIS

The BLM received seven letters regarding the PA/FEIS following the EPA's publication of the NOA for the PA/FEIS:

- NextEra Energy Resources, dated January 18, 2013;
- Metropolitan Water District of Southern California, dated January 22, 2013;
- Adams Broadwell Joseph & Cardozo on behalf of California Unions for Reliable Energy, dated January 22, 2013;
- Briggs Law Corporation on behalf of Californians for Renewable Energy and La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee, dated January 24, 2013;

- Gideon Kracov, on behalf of Laborers International Union of North America, Local Union No. 1184, dated January 24, 2013;
- Orange County Public Works, January 29, 2013;
- Gideon Kracov, on behalf of David Vazquez and Ralph Figueroa, dated March 4, 2013; and
- Colorado River Indian Tribes, dated February 1, 2013 and February 28, 2013.

The BLM's consideration of these letters did not result in changes in the design, location, or timing of the project in a way that would cause significant effects to the human environment outside of the range of effects analyzed in the PA/FEIS. Similarly, none of the letters identified new significant circumstances or information relevant to environmental concerns that bear on the project and its effects. To the contrary, revisions to the PA/FEIS made on the basis of the BLM's consideration of comments received (see Appendix 7 of this ROD) did not result in new or different effects relative to the range of effects previously analyzed.

10.4 Availability of the Record of Decision

Electronic copies of this ROD with the approved Plan Amendment are available on the Internet at <http://www.blm.gov/ca/st/en/fo/cdd.html>. Paper and electronic copies may be viewed at the following locations:

California State Office
2800 Cottage Way, Suite W-1623
Sacramento, California 95825

Palm Springs—South Coast Field Office
1201 Bird Center Drive
Palm Springs, California 92262

California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553

11.0 Consideration of Other BLM Plans and Policies

11.1 Relationship of the Selected Alternative to the Solar PEIS

The MSEP is not subject to the Solar PEIS ROD, or the CDCA Plan amendments made as a result of that decision. Appendix B of the Solar PEIS ROD defines “pending” applications as “any applications... filed within SEZs before June 30, 2009.” The MSEP Applicant’s initial CACA-048728 application was filed on January 29, 2007, in an area that later was included in the Riverside East SEZ. Section B. 1.2 of the Solar PEIS ROD (p. 146) states, “Pending applications are not subject to any of the decisions adopted by this ROD.” Consequently, the MSEP is not subject to the Solar PEIS ROD or to the CDCA Plan amendments made in that decision. Instead, it remains subject to the pre-Solar PEIS ROD requirements of the CDCA Plan.

11.2 Conformance with the CDCA Plan

In furtherance of its authority under the FLPMA, the BLM manages public lands in the California Desert District, including the MSEP site, pursuant to the CDCA Plan and its amendments. The CDCA Plan is a comprehensive, long-range plan that was adopted in 1980; it since has been amended many times. The CDCA is a 25-million-acre area that contains over 12 million acres of BLM-administered public lands in the California Desert, which includes the Mojave Desert, the Sonoran Desert, and a small part of the Great Basin Desert. By contrast, the site of the Selected Alternative includes approximately 4,014 acres of BLM administered land in the CDCA.

The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not specifically identified in the CDCA Plan be considered through the Plan Amendment process. As described in Section 3 of this ROD, the CDCA Plan has been amended to identify the MSEP site as a site specifically associated with power generation and transmission.

The MSEP site is classified as Multiple-Use Class (MUC) L (Limited Use) in the CDCA Plan. The Limited Use classification is intended to protect sensitive, natural, scenic, ecological, and cultural resource values. Public lands classified as Limited Use are managed to provide for multiple use of resources at a lower intensity, ensuring that sensitive values are not significantly diminished. Based on CDCA Plan Table 1, Multiple Use Class Guidelines, and CDCA Plan Chapter 3, Energy Production and Utility Corridors Element, solar uses are conditionally allowed in the Multiple Use Class L designation contingent on the CDCA Plan amendment process and NEPA requirements being met for the proposed use. Because the MSEP site was not identified in the CDCA Plan for such use when the MSEP application was filed, a CDCA Plan Amendment is required for the Selected Alternative. The PA/FEIS met NEPA's requirements for consideration of the MSEP.

The CDCA Plan Amendment to identify the site of the Selected Alternative for solar energy generation is approved in this ROD.

