

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

**Decision Record
Environmental Assessment
Environmental Assessment Number: 0021
Case File Number: CACA 053213**

August 2015

Blythe Mesa Solar Project

Location: Unincorporated Riverside County and City of Blythe, California

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1.0 Introduction

It is the decision of the Bureau of Land Management (BLM) to approve the issuance of a right-of-way (ROW) grant in support of the construction, operation and maintenance, and decommissioning of a 230 kilovolt (kV) generation interconnection (gen-tie) line and associated access road spurs across BLM-managed land, associated with the Blythe Mesa Solar Project (Project) proposed by Renewable Resources Group (Applicant) in Riverside County, California.

The Selected Alternative includes: (1) a 5.2 mile length corridor across BLM-administered land for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (k V) gen-tie line; (2) a gen-tie maintenance road located on lands administered by BLM (7.54 acres of disturbance); (3) pole installation; (4) conductor installation; (5) tensioning/pulling sites on BLM managed land (4.68 acres of disturbance); and (6) installation of overhead ground/fiber optic communications systems. This alternative is identified in the Environmental Impact Report/Environmental Assessment (EIR/EA) as Alternative 3 – Northern Alternative 230 kV Gen-tie Line.

This Decision Record is in response to the ROW application submitted by Renewable Resources Group, for the proposed gen-tie line and associated infrastructure to connect the proposed solar energy generation facility with the electrical grid. In connection with that ROW application and as a result of the location of Project components on both public and private lands, BLM and County of Riverside, prepared and published a joint EIR/EA to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively, for the Project. The County of Riverside is the lead agency for CEQA purposes, and BLM is the lead agency for NEPA purposes.

Bureau of Land Management Purpose and Need for the Proposed Action

In accordance with the Federal Land Policy and Management Act (FLPMA) (43 United States Code [USC] Section 1701 *et seq.* Section 103(c)), public lands are to be managed for multiple uses, in a manner 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 (FLPMA Section 501(a)(4)). Taking into account BLM's multiple use mandate, the purpose and need for the action is to respond to FLPMA ROW application submitted by Renewable Resources Group to construct, operate and maintain, and decommission the gen-tie line and associated infrastructure from the Applicant's solar generation facility located on private property over public lands administered by BLM in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies.

The Selected Alternative will assist BLM in addressing the following management objectives:

1. 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.”
2. Department of the Interior 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.”
3. BLM Instruction Memorandum (IM) 2011-061, dated February 7, 2011, which prioritizes the development of solar facilities on, inter alia, “[l]ands specifically identified for solar or wind energy development in BLM land use plans; [p]reviously disturbed sites or areas adjacent to previously disturbed or developed sites; [l]ocations that minimize construction of new roads and/or transmission lines; [and l]ands adjacent to designated transmission corridors...”
4. President Obama’s Climate Action Plan, dated June 2013, which set a goal to double renewable electric generation by 2020. “In 2012 the President set a goal to issue permits for 10 gigawatts of renewables on public lands by the end of the year. The Department of the Interior achieved this goal ahead of schedule and the President has directed it to permit an additional 10 gigawatts by 2020.”

2.0 Description of the Project

BLM’s Selected Alternative

The Selected Alternative will include construction, operation, maintenance, and potential decommissioning of an up to 485 MW photovoltaic (PV) solar energy generation facility and associated infrastructure. The solar facility will occupy a total of 3,665 acres located on lands under the jurisdiction of the County of Riverside, BLM, and the City of Blythe. A majority of the Project will be located within the County of Riverside and within the area governed by the County of Riverside’s General Plan and the Palo Verde Valley Area Plan. The Project will likely be developed in phases that extend over several years. Pending commencement of each phase of construction, as discussed in the EIR/EA, the existing agricultural lands are anticipated to remain in agricultural production.

