

Appendix 1

Responses to Comments on the PA/FEIS

The Bureau of Land Management (BLM) prepared the PA/FEIS for the Genesis Solar Energy Project in consultation with cooperating agencies, taking into account public comments received during the National Environmental Policy Act (NEPA) process. The PA/FEIS analyzed the proposed CDCA Plan Amendment and project decisions and responded to written comments received during the public review period for the SA/DEIS (see PA/FEIS Section 5.5, *Public Comment Process*). Although not required by FLPMA, NEPA, or any applicable plan, policy or program, the BLM voluntarily offered in the Dear Reader letter that accompanied the PA/FEIS to accept public comment on the PA/FEIS for 30 days after the Environmental Protection Agency published the Notice of Availability of the PA/FEIS in the Federal Register, and to respond to all substantive comments in the Record of Decision.

The additional comment period for the Genesis Solar Energy Project began on August 27, 2010, and closed on September 27, 2010. As summarized in Section A1.1, 10 comment letters were received within the comment period. Responses are provided on an issue-by-issue basis in Section A1.2. Copies of all comment letters are on file at the United States Bureau of Land Management Palm Springs South Coast Field Office.

A1.1 Comments Received on the Genesis Solar Energy Project PA/FEIS

Table A1-1, *Comments on the Genesis Solar Energy Project PA/FEIS*, summarizes the commenters, their affiliations and the dates comments were received. Communications are presented in date order, and where multiple communications were received from the same person or entity, comments are grouped together as of the date of the first communication.

The BLM is responding in this Appendix 1 to all substantive written comments submitted on the PA/FEIS. Substantive comments do one or more of the following: (i) Question, with reasonable basis, the accuracy of information in the PA/EIS; (ii) Question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the PA/FEIS; (iii) Present new information relevant to the analysis; (iv) Present reasonable alternatives other than those analyzed in the PA/FEIS; and/or (v) Cause changes or revisions in one or more of the alternatives. Comments that do not do one or more of these things do not require a response under NEPA (BLM NEPA Handbook § 6.9.2.1). Nonetheless, the BLM wishes to acknowledge all of the input received on the proposed action, including comments in favor of or against the proposed action or alternatives that do not provide reasoning that meet the criteria listed above; comments that merely agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above; comments that do not pertain to the project area or the project; and comments that take the form of vague, open-ended questions. With respect to input like this, the BLM's common response hereby is provided as "noted."

**TABLE A1-1
COMMENTS ON THE GENESIS SOLAR ENERGY PROJECT PA/FEIS**

Comment Letter	Commenter	Affiliation	Date Received
1.	Jean Public	Individual	September 5, 2010
2.	Patricia Pinon and Alfredo A. Figueroa	La Cuna de Aztlan Sacred Sites Protection Circle	September 14, 2010
3.	Ileene Anderson and Lisa T. Belenky	Center for Biological Diversity	September 17, 2010
4.	Scott A. Galati	Galati Blek LLP on the behalf of Genesis Solar, LLC	September 20, 2010
5.	Gerald R. Zimmerman	Colorado River Board of California	September 23, 2010
6.	Brendan Hughes	Individual	September 24, 2010
7.	Enrique Manzanilla	United States Environmental Protection Agency, Region IX	September 27, 2010
8.	Anthony Madrigal	San Manuel Band of Mission Indians	September 27, 2010
9.	Rachael E. Koss	California Unions for Reliable Energy	September 27, 2010
10.	Delaine W. Shane	Metropolitan Water District of Southern California	September 27, 2010

The comments received on the PA/FEIS relate to biological resources, cultural resources, and water resources. Common responses to these comments are provided in Section A1.2, *Common Comments and Responses*.

To the extent that comments are addressed as part of the protest process, no separate response is provided in this Appendix 1; readers instead are referred to Appendix 3, *Protest Negotiation Summary*. Similarly, to the extent that comments received in connection with the PA/FEIS (including comments by some of the individuals, agencies and organizations identified in Table A1-1) were vetted thoroughly in the PA/FEIS Section 5.4, *Public Comment Process*, the responses are not separately addressed here.

