

RECORD OF DECISION

Desert Sunlight Solar Farm Project
and
Amendment to the California Desert Conservation Area
Land Use Management Plan
Riverside County, California

Lead Agency:

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

Environmental Impact Statement FES 11-07
Case File Number: CACA 48649

**Desert Sunlight Solar Farm Project
Decision to Amend the CDCA Plan and Grant Right-of-Way**

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List of Abbreviations

AM	applicant measure
AFC	application for certification
AO	authorized officer
ARRA	American Recovery and Reinvestment Act
BA	biological assessment
BLM	Bureau of Land Management
BO	biological opinion
BRSA	biological resources survey area
CDCA	California Desert Conservation Area
CDFG	California Department of Fish and Game
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CPUC	California Public Utilities Commission
CTTM	Comprehensive Travel and Transportation Management
DNA	Determination of NEPA Adequacy
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DSSF	Desert Sunlight Solar Farm Project
ECCMP	Environmental Construction and Compliance Monitoring Program
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act
ESA	Endangered Species Act
EIS	environmental impact statement
FEIS	final environmental impact statement
FLPMA	Federal Land Policy Management Act of 1976
I-10	Interstate 10
kV	kilovolt
LLC	limited liability company
MDAPMD	Mojave Desert Air Pollution Management District

MM	mitigation measure
MOA	memorandum of agreement
MOU	memorandum of understanding
MUC	multiple use class
MW	megawatt
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NOA	notice of availability
NOI	notice of intent
NPS	national park service
NTP	notice to proceed
PA/FEIS	plan amendment and final environmental impact statement
PEIS	programmatic environmental impact statement
POD	plan of development
PPA	power purchase agreement
ROD	record of decision
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SCE	Southern California Edison
SF	Standard Form
SHPO	California State Historic Preservation Office
U.S.	United States
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service

Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of Interior (DOI) and Bureau of Land Management (BLM) for the Desert Sunlight Solar Farm Project (DSSF or Project) and Amendment to the *California Desert Conservation Area Plan* (1980, as amended) (CDCA Plan).

This ROD has three types of decisions: 1) CDCA Plan Amendment decisions, 2) right-of-way (ROW) grant decisions under Title V of the Federal Land Policy and Management Act (FLPMA), and 3) an off-highway vehicle (OHV) route closure decision. These decisions were analyzed in the *Desert Sunlight Solar Farm Project California Desert Conservation Area Plan Amendment and Final Environmental Impact Statement* (PA/FEIS), which became available on April 15, 2011 upon publication in the *Federal Register* of the Environmental Protection Agency's Notice of Availability.

Amendment of the CDCA Plan is required to permit a solar energy generation project site not identified as a site for power generation in the current Plan. The proposed CDCA Plan Amendment was reviewed by the Governor's Office of Planning and Research and was found to be consistent with state and local plans. The ROD amends the CDCA Plan to identify the DSSF as a recognized power generation facility and identifies 3,761 acres as available for a solar energy generation site. The ROD also amends the CDCA to identify approximately 14,500 acres in the project study area as unavailable for solar generation sites.

The BLM will issue: 1) a new ROW grant to Desert Sunlight Holdings, LLC (Desert Sunlight) for the PV generating facility, access roads, and gen-tie line; 2) a new ROW grant to Southern California Edison (SCE) for the Red Bluff substation; 3) a new ROW grant to SCE for a new telecommunications site; and 4) an amendment to an existing SCE ROW grant for the Chuckwalla Mountains communication site.

The ROW grant decision authorizes the construction, operation and maintenance, and termination of the DSSF on approximately 4,144 acres of public land in Riverside County, California. This total acreage includes the solar site (3,761 acres), gen-tie A-1 option (210 acres), and the substation (172 acres), which represents the maximum amount of area that will be authorized for the DSSF. The ROW grant includes the solar site and both gen-tie options, for which Sunlight will pay rent until it relinquishes its right to one of the two gen-tie options prior to construction.

This ROD applies only to BLM administered lands and to the BLM's decisions on the DSSF. Other agencies, including but not limited to, the California Public Utilities Commission (CPUC), the U.S. Department of Energy (DOE), and Riverside County are responsible for issuing their own decisions and any applicable authorizations for the DSSF.

Decision Rationale

These decisions fulfill legal requirements for managing public lands. Granting the ROW contributes to the public interest in developing renewable power to meet state and federal renewable energy goals. The stipulations in the grant ensure that authorization of the DSSF will protect environmental resources and comply with environmental standards. These decisions reflect careful balancing of many competing public interests in managing public lands. These decisions are based on comprehensive environmental analysis and full public involvement. The BLM engaged highly qualified technical experts to analyze the environmental effects of the DSSF. During the scoping process and following the publication of the Plan Amendment/Draft Environmental Impact Statement (PA/DEIS), members of the public submitted comments that enhanced the BLM's consideration of many environmental issues relevant to this project. The BLM, CPUC, DOE, U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS) and other consulted agencies used their expertise and existing technology to address the important issues of environmental resource protection. The BLM and DOI have determined that all practicable mitigation measures contained in the PA/FEIS and the Biological Opinion (BO) which avoid or minimize environmental harm have been adopted.

1.0 Decisions

1.1 Background

This Record of Decision (ROD) for the Desert Sunlight Solar Farm Project (DSSF or Project) and associated Amendment to the *California Desert Conservation Area Plan* (CDCA Plan) approves the construction, operation and maintenance, and termination (which includes decommissioning) of the proposed 550-megawatt (MW) DSSF on approximately 4,144 acres of Bureau of Land Management (BLM)-administered public land in Riverside County, California, as analyzed in the *Desert Sunlight Solar Farm Project California Desert Conservation Area Plan Amendment and Final Environmental Impact Statement* (PA/FEIS) and as noticed in the April 15, 2011, Federal Register. This decision approves the DSSF Agency Preferred Alternative as analyzed in the PA/FEIS. The Agency Preferred Alternative is also referred to as the Selected Alternative in the ROD.

This approval will take the form of Federal Land Policy and Management Act (FLPMA) right-of-way (ROW) grants, issued in conformance with Title V of FLPMA and implementing regulations found at 43 Code of Federal Regulations (CFR) Part 2800. In order to approve the site location for the solar photovoltaic (PV) generating facility and portions of the access roads and gen-tie line, the BLM also approves a land use plan amendment to the CDCA Plan identifying the site as available for solar energy development and approving the location. BLM also approves part of FEIS Alternative 5 and makes the remainder of the Project Study Area unavailable for large-scale solar energy development. Finally, in accordance with 43 CFR 8342.3 and BLM's Land Use Planning Handbook 1601-1 Appendix C, Section D, Comprehensive Trails and Travel Management - Implementation Decisions, the ROD implements closure of a designated off-highway vehicle (OHV) route (number 660260) that runs north-south along the western boundary of the approved project site. These decisions apply only to BLM-administered public lands.

The BLM will issue: 1) a new ROW grant to Desert Sunlight Holdings, LLC (Desert Sunlight) for the PV generating facility, access roads, and gen-tie line; 2) a new ROW grant to Southern California Edison (SCE) for the Red Bluff substation; 3) a new ROW grant to SCE for a new Desert Center telecommunications site; and 4) an amendment to an existing SCE ROW grant for the Chuckwalla Mountains communication site. Unless otherwise specified, when this ROD refers to the "ROW grant", it refers to the three individual ROW grants and the ROW amendment described in the preceding sentence. "DSSF" refers to all components of the Project, including the PV generating facility, access roads, gen-tie line and associated SCE facilities.

The ROW grants issued to Desert Sunlight and SCE will be 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 grants, and it will allow Desert Sunlight and SCE the right to use, occupy, and develop the described public lands to construct, operate and maintain, and terminate a PV generating facility and associated facilities with a nominal capacity of 550 MW, access roads, and gen-tie line in eastern Riverside County, as the BLM identified and evaluated in the PA/FEIS. The PV energy generating facility is located approximately six miles north of Interstate 10 (I-10) and the rural community of Desert Center, and four miles north of Lake Tamarisk; between the cities of Coachella to the west and

Blythe to the east; within Township 4 South, Ranges 15 and 16 East. It is approximately 1.4 miles from the nearest boundary of Joshua Tree National Park/Wilderness Areas which is located to the west, east and north of the proposed solar field. Figure 2, provided in Appendix 6, *Location Maps*, shows the location of the project PV generating facility and gen-tie line.

The two new ROW leases/grants issued to SCE will be 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 ROW leases/grants will allow SCE the right to use, occupy, and develop the described public lands to construct, operate and maintain, and terminate: (1) a 1,120 mega-volt ampere, 500/220-kV substation and associated components located approximately seven to eight miles southeast of the approved solar PV energy generating facility, south of I-10, and (2) a telecommunications site located approximately six miles northeast of Desert Center, near Highway 177. Figure 2, provided in Appendix 6, *Location Maps*, shows the location of the Red Bluff Substation A and telecom site.

The BLM will also issue an amendment to an existing ROW lease/grant issued to SCE at the Chuckwalla Mountains Communication Site for microwave equipment and dish, to facilitate wireless communication between the telecommunications site located northeast of Desert Center and the Chuckwalla Mountains Communications Site.

Desert Sunlight and SCE may, on approval from the BLM, assign the ROW lease/grant to another party in conformance with the Part 2800 ROW regulations. Construction of the project may be phased; however, the BLM typically requires the initiation of project construction within two years of the issuance of a ROW lease/grant. In addition, initiation of construction for each phase will be conditioned on final approval by the BLM. This approval will take the form of an official Notice to Proceed (NTP) for each phase or partial phase of construction. 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 will be subject to additional NEPA review and BLM approval (40 CFR 1502.9(c)).

The ROW is conditioned on implementation of mitigation measures, monitoring programs and agreements/protest resolutions as identified in this ROD (Appendixes 1-5), PA/FEIS, the Biological Opinion (BO) issued and as may be amended by the U.S. Fish and Wildlife Service (USFWS), and the National Historic Preservation Act (NHPA) Section 106 Memorandum of Agreement (MOA), and issuance of all other necessary local, state, and federal approvals, authorizations, and permits.

In addition to the PV generating facility, other main features of the project include an operations and maintenance building, visitors center, parking areas, access roads, distribution line, fiber optic lines, water wells, wastewater treatment facilities, telecommunications facilities, transmission line, the 1,120 mega-volt ampere, 500/220-kV Red Bluff Substation, and 220-kV gen-tie line that would connect into the power grid at the proposed Red Bluff Substation.

Project construction is expected to begin August 2011 and will be constructed in three phases as described in the proposed action in order to coordinate the construction schedule around desert

tortoise translocation activities. The phasing of the project is outlined in the BO and in the Plan of Development (POD).

1.1.1 Application/Applicant

SCE is jointly developing the project with the applicant, Desert Sunlight (Applicant, or collectively, Applicants). Desert Sunlight submitted a Standard Form 299 – “Applications for Transportation and Utility Systems and Facilities on Federal Lands” with the BLM Palm Springs/South Coast Field Office for a ROW lease/grant covering all components of the PV generating facility, access roads and gen-tie line. In addition, SCE submitted a Standard Form 299 for the portion of the project that includes the Red Bluff Substation, telecommunications site and related components. Desert Sunlight will construct, own, and operate the PV generating facility, access roads and gen-tie line. SCE will construct, own, and operate the Red Bluff substation and telecommunications facility. The BLM will issue three ROW leases/grants: one to Desert Sunlight for the PV generating facility, access roads, and gen-tie line; and two to SCE for the Red Bluff Substation site and telecommunications site. The BLM will also issue an amendment to an existing SCE ROW lease/grant at the Chuckwalla Mountains Communication Site for a microwave system.

Desert Sunlight is a subsidiary of First Solar, an international company in the renewable energy sector and a global leader in the field of PV energy generating facilities. Together with the company’s other subsidiaries and associates, the company covers all important business sectors along the value chain for solar PV power plants, including: financing, project development, technology development, and the turnkey construction and operation of power plants. Desert Sunlight is seeking approval to construct, operate, and decommission the PV generating facility and related facilities and infrastructure. The Applicant has demonstrated technical and financial capabilities as part of the ROW application process.

Parallel to the federal ROW application process, SCE filed a Permit To Construct (PTC) Application for the Red Bluff Substation and related facilities on November 17, 2010 with the California Public Utilities Commission (CPUC). SCE Authorization from the CPUC is anticipated to occur in July 2011.

Desert Sunlight received approval of a Large Generator Interconnection Agreement from the California Independent System Operator and SCE on August 9, 2010. Desert Sunlight and SCE have entered into a 20-year, 250 MW, Power Purchase Agreement (PPA) for the provision of renewable electricity. The CPUC approved the PPA on September 2, 2010. Additionally, Desert Sunlight and Pacific Gas and Electric Company have entered into a 25-year, 300 MW PPA. The CPUC approved the PPA on September 23, 2010.

1.1.2 Purpose and Need

1.1.2.1 BLM Purpose and Need

The BLM’s purpose and need for the DSSF is to respond to the Applicants’ application under Title V of FLPMA for a ROW grant to construct, operate and maintain, and terminate a PV generating facility on public lands in compliance with FLPMA, BLM ROW regulations, and

other applicable federal laws. The proposed action would, if approved, assist the BLM in addressing the management objectives in the Energy Policy Act of 2005 (EPAAct) (Title II, Section 211) which establish a goal for the Secretary of the Interior to approve 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands. This proposed action, if approved, would also further the development of environmentally responsible renewable energy as a priority for the Department of the Interior.

The BLM is deciding whether to approve, approve with modification, or deny issuance of a ROW grant to the Applicants for the DSSF. Modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 C.F.R. 2805.10(a)(1)). In connection with its decision on the DSSF, the BLM's action will also include consideration of potential amendments to the CDCA, as discussed in the FEIS alternatives. The CDCA, while recognizing the potential compatibility of solar energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the land use plan amendment process.

1.1.3 BLM Authority

1.1.3.1 Federal Land Policy and Management Act of 1976

FLPMA establishes policies and procedures for the management of public lands. In Section 102(a)(8), 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)).”

Section 202 of FLPMA and the regulations implementing FLPMA's land use planning provisions (43 CFR subparts 1601 and 1610) provide a process and direction to guide the development, amendment, and revision of land use plans for the use of the public lands.

Title V of FLPMA (43 United States Code (USC) 1761-1771) authorizes 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's implementation of its statutory direction for ROW authorizations is detailed in 43 CFR Part 2800. The BLM Authorized Officer (AO) administers the ROW authorization and ensures compliance with the terms and conditions of the ROW lease. The AO is any employee of the Department of the Interior to whom the authority to perform the duties described in 43 CFR Part 2800 has been delegated. This authority is derived from the authority of the Secretary of the Interior, and may be revoked at any time. The authority to approve all actions pertaining to the granting and management of Title V ROWs on public lands is delegated to the respective BLM State Directors (BLM Manual 1203, Appendix 1, p.33). In California, the authority of the BLM State Director to approve actions pertaining to the granting and management of Title V ROWs has been further delegated to the Field Managers.

With respect to this specific 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 DSSF.

1.1.3.2 National Environmental Policy Act

Section 102(c) of the National Environmental Policy Act (NEPA) (42 USC 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 must comply with the applicable requirements of NEPA, including applicable NEPA regulations. Compliance with the NEPA process is intended to assist Federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the decision, and identifying actions that protect, restore, and enhance the environment. The PA/FEIS and this ROD document the BLM’s compliance with the requirements of NEPA.

1.1.3.3 California Desert Conservation Area Plan

In furtherance of its authority under FLPMA, the BLM manages public lands in the California Desert District pursuant to the CDCA Plan and its amendments. The 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 for a specific project site be considered through the Plan amendment process. Because the CDCA Plan has not previously identified the DSSF site for power generation, the Plan must be further amended to allow a solar energy generation project on that site. The planning criteria for considering an amendment to the CDCA Plan are discussed in CDCA Plan Chapter 4.10, *Land Use and Corridor Analysis*.

In addition, certain lands within the CDCA Plan area may not be suitable for large scale energy development. The BLM has addressed the availability/unavailability of certain of these lands in the PA/FEIS.

1.1.3.4 Other Guidance and Regulations

The BLM processes ROW grant applications for solar development in accordance with 43 CFR 2804.25 and the BLM’s 2008 “Guidance for Processing Applications for Solar Power Generation Facilities on BLM Administered Public Lands in the California Desert District,” which states:

When all or part of a proposed renewable energy project is located in a designated utility corridor, the impacts of occupying the utility corridor must be analyzed, along with alternatives that would help mitigate the impacts to the utility corridor. The EIS prepared for a proposed solar energy project should analyze the impact that the project would have on the ability of the utility corridor to serve its intended purpose, i.e., would the corridor continue to retain the capacity to site additional utilities in the corridor or would the project so constrain the available land within the corridor that it would limit the corridor’s ability to locate additional linear facilities, e.g. transmission lines, pipelines, etc.

The DSSF helps minimize the number of separate ROWs by being proposed largely within existing utility corridors. The project would overlap two designated two-mile-wide utility corridors. The northern portion of the solar farm would overlap utility corridor “E,” a utility corridor that follows Power Line Road; and the substation and portions of the Gen-Tie line would overlap utility corridor “K,” a utility corridor that follows the I-10 corridor. The discussion of project impacts to these existing utility corridors is in the PA/FEIS, Section 3.9, *Lands and Realty*.

1.1.3.5 Other Authorities and Policies

In conjunction with the FLPMA, NEPA, and the CDCA Plan, relevant BLM authorities and policies also include:

- Energy Policy Act (119 Statutes 594, 600), Section 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.”
- BLM’s Solar Energy Development Policy (Instruction Memorandum No. 2011-003) (BLM, 2010). Pursuant to this policy, applications for commercial solar energy facilities are processed as ROW authorizations under Title V of FLPMA and its implementing regulations (43 CFR Part 2800); they also must comply with the BLM’s environmental and planning requirements. Among other things, BLM’s Solar Energy Development Policy provides policy guidance on early coordination with Federal land managers and stakeholders, the term of solar energy right-of-way authorizations, diligent development requirements, bond coverage, Best Management Practices, and BLM access to records. Further, the BLM’s Solar Energy Development Policy states, “Secretarial Order 3285A1, signed on March 11, 2009, and amended on February 22, 2010, established the development of renewable energy as a priority of the Department of the Interior. . . . The BLM has identified some 23 million acres of the public lands with utility-scale solar energy potential, and over 200 right-of-way applications have been submitted to the BLM for processing. As the cost of producing solar energy declines in future years, and as additional transmission capacity is developed, there will be an even greater interest in locating utility-scale solar energy projects on the public lands. This policy IM helps ensure environmentally-responsible development of solar projects on public lands and provides for effective processing of the right-of-way applications.”
- Executive Order 13212 (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.”
- Secretarial Order 3285A1, *Renewable Energy Development by the DOI* (February 22, 2010), which establishes the development of renewable energy as a priority for the DOI and creates a Departmental Task Force on Energy and Climate Change. It also announced a policy goal of identifying and prioritizing specific locations (study areas) best suited for large-scale production of solar energy.

- Instruction Memorandum 2011-59, *National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations* (February 7, 2011), which reiterates and clarifies existing BLM NEPA policy to assist offices that are analyzing externally-generated, utility-scale renewable energy ROW applications. It includes examples and guidance applicable to such applications that supplement information in the BLM's NEPA Handbook (H-1790-1) that reflect that utility-scale renewable energy projects are distinct from many other types of land and realty actions due to their size and potential for significant resource conflicts, as well as the priority that has been placed on them by the DOI.

1.2 Information Developed Since the FEIS and Adequacy of NEPA Analysis

1.2.1 Biological Opinion

The PA/FEIS concludes that the proposed project footprint is not within a priority linkage area for desert tortoise and other species. FEIS at 3.4-28. The BLM's conclusion was based upon, primarily: (1) results of a recent state-wide evaluation of habitat connectivity (Spencer *et al.* 2010); (2) preliminary results of a BLM-commissioned regional and local scale connectivity analysis for multiple species in the Mojave and Sonoran Deserts; (3) USGS desert tortoise habitat model (Nussear *et al.* 2009); (4) desert tortoise landscape genetics analysis (Hagerty 2008, Hagerty and Tracy 2010, Hagerty *et al.* 2010); and (5) The Nature Conservancy's Mojave Desert Ecoregional Assessment (Randall *et al.* 2010). The BLM was aware of, reviewed, and incorporated these studies into its analysis and effects determination.

