U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DOI-BLM-CA-060-0007-0057-EA

Right-of-Way (R/W) Grant CACA-11688-A
Mesa Wind Power Corporation

BLM OFFICE:	Palm Springs-South Coast Field Office 1201 Bird Center Drive Palm Springs, CA 92262
LEASE/CASE FILE/PROJECT #:	R/W Grant CACA-11688-A
LOCATION OF PROPOSED ACTION:	T. 2 S., R. 3 E., Sections 27 and 34; T.3 S., R.3 E., Section 4, SBBM
USGS TOPOGRAPHIC MAP:	Desert Hot Springs 7.5' Quadrangle
APPLICANT/PROPONENT:	**Mesa Wind Power Corporation** Mike Boyd, Verde Resources Project Manager 2832 N. Torino Ave. Tucson, Arizona 77002
DATE:	February 13, 2008

SUMMARY OF PROPOSED ACTION:

Amend and extend this BLM right-of-way grant to allow for repowering and replacement of wind turbines. Extending the grant would assist in the financing of the re-powering of this facility and increase the capacity from 30 MW to 50 MW through this re-powering process. The current configuration consists of 460, Vestas V-15, 65kw turbines.

The re-powering of this project would be accomplished through a phased approach with Phase 1 being the removal of 74 V-15 turbines and the installation of up to 15 new state of the art 1.5 mw GE SLE wind turbines.

Phase 2 will involve the removal of 384 more of the Vestas V15, 65kw turbines and the installation of the additional 15, 1.5 GE SLE wind turbines to a final increased capacity of 50 mw.

1.0 INTRODUCTION

The Mesa Wind Power Corporation site has a long operating history of providing reliable and consistent electricity to Southern California Edison. As the V-15 turbines have reached the end of their design life, the reliability of this site has been impacted by both repair and parts availability issues. Under the new management of Verde Resources the site has been brought back to a reliable state of operations, again providing a steady capacity to Southern California Edison.

In order to maintain this reliability, Mesa Wind Power Corporation is proposing to solidify its turbine sales agreement for the procurement of up to 30 new GE 1.5 mw SLE turbines to replace the 460 V-15 turbines. Most of the existing infrastructure will be removed, including underground wiring, 30 pad-mounted electrical transformers, 460 V-15 turbines and foundations. The new GE 1.5mw turbines will be placed on 80 meter towers in locations outside the view shed of the community of Bonnie Bell in Whitewater Canyon. New roads, underground electrical wiring, communication lines, and a barbed wire fence around the perimeter will be required for the new turbines. In addition, the PanAreo substation will undergo an upgrade to accommodate the additional capacity. To accommodate this capacity increase, five of the new GE 1.5 mw turbines will be placed on undisturbed land, consuming an additional five acres. The generation supplied by these new turbines will provide Edison with 178,266 mw/h of renewable energy per year.

1.1 Location

The proposed project would be sited on BLM managed public lands located at the western end of the Coachella Valley, approximately 5.5 miles northwest of Palm Springs and north of Interstate 10 and Haugen-Leaman Way, in Riverside County, California. The BLM land is within Sections 27 and 34, Township 2 South, Range 3 East, and Section 4, Township 3 South, Range 3 East, San Bernardino Base Meridian, also the site of an existing wind energy project (Figures 1 and 5).

1.2 Purpose and Need for Proposed Action

The applicant, Mesa Wind Power Corporation, has been producing approximately 30 mw/h of power with 460 of the Vestas V-15 turbines. However, with this new repowering project they will be able to produce 50 mw/h of power using only 30 of the new 1.5 mw GE SLE turbines. The 1.5 mw GE turbines would be a total of 330’ tall and each turbine could produce electricity at the rate of 1.5 mw/hr.

In 2002, California legislation required sellers of electricity to obtain 20% of their supply of electricity from renewable technologies by 2017. This legislative requirement coupled with federal tax incentives has created a high demand for renewable energy throughout California and utility scale wind projects are making a significant contribution to California’s renewable energy goals.

At the June, 1999, Wind power Conference, the U.S. Secretary of Energy launched the Office of Energy Efficiency and Renewable Energy Wind Powering America (WPA) initiative. The goals of the initiative are to meet 5% of the nation's energy needs with wind energy by 2020 (i.e., 80,000 megawatts installed), and to double the number of states that have more than 20 megawatts of wind energy capacity to 16 by 2005 and triple it to 24 by 2010. In response to this national policy and market need for wind generated electricity, this proposed project would benefit the public by providing additional renewable electric power generation which is currently in short supply.

1.3 Land Use Plan Conformance

In accordance with Section 202 of the Federal Land Policy Management Act of 1976 (FLPMA), the BLM is mandated to develop land use plans, with public input, that designate and allocate use of the public lands. Title 43, Code of Federal Regulations, Part 1610.5-3 requires that all subsequent management actions conform to the approved land use plans.

The approved BLM land use plan for the public lands involving this project is the California Desert Conservation Area (CDCA) Management Plan (1980) and the CDCA Plan Amendment for the Coachella Valley (2002). The CDCA Plan seeks to balance multiple use, sustained yield, and overall environmental quality in management of the involved public lands. The proposed action is located in the Whitewater Canyon ACEC, and the multiple use class (MUC) for the site of the proposed action is MUC L. MUC L, (Limited Use) lands are managed to provide lower intensity, carefully controlled multiple use of resources while ensuring that sensitive values are not significantly diminished. Energy development may occur on MUC L lands provided that site design and mitigation measures address and minimize impacts to sensitive resources. The Mesa Wind Energy Project was originally analyzed in the San Gorgonio Pass Wind Energy EIS (1982).

In accordance with the Coachella Valley Plan Amendment for the CDCA, future activities on BLM lands are required to conform to the habitat conservation objectives established in each one of the eight plant community types within the Coachella Valley, including a one percent disturbance limit for each of the eight plant communities. Activities which cannot meet the habitat conservation objectives, either through avoidance or mitigation measures, would be disallowed. An analysis of the habitat conservation objectives is presented in Appendix B.

