

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

**DECISION RECORD
DOI-BLM-CA-060-07-57**

NAME of PROJECT: Western Wind Energy Corporation Project; CACA-11688-A

DECISION: It is my decision to approve the proposed action as described in Environmental Assessment (EA) number DOI-BLM-CA-060-07-57. Compliance with the mitigation measures identified in the EA is hereby required. These measures are incorporated into this decision record as stipulations by reference.

On April 9, 2009, the U.S. Fish and Wildlife Service (FWS) issued their biological opinion for this project, #FWS-REIV-08B0455-08F0501, entitled *Endangered Species Act Formal Consultation on the Proposed Mesa Repowering – Turbin Replacement Project, Riverside County, California (CA-660.43)*. All conservation measures, terms and conditions identified in this biological opinion are also incorporated into this decision as stipulations by reference. In addition, California Department of Fish and Game (F&G), as part of their comments to the draft EA, requested that conservation measure #8 in the biological opinion be changed from requiring that any compensation lands acquired by the Applicant be done so before the end of construction to:

“Conservation lands acquired by the Applicant must be acquired prior to completion of the phase in which land disturbance occurs.”

As means of insuring consistency between the biological opinion and requirements of the F&G under the California Endangered Species Act (CESA), this more restrictive condition is also incorporated into this decision.

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.

RATIONALE: The approved action is in conformance with applicable land use plans and will not cause unnecessary or undue degradation. All reasonable efforts were taken to avoid or minimize impacts to resources and the environment during project design and environmental assessment phases of this proposal. Incorporating all requirements of the FWS Biological Opinion, #FWS-REIV-08B0455-08F0501, insures that all requirements of the Endangered Species Act of 1973(ESA), as amended, are met. In addition, removing 460 wind turbines from the project site and replacing them with 30 new turbines represents a substantial positive environmental impact to this area.

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. The applicant agreed to implement conservation measures to avoid, minimize, and offset impacts to the desert tortoise, federally listed as threatened under the ESA, as part of their project proposal. These measures reduce the impacts of their proposal to below significance as described in the FWS Biological Opinion, #FWS-REIV-08B0455-08F0501. The proposal is not controversial as evidenced by a lack of substantive public comments apposed to the project. Impacts to the Whitewater Canyon Area of Critical Environmental Concern (ACEC) were determined to not adversely affect the area. No other factors affecting environmental significance were determined to exist during this environmental assessment. Preparation of an Environmental Impact Statement to further analyze possible impacts, therefore, is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

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, 1201 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.

APPROVED BY:



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

Date

9/21/09