

1. Introduction

The Draft Plan Amendment (PA) and Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) is a joint document published by the U.S. Department of Interior, Bureau of Land Management (BLM) and the County of Kern, California (County).

This Draft PA and Draft EIS/EIR analyzes the impacts of Alta Windpower Development LLC's (Proponent's) Alta East Wind Project (AEWP). The AEWP would generate up to 318 megawatts (MWs) on a 2,592-acre site, of which 568 acres are private land that is under the jurisdiction of Kern County. Project components would include wind turbines, a substation, operations and maintenance facilities, transmission lines, and temporary construction laydown areas.

The Proponent has filed an Application for a Right-of-Way (ROW) Type 3 Grant from the BLM (CACA-052537) and a resource management land use PA to the California Desert Conservation Area (CDCA) Plan (1980, as amended). Approval of this ROW grant and PA by the BLM would authorize the Proponent to construct, operate, maintain, and decommission the portion of the AEWP within BLM administered lands.

Kern County will use the information in this document to consider authorization of AEWP components within Kern County lands, including: (1) amendments to the Circulation Element of the Kern County General Plan (KCGP); (2) changes in zone classification from the base Zone Districts to A (Exclusive Agriculture), A WE (Exclusive Agriculture – Wind Energy Combining District), and A FP (Exclusive Agriculture, Floodplain Combining) Districts; and (3) a conditional use permit (CUP) for the use of a temporary concrete batch plant during construction.

In compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the BLM and the County prepared this Draft PA and Draft EIS/EIR to inform the public about AEWP and to meet the needs of federal, State, and local permitting agencies in considering the Project. Therefore, the information contained in this Draft PA and Draft EIS/EIR will be considered by the BLM in its possible decision regarding issuance of the ROW grant and PA, and by the County to consider authorization of the general plan amendments, the changes in zone classifications, and the CUP. It may also be considered by the other agencies with regard to their respective permits, including other federal, State, and local agencies.

The Regional Context for the proposed AEWP is shown in Figure 2-1 (See Appendix A for all figures referenced in this document), and the Proposed AEWP Site Layout is shown in Figure 2-9.

This Draft PA and EIS/EIR describes and evaluates the potential environmental effects that are expected to result from construction, operation, maintenance, and decommissioning of the Project and discusses mitigation measures that, if adopted, would avoid, minimize, or mitigate the adverse environmental impacts identified. This Draft PA and Draft EIS/EIR also identifies six alternatives to the Project (including a No Action Alternative), and evaluates the environmental impacts associated with these alternatives. A more detailed explanation of each alternative, including any plan amendments deeming the site as suitable for wind energy development, is included in Section 2.0. Alternatives evaluated include:

- Proposed AEWP – 106 Wind Turbine Generators (Alternative A);
- Revised Site Layout Alternative – 106 Wind Turbine Generators (Alternative B);
- Reduced Project North Alternative – 97 Wind Turbine Generators (Alternative C);
- Reduced Project Southwest Alternative – 87 Wind Turbine Generators (Alternative D)
- No issuance of a ROW Grant or County approval/No Land Use Plan (LUP) Amendment (Alternative E, or the “No Action / No Project Alternative”);

- No issuance of a ROW Grant or County approval/Approval of a land use plan amendment to exclude wind energy development on the site of the proposed AEWP (Alternative F); and
- No issuance of ROW Grant or County approval/Approval of a land use plan amendment to make site available for future wind energy development (Alternative G).

In accordance with NEPA requirements, the alternatives identified constitute a reasonable range of alternative actions that all meet the purpose and need for the action. In accordance with CEQA, the alternatives identified respond to the stated objectives for the Project (including a No Action/No Project Alternative) that could avoid or minimize significant environmental impacts associated with the project as proposed by the Proponent.

Project Refinements after Publication of the NOI/NOP

After publication of the Notice of Intent (NOI) and Notice of Preparation (NOP) on July 15, 2011 and April 5, 2012, the Proponent modified the AEWP by reducing the total acreage from 3,200 to 2,592 acres, by eliminating portions of the project on the north and south sides of SR 58 and adding two new parcels. As a result, the Project was reduced from 120 WTGs to 106 WTGs with a new nameplate capacity of 318 MW. As a result of these changes, the area of private land that would need to be rezoned by the County to the WE Combining District changed from 680 acres to 418 acres and the overall acreage of lands managed by the County changed from 1,116 acres to 568 acres (or 22 percent of the total project area).

1.1 Purpose and Need

NEPA guidance published by the Council on Environmental Quality (CEQ) states that environmental impact statements' Purpose and Need section "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR §1502.13). The following discussion sets forth the purpose of and need for the action as required under NEPA.

1.1.1 BLM Purpose and Need

In accordance with Federal Land Policy and Management Act (FLPMA) (Section 103(c)), public lands are to be managed for multiple uses that take into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for AEWP is to respond to a FLPMA ROW application submitted by the Proponent to construct, operate, maintain, and decommission a wind energy-generating facility and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies.