A1.2 Common Comments and Responses

A1.2.1 Biological Resources

Multiple letters included comments about biological resources, including bighorn sheep, Mojave fringe-toed lizard, Couch's spadefoot toad, rare plants, and desert tortoise (see, e.g., Letters 3, 6, 7, 8 and 9).

Bighorn Sheep

One comment letter (Letter 8) expressed concerns related to the cumulative effect of the project on habitat for the bighorn sheep as well as fragmentation and connectivity of habitat.

Comments about impacts on bighorn sheep are addressed in PA/FEIS Response to Comments 6-032 and 6-033. See also, PA/FEIS Section 3.23, *Affected Environment [Wildlife Resources]*, Section 4.21, *Environmental Consequences [Wildlife Resources]*, and, for a more in-depth discussion of cumulative impacts to the species, Appendix E, *Biological Cumulative Impact Analysis*. As discussed in Section 4.21 of the PA/FEIS, the Genesis Solar Energy Project site is not located in an area that is considered to be an important movement corridor, habitat or foraging area for bighorn sheep. Additionally, the Genesis Solar energy Project location conforms to the Society for Conservation of Bighorn Sheep recommendation of a one mile buffer from the upper edge of any solar development at the base of the mountains to protect spring foraging habitat. Therefore, the Genesis Solar Energy Project would not impose substantial direct or indirect impacts to bighorn sheep habitat connectivity or foraging. Because of this lack of substantial impact, the project is not expected to contribute to substantial cumulative impacts to the species. Cumulative impacts to wildlife are summarized in Table 4.21-2 of the PA/FEIS.

Mojave Fringe-toed Lizard

Several comments (Letters 3, 4, and 6) addressed the effect of the project regarding impacts to the Mojave fringed-toed lizard including:

- Disruption of sand transport and general impacts to Mojave fringe-toed lizard habitat; and
- Cumulative impacts related to the development of the project in conjunction with other proposed utility-scale solar projects in Mojave fringe-toed lizard habitat.

Comments about impacts on Mojave fringe-toed Lizard are addressed in PA/FEIS Response to Comments 8-034 and 7-033. See also, PA/FEIS Section 3.23 (*Affected Environment, Wildlife Resources*), Section 4.21 (*Environmental Consequences, Wildlife Resources*) and Appendix E (*Biological Cumulative Impact Analysis*). These referenced sections of the PA/FEIS provide a robust discussion of the potential impacts to Mojave fringe-toed lizard. The PA/FEIS acknowledges that the project may impact sand transport and Mojave fringe-toed lizard habitat directly on the project site and indirectly downwind of the site. Mitigation measure BIO-20 (PA/FEIS Appendix G) will require either the acquisition of 136 acres as compensation for direct and indirect impacts to Mojave fringe-toed lizard habitat, or payment of an in-lieu mitigation fee as described in mitigation measure BIO-29. Furthermore, the BLM is engaging in collaborative planning efforts such as the Desert Renewable Energy Conservation Plan and the Solar Programmatic Environmental Impact Statement in order to comprehensively consider cumulative impacts to resources and effectively integrate renewable energy and resource protection goals.

Couch's Spadefoot Toad

Several comments (Letters 4 and 10) were received regarding impacts of the project to the Couch's spadefoot toad, including:

- Deferring development of detailed plans to protect Couch's spadefoot toad until after public participation is completed; and
- Concern over the sequence and timing of surveys evaluating impacts on Couch's spadefoot toad and disagreement with the mitigation program for impacts to this species.

Comments about impacts to Couch's spadefoot toad are addressed in PA/FEIS Response to Comments 6-020 and 15-008. See also, PA/FEIS Section 3.23 (*Affected Environment, Wildlife Resources*), Section 4.21 (*Environmental Consequences, Wildlife Resources*) and Appendix E (*Biological Cumulative Impact Analysis*). These referenced sections of the PA/FEIS provide a robust discussion of the potential impacts to Couch's spadefoot toad. See also mitigation measure BIO-27 (PA/FEIS Appendix G) which provides for the development and implementation of a Couch's Spadefoot Toad Protection and Mitigation Plan that includes measures such as surveys of potential breeding sites, impacts from construction, avoidance and minimization measures, and creation of breeding ponds at least equal in area to the acreage of ponds being impacted. The Protection and Mitigation Plan must be submitted to the Compliance Project Manager and the California Department of Fish and Game (CDFG) no less than 30 days before construction commences. Modifications to the Protection and Mitigation Plan shall be made only after approval from the Compliance Project Manager, in consultation with CDFG.