Since publication of the PA/FEIS, the FWS completed a BO for the DSSF. The BO concluded that the proposed project is not likely to jeopardize the continued existence of the desert tortoise or destroy or adversely modify designated critical habitat (BO at 109). However, the BO also concluded, on the basis of the studies identified in the paragraph above, that the loss of suitable desert tortoise habitat on the proposed project site could significantly impair habitat and population connectivity and long-term recovery potential of the species (BO at 96-102). Measures included in the BO (pp. 12-44 and 88-91) would reduce any anticipated adverse impacts (BO at 110). These measures are mandatory and are conditions of approval of this ROD.

Moreover, the applicant has agreed to three changes that will further reduce the impact to connectivity. First, the applicant will adjust the western boundary of Phase III, removing approximately 136 acres (37%) from the western portion of Phase III. By removing this portion of Phase III, the project avoids the highest quality tortoise habitat. Second, the applicant will submit a plan to the FWS and the BLM for fencing that does not include any fencing along the west side of Kaiser Road and the Sunlight project. Third, all traffic related to the construction of the project will enter the side below where the fencing ends on Kaiser Road.

The BLM considered the conclusions of the BO and has determined that, despite differences in the BLM and FWS's conclusions regarding the importance of the DSSF site for connectivity, it is not necessary to supplement the PA/FEIS based upon the BO's conclusions because the information presented in the BO was already incorporated in BLM's decision process, including the various studies listed above.

In analyzing potential impacts from the DSSF, all data indicate that the critical area for connectivity is primary to the west of the DSSF area. Further, it is unknown how important the low quality habitat with low densities of tortoise within the DSSF footprint is to the species. In consultation with FWS Desert Tortoise Recovery Office and USGS, the BLM has been informed that it would take approximately 15 years of study to determine how connectivity works in this area and to determine if the low densities tortoise areas are important for support connectivity. A study requiring this time scale makes it infeasible to collect data in a reasonable time frame. Since all of the studies thus far highlight the significance of the area west of the project as being better quality habitat and with higher densities of tortoise, BLM recognizes and agrees it is important to preserve the area to the west of the project adjacent to the Kaiser Mountains. BLM will continue to monitor this area and correct impacts to connectivity should our assessment indicate that there is an adverse effect to desert tortoise connectivity. Additionally, the applicant will fund a Desert Tortoise Habitat Linkage Management and Monitoring Plan and a Desert Tortoise Population Connectivity Effectiveness Monitoring Plan. With these two programs, if during the life of the project, an effect to tortoise connectivity is identified, the BLM has the ability to require the applicant to mitigate the impact. Therefore, while the value of the low quality habitat with low densities of tortoises is unknown, the BLM is able to make a decision based on the “safety net” of the required conservation measures. Based upon this information and analysis, the PA/FEIS fully analyzes potential impacts and proposes and analyzes mitigation to reduce or avoid impacts.

The BO concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise or destroy or adversely modify designated critical habitat. However, the loss of suitable desert tortoise habitat on the proposed project site could significantly impair habitat and population connectivity and long-term recovery potential of the species. Measures included in the BO would reduce any anticipated adverse impacts. These measures are mandatory and are conditions of approval of this ROD.

Based on the conditions in the BO and the ongoing consultation with the USFWS during project construction and operations, many biological resources in the area are avoided by the Selected Alternative or the impacts are substantially mitigated. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to biological resources.

1.2.2 Wildlife Habitat Management Area

During the protest resolution process, environmental groups first voiced a concern that a Northern and Eastern Colorado Desert Coordinated Management Plan (NECO)-designated wildlife habitat management area (WHMA) was within the project area, but that the requirements of NECO and BLM’s compliance therewith were not clearly set forth in the PA/FEIS. As discussed at pages 3.4-4 to 3.4-5 of the PA/FEIS, NECO is a landscape-scale, multi-agency planning effort that seeks to protect and conserve natural resources while simultaneously balancing human uses of the California portion of the Sonoran Desert ecosystem. The NECO planning area encompasses over 5 million acres and hosts 60 sensitive plant and animal species. NECO also takes into account other uses of the desert, such as hiking, hunting, rock hounding, off-highway recreation, commercial mining, livestock grazing, and utility transmission.

NECO provides reserve management for the desert tortoise, integrated ecosystem management for special status species and natural communities for all public lands, and regional standards for public land health for BLM lands. NECO focuses on the conservation of species and habitats through the use of a system of large Desert Wildlife Management Areas (DWMAs) for the desert tortoise and WHMAs for other special status species and natural communities. The focus of WHMAs is on mitigation, habitat improvements, and federal ownership. Within WHMAs, NECO requires that surface disturbance to four sensitive natural communities be compensated at a 3:1 ratio; disturbance to other areas is mitigated at a 1:1 ratio. The four sensitive natural communities are desert dry wash woodland, desert chenopod scrub, sand dunes and playas.

A portion of the southeastern corner of the Selected Alternative overlaps with a 713-acre portion of a WHMA. See Appendix 6, Maps. The PA/FEIS fully analyzed impacts to resource values within the WHMA. Map 3-3 of NECO indicates that desert dry wash woodland occurs in the Selected Alternative area. In 2009 and 2010, Desert Sunlight conducted detailed ground-truthing surveys to map the exact areas where desert dry wash woodland occurs within the footprint of the proposed project and alternatives analyzed in the PA/FEIS. See PA/FEIS Figures 3.3-1 and 3.3-2. Page 3.3-17 of the PA/FEIS discusses the occurrence of desert dry wash woodland within the WHMA and notes the 3:1 mitigation required for any disturbance within that habitat. Of the 713 acres of the WHMA within the Selected Alternative footprint, 260 acres constitute desert dry wash woodland (also referred to as state jurisdictional desert dry wash in the PA/FEIS).

In addition to mapping the occurrence of desert dry wash woodland within the footprint of the proposed project and alternatives, project surveys conducted between 2008 and 2010 recorded the individual species actually found within the entire 713-acre area. Of the 11 special-status plant species identified in the NECO Plan for this area, none were found on the WHMA portion of the Selected Alternative during focused plant surveys conducted in spring and fall 2010. Of the 29 wildlife species identified in the NECO Plan in this area, evidence of two special status birds was found in the WHMA portion of the site, with no nests recorded throughout all surveys between 2008 and 2010. One potential desert tortoise burrow was recorded in this area in 2008 and has been re-visited numerous times since 2008 with no evidence of a desert tortoise at this location. The impacts to these species are being mitigated and compensated as required pursuant to the CDCA Plan, including requiring mitigation at a 3:1 ratio for disturbance to the 260 acres of desert dry wash woodland habitat. PA/FEIS at 4.3-23 and Table 4.3-10 at 4.3-24. With respect to the 453 acres of non-sensitive habitat within the WHMA, the PA/FEIS analyzed impacts to the WHMA species of concern and proposed the NECO-mandated 1:1 mitigation ratio for impacts to those areas. For those WHMA species that would be potentially impacted by the proposed Action, the PA/FEIS fully analyzes potential impacts and proposes and analyzes mitigation at levels equal to or in excess of NECO requirements.

1.2.3 Additional Project Conditions

The Applicant has agreed to additional project conditions that have been included in the ROD (Section 5.3 and Appendix 1). The BLM has analyzed these project conditions and has determined that they do not require BLM to supplement the FEIS prior to issuance of the ROD. The BLM has determined that the project conditions fall within the alternatives analyzed in FEIS,

has accepted these terms as part of the amended plan of development, and has incorporated into and will administer these terms as part of the right-of-way grant in accordance with 43 CFR 2805.12(i)(5), 2807.16, and 2807.17.

1.3 Decisions Being Made

1.3.1 Right-of-Way

Under Federal law, the BLM is responsible for processing ROW applications to determine whether and to what extent to authorize proposed projects, such as renewable energy projects and other appurtenant facilities, on land it manages. Because the project is a privately-initiated venture that would be sited on lands managed by the BLM, the Applicants applied for a ROW lease/grant from the BLM pursuant to federal law and regulations.

The BLM has limited the ROW grants to those lands necessary for constructing, operating and maintaining, and decommissioning the authorized facilities on public lands. In addition, the ROW lease/grant includes conditions based on the PA/FEIS, the BO, the MOA, and other applicable federal rules and regulations to protect public health and safety, and to ensure the project will not result in unnecessary or undue degradation of the public lands. On approval of the ROW grants, the Applicants will be authorized to construct and operate the 4,144-acre, 550-MW solar project and related facilities if they meet the requirements specified in the ROD. The ROD requires the Applicants to secure all necessary local, state, and federal permits, authorizations, and approvals as required for each phase of the project before the BLM will issue a Notice to Proceed (NTP). On receipt of the NTP, and by remaining consistent with it, the Applicants will be able to construct and operate the DSSF on the proposed site.

1.3.2 Land Use Plan Amendment

Under the CDCA Plan, the portion of the DSSF containing the PV generating facility and portions of the access roads and gen-tie line is currently classified as Multiple-Use Class M (Moderate Use) and L (Limited Use). The CDCA Plan provides guidance concerning the management and use of BLM lands in the California Desert while balancing other public needs and protecting resources. The CDCA Plan contemplates industrial uses analogous to the solar use analyzed by the proposed plan amendment, including utility rights-of-way outside of existing corridors, power plants, and solar energy development and transmission (CDCA Plan, p.95). The CDCA Plan provides in its guidelines that solar development in Class M and L areas “may be allowed after NEPA requirements are met” (CDCA Plan, p. 15). The CDCA Plan ROD discussed the allowance of wind, solar, and geothermal power plants within designated Class M and L lands (CDCA ROD, p. 15). That ROD recognized that:

These facilities are different from conventional power plants and must be located where the energy resource conditions are available. An EIS will be prepared for individual projects.

The recommended decision, which was ultimately approved, noted:

Keep guidelines as they are to allow these power plants if environmentally acceptable. Appropriate environmental safeguards can be applied to individual project proposals which clearly must be situated where the particular energy resources are favorable.

The ROD's recognition that wind, solar, and geothermal power plants are consistent with designated Class M and L lands in the CDCA, was approved by the Assistant Secretary for Land and Water Resources, and concurred in by the Secretary of the Interior on December 19, 1980. According to its terms, the BLM must amend the CDCA Plan to allow siting of a solar power generating facility within the CDCA on Multiple-Use Class M and L lands if the site is not already identified in the plan.

Based on the Multiple-Use Class Guidelines provided in Table 1 in the CDCA Plan, solar uses are conditionally allowed in the Multiple-Use Class M and L designations contingent on NEPA requirements being met for the proposed use. The PA/FEIS and ROD for the DSSF meet NEPA requirements for consideration of the project and for consideration of the project site as suitable for development. The CDCA Plan is specifically amended by this ROD to identify this site as suitable for the proposed type of solar energy development and to allow the Selected Alternative to be located on public lands as identified in the ROW lease/grant.

1.3.2.2 Land Use Plan Amendment to Identify the Undeveloped Solar Study Area as Unavailable for Solar Power Generation

BLM is also amending the CDCA Plan to identify the undeveloped portion of the Project Study Area associated with the current DSSF ROW application CA-48649 as unavailable for solar power generation. An approximately 14,500-acre portion of the Project Study Area is delineated in Figure 2-1 of the PA/FEIS as the non-transmission portion of the "Desert Sunlight Study Area Boundary" and is currently classified as Multiple-Use Class M (Moderate Use) and L (Limited Use).

As discussed in Section 1.3.2.1, sites associated with power generation that are not identified in the CDCA Plan are considered through the plan amendment process. Preliminary biological, cultural, hydrological, and geological reviews were conducted for the entire Project Study Area for the purpose of evaluating site conditions and eliminating portions of the Project Study Area considered unsuitable for developing the Project. These studies demonstrated that approximately 14,500 acres in the northern, western and eastern areas of the Project Study Area contained high resource values rendering the areas unsuitable for solar power generation. As a result, Desert Sunlight consolidated the footprint of its proposed project to a 3,761-acre, 550 MW footprint (this acreage does not include the gen-tie line and substation acreage) analyzed in Alternative 1 in the PA/FEIS. The portion of the Project Study Area that will be identified as unavailable for solar power generation is all acreage currently applied for (including the 136.58 acres eliminated from Phase III as a result of the protest resolution process) less the amount of acreage actually reflected in the BLM right-of-way grant.

The Notice of Availability of the Draft EIS for public comment noted that the BLM was analyzing, among various alternatives, a possible amendment to the CDCA Plan that could make the project area applied for by the project applicant, unavailable for solar energy development. 75 Fed. Reg. 52,776 (Aug. 27, 2010). The EIS analyzed six alternatives: three of which would approve the pending right-of-way application and plan amendment, two of which would deny the pending right-of-way application but approve a plan amendment, and a “no action” alternative, which would approve neither the right-of-way application nor the plan amendment. Under Alternative 5, the BLM would deny the pending right-of-way application and amend the CDCA Plan to make the project application area, or the Project Study Area unavailable for large-scale solar energy development. PA/FEIS at 2-62. In the environmental effects section of the FEIS, the BLM noted that Alternative 5 would preclude solar energy development but not other forms of development within the Project Study Area. PA/FEIS at 4.9-25. During protest resolution, BLM reassessed whether sufficient information had been gathered, made public and analyzed to permit BLM to amend the CDCA Plan to identify the undeveloped Project Study Area as unavailable for solar power generation. For the reasons discussed below, BLM concludes that Alternative 5, approved in part, provides the analysis to reach that conclusion.

BLM identified the boundaries of the Project Study Area during scoping and throughout the NEPA process. See e.g., PA/FEIS Appendix A at A-5 (Location Map identifying Project Study Area boundary attached to NOI); PA/FEIS Figure 2-1 (Project Overview Map identifying Project Study Area boundary). Desert Sunlight Holdings, LLC provided a summary of the results of its preliminary studies to BLM, which BLM considered and incorporated into the PA/FEIS. See e.g., PA/FEIS Figures 3.4-1 to 3.4-4. The PA/FEIS explained that preliminary studies indicated that the undeveloped Project Study Area was not suitable for solar power generation (PA/FEIS at 2-4). The PA/FEIS further concluded that a “Larger Project” alternative (1,000-MW project encompassing 8,000 acres) would have greater environmental impact without technological advantage and would not be an appropriate location for siting a large-scale solar energy development project (PA/FEIS at 2-128). In its discussion of Alternative 5, the BLM explained:

With this No Project Alternative, the Desert Sunlight Solar Project would not be approved (all components of the Project denied), no ROW grant would be issued to the Applicant, and the CDCA Plan would be amended to make the Project Study Area unavailable for large-scale solar energy development. This No Project Alternative has impacts similar to those described for the first No Action Alternative [Alternative 4] (described above). However, for this alternative, the CDCA Plan would be amended so that the Project locations would not be available for any future use for solar energy development. Additionally, this No Action Alternative would cause land identified as a CREZ and a Solar Energy Study Area to be unavailable for solar energy production.

As a result of this No Action Alternative, the Project locations would be available for other types of uses allowable on BLM land. This may include mining, recreation, utilities, and other energy development allowed on lands classified as Multiple Use Class M (Moderate Use), which constitutes most of the Project

locations, and lower-intensity uses in the areas designated as Multiple Use Class L (Limited Use). PA/FEIS at 2-62.

In the environmental effects section discussing Lands and Realty, the PA/FEIS states with regard to Alternative 5:

Under this alternative, the proposed Project would not be approved by the BLM. The BLM would amend the CDCA Plan to make the proposed site unavailable for future solar energy development. As a result, none of the components of the Project would be constructed. BLM would continue to manage the site consistent with the existing land use designation in the CDCA Plan of 1980, as amended.

Because the CDCA Plan would be amended to make the area unavailable for future solar energy development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site and no land disturbance. As a result, the land use impacts of the Project would not occur at the proposed site, including any resulting impacts to existing uses. Existing uses such as roads, transmission facilities, and pipelines would continue; however, these uses have a minimal impact on the Project Study Area. As a result, the use of the site is not expected to change noticeably from existing conditions. However, in the absence of the proposed Project, the site could be developed for other uses at a future date (e.g., mining, grazing, recreation, utilities, and other non-solar energy development), and those projects could have impacts in this and other locations. Current pending applications within the Solar Farm Study Area include a geothermal project (CACA 050946) and a wind energy project (CACA 051664).

No impacts would occur from this alternative as it pertains to the approval of the Applicant's proposed Project. However, this alternative does not prohibit nor preclude other types of future development, other than solar energy development, within the Project Study Area. PA/FEIS at 4.9-25.

For all of these reasons, an amendment to the CDCA Plan identifying the undeveloped portion of the Project Study Area as unavailable for solar power generation is qualitatively within the spectrum of alternatives that were discussed PA/FEIS. In addition, public participation in the planning process was afforded through the availability of the DEIS and FEIS, both of which clearly indicated the potential to choose Alternative 5. While the BLM did not specifically indicate that it would approve the preferred alternative and a portion of Alternative 5 (the undeveloped Project Study Area), approving a land use plan amendment to retain the on the ground status quo is not the type of plan decision that requires additional NEPA review.

Further, the BLM decision to approve the preferred alternative and to make a portion of Alternative 5 unavailable for solar energy development is not a significant change to the proposed planning decision described in the PA/FEIS. The scope of the planning decision described in Alternative 5 is narrow because it only restricts future solar development; it does not affect other activities. It is also narrow since, as discussed above, the CDCA Plan requires plan amendments

for solar generation projects on sites not already identified in the Plan. For these reasons, the BLM has determined, consistent with 43 CFR 1510-1(b), that the Selected Alternative described in this ROD is not a significant change to the proposed planning decision described in the PA/FEIS. Moreover, until the BLM makes a decision on the issues under consideration, all alternatives presented in an EIS remain available for choice. In this manner then, the BLM retained its discretion to pick and choose among the alternatives of the PA/FEIS, deciding to choose the preferred alternative and a portion of Alternative 5. In addition, in accordance with 43 CFR 1610.3-2(e), the BLM has confirmed with the California Governor's Office that the decision to identify the undeveloped Project Study Area as unavailable from future solar development is consistent with State and local plans, policies and programs.

If, for some reason, the project is not built, all of the public land within the original DSSF ROW application (e.g., the whole of the Project Study Area) could further be considered unavailable for solar energy development. This potential decision would be considered at a later date, potentially through the Solar PEIS or a DRECP/CDCA Plan amendment process.

The PA/FEIS and ROD meet NEPA and FLPMA requirements for consideration of the undeveloped Project Study Area as unavailable for solar energy development. The CDCA Plan is specifically amended by this ROD to identify a portion of the undeveloped Project Study Area as unavailable for solar energy development as described and discussed above.

1.3.3 Route Designations

In 2002, the BLM updated access plans and routes in the eastern Colorado Desert through the Northern & Eastern Colorado Desert Coordinated Management Plan (NECO) Amendment to the CDCA Plan. The NECO Amendment assigned access for OHV routes in the eastern Colorado Desert. Currently, there are two open routes traversing the project site.

The two open routes on the site are shown on Figure 4.12-1 in the PA/FEIS. In order to accommodate the Selected Alternative, one open route identified in the PA/FEIS (Route 660260) will be closed. This route runs north-south between Kaiser Road and Kaiser Steel Road and is comprised of approximately 1.3 miles of public access. With the approval of the ROW lease/grant, the BLM will designate this open route as closed. The other open route (Route 660334 – Power Line Road) would remain open to public use. The perimeter of the project site will be fenced, which will prevent public access within the project site. All other open routes in the vicinity of the project will remain open to public use and enjoyment, and, as a result, extensive connectivity to public lands to the north and south of this project will be maintained.

The administrative process for revising designated routes, given the evolving and changing priorities for public lands, is described in the CDCA Plan Motorized Vehicle Access Element and in BLM guidance, *Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning Process* (CTTM) (Instruction Memorandum 2008-014, Oct. 27, 2007). These revision processes recognize the changing contexts and need for flexibility in allowing OHV public access on BLM-managed lands. The Motorized Vehicle Access Element of the CDCA Plan (page 82) describes the process for changing the designations of vehicle access routes as:

“Decisions affecting vehicle access, such as area designations and specific route limitations, are intended to meet present access needs and protect sensitive resources. Future access needs or protection requirements may require changes in these designations or limitations, or the construction of new routes...Access needs for other uses, such as roads to private lands, grazing developments, competitive events, or communication sites, will be reviewed on an individual basis under the authority outlined in Title V of FLPMA and other appropriate regulations. Each proposal would be evaluated for environmental effects and subjected to public review and comment. As present access needs become obsolete or as considerable adverse impacts are identified through the monitoring program, area designations or route limitations will be revised. In all instances, new routes for permanent or temporary use would be selected to minimize resource damage and use conflicts, in keeping with the criteria of 43 CFR 8342.1.”