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

Mesa Wind Power Corporation proposes to amend their BLM right-of-way grant to allow for the re-power of its facility and to increase the capacity from 30 MW to 50 MW through this re-powering process. The current configuration consists of 460, Vestas V-15, 65kw turbines.

The re-powering of this project would be accomplished through a phased in approach with Phase 1 being the removal of approximately 74 non-operational turbines and the installation of up to 15 new state of the art 1.5 mw GE SLE wind turbines.

Phase 2 will be the removal of approximately 384, Vestas V15, 65kw turbines and the installation of an additional 15, 1.5 GE SLE wind turbines.

This project will utilize existing rights-of-way, thereby minimizing new land impacts, and will restore the unused portions of the BLM grant. The project is designed to use existing roads and turbine pad locations where possible with some increases in road width (up to 25 feet) to accommodate transportation equipment and an increase in the area around the turbines to allow for the increased size in turbines. Approximately 4,200 feet of roads will be restored, 2,000 feet of existing roads will be improved to accommodate wide loads (these roads will be temporarily increased from 25 to 45 feet) and 1,500 feet of new roads will be constructed to access the new turbine pad locations. There may be the need to improve some current roads and widen them to a width of 45 feet to accommodate the large crane brought in for the erection of tower and nacelle components. Once construction is complete, all roads will be restored to a maximum of 25 feet wide with barriers installed to keep the roads at the desired 25’ width. During the construction period, water trucks will be used to minimize the airborne dust and there will be a posted speed limit of 10 mph. In addition, this project will include the addition of underground power collection lines, tubular steel towers, pad mounted transformers with oil contamination devices, concrete foundations and communication equipment.

Project Construction

Phase 1

Construction is expected take 18 months to complete the first phase. The first phase will consist of the removal of approximately 74 V-15 turbines. Removal of the V-15 turbines will consist of dismantling the nacelle and tower, transporting offsite and the removal of the foundation piers to a depth of 3 feet below grade, unless a new turbine will be put in its place. The installation of 15 GE 1.5 mw turbines, and the ancillary facilities, will complete phase 1 of the project. All foundations and transformer pads will be a Patrick and Henderson engineered foundation to a depth of 30 feet. The turbine components, towers, nacelles and transformers, will be delivered to the site by truck and trailer. The towers will be assembled on the ground in sections and lifted into place with the use of a large crane. The nacelle and two blades are then lifted into place and the third blade is then attached. The electrical lines and communication lines will then be installed in

the trenches within the service roads. The final step is to connect the turbines electrical lines to the interconnection and then test and commission the wind energy plant system.

The number of workmen on site at any one time will be 15 to 30 and the following types of construction equipment will be on site during various stages of construction: bulldozer, backhoe, excavator, concrete truck, compactor, cable truck and trailer, delivery truck, tractor/trailer, boom truck, truck mounted crane, tracked crane and various support vehicles. Phase 2 may run concurrently with phase l depending on turbine supply and delivery.

Phase 2
Phase 2 of the project is expected to begin by September 2011 and take approximately 12 months to complete. The Phase 2 will consist of the removal of the remaining 384 V-15 turbines and the installation of 15 additional GE 1.5 mw turbines.

The number of workmen on site at any one time will be 15 to 30 and the following types of construction equipment will be on site during various stages of construction: bulldozer, backhoe, excavator, concrete truck, compactor, cable truck and trailer, delivery truck, tractor/trailer, boom truck, truck mounted crane, tracked crane and various support vehicles.

Requirements for All Phases
Wind energy development setbacks from property boundaries are required for all wind energy facilities in Riverside County. These setbacks are required to eliminate degradation of wind resources across property boundaries and to provide for safety in the event of wind turbine malfunction. Wind turbine setbacks located on public lands would normally be 5.0 times the rotor diameter to parcel boundaries, upwind or downwind, and 1.1 times the rotor diameter, for safety setback from the North and South directions. Any variation from these setbacks would have to be approved by the authorized officer.

The current right-of-way grant was issued for a period of 30 years and is dated September 22, 1983, making the grant expire on September 22, 2013. Wind energy grants are renewable upon expiration or prior to expiration, if approved by the authorized officer. A portion of this amendment to this grant also included a grant extension to allow the right-of-way grant to expire in another 30 years from this date by adding 24 years to the current expiration date. The new expiration date will be September 22, 2037. This extension also will aid the proponent in securing long term financing required for such a project.

As part of the project proposal, the proponent submitted the following measures as means of lessening the impact of this project:

1. Transformers would be placed adjacent to the turbine foundations on raised

foundations designed to facilitate containment of oil in the event of a spill. The transformer foundations would extend approximately 1 to 2 feet in depth below grade and would be designed to afford containment of 125% of the volume of oil in the transformer. Inspection of each transformer would be performed on a regular basis to detect and prevent leaks by maintenance crews and the BLM.

2. Wind turbine lubricating oils and grease would be contained entirely within a spill trap within the nacelle so that the possibility of accidental leakage to the surface would be minimal. Lubricating oils would be checked quarterly, filled and changed as needed. No oils or grease would be stored on-site.

3. Construction equipment as well as operation and maintenance trucks would be maintained at all times to minimize leaks of motor oils, hydraulic fluids and fuels from these vehicles. All vehicular maintenance would be preformed off-site at an appropriate facility. Green-sol, or another similarly environmental benign detergent would be used to remove wind carried particulate matter and fluids from internal and external turbine mechanisms.

4. All disturbed habitat on the proposed site would be compensated at a 1:1 ratio per U.S. Fish and Wildlife Service requirements. This off-set would be accomplished through the assessment of a compensation fee of $540/acre of disturbed habitat. These funds, provided to BLM, will be used to purchase acreage within the Coachella Valley Multiple Species Habitat Conservation Plan area. In addition, an additional $295/acre management and enhancement fee (for a total amount of $6,342) would be provided to the California Department of Fish and Game.