11.2.1 Required CDCA Plan Determinations

As discussed in CDCA Plan, Chapter 7, the BLM must make certain determinations in amending the CDCA Plan. The required determinations and how they were made for the CDCA Plan Amendment for the MSEP are provided below.

Required Determination: Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

The Applicant's request for a ROW grant was properly submitted; the PA/FEIS was the mechanism for evaluating and disclosing environmental impacts associated with that application. No law or regulation prohibits granting the CDCA Plan Amendment.

Required Determination: Determine if alternative locations within the CDCA 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.

The Selected Alternative does not require a change in the MUC classification for any area within the CDCA.

Required Determination: Determine the environmental effects of granting and/or implementing the applicant's request.

The PA/FEIS evaluated the environmental effects of approving the CDCA Plan Amendment and the ROW grant application for the MSEP.

Required Determination: Consider the economic and social impacts of granting and/or implementing the applicant's request.

The PA/FEIS evaluated the economic and social impacts of the Plan Amendment and the ROW grant.

Required Determination: 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.

Opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies that were provided are described in Section 10 of this ROD.

Required Determination: 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.

The balance between resource use and resource protection is evaluated in the PA/FEIS. The FLPMA Title VI, as addressed in the CDCA Plan, provides for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and maintenance of environmental quality. Multiple use includes the use of renewable energy resources, and, through Title V of FLPMA, the BLM is authorized to grant ROWs for the generation and transmission of electric energy. The acceptability of use of public lands within the CDCA for this purpose is recognized through the CDCA Plan's approval of solar generating facilities within MUC L. The PA/FEIS identifies resources that may be adversely affected by approval of the MSEP, evaluates alternative actions that may accomplish the purpose and need with a lesser degree of resource impacts, and identifies mitigation measures that, when implemented, would reduce the extent and magnitude of the impacts and provide a greater degree of resource protection.

11.2.2 Conformance with CDCA Plan MUC Guidelines

The proposed Land Use Plan Amendment to be made by the BLM is a site identification decision only. Because the proposed solar project and its alternatives are located within MUC L, the classification designation governs the type and degree of land use action allowed within the classified area. All land use actions and resource management activities on public lands within a MUC designation must meet the guidelines for that class. The MUC L allows electric generation plants for solar facilities after NEPA requirements are met. These guidelines are listed in Table 1, *Multiple Use Class Guidelines*, in the CDCA Plan. The specific application of the MUC designations and resource management guidelines for a specific resource or activity are further discussed in the plan elements section of the CDCA Plan. In the Class L designation, the BLM Authorized Officer (AO) is directed to use his/her judgment in allowing for consumptive uses by taking into consideration the sensitive natural and cultural values that might be degraded. The site for the MSEP meets the MUC Guidelines (as applicable to this project and site) for the reasons discussed in PA/FEIS Section 4.10.10 (p. 4.10-8 et seq.).

11.2.3 CDCA Plan Decision Criteria

The CDCA Plan defines specific Decision Criteria to be used by the BLM in evaluating applications in the Energy Production and Utility Corridors Element of Chapter 3. The consideration of these Decision Criteria for the MSEP is described below.

Decision Criterion: Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors.

This decision criterion is not applicable to the MSEP because the MSEP is not a corridor planning exercise.

Decision Criterion: Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables.

The MSEP encourages the joint-use of corridors for transmission lines and cables and does not create conflicts. The solar plant site would not conflict with Corridors J, K, or 30-52 because the footprint of the solar plant site would be completely outside these corridors. The distribution line would connect to an existing electric line located on the western edge of the corridor in Section 8, Township 6 South, Range 22 East, and, as analyzed in Section 4.10 of the PA/FEIS, would create no known conflict.

The linear facilities that would affect Corridors K and 30-52 include the gen-tie line, fiber optic line, and access roads (I-10, Black Rock Road, and an estimated 0.5 mile of upgraded Black Creek Road). The gen-tie line would cross Corridors K and 30-52 and then proceed west along the southern side of the corridors for approximately 4 miles before turning south and exiting the corridors to connect with the CRS. There is no known conflict with the proposed gen-tie line either crossing over or lying within Corridors K and 30-52.

The fiber optic line would be placed on the gen-tie and distribution line support structures; therefore, no additional width for the fiber optic lines would be needed and no conflict with Corridors K and 30-52 has been identified.