Rare Plants

Two comment letters (Letter 3 and 9) expressed concerns related to the impact of the project on rare plants and the lack of adequate plant survey data to determine the potential for impacts to rare plants.

As stated in PA/FEIS Response to Comment 6-008, Section 4.17 and Appendix E address direct, impact, and cumulative impacts to vegetation resources including special status plants. Mitigating measures BIO-7, BIO-8, BIO-14, and BIO-19, as well as others, avoid, reduce, or compensate for special status plants, including those not found on surveys to date, as pre-construction surveys are included as mitigation. Specifically, BIO-19 provides for:

- Special-Status Plant Impact Avoidance and Minimization Measures
- Conducting Late Season Botanical Surveys
- Avoidance Requirements for Special-Status Plants Detected in the Summer/Fall 2010 Surveys
- Off-Site Compensatory Mitigation for Special-Status Plants

Desert Tortoise

Several comments (Letters 3, 6, 8, and 9) were received regarding the effect of the project on desert tortoise including:

- General impacts to desert tortoise habitat;
- Cumulative impacts related to the development of the project in conjunction with other proposed utility-scale solar projects in desert tortoise habitat;
- Inadequate mitigation of desert tortoise habitat outside critical habitat areas;
- Concern over long-term protection of desert tortoise mitigation areas acquired pursuant to mitigation measure BIO-12;
- Deferring development of detailed and plans to protect desert tortoise until after public participation is completed; and
- Disagreement regarding the extent of consultation and coordination with the USFWS pursuant to Section 7 of the Endangered Species Act.

Information about impacts on desert tortoise is in PA/FEIS Response to Comments 6-038, 8-031, 8-032 and 15-06. See also, PA/FEIS Section 3.23 (*Affected Environment, Wildlife Resources*), Section 4.21 (*Environmental Consequences, Wildlife Resources*) and Appendix E (*Biological Cumulative Impact Analysis*). These referenced sections of the PA/FEIS provide a

thorough discussion of the potential direct, indirect, and cumulative impacts to desert tortoise. See also mitigation measures BIO-9 (Desert Tortoise Clearance Surveys and Fencing), BIO-10 (Desert Tortoise Translocation Plan), BIO-11 (Desert Tortoise Compliance Verification), and BIO-12 (Desert Tortoise Compensatory Mitigation) (PA/FEIS Appendix G). Mitigation measures relating to desert tortoise are discussed in Section 2 of this ROD, *Mitigation and Monitoring*; the Mitigation, Monitoring and Enforcement Plan is set forth in Appendix 6 of the ROD. Furthermore, consistent with Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.), the BLM prepared a Biological Assessment for the USFWS for potential effects to desert tortoise. The USFWS issued a Biological Opinion for the Genesis Solar Energy Project, which is provided in full in Appendix 3 of this ROD. Failure to comply with the requirements of the Biological Opinion may be cause for suspension or termination of the right-of-way authorization (see ROD Section 1.4).

A1.2.2 Cultural Resources and Tribal Consultation

Multiple letters (8 and 9) include comments concerning cultural resources and tribal consultation. These comments are summarized as follows:

- BLM failed to take a hard look at the project's significant effects on buried prehistoric cultural resources;
- The BLM failed to adequately identify the environmental consequences of the project on prehistoric resources and therefore could not develop appropriate mitigation;
- Subsurface testing of prehistoric resources is necessary in order to properly assess impacts and determine appropriate mitigation; and
- The additional 30-day comment period should be extended for the conclusion of the National Historic Preservation Act Section 106 process.

Cultural resources were addressed in PA/FEIS Sections 3.4, *Cultural Resources*, 4.4, *Impacts on Cultural Resources*, and 5.5, *Public Comment Process*. See also, Appendix 4 to this ROD, *Programmatic Agreement*.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies including the BLM to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (36 CFR 800.1). The goal is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties (*Id*).