5. Clearing of trash, debris and creosote scrub on those portions of the site where construction would occur would be performed in the initial stages of construction. Land clearing and site preparation would be minimal as existing vegetation is sparse and the area is disturbed throughout much of the site. Grading would be limited to moving small amounts of soil and fill material in areas where local dips and gullies have formed and other areas of uneven terrain. All disturbed areas would be smoothed, filled, or blended to their approximate prior grade and any debris would be removed and properly disposed of off-site.

In addition, standard tortoise mitigation measures, as listed in Appendix B, will apply.

2.2 No Action Alternative

Under the no action alternative, this proposed development on public lands would not take place and existing management and use of the site would continue subject to applicable statutes, regulations, policy and land use plans. This site would be managed

under the existing right-of-way grant.

3.0 AFFECTED ENVIRONMENT

3.1 Air Quality

The project is subject to air quality standards as defined by the Federal Clean Air Act, 42 U.S.C. 7401 et seq. (1970), the Air Quality Element of the Riverside County Comprehensive General Plan, the threshold criteria of the Air Quality Handbook, 1993, South Coast Air Quality Management District and the 1990 State Implementation Plan for PM10 (fine dust and particulates). The western desert areas of Riverside County, in which the project site is located, are generally non-attainment areas with regard to PM10.

Winds are an important parameter in characterizing the air quality environment of the project area. Winds throughout the San Gorgonio Pass are primarily the result of: 1) off-shore maritime high-barometric pressure inland and low-barometric pressure cells; and 2) geomorphic influences of the San Gorgonio Pass causing an acceleration of wind velocities as winds are constricted between two mountain ranges. Winds both pick up and carry fine particulate matter (PM10) and transport other air pollutants through the area.

In addition to winds that control the rate and direction of pollution dispersal, Southern California is notorious for strong temperature inversions that limit the vertical depth for which pollution can be mixed. In summer, coastal areas are characterized by a sharp discontinuity between the cool marine air at the surface and the warm, sinking air aloft within the high pressure cell over the ocean to the west. This marine/subsidence inversion allows for good local mixing, but acts like a giant lid over the basin. A second inversion type forms on clear, winter nights when cold air off the mountains sinks to the valley floor while the air aloft over the valley remains warm. This forms radiation inversions.

These inversions, in conjunction with calm winds, trap pollutants such as automobile exhaust near their source. While these inversions may lead to air pollution "hot spots" in heavily developed coastal areas of the basin, there is not enough traffic in the Coachella Valley to cause any substantial winter air pollution problems. Thus, while summers are periods of hazy visibility and occasionally unhealthful air, winter is often a period of much greater visibility and better air quality in the San Gorgonio Pass and Coachella Valley.

3.2 Cultural Resources

Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is charged with managing public lands in a manner that will “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values”. Section 106 of the National Historic Preservation

Act, as implemented at 36 CFR Part 800, requires Federal agencies to take into account the effects of their undertakings on historic properties. The 2004 State Protocol Agreement between the California State Director of the Bureau of Land Management (BLM) and the California State Historic Preservation Officer (SHPO) defines the roles and relationships between the SHPO's office and the BLM under the National Programmatic Agreement. The State protocol is intended to insure that the California BLM operates "efficiently and effectively in accordance with the intent and requirements of the NHPA." The protocol streamlines the 106 process by not requiring case by case consultation with the SHPO on most individual undertakings.

The project area falls within the traditional use area of the Cahuilla Indians. A village associated with the Wankaik Cahuilla lineage was located in Whitewater Canyon during the late 1800's. After their village was destroyed by flood, residents moved to Malki, which later became part of the Morongo Reservation. Native American monitors from the Morongo Band of Mission Indians participated in the cultural resources inventory for this project.

In 1824, Capt. Jose Romero led a group of Mexican soldiers through San Gorgonio Pass- marking the first recorded entry of Euro-Americans into the area. Surveys for the railroad and General land Office followed and by 1862 the Bradshaw trail connected San Gorgonio Pass to the Colorado River. In the 1870's the Southern Pacific Rail line ran through San Gorgonio Pass. Stage stops, railroad stations, and ranches developed along the travel routes.

A Class III cultural resources inventory of the Area of Potential Effect was conducted by Stantec Consulting. Historic resources identified within the APE include cairns apparently associated with mining claims. A single prehistoric resource, an isolated projectile point, was identified. No historic properties were identified as a result of Stantec's survey.

No concerns for Native American resources or uses were identified through Native American consultation.

3.3 Minerals

Geologically, the site is underlain by the upper Pleistocene-age Cabazon Fanglomerate, a poorly-sorted pebbly and bouldery arkosic sandstone deposit. This fanglomerate is moderately to well cemented and has been subjected to uplift, folding and landsliding resulting from the nearby San Andreas Fault Zone. The Cabazon Fanglomerate formation may have a potential as a source for sand and gravel mining, however, there has not been previous mineral resource development on this site or from the Cabazon Fanglomerate in the vicinity. The State of California, Department of Conservation has not classified or designated the site as having a potential for mineral resources, including sand and gravel.

3.4 Biological Resources

Two biological assessments were completed in June 2007 and May 2008 by Natural Resources Assessment, Inc. Surveys were focused on the desert tortoise, a federally threatened species. The Whitewater Canyon area is also an important corridor for movement of animals between higher elevations and the desert floor and washes (Figures 2 and 3).

Desert Tortoise. The desert tortoise (*Gopherus agassizii*) is the only federally listed species (Federally threatened) found at the project site. The site is on the westernmost edge of the distribution for this species in the Colorado Desert (Lovich et al. 1999). In the mid-1990s, the Mesa site was used as a study site to investigate habitat use and reproductive output of desert tortoises (Lovich and Daniels 2000). At that time, a vigorous breeding population occupied the site. Most of the female tortoises monitored at the Mesa site produced eggs each year, and some of the tortoises produced as many as three clutches per year. The reproductive output of tortoises at the Mesa site was more than double the output for other desert sites, likely the result of higher rainfall and higher annual biomass production at the Mesa site (Lovich et al. 1999). Tortoises at the site constructed burrows under shrubs (41% of burrows were located under shrubs), but also constructed burrows under anthropogenic features in the landscape (e.g., roads, concrete foundations associated with wind energy transformers and transformers) (Lovich and Daniels 2000). In fact, desert tortoise burrows were located disproportionately closer to roads and concrete foundations associated with wind energy turbines and transformers, suggesting that wind energy development may be compatible with desert tortoise conservation (Lovich and Daniels 2000). The Mesa site is outside of USFWS designated critical habitat for the desert tortoise and is outside of a BLM Desert Wildlife Management Area (DWMA).