The Project includes construction of a 230 kV gen-tie line to connect the solar facility to the Colorado River Substation. The total length of the 230 kV gen-tie line both on-site and off-site will be 8.8 miles; 3.6 miles will be located on private lands within the array site boundary and 5.2 miles will be located off-site on BLM-managed lands. The BLM portion of the gen-tie alignment will be located within a 125-foot ROW on BLM-managed lands within the Riverside East Solar Energy Zone (SEZ). The BLM portion of the ROW would contain 78 acres.

The portion of the gen-tie line and related infrastructure that would traverse BLM-managed lands are within the area governed by the CDCA Plan, designated Multiple-Use Class M (Moderate). Within the CDCA Plan area, the Project components would be primarily located within BLM’s Utility Corridor K, which is also designated as Section 368 Federal Energy Corridor 30-52. The Project would produce enough energy to power approximately 180,000 households.

The solar facility, located on private land, will include: (1) a solar array field with single-axis solar PV trackers (295 feet long and 140 feet wide). Six trackers with 18 north-south oriented rows of PV panels would be configured into 1.5 MW blocks (600 feet long by 470 feet wide); (2) a system of interior collection power lines located between inverters and substations; (3) up to three on-site substations (each approximately 90,000 square feet); (4) up to two operation and maintenance (O&M) buildings

(approximately 3,500 square feet each); (5) associated communication facilities and site infrastructure;(6) two primary off-site access roads and several interior access roads.

At the end of the energy sales contract term (20-year term) of the Project, if the utility buyer is not available for extension or another energy buyer does not emerge, the solar arrays and gen-tie line could be decommissioned and dismantled within the Project area. Following decommissioning and dismantling of the solar facility and gen-tie line, private lands within the site would be made available for reversion to agricultural use.

The EIR/EA evaluated a construction schedule that assumed construction of the entire site within a three-year period, to ensure a conservative analysis of the most intense and concentrated construction activities reasonably possible. A longer construction duration would not result in an increase in impacts, nor would continuation of agricultural uses of the site.

3.0 Decision

Under Federal law, BLM is responsible for reviewing ROW grant applications to determine whether and to what extent to authorize proposed actions such as gen-tie lines on land it manages. Because Renewable Resources Group is a privately initiated venture proposing ancillary facilities sited on lands managed by BLM, they applied for a ROW grant from BLM pursuant to Federal law and regulations as described earlier. Based on the information in the EIR/EA, the Finding of No Significant Impact (FONSI), the Project record, and consultation with BLM staff, I have decided to approve the Selected Alternative as described and analyzed in the EIR/EA as Alternative 3, which includes a ROW grant located on the north side of the Alternative 1 gen-tie alignment and within a 125-foot ROW entirely on BLM-managed lands to accommodate the gen-tie line, temporary construction areas, and access road. The total approved ROW for the Selected Alternative is approximately 5.2 miles and contains approximately 78 acres.

The BLM uses SF 2800-14 (ROW Lease/Grant) as the instrument to authorize the ROW grants for the Project; the ROW grant includes the Plan of Development (POD) and all other terms, conditions, stipulations, and measures required as part of the grant authorizations. Consistent with BLM policy, the Blythe Mesa Solar Project ROW grant will include a diligent development and performance bonding requirement for installation of facilities consistent with the approved POD. Construction of the gen-tie must commence within 12 months after issuance of the Notice to Proceed but no later than 24 months after the effective date of the issuance of the ROW grant.

As explained in the FONSI, the impacts of the Selected Alternative have been analyzed in the EIR/EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions. This decision is conditioned on the implementation of all mitigation measures identified in the EIR/EA for the Selected Alternative and that will be incorporated as terms and conditions of the ROW grant, as well as compliance with local permits. Failure of the Applicant to adhere to these mitigation measures or other terms and conditions in the ROW grant could result in administrative actions up to and including termination of the ROW grant and a requirement to relocate or remove the facilities and rehabilitate disturbances.

These measures, terms and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10 (a)(1). All practicable means to avoid or minimize environmental harm have been adopted under this decision.