In conjunction with FLPMA, BLM authorities include:

- Executive Order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
- The Energy Policy Act 2005 (EPAct 05), which sets forth the "sense of Congress" that the Secretary of the Interior should seek to have approved non-hydropower renewable energy projects on the public lands with a generation capacity of at least 10,000 MW by 2015.
- Secretarial Order 3285A1, dated March 11, 2009, and amended on February 22, 2010, which "establishes the development of renewable energy as a priority for the Department of the Interior."

The BLM will decide whether to approve, approve with modification, or deny issuance of a ROW grant to the Proponent for the proposed AEFW. Modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)). The BLM's action will also include consideration of amending the CDCA Plan. The CDCA, while recognizing the potential compatibility of wind energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the land use plan amendment process. If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA as required.

In connection with its decision on the AEFW, the BLM's action will also include consideration of potential amendment to the CDCA land use plan, as analyzed in the Draft PA and Draft EIS/EIR alternatives. The CDCA plan, while recognizing the potential compatibility of wind energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the land use plan amendment process. BLM policy encourages the avoidance of development on lands with high conflict or sensitive resource values (IM 2011-061). While the BLM is not required to formally determine whether certain high conflict lands are or are not available for wind energy development, if BLM decides to make that decision, it must amend the CDCA plan. The BLM is deciding whether to amend the CDCA plan to identify the AEFW site as available, and whether to amend the CDCA plan to make high conflict or sensitive resource value areas within the AEFW application unavailable for wind energy development.

1.1.2 CEQA - Purpose of This Environmental Impact Report

An EIR is a public informational document used in the planning and decision-making process. This project-level EIR will analyze the environmental impacts of the project. The Kern County Planning Commission and Board of Supervisors will consider the information in the EIR, including the public comments and staff response to those comments, during the public hearing process. As a legislative action, the final decision is made by the Board of Supervisors, who may approve, conditionally approve, or deny the project. The purpose of an EIR is to identify:

- The significant potential impacts of the project on the environment and indicate the manner in which those significant impacts can be avoided or mitigated;
- Any unavoidable adverse impacts that cannot be mitigated; and
- Reasonable and feasible alternatives to the project that would eliminate any significant adverse environmental impacts or reduce the impacts to a less-than-significant level.

An EIR also discloses growth-inducing impacts; impacts found not to be significant; and significant cumulative impacts of the project when taken into consideration with past, present, and reasonably anticipated future projects.

CEQA requires an EIR that reflects the independent judgment of the lead agency regarding the impacts, the level of significance of the impacts both before and after mitigation, and mitigation measures proposed to reduce the impacts. A Draft EIR is circulated to responsible agencies, trustee agencies with resources affected by the project, and interested agencies and individuals. The purposes of public and agency review of a Draft EIR include sharing expertise, disclosing agency analyses, checking for accuracy, detecting omissions, discovering public concerns, and soliciting mitigation measures and alternatives capable of avoiding or reducing the significant effects of the project, while still attaining most of the basic objectives of the project.

Reviewers of a Draft EIR are requested to focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific

alternatives or mitigation measures that would provide better ways to avoid or mitigate significant environmental effects.

Issues to Be Resolved through EIR

Section 15123(b) (3) of the State CEQA Guidelines requires that an EIR contain issues to be resolved, which includes the choices among alternatives and whether or how to mitigate significant impacts. The major issues to be resolved regarding the project include decisions by the lead agency as to whether or not:

- The Draft EIR adequately describes the environmental impacts of the project,
- The recommended mitigation measures should be adopted or modified, or
- Additional mitigation measures need to be applied.

1.2 Objectives

1.2.1 Project Proponent's Objectives

The Proponent's fundamental objective for AEWP is to construct, operate, maintain, and eventually decommission an *up to* 318-MW wind energy facility and associated ancillary facilities, such as transmission interconnection infrastructure, to provide renewable electric power to California's existing transmission grid to help meet federal and State renewable energy supply and greenhouse gas (GHG) emissions reduction requirements.

In response to California's clean energy legislation, Southern California Edison (SCE) executed a Master Power Purchase and Wind Project Development Agreement (MDA) with the Proponent in December 2006. According to the agreement, the Proponent is to deliver up to 1,550 MW of wind energy from new projects to be developed in the Tehachapi Wind Resource Area from 2010 through 2015. Power purchase agreements have been executed under the MDA for the Alta East Wind Project.