The BLM processes for revising route designations are further provided for in the CTTM policy. According to that policy, changes to a travel network in a limited area may be made through activity-level planning or with site-specific NEPA analysis. While changes to area designations (e.g., limited to open) require a plan amendment, changes to route designation (e.g., open to closed, closed to open) do not require a plan amendment. This administrative process, along with the administrative process described in the CDCA Plan, is implemented to change the affected open route on the project site to a closed route. The closure of this route was described and analyzed in the PA/FEIS for the DSSF, consistent with the CTTM policy.

1.4 ROW Requirements

The BLM uses SF 2800-14 (ROW Lease/Grant) as the instrument to authorize the ROW grants for the project; they include the POD and all other terms, conditions, stipulations, and measures required as part of the grant authorizations. Consistent with BLM policy, the DSSF ROW grants will include a diligence development and performance bonding requirement for installation of facilities consistent with the approved POD. Construction of the initial phase of development must commence within 12 months after issuance of the NTP but no later than 24 months after the effective date of the issuance of the ROW grants. The holders shall complete construction within the timeframes approved by the BLM for phased construction.

1.5 Future Changes to the Approved Project

At various times throughout the life of the project, the need for extra workspace or additional access roads may be identified. Similarly, changes to the project requirements (e.g., mitigation measures, specifications, etc.) may be needed to facilitate construction or provide more effective protection of resources. The BLM and grant holder will work together, in consultation with NPS, to find solutions when adjustments are necessary for specific field situations to avoid conflicts with adopted mitigation measures or specifications.

The BLM Compliance Project Manager and Compliance Monitors will ensure that any deviation from the procedures identified under the monitoring program is consistent with NEPA requirements. No project adjustment will be approved if it creates new significant impacts. Adjustments will be limited to minor project changes that will not trigger other permit requirements or create new or greater impacts and that clearly and strictly comply with the intent of the mitigation measures. A proposed project change that has the potential for creating significant environmental effects will be evaluated to determine whether supplemental NEPA analysis is required. In some cases, an adjustment may also require approval by jurisdictional agencies. In general, an adjustment request must include the following information:

- Detailed description of the location, including maps, photos, and/or other supporting documents
- How the adjustment request deviates from a project requirement
- Biological surveys or verification that no biological resources would be significantly impacted
- Cultural resource surveys or verification that no cultural resources would be significantly impacted
- Landowner approval if the location is not within the ROW
- Agency approval (if necessary)

2.0 Mitigation and Monitoring

2.1 Required Mitigation

The DSSF includes the following measures, terms, and conditions:

- Avoidance, Minimization, and Mitigation Measures provided in PA/FEIS Chapter 4, *Environmental Consequences*, as amended by this ROD (Appendix 2, *Adopted Mitigation Measures*);
- Terms and Conditions in the BO, as may be amended. The BO is provided in Appendix 3, *Biological Opinion*, of this ROD; and
- Terms and Conditions in the MOA provided in Appendix 4, *Memorandum of Agreement*, of this ROD. In cases where the MOA conflicts with mitigation measures AM-CUL-1 and MM-CUL-1 through MM-CUL-9 (Appendix 2 of this ROD) the MOA will take precedence.

The complete language of these measures, terms, and conditions is provided in the POD for the DSSF as stipulated in the ROW grant for compliance purposes. These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1).

2.2 Monitoring and Enforcement

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 (40 Code of Federal

Regulations [CFR] 1505.2(c)) and other conditions established in the Final EIS or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

- a. Include appropriate conditions in grants, permits or other approvals;
- b. Condition funding of actions on mitigation;
- c. Upon request, inform cooperating or commenting agencies on the progress in carrying out mitigation measures that have been proposed and that were adopted by the agency making the decision; and
- d. Upon request, make available to the public the results of relevant monitoring (40 CFR 1505.3).

The Environmental and Construction Compliance Monitoring Program (ECCMP) for the DSSF is provided in Appendix 5 of this ROD.

As the federal lead agency for the DSSF under NEPA, the BLM is responsible for ensuring compliance with all adopted mitigation measures for the DSSF in the PA/FEIS. The complete language of all the measures is required by the ROW grant to be in the final POD. The BLM also has incorporated this mitigation into the ROW grant as terms and conditions. Failure on the part of Desert Sunlight and SCE, as the grant holders, 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.

2.3 Mitigation Measures Not Adopted

Consistent with 40 CFR 1505.2(c), all practicable means to avoid or minimize environmental harm from the DSSF have been adopted as discussed above. Also as discussed, an ECCMP for the project has been adopted and is provided in Appendix 5 of this ROD. There are no BLM-identified mitigation measures that have not been adopted in this ROD.

2.4 Statement of All Practicable Mitigation Adopted

As required in the BLM *NEPA Handbook H-1790-1* and 40 CFR 1505.2(c), all practicable mitigation measures to avoid or minimize environmental harm from the selected alternatives have been adopted according to federal laws, rules, policies and regulations. The complete language of those measures is provided in Appendix 2 of this ROD.

2.5 Coordination with Other BLM Monitoring Activities

In 2010, the BLM and the CPUC formalized a Memorandum of Understanding (MOU) for the joint preparation of the environmental analysis and document for the DSSF that is in compliance with NEPA and CEQA, and all applicable laws, executive orders, regulations, direction, and guidelines. The MOU specifically states that upon the authorization of the DSSF by the BLM, the BLM will delegate to the CPUC field inspection responsibility for ensuring implementation of

the mitigation and monitoring activities adopted in the ROD for the substation and transmission line interconnection (loop-in) portion of the project; and provide the CPUC and its representatives access to the subject land (without further authorization), as requested by the CPUC, for this purpose. The MOU is an attachment to the ECCMP provided in Appendix 5.

The BLM will have primary compliance oversight for the ROW terms and conditions that are required by the BLM. In addition, the BLM recognizes that the CPUC will have primary compliance oversight for those terms and conditions applicable to the substation and transmission line interconnection. Effort will be made to share in construction compliance, environmental compliance, design review, plan check, and construction, maintenance, operation and termination inspection (collectively 'compliance oversight') of the DSSF on public lands, to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the state and federal levels, to develop a more efficient compliance review process, and to meet state and federal requirements. Appendix 5, *ECCMP* contains a list of the mitigation measures and denotes those measures that will be monitored and managed by the BLM, those that will be monitored and managed by the CPUC and those that will be subject to joint administration between the BLM and CPUC.

The BLM also is developing a protocol for long-term monitoring of solar energy development with Argonne National Laboratories, and the DOE. The draft protocol recommends the development of a comprehensive monitoring program covering a broad list of resources. The draft protocol also recommends the involvement of other federal and state agencies with a likely interest in long-term monitoring, as well as stakeholder engagement. As the protocols are finalized for this monitoring program, the BLM expects to participate fully in these endeavors and to engage solar energy applicants. As long-term monitoring plans evolve, the BLM and its assigns may exercise the United States' retained right to access the lands covered by the grant, and conduct long-term monitoring activities.

2.6 Summary of Conclusions

The Selected Alternative for the DSSF is the action alternative that provides the most public benefits and avoids the most cultural, biological and hydrological resources for the following reasons:

- As a result of consultation with Tribal governments and representatives and the MOA, many cultural resources in the area are avoided by the Selected Alternative or the impacts are substantially mitigated.
- Based on the conditions in the BO and the ongoing consultation with the USFWS during project construction and operations, many biological resources in the area are avoided by the Selected Alternative or the impacts are substantially mitigated.
- In addition to the mitigation provided for in this ROD, the Applicant through the protest negotiation process has agreed to certain project conditions for inclusion in the ROD (Section 5.3 and Appendix 1) and modification to the Plan of the Development.

Overall, there are no adverse impacts associated with these changes that were not addressed in the PA/FEIS; therefore further analysis is not warranted. CEQ regulations at 40 CFR 1502.9(c) and BLM's NEPA Handbook H-1790-1 at Section 5.3 require supplementation when changes are substantial (or significant new circumstances or information exist) and their effects are no longer within the range of effects analyzed in the EIS. The changes described above do not meet the standards requiring additional analysis.

Additionally, the DSSF is expected to provide climate, employment, and energy security benefits to California and the nation. The project takes a major step toward meeting state and federal climate change goals. It will provide clean electricity for homes and businesses, and bring badly needed jobs to the area. Eastern Riverside County has a high unemployment rate: 13.5 percent (PA/FEIS, Appendix N, Section N.4.11, Table 5-6). The project is expected to create 655 jobs during peak construction.

3.0 Management Considerations

3.1 Decision Rationale

This decision approves four right-of-way grants for the DSSF and related facilities in accordance with the Agency Preferred Alternative (Selected Alternative) as analyzed in the Final EIS. This decision also approves the closure of an OHV route and amendments to the CDCA Plan to identify the project site as suitable for solar power generation and to identify the undeveloped portion of the Project Study Area (approximately 14,500 acres) as unavailable for solar power generation. The BLM's decision to authorize this activity is based on the rationale described throughout the ROD and as detailed in the following sections.

3.1.1 Respond to Purpose and Need

The BLM's purpose and need for the DSSF is to respond to the Applicants' application under Title V of FLPMA for a ROW lease/grant to construct, operate, maintain and decommission a solar PV energy generation facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. Specifically, the BLM has decided to approve a ROW lease/grant to the Applicants for the Selected Alternative. The BLM will also amend the CDCA Plan. 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 already identified in that plan be considered through the plan amendment process. Therefore, prior to issuance of a ROW grant for the DSSF, the BLM will amend the CDCA Plan as required to allow for that solar use on the project site. In addition, and as previously discussed, the BLM has also determined to amend the CDCA Plan to make the remainder of the Project Study Area unavailable for solar energy development.

Under the Energy Policy Act of 2005, federal agencies are directed to encourage the development of renewable energy. By entering into an MOU with the DOE and CPUC, the BLM has committed to work with state and federal agencies to achieve California's Renewable Portfolio Standards (RPS) energy goals and greenhouse gas emission reduction standards in a manner that is both timely and in compliance with federal and state environmental laws. The purpose of the

MOUs is to assist with the implementation of applicable state and federal laws, regulations, and policies.

The construction, operation, maintenance, and termination activities associated with the Selected Alternative, either singularly or with mitigation, are in conformance with the following land use plans and policies:

- BLM policy and guidance for issuing ROW grants, including BLM Manual 2801.11
- California Desert Conservation Area Plan of 1980, as amended
- Northern & Eastern Colorado Desert Coordinated Management Plan, 2002

The Selected Alternative meets the BLM purpose and need for the DSSF.

3.1.2 Achieve Goals and Objectives

Selection of the Selected Alternative would accomplish the objectives of the purpose and need, including meeting power demand, as well as federal and state objectives for renewable energy development. The project complies with CDCA Plan objectives for the Multiple Use Class M (Moderate) and L (Limited), land use designations. Additionally, the BLM consulted extensively with several parties to identify project modifications that would minimize impacts to natural and cultural resources. The Selected Alternative provides the best balance between maximizing renewable energy capacity while reducing adverse impacts as compared to other action alternatives. In addition, minimization of impacts to natural resources is achieved by making the remainder of the Project Study Area off-limits to solar energy development.

3.1.3 Required Actions

The following federal statutes require that specific actions be completed prior to issuance of a ROD and project approval. Documentation of compliance with these laws is detailed in this ROD, sections 3.2.1, 3.2.4, and 3.2.2.

Endangered Species Act of 1973

Under Section 7 of the Endangered Species Act, as amended (ESA, 16 U.S.C. 1531 et seq.) a federal agency that authorizes, funds, or carries out a project that “may affect” a listed species or its critical habitat must consult with the USFWS. The BLM initiated consultation in October 2010 in accordance with Section 7 of the ESA for potential effects to Desert tortoise (*Gopherus agassizii*). The USFWS issued a BO for the DSSF on July 6, 2011 which is provided in Appendix 3. The BO concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise or destroy or adversely modify designated critical habitat. See also section 3.2.1.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act of 1940 (16 USC, 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this act. Under the Bald and Golden Eagle

Protection Act, take includes “disturb,” which means “to agitate or bother a bald eagle or a golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” Desert Sunlight has developed an Avian and Bat Protection Plan (ABPP) and will conduct golden eagle surveys and monitoring. See also section 3.2.4.

National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470) requires federal agencies to take into account the effects that their approvals and federally funded activities and programs have on significant historic properties. “Significant historic properties” are those properties that are included in, or eligible for, the National Register of Historic Places. The BLM initiated consultation for the DSSF under Section 106 of the NHPA, and the requisite process has been completed. An MOA for this project pursuant to 36 CFR 800.14(b) is provided in Appendix 4, *Memorandum of Agreement*. The terms and conditions of the MOA supersede the applicant measure (AM) and mitigation measures (MM) identified in the Final EIS as AM-CUL-1 and MM-CUL-1 through and including MM-CUL-9. See also section 3.2.2.

Clean Air Act, as Amended in 1990

Title 40 CFR Section 51 (Subpart W - Determining Conformity of General Federal Actions to State or Federal Implementation Plans), Title 40 CFR Section 93 (Subpart B - Determining Conformity of General Federal Actions to State or Federal Implementation Plans) and 42 U.S.C. Section 7606(c) require Federal actions to comply with the requirements of the 1990 amendments to the Clean Air Act (CAA, 42 U.S.C 7401Ch. 85). The DSSF is expected to meet the requirements of the CAA based on compliance with the project mitigation, terms, conditions, and stipulations related to emission controls and reductions during project construction, maintenance, operation, and termination.

Clean Water Act

The Clean Water Act (CWA) (33 USC 1251-1376) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires that an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the US U.S. must obtain a state certification that the discharge complies with other provisions of the CWA. The RWQCBs administer the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) from a point source into waters of the U.S. Section 404 establishes a permit program administered by the USACE, regulating the discharge of dredged or fill material into waters of the U.S., including wetlands. The CWA also contains the requirements under which the RWQCBs set water quality standards for all contaminants in the waters of the U.S.

3.1.4 Incorporate CDCA Plan Management Considerations

The CDCA Plan Amendment is warranted. The record indicates that the Selected Alternative for the DSSF can be constructed on BLM-administered lands, and that project construction will result in fewer significant, unmitigable impacts to air, cultural, and visual resources than would occur with the other build alternatives with comparable energy production considered or analyzed in the PA/FEIS. The CDCA Plan amendment applies to the public lands within the boundary of the project site for the Selected Alternative, as shown in Appendix 6, *Location Maps*. The approval of the site location based upon NEPA analysis satisfies the requirements of the CDCA Plan. In addition, making the remainder of the Project Study Area unavailable for solar projects will result in no impact to public land resources (air, cultural, and visual resources) from solar energy development.

3.1.5 Statement of No Unnecessary or Undue Degradation

Congress declared that the public lands be managed for multiple use and sustained yield, in a manner to protect certain land values, to provide food and habitat for species, and to provide for outdoor recreation and human occupancy and use (43 USC 1701 (a)(7), (8)). Multiple use management means that public land resources are to be managed to best meet the present and future needs of the American public, balanced to take into consideration the long term needs of future generations without permanent impairment of the lands (43 USC 1702(c)). BLM manages public land through land use planning, acquisition, and disposition, and through regulation of use, occupancy, and development of the public lands (Subchapters II and III, respectively, 43 USC 1711 to 1722, and 1731 to 1748).

The FLPMA specifically provides that in managing the use, occupancy, and development of the public lands, the Secretary shall take any action necessary to prevent unnecessary or undue degradation of the lands (43 USC 1732(b)). The process for siting and evaluating the DSSF has included extensive efforts on the part of BLM, the applicant, CPUC, public commenters, and other agencies in order to identify a project that accomplishes the purpose and need and other project objectives, while preventing, to the extent possible, any unnecessary or undue degradation of the lands. These efforts have included:

- Siting of the proposed facility in a location in which solar power development can be authorized (following NEPA review).
- Modification of the proposed boundaries of the facility to minimize impacts to mineral, biological, and other resources.
- Evaluation of project location alternatives which could meet the purpose and need for the proposed project, but result in the avoidance and/or minimization of impacts. These alternatives were not analyzed in detail.
- The development of mitigation measures, including compensation requirements for the displacement of desert tortoise habitat, to further avoid or minimize impacts.

In addition, BLM ROW regulations at 2805.11(a)(1) to (5) require determinations for the following: BLM will limit grant to those lands which BLM determines:

- (1) The ROW applicant will occupy with authorized facilities;
- (2) Are necessary for constructing, operating, maintaining, and terminating the authorized facilities;
- (3) Are necessary to protect the public health and safety;
- (4) Will not unnecessarily damage the environment; and
- (5) Will not result in unnecessary or undue degradation.

The lands described in Section 3.1.4 of this ROD are the minimum necessary to accommodate the 4,144-acre project. All areas under the Selected Alternative that were not necessary for construction, operation, and maintenance of the facilities were removed from the project description, and are made unavailable for solar development along with the remainder of the Project Study Area. The applicant has consolidated activities within the construction staging area to minimize the amount of additional temporary workspace needed to construct and assemble facility components. All temporary disturbances associated with underground utilities will be immediately restored to minimize erosion in accordance with approved restoration plans. Public health and safety will not be compromised by the project as construction work areas will be posted and public access to those areas controlled to prevent possible injury to the public. During operations, site security will be maintained with perimeter control fencing and security personnel.

The Selected Alternative will achieve beneficial impacts, including socioeconomic benefits of increases in employment and fiscal resources, and displacement of greenhouse gas and air pollutant emissions associated with fossil-fueled power plants. Based on the comparative analysis of the ability of each alternative to meet the purpose and need, and the environmental impacts that would be associated with each alternative as discussed in the Final EIS and as summarized above, the Selected Alternative was identified by the BLM as the alternative that does not create unnecessary or undue degradation of the lands.

As noted above, Congress specifically recognized multiple use and sustained yield management for the CDCA, through the CDCA Plan, providing for present and future use and enjoyment of the public lands. The CDCA Plan identifies allowable uses of the public lands in the CDCA. In particular, it authorizes the location of solar power generating facilities in MUC M and MUC L and other land classifications upon NEPA review. The BLM has conducted that review, and as indicated in the Final EIS and portions of this ROD, has adjusted the project to meet public land management needs and concerns. In particular, the BLM has determined that the Selected Alternative meets national renewable energy policy goals and objectives and falls within the guidelines of the CDCA Plan.

In addition, the project meets the requirements of applicable ROW regulations inasmuch as it includes terms, conditions and stipulations that are in the public interest; prevents surface

disturbance unless and until an NTP is secured; is issued for a period of 30 years, subject to renewal and periodic review; and contains diligence and bonding requirements to further protect public land resources. This approval provides that public land will be occupied only with authorized facilities and only to the extent necessary to construct, operate, maintain and terminate the project. BLM conditions of approval provide for public health and safety and protect the environment and public lands at issue. These conditions of approval include compliance with this ROD, the Final EIS, the BO, NHPA Section 106 requirements and the MOA. All of these federal requirements provide the basis for BLM's determination that the project will not unnecessarily and unduly degrade these public lands.

3.1.6 Statement of Technical and Financial Capability

The FLPMA and its implementing regulations provide the BLM the authority to require a project application to include information on an applicant's technical capability to construct, operate, and maintain the solar energy facilities applied for (43 CFR 2804.12(a)(5)). This technical capability can be demonstrated by international or domestic experience with solar energy projects or other types of electric energy-related projects on either federal or non-federal lands. The Applicant has provided information on the availability of sufficient capitalization to carry out development, including the preliminary study phase of the project, as well as site testing and monitoring activities.

Desert Sunlight's statement of technical and financial capability is provided in the POD and the application for a ROW. Desert Sunlight is a private enterprise that is a wholly owned subsidiary of First Solar Development, Inc. Based upon the information provided by the Applicant in its POD, the BLM has determined that it has the technical and financial capability required to construct, operate and maintain, and terminate the approved facility.