4.0 Alternatives Considered but not Selected

In addition to the Approved Alternative (Alternative 3 - Northern Alternative 230 kV Gen-tie Line), the EIR/EA evaluated 4 additional alternatives: Alternative 1 – Proposed Project; Alternative 2 – No Action/Project Alternative; Alternative 4 – Southern Alternative 230 kV Gen-tie Line; and Alternative 5 – Reduced Acreage Alternative. Each of these alternatives is described briefly below.

Alternative 1 Proposed Project

Alternative 1 would include construction, operation, maintenance, and potential decommissioning of an up to 485 MW photovoltaic (PV) solar energy generation facility and associated infrastructure similar to the Selected Alternative. The primary difference between Alternative 1 and the Selected Alternative is the location of the 230 kV gen-tie line that extends outside of the solar array field to the Colorado River Substation. Alternative 1 would be located on the south side of gen-tie alignment within a 125-foot ROW on BLM lands. Under this alternative, the total length of the 230kV gen-tie line would be 9.5 miles; 5.5 miles would be on private land within the array site boundary; 3.8 miles would be located on BLM lands.

A portion of the 230 kV gen-tie line and associated infrastructure would traverse BLM-managed lands, and that area would be governed by the California Desert Conservation Area (CDCA) Plan.

Alternative 2: No Action/Project Alternative

The No Action/Project Alternative is required by NEPA and CEQA. Under the No Action/Project Alternative, the construction of a solar generating facility and associated infrastructure would not occur. This alternative discusses existing conditions as well as what would be reasonably expected to occur in the foreseeable future if the Project was not approved and does not take place.

Alternative 4: Southern Alternative 230 kV Gen-tie Line

Similar to the Selected Alternative, Alternative 4 would include the construction, operation, maintenance, and decommissioning of an up to 485 MW PV solar energy generation facility and associated infrastructure. Alternative 4 would occupy a total of 3,647 acres and would utilize the same solar array field location as the Project. The primary difference between Alternatives 1 and 4 is the location of the 230 kV gen-tie line that extends from the solar array field (proposed Substation 3) to the Colorado River Substation. Alternative 4 would exit the southwestern portion of the solar array field and extend approximately four miles west to the Colorado River Substation within a 125-foot ROW. To facilitate this alignment, an additional 10,000 feet of 230 kV gen-tie line would need to be built within the solar array field extending south from the proposed Substation 3 and angling west to the site boundary. The gen-tie line would continue westerly off-site across 3.4 miles of BLM-managed lands and 0.6 mile of private lands before reaching the Colorado River Substation. Under this alternative, the total length of the 230 kV gen-tie line both on-site and off-site would be 9.5 miles; 5.5 miles would be located on private lands within the array site boundary and 4.0 miles would be located off-site. The total area of the gen-tie off-site would be about 60 acres (50 acres of BLM-managed land and 10 acres of private land). The gen-tie under this alternative would be entirely within the Riverside East SEZ where it is on BLM-managed land. Similar to Alternative 1, at the end of the energy sales contract term of Alternative 4, if the utility buyer is not available for extension or another energy buyer does not emerge, the solar arrays and gen-tie line could be decommissioned and dismantled within the Project area. Following decommissioning and dismantling of the solar facility and gen-tie, private lands within the Alternative 4 site would be made available for reversion to agricultural use.

Alternative 5: Reduced Acreage Alternative

Similar to the Selected Alternative, Alternative 5 would include the interim agriculture-related actions described above, and construction, operation, and potential decommissioning of a PV solar energy generation facility and associated infrastructure; however, Alternative 5 would eliminate development north of highway Interstate 10. In comparison to the Project, Alternative 5 would reduce electrical generation from a 485 MW down to a 315 MW alternating current solar PV facility located on a footprint of approximately 2,476 acres, reduced from 3,660 acres. The Reduced Acreage Alternative would include approximately 2,403 acres for the solar facility and 73 acres for the 230 kV gen-tie line. Components of the Reduced Acreage Alternative that differ from the Project would include the following:

- **Solar Facility Site (2,403 total acres)**
 - Up to two on-site substations (each approximately 90,000 square feet).
 - One O&M building (approximately 3,500 square feet).
 - One primary off-site access road and several interior access roads.
- **Approximately 7.8 miles of 230 kV Gen-tie Transmission Line**
 - Approximately three miles would be located within the solar facility, which would connect all on-site substations.
 - Approximately 4.8 miles would extend outside of the solar facility and would be placed within a 125-foot-wide ROW and occupy 73 acres.