Federal agencies have responsibilities under a number of laws that may influence the way they carry out their NHPA Section 106 consultation duties. For example, the BLM has specific responsibilities and authorities to consider, plan for, protect, and enhance historic and cultural properties that may be affected by its actions, including under the NHPA, NEPA, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, the Historic Sites Act of 1935, the Antiquities Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, Executive Order 13007, and

related authorities. In carrying out its responsibilities, the BLM has developed policies and procedures through its directives system (such as BLM Manual Sections 8100-8160) to help guide the BLM's planning and decision making as it affects these properties, and has assembled a cadre of cultural heritage specialists to advise the BLM's managers and to implement cultural heritage policies consistent with these statutory authorities. The BLM fulfilled its responsibilities and duties under these myriad laws and policies in the context of its NHPA Section 106 process for this project.

Section 800.3(b) of the regulations implementing the NHPA encourages agencies to coordinate their Section 106 responsibilities with NEPA reviews, as 40 CFR 1502.25(a) similarly provides in the context of NEPA. However, compliance with one statute and its implementing regulations does not substitute for compliance with the other without an explicit agreement, such as the execution of a programmatic agreement. Although the regulations do allow Federal agencies to comply with Section 106 through the use of the NEPA process, the BLM has not elected to do so for the Genesis Solar Energy Project. Instead, as explained in PA/FEIS Section 5.2.2, *Section 106 Compliance*, adverse effects that the Genesis Solar Energy Project could have on cultural resources will be resolved through compliance with the terms of a programmatic agreement.

As defined in the regulations, "consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process" (36 CFR 800.16(f)). Consultation in the context of a programmatic agreement involves, as appropriate, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), the National Conference of State Historic Preservation Officers (NCSHPOs), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public (36CFR 800.14). "[A]ppropriate government-to-government consultation with affected Indian tribes" is required when an undertaking could affect historic properties of religious and cultural significance to an Indian tribe (36 CFR 800.14(f)).

Pursuant to the special relationship between the Federal government and Indian tribes, the BLM is responsible for government-to-government consultation with federally recognized Indian Tribes. For the Genesis Solar Energy Project, the BLM formally notified and invited Federally recognized tribes including the Morongo Band of Mission Indians, the Cocopah Indian Tribe, the Fort Yuma Quechan Indian Tribe, the San Manuel Band of Mission Indians, the Torres-Martinez Desert Cahuilla Indians, the Fort Mojave Indian Tribe, the Twenty-Nine Palms Band of Mission Indians, the Agua Caliente Band of Cahuilla Indians, the Augustine Band of Mission Indians, the Cabazon Band of Mission Indians, the Chemehuevi Indian Tribe, and the Colorado River Indian Tribes (Tribes) to consult on the project and to participate in the Programmatic Agreement as a Concurring Party. Documentation of the BLM's efforts to consult with these tribes is summarized in Appendix I of the Programmatic Agreement, which is set forth in full in Appendix 4, *Programmatic Agreement*, of this ROD.

As indicated in the Programmatic Agreement, the BLM will continue to consult with the Tribes throughout the implementation of the Programmatic Agreement regarding the adverse effects to

historic properties to which they attach religious and cultural significance. BLM will carry out its responsibilities to consult with Tribes that request such consultation with the further understanding that, notwithstanding any decision by these Tribes to decline concurrence, BLM shall continue to consult with these Tribes throughout the implementation of this Agreement.

Compliance with the procedures established by the approved Programmatic Agreement satisfies the BLM's NHPA Section 106 responsibilities (36CFR 800.14), and the terms and conditions contained in the Programmatic Agreement supersede the mitigation measures identified in the PA/FEIS as BLM-CUL-1 through and including BLM-CUL-9.

A1.2.3 Water Resources: Surface Water, Groundwater and Water Rights

Multiple letters include comments about water resources, including surface water and groundwater (see, e.g., Letters 3, 4, 5, 7, 9 and 10).