The State CEQA Guidelines (Section 15124[b]) require that the project description contain a statement of objectives that includes the underlying purpose of the project. The project proponent has defined the following objectives for the project:

The project proponent has defined the following objectives for the project:

- Help the federal government reach its renewable energy goals;
- Be a major supplier of clean, renewable energy to meet the growing demands of California consumers;
- Support California's Renewable Portfolio Standard (RPS) and California Assembly Bill 32 by serving as a source of clean renewable energy, reducing the need for electricity generated from fossil fuels and offsetting greenhouse gas emissions;
- Deliver wind energy in the Tehachapi Wind Resource Area (TWRA) according to an executed Master Power Purchase and Wind Project Development Agreement (MDA) with SCE;
- Increase the tax base of Kern County;
- Provide increased revenue to BLM for the use of the federal land;
- Create a substantial number of temporary and permanent jobs in the county;
- Boost local business activity during construction and operation;
- Provide revenue to county residents who own underutilized land that has little potential to be developed for other uses while allowing these landowners to retain much of their current land use;

- Use land located near existing industrial facilities, mines, and operating wind projects to minimize the environmental and visual impact of the project; and
- Construct and operate a wind project that can attract commercially available financing.

1.3 General Location and Map

The Project would be located three miles northwest of the unincorporated Community of Mojave and 11 miles east of the City of Tehachapi in southeastern Kern County at the base of the Tehachapi Mountains in the Western Mojave Desert (Figure 2-1). Elevations in the Project area range between 3,000 and 3,400 feet above mean sea level.

The Project vicinity is generally characterized as sparsely developed and rural. Land uses in and around the Project area consist of open space with scattered residences, off-highway vehicle use, and livestock grazing. The nearest populated area is located northeast of the Project area, in the outskirts of the unincorporated Community of Mojave. Existing developments within and surrounding the Project area include ROWs for underground pipelines, underground portions of the Los Angeles Aqueduct, SCE electric transmission lines, Union Pacific Railroad (UPRR) railroad siding, which is a short stretch of railroad track used to store rolling stock or enable trains on the same line to pass, and a Los Angeles Department of Water and Power (LADWP) electric transmission line easement. The Cameron Ridge segment of the Pacific Crest Trail passes northwest of the Project area, north of SR 58.

There are several existing, permitted, and proposed wind energy and transmission projects proximate to the Project area, including: the Alta–Oak Creek Mojave Wind Project, Alta Infill I, and Alta Infill II, the Rising Tree Wind Project, the Avalon Wind Project, the Catalina Renewable Energy Project, and SCE’s Tehachapi Renewable Transmission Line Project (TRTP).

1.4 Major Authorizing Laws and Regulations

The primary agency-specific authorizing laws and regulations are summarized below.

1.4.1 Bureau of Land Management

The BLM’s authority and policy guidance for making a decision related to AEWP flows from Title V of the FLPMA [43 U.S.C. 1701, et seq.], Section 211 of the EAct (119 Stat. 594, 600), BLM’s Wind Energy Development Policy (dated December 19, 2008), Secretarial Order 3285A1 (dated March 11, 2009, as amended February 22, 2010), and BLM Instruction Memoranda 2011-59, 2011-60 and 2011-61 (each dated February 7, 2011). FLPMA authorizes the BLM to issue ROW grants for systems for generation, transmission, and distribution of electric energy. Section 211 of EAct states that the Secretary of the Interior should seek to have approved a minimum of 10,000 MW of non-hydropower renewable energy generating capacity on public lands by 2015.

1.4.2 U.S. Army Corps of Engineers

Section 404 of the Clean Water Act (33 USC 1344, “CWA”) authorizes the Secretary of the Army, acting through the Army Corps of Engineers (ACOE), to issue permits regulating the discharge (placement) of fill material into waters of the U.S. Waters of the U.S. are broadly defined in 33 CFR Section 328.3(a) to include navigable waters; perennial, intermittent, and ephemeral streams; lakes, rivers, ponds, wetlands, marshes, and wet meadows. Throughout the Draft PA and Draft EIS/EIR process, the BLM has provided information to the ACOE to assist them in making a determination regarding their jurisdiction and need for a Section 404 permit.

1.4.3 U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction to protect threatened and endangered species under the Federal Endangered Species Act (ESA) [16 U.S.C. Section 1531 et seq.]. Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally listed species. This consultation has been initiated through a request by the BLM to initiate formal consultation and the submittal of a Biological Assessment (BA) for AEWP.

1.4.4 California Department of Fish and Game

The California Department of Fish and Game (CDFG) has the authority to protect water resources of the State through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. The BLM and the Proponent will provide information to CDFG to assist in its determination of the impacts to streambeds, and identification of permit and mitigation requirements.

CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act (CESA). The Proponent may need to file an Incidental Take Permit application with CDFG related to the proposed AEWP.

1.4.5 Kern County

Implementation of the proposed AEWP will require discretionary approvals from the County for the private lands portion of AEWP, including: (1) amendment to the KCGP; (2) changes in zone classification from the base Zone Districts to the A (Exclusive Agriculture), A WE (Exclusive Agriculture – Wind Energy Combining District), and A FP (Exclusive Agriculture, Floodplain Combining) Districts; and (3) CUP for the use of a temporary concrete batch plant during construction.