The fenced-in solar PV electric generation facility would occupy approximately 2,403 acres on privately-owned land (all within the County of Riverside). Similar to the Project, the portion of the gen-tie line outside the solar facility site, from the southernmost substation to the Colorado River Substation, would traverse 3.8 miles of BLM-managed lands (approximately 58 acres) and approximately one mile of private land (approximately 15 acres). Similar to Alternative 1, at the end of the energy sales contract term of Alternative 5, if the utility buyer is not available for extension or another energy buyer does not emerge, the solar arrays and gen-tie line could be decommissioned and dismantled within the Project area. Following decommissioning and dismantling of the solar facility and gen-tie, private lands within the Alternative 5 site would be made available for reversion to agricultural use.

5.0 Decision Rationale

This decision approves a ROW for the Blythe Mesa Solar Project – Alternative 3 as analyzed in the EIR/EA, which addresses BLM’s purpose and need to respond to a FLPMA ROW application submitted by Renewable Resources Group. Renewable Resources Group proposed to construct, operate, maintain, and decommission the proposed gen-tie and associated infrastructure on public lands managed by BLM from the Blythe Mesa Solar energy facility to the Colorado River Substation in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies. The BLM's decision to approve the Selected Alternative is based on the following considerations:

1. The fact that the generating facility would be located on previously disturbed agricultural lands, and that the gen-tie line and other ancillary facilities would be located within the Riverside East SEZ, and primarily within BLM’s Utility Corridor K, which is also designated as Section 368 Federal Energy Corridor 30-52;
2. The BLM’s determination that the generating facility, transmission line, and other ancillary facilities would have no adverse effect on cultural resources;
3. The fact that the Selected Alternative will have similar impacts to those associated with the proposed Project. Minor changes would be associated with the slightly longer gen-tie line on BLM lands (5.2 miles compared to 3.8 under the proposed Project) and associated amounts of disturbance and minor increases in air quality emissions during construction. As described in the EIR/EA and FONSI, implementation of all mitigation measures identified in the EIR/EA, including avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action in conjunction with specific management plans, would reduce the severity of these impacts; and

4. Implementation of the mitigation measures identified and analyzed in the EIR/EA and incorporated as terms and conditions of the ROW grant.¹

6.0 Consultation and Coordination

Endangered Species Act Section 7

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction to protect threatened and endangered species under the Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). Consultation with the USFWS under Section 7 of the ESA is required for any Federal action that may adversely affect a federally listed species. On November, 14, 2012, USFWS issued a letter of concurrence stating that the proposed Project would not likely adversely affect federally listed species (see EIR/EA, Appendix M); therefore, an ESA Section 7 formal consultation is not required.

National Historic Preservation Act Section 106

As part of its responsibilities under Section 106 of the National Historic Preservation Act (NHPA), BLM sent a letter to the State Historic Preservation Officer (SHPO) on August 7, 2013, informing the SHPO about the project and initiating consultation. The BLM found that no historic properties would be adversely affected by the undertaking, based on the two intensive Class III archaeological and historic built environment surveys conducted in the area of potential effect (APE) for the Project. The BLM also sent letters informing the Advisory Council on Historic Preservation (ACHP) and Native American tribes of this finding on August 7 and 8, 2013, respectively. On August 14, 2013, the ACHP sent a letter to the BLM, declining to participate in the Section 106 process. On October 21, 2013, the SHPO requested more information about the Blythe Army Air Base and associated remnant historic features located in the APE. The BLM transmitted additional information to the SHPO on April 14, 2014, and on June 9, 2014, the SHPO concurred with BLM's determination that the Project would not result in any adverse effects to historic properties. The BLM will require the implementation of procedures for archaeological monitoring, post-review discovery and unanticipated effects as detailed in mitigation measure Cultural-1. Mitigation measure Cultural-1 also provides for tribal participation and the proper treatment and protection of prehistoric human remains should any be found during construction. The BLM will also require the development and implementation of a Long Term Management Plan for the post-construction monitoring and condition assessment of sites in the APE which could be subject to project operations and maintenance activities.