3.1.7 Adequacy of NEPA Analysis

Section 1.2 above addresses the more detailed NECO plan WHMA discussion. NECO requirements have been analyzed and it has been determined that impacts and proposed mitigation relevant to the WHMA were fully analyzed by the PA/FEIS. Since the preparation and publication of the PA/FEIS, there have been no modifications to the project features, and there have been no new project features or components that might require additional analysis through preparation of a supplemental EIS. This conclusion is in accordance with agency guidance set forth in the BLM NEPA Handbook (H-1790-1) at section 5.3. The Handbook addresses regulations issued by the Council on Environmental Quality at 40 CFR1502.9(c), which call for agencies to prepare supplements to either a draft or final EIS if: (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns or (2) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. BLM has determined that a supplemental analysis is not required because: (1) there have been no substantial changes to the DSSF Agency Preferred Alternative or the impacts from it; (2) there have been no additional alternatives proposed or actions that are outside the alternatives analyzed in the PA/FEIS; (3) the PA/FEIS discussion of the Selected Alternative analyzes all effects to listed and special status species; (4) mitigation has been identified that meets or exceeds the required mitigation in the NECO plan; and (5) there is

no new information or circumstances presented through protest resolution that have not already been addressed in the EIS.

3.2 Relationship to BLM and Other Plans, Programs, and Policies Including Consultation

3.2.1 Endangered Species Act

The BLM permit, consultation, and coordination with the USFWS required for the Desert Sunlight Solar Farm Project complies with the Federal Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) regarding potential take of the Desert tortoise.

The USFWS has jurisdiction over threatened and endangered species listed under the ESA. Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. This consultation was initiated through the preparation and submittal of a BA, which described the proposed action to the USFWS. Following review of the BA, the USFWS issued a BO, which is attached as Appendix 3 of this ROD, specifying the measures that must be implemented for any protected species.

3.2.2 National Historic Preservation Act Section 106

Under Section 106 of the NHPA, the BLM consults with Indian tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on cultural resources affected by BLM undertakings. Adverse effects that the Selected Alternative could have on cultural resources will be resolved through compliance with the terms of a MOA under NHPA Section 106 (16 USC 470; 36 CFR 800.14). A Historic Property Treatment Plan (HPTP) will be implemented prior to the issuance of any NTP by the BLM for the project.

The BLM prepared a MOA for the DSSF in consultation with the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO), CPUC, interested Native American Tribes (including tribal governments as part of government-to-government consultation described below), and other interested parties. The executed Final MOA is provided in Appendix 4 of this ROD, will govern the continued identification and evaluation of historic properties (eligible for the National Register) and historical resources (eligible for the California Register of Historic Places), as well as the resolution of any effects that may result from the DSSF. Historic properties and historical resources are significant prehistoric and historic cultural resources as determined by the BLM.

3.2.3 Tribal Consultation

The BLM conducted government-to-government consultation with a number of Tribal governments. The consultation and discussions revealed concerns about the importance and sensitivity of cultural resources on and near the DSSF site, concerns about cumulative effects to cultural resources, and, further, that they attach significance to the broader cultural landscape. As a result of the government-to-government consultation process, many important cultural

resources were identified in the project study area, and subsequently avoided in the Selected Alternative.

As described in Section 3.2.2 above, the BLM also consulted with Native American Tribes and interested tribal members on the development and execution of a MOA for the DSSF, in accordance with 36 CFR Part 800.14(b), memorandum of agreements are used for the resolution of adverse effects on sites eligible for listing in the National Register of Historic Places.6(c). The executed MOA requires that a HPTP be implemented before issuing a NTP for the project. The results of implementing the HPTP will be distributed concurrently to SHPO, the ACHP, and the Tribes for their review and comment. The MOA also addresses the discovery of any previously unidentified property that may be eligible for the NRHP, or affect a known historic property in an unanticipated manner. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to cultural resources. The MOA is attached as Appendix 4.

3.2.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d) provides for the protection of bald and golden eagles by prohibiting, except under certain specified conditions, disturbance or harm of these species. To comply with the Act and based on the USFWS's recommendation (memo dated September 15, 2010, available as part of the project record), and in accordance with BLM's Instruction Memorandum (IM) 2010-156, Desert Sunlight has developed an ABPP and will be required to conduct golden eagle nesting surveys, nest site monitoring, and adaptive management. The ABPP identifies steps the Applicant will take to ensure eagle impacts are mitigated to the extent possible including but not limited to on-going surveys, impact monitoring, and facility design.

3.2.5 Solar Programmatic EIS

The U.S. Department of the Interior (DOI) Bureau of Land Management (BLM) and the U.S. Department of Energy (DOE) are each considering actions to facilitate solar energy development in compliance with various orders, mandates, and agency policies. For the BLM, these actions include the evaluation of a new BLM Solar Energy Program applicable to utility scale solar energy development on BLM-administered lands in six southwestern states (Arizona, California, Colorado, Nevada, New Mexico, and Utah). For DOE, they include the evaluation of developing new program guidance relevant to DOE-supported solar projects.

The BLM and DOE are working jointly as lead agencies to prepare the "Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States," (PEIS) to evaluate the proposed BLM program and whether to develop DOE guidance. The PEIS evaluates the potential environmental, social, and economic effects of the agencies' proposed actions and alternatives in accordance with 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 21 Parts 1500–1508]), and applicable BLM and DOE authorities.

3.2.6 United States Department of Energy

As discussed earlier, the DOE is the agency responsible for implementing key parts of the EPAct including the federal loan guarantee program for eligible energy projects that employ innovative technologies. Title XVII of the Energy Policy Act authorizes the Secretary of Energy to make loan guarantees for a variety of types of energy-related projects. The two purposes of the loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

The DOE was a cooperating agency with the BLM on the Final EIS. The purpose and need for action by the DOE is to comply with its mandate under the Energy Policy Act by selecting eligible projects that meet the goals of that Act. As such, the BLM provided the DOE with copies of the preliminary Draft EIS, the Draft EIS, the preliminary Final EIS, and the Final EIS for review. Except to define its purpose and need for the action, the DOE did not provide any comments to the BLM on the NEPA documents for the DSSF.

3.2.7 United States Army Corps of Engineers

Section 404 establishes a permit program administered by the US Army Corps of Engineers (USACE) regulating the discharge of dredged or fill material into waters of the United States, including wetlands. Implementing regulations by the USACE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines and were developed by the EPA in conjunction with the USACE (40 CFR Parts 230). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts. The DSSF footprint contains no waters of the U.S. subject to USACE/EPA jurisdiction under Section 404 of the CWA.

3.2.8 United States Environmental Protection Agency

The EPA provided written comments on the proposed project and the EIS preparation during the scoping process, and written comments during the review period for the Draft EIS as documented in Final EIS Section 5.4, *Public Comment Process*. These comments addressed the project location, identification of the impacts to resources and the impacts to the physical environment. All the issues identified by the EPA have been fully analyzed in the PA/FEIS.

3.2.9 United States Department of Defense

The Project would overlap several low-level military flight paths. All of the Project components for Alternatives 1, 2, and 3 would overlap a Department of Defense area where consultation with the military is required to ensure that construction does not interfere with low level flight operations. Therefore, BLM requested further review of the Project by the DOD for its potential impact on military over flights and operations. The DOD provided a letter (PA/FEIS, Appendix M, Letter 147) that states that the DSSF will not impact military testing or training.

3.2.10 National Park Service

The Secretary of the Interior is responsible for protecting units of the National Park System pursuant to the National Park Service 1916 Organic Act (16 U.S.C. 1, 2, 3 and 4) which consists of the Act of August 25, 1916 (39 Stat. 535) and amendments thereto. The DSSF is located near National Park Service (NPS) properties, including approximately 1.4 miles from the nearest boundary of Joshua Tree National Park/Wilderness Areas. Wilderness Areas are designated by Congress, under the authority of the Wilderness Act of 1964 as part of the National Wilderness Preservation System. The NPS is a cooperating agency and has met with both the BLM and Desert Sunlight and provided written comments during the review period for the Draft EIS as documented in PA/FEIS Section 5.4, *Public Comment Process*. The Park's comments focused on visibility of the project to Park visitors and the indirect impacts of the project on park resources including wildlife, air quality, and visual resources e.g., dust and night sky/light pollution. All of these comments have been addressed in the PA/FEIS along with the addition of a specific section in the PA/FEIS dedicated to summarizing the NPS concerns and how the document addressed them. The NPS has agreed to enter into an MOA with Desert Sunlight regarding the funding of mitigation measures related to Joshua Tree National Park. The agreement includes funding for park monitoring and a signage and guidance plan.

3.2.11 Consultation with State, Regional, and Local Agencies

Section 5.5, below, lists other Federal, State, regional and local agencies with which the BLM and/or the Applicants have consulted, as part of one or more of the following project phases: planning, scoping, public review of the Draft EIS, and public review of the Final EIS. In addition to the NEPA coordination process, the Applicants may need to obtain permits and other approvals from other agencies or comply with requirements of other agencies that did not provide written input on the project and/or the EIS. Those agencies include, but may not be limited to:

Governor's Consistency Review

Pursuant to 43 C.F.R. § 1610.3-2, BLM must provide an opportunity for a Governor to review a proposed resource management plan, revised plan or plan amendment. The BLM State Director is required to submit a proposed plan or amendment to the State Governor for a 60-day review period, which commences with the issuance of the proposed plan amendment and EIS to the public. Although by regulation the Governor has 60 days to identify any inconsistencies with State or local plans, policies or programs and provide written recommendations to the BLM State Director as to how to address the identified inconsistencies, BLM and the California Governor's Office have agreed to a 30 day time period for review of renewable energy based plan amendments. The proposed CDCA Plan Amendment for the project site and the undeveloped Project Study Area acreage was reviewed by the Governor's Office of Planning and Research following the issuance of the PA/FEIS. As to each of these components of the CDCA Plan Amendment, the Governor's Office found no inconsistencies between the Plan Amendment and state or local plans, policies, or programs.

California Department of Fish and Game

The CDFG has the authority to protect water resources through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The BLM, CPUC, and the Applicants have provided information to the CDFG to assist in their determination of the impacts to streambeds, and identification of permit and mitigation requirements. The CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act. The desert tortoise is listed under the California Endangered Species Act. The DSSF would impact CDFG jurisdictional resources (PA/FEIS, Table 4.3-19). In November 2010, Desert Sunlight submitted a Streambed Alteration Agreement for the DSSF to the CDFG.

Other

State Water Resources Board/Regional Water Quality Control Board

The State Water Board works in coordination with the nine Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance and restore water quality. The RWQCBs have authority to protect surface water and groundwater. Throughout the NEPA process, the BLM and the Applicants have invited the RWQCBs to participate in public scoping and workshops and have provided information to assist them in evaluating the potential impacts and permitting requirements of the proposed project. The USACE determined that the project site does not support water resources meeting the definition of Waters of the U.S. and that a CWA permit will not be required. In the absence of Waters of the U.S., a CWA Section 401 Certification from the Colorado Basin Water Quality Control Board (RWQCB) will not be required.

California Public Utilities Commission

The CPUC was a cooperating agency during the preparation of the EIS and will use the EIS to comply with the environmental review requirements per CEQA, as established and described in a MOU between the CPUC and BLM (see Section 2.5, above). SCE (SCE) will require a Permit to Construct (PTC) from the CPUC in order to build the Red Bluff Substation. SCE submitted the PTC application to the CPUC on November 17, 2010.

Riverside County

Approximately one mile of the gen-tie line will be on land under the jurisdiction of Riverside County. In addition, all portions of the gen-tie line that will be constructed within the ROW of Kaiser Road are subject to the County's land use and planning authority. The Applicant must, therefore, obtain a public use permit (PUP), a Franchise Agreement, and an encroachment permit in order to construct, operate, and maintain the gen-tie line. Once the CPUC has adopted the Final EIS as a Final EIR under CEQA, the County, acting as a Responsible Agency under CEQA, will adopt Findings of Fact, Mitigation and Monitoring Plan, and Statement of Overriding Considerations, for the portions of the Gen-Tie Line that fall under their purview.

3.3 LUP Conformance and Consistency

3.3.1 Conformance with the CDCA Plan

FLPMA (43 USC 1761; 43 CFR 1600, Section 501) establishes public land policy; guidelines for administration; and provides for the management, protection, development, and enhancement of public lands. FLPMA specifically establishes BLM's authority to grant rights-of-way for the generation, transmission, and distribution of electrical energy as follows:

- (a) The Secretary, with respect to the public lands ... are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for:
 - (4) systems for generation, transmission, and distribution of electric energy

FLPMA is relevant to the DSSF because it establishes BLM's authority to grant a ROW on public lands for the generation, transmission, and distribution of electrical energy. Because FLPMA authorizes the issuance of a ROW lease/grant for electrical generation facilities and transmission lines, the DSSF would be consistent with FLPMA.

The CDCA Plan was developed as mandated by FLPMA. Specifically, the CDCA Plan is the Resource Management Plan (RMP) for the DSSF site and the surrounding Project Study Area (and other public land areas) as required under FLPMA. 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. Those 12 million acres of public lands are approximately half of the total land area in the CDCA. The site proposed for the DSSF (minus the gen-tie line and substation) includes approximately 3,761 acres, and the undeveloped Project Study Area includes approximately 14,500 acres of BLM-administered land in the CDCA.

Goals and actions for each resource managed by the BLM are established in the 12 Elements in the CDCA Plan. Each Plan Element provides a Desert-wide perspective of the planning decisions for one major resource or issue of public concern as well as more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

The DSSF site is mostly classified in the CDCA Plan as MUC M (Moderate Use) with some of the land classified as MUC L (Limited Use). The Class M classification is managed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause. Public lands classified as Moderate Use are managed to provide a controlled balance between higher-intensity use and protection of public lands. MUC L "...protects sensitive, natural, scenic, ecological, and cultural resource values." Public lands designated Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. Energy and utility development uses are allowed in both classes. Specifically, wind and solar electrical generating facilities "... may be allowed after NEPA requirements are met." Electrical generating facilities using nuclear and/or fossil fuels are not allowed within the Limited Use designation. Approval of the Selected Alternative amends the CDCA Plan following the process anticipated in the CDCA Plan to identify the site as

suitable for the proposed solar energy use. As stated in the Final EIS, the CDCA Plan Amendment would only apply to the BLM-administered land being evaluated for the DSSF project facility and the decision making a portion of the undeveloped Project Study Area unavailable for solar development. Accordingly, the CDCA Plan Amendment and the overall amendment process are consistent with the CDCA Plan.

3.3.2 Need for a CDCA Plan Amendment

To accommodate the DSSF, the CDCA Plan is being amended because “[s]ites associated with power generation of transmission not identified in the Plan will be considered through the Plan Amendment process.” As specified in CDCA Plan Chapter 7, *Plan Amendment Process*, there are three categories of Plan Amendments. Approval of the DSSF would require a Category 3 amendment to the CDCA Plan to accommodate a request for a specific use or activity that will require analysis beyond the Plan Amendment Decision.

The CDCA Plan Amendment to designate (identify) the site of the Selected Alternative for solar energy generation is provided in the ROD through the following Land Use Plan amendment analysis.

3.3.3 Required CDCA Plan Determinations

As discussed in CDCA Plan, Chapter 7, the BLM must make certain required determinations in amendments to the CDCA Plan. The required determinations and how they were made for the CDCA Plan Amendment for the DSSF 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 Applicants’ 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 applicants’ needs without requiring a change in the Plan’s classification, or an amendment to any Plan element.

The CDCA Plan does not currently identify any sites as solar generating facilities. Therefore, there is no other location within the CDCA which could serve as an alternative location without requiring an amendment similar to the one required for the Selected Alternative on the Desert Sunlight Solar Farm Project site. The Selected Alternative does not require a change in the Multiple-Use Class 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 DSSF.

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.

See ROD section 5.0 for details on public scoping and EIS comment periods.

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. 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 rights-of-way 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 M and L. The PA/FEIS identifies resources that may be adversely impacted by approval of the DSSF, evaluates alternative actions which 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.

3.3.4 MUC Guidelines

The proposed Land Use Plan Amendment to be made by the BLM is a site identification decision and a decision to make certain other lands unavailable for solar development. Because the proposed solar project and its alternatives are located within MUC M and L, the classification designations govern the type and degree of land use action allowed within each classified area. All land use actions and resource management activities on public lands within an MUC designation must meet the guidelines for that class. MUC M and L allow 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 Class M and L designations, 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 DSSF meets the MUC Guidelines (as applicable to this project and site) for the following reasons:

Air Quality: Class M and L lands, including the project site, are to be managed to protect their air quality and visibility in accordance with Class II objectives of the Federal CAA. The worst-case emissions that would be associated with the DSSF are provided in PA/FEIS Section 4.2, *Air Resources*. Those values were compared to emissions objectives for air quality and visibility associated with Class II areas in 40 CFR 52.51, and are well below the limitations required for Class II areas. Therefore, the Selected Alternative conforms to the Class II objectives referenced in the CDCA Plan guidelines. NPS and Desert Sunlight have agreed to an air quality monitoring program in their MOA to address NPS air quality concerns.

Water Quality: Class M and L designations will be managed to provide for the protection and enhancement of surface and groundwater resources, and best management practices (BMPs) will be used to avoid degradation and to comply with Executive Order (EO) 12088. PA/FEIS Section 4.17, *Water Resources*, evaluated the alternatives for the potential to impact groundwater and surface water resources. Development and operation of the DSSF raised concerns of water consumption during construction, reduction in groundwater recharge due to soil compaction, alteration of drainage patterns, and runoff from storms transporting spilled substances into intermittent stream channels. The incorporation of applicant measures and mitigation measures per Section 2.1, above, will reduce these potential impacts. Although the BLM has not established BMPs for solar projects, it has incorporated project-specific BMPs for the DSSF which are available as part of the project record. Those BMPs were derived from a variety of sources. Implementation of these BMPs, and BLM's standard terms and conditions requiring compliance with other federal, state, and local regulations, would constitute compliance with EO 12088. Those measures are applicable to all project alternatives, and would therefore conform to the Guidelines in Table 1 of the CDCA Plan.

Cultural and Paleontological Resources: Archaeological and paleontological values will be preserved and protected as described in PA/FEIS Section 4.6, *Cultural Resources*, and Section 4.7, *Paleontological Resources*. Procedures described in 36 CFR 800 will be observed where applicable. The MOA provided in Appendix 4 of this ROD specifically addresses compliance with 36 CFR 800 in project construction, operation, maintenance, and decommissioning, including identification of properties listed or eligible for listing on the National Register of Historic Properties. The identification of the project site was subject to the MUC Guidelines for cultural and paleontological resource protection as is evidenced by the applicability of the Guidelines to the specific facility proposal. As such, the project and the project site are within the MUC Guidelines for cultural and paleontological resource protection established by the CDCA Plan based on implementation of the MOA.

Native American Values: Native American cultural and religious values will be protected and preserved on MUC M and L lands with appropriate Native American groups consulted. Repeated efforts and opportunities were provided to allow tribal entities to raise concerns regarding the project and, as a result, the cultural guidelines with respect to requirements for consultation were met. The concerns raised are addressed in the MOA in Appendix 4 of this ROD. The protection of cultural resources, as addressed in the MOA, ensures that preservation and protection of cultural and religious values is accomplished in accordance with the CDCA Plan MUC Guidelines.

Electrical Generation Facilities: Solar generation may be allowed on the project site after NEPA requirements are met. The analysis in the PA/FEIS, which each of the project alternatives, comprises the NEPA compliance required for this MUC guideline.

Transmission Facilities: Class M and L guidelines allow electric transmission to occur in designated ROW corridors. The DSSF meets this guideline by locating new transmission facilities in existing ROW corridors to the extent feasible.

Fire Management: Fire suppression measures in Class M and L areas will be taken in accordance with specific fire management plans, subject to such conditions as the BLM AO deems necessary. The project site is within the area covered by the BLM California Desert District and the Palm Springs South Coast Field Office and their relevant fire management and suppression policies as well as by the Riverside County Fire Department.