Surface Water: One comment (Letter 7) expressed concern over the loss of hydrological and biological functions in ephemeral drainages impacted by the project. This comment letter also expressed concern over deferring mitigation and monitoring and to include adaptive management in future mitigation efforts. Information about impacts on surface water is contained in PA/FEIS Response to Comments 7-065. See also, PA/FEIS Section 4.20 (*Affected Environment, Water Resources*), Section 4.19 (*Environmental Consequences, Water Resources*), Section 3.15 (*Affected Environment, Soils*), and Section 4.14 (*Environmental Consequences, Soils*). These referenced sections of the PA/FEIS provide a comprehensive discussion of the potential surface water impacts. See also mitigation measure SOIL & WATER-1 (Drainage Erosion and Sedimentation Control Plan), SOIL & WATER-8 (Revised Project Drainage Report and Plans), SOIL & WATER-9 (Detailed FLO-2D Analysis), SOIL & WATER-10 (Drainage Channel Design), SOIL & WATER-11 (Channel Erosion Protection), and SOIL & WATER-13 (Channel Maintenance Program) (PA/FEIS Appendix G).

Groundwater: Multiple letters include comments concerning:

Impacts to the Chuckwalla Groundwater Basin;

- Concern over the creation of groundwater rights and transfer or sale of those water rights;
- Use of Colorado River water via the pumping of groundwater from the Chuckwalla Groundwater Basin;
- An assertion that the proponent must apply for and receive an allocation of water from the Colorado River and questions the regarding the connectivity of the Chuckwalla Groundwater Basin to the Colorado River; and

- One comment stated that numerous references to mitigation / conditions of approval were confusing. BLM has addressed this to the extent possible within the Errata and **Appendix XX**, Determination of NEPA Adequacy.

Ground water resources are discussed in PA/FEIS Section 3.20, *Water Resources*, and related impacts are analyzed in PA/FEIS Section 4.19, *Impacts on Water Resources*. These referenced sections of the PA/FEIS provide a robust discussion of the project's potential groundwater impacts. See also mitigation measure SOIL & WATER-2 (Groundwater Level Monitoring, Mitigation, and Reporting), SOIL & WATER-15 (Mitigation of Impacts to the Palo Verde Mesa Groundwater Basin), and SOIL & WATER-19 (Estimation of Impacts to PVMGB). No new information was received concerning the issue of connectivity; however, the current regulatory framework does not presently include a mechanism to structure an appropriate allocation.

Since the publication of the PA/FEIS, the BLM has refined its understanding of the proposed accounting surface methodology for the Colorado River, and its potential applicability to the Genesis Solar Energy Project. Due to the uncertainty of the current methodology, which the BLM relied upon in the PA/FEIS, the BLM is not making a determination as to whether the groundwater for the Genesis Solar Energy Project is hydrologically connected to the Colorado River. The BLM fully analyzed in the PA/FEIS potential impacts of groundwater pumping on the Colorado River, if it is later determined that the groundwater basins are hydrologically connected to the Colorado River. As such, should the law ever require the Applicant to obtain an allocation of Colorado River Water, the PA/FEIS already analyzed those potential impacts.

A1.2.4 CDCA Plan Amendment

Two comment letters (Letter 3 and 9) expressed concerns related to amending the CDCA to allow for the development of the project. These concerns include:

- Disagreement over the intensity of the development allowed in MUC-M; and
- Incompatibility of the project on lands designated MUC-M.

These comments are similar to those provided on the PA/FEIS and have been fully responded to in PA/FEIS Response to Comments 7-013, 7-019, and 8-050. A discussion of the project's compatibility with the proposed Plan Amendment is detailed in PA/FEIS Section 1.4.1 *Relationship of Proposed Action to BLM Policies, Plans, and Programs, and Land Use Plan Conformance Determination*, Section 4.6 *Lands and Realty*, and Section 4.8 *Impacts on Multiple Use Classes*. These discussions clearly demonstrate that BLM properly evaluated the project in relationship to CDCA planning goals and criteria and has balanced the planning goals of the CDCA Plan with solar energy development.

A1.3 Response to Comment on the Draft EIS

One letter that was sent jointly from the Defenders of Wildlife, National Resources Defense Council, and The Wilderness Society was received after the close of the 90-day review period

due to the fact that it was mailed to the wrong address. Due to receipt after the close of the public review period, the response to this comment letter was inadvertently omitted from the FEIS. Its response is included here.