Birds and Bats. Studies conducted at the San Gorgonio wind resource area documented relatively low raptor fatality, with relatively higher fatality of passerines and waterbirds. Researchers estimated 6,800 birds were killed annually at all San Gorgonio wind facilities (consisting of approximately 3,000 turbines of various types and sizes) (McCrary et al. 1986). McCrary et al. (1984) estimated that 69 million birds pass through the Coachella Valley annually during migration; 32 million in the spring and 37 million in the fall. Considering the high number of passerines migrating through the area relative to the number of passerine fatalities, the authors concluded that this level of fatality was biologically insignificant (McCrary et al. 1986). Anderson et al. (2005) observed 25 bird species during spring, 33 species during summer, and 29 species during winter at the San Gorgonio wind resource area. Avian use was highest during the winter, followed by fall, spring, and summer. Avian richness was low across all locations in the San Gorgonio wind resource area and was lowest in summer. The most abundant avian species observed at high elevations in the San Gorgonio wind resource area (e.g., the Mesa site) were European starlings during the spring, common ravens during summer, yellow-rumped warblers during fall, and western meadowlark during

winter Anderson et al. 2005).

Plant Community Types. The project site lies within the following mapped community types: Desert Scrub Community (including Sonoran creosote bush scrub and Sonoran Mixed Woody and Succulent Scrub) and Chaparral (including Chamise chaparral). The site lies at a transitional zone with plant associations representing the Mojave and Colorado deserts, coastal, and montane ecosystems. Because of this ecological interface, perennial plant species diversity is relatively high. North-facing slopes are dominated by chaparral and coastal sage scrub plant species including chamise (*Adenostoma fasciculatum*) and California sage brush (*Artemisia californica*). Other cismontane species include California juniper (*Juniperus californica*), condalia (*Condalia parryi*), and isolated oaks (*Quercus* spp.). South-facing slopes are characterized by typical Mojave Desert and Colorado Desert plants including creosote bush (*Larrea tridentata*), burrobush (*Ambrosia dumosa*), honey mesquite (*Prosopis* spp.), cholla (*Opuntia* spp.), bladder pod (*Isomeris arborea*), linear-leaved goldenbush (*Haplopappus linearifolius*), encelia (*Encelia farinosa*), cheesebush (*Hymenoclea salsola*), teddy-bear cholla (*Opuntia bigelovii*), and spiny hopsage (*Grayia spinosa*)(Lovich and Daniels 2000). Topography at the site is characterized by steep slopes, rolling hills, and elevations ranging from about 660 m to over 880 m on the peaks and ridges (Figure 4).

3.5 Wastes (hazardous/solid)

No hazardous materials and wastes are known to exist on this site. No production of any substantial quantities of hazardous materials and wastes are expected from this proposed project. Any such production or handling of these materials would be under Riverside County's Integrated Waste Management Plan that governs collection, disposal and recycling of solid waste generated by facilities such as this one. Onsite assembly of turbines may result in soil contamination related to fuel, oil, grease and hydraulic fluid leaks associated with construction equipment use.

Washing of towers using pressure washers and detergents is a standard maintenance procedure for wind energy facilities. If the potential for contamination of the surface around each tower exists, however, the project proposal calls for using the following mitigating measures:

1. Power washing would be limited to times when the winds are less than 20 mph;

2. A dike would be constructed around each pad using wood forms and a plastic liner;

3. Biodegradable soaps and high pressure water would be used for washing;

4. Upon evaporation of the water, any mineral oils or other similar substances would be disposed, along with the liner, in an approved manner;

5. There is a very slight potential for contamination of soils from turbine washing

operations and transport of contamination off site. The hydraulic and gearbox oils used in these facilities, however, are considered non-hazardous.

3.6 Visual Quality

The San Gorgonio Pass is distinguished by the unique arrangement of low-lying desert landscape and high terrain of the San Jacinto, San Bernardino, and Little San Bernardino Mountains. These contrasting viewsheds result in an exceptional display of open space and mountain scenery that enhance the aesthetic quality of the area. The mountainous portions of the planning area are comprised of highly differential rock formations, large expanses of light gray granite, and a diversity of vegetation, including desert scrub and chaparral. Views of the mountain ranges that ring much of the planning area are highly valued.

The two highest peaks associated with the region are San Jacinto Peak in the San Jacinto Mountains, which rises to an elevation of 10,804 feet, and San Gorgonio Peak in the San Bernardino Mountains, with an elevation of 11,502 feet. The rise of Mt. San Jacinto, from the desert floor to the peak, is the steepest gradient in North America. The lower elevations include numerous alluvial fans and cones, which form at the mouth of the many canyons draining the area's mountains. These expansive deposition areas form an important and visually interesting transition between the foothills and mountains, and the valley floor. The alluvial fans also are comprised of washes and braided streams that support important habitat and diverse visual character.

The valley floor is comprised of a mix of sand dunes, sand fields and more limited areas of desert pavement swept clear of sand. Dunes and sand fields are archetypal desert visual resources with high visual resource value. In many areas, they are enhanced by the presence of mesquite hummocks that provide a vivid contrast of green against the light color of expanses of sand. In the spring, the dunes and sand fields are also frequently covered with a profusion of annual plants, including sand verbena and mallow.

Since 1982, and the approval of wind energy development in the San Gorgonio Pass, the numerous wind turbines have become part of the existing landscape and dominate the natural landscape. The existing landscape includes 460 wind turbines, ranging from 80 to 160 feet in height.