Vegetation: Table 1 of the CDCA Plan includes a variety of guidelines associated with vegetation. These are addressed in the PA/FEIS as follows:

- *Native Plants:* Removal of native plants in Class M and L areas is only allowed by permit after NEPA requirements are met, and after development of necessary stipulations. Approval of the ROW grant for the Selected Alternative would constitute the permit for such removal. The applicant measures and mitigation measures in the PA/FEIS, the BO, and Appendix 2 of this ROD constitute the stipulations to avoid or minimize impacts from the removal.
- *Harvesting of Plants by Mechanical Means:* Harvesting by mechanical means is also allowed by permit only. Although the project alternatives would include the collection of succulents and seeds to assist with reclamation, the removal of these items would not be done for distribution to the public. Also, the guidelines for vegetation harvesting include encouragement of such harvesting in areas where the vegetation would be destroyed by other actions, which would be the case with the Selected Alternative. Because plants would not be distributed to the public, and harvesting would conform to the guidelines, the Selected Alternative conforms to this MUC guideline.
- *Rare, Threatened, and Endangered Species, State and Federal:* In all MUC areas, all state and federally listed species will be fully protected. In addition, actions which may jeopardize the continued existence of federally listed species will require consultation with the USFWS. As evaluated in PA/FEIS Section 4.3, *Vegetation*, no federally or state listed plants would be impacted by the Selected Alternative.
- *Sensitive Plant Species:* Identified sensitive plant species would be given protection in management decisions consistent with BLM's policy for sensitive species management (BLM Manual 6840). The objective of that policy is to conserve and/or recover listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. As described in PA/FEIS Section 4.3, *Vegetation*, the Selected Alternative would impact land supporting California Native Plant Society-identified sensitive plants, including foxtail cactus, Emory's crucifixion thorn, California ditaxis, desert unicorn plant, and slender-spined althorn. Fourteen sensitive plants

have been identified that would be impacted by the Selected Alternative. The BLM has consulted with the CDFG and USFWS in adopting measures to minimize or compensate for these impacts (Section 2.1, above) to provide protection for these sensitive plant species through appropriate management decisions consistent with BLM policies. This action would be in conformance with the guidelines.

- *Unusual Plant Assemblages (UPAs)*: No UPAs were identified on the project site.
- *Vegetation Manipulation*: Manipulation of vegetation in Class M and L areas by aerial broadcasting is not permitted. Manipulation of vegetation in Class L areas by mechanical control is not permitted, but is permitted in Class M areas after consideration of possible impacts. Vegetation manipulation is defined in the CDCA Plan as removing noxious or poisonous plants from rangelands; increasing forage production; creating open areas within dense brush communities to favor certain wildlife species; or eliminating introduced plant species. None of these actions would be conducted as part of the Selected Alternative. Therefore, the action would conform to the guidelines.

Motorized Vehicle Access/Transportation: Pursuant to the CDCA Plan guidelines in Class M areas, motorized-vehicle use will be allowed on “existing” routes of travel unless closed or limited by the AO. New routes may be allowed upon approval of the AO. For Class L areas, new roads may be developed under ROW grants or approved plans of operations. In areas designated as limited use area for OHV use, such as the site locations under consideration for the project, changes to the transportation network (new routes, re-routes, or closures) in Limited and Moderate Use areas may be made through activity-level planning or with site-specific NEPA analysis (BLM Instructional Memorandum 2008-014). One of two existing open OHV routes on the DSSF site will be closed. These changes are made with the site-specific NEPA analysis provided in Section 4.12, *Recreation*, in the PA/FEIS.

Wildlife Species and Habitat: Table 1 of the CDCA Plan includes a variety of guidelines associated with wildlife. These are addressed PA/FEIS Section 4.4, *Wildlife*, as follows:

- *Rare, Threatened, and Endangered Species, State and Federal*: In all MUC areas, the CDCA Plan guidelines for wildlife require that state and federally listed species and their critical habitat be fully protected. Actions that may jeopardize the continued existence of federally listed species will require consultation with the USFWS. As discussed in Section 4.4, *Wildlife*, the Desert tortoise is federally listed. As specified in the guidelines, BLM conducted formal consultation with the USFWS in accordance with Section 7 of the Endangered Species Act. As a term and condition of the ROW lease/grant and consistent with the CDCA Plan guidelines, the Applicants are required to conform to all measures outlined in the BO to minimize and mitigate impacts to Desert tortoise.
- *Sensitive Species*: Identified species would be given protection in management decisions consistent with BLM’s policy for sensitive species management (BLM Manual 6840). The objective of this policy is to conserve and/or recover listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. Sensitive wildlife species, including special-status

wildlife, evaluated in PA/FEIS Section 4.4, *Wildlife*, and in PA/FEIS Appendix H, *Biological Resources*, include Desert tortoise, Nelson's bighorn sheep, Rosy boa, Chuckwalla, golden eagle, American badger, desert kit fox, Western burrowing owl, short-eared owl, long-eared owl, Ferruginous hawk, Prairie falcon, Swainson's hawk, Northern harrier, Loggerhead shrike, Le Conte's thrasher, burro deer, Palm Springs round-tailed ground squirrel, Pallid bat, Western mastiff bat, California leaf-nosed bat, Pocketed free-tailed bat, mountain lion, and Colorado valley woodrat. Impacts to these species were described in the PA/FEIS and all necessary consultation with the USFWS was completed. Specific mitigation measures are included to prevent impacts to these species and therefore the selected alternative conforms to the MUC M and L guidelines.

- The Selected Alternative includes extensive mitigation to avoid and reduce adverse impacts to wildlife species. Introduction of native species is permitted in Class M and L areas, and habitat manipulation is allowed subject to environmental assessment, as is done within the PA/FEIS for the DSSF. Therefore, the Selected Alternative conforms to these guidelines.
- The implementation of mitigation measures, including Applicant Measures AM-WIL-1 through AM-WIL-4 and MM-WIL-1 through MM-WIL-9. Furthermore, where the project overlaps with the NECO-identified Wildlife Habitat Management Area (WHMA), impacts to those species will be mitigated at a 1:1 (non-sensitive species habitat) or 3:1 (sensitive species habitat).

The project and the site location do not impact the following public land resources or uses: Livestock Grazing, Minerals, Recreation (other than route closure), or Wild Horses and Burros. Therefore, these guidelines are inapplicable to the land use plan decision being made in this ROD. The decision to make the remainder of the Project Study Area unavailable for solar development has no effect on public land resources since the status quo is retained.

3.3.5 CDCA Plan Elements

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 DSSF 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.

The DSSF helps minimize the number of separate ROWs by being proposed largely within existing utility corridors as described in Section and Section 1.1.3.4, above. Electrical transmission associated with the project around Kaiser Road and I-10 will occur within these existing corridors.

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

The northern portion of the PV generating facility, the substation, and a portion of the gen-tie line would be within designated utility corridors, thereby maximizing the joint-use of these corridors for electrical transmission.

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

This decision criterion is not applicable to the DSSF. Placement of the proposed facility adjacent to existing corridors does not require designation of alternative corridors to support the project.

Decision Criterion: Avoid sensitive resources wherever possible.

The extent to which the DSSF has been located and designed to avoid sensitive resources is addressed throughout the PA/FEIS. BLM and other federal regulations that restrict the placement of proposed facilities, such as the presence of designated Wilderness Areas or Desert Wildlife Management Areas, were considered in the original siting process used by the Applicants 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 the alternatives would likely result in generally similar impacts as the project. In areas where the project overlaps with a WHMA, mitigation will be implemented on a 1:1 ratio for non-sensitive species habitat and a 3:1 ratio for sensitive species habitat. The decision to make the remainder of the Project Study Area unavailable for solar energy development was made on the basis of resource conflict identified in the area. The decision was made to avoid identified sensitive resources.

Decision Criterion: Conform to local plans whenever possible.

The extent to which the DSSF conforms to local plans is addressed in Section 4.9, *Lands and Realty* of the PA/FEIS. The majority of the DSSF is on BLM-administered lands and is in conformance with BLM land use plans, policies and regulations. A large portion of the Gen-Tie line is located within existing Riverside County ROW. According to Riverside County Code Section 17.284.020 excavation in, construction in and installation of improvements or structures in the Riverside County ROW is permitted upon issuance of an encroachment permit. Desert Sunlight is in the process of applying for this encroachment permit. In addition, a small portion of the Gen-Tie line associated with the DSSF is located on private land. The Riverside County Code permits public utility uses within any zoning classification subject to the issuance of a public use permit. Desert Sunlight is in the process of obtaining a public use permit for this portion of the project.

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

The Chuckwalla Mountains Wilderness is to the south of the DSSF and the Joshua Tree Wilderness Area is to the west, north, and east of the DSSF. These two wilderness areas are closest to the DSSF. Also, the Palen/McCoy Wilderness Area is located approximately 10 miles to the east. The extent to which the DSSF affects these wilderness areas is addressed in detail in

Section 4.14, *Special Designations*, and Section 4.16, *Visual Resources*. The DSSF is not located within any of these Wilderness Areas.

Decision Criterion: Complete the delivery systems network.

This decision criterion is not applicable to the DSSF.

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

This decision criterion is not applicable to the DSSF. Approval of the project would not affect any other projects for which decisions have been made.

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

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

3.3.6 Conformance with Applicable Plan Amendments

BLM's Northern and Eastern Colorado Desert Coordinated Management Plan Amendment to the CDCA Plan

Various federal regulations, Executive Orders, and the CDCA Plan require the BLM to designate routes of travel as Open, Limited, or Closed to vehicular travel and to assure that resources are properly managed in a multiple use context.

In 2002, in an amendment to the CDCA Plan, the BLM identified and designated many routes of travel in the Northern & Eastern Colorado Desert Coordinated Management Plan (NECO) amendment. This amendment to the CDCA Plan clarified, updated, and assigned designations (Open, Closed, or Limited) to all travel routes within the NECO amendment area.

The project site is within the NECO amendment area. There are two open routes within the ROW grant boundary of the project site. The two open routes on the project site follow established dirt roads/trails on the site and are described in PA/FEIS Section 4.12, *Recreation*, and identified in Figure 4.12-1, *OHV Travel Route Closures*.

One open route (Route 660260) will be affected by the project. This route will be closed to public access. The closure of this route is an administrative action by the BLM taken in conformance with current BLM policy.

Under the policy provisions of the BLM Washington Office Instruction Memorandum No. 2008-014 (Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning), selection and designation of individual routes within a Moderate and Limited area is an implementation decision but is not a land use plan decision. This route is being closed upon the approval of the ROW authorization for the project.

4.0 Alternatives

The Selected Alternative was chosen from among a total of 18 alternatives considered by the BLM, six of which were carried forward, including the Proposed Action/Agency Preferred/Selected Alternative, for more detailed review; the remaining 12 alternatives were considered but eliminated from detailed analysis.

4.1 Alternatives Fully Analyzed

The six alternatives were fully analyzed in the PA/FEIS. Three project alternatives (Alternatives 1, 2, and 3), one No Action Alternative (Alternative 4), and two No Project Alternatives (Alternatives 5 and 6) are fully analyzed in the PA/FEIS. Each of the action alternatives would require an amendment to the CDCA Plan, as would the two No Project Alternatives. Each is described in detail in the PA/FEIS and summarized below.

4.1.1 The Proposed Action

The Proposed Action Alternative includes the following configurations of the three Project components and encompasses approximately 4,144 acres:

- Solar Farm Layout B (SF-B);
- Gen-Tie Line A-1 (GT-A-1); and
- Red Bluff Substation A, with Access Road 2

Solar Farm Layout B is six miles north of the Desert Center and four miles north of Lake Tamarisk, northeast of and next to Kaiser Road, and southwest of Pinto Wash. SF-B encompasses approximately 3,761 acres entirely on BLM-administered land. Access would be provided by Kaiser Road. Once fully operational, it would produce 550 MW of power.

GT-A-1 exits the southwest of the PV generating facility, runs south along the west side of Kaiser Road, turns east just north of Desert Center, and then runs south across I-10 to the eastern location being considered for the Red Bluff Substation (Red Bluff Substation A). The 160-foot-wide gen-tie corridor and additional fan-shaped areas at corners used for wire stringing for GT-A-1 would encompass approximately 210 acres. The total length of GT-A-1 is approximately 12.1 miles. Of the 12-mile ROW, approximately 11.4 miles would be on BLM land, and approximately 0.6 mile would be on land owned in fee by the Metropolitan Water District of Southern California and .5 mile would be on land owned by Riverside County. For the Gen-Tie Line, Desert Sunlight proposes to use steel monopoles, which are expected to be approximately 135 feet tall. Typical spacing between structures would be approximately 900 to 1,100 feet.

Red Bluff Substation A and ancillary facilities (drainage features, access road, electrical distribution line, transmission system loop-in, material yard/staging area, and a telecommunications site) would be on approximately 172 acres of BLM-administered land, approximately four miles southeast of California State Route 177, just south of I-10. The substation would be constructed within the central portion of the parcel.

4.1.2 Different Gen-Tie and Substation Location with Land Use Plan Amendment

With the Alternate Action Alternative, the following configurations of the three Project components are proposed, encompassing approximately 4,110 acres:

- Solar Farm Layout B (SF-B);
- Gen-Tie Line B-2 (GT-B-2); and
- Red Bluff Substation B

Solar Farm B is as described for Alternative 1.

GT-B-2 would exit the southwest corner of the PV generating facility, would run south along the west side of Kaiser Road, then would turn southwest, approximately 1.2 miles north of Desert Center. Then it would travel across Eagle Mountain Road, finally turning south across I-10 to the western location that is being considered for the Red Bluff Substation (Red Bluff Substation B). The 160-foot-wide Gen-Tie corridor and additional fan-shaped areas at corners used for wire stringing would encompass approximately 203 acres. The total length of GT-B-2 would be approximately 10 miles. Of the 10-mile ROW, approximately 9.4 miles would be on BLM land and approximately 0.6 mile would be on land owned in fee by the Metropolitan Water District of Southern California. The poles used for the Gen-Tie Line would be the same as those described for Alternative 1.

Red Bluff Substation B would be within a 160-acre parcel of private land south of I-10 at Eagle Mountain Road. This substation and related facilities is expected to require approximately 130 acres and would be generally located in the center of the parcel. Because this substation site is on a parcel of privately owned land, it would be need to be acquired and subsequently owned by SCE.

4.1.3 Reduced Solar Farm Footprint Alternative with Land Use Plan Amendment

With the Reduced Solar Farm Footprint Alternative, the following configurations of the three Project components are proposed, encompassing approximately 3,303:

- Solar Farm Layout C (SF-C);
- Gen-Tie Line A-2 (GT-A-2); and
- Red Bluff Substation A, with Access Road 2

SF-C would be in the same general location as SF-B but would be smaller to reduce overall environmental impacts, particularly on the desert tortoise. The acreage required for this layout would be 3,045 acres, and the power output would be 413 MW. The construction schedule would be 26 months, the same as for SF-B.

GT-A-2 would exit the southwest corner of the PV generating facility and would run for approximately 4,400 feet along the east side of Kaiser Road, until it intersects with the ROW of an existing SCE transmission line. Then it would run to the southeast, along the existing transmission ROW, for approximately 7.2 miles then would turn south for approximately 0.6 mile. Then it would continue due west for approximately 0.5 mile, finally turning south cross I-10 and would continue approximately 1,000 feet (not along any existing feature) to Red Bluff Substation A. The GT-A-2 160-foot-wide Gen-Tie corridor and additional fan-shaped areas at corners used for wire stringing would encompass approximately 226 acres. The total length of GT-A-2 is approximately 10.5 miles. Of the 10.5-mile ROW, 6.5 miles would be on BLM land and 4.0 miles would be on private land. For the portions on private land, 21 separate parcels would be crossed.

Red Bluff Substation A is as described for Alternative 1.

4.1.4 No Issuance of a Right-of-Way Grant and No Land Use Plan Amendment (No Action)

With this No Action Alternative, the Project would not be approved (all components of the Project would be denied), no ROW grant would be issued to the Applicants, and no CDCA Plan amendment would be approved that would make the land available for large-scale solar development.

4.1.5 No Issuance of a Right-of-Way Grant with Land Use Plan Amendment to Identify the Area as Unsuitable for Solar Development (No Project with Plan Amendment)

With this No Project Alternative, the Project would not be approved (all components of the Project would be denied), no ROW grant would be issued to the Applicants, and the CDCA Plan would be amended to identify the Project Study Area as unsuitable for future large-scale solar energy development. This No Project Alternative was chosen in part along with the Proposed Action alternative.

4.1.6 No Issuance of a Right-of-Way Grant with Land Use Plan Amendment to Identify the Area as Suitable for Solar Development (No Project with Plan Amendment)

Under this No Project Alternative, the Project would not be approved (all components of the Project would be denied), no ROW grant would be issued to the Applicants, and the CDCA Plan would be amended to identify the Project area as suitable for future large-scale solar energy development.

4.2 Alternatives Not Fully Analyzed

An integral part of the search for a suitable site included an evaluation of the availability of electric transmission capacity throughout SCE's service territory. California's transmission grid

system poses a number of challenges to the interconnection of a power plant. Many potential locations for the interconnection of a power plant would require lengthy and expensive system upgrades in order to integrate the new capacity into the transmission system. By contrast, SCE's Devers-Palo Verde transmission line provides a unique opportunity to interconnect the DSSF at a point on the system with available electric transmission capacity. The Devers-Palo Verde line runs from the Devers Substation located near Desert Hot Springs in Riverside County, through the Coachella Valley and along the I-10 corridor through the Chuckwalla Basin, and eventually into the Palo Verde Substation in La Paz County, Arizona.

Several factors, including incompatible uses on public land and highly subdivided private land, eliminated the western end of the Devers-Palo Verde line from consideration for the DSSF. Much of the area near the Devers end of the transmission line has already been developed with wind farms. The land along Devers-Palo Verde line between Desert Hot Springs and Coachella is composed of multiple, densely populated cities and productive agricultural land, and is divided into relatively small parcels. Land in that region is thus more expensive and poses challenges for assembling a contiguous site large enough for a cost-effective interconnection to the transmission line. Within the Coachella Valley itself, many of the properties are subject to agricultural conservation contracts under the Williamson Act, preventing solar development on those parcels. Together, these factors eliminated the Devers-Coachella Valley portion of the transmission line.

From the Coachella Valley east along the Devers-Palo Verde line to the Chuckwalla Valley, the I-10 corridor is characterized by steep terrain unsuitable for solar development and interrupted by scattered private parcels. As a result, the Coachella Valley to Chuckwalla Valley portion of the Devers-Palo Verde line was not considered appropriate for the DSSF.

From the Chuckwalla Valley east toward Blythe along the I-10 corridor, most of the unencumbered BLM land is subject to first-in-time applications by other solar projects for rights of way, which would take priority over the DSSF. There is very little private land available, with the exception of the private parcels excluded from further consideration because they are contained within the Palen Dry Lake, which is a unique environmental feature that is unsuitable for development, in part due to flood hazard. The agricultural community around Blythe is almost entirely active farming land, highly subdivided and largely subject to conservation contracts under the Williamson Act, rendering much of it unavailable for renewable energy development. Much of the remainder of the land area between the Chuckwalla Valley and Blythe is within Desert Tortoise Critical Habitat or Areas of Critical Environmental Concern. One alternative near Blythe on BLM-administered land was eliminated from further consideration, for reasons described below.

Alternatives not carried forward did not meet one or more of the criteria identified in Section 2.2.1, *Alternatives Development and Screening* of the PA/FEIS. They include alternative solar field layouts at the proposed site, other locations on private land, other locations on BLM-administered land, alternative generating technologies, alternative transmission and interconnection locations, and underground gen-tie lines.

4.2.1 Alternative Layouts in the Solar Farm Study Area

Several additional alternatives were considered for siting of the DSSF within the Solar Farm Study Area. The alternatives described below were not carried forward for analysis.

Alternative Layout within Project Study Area (Solar Farm Layout A)

An additional solar farm layout was considered within the Project Study Area (SF-A). SF-A is in the same general location as SF-B, though the boundaries of the site are slightly different. SF-A encompasses approximately 4,186 acres, located entirely on BLM land. Elevation at SF-A varies from approximately 619 to 880 feet above mean sea level. The primary difference is in the site's northwest boundary, which pushes farther into occupied desert tortoise habitat and areas of higher concentrations of foxtail cactus. The northwestern portion of the site also contains higher concentrations of burrowing owl. Whereas the footprint of SF-B is estimated to contain approximately 10 to 14 live tortoises, the footprint of SF-A is estimated to contain approximately 24 to 32 live tortoises. Within the footprint of SF-A, 18 individual foxtail cacti were found, whereas within SF-B, 3 were found, and for SF-C, only 1 was found.

Conclusion. Since this layout did not provide any advantage over SF-B and would result in greater impacts to the desert tortoise and foxtail cactus, it was eliminated from consideration.

Larger Project (1,000 MW Project)

Initially, Sunlight applied to the California Independent System Operator (CAISO) to interconnect 1,000 MWs. This includes the current 550 MW proposed for the Project along with additional application for a 450 MW project. A 1,000 MW project in the Project Study Area would have required an 8,000-acre footprint and would require land on the east side of Pinto Wash and to the north of the existing Solar Farm alternatives, SF-B and SF-C.