Kern County is responsible for certifying the Final EIS/EIR, which is required prior to making any decision to approve the Project. If the Final EIS/EIR shows that the proposed AEWP would have significant and unavoidable impacts and the County decides to approve the project, then the County will need to adopt a “Statement of Overriding Considerations” explaining the reasons for approving the project despite its significant impacts (CEQA Guidelines §15093). The County Planning Commission and Board of Supervisors will consider the information in the EIS/EIR, including the public comments and staff response to those comments, during the public hearing process. As a legislative action, the final decision is made by the Board of Supervisors, who may approve, conditionally approve, or deny the portion of the Project located on private lands within the County.

1.5 Relationship of AEWP to BLM Policies, Plans, and Programs

Federal Land Policy and Management Act of 1976

FLPMA provides the BLM’s overarching mandate to manage the lands and resources under its stewardship based on the principles of multiple use and sustained yield. Multiple use is a concept that directs management of lands and resource values in a way that best meets the present and future needs of Americans and is defined as “a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources” (FLPMA §103[c]). In processing a land use plan amendment, BLM must also comply with the BLM Planning Regulations (43 CFR Part 1600) and the BLM Land Use Planning Handbook (H-1601-1; March 2005).

California Desert Conservation Area Plan

The CDCA encompasses 25 million acres in southern California designated by Congress in 1976 through FLPMA. The BLM manages about 10 million of those acres. Congress directed the BLM to prepare and implement a comprehensive long-range plan for the management, use, development, and protection of

public lands within the CDCA. The CDCA Plan, as amended, is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The CDCA Plan provides overall regional guidance for BLM-administered lands in the CDCA and establishes long-term goals for protection and use of the California desert.

The CDCA Plan establishes four multiple-use classes, Multiple-Use Class Guidelines, and plan elements for specific resources or activities, such as motorized vehicle access, recreation, and vegetation. The multiple use classes are:

- **Class C (Controlled Use).** About four million acres are Class C. These include 69 wilderness areas (3,667,020 acres) created by Congress with the October 1994 passage of the California Desert Protection Act. These lands are to be preserved in a natural state; access generally is limited on nonmotorized, nonmechanized means—on foot or horseback.
- **Class L (Limited Use).** About four million acres are Class L. These lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. They provide for generally lower-intensity, carefully controlled multiple uses that do not significantly diminish resource values.
- **Class M (Moderate Use).** About 1.5 million acres are Class M. These lands are managed in a controlled balance between higher-intensity use and protection. A wide variety of uses, such as mining, livestock grazing, recreation, energy, and utility development are allowed. Any damage that permitted uses cause must be mitigated.
- **Class I (Intensive Use).** About 500,000 acres are Class I. These lands are managed for concentrated use to meet human needs. Reasonable protection is provided for sensitive natural values and mitigation of impacts, and impacted areas are rehabilitated when possible.
- **Unclassified** lands are scattered and isolated parcels of public land in the CDCA, which have not been placed within multiple-use classes, are unclassified land. These parcels are managed on a case-by-case basis, per the BLM Land Tenure Adjustment Element.

As shown on Figure 2-4, the AEWP project site includes lands that are classified as Multiple-Use Class L (380 acres), Class M (1,697 acres), and Unclassified (21 acres).

The Plan states that wind energy facilities may be allowed within Limited and Moderate Use areas after NEPA requirements are met. This Draft PA and Draft EIS/EIR will act as the mechanism for complying with those NEPA requirements. Because wind energy facilities are an allowable use of the land as classified in the CDCA Plan, the proposed AEWP does not conflict with the CDCA Plan. However, Chapter 3, “Energy Production and Utility Corridors Element” of the CDCA Plan also requires that newly proposed power facilities that are not already identified in the CDCA Plan be considered through the Plan Amendment process. The proposed AEWP is not currently identified within the CDCA Plan and, therefore, a Plan Amendment is required to identify the AEWP project site as a recognized element within the CDCA Plan.

Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States

To address increased interest in wind energy development, implement the EPA Act O5 recommendation to increase renewable energy production, and ensure the responsible development of energy resources on BLM-administered lands, the BLM undertook efforts to evaluate wind energy potential on public lands and establish wind energy policy. To support wind energy development on public lands while minimizing potential environmental and socio-cultural impacts, the BLM proposed to establish a Wind Energy Development Program that included the following elements: (1) an assessment of wind energy development potential on BLM-administered lands through 2025 (a 20-year period); (2) policies regarding the processing of wind energy development ROW authorization applications; (3) best management practices

(BMPs) for mitigating the potential impacts of wind energy development on BLM-administered lands; and (4) amendments of specific BLM land use plans to address wind energy development. In connection with this program, the BLM, in cooperation with the DOE, has prepared a programmatic environmental impact statement to: (1) assess the environmental, social, and economic impacts associated with wind energy development on BLM-administered land; and (2) evaluate a number of alternatives to determine the best management approach for the BLM to adopt in terms of mitigating potential impacts and facilitating wind energy development (Wind PEIS). This Draft PA and Draft EIS/EIR incorporates BMPs identified in the Wind PEIS.