Native American Tribal Consultation

The BLM invited 15 Native American tribes to consult on the Project on a government-to-government basis, including: the Agua Caliente Band of Cahuilla Indians, Augustine Band of Cahuilla Indians, Cabazon Band of Mission Indians, Cahuilla Band of Mission Indians, Chemehuevi Indian Tribe, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Morongo Band of Mission Indians, Ramona Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Torres-Martinez Desert Cahuilla Indians, and Twenty-Nine Palms Band of Mission Indians. Letters from BLM dated March 12, 2012, were sent informing them about the application submitted by Renewable Resources Group for a ROW grant, explaining BLM's role in the environmental review process, and inviting them to consult in a government-to-government manner pursuant to Executive Order 13175, the Executive Memorandum of April 29, 1994, and other relevant laws and regulations including Section 106. The letters also requested assistance in identifying any issues or concerns about the Project, including the identification of sacred sites and places of cultural

¹ The BLM will also require the right-of-way holder to update the Bird and Bat Conservation Strategy (BBCS) to include a statistically valid post-construction mortality monitoring plan to assess and/or validate avian and bat fatalities at the facility and gen-tie line.

significance that might be affected by the Project. In a response letter dated March 26, 2012, the Chairperson of the Augustine Band of Cahuilla Indians reported no specific resources in the Project area, requested that tribal monitors be used during the cultural resource survey, and asked to be notified if cultural resources were identified. The BLM made a Project update call on October 31, 2012, with the Historic Preservation Officer of the Fort Yuma Quechan Tribe as part of regular staff coordination between BLM and Quechan regarding all Palm Springs Field Office projects. The BLM sent follow up letters to Native American tribes on August 8, 2013, reiterating its request for government-to-government and Section 106 consultation. As referenced above, these letters also summarized BLM's determinations of eligibility and findings of effect. At the request of Agua Caliente Band of Cahuilla Indians and Cocopah Indian Tribe, BLM sent copies of archaeological and built environment survey reports to both tribes on September 24, 2013. The BLM held two government-to-government meetings, one with the Soboba Band of Luiseno Indians on August 6, 2014, and one with the Colorado River Indian Tribes on August 14, 2014.

Through the communications referenced above, and as part of its consultation under Section 106 of the NHPA, the American Indian Religious Freedom Act, and Executive Order 13175, BLM sought information from tribes about any potentially affected traditional cultural properties (TCPs) and other resources of cultural or religious significance to the tribes. The tribes did not provide the BLM with any information about potentially affected TCPs or other resources of cultural or religious significance to the tribes.

7.0 Public Involvement

Notice of Preparation

In compliance with Title 14 of the California Code of Regulations (CCR) Section 15082, the County of Riverside prepared a Notice of Preparation (NOP) of an EIR that described the Project and location, environmental review process, the potential environmental effects, and contact information, as well as announced the time and location of the public scoping meeting. On November 16, 2011, the NOP was filed with the State Clearinghouse (SCH) (SCH No. 2011111056). The NOP was also filed with the County of Riverside's County Clerk on November 21, 2011, which commenced the public review period. The NOP was sent via certified mail to 51 agencies (Federal, state, county, and city), 22 Native American Tribes, and 2 elected officials.