The area to the north of the solar farm site supports habitats and features that have been demonstrated to support higher densities of desert tortoise in the Project region. Surveys of this area conducted in 2008 determined that the area north of SF-B and SF-C supports higher numbers of desert tortoises and burrowing owls than SF-B and SF-C, and at least one large population of foxtail cactus. The area north of the Solar Farm site supports a number of deep washes with steep banks that support dry desert wash woodlands and may provide movement corridors for large mammal species.

Conclusion. Based on the environmental constraints identified above, the siting of a solar farm in the area to the east and north of proposed SF-B and SF-C would have greater environmental impacts than the proposed action alternatives without any technological advantages other than increased output and is therefore not an appropriate location for siting a large-scale solar energy development project. For this reason, this alternative was not considered for further analysis.

Direct Desert Tortoise Avoidance Alternative

The Applicant considered a 550 MW alternative that avoided all active tortoise sign, including live tortoise and active burrows found within the area of the Solar Farm Study Area. This

alternative also avoided Pinto Wash, the area east of Pinto Wash and the possible Bighorn Sheep Corridor located north of the aqueduct in the northern portion of the Solar Farm Study Area. This alternative required a portion of the Project arrays to be located in the southwestern portion of the Solar Farm Study Area.

During the biological surveys conducted for the Project Study Area, no active tortoise sign was found in the southwestern portion of the Solar Farm Study Area; however, just above this southwestern area the Applicant found the highest concentration of desert tortoise within the Solar Farm Study Area. The southwestern portion of the Solar Farm Study Area is located just to the north of the Chuckwalla DWMA. Siting of Project arrays within this area would effectively eliminate the majority of the wildlife corridor between the DWMA and the area of the highest concentration of desert tortoise within the Solar Farm Study Area.

Conclusion. This alternative was determined to have greater environmental impact than the currently proposed project alternatives without any technological advantages due to the effective elimination of the wildlife corridor. In coordination with BLM's partner agencies, CDFG and USFWS, the impacts to the wildlife corridor were considered to be detrimental. Therefore, this alternative was not carried forward.

4.2.2 Privately Owned Land

Private lands were considered for siting the solar farm as well as BLM-administered lands (see below). The BLM does not typically analyze a non-federal application on private lands because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for renewable energy development. However, the use of private lands was identified during scoping. The BLM, to inform the analysis, considered them but did not analyze them in detail for the additional reasons described below.

Private Land within the Chuckwalla Valley

Within the Chuckwalla Valley, three potential sites on private land were eliminated from further consideration. The first site, Desert Center West, is approximately 4 miles west of the town of Desert Center. This site consists of approximately 44 semi-contiguous parcels totaling approximately 4,000 acres and owned by approximately 36 separate owners. The average size of the parcels is approximately 160 acres. The Desert Center West site is not under cultivation and is designated as Desert Tortoise Critical Habitat, so would likely have environmental impacts similar to or greater than those of the Project Study Area. While the Desert Center West site is near the western Red Bluff Substation alternative, existing transmission lines that cross the site further decrease the acreage available for solar development. The total site area available would be less than half of the area necessary for the proposed Project. Developing a portion of the Project here and a portion at another site would not reduce environmental impacts and would decrease the Project's feasibility by duplicating transmission lines and interconnection facilities.

The second private site eliminated from further consideration, Desert Center Central, lies southeast of the Project Study Area, 3.5 miles northeast from the town of Desert Center, and is composed of mostly disturbed agricultural land. This site is transected by an existing SCE 161kV

transmission line. Some of the land is subject to conservation contract under the Williamson Act, preventing current solar development on those parcels. The site is also part of a sand transport corridor, making it less suitable for development. Additionally, the site contains approximately 464 different parcels, owned by approximately 228 owners. The average parcel size is approximately 25 acres. Due to the small parcels and scattered ownership, it would be difficult and expensive, if not impossible, to acquire sufficient contiguous acreage at Desert Center Central for the Project, so it was eliminated from consideration.

The third private site eliminated from further consideration is Desert Center East, located 7.5 miles east of the town of Desert Center. This site consists of 14 parcels totaling approximately 1,800 acres. The average parcel size is approximately 160 acres. Although largely consisting of disturbed land, the total area available would be less than half of the area necessary for the Project. Developing a portion of the Project here and a portion at another site would not reduce environmental impacts and would reduce Project feasibility by duplicating transmission lines and interconnection facilities. Accordingly, this site was eliminated from further consideration.

Conclusion. All three private sites were eliminated from detailed consideration because they do not meet Project objectives, the purpose and need for the Project, or are otherwise not reasonable alternatives (as described above). Therefore, they are not analyzed in further detail.

Contaminated Sites near the Devers-Palo Verde Corridor

In response to EPA's scoping comments for the proposed Project, sites were considered as identified by the EPA in its Renewable Energy Interactive Mapping Tool as contaminated and potentially contaminated Renewable Energy Sites for PV Utility Solar facilities. There were only two sites in the general region of the Devers-Palo Verde line. A 43-acre site identified as "Square D Company" is located in Beaumont, CA approximately 20 miles west of the Devers Substation. A second 35-acre site, "Woten Aviation Services Inc.," is located seven miles southwest of Blythe, CA, and 5 to 10 miles from the proposed Midpoint Substation. Both sites are part of the Resource Conservation and Recovery Act (RCRA) program. However, due to their small size, they would not come close to meeting the energy production of the Proposed Action and would require multiple additional projects to be constructed in order to achieve an amount of renewable energy generation equivalent to the proposed Project, multiplying the impacts of developing interconnection facilities for the equivalent generating capacity.

Conclusion. The use of contaminated sites for the proposed Project was eliminated from consideration because it does not meet Project objectives, the purpose and need for the Project, or is otherwise not a reasonable alternative (as described above). Therefore, it is not analyzed in further detail.

4.2.3 Alternative BLM-Administered Land

Much of the BLM-administered land in the areas with the highest solar energy production potential is precluded from development by special designations such as ACEC, DWMA, wilderness, etc. Many potentially suitable areas outside these designated areas are precluded because they are in use or are proposed for other energy projects (primarily solar).

As described above, most BLM-administered land along the I-10 corridor was eliminated from consideration. An alternative site was considered on BLM-administered land to the southwest of Blythe, known as the Quartzite site. However, the cost of interconnecting a project the size of Desert Sunlight to the Devers-Palo Verde line from Quartzite would have been almost \$75 million more than the cost of interconnecting from the Project Study Area. A smaller project is being considered in that area. As a result, the Quartzite site (as previously proposed) was eliminated from further consideration as an alternative to the DSSF.

Moving the interconnection point to a different location would also require a new interconnection application, which would re-start the CAISO interconnection process and would delay the project for several years.

Conclusion. The use of alternative BLM-administered land was eliminated from consideration because it does not meet Project objectives, the purpose and need for the Project, or is otherwise not a reasonable alternative (as described above). Therefore, it is not analyzed in further detail.

4.2.4 Alternate Non-Renewable Power Generating Technologies

Nonrenewable generation technologies that require use of natural gas, coal, or nuclear energy were considered as potential alternatives to the proposed Project. BLM typically does not analyze an alternative for a different technology when a ROW application is submitted for a specific technology because such an application does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology. In addition, these projects would not achieve a key objective: to construct and operate a generation facility that would contribute approximately 1,000,000 megawatt hours (MWh) of clean, renewable solar energy per year to the State of California's renewable energy goals.

Conclusion. Alternative methods of generating or conserving electricity are eliminated from detailed discussion because they would be too great a departure from the application to be considered a modification of the Applicants' proposal, and so do not meet the purpose and need for the Project under NEPA. These alternative methods would not respond to the BLM's purpose and need for the Proposed Action, which is to respond to the Applicants' application for a ROW grant to construct, operate, and decommission a solar photovoltaic facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. Additionally, none of these alternative methods of generating electricity is within Desert Sunlight's area of expertise; therefore, it would not likely be technically or economically feasible for Desert Sunlight to implement them. Moreover, the permitting of new nuclear facilities in California is currently illegal, so this technology also is eliminated as infeasible.

4.2.5 Concentrating Solar Power Technologies

The use of alternative concentrating solar generation technologies was evaluated as potential alternatives to the proposed Project. Although the alternative solar generation technologies would achieve most of the project objectives, each would have different environmental or feasibility concerns. In particular, these technologies would require similar amounts of land as the Project, resulting in similar impacts on biological and cultural resources, and land use, and potentially

greater impacts on water use and visual impacts because of towers or other structural features that would be much more visible than those for a PV project.

Conclusion. Alternative renewable technologies, including concentrating solar power technologies, were eliminated from detailed discussion because they do not meet the purpose and need for the Project under NEPA, which is to respond to the Applicants' application for a ROW grant to construct, operate, and decommission a solar photovoltaic facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. In addition, this technology is not within the Desert Sunlight's area of expertise, and so may not be technically or economically feasible for it to implement.

4.2.6 Wind Energy

Wind carries kinetic energy that can be utilized to spin the blades of a wind turbine rotor and an electrical generator, which then feed alternating current (AC) into the utility grid. Most state-of-the-art wind turbines operating today convert 35 to 40% of the wind's kinetic energy into electricity. A single 1.5-MW turbine operating at a 40% capacity factor generates 2,100 MWh annually. Wind turbines currently being manufactured have power ratings ranging from 250 watts to 5 MW, and units larger than 7 MW in capacity are now under development (AWEA 2008). The average capacity of wind turbines installed in the United States in 2007 was 1.65 MW (EERE 2008). The technology is well developed and can be used to generate significant amounts of power. There are now approximately 2,490 MW of wind being generated in California (AWEA 2008).

The use of wind energy at the Project locations may be feasible at the scale of the proposed Project but it would not eliminate significant impacts caused by the Project; specifically, there would still be impacts on biological and cultural resources, and visual effects would be greater than with the proposed Project.

Conclusion. Alternative renewable technologies, including wind energy, were eliminated from detailed discussion because they would not respond to the BLM's purpose and need for the Proposed Action, which is to respond to Desert Sunlight's application for a ROW grant to construct, operate, and decommission a PV facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. In addition, this technology is not within Desert Sunlight's area of expertise, and so may not be technically or economically feasible for them to implement.

4.2.7 Alternative Transmission and Interconnection Locations

An additional Gen-Tie Line, GT-B-1, was considered for the proposed Project. GT-B-1 exits the southwest corner of the PV generating facility across Kaiser Road, then turns west and southwest until it intersects with Eagle Mountain Road, then runs south along the east side of Eagle Mountain Road across I-10 to the western location considered for the Red Bluff Substation (Red Bluff Substation B). The transmission corridor encompasses approximately 177 acres. The total length of GT-B-1 is approximately 9.3 miles within a 160-foot-wide corridor. The elevation of GT-B varies from approximately 690 to 1,185 feet above mean sea level. With the exception of

one MWD parcel, the entire length of GT-B-1 is within the Chuckwalla DWMA (7.7 miles), and 6.1 miles of it is within Desert Tortoise Critical Habitat (versus 3.5 miles in the DWMA and 3.8 miles in Critical Habitat for GT-B-2). It would also require removal of approximately 1,475 foxtail cactus (versus 575 for GT-B-2, 1 for GT-A-1, and none for GT-A-2), and could disturb more potentially significant cultural resource sites than the other Gen-Tie Lines. Since this layout did not provide any advantage over the other Gen-Tie Line that would provide a connection to Red Bluff Substation B and would result in greater impacts to the DWMA, Desert Tortoise Critical Habitat, foxtail cactus, and cultural resources, it was eliminated from consideration.

The BLM also considered alternative locations where the Project would interconnect with the regional grid. The BLM considered the possibility of interconnecting with the existing MWD 230 kV line at the MWD Eagle Mountain Substation that is near the Project Study Area and then interconnecting with the SCE system farther west (for example, at the Julian Hinds Substation). However, investigation revealed limited capacity at this location that rendered this alternative infeasible. Instead, SCE indicated a plan to develop a substation in the general area of Desert Center (the Red Bluff Substation). This approach, and then identifying potential transmission corridors from the Solar Farm Study Area to interconnect with the SCE system at the Red Bluff Substation with the fewest possible impacts, became the approach that the Applicant has pursued.

Conclusion. Since the alternative transmission line (GT-B-1) did not provide any technological advantage over GT-B-2 and would result in greater impacts to the DWMA, Desert Tortoise Critical Habitat, foxtail cactus, and cultural resources, it was eliminated from consideration.

The alternative interconnection with the regional grid was eliminated because it is technologically and economically infeasible.

4.2.8 Distributed and Rooftop Photovoltaics

A distributed solar alternative would consist of PV panels that would absorb solar radiation and convert it directly to electricity (similar to all PV technologies). The PV panels could be installed on private or publicly owned residential, commercial, or industrial building rooftops or in other disturbed areas such as parking lots or disturbed areas adjacent to existing structures such as substations. To be a viable alternative to the proposed DSSF, there would have needed to be sufficient newly installed panels to generate 550 MW of capacity.

California currently has over 500 MW of distributed PV systems which cover over 40 million square feet (CPUC 2009). During 2008, 158 MW of distributed PV was installed in California, doubling the amount installed in 2007 (78 MW), and with 78 MW installed through May 2009, installation data suggests that at least the same amount of MW could be installed in 2009 as in 2008 (CPUC 2009).

Yet at this rate of installation, achievement of the California Renewables Portfolio Standard (RPS) would be delayed well beyond the 2010 and 2020 deadlines. Even if distributed installation of 550 MW per year could be achieved, adding over 1 TWh of electricity generation capacity per year (equivalent to the size of the proposed Project), it would take over 50 years to obtain the level of electricity generation from renewable sources that will be required to meet California's

33 percent RPS deadline in 2020. There would have to be a significant acceleration of installation of both distributed and non-distributed generation to meet the goals defined in California's RPS. Large-scale projects play an important role in meeting these goals.

Conclusion. A distributed solar alternative was eliminated from detailed discussion because it does not respond to the BLM's purpose and need for the Proposed Action, which is to respond to Desert Sunlight's application for a ROW grant to construct, operate, and decommission a sPV facility on public lands in compliance with FLPMA, BLM ROW regulations, and other federal applicable laws. Additionally, the Energy Policy Act of 2005 established a goal for the Secretary of the Interior to approve 10,000 MW of non-hydropower renewable energy projects located on public lands. The Act reflects Congress's conclusion that installation of renewable energy technologies on public lands capable of producing at least 10,000 MW is appropriate. Given the current state of the technology, only utility-scale renewable energy generation projects are reasonable alternatives to achieve this level of renewable energy generation on public lands. Furthermore, the BLM has no authority or influence over the installation of distributed generation systems, other than on its own lands.

4.2.9 Underground Installation of Gen-Tie Lines

Underground transmission lines at 230 kV have been installed or are planned to be installed in California by Pacific Gas & Electric Company (its Northeast San Jose, Tri-Valley, and Jefferson-Martin Projects) and by San Diego Gas & Electric Company (its approved Otay Mesa and Sunrise Powerlink Projects). These lines, or portions of them, have been installed underground either due to congested urban areas where there is inadequate space for overhead high voltage lines, or (in the case of Tri-Valley and Jefferson-Martin) to reduce visual impacts in scenic areas.

While underground lines would reduce the visual effects of the transmission lines, they have several disadvantages with respect to their environmental impacts. The impacts are driven mostly by construction disturbance. The construction of underground transmission lines requires substantial ground disturbance to install the trench and cables. The least amount of disturbance would occur when installing the gen-tie line within a paved roadway. However, when adding the lengths of all three gen-tie line alternatives, there are only approximately 6 miles out of a total of approximately 30 miles that would fall within a paved roadway. The remaining 24 miles would be within a dirt road or undisturbed desert.

The trench for a 230-kV line could vary from about 3 feet to 6 feet wide depending on the configuration of the cables within the trench. A construction work area from 25 to 50 feet wide is required parallel to the trench for construction equipment, resulting in temporary disturbance to habitat. In unpaved areas, the area above the trench (generally a 20 or 25-foot-wide road) would have to remain clear and accessible for the life of the project, a permanent loss of habitat.

In addition, First Solar provided a report entitled "Gen-Tie Undergrounding Report; Desert Sunlight Solar Farm Project" (First Solar, 2011), which summarized underground installations in the U.S. and presented potential design for the underground gen-tie. The report also listed additional concerns, including the potential for third-party construction damage to the buried facilities, concerns about additional time required to repair the line in the event of an outage, and

limitations on expansion for future additional lines. Cost is also a major concern to the developer, since construction of underground transmission lines costs up to 8.5 times more than overhead lines. These increased costs negatively affect the Project's financial viability, especially when coupled with the considerable technical and environmental risks involved with underground transmission line design.

The First Solar report presents a concern about underground lines: that expansion of the capacity of a transmission line, or addition of future circuits, would be more difficult. The report also explains that the addition of future circuits could be accommodated by increasing cable spacing or constructing a larger duct bank (leaving empty spaces for future cables), or by construction of a parallel duct bank separated by an adequate distance to allow heat dissipation. These approaches would also increase construction cost.

Underground transmission lines are less accessible than overhead lines, so line maintenance is more challenging. It is more difficult to know where an outage has occurred, so outages of an underground line can be more time-consuming both to find the problem and to repair it.

Conclusion. BLM and the CPUC have evaluated the information included in First Solar's report and have determined that, based on the Agencies' own experience, expertise and research, undergrounding DSSF's Gen-Tie Lines would be infeasible. Although the technology for underground transmission lines is available and has been used to reduce visual impacts and to avoid overhead construction through congested areas by major utilities in California, the increased environmental impacts that would result in other resource areas does not justify the use of undergrounding in this case. Specifically, the lack of adequate paved roadways for installation of the Gen-Tie Lines serving the DSSF would result in substantially greater impacts in biological resources, cultural resources, air quality, and noise than for the overhead gen-ties. The additional costs and technical risks associated with undergrounding also make it undesirable under these conditions. As a result, the underground gen-tie alternative has been eliminated from detailed consideration.

4.3 Environmentally Preferred Alternative

The environmentally preferred alternative would be the No Project Alternative with Plan Amendment to Identify the Area as Unsuitable for Solar Development (Alternative 5). This alternative would not allow development of the proposed project or other solar energy generating projects and would have no impacts on the ground within the Project Study Area. However, this alternative would not allow the development of renewable energy, which is a national priority. As such, this alternative was not chosen in full by the BLM, rather, a portion of the alternative was approved which made the remainder of the Project Study Area unavailable to solar development due to resource conflict.

4.4 Agency Preferred Alternative / Selected Alternative

The BLM's preferred alternative is the Proposed Action Alternative with Land Use Plan Amendment (Alternative 1) – SF-B, GT-A-1, and Substation A with Access Road 2; or

Alternative 1 with Gen-Tie Line A-2 instead of Gen-Tie Line A-1, in the event that Desert Sunlight is able to acquire necessary interests in privately held lands to allow construction of Gen-Tie Line A-2; and a portion of Alternative 5. The preferred alternative that includes Gen-Tie Line A-2 has the potential for less effect on visual, and desert tortoise individuals and habitat than Gen-Tie Line A-1.

5.0 Agency and Public Involvement

5.1 Scoping

In compliance with NEPA, the BLM published an NOI to prepare an EIS on January 13, 2010, in the Federal Register (75 FR 1801). Publication of the NOI began a 30-day scoping period that ended February 12, 2010. The BLM established a website with Project information describing the various methods for providing public comment on the Project, including an e-mail address where comments could be sent electronically.

Notification for a public scoping meeting, to be held on January 28, 2010, was posted on BLM's website and sent via email to the local newspaper, the Desert Sun, on January 13, 2010. In addition, notices were sent via certified mail to Responsible and Trustee Agencies under CEQA, all landowners within 300 feet of the project boundary, and other interested parties.

The public scoping meeting was held on January 28, 2010, at the University of California, Riverside's Palm Desert Graduate Center located at 75-080 Frank Sinatra Drive in Palm Desert, California. First Solar Development, Inc. delivered a presentation describing the project. Presentations describing the environmental review process were delivered by members of the BLM. Twenty-two attendees were documented by signing in on a voluntary sign-in sheet.

Fourteen comment letters were received during the scoping comment period that ended on February 12, 2010. Comments were received on the following categories: purpose and need, alternatives development, air resources (air sheds), water resources (surface and groundwater), biological resources (vegetation and wildlife), cultural resources, visual resources, land use and special designations, public health and safety, noise and vibration, recreation, socioeconomics, environmental justice, and cumulative impacts. A summary of these comments is provided in the Scoping Summary Report (Appendix A of the PA/FEIS). Comments received during the scoping process were addressed in the analysis of impacts in the DEIS.