The Federal Land Policy and Management Act of 1976 requires that public lands be managed in a way that would protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values. Visual resource management classes are generally established through the resource management planning (RMP) process for all BLM-administered lands. During the RMP process, the class boundaries are adjusted as necessary to reflect the resource allocation decisions made in the RMP. When a site specific project is proposed, the degree of contrast between the proposed activity and the existing landscape is measured (Contrast Rating). The Contrast Rating process compares the

proposed activity with existing conditions element by element (form, line, color, texture) and feature by feature (land/water surface, vegetation, structures). The Contrast Rating is compared to the appropriate Management Class to determine if contrasts are acceptable. If the proposed project exceeds the allowable contrast, a BLM decision is made to (1) redesign, (2) abandon or reject, or (3) proceed, but with mitigation measures stipulated to reduce critical impacts. The VRM Class for the site of the proposed project was established in the CDCA Plan Amendment for the Coachella Valley as VRM Class 4. The objective of this class is to provide for management activities which result in major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of the characteristic landscape (form, line, color, & texture).

3.7 Noise

There are no sensitive receptors (homes, hospitals, schools, libraries or nursing homes) located within 3,000 feet of the project site. The nearest existing residential area from the site is located approximately 4,400 feet east of the closest turbine in the community of Bonnie Bell. Existing wind farms and semi-disturbed vacant desert land characterizes the remainder of the outlying areas surrounding the project vicinity.

3.8 Special Designations

The Whitewater Canyon Area of Critical Environmental Concern (ACEC) was designated in the California Desert Conservation Area Plan in 1980 in recognition of important wildlife values and Native American resource values which require special management attention (Figure 1).

The area provides a unique opportunity to study aspects of biology such as isolation, speciation, and intergradations of species populations. Several species of snakes and lizards exhibit physical characters of both desert and coastal races, and because of the unique appearance of these intergrading forms and the high density of reptiles. Whitewater Canyon ACEC is also distinctive because of a high concentration of resources important to Native Americans. A historic Indian village and other remains of sacred significance rest in the northern part of the ACEC. These and other physical sites are identified as important to Native Americans.

Specific relevance and importance values for the ACEC were not identified and subsequent management prescriptions did not set thresholds for protection and mitigation of these values. Wind energy development was prevalent and existing prior to the ACEC designation. Desert tortoise is present on site but was not recognized as one of the relevant values of the ACEC.

4.0 ENVIRONMENTAL CONSEQUENCES

4.1 Summary of Impacts of the Proposed Action

Table 1 summarizes potential impacts to critical elements of the human environment as required under NEPA. Affected elements are discussed in further detail in the following section. Elements for which there are no impacts will not be discussed further.

Table 1. **Critical Elements of the Human Environment**

Environmental Element	Proposed Action	No Action Alternative
Air Quality	Short-term increase in air pollution emissions during construction phase; long-term reduction in air pollutant emissions during operational phase.	No impacts
ACECs	No impacts	No impacts
Cultural Resources	No impacts	No impacts
Native American Concerns	No impacts	No impacts
Farmlands (prime or unique)	No impacts	No impacts
Floodplains	No impacts	No impacts
Minerals	No impacts	No impacts
T&E Animal species	May affect, not likely to adversely affect, the desert tortoise.	No impacts
T&E Plant species	No impacts	No impacts
Wastes (hazardous/solid)	No impacts	No impacts
Water Quality (drinking/ground)	No impacts	No impacts
Wetlands/Riparian Zones	No impacts	No impacts
Wild and Scenic Rivers	No impacts	No impacts

Environmental Element	Proposed Action	No Action Alternative
Wilderness Areas	No impacts	No impacts
Noise	Noise impacts would not exceed County noise criteria.	No impacts
Visual Resources	Consistent with VRM Class 4 objectives	No impacts
Environmental Justice	No impacts	No impacts

4.1.1 Discussion of Impacts

4.1.1.1 Air Quality

The project is not expected to significantly affect air quality as defined by the Federal Clean Air Act, 42 U.S.C. s/s 7401 et seq. (1970), the Air Quality Element of the Riverside County Comprehensive General Plan, the threshold criteria of the Air Quality Handbook, 1993, South Coast Air Quality Management District and the 1990 State Implementation Plan for PM10 (fine dust and particulates). The western desert areas of Riverside County are generally non-attainment areas with regard to PM10. During the construction phase, local increases in emissions and particulates would result from operation of construction equipment, use of on-site access roads and surface disturbance resulting from site preparation and turbine installation.

As soils are disturbed and become susceptible to wind erosion, there would be an increase in the fugitive dust levels in the vicinity of this site. Vehicle and equipment use during construction would increase these dust (PM10) levels. During high wind events common to this area, these dust levels could substantially impact downwind areas up to 2 miles of the site. Overall, these fugitive dust emissions would slightly contribute to overall PM-10 levels in the general vicinity of this project.

The project would not exceed air quality threshold criteria and is not considered a substantial dust or blowsand source due to applied mitigation in the project description, including the application of a 4 to 6-inch gravel base on internal access roads and 20 mph speed limits within the project boundaries. Further, these impacts are considered temporary and would diminish once construction has been completed within the anticipated three month construction phase.

To the extent that electrical energy generated by renewable wind power off-sets the demand for energy derived from conventional fossil-fueled power plants, the operation

of the project would result in a net reduction in air pollutant emissions. After completion, the 8 total turbines for the entire project, on public lands, would generate electricity without creating air pollutants typical of fossil fuel generation.

4.1.1.2 Cultural Resources

No historic properties were identified within the APE of the proposed project. Two historic cairns were identified within the project area. These will be flagged for avoidance during project implementation.

The prehistoric isolate is not located within an area that will be disturbed by project implementation.

The proposed project will have no effect to historic properties.

If previously unidentified cultural resources, including artifacts or bone, are encountered during project activities, all work will cease in the immediate area of the discovery and the PSSCFO Cultural Resources Specialist will be consulted.

4.1.1.3 Biological Resources

Coachella Valley Habitat Conservation Objectives

In accordance with the Coachella Valley Plan Amendment for the CDCA, future activities on BLM lands are required to conform to the habitat conservation objectives established in each one of the eight plant community types within the Coachella Valley, including a one percent disturbance limit for each of the eight plant communities. Activities which cannot meet the habitat conservation objectives, either through avoidance or mitigation measures, would be disallowed. An analysis of the habitat conservation objectives is presented in Appendix A.