1.5.1 Planning Criteria (BLM)

The planning criteria set forth in the CDCA plan provide the constraints and ground rules that guide and direct the development of the proposed PA. They ensure that the proposed PA is tailored to the identified issues and ensure that unnecessary data collection and analyses are avoided. They focus on the decisions to be made in the proposed PA, and to satisfy the following CDCA plan requirement:

Sites associated with power generation or transmission not identified in the Plan will be considered through the Plan Amendment process.

Because the proposed facility is not currently identified within the CDCA Plan, an amendment to identify the proposed facility within the CDCA Plan is hereby proposed. As specified in the CDCA Plan Chapter 7, Plan Amendment Process, there are three categories of Plan Amendments, including:

Category 1, for proposed changes that will not result in significant environmental impact or analysis through an EIS;

Category 2, for proposed changes that would require a significant change in the location or extent of a multiple-use class designation; and

Category 3, to accommodate a request for a specific use or activity that will require analysis beyond the Plan Amendment Decision.

Based on these criteria, approval of the Project would require a Category 3 amendment. The section below (1.4.2 – Statement of Plan Amendment) summarizes the procedures necessary to evaluate the proposed Plan Amendment, as well as the procedures required to perform the environmental review of the ROW application.

1.5.2 Statement of Plan Amendment (BLM)

The Implementation section of the Energy Production and Utility Corridors Element of the CDCA Plan lists a number of Category 3 amendments that have been approved since adoption of the CDCA Plan. An additional amendment is proposed to be added to this section of the CDCA, and would read “Permission granted to construct wind energy facility (proposed AEWP).”

Plan Amendment Process

The Plan Amendment process is outlined in Chapter 7 of the CDCA Plan. In analyzing a proponent’s request for amending or changing the Plan, the BLM District Manager will:

- Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment;
- Determine if alternative locations within the CDCA Plan are available which would meet the applicant’s needs without requiring a change in the Plan’s classification, or an amendment to any Plan element;
- Determine the environmental effects of granting and/or implementing the applicant’s request;

- Consider the economic and social impacts of granting and/or implementing the applicant's request;
- Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from federal, State, and local government agencies; and
- Evaluate the effect of the proposed amendment on the BLM CDCA desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

Decision Criteria for Evaluation of Proposed Plan Amendment

The Decision Criteria to be used for approval or disapproval of the proposed PA require that the following determinations be made by the BLM Desert District Manager:

- The proposed plan amendment is in accordance with applicable laws and regulations; and
- The proposed plan amendment will provide for the immediate and future management, use, development, and protection of the public lands within the CDCA.

The BLM Desert District Manager will base the rationale for these determinations on the principles of multiple use, sustained yield, and maintenance of environmental quality as required in FLPMA.

Decision Criteria for Evaluation of Application

In addition to defining the required analyses and Decision Criteria for PAs, the CDCA Plan also defines the Decision Criteria to be used to evaluate future applications (e.g., applications for ROWs) in the Energy Production and Utility Corridors Element of Chapter 3. These Decision Criteria include:

- Minimize the number of separate ROWs by utilizing existing ROWs as a basis for planning corridors;
- Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables;
- Provide alternative corridors to be considered during processing of applications;
- Avoid sensitive resources wherever possible;
- Conform to local plans whenever possible;
- Consider wilderness values and be consistent with final wilderness recommendations;
- Complete the delivery systems network;
- Consider ongoing projects for which decisions have been made; and
- Consider corridor networks which take into account power needs and alternative fuel resources.

1.6 Relationship of AEWP to non-BLM Policies, Plans, & Programs

1.6.1 Relationship to Federal Plans, Policies, Programs, & Laws

National Environmental Policy Act

NEPA (42 USC. 4321 et seq.) declares a continuing federal policy that directs "a systematic, interdisciplinary approach" to planning and decision-making and requires the preparation of environmental statements for "major Federal actions significantly affecting the quality of the human environment." The CEQ's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) require Federal agencies to identify and assess reasonable alternatives to proposed actions. Federal agencies are further directed to emphasize significant environmental issues in project planning and to integrate impact studies required by other environmental laws and Executive Orders into the NEPA process. The NEPA process should, therefore, be seen as an overall framework for the environmental

evaluation of federal actions. In processing ROW applications, BLM must also comply with the Department of the Interior's regulations applicable to implementing the procedural requirements of NEPA (43 CFR Part 46), as well as BLM's NEPA Handbook (H-1790-1; January 2008).

Clean Air Act

The Clean Air Act (CAA) (42 USC 7401-7661), as amended, regulates air pollution to improve air quality. It regulates air emissions from area, stationary, and mobile sources. This law also authorizes the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards to protect public health and the environment.