Letter 15 – Responses to Comments Submitted Jointly by Defenders of Wildlife, National Resources Defense Council, and The Wilderness Society

15-001 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.

15-002 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.

15-003 The BLM's decision-making process for the Genesis Solar Energy Project (GSEP) is consistent with applicable statutes, regulations, plans and policies. The BLM will consider each proposed project, including each fast-track project, on its own merits. The BLM processes solar energy Right-of-Way (ROW) applications for lands in accordance with its Solar Energy Development Policy (Instruction Memorandum No. 2007-097). Pursuant to this policy, applications for commercial solar energy facilities are processed as right-of-way authorizations under Title V of the Federal Land Policy and Management Act (FLPMA) and its implementing regulations (43 CFR Part 2804); they also must comply with the BLM's environmental, planning, and ROW application requirements. Designation of the GSEP as a "fast track" project did not absolve the BLM and other oversight agencies of any obligation to take a "hard look" at the potential consequences of the proposed action on the quality of the human environment.

Concerning siting decisions, the BLM's role in managing public lands includes facilitating land uses on lands under the BLM's jurisdiction while appropriately balancing and responding to multiple interests concerning federal mandates, collaborating agencies' directives, and BLM's own interests. As a result, the sites considered in the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) and the Plan Amendment/Final Environmental Impact Statement (PA/FEIS) focus on actions that the BLM could take to respond to the specific application for a ROW grant received by the BLM for the GSEP project.

The proposed location of a project is determined by the Applicant and must meet a number of requirements in order to be considered a viable location. During scoping, and prior to acceptance of a project's plan of development (POD), a number of iterations regarding the project's siting are required. The POD is the culmination of meetings, information exchange, and review between the BLM and the Applicant to identify a suitable location to evaluate for a renewable energy project. In this process, the BLM's role is to ensure that each proposal is reviewed with the utmost scrutiny. Here, the Applicant's proposal to construct, operate, and ultimately to decommission the GSEP on the proposed site is evaluated along with various alternatives as proposed in the PA/FEIS. This evaluation is consistent with the BLM's role in managing the public lands,

subject to its authority. Once an initial location and project are proposed by the applicant, BLM evaluates that proposal and alternatives in detail to determine whether or not to approve, approve with modifications, or deny the proposal.

The time required to prepare an EIS depends on the complexity of the issues involved and the types and magnitude of improvements proposed, and can take as much as 24-36 months or more. The BLM identified certain “fast-track” projects for which the companies involved demonstrated to the BLM that they had made sufficient progress to formally start the environmental review and public participation process. The GSEP is one such project. Like all renewable energy projects proposed for BLM-managed lands, the GSEP has received the full extent of environmental review required by NEPA and has included the same opportunities for public involvement as are required for all other land-use decision making by the BLM.

15-004 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.

15-005 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.

15-006 For an updated discussion related to impacts to desert tortoise, see PA/FEIS Section 4.21 and Appendix E. Mitigation measures and the Conditions of Certification are included in Appendix G. Conditions of Certification BIO-1, BIO-2, BIO-3, and BIO-6 discuss personnel requirements and training; BIO-7, BIO-8, and BIO-9 discuss mitigation measures as well as the development of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP); BIO-10 discusses the Desert Tortoise Translocation Plan; BIO-11 discusses desert tortoise compliance verification; BIO-12 discusses desert tortoise compensatory mitigation; BIO-13 discusses raven management; and BIO-29 discusses the option of satisfying mitigation obligations through payment of an in lieu fee.

15-007 For an updated discussion related to impacts to the Mojave fringe-toed lizard, see PA/FEIS Section 4.21 and Appendix E. Mitigation measures and the Conditions of Certification are included in Appendix G; BIO-20 discusses sand dune/Mojave fringe-toed lizard mitigation. Additionally, the GSEP project “toe” has also been removed to further reduce impacts to the Mojave fringe-toed lizard and the sand dune system by eliminating the portion of the project that most impacted sand transport.