Decision Criterion: Provide alternative corridors to be considered during processing of applications.

The BLM considered alternative gen-tie and access road routes in evaluating the MSEP; however, each would require use of the same corridors to access the Colorado River Substation.

Decision Criterion: Avoid sensitive resources wherever possible.

The extent to which the MSEP has been located and designed to avoid sensitive resources is addressed throughout the PA/FEIS. The BLM and other Federal regulations and policies were considered in the original siting process used by the Applicant to identify potential sites for the project locations. The alternatives analysis considered whether the purpose and need of the project could be achieved with a different build alternative, but with a lesser effect on sensitive resources. That analysis indicated that, although Alternative 2 would have fewer overall impacts than the Selected Alternative because only one of the solar plant site units would be built, the alternatives would likely result in generally similar impacts to sensitive resources as the Selected Alternative.

Decision Criterion: Conform to local plans whenever possible.

As explained in Section 7.1, above, the BLM initiated the period of Governor's Consistency Review for the PA/FEIS in accordance with FLPMA (43 USC 1712(c)(9)) on December 21, 2012. The purpose of the review is to identify inconsistencies of the proposed PA with State and local plans, programs, and policies. No inconsistencies were identified. The majority of the MSEP is on BLM administered lands and conforms to BLM land use plans, policies and regulations. Riverside County has land use jurisdiction over 477 acres of Unit 1. Conformance of the project with local plans will be further assured through the County's environmental review and entitlements process.

Decision Criterion: Consider wilderness values and be consistent with final wilderness recommendations.

Although there are no National Wilderness Areas within or adjacent to the solar plant site, there are 1,089 acres of lands with wilderness characteristics within Unit 2 of the solar plant site. Implementation of Mitigation Measure LWC-1 requires the Applicant to prepare and implement a proposal to mitigate for the loss of these lands with wilderness characteristics through enhancements in the two closest designated wilderness areas to the Project: the Palen-McCoy and Big Maria Mountains Wilderness Areas. As described in Section 4.16 and 4.19 of the PA/FEIS, residual and cumulative impacts would remain after mitigation is incorporated.

Decision Criterion: Complete the delivery systems network.

This decision criterion is not applicable to the MSEP.

Decision Criterion: Consider ongoing projects for which decisions have been made.

The BLM approved a ROW grant for the Blythe Solar Power Project (BSPP), located adjacent and to the south of the MSEP, in November 2010. The project commenced construction but was placed on hold in August 2011 pending permit revisions. When permit revisions are complete for the BSPP, the BSPP, and MSEP will share a linear corridor.

Decision Criterion: Consider corridor networks which take into account power needs and alternative fuel resources.

This decision criterion is not applicable to the MSEP. The project does not involve the consideration of an addition to or modification of the corridor network.

12.0 Final Agency Action

12.1 Land Use Plan Amendment

It is the decision of the BLM to approve the Proposed Plan Amendment to the California Desert Conservation Area Land Use Management Plan (CDCA Plan, 1980, as amended) to identify the project site as available for solar energy development. The Proposed Plan Amendment and Final Environmental Impact Statement (EIS) were published on December 21, 2012, in the Federal Register (77 FR 75632-01). I have resolved all protests on the Proposed Plan Amendment and, in accordance with BLM regulations, 43 CFR 1610.5-2, my decision on the protests is the final decision of the Department of the Interior.

Based on the recommendation of the State Director, California, I hereby approve the Proposed Plan Amendment. This approval is effective on the date this Record of Decision is signed.

Approved by:


 Neil Kornze
 Principal Deputy Director
 Bureau of Land Management
 U.S. Department of the Interior

3/11/13
 Date

12.2 Right-of-Way Authorization

It is my decision to approve solar energy right-of-way lease/grants to McCoy Solar, LLC, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. This decision is effective on the date this Record of Decision is signed.

Approved by:


 Neil Kornze
 Principal Deputy Director
 Bureau of Land Management
 U.S. Department of the Interior

3/11/13
 Date

12.3 Secretarial Approval

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Subpart 4.400. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in the federal district court.

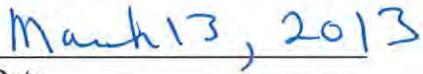
Approved by:



Ken Salazar

Secretary

U.S. Department of the Interior



Date