Clean Water Act

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

Endangered Species Act of 1973

The ESA (16 USC 1531-1543) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The USFWS administers the ESA. The major components of the ESA are:

- Provisions for the listing of threatened and endangered species;
- The requirement for consultation with the USFWS on federal projects that may affect listed species or their habitat;
- Prohibitions against "take" of listed species. Under the ESA, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct"; and
- Provisions for permits to allow the incidental taking of threatened and endangered species.

National Historic Preservation Act of 1966, as Amended

The National Historic Preservation Act (NHPA) (16 USC 470) requires federal agencies with jurisdiction over a proposed Federal project to take into account the effect of the undertaking on historic properties listed or eligible for listing on the National Register of Historic Places and requires that the agencies afford the Advisory Council on Historic Preservation with an opportunity to comment on the undertaking. This process also requires federal agencies to consult with the State Historic Preservation Office (SHPO), any potentially affected Indian tribes, and other interested parties.

1.6.2 Relationship to State and Local Laws, Plans, Policies, and Programs

Intent of the California Environmental Quality Act

CEQA is a California statute passed in 1970 to institute a statewide policy of environmental protection. CEQA does not directly regulate land uses, but instead requires state and local agencies within California

to follow a protocol of analysis and public disclosure of environmental impacts of projects and adopt all feasible measures to mitigate those impacts. This EIS/EIR has been prepared pursuant to the following relevant State and County statutes and guidelines:

- CEQA (Public Resources Code, Section 21000 et seq.);
- State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and
- The *Kern County CEQA Implementation Document*

As described above, the overall purposes of the CEQA process are to:

- Identify the significant effects to the environment of a project, identify alternatives and to indicate the manner in which those significant effects can be avoided or mitigated;
- Provide for full disclosure of the project's environmental effects to the public, the agency decision-makers who will approve or deny the project, and responsible and trustee agencies charged with managing resources (e.g., wildlife, air quality) that may be affected by the project; and
- Provide a forum for public participation in the decision-making process with respect to environmental effects.

California Endangered Species Act

The CESA (Fish and Game Code 2050 et seq.) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no State agency consultation procedures under CESA. For projects that affect a species that is both State and federally listed, compliance with the Federal ESA will satisfy CESA if the CDFG determines that the Federal incidental take authorization is "consistent" with CESA under Fish and Game Code Section 2080.1 and issues a Consistency Determination to that effect. For projects that will result in a take of a State-only listed species, an applicant must apply for a take permit under Section 2081(b).

California Fish and Game Code, Streambed Alteration Agreements

Sections 1601 to 1603 of the California Fish and Game Code require notifying CDFG prior to constructing any project that would divert, obstruct or change the natural flow, bed, channel, or bank of any river, stream, or lake. Preliminary notification and project review generally occur during the environmental review process. When an existing fish or wildlife resource may be substantially adversely affected, the CDFG is required to propose reasonable project changes and/or mitigation to protect the resource. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

State Historic Preservation Officer

In addition to participation in the NHPA Section 106 process, the California SHPO reviews state programs and projects that may impact historic resources that are located on state-owned land pursuant to California Public Resources Code § 5024 and 5024.5.

California's Renewables Portfolio Standard

California's RPS requires investor-owned utilities, publicly owned utilities, and energy service providers to increase purchases of renewable energy such that at least 33 percent of retail sales are procured from renewable energy resources by December 31, 2020. In the interim, each entity is required to procure an average of 20 percent of renewable energy for the period of January 1, 2011, through December 31, 2013;

25 percent by December 31, 2016, and 33 percent by 2020. These RPS requirements were enacted through Senate Bill (SB) X1-2, which was signed by Governor Brown in April 2011, and increase previous requirements set forth in SB 1078 (2001-2002 Reg. Sess.) (establishing the California RPS Program) and SB 107 (2005-2006 Reg. Sess.) (accelerating the 20 percent requirement to the year 2010).

Kern County General Plan

Kern County covers an area of 8,161 square miles within the southern Central Valley of the State of California. The KCGP consists of six elements that serve as the primary policy statement by the Board of Supervisors for implementing development policies and land uses in Kern County.

Eastern Kern Air Pollution Control District

The AEWPP is located in the Mojave Desert Air Basin within the jurisdiction of the Eastern Kern Air Pollution Control District (APCD), which reviews the plans and specifications for construction in the project area. The Eastern Kern APCD would assess emissions and possible air contamination resulting from construction and operational activities (e.g., road dust, windblown contaminants, and emissions from construction activities).