5.2 Draft EIS Comment Period

The BLM published a Notice of Availability (NOA) for public and agency review and comment of the DSSF Draft EIS on August 27, 2010 in the Federal Register (75 FR 52776). The 90-day comment period ended November 26, 2010. During the comment period, three public meetings were held to solicit input from members of the communities and others in the vicinity of the project. The meetings were held as follows: 1) October 20, 2010 at the University of California-Riverside, Palm Desert Campus, Palm Desert, CA; 2) October 21, 2010 at the Lake Tamarisk Community Center, Desert Center, CA; and 3) November 4, 2010 at the Joshua Tree Community

Center, Joshua Tree, CA. In addition, the public were invited to submit their comments through BLM's web site, by mail, e mail, or facsimile.

One hundred forty-seven comment letters were received. A number of the comments received on the Draft EIS discussed the same issues or environmental concerns, including, among others, the adequacy of the data relied upon by the BLM, the purpose and need for the project, alternatives, and biological resources. All public comments on the Draft EIS were considered and addressed in the Final PA/EIS and responses to comments are provided in Appendix N of the PA/FEIS.

5.3 Protest Period

The FEIS/proposed plan amendment was available for a 30 day protest period that closed on May 16, 2011. The protests have been resolved by the Director or, as noted below, have been withdrawn by the protesting party. At the request of various interested organizations, the BLM, in accordance with its policy (BLM Land Use Planning Handbook, Appendix E, p.6), met with these groups in an effort to resolve their protest issues.

As a result of the protest resolution meetings, Citizens for the Chuckwalla Valley/ Larry and Donna Charpied and the project applicant agreed to certain project conditions which were presented to the BLM (Appendix 1-A) for inclusion in the ROD and required modifications to the Plan of the Development. These terms and conditions generally address: placing solar farm transmission lines underground, limiting night lighting, siting weather and air monitoring stations, erecting desert tortoise perimeter fencing, planting vegetation screening, implementing shuttling programs and low emission vehicle use, transplantation and revegetation, providing support for County fire and law enforcement services, monitoring of jojoba farm groundwater well and impact mitigation, not asserting water rights, establishing project decommissioning standards, establishing a First Solar application preclusion area, and funding contributions to Citizens for the Chuckwalla Valley.

As a result of the protest resolution meetings, the Natural Resources Defense Council, Defenders of Wildlife, Sierra Club, and Center of Biological Diversity and the project applicant agreed to certain project conditions which were presented to the BLM (Appendix 1-B) for inclusion in the ROD and required modifications to the Plan of the Development. These terms and conditions generally address: reporting of natural resource monitoring data; establishing and maintaining a project status and contact information website; BLM's amendment to the CDCA plan to identify as unavailable for solar power generation that portion of the Project Study Area associated with the current DSSF ROW application CA-48649, including the 136.58 acres eliminated from Phase III in this Agreement that is not to be used for the Sunlight Project; assertion of water rights; agreeing that washing PV Panels is not authorized without additional approvals; funding the Joshua Tree National Park Mitigation Monitoring programs; conducting air quality monitoring, acquiring 713 acres of additional compensatory lands for a portion of the DSSF in a WHMA; modifying fencing along the Kaiser road and reducing the configuration of Phase III by 136.58 acres from the FEIS boundary; and Revising the Plan of Development to include these agreements.

Western Watersheds Project and the project applicant agreed to certain project conditions which were presented to the BLM (Appendix 1-C) for inclusion in the ROD and required modifications to the Plan of the Development. These terms and conditions generally address BLM's amendment to the CDCA plan to identify as unavailable for solar power generation that portion of the Project Study Area associated with the current DSSF ROW application CA-48649, including the 136.58 acres eliminated from Phase III in this Agreement, that is not to be used for the Sunlight Project, and Revising the Plan of Development to include these agreements.

The BLM has analyzed these modifications and has determined that they do not require BLM to supplement the FEIS prior to issuance of the ROD. The BLM has determined that the revised terms and conditions fall within the alternatives analyzed in FEIS, has accepted these agreed upon terms as part of the amended plan of development, and has incorporated into and will administer these terms as part of the right-of-way grant in accordance with 43 CFR 2805.12(i)(5), 2807.16, and 2807.17. The agreed upon conditions are not subject to amendment without the agreement of the applicant and the organizations and only if approved by the BLM in accordance with 43 CFR 2807.20. The organizations listed above have withdrawn their protests.

6.0 Errata

The purpose of these errata is to correct factual inaccuracies or typographical errors in the PA/FEIS for the DSSF. The revised POD will govern in the event of any factual discrepancies between it and the PA/FEIS. To the extent that the clarifications below affect the project description, the POD will incorporate these clarifications. To the extent that such clarifications affect a mitigation measure, Appendix 2, *Adopted Mitigation Measures*, contains the final language.

- In the Table of Contents, Appendix L, CPUC Mitigation Monitoring and Reporting was inadvertently omitted from the list of Appendices.
- In the Executive Summary, Table ES-3 (at ES-34), the summary description of AM-GEO-2 incorrectly states that the Applicant must “Obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Water Quality Order 2009-0009 DWQ”. This summary reference is inconsistent with the actual text of AM-GEO-2 as described in the FEIS on page 4.8-8 to 9. As discussed in the FEIS, the waterways that would be affected by the Project are not jurisdictional waters under the federal Clean Water Act, and as a result, no NPDES permit would be required for the Project during construction or operation. See FEIS at 4.17-8, 4.17-27 (MM-WAT-4) and 4.17-28 (MM-WAT-6). The summary description of AM-GEO-2 in the Executive Summary is therefore incorrect and should be superseded by the text of AM-GEO-2 in the FEIS.
- In the Executive Summary, Table ES-3 (at ES-45), the summary description of MM-WAT-2 incorrectly states that the Project’s use of groundwater during construction “shall not exceed a total of 1,400 [acre feet (AF)].” This summary reference is inconsistent with the actual text

of MM-WAT-2 as described in the FEIS at 4.17-24. As provided by MM-WAT-2, the “Project’s use of groundwater during construction shall not exceed a total of 1,400 AF during the 26-month construction period for the solar farm, 360 AF for the Red Bluff Substation, and 7 AF for the Gen-Tie Line,” thereby resulting in total maximum water use of 1,767 AF for the Project as a whole. The summary description of MM-WAT-2 in the Executive Summary is therefore incorrect and should be superseded by the text of MM-WAT-2 in the FEIS.

- In Section 1.4.3 (at 1-19), the reference to the approval required by the Metropolitan Water District of Southern California (MWD) at a “Land License Agreement” has been updated by MWD to constitute a “Permanent Easement.” This change in the description of the approval required by MWD does not alter any substantive approval requirements.
- In Section 2.2.3, Features Common to All Action Alternatives, under Site Security, Fencing, and Lighting (at 2-20, 4th paragraph), the description of lighting technology for security lighting and service lighting only references motion sensor technology, however, other acceptable lighting technology may be used. The text clarifying lighting technology options is revised to read: “Security lighting may use photocell controlled equipment to come on at dusk and turn off at dawn, motion sensor technology or other night sky sensitive lighting.”
- In Section 2.2.4, Alternatives Analyzed, the description of Gen-Tie Line A-1 (at 2-39) fails to mention that there are two portions of the Gen-Tie right-of-way that cross private land (owned by MWD and Riverside County).
- In Section 2.2.4, Alternatives Analyzed, the figures showing the Gen-Tie Line alternatives (i.e., Figures 2-21, 2-25, and 2-29) incorrectly show the stringing areas as temporary disturbance areas. Although these areas will only be used temporarily, they were considered permanent disturbance areas for purposes of impact analysis.
- In Section 2.2.4, Alternatives Analyzed, in the tables presenting dimensions for the Gen-Tie Line alternatives (Tables 2.2-4, 2.2-8, and 2.2-13) the dimensions (acreage, etc.) for temporary access roads are, in reality, the dimensions for all access roads combined (i.e., the description double counts the values provided under Permanent access roads). Since all disturbance areas are being considered permanent impacts (see above), the values indicated for temporary access roads should instead be described as showing the dimensions for permanent disturbance from all access roads, and the row for temporary access roads should be ignored.
- In Section 2.5, Best Management Practices and Built-In Mitigation (Table 2.5-1), the descriptions of AM-WAT-12, AM-WAT-13, and AM-WAT-15 discuss decompaction between rows of solar panels at the end of Project construction. The Applicant’s construction plan for the Solar Farm no longer includes decompaction between rows; instead, decompaction has been replaced by use of disc and roll and micrograding techniques and the additional storm water mitigation measures set forth in AM-WAT-13 through AM-WAT-16. Similar incorrect statements regarding decompaction between rows appear in Table ES-46 and at pages 4.2-4, 4.3-13, 4.17-7, 4.17-16, 4.17-23, and 4.17-24.

- Section 2.5, Best Management Practices and Built-In Mitigation, under Integrated Weed Management Plan (at 2-123), indicates that the Plan will include several different options for revegetating the site after construction. The Weed Management Plan does not call for site revegetation. Restoration of areas to be temporarily used during construction is to be addressed in the Restoration Plan required under AM-BIO-5.
- In Section 2.5, Best Management Practices and Built-In Mitigation, the description of Fire Protection during Construction (at 2-125) states that transformers located on site would be equipped with mineral-oil-based coolant. While some of the larger Solar Farm on-site substation transformers will use mineral oil, the transformers within the solar arrays will use vegetable-based oil. Similar factually inaccurate statements regarding mineral-oil in transformers appear on pages 2-109 and 4.11-4.
- Section 3.3.7, Vegetation: Jurisdictional Resources, and the discussion of Jurisdictional Resources in Section 4.3.3, Vegetation: Alternative 1- Proposed Action, inadvertently omitted discussion of the status of Regional Water Quality Control Board (RWQCB) jurisdiction over ephemeral washes in the Project area. The RWQCB does not have Clean Water Act (CWA) Section 401 jurisdiction over ephemeral washes within the Project footprint because the U.S. Army Corps of Engineers determined that no wetlands or other jurisdictional waters of the U.S. are present and, therefore no permit is required under the CWA. The RWQCB also has indicated that it will not take jurisdiction under the Porter-Cologne Act over the ephemeral drainages that are on non-federal lands impacted by the Project.
- In Section 3.4, Wildlife (at 3.4-30) and Section 4.4, Wildlife (at 4.4-14) it incorrectly states that the Red Bluff Substation B is not within the Chuckwalla CHU.
- In Section 3.6.2, Cultural Resources: Existing Conditions, the discussion of Native American Consultations (at 3.6-21) inadvertently omitted the following information: “Consultation also occurred with the Soboba Band of Mission Indians, the Fernandeno Tataviam Band of Mission Indians, and the Rincon Band of Luiseno Mission Indians.”
- In Section 3.6.2, Cultural Resources: Existing Conditions, Table 3.6.1 and Table 3.6.2, the wrong name was inadvertently given to the transmission line listed in the first entry of each table. In both tables, the Blythe-Eagle Mountain Transmission Line and Power Line Road should be changed to read the “Colorado River Aqueduct (MWD 230-kV) Transmission Line and Power Line Road.”
- In Section 3.6.2, Cultural Resources: Existing Conditions, the discussion of cultural resources within the Gen-Tie Line corridors (at 3.6-27 to 3.6-29) omitted one cultural site that is affected by all three Gen-Tie Line Alternatives: the Blythe-Eagle Mountain Transmission Line. With the addition of this site, the number of cultural sites directly impacted by the Gen-Tie Line alternatives is as follows: Gen-Tie Line A-1: 15 sites (13 historic, 2 prehistoric); Gen-Tie Line A-2: 5 sites (all historic); Gen-Tie Line B-2: 18 sites (all historic). Also, the total number of sites directly impacted by Alternative 2 should be 43 sites (36 historic, 5 prehistoric, and 2 unknown era). The total of sites impacted by Alternatives 1 and 3 remains

the same because the increase caused by addition of the Blythe-Eagle Mountain Transmission Line site is offset by a reduction by one site due to double counting of site CA-RIV-9478/P33-18343 (these numbers represent the same site).

- In Section 3.6.2, Cultural Resources: Existing Conditions, in Table 3.6-3 the descriptions for the third and eighth entries are reversed – the description for P33-15095 should be “46-acre refuse deposit”, and the description for P33-18253 should be “Refuse deposit of cans”. In addition, the fifth entry should be “P33-18244”, rather than “P33-81244”; the 1 and 8 were inadvertently reversed.
- In Section 3.6.2, Cultural Resources: Existing Conditions, a new row should be added to Tables 3.6.3, 3.6.4, and 3.6.5 to add a new first entry as follows:

Site No.	Prehistoric/Historic	Description	NRHP Eligibility*	CRHR Eligibility Recommendation
Blythe-Eagle Mountain Transmission Line	Historic	Transmission Line	TBD	Potentially Eligible

- In Section 3.6.2, Cultural Resources: Existing Conditions, Table 3.6-6 lists Site Number CA-RIV-9486 and Table 3.6-7 lists Site Number P33-018413. These are both the same site, rather than two different sites. Similarly, Table 3.6-10 includes CA-RIV-9478 and P33-18343 as two different sites, when they are, in fact, two numerical identifiers for the same site. Accordingly, the number of sites directly impacted by Red Bluff Substation A is 23 sites (including 21 historic sites), rather than 25 sites (23 historic) as stated in Section 4.6.3 (at 4.6-5). This includes 19 sites (including 17 historic sites) directly impacted by the distribution line, rather than 20 sites (18 historic) as stated in Section 3.6.2 (at 3.6-31).
- In Section 3.17.2, Water Resources (at 3.17-14), the reference to 2 groundwater wells owned by Kaiser Steel is incorrect. Kaiser Steel owns 4 groundwater wells within a two-mile radius.
- The reference to a Programmatic Agreement in Section 4.18.1 is incorrect. A MOA is being prepared for the Project instead of a PA.
- In Section 4.4.3 (at 4.3-32 and 4.3-34), the text states that MM-BIO 4 requires that compensation lands be monitored for a period of no less than 10 years or until the defined performance standards are met. This is incorrect – MM-BIO-4 does not require monitoring of compensation lands, rather it specifies that salvage and revegetation efforts shall be monitored for no less than 10 years or until the defined performance standards are met.

- In Section 4.4, Wildlife (at 4.4-45) the last sentence of the first paragraph should be revised to include the Palm Springs round-tailed ground squirrel as a specie where direct project impacts are reduced to less than significant with the implementation of the referenced mitigation measures.
- In Section 4.9.3, Lands & Realty: Alternative 1 – Proposed Action, the description of Agriculture for Solar Farm B (at 4.9-3) incorrectly states that the nearest agricultural lands are approximately 2 miles from Solar Farm B. In fact, there is a jojoba farm located approximately 1,000 feet to the west of Solar Farm B. The PA/FEIS recognizes the existence of jojoba farming in the vicinity of the project site (at 3.6-17 and 3.17-14).
- In Section 4.11.3, Public Health and Safety/Hazardous Materials (at 4.11-17), AM-HAZ-1d it could be interpreted that the applicant is required to provide secondary containment for all oil products stored at the Solar Farm site. The applicant intends to implement an Oil Spill Contingency Plan as an alternative means of spill protection for on-site transformers as permitted under USEPA's Oil Pollution Prevention regulations at 40 C.F.R. Part 112. The USEPA rules provide for the use of an Oil Spill Contingency Plan alternative to secondary containment for qualified "oil-filled operational equipment," which is defined as equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. *See* 40 C.F.R. 112.2, 112.7. This definition specifically identifies transformers as an example of oil-filled operational equipment.
- In Section 4.11.3, (at 4.11-13) under the heading Intentionally Destructive Acts, the reference to Mitigation AM-HAZ-4 is incorrect. It should be AM-HAZ-5.
- In Section 4.16.3, Visual Resources: Alternative 1 – Proposed Action, the description under the subheading Visual Contrast Analysis (at 4.16-15) states that the Project work schedule would not involve nighttime work. As described Section 4.4.3 (at 4.4-3, 4.4-10 and several other places in this section); and per conditions of MM-NOI-1, certain limited electrical connection activities at the Solar Farm site would occur at night for safety reasons. Lighting for these activities would comply with conditions of the Lighting Mitigation Plan to be prepared by the Applicant per MM-VR-4: Lighting Control.
- In Section 4.17.3, Water Resources: Alternative 1 – Proposed Action, the description of Potential for Withdrawal of Water from the Colorado River (at 4.17-10) incorrectly states that the operational water use over the 30-year life of the Project would be 60 AF. The correct number is 6 AF (0.2 AF per year x 30 years).
- In Section 4.17.3, Water Resources: Alternative 1 – Proposed Action, under Summary of Construction Impacts: Groundwater Supply, it states that “The proposed Project water demand for all components of Alternative 1 would be on the order of 778 to 828 AFY for the 26-month construction period (total of 1,656 AF over the entire construction period), or approximately 24 to 32 percent of the available surplus inflow to the groundwater basin.” These values are inconsistent with the correct estimates provided elsewhere in the document - 1,506 to 1,606 AF total for construction of all Alternative 1 components (as stated in Table

2.2-2 in Chapter 2), or roughly 695 to 740 AFY or 21 to 28 percent of available surplus inflow. This also applies to the discussion at 4.17-21, where the incorrect estimates are repeated under Summary for Combined Impacts for Alternative 1.

- In Section 4.17.9, Water Resources: Cumulative Impact Analysis, Table 4.17-3 (at 4.17-41), it incorrectly states the total construction water use estimate for the Desert Sunlight Project as 1,400AF and the estimated annual average use as 650 AFY. The correct estimates, as given elsewhere in the FEIS, are 1,506 to 1,606 AF (total) and 696 to 740 AFY (annual average).
- In Section 4.17, Water Resources (at 4.17-23), Applicant Measure AM-WAT-12 refers to the action of decompacting the soil between solar panels. Decompacting of the soil has been replaced with a “disc and roll” method as a more effective way to minimize ground disturbance and maintain similar pre-construction infiltration rates, as detailed in Section 2.1, *Project Modifications Since Publication of the Draft EIS*, and Section 2.3, *Project Construction* (at 2-77).

Corrections, additions or deletions to certain individual letter Response to Comments are noted below. These changes are for purposes of correcting a misplaced response, adding a response that was inadvertently omitted from the FEIS, or clarifying a response.

- The Responses to Comments 104-A and 104-B were inadvertently omitted. The responses should have read as follows:
 - 104-A The commenter suggests that the DEIS fails to adequately identify and analyze significant impacts of the proposed Project on biological resources, fails to address significant cumulative impacts, and lacks a reasonable range of alternatives. In particular, the commenter states that there is a lack of analysis of the impacts of the proposed plan amendment to the CDCA Plan (and ROW grants) in combination with other similar CDCA Plan amendments (and ROW grants) as a result of other projects, and that BLM’s approach constitutes piece-mealing and will result in habitat fragmentation. The DEIS provided a detailed analysis of impacts to biological resources in Chapters 4.3, *Vegetation*, and 4.4, *Wildlife*, and the FEIS presents numerous clarifications and enhancements of the description and analysis of impacts to biological resources in these chapters. The FEIS’s analysis of biological resources is adequate and complete, as further described in the responses that follow. Similarly, the cumulative analyses in each resource area have been clarified and enhanced for the FEIS to present a thorough and adequate cumulative analysis for each resource area. Finally, BLM considered the environmental impacts of multiple CDCA plan amendments (and ROW grants) insofar as each cumulative project is located on BLM land and would require a CDCA plan amendment (and ROW grant) to implement. Cumulative impacts of habitat fragmentation is specifically addressed in FEIS Section 4.4.9; the contribution of the project to cumulative habitat fragmentation impacts is determined to be less than cumulatively considerable under CEQA for Alternatives 1 and 3. Alternative 2, due to the location of Red Bluff Substation B, would have a considerable contribution to the cumulative

- impacts to regional wildlife movement. However, with the addition of Mitigation Measure BIO-9 this impact would be reduced to less than significant under CEQA.
- 104-B The commenter states that alternative siting and alternative technologies (including distributed generation) should have been fully considered in the DEIS, and that the ongoing Solar PEIS work makes it difficult to know whether the proposed Project siting will be compatible with that planning effort. The EIS evaluates an alternative in which rooftop (or “distributed”) solar would be developed rather than the large scale solar project included in the proposed action, but for reasons discussed in the FEIS this alternative was not carried forward for further analysis (see Section 2.6.8 and Common Response N.4.7, *Alternatives Analyzed*). With regard to the Solar PEIS, the BLM will not consider the proposed Project within the draft framework of the Solar PEIS. The process of drafting, reviewing and considering the Solar PEIS is not yet final. In this light, it is not possible to evaluate the proposed Project’s compatibility with the Solar PEIS planning effort. This does not constitute a deficiency in the EIS.
 - Responses to Comments 104-12, 104-13, and 104-14 were either misplaced or inadvertently omitted. These responses should have read as follows:
 - 104-12 The commenter states that the DEIS fails to analyze the significance of the impacts of the proposed project on the desert tortoise. See Responses to Comments 76-1 through 76-3. The commenter states that the DEIS fails to consider impacts to the sand transport system in the Chuckwalla Valley. Additional discussion about this issue has been added to PA/FEIS Chapter 4.8. As discussed therein, the Project would interfere with sand transport across the site. However, the Project is not directly situated within the Chuckwalla Valley sand transport corridor. Therefore, although sand transport across the site would be blocked, overall reductions in sand transport within the Chuckwalla Valley would be minor, because primary sand transportation corridors would be avoided.
 - 104-13 The commenter states that the DEIS fails to consider impacts to the sand transport system in the Chuckwalla Valley. Additional discussion about this issue has been added to PA/FEIS Chapter 4.8. As discussed therein, the Project would interfere with sand transport across the site. However, the Project is not directly situated within the Chuckwalla Valley sand transport corridor. Therefore, although sand transport across the site would be blocked, overall reductions in sand transport within the Chuckwalla Valley would be minor, because primary sand transportation corridors would be avoided. The commenter states that no fall botanical surveys were conducted prior to the DEIS and that this triggers a need to recirculate the DEIS. The DEIS has been revised in the FEIS to reflect the results of plant surveys conducted in November 2010 to supplement those surveys conducted in the spring. See text revisions in FEIS Sections 3.3.3 through 3.3.5. In consideration of the November surveys, plant surveys have been completed of all Project components during both the spring and fall blooming periods. These surveys provide sufficient information to complete the Project’s environmental impact assessment and permitting process. No additional special status plant species were found in the fall survey, and the Project’s potential impacts to special status plant species are therefore

unchanged from those discussed in the DEIS, which was based on results of previous surveys, including those completed in Spring 2010.