The proposed project will impact two plant community types addressed in the Coachella Valley Plan: Desert Scrub and Chaparral. This project will impact approximately 32 acres of desert scrub community (or approximately 0.01% of the allowed disturbance within this community type) and approximately 3 acres of chaparral (or approximately 0.02% of the allowed disturbance limit).

Impacts to Desert Tortoise

The proposed project would result in both temporary and permanent disturbance to desert tortoise habitat. This area is outside USFWS designated critical habitat for the desert tortoise and is outside a BLM DWMA for the desert tortoise. This disturbance would result from the creation of new roads, the improvement of existing roads, an increase in size to existing turbine pads, and trenching of underground lines. The direct

and indirect effects on desert tortoises and their habitat are detailed in the attached USFWS Biological Opinion.

4.1.1.4 Visual Resources

The proposed project would replace the 460 existing wind turbines with 30 new turbines, in two phases. Phase 1 would remove approximately 74 non-operational turbines and install up to 15 new 1.5 mw GE SLE wind turbines. Phase 2 will be the removal of approximately 384, Vestas V15, 65kw turbines and the installation of an additional 15, 1.5 GE SLE wind turbines. The existing landscape includes 460 wind turbines, ranging from 80 to 160 feet in height. The proposed project would include a total of 30 wind turbines 330 feet tall. Though the new wind turbines will be taller, the overall visual impact will be a significant reduction of wind turbines, and less contrast with the surrounding natural landscape. The proposed action conforms to the management objectives for VRM Class 4. No additional visual mitigation would be necessary.

5.0. RESIDUAL IMPACTS

There would be no residual impacts from the proposed action after application of mitigation measures identified in the previous sections.

6.0 CUMULATIVE IMPACTS

The cumulative impacts for this area will be lessened as the total number of turbines in the area will be reduced by 430 turbines.

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PERSONS / AGENCIES CONSULTED:

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Mark Massar, BLM Wildlife Biologist
Greg Hill, BLM Planning and Environmental Coordinator

REVIEWED BY: _____ _____
Environmental Coordinator Date

FREEDOM OF INFORMATION ACT CONSIDERATIONS:

Public comments submitted for this environmental assessment, including names and street addresses of respondents, will be available for public review at the Palm Springs-South Coast Field Office during regular business hours (8:00 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your

comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Appendix A

Desert Tortoise Mitigation Measures

The following mitigation measures are standard for all projects within desert tortoise habitat, and shall be followed to reduce impacts to the desert tortoise and its habitat. In addition to these standard measures, the project proponent has agreed to implement all of the conservation measures listed in the attached USFWS biological opinion for this project to avoid, minimize, and offset impacts to the desert tortoise resulting from construction, operations, and maintenance phases of the proposed project (USFWS 2009).

1. **Compensation**
   A mitigation fee based on the amount of acreage disturbed shall be required of proponents of new development. Outside DWMAs (Category III) the lands delivered or equivalent fee shall be an amount that achieves a ratio of one 1 acre of compensation land for every 1 acre disturbed. Above the stated and authorized number of acres disturbed, the compensation will be 3 acres to each 1 acre disturbed. Lands will be acquired or enhanced within the same recovery unit as the disturbance. CDFG may require additional fees for management of lands and for rehabilitation of lands.

2. **Designated Persons**
   In the following measures, a "Qualified Biologist" is defined as a person with appropriate education, training, and experience to conduct tortoise surveys, monitor project activities, provide worker education programs, and supervise or perform other implementing actions. The person must demonstrate an acceptable knowledge of tortoise biology, mitigation techniques, habitat requirements, sign identification techniques, and survey procedures. Evidence of such knowledge may include work as a compliance monitor on a project in desert tortoise habitat, work on desert tortoise trend plot or transect surveys, or other research or field work on desert tortoise. Attendance at a training course endorsed by the agencies (e.g., Desert Tortoise Council tortoise training workshop) is a supporting qualification. An "Authorized Biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises by USFWS and CDFG for this project. Name(s) of proposed Authorized Biologist(s) must be submitted to BLM, USFWS and CDFG for approval at least 15 days prior to anticipated need. A "Field Contact Representative" (FCR) is defined as a person designated by the project proponent who is responsible for overseeing compliance with desert tortoise protective measures and for coordination with the agency compliance officer. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of these measures. The FCR shall have a copy of all tortoise protective measures when work is being conducted on the site. The FCR may be an agent for the company, the site manager, any other project employee, a biological monitor, or other contracted biologist."

3. **Worker Training**
   All workers shall be given special instruction. This instruction will include training on distribution, general behavior and ecology, protection afforded by State and Federal endangered species acts (including prohibitions and penalties), and procedures for reporting encounters, and the importance of following the protection measures. The education program may consist of a class or video presented by a Qualified Biologist. It is recommended that workers carry wallet cards with important information while in the field.

4. **Compliance**
   The FCR shall oversee compliance and coordination with BLM. Compliance shall include conducting species surveys, proper removal of species from areas being impacted, assurance that a sufficient number of Qualified Biologists are present during surface disturbance, and that all conditions of the authorization are being met by proponent, contractors, and workers. The FCR shall have the authority to halt activities that are in not in compliance with the authorization. Any incident occurring during project activities which is considered by the biological monitor to be in non-compliance with the mitigation plan shall be documented immediately by the biological monitor. The FCR shall ensure that appropriate corrective action is taken. Corrective actions shall be documented by the monitor. The following incidents shall require immediate cessation of the construction activities causing the incident, including (1) imminent threat of injury or death to a desert tortoise; (2) unauthorized handling of a desert tortoise, regardless of intent; (3) operation of construction equipment or vehicles outside a project area cleared of desert tortoise, except on designated roads, and (4) conducting any construction activity without a biological monitor where one is required. If the monitor and FCR do not agree, the BLM shall be contacted for resolution. All parties may refer the resolution to the BLM. After completion of the project, BLM shall conduct a review to determine if the project proponent complied with the conditions of authorization. Corrective actions shall be required of the proponent where conditions have not been met.