1.7 Public Participation and the Decision-Making Process

1.7.1 Overview

As noted above, the Kern County Planning and Community Development Department as Lead Agency (per CEQA Guidelines Section 15052) and the U.S. Bureau of Land Management (BLM), as the federal Lead Agency, elected to jointly direct the preparation of a joint Environmental Impact Report (per CEQA Guidelines Section 15161) and an Environmental Impact Statement (EIS), referred to as an EIS/EIR for the project. The EIS/EIR has been prepared to comply with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). CEQA and NEPA require lead agencies to solicit and consider input from other interested agencies, citizen groups, and individual members of the public.

CEQA and NEPA require the lead agency to provide the public with a full disclosure of the expected environmental consequences of a proposed project and with an opportunity to provide comments. In accordance with CEQA and NEPA, the following is the process for public participation in the decision-making process:

1.7.2 Notice of Preparation (NOP)/ Notice of Intent (NOI)

Pursuant to Section 15082 of the State CEQA Guidelines, as amended, and 40 C.F.R. 1508.22 of NEPA, the Kern County Planning and Community Development Department and the BLM circulated a NOP/NOI to the State Clearinghouse, public agencies, special districts, and members of the public for a public review period beginning July 15, 2011, and ending August 15, 2011. The purpose of the NOP/NOI is to formally convey that the County and BLM, as the lead agency, solicited input regarding the scope and proposed content of the EIS/EIR. The NOP/NOI and all comment letters are provided in Appendix C of this document.

1.7.3 Scoping Meeting

Pursuant to Section 15206 of the State CEQA Guidelines, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. Under 40 C.F.R. 1501.7 of NEPA, the lead agency may hold an early scoping meeting(s) as part of the scoping process. The scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments

regarding, but not limited to, the range of actions, alternatives, mitigation measures, and environmental effects to be analyzed. Kern County and the BLM hosted a scoping meeting at 7:00 p.m. on August 4, 2011, at the Mojave Veterans Hall is located at 15580 O Street in Mojave, CA.

1.7.4 NOP/NOI and Scoping Meeting Results

Verbal comments were received at the August 4, 2011, scoping meeting from several members of the public as summarized below. Specific environmental concerns raised in written comments received during the NOP/NOI public review period are discussed below. The NOP/NOI and all comments received are included in Appendix C, along with the summary of comments received during the scoping process and future steps in the planning process.

There were a number of environmental concerns raised during the public scoping process, which focused on AEWP's potential effects on the following environmental categories:

- Project Description, including purpose and need, location of distribution lines, transmission line routes, decommissioning and site restoration.
- Geographic scope of effects, including adequacy of the distance from the project site used for public notification.
- Human environment issues, including concerns about aesthetics, land use, fire and safety hazards, noise, cultural and historic resources, transportation, solid and hazardous waste, social and economic conditions and environmental justice.
- Natural environment issues, including concerns about biological resources, water resources, and air quality.
- Indirect and cumulative impacts, including loss of regional desert lands, construction-related traffic, degradation of watershed(s).
- Project alternatives to reduce impacts to cultural and historic resources and water resources and utilize previously-disturbed land.
- EIS/EIR administrative and permitting issues and questions, including requests for information.

1.7.5 Draft EIS/EIR Preparation

A Draft PA and Draft EIS/EIR has been prepared, incorporating public and agency responses to the NOP/NOI and scoping process. The Draft EIS/EIR is circulated for review and comment to appropriate agencies and additional individuals and interest groups who have requested to be notified of EIS/EIR projects. Per Section 15105 of the State CEQA Guidelines, Kern County will provide for a 45-day public review period on the Draft EIS/EIR. However, BLM's NEPA and Land Use Planning Handbooks require that a 90-day public review period be provided for a Draft PA and Draft EIS/EIR; therefore, the document will be circulated for a full 90 days. Kern County and BLM will subsequently respond to each comment on the Draft PA and Draft EIS/EIR received in writing through a Response to Comments chapter in the Final EIS/EIR. The Response to Comments will be provided to each agency or person who provided written comments on the EIS/EIR two weeks before the scheduled Planning Commission hearing on the Final EIS/EIR and project.

1.7.6 Preparation and Certification of Final EIS/EIR

Kern County

The Kern County Planning Commission will consider the Final EIS/EIR and the project, acting in an advisory capacity to the Kern County Board of Supervisors. Upon receipt of the Planning Commission's

recommendation, the Board of Supervisors will also consider the Final EIR, all public comments, and the project and take final action on the project. At least one public hearing will be held by both the Planning Commission and Board of Supervisors to consider the Final EIR, take public testimony, and then approve, conditionally approve, or deny the project.

BLM

The Final EIS/EIR will be made available to the public for a minimum of 30 days prior to issuing a record of decision (ROD). The publication of EPA's Notice of Availability (NOA) in the Federal Register will initiate the 30-day period.

At the decision-making stage, the BLM must clearly distinguish the land use plan decision from the implementation decision and describe the administrative remedies for both. Generally, the proposed land use plan may be protested to the BLM Director within the 30 days protest period. The ROD cannot be issued until protests are resolved. The decision regarding the ROW grant is appealable to the Interior Board of Land Appeals upon issuance of a ROD, unless the ROD is signed by the Secretary of the Interior.