- 104-14 The commenter states that no fall botanical surveys were conducted prior to the DEIS and that this triggers a need to recirculate the DEIS. The DEIS has been revised in the FEIS to reflect the results of plant surveys conducted in November 2010 to supplement those surveys conducted in the spring. See text revisions in FEIS Sections 3.3.3 through 3.3.5. In consideration of the November surveys, plant surveys have been completed of all Project components during both the spring and fall blooming periods. These surveys provide sufficient information to complete the Project's environmental impact assessment and permitting process. No additional special status plant species were found in the fall survey, and the Project's potential impacts to special status plant species are therefore unchanged from those discussed in the DEIS, which was based on results of previous surveys, including those completed in Spring 2010. The commenter states that the DEIS fails to adequately address impacts to migratory birds. The study cited by the commenter addressed a solar thermal project, wherein bird mortality resulted from (1) birds striking the erect reflective surfaces and central tower, and (2) suffering burns by flying near the focal point of multiple reflective "heliostats." As a photovoltaic project, the proposed Project would not have erect reflective surfaces and would not focus solar energy in a central point. DEIS Section 3.4.4 discusses special-status and common bird species, including migratory species, and Section 4.4 discusses potential impacts to nests, movement patterns and behavior of birds. The Avian and Bat Protection Plan (per Applicant Measure WIL-3) must conform to USFWS guidelines and will be subject to review and approval by the USFWS prior to its finalization and implementation. Applicant Measure WIL-3 includes these performance standards to ensure that mitigation will be feasible and effective.

- The Responses to Comments 105-A and 105-B were inadvertently omitted. The responses should have read as follows:
 - 105-A The commenter states that the EIS is both an EIS and an EIR under CEQA, and that the document falls short of minimum requirements under both NEPA and CEQA, particularly with regard to noticing requirements. The commenter states that the public has not been notified as to which agency is serving as the Lead Agency under CEQA nor has the public received a notice of scoping meetings or hearings from the CEQA Lead Agency. To clarify, this document is an EIS. It is neither an EIR nor a joint EIS/EIR. As described in the EIS Chapter 1, under CEQA Guidelines, Section 15221, this EIS will satisfy the CEQA requirements for those Project components that require entitlements from state and local agencies. The CPUC and BLM have signed a memorandum of understanding (MOU) that defines the relationship of the two agencies, and identifies CPUC as a cooperating agency with the BLM for preparation of this EIS. Following preparation of the EIS by BLM, the CPUC will determine whether the EIS adequately accommodates the requirements of CEQA and can be used to support its decision on the substation. Therefore, because NEPA requires similar noticing requirements for an EIS as does CEQA for an EIR, the Notice of Intent to prepare an EIS served in lieu of a Notice of Preparation of an EIR.

- 105-B The commenter states that the EIS is inadequate for excluding 1) adequate end-of-life project planning; 2) thorough analysis of anticipated costs of decommissioning and restoration; 3) impacts to property values and quality of life; and 4) analysis of future expansion of the solar project. The commenter also states that “fast tracking” is unwise. In response, see Responses to Comments 105-1, -2, -3, and -4, respectively.
- The following text should be added to Response to Comment 105-3 for clarification purposes. The response should read as follows:
 - 105-3 Potential project-related effects on local land uses and property values are discussed in Common Response N.4.8, *Property Value*. The EIS complies with NEPA’s requirements for evaluating impacts to the human environment. Note that under CEQA, economic or social effects of a project shall not be treated as significant effects on the environment, and these effects only need to be considered in a chain of cause and effect if they would result in a physical change to the environment that was caused in turn by the economic or social changes (CEQA Guidelines § 15131(a)).
- Responses to Comments 105-27 and 105-28 were inadvertently omitted. The responses should have read as follows:
 - 105-27 Commenter also suggests a number of mitigation measures to reduce project impacts: 1) undergrounding the gen-tie line; 2) night lighting only for repairs and not for security; 3) installation of a nearby weather station; 4) raised fencing for tortoise movement; 5) visual screening with ironwoods, palo verdes, mesquites, and jojobas; 6) tours should be conducted with electric tour vehicles to reduce fossil fuel use and noise; 7) employees should be shuttled to reduce traffic on Kaiser Road; and 8) cacti and trees removed from the project site should be salvaged. With regard to item 1, see Section 2.6.9 of the FEIS, which evaluates the feasibility of an underground Gen-Tie alternative. With regard to item 2, see Common Response 5.4.4.3, which presents strengthened mitigation for night lighting. With regard to item 3, it is unclear what impact installation of a weather station would help to mitigate. A lead agency is not required to consider mitigation measures that would not have any practical mitigating effect. With regard to item 4, all feasible mitigation measures for desert tortoise protection will require approval by the USFWS prior to implementation. Please see strengthened mitigation for tortoise protection in Section 4.4. With regard to item 5, Mitigation Measure MM-VR-6 requires the use of vegetation screening where appropriate, but the goal of protection of visual resources is retaining as much natural vegetation as possible. With regard to item 6, operational traffic-related noise from the proposed Project and alternatives would not be substantial, and only marginal benefits to noise would be achieved with the use of electric vehicles; similarly operational greenhouse gas impacts of the project would not be substantial, and do not warrant additional mitigation. With regard to item 7, traffic impacts are not substantial and do not warrant additional mitigation. Similarly, with regard to item 8, operational traffic impacts from the proposed Project and alternatives would not be substantial and do not warrant additional mitigation.

- 105-28 The commenter incorporates by reference the comments submitted by Basin and Range Watch. In response, BLM did not receive a comment letter from Basin and Range Watch.
- The following text is added to Response to Comment 106-2 for clarification purposes. The response should read as follows:
 - 106-2 The commenter urges the BLM to adopt Reduced Acreage Alternative 3 to protect desert tortoise. See Common Response N.4.7, *Alternatives Analyzed*. Note also that the Applicant has proposed certain Project modifications, one of which is to reduce the footprint of the Solar Farm Layout B by approximately 330 acres. This and other proposed modifications are described in PA/FEIS Chapter 2. Impacts associated with the modifications are analyzed in PA/FEIS Chapter 4, *Environmental Consequences*. The ultimate decision on the project will be made by the relevant agency's decision makers, taking into account each agency's statutory mission and responsibilities, and giving consideration to economic, environmental, legal, social, technical and other factors. The recommendations in this comment will be provided to the decision makers for consideration prior to making a final determination on the project.
- Response to Comment 110-42 is amended for clarification purposes. The response should read as follows:
 - 110-42 Pursuant to Section 6.9.2.1 of BLM NEPA Handbook H-1790-1 (Jan. 30, 2008) and CEQA Section 21091(d)(2)(A), this is not considered a substantive comment on an environmental issue, and so does not require a specific response. The commenter states that prehistoric sites near Desert Center may represent a complex archaeological district and that BLM should consult with tribal groups to address concerns related to this complex. The Project's potential effect on cultural and natural resources with the Project area are identified and evaluated in DEIS Section 4.6, *Cultural Resources*. The site's cultural resources (including Native American values, history and culture) are analyzed in Section 4.6. The regulations implementing the NHPA (36 CFR Part 800) provide for the use of phased identification of historic properties (including Traditional Cultural Properties) and resolution of adverse effects under a Memorandum of Agreement (MOA) on complex projects with multiple alternatives when effects on historic properties cannot be fully determined prior to approval of an undertaking. MOAs commonly are used to comply with NHPA Section 106 on large projects like DSSF. The MOA for the DSSF will govern a process for completing identification and evaluation of historic properties that will be affected, and for resolving adverse effects using measures consistent with their values, prior to construction or other activities that could affect them. The MOA will be signed prior to approval of the ROD. Consulting parties and stakeholders, including the State Historic Preservation Officer and Indian tribes, will continue to have an opportunity to participate in consultations on the terms and provisions of the MOA before the Project is approved and to consult and provide input during all phases of implementation of the MOA.

- Native American consultations were initiated in mid-April 2010 and are ongoing. Chapters 3.6 and 4.6 state that Indian tribes, during ongoing government-to-government consultation with the BLM have identified no sacred sites that would be impacted by the Project. The FEIS acknowledges the possibility that such sites may be identified as consultations with tribes continue during the NEPA and Section 106 compliance processes. Because no sacred sites have been identified, the analysis of impacts does not differ among the alternatives with respect to such sites. See Response to Comment 66-11 with regard to the continuing consultation with tribes and resolution of adverse effects through development and implementation of a MOA for the Project.
- The following text is added to Response to Comment 112-2 for clarification purposes. The response should read as follows:
 - 112-2 The commenter states that biological soil crusts are found on site, and that chollas cannot be salvaged unless they are less than three feet in height. Biological soil crusts are evaluated in Section 4.2 (Air) and cholla salvage is discussed in Section 4.3 (Vegetation). Mitigation Measure MM-BIO-4 presents performance standards for salvage and restoration. The project developer will be required to adhere to these strict performance standards for salvage of cacti, including chollas. The commenter also states that the Desert Center Area Plan (DCAP) open space policy encourages clustering of development to preserve open space, and states that the proposed Project is not consistent with this policy. Chapter 3 of the PA/FEIS describes the affected environment. Chapter 4 of the PA/FEIS discusses the environmental consequences of the Project. As discussed in Section 4.3, Project components were sited in consideration of DCAP 10.1 and all three alternatives are consistent with the County of Riverside’s General Plan, which includes the DCAP.
 - The Responses to Comments 114-A, 114-B, 114-C, 114-D, 114-E were inadvertently omitted. The responses should have read as follows:
 - 114-A Commenter suggests that the EIS fails to adequately analyze the foreseeable environmental consequences and cumulative impacts of the proposed Project on Joshua Tree National Park. See generally, Common Responses 5.4.4.2, *Wilderness*, N.4.4.3, *Dark Skies*, and N.4.4.4, *Adequacy of Key Observation Points (KOPs) and Simulations*. See also, FEIS Section 4.14.9.
 - 114-B Commenter suggests that the EIS fails to adequately analyze the foreseeable environmental consequences and cumulative impacts of the proposed Project on Joshua Tree National Park. See generally, Common Responses 5.4.4.2, *Wilderness*, N.4.4.3, *Dark Skies*, and N.4.4.4, *Adequacy of Key Observation Points (KOPs) and Simulations*. See also, FEIS Section 4.14.9.
 - 114-C Commenter suggests that the DEIS downplays adverse impacts to the park, such as the discussion of low visitor use. The descriptions of low visitor use have been clarified and corrected in the FEIS. See also Common Responses 5.4.4.2, *Wilderness*, N.4.4.3, *Dark Skies*, and N.4.4.4, *Adequacy of Key Observation Points (KOPs) and Simulations*.

- 114-D Commenter endorses the objectives to preserve habitat linkages, but suggests that such analysis is lacking in the EIS. Please refer to the updated discussion of habitat linkage in FEIS Section 4.4, *Wildlife*.
- 114-E Commenter requests more thorough analysis of impacts to park resources and more robust mitigation measures to ensure park resources are protected. See Common Responses 5.4.4.2, *Wilderness*, N.4.4.3, *Dark Skies*, and N.4.4.4, *Adequacy of Key Observation Points (KOPs) and Simulations*.
- Response to Comment 118-5A was inadvertently omitted. The response should have read as follows:
 - 118-5A The commenter notes that the Desert Renewable Energy Conservation Plan (DRECP) Independent Science Advisors' report warns against species extinction from siting projects on natural areas and recommends siting renewable energy development on disturbed land. Please refer to the analysis of a disturbed private lands alternative in FEIS Section 2.6.2. The section concludes that due to the size of available disturbed sites near the Devers-Palo Verde transmission line, these sites would not achieve the purpose and need of the Project. Multiple additional projects would have to be constructed in order to achieve an amount of renewable energy generation equivalent to the proposed Project, multiplying the impacts of developing interconnection facilities for the equivalent generating capacity. See also, the analysis on biological resources presented in FEIS Sections 4.3 and 4.4, which conclude that impacts to biological resources would not be substantial (less than significant, per the CEQA significance criteria) with implementation of mitigation measures.
- Response to Comment 129-8 is modified to reference the appropriate mitigation measure and clarify the response. The response should read as follows:
 - 129-8 An Accounting Surface Technical Memorandum was prepared to assess the static water level associated with Project-related wells and to determine the potential Project-related impacts to Colorado River water. This analysis is presented in FEIS Appendix O. The technical memorandum concluded that the static water level beneath the Project site is nearly 200 feet above the Accounting Surface and that Project-related construction and operation activities would not utilize Colorado River water. However, FEIS Section 4.17, Water Resources, concludes that Project-related groundwater use, when combined with groundwater use associated with current and reasonably-foreseeable future projects, would lead to both short-term and long-term cumulatively considerable impacts to groundwater levels near the Project site. In order to reduce the impacts to groundwater levels near the Project site, MM-WAT-3 requires implementation of a Groundwater Level Monitoring, Mitigation, and Reporting Plan. MM-WAT-3 has been revised in the PA/FEIS to include greater detail regarding actions to be taken prior to project construction and during construction. To reduce the potential impacts to groundwater levels near the Project site, MM-WAT-7 would require implementation of a Groundwater Level Monitoring, Mitigation, and Reporting Plan. This mitigation measure would

establish existing and operational water levels in nearby wells and would provide compensation to any affected well owner.

- The following text is added to Response to Comment 129-9 for clarification purposes. The response should read as follows:
 - Groundwater monitoring data and reports can be made available to MWD upon written request. Regarding the effects of the proposed septic system on water quality, as discussed in updated text in PA/FEIS Section 4.17, the proposed septic system would comply with applicable State and local regulations regarding construction and operation of the proposed septic system. The applicant would coordinate with the Riverside County Department of Environmental Health to determine whether a Report of Waste Discharge for the septic system would need to be filed with the RWQCB. Additionally, prior to construction, the applicant would apply for a septic system operating permit, as required by Riverside Code Section 8.124 (Ordinance 650.5). Prior to approval of a septic system operating permit, the Riverside County Department of Environmental Health would require an Onsite Water Treatment System (OWTS) Report for Land Divisions. The Report would detail the location, depth and design of the septic system, and require a percolation test. The Report also shall conclude that the proposed septic system would not violate any Department of Environmental Health or RWQCB standards. Additionally, the system would treat sanitary wastewater of the Project, and would not be used to treat any process wastewater. Therefore, potential impacts to water quality arising from the use of a septic system are anticipated to be minimal.

- The following text is added to Response to Comment 144-1 for clarification purposes. The response should read as follows:
 - 144-1 This is the same letter, with spelling and grammar errors corrected, as Comment Letter 124. See Responses to Comment Letter 124.

The commenter notes that the Desert Renewable Energy Conservation Plan (DRECP) science panel recommends that the golden eagle be added to the DRECP protected list as they are susceptible to disturbance by humans and collisions with power lines. The commenter further notes that eagles will compete with introduced ravens for food sources as a result of the proposed Project. Please see the updated and enhanced discussion of Project impacts to golden eagles in Section 4.4 of the FEIS. The commenter notes that the DRECP report also noted wildlife impacts of transmission lines. Impacts to wildlife of the Gen-Tie line and alternatives are described in detail in Section 4.4 (Wildlife) of the Final EIS.

- Responses to Comments 144-2 and 144-3 were inadvertently omitted. The responses should have read:
 - 144-2 The commenter notes the poor air quality of Joshua Tree National Park, and states that the proposed Project would exacerbate air quality issues in the park. In response, the EIS discloses that air quality impacts (ozone precursor and particulate matter emissions)

- would be substantial despite mitigation (significant and unavoidable per the CEQA significance criteria presented in Section 4.2) during the construction phase of the proposed Project. Long-term air quality impacts would not be substantial (less than significant under CEQA).
- 144-3 The commenter states that the proposed Project would affect the dark night sky in Joshua Tree National Park. Please see Common Response N.4.3, *Dark Skies*.
 - Response to Comment 146-1 is amended for clarification purposes. The response should read as follows:
 - 146-1 BLM acknowledges that the Project, which is located within the CVGB, is in an area that is considered to be within the Accounting Surface area. However, the supposition there is no evidence that the Project would result in an effect or impact on the Colorado River. has not been substantiated. An additional evaluation of the potential for the Project to interfere with Colorado River water, based on the proposed Accounting Surface, was completed by AECOM (2011). See FEIS Appendix O for this evaluation memorandum and Responses to Comments 129-5 and 129-8. As discussed therein, Project related withdrawals/drawdown would occur well above the upper elevation of the accounting surface. Drawdown would not occur at or below the level of the accounting surface. Therefore, as discussed in updated text in FEIS Section 4.17, Water Resources, the Project would not interfere with or impact flows of the Colorado River. Therefore, acquisition of contracts or other water sources, as indicated by MWD, would not be warranted.

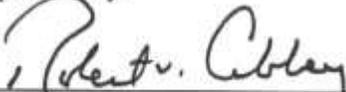
7.0 Final Agency Action

7.1 Land Use Plan Amendment Decisions

It is the decision of the Bureau of Land Management (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 Desert Sunlight Solar Farm site as available for solar energy development. It is also the decision of the BLM to approve a Plan Amendment to the CDCA Plan to make the remainder of the Project Study Area unavailable for solar energy development. The Proposed Plan Amendment and related Environmental Impact Statement (EIS) were published on April 15, 2011 in the Federal Register (76 FR 21402). I have resolved all protests (or they have been withdrawn) 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 above-described plan amendments. This approval is effective on the date this Record of Decision is signed.

Approved by:



 Robert V. Abbey
 Director
 Bureau of Land Management

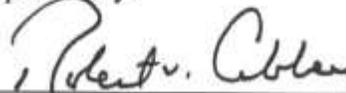
8-8-11

 Date

7.2 Right-of-Way Authorization and Route Designation Decision

It is my decision to approve, 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: 1) a new ROW grant to Desert Sunlight Holdings, LLC for the PV generating facility, access roads, and gen-tie line; 2) a new ROW grant to Southern California Edison (SCE) for the Red Bluff substation; 3) a new ROW grant to SCE for a new telecommunications site; and 4) an amendment to an existing SCE ROW grant for the Chuckwalla Mountains communication site. (43 CFR Part 2800). It is my further decision to close a designated open route (Route 660260) as described in this Record of Decision and Final EIS (Instruction Memorandum 2008-014). These decisions are effective on the date this Record of Decision is signed.

Approved by:



 Robert V. Abbey
 Director
 Bureau of Land Management

8-8-11

 Date

7.3 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 Part 4. 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
Department of the Interior

AUG 09 2011

Date