5. **Tortoise Seasonal Restrictions**
   To the extent possible, activities shall be scheduled when tortoises are inactive (November 1-March 15).

6. **Pre-Construction Clearance Surveys**
   Pre-construction surveys shall be conducted to locate and remove desert tortoises prior to grading or actions which might result in harm to a desert tortoise or which remove tortoise habitat. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of the surface disturbance unless a tortoise-proof fence has been installed that would prevent re-entry of the animals.

7. **Site Fencing and Hazard Removal**
   During the tortoise active season, March 15 - November 1, no overnight hazards to desert tortoises (e.g., auger holes, trenches, pits, or other steep-sided depressions) shall be left unfenced or uncovered; such hazards shall be eliminated each day prior to the work crew leaving the site. Large or long-term project areas shall be enclosed with tortoise-proof fencing to keep desert tortoises out of the work area. The fencing shall be wire mesh with a maximum mesh size of ½" square fastened securely to posts. The wire mesh shall extend at least 18 inches above the ground and preferably about 12 inches underground. Where burial is not possible, the lower 12 inches shall be folded outward and fastened to the ground. Any gates or gaps in the fence shall be constructed to prevent entry of tortoises. The fencing shall be removed when restoration of the site is completed. Temporary fencing shall be required around test sites where trenching or drill holes could trap animals or around other small, short-term projects where tortoises could move into the work area. Occasionally, seasonal restrictions and/or monitoring may be substituted to alleviate the need for fencing. Fenced areas are to be cleared of tortoises by an Authorized Biologist prior to project activities.

8. **Surface Disturbance**
   All surface disturbing activity shall be limited to the land area essential for the project. In determining these limits, consideration shall be given to topography, public health and safety, placement of facilities, and other limiting factors. Work area boundaries and special habitat features shall be appropriately marked to minimize disturbance. All workers shall strictly limit their activities and vehicles to the areas marked. All workers shall be trained to recognize work area markers and to understand equipment movement restrictions. Where possible, previously disturbed areas shall be used as worksites for storage of equipment, supplies, and excavated material. Blading of work areas shall be minimized to the extent possible. Pre-construction activity, such as removal of vegetation, shall occur in the presence of a Qualified Biologist. Disturbance of shrubs shall be avoided to the extent possible. Where shrubs must be disturbed, they shall be crushed rather than bladed or excavated. Project maintenance and construction, stockpiles of excavated materials, equipment storage, and vehicle parking shall be limited to existing disturbed areas wherever possible. Should use of existing disturbed areas prove infeasible, any new disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows or vegetation, public health and safety, and other limiting factors. Special habitat features, particularly tortoise burrows, shall be flagged by the Qualified Biologist so that they may be avoided by installation equipment and during placement of poles and anchors.

9. **Biological Monitor**
   For activities conducted between March 15 and November 1 in desert tortoise habitat, construction and operation activities shall be monitored by a Qualified Biologist approved by BLM. The Qualified Biologist shall be present during all

activities in which encounters with tortoises may occur. The Qualified Biologist shall watch for tortoises wandering into the construction areas, check under vehicles, examine excavation sand other potential pitfalls for entrapped animals, examine exclusion fencing, and conduct other activities necessary to ensure that death or injuries of tortoises is minimized.

10. Refuse Disposal

All trash and food items generated by construction and maintenance activities shall be promptly contained and regularly removed from the project site to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site if appropriate.

11. Dogs

No dogs shall be allowed within the project area at any time in an effort as not to disturb the normal habits of the tortoise residing on site.

12. Motorized Access

Where possible, motor vehicle access shall be limited to maintained roads and designated routes. Where temporary access off a maintained road or designated route is permitted, a Qualified Biologist shall travel with each work crew to ensure that all desert tortoises and their burrows are avoided and that impact to the habitat is minimized. All vehicle tracks that might encourage public use shall be obliterated after temporary use. Where access from a maintained road or designated route to a project's site is part of the approved development plan, length and location of the route shall be designed to minimize impact to the habitat. The amount of disturbed area shall be subject to the mitigation fee, and the route shall be designated "Limited Use" and not open to the public. The following requirements apply to vehicle use.

a. **Speed Limits**. Vehicle speed within a project area, along right-of-way maintenance roads and on routes designated for limited use shall not exceed 20 miles per hour. Speed limits shall be clearly marked by the proponent, and workers shall be made aware of these limits.

b. **Tortoises Under Vehicles**. Vehicles parked in desert tortoise habitat shall be inspected immediately prior to being moved. If a tortoise is found beneath a vehicle, the Authorized Biologist shall be contacted to move the animal from harm’s way, or the vehicle shall not be moved until the desert tortoise leaves of its own accord. The Authorized Biologist shall be responsible for taking appropriate measures to ensure that any desert tortoise moved in this manner is not exposed to temperature extremes which could be harmful to the animal.

Appendix B
Habitat Conservation Objectives for the CDCA Plan Amendment for the Coachella Valley

In accordance with the Coachella Valley Plan, future activities on BLM lands are required to conform to the habitat conservation objectives established in each one of the eight plant community types within the Coachella Valley. Activities which cannot meet the habitat conservation objectives, either through avoidance or mitigation measures, would be disallowed.

The proposed project will impact two plant community types addressed in the Coachella Valley Plan: Desert Scrub and Chaparral. The following community types, sensitive species, and habitat conservation objectives are addressed in the EA for the proposed project. Plant community types, sensitive species, and habitat conservation objectives that are not found within the project boundaries are indicated by N.A.