15-008 For an updated discussion related to impacts to the Couch’s spadefoot toad (*Scaphiopus couchi*), see PA/FEIS Section 4.21 and Appendix E. Mitigation measures and the Conditions of Certification are included in Appendix G; BIO-27 discusses avoidance and minimization measures to help protect Couch’s spadefoot toad. Surveyors found suitable breeding habitat for Couch’s spadefoot toad. All artificial or temporary water catchments that could serve as breeding pools for Couch’s spadefoot

toad were also mapped. Surveyors did detect suitable breeding habitat for this species in the borrow pit south of I-10 that crosses the GSEP's transmission line route near the Colorado River Substation. Habitat for this species consists of extremely xeric areas with sandy, well-drained soils, often associated with creosote bush and mesquite trees (Arizona-Sonora Desert Museum 2010). Temporary ponds created during seasonal rainstorms are important habitat for breeding. Couch's spadefoot toad breeds primarily in response to summer storms, from May through September. As such, surveys have been scheduled for summer or early fall 2010 (TTEC and Karl, 2010). Couch's spadefoot toad mitigation (BIO-27) limits noise and vibration, requires preparing and implementing a protection and mitigation plan, and requires creating and protecting suitable breeding ponds. Habitat findings confirm or refine prior assumptions and understandings and were used in completing the PA/FEIS.

15-009 The low level of impact to the bighorn sheep is a result of the best available knowledge that a corridor lies north of the GSEP and is not a result of a lack of bighorns during surveys. Additionally, the GSEP location conforms to guidelines of the Society for Conservation of Bighorn Sheep by allowing for at least a one-mile buffer between the upper edge of the solar development to the base of the mountains in order to protect spring foraging habitat.

15-010 Dry cooling has been selected as the BLM Preferred Alternative in order to reduce impacts to groundwater and associated biological resources.

15-011 Dry cooling has been selected as the BLM Preferred Alternative in order to reduce impacts to groundwater and associated biological resources. Impacts to biological resources are address in PA/FEIS Sections 4.17 and 4.21, and impacts related to groundwater are discussed in PA/FEIS Section 4.19. A detailed cumulative impacts assessment related to biological resources is also included in Appendix E. Accordingly, the PA/FEIS adequately addresses impacts related to groundwater.

15-012 See response to comment 15-011, above, regarding biological and hydrological impacts of aquifer overdraft.

A review of the potential effects of climate change related to the GSEP area, including biological and hydrological resources, is presented in FEIS Chapter 4.03, Impacts on Global Climate Change. The analysis assesses potential for climate change to affect various resources, as well as the extent to which the GSEP would influence these factors.

15-013 A review of the potential effects of climate change related to the GSEP area, including biological and hydrological resources, is presented in FEIS Chapter 4.03, Impacts on Global Climate Change. Additionally, drainage and flooding mitigation measures (WATER-1, WATER-8, WATER-9, WATER-10, WATER-11, and WATER-13) ensure that potential GSEP drainage and flooding related impacts would be minimized. They

include completion of a revised and updated Drainage Report that will provide an updated analysis of and considerations for climate change; related updates to the current Drainage Report; an updated hydraulic analysis; compliance with Riverside County guidelines for conveyance channels; revisions to preliminary grading and drainage plans; and implementation of a channel maintenance program during GSEP operations.

15-014 The BLM preferred alternative is dry cooling. Any potential residual effects on the Colorado River would be mitigated as discussed in Chapter 4.19, Impacts on Water Resources. Therefore, the GSEP would not interfere with any existing water rights relevant to the California Desert Protection Act or any other water right holder.

15-015 Please see response to comment 15-014, above.

15-016 The Section 106 Programmatic Agreement is in progress. This process is independent of and separate from the NEPA process, and will be prepared in accordance with the schedule and procedures established in the relevant regulatory regimes. Studies required or completed in satisfaction of other agencies' requirements that become available before the Record of Decision (ROD) is issued will be evaluated by the BLM. BLM is making every effort to complete these processes in coordination with NEPA, and to finalize these other processes before the issuance of the ROD. Other agencies and the public would have the opportunity to review such reports to the full extent of the relevant governing law. Finally, please see Section 5.2.3 of the PA/FEIS, Tribal Consultation for the GSEP.