Scoping Meeting

On October 4, 2012, BLM conducted a scoping meeting in Blythe, California. The BLM and Applicant presented information about the Project, alternatives, environmental review process, and potential impacts. A question and answer session was held after the presentation. At the conclusion of the question and answer session, the open house continued and staff members were available to answer questions and gather input. A total of ten individuals attended the meeting. The issue topics raised by the commenters included:

- Public Services and Utilities
- Socioeconomics
- Cultural Resources
- Hazards

Draft EIR/EA Informational Meetings

On May 10, 2012, two informational meetings were conducted for the Project. In the morning, BLM sponsored the pre-application meeting with several resource agencies who have interest in the Project. The afternoon meeting was sponsored by the Applicant to provide Project information to Native

American groups. The purpose of these meetings was to present information about Alternatives; describe the purpose and need of the Project; provide information regarding the environmental review process; and gather input regarding the preliminary alternatives. The meeting between the Applicant and Native American tribes was not part of BLM's Section 106 and government-to-government consultation efforts. In addition, BLM held a public informational meeting on July 10, 2014, at the City of Blythe Multipurpose Room, 235 N. Broadway, Blythe, California, to solicit comments on the issues, concerns, potential impacts, alternatives, and mitigation measures that should be considered in writing the Final EIR/EA.

Public Comment Period

The EIR/EA was circulated for a 45-day public review period from June 17, 2014 and August 4, 2014. Sixteen written comment letters were received on the EIR/EA during that public review period. The comment letters were submitted by public agencies, organizations and interested individuals. Responses to all substantive comments received were provided in the Final EIR/EA. Verbal comments provided during the July 10, 2014, public meeting were transcribed by a court reporter and responded to in the Final EIR/EA.

Public comments included support for the Project due to its location on previously disturbed agricultural land, requests for formal government-to-government consultation, which the BLM initiated, and concern over the private land project's potential impacts to migratory birds, which have been addressed in the project's Avian and Bat Protection Plan. Most of the public comments were related to the private land solar project under the jurisdiction of Riverside County.

The BLM also received a letter from the Colorado River Indian Tribes regarding the EIR/EA in April 2015 after the public comment period closed. The BLM considered these comments in detail and determined that its environmental review and tribal consultation were adequate.

8.0 Plan Conformance

The Selected Alternative has been reviewed and found to be in conformance with the California Desert Conservation Area (CDCA) Plan of 1980, as amended. The proposed gen-tie and related infrastructure for the Blythe Mesa Solar Project is entirely within the Riverside East SEZ. The Riverside East SEZ was designated through the Approved Resource Management Plan Amendments/Record of Decision for Solar Energy Development in Six Southwestern States (Western Solar Plan) (BLM 2012). A SEZ is defined by the BLM as "an area within which the BLM will prioritize and facilitate utility-scale production of solar energy and associated transmission infrastructure development." (BLM 2012). The CDCA Plan requires that sites associated with power generation or transmission not identified in the Plan or outside of transmission corridors be considered through the plan amendment process. The Western Solar Plan amended the CDCA Plan to "identify all SEZ lands within the CDCA as sites associated with power generation or transmission" (BLM 2012). Because the Western Solar Plan has satisfied the requirement of the CDCA Plan for a plan amendment, the Selected Alternative is in conformance with the CDCA Plan.

9.0 Final Agency Action

A. *Right-of-Way Authorization*

Based on the foregoing, it is my decision to approve a ROW grant to Renewable Resources Group for the gen-tie line, access road, and temporary construction areas for the Selected Alternative as described above, subject to the terms and conditions described therein, the Plan of Development, and all environmental mitigation measures developed by the Department of the Interior and referenced in this Decision Record. This decision is effective on the date this Decision Record is signed.

DATE: _____

Aug 18, 2015



Neil Kornze
Director
Bureau of Land Management

B. *Secretarial Approval*

I hereby approve this decision. My approval of this decision 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 Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the right-of-way as directed by this decision, must be brought in Federal district court.

DATE: _____

August 18, 2015



Janice M. Schneider
Assistant Secretary
Land and Minerals Management