Table 1. Habitat Conservation Objectives

1. Desert Scrub Communities	Conformance with Plan?
Community Type	
Blackbrush Scrub	N.A.
Mojave Mixed Steppe	N.A.
Mojave Mixed Woody Scrub	N.A.
Riversidean Sage Scrub	N.A.
Sonoran Creosote Bush Scrub	**YES**
Sonoran Mixed Woody and Succulent Scrub	**YES**
Sensitive Species	
Peninsular Ranges bighorn sheep	N.A.
Coachella Valley round-tailed ground squirrel	N.A.
Palm Springs pocket mouse	N.A.
Desert Tortoise	**YES**
Flat-tailed Horned Lizard	N.A.
Le Conte's thrasher	N.A.
Burrowing Owl	N.A.
Coachella Valley giant sandtreader cricket	N.A.
Coachella Valley grasshopper	N.A.
Casey's June beetle	N.A.
Coachella Valley milk-vetch	N.A.
Triple-ribbed Milk-vetch	N.A.
Mecca aster	N.A.
Orocopia sage	N.A.

Table 1 (continued). Habitat Conservation Objectives

Habitat Conservation Objectives	
Conserve at least 99% of extant desert scrub communities	**YES**
Minimize habitat loss and fragmentation in bighorn sheep essential habitat.	N.A.
Suppress fire in Sonoran scrub communities to maintain bighorn sheep and desert tortoise habitat	N.A.
Exclude bighorn sheep from urban areas /provide alternative water sources	N.A.
Prohibit artificial illumination of mountain slopes on public lands	N.A.
Prohibit use of pesticides harmful to wildlife	N.A.
Maintain, and enhance where feasible, aeolian (wind blown) and fluvial (water borne) sand transport systems	N.A.
Avoid disturbance and compaction of sandy habitats associated with giant sandtreader cricket, CV milk-vetch	N.A.
Avoid crushing of sensitive plant and animal species	**YES**
Protect *Tiquilia palmeri* sites, host plant for CV grasshopper	N.A.
Avoid disturbance to existing /potential Casey's June beetle habitat	N.A.
Reduce/control spread of non-native plants like Russian thistle, Saharan mustard, and to the extent feasible, exotic annual grasses and forbs to protect desert tortoise forage species .	YES
Reduce/control spread of exotic animals such as non-native ants and brown-headed cowbirds	N.A.
Avoid overgrazing, soil compaction and erosion caused by domestic animals to protect desert tortoise forage species	N.A.
Minimize poaching, crushing and illegal collection of desert tortoise	**YES**
Avoid crushing of burrows, especially for burrowing owl, sand treader cricket, desert tortoise , and Round-tailed ground squirrel	**YES**
Rehabilitate disturbed areas with native vegetation only	**YES**
Minimize loss of native vegetation, minimize habitat fragmentation and maintain habitat patch connectivity	**YES**
Prohibit uncontrolled household pets on public lands to minimize predation of reptiles, small mammals and birds	**YES**
2. Chaparral Communities	
Community Type	
Chamise Chaparral	**YES**
Interior Live Oak Chaparral	N.A.
Mixed Montane Chaparral	N.A.
Northern Mixed Chaparral	N.A.
Redshank Chaparral	N.A.
Scrub Oak Chaparral	N.A.
Semi-Desert Chaparral	N.A.

Upper Sonoran Manzanita	N.A.
Chaparral	N.A.
Upper Sonoran Mixed Chaparral	N.A.
Sensitive Species	
Peninsular Ranges bighorn	N.A.
gray vireo	N.A.
triple-ribbed milk-vetch	N.A.
desert tortoise	**YES**
Pratt's dark aurora blue butterfly	N.A.
Habitat Conservation Objectives	
Conserve at least 99% of extant chaparral communities	**YES**
Manage fire to avoid senescence of vegetation due to fire suppress ion	N.A.
Minimize habitat loss and fragmentation in bighorn sheep essential habitat	N.A.
Exclude bighorn sheep from urban areas/ provide alternative water sources	N.A.
Avoid artificial illumination of mountain slopes on public land	N.A.
Prohibit use of pesticides harmful to wildlife	N.A.
Avoid trampling of sensitive plant species	N.A.
Avoid disturbance to endemic species	N.A.
Reduce/control spread of non-native plants like Russian thistle, Saharan mustard, and to the extent feasible, exotic annual grasses and forbs to protect desert tortoise forage species	**YES**
Reduce/control spread of exotic animals such as non-native ants and brown-headed cowbirds.	N.A.
Avoid overgrazing by domestic animals, soil compaction and erosion to protect desert tortoise forage species	N.A.
Avoid crushing of desert tortoise burrows	**YES**
Minimize poaching, crushing and illegal collection of desert tortoise	**YES**
Rehabilitate disturbed areas with native vegetation only	**YES**
Maintain habitat patch connectivity	**YES**
Prohibit uncontrolled household pets on public lands to minimize predation of reptiles, small mammals and birds	**YES**

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT
DOI-BLM-CA-060-0007-0057-EA

NAME of PROJECT: Mesa Wind Power Project

FINDING OF NO SIGNIFICANT IMPACT: Environmental impacts associated with the proposed action have been assessed. Based on the analysis provided in the attached EA, I conclude the approved action is not a major federal action and will result in no significant impacts to the environment under the criteria in Title 40 Code of Federal Regulations 1508.18 and 1508.27. Preparation of an Environmental Impact Statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

_____ _____

Field Manager
Palm Springs-South Coast Field Office
USDI Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

Date

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE

DECISION RECORD
DOI-BLM-CA-060-0007-0057-EA

NAME of PROJECT: Mesa Wind Power Project

DECISION: It is my decision to approve the proposed action as described in Environmental Assessment (EA) number DOI-BLM-CA-060-0007-0057-EA. Compliance with the mitigation measures identified in the EA is hereby required. These measures are incorporated into this decision record as stipulations by reference. A copy of this Decision Record and attendant conditions of approval (stipulations) shall be in the possession of the on-site operator during all undertakings approved herein.

APPROVED BY: _____ _____

Field Manager Date
Palm Springs-South Coast Field Office
USDI Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

APPEALS: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 1260 Bird Center Drive, Palm Springs, California 92262 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,
(2) The likelihood of the appellant's success on the merits,
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

View of existing wind turbines and location of proposed wind turbine towers 18, 19, and 20.

View of existing wind turbines and location of proposed wind turbine towers 10 and 11.

View of undeveloped ridge on the north end of the wind park and site of proposed towers 1- 5.