15-017 BLM's purpose and need for the proposed action, as stated in Section 1.1 of the PA/FEIS, is based on two key considerations: (i) the potential action the BLM could or would take on the specific proposed action; and (ii) the response of the BLM in meeting specific directives regarding the implementation of renewable energy projects on federally managed lands. The primary action that BLM is considering is a response to a specific ROW grant application from the Applicant to construct and operate a specific solar project on a specific site managed by the BLM. As a result, the BLM determined that a key purpose of this project was to determine whether to approve, approve with conditions, or deny that ROW application for a parabolic trough solar thermal electric generating facility, i.e., the GSEP.

15-018 The BLM has selected the Dry Cooling Alternative as its Preferred Alternative.

15-019 NEPA directs the BLM to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources" (NEPA Section 102(2)(E)). A discussion of alternatives need not be exhaustive. What is required is information sufficient to permit the BLM to make a "reasoned choice" among alternative so far as environmental aspects are concerned (40 CFR 1502.14).

In order to establish the reasonable range of alternatives to be considered, the defined project purpose and need functions as the first and most important screening tool. Thereafter, the range of alternatives is based on the Applicant's proposed action, alternatives that would reduce or avoid adverse impacts of the Applicant's project, and appropriate No Action Alternatives. The full range of possible alternatives may be narrowed to a "reasonable number" that covers the full spectrum of alternatives. In determining the alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponents or others like or are capable of implementing the alternative. See BLM NEPA Handbook H-1790-1 (Jan. 30, 2008) §6.6.1.

The number and range of alternatives considered in the EIS is reasonable. In total, 24 alternatives to the proposed action were considered by the BLM. Five were carried forward, in addition to the proposed action, for more detailed review. Two of the five are action alternatives (the Reduced Acreage Alternative and the Dry Cooling Alternative); one is a "no action" alternative, under which no project and no CDCA Plan amendment would be approved (No Action Alternative A); and two are "no project" alternatives under which the CDCA Plan would be amended but the proposed project would not be approved (No Project Alternatives B and C). A comparison of impacts by alternative is provided in Table 2-1. The 19 alternatives that were considered but eliminated from detailed analysis, including the rationale for their elimination (40 C.F.R. 1502.14(a)), are presented in FEIS Table 2-1. This is a reasonable number of alternatives given the breadth of the BLM's statement of purpose and need. Further, the alternatives carried forward for more detailed consideration in the PA/FEIS sufficiently cover the full spectrum of alternatives because the scope of impacts assessed went from none (no action) to some (reduced acreage) to lessened in some respects (dry cooling).

15-020 Cumulative impacts are addressed in the FEIS Section 4.01 with a detailed identification of cumulative projects in Tables 4.1-1 and 4.1-2. A characterization of cumulative impacts by resource, with a determination of the magnitude and significance of the cumulative impacts, is included by resource area in Sections 4.02 through 4.21. This analysis is consistent with the "Steps in Cumulative Effects Analysis" section of the BLM NEPA Web Manual (last updated July 29, 2010). See also Connected Action Descriptions in Chapter 2.

15-021 Please see response to comment 15-020, above.

15-022 A review of the potential effects of climate change on the GSEP, including biological and hydrological resources, is presented in FEIS Chapter 4.03, Impacts on Global Climate Change. The analysis assesses potential for climate change to affect various resources, as well as the extent to which the GSEP would influence these factors.

15-023 New information made available since the release of the Staff Assessment/Draft EIS has been incorporated into this PA/FEIS and has been made available to the public. New information includes an updated project description, the Revised Staff Assessment; the Revised Staff Assessment Supplement; Applicant's Supplemental Information; a

response to Mojave Desert Air Quality Management District (MDAQMD) Requests for Additional Information; an updated Biological Resources Technical Report that includes findings from spring 2010 surveys (TTEC 2010p); golden eagle survey results from spring 2010 (TTEC 2010u); and a Golden Eagle Risk Assessment (TTEC 2010v). The public will be allowed 30 days to comment on the PA/FEIS as required by the NEPA process.

Other documents, such as the Section 106 Programmatic Agreement, are in process and are independent of and separate from the NEPA process. These documents will be prepared in accordance with the schedule and procedures established in the relevant regulatory regimes. Other agencies and the public will have the opportunity to review such reports to the full extent of the relevant governing law.

15-024 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.