1.7.7 Availability of the Draft EIR

This Draft PA and Draft EIS/EIR is being distributed directly to agencies, organizations, and interested groups and persons for comment during a 90-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and Section 40 C.F.R. 1503.1 of NEPA and BLM's NEPA and Land Use Planning Handbooks. This Draft EIS/EIR and the full administrative record for the project, including all studies, is available for review at the Kern County and BLM websites listed below or during normal business hours Monday through Friday at the Kern County Planning and Community Development Department, located at:

Kern County Planning and Community Development Department

2700 "M" Street, Suite 100

Bakersfield, CA 93301-2370

Phone: (661) 862-8600, Fax: (661) 862-8601

<http://www.co.kern.ca.us/planning/eirs.asp>

http://www.blm.gov/ca/st/en/fo/ridgecrest/alta_east_wind_project.html

1.8 List of Required Permits and Approvals

Table 1-1 provides a list of the anticipated federal and State permits and approvals that would be required for the proposed AEWP, including those that would be issued by the Lead Agencies. Please note that CEQA review is only required for State or local approvals that are considered discretionary in nature.

Table 1-1. Proposed Discretionary Actions/Required Approvals

Agency	Permit/Authorization
FEDERAL	
Bureau of Land Management	<ul style="list-style-type: none"> • ROW Grant pursuant to FLPMA • CDCA Plan Amendment
Tribal Historic Preservation Office/State Historic Preservation Office	<ul style="list-style-type: none"> • Programmatic Agreement, Memorandum of Agreement or determination of No Adverse Effect under Section 106 consultation pursuant to the National Historic Preservation Act

Table 1-1. Proposed Discretionary Actions/Required Approvals

Agency	Permit/Authorization
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> • Biological Opinion or determination of No Adverse Effect under Section 7 consultation pursuant to the ESA • Programmatic Take Permit pursuant to the Bald and Golden Eagle Protection Act (if deemed required and if available)
Federal Aviation Administration	<ul style="list-style-type: none"> • Notice of Proposed Construction or Alteration Application • Determination of No Hazard
STATE	
California Department of Fish and Game	<ul style="list-style-type: none"> • Streambed Alteration Agreement pursuant to California Fish & Game Code Section 1602 • CESA Section 2081 Incidental take permit and/or Section 2080.1 Consistency Determination
Lahontan Regional Water Quality Control Board (Region 6)	<ul style="list-style-type: none"> • Waste Discharge Requirements • National Pollutant Discharge Elimination System (NPDES) General Permit for discharges associated with construction activity • Stormwater Pollution Prevention Plan
LOCAL	
Kern County	<ul style="list-style-type: none"> • Changes in Zone Classification (Discretionary) • Conditional Use Permit (Discretionary) • General Plan Amendments (Discretionary) • Public easement vacations (Discretionary; if deemed required) • Grading Permit (Ministerial) • Building, electrical, and well permits (Ministerial) • Franchise Agreement (Discretionary; if deemed required)
Eastern Kern County APCD	<ul style="list-style-type: none"> • Authority to Construct/Permit to Operate

1.9 Interagency Coordination

The BLM and County seek comments from and work closely with other regulatory agencies that administer laws, regulations, and standards that may be applicable to proposed projects. These agencies may include as applicable, the USEPA, USFWS, ACOE, State Water Resources Control Board/RWQCB, SHPO, CDFG, and the Eastern Kern APCD.

The BLM has also notified affected Native American Tribes regarding the proposed AEWP, is seeking their comments, and has invited them to consult on the project on a government-to-government basis pursuant to Section 106 of the NHPA. A summary of the tribal consultation process to date is provided in Section 5.2.3.

Responsible and Trustee Agencies (CEQA)

Projects or actions undertaken by the lead agency, in this case the Kern County Planning and Community Development Department, may require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Other such agencies are referred to as “*responsible agencies*” and “*trustee agencies*.” Pursuant to Sections 15381 and 15386 of the State CEQA Guidelines, as amended, responsible agencies and trustee agencies are defined as follows:

- A “*responsible agency*” is a public agency that proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA,

the term “*responsible agency*” includes all public agencies other than the lead agency that have discretionary approval power over the project (Section 15381).

- A “*trustee agency*” is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California (Section 15386).

The various public, private, and political agencies and jurisdictions with a particular interest in the project include, but are not limited to, the following:

Local Agencies

- Eastern Kern Air Pollution Control District
- Kern County Environmental Health Services Department
- Kern County Roads Department
- Kern County Fire Department
- Kern County Board of Supervisors

State Agencies

- Department of Fish and Game
- California Air Resources Board
- California Department of Transportation
- Regional Water Quality Control Board – Lahontan Region

Federal Agencies

- U.S. Department of Interior
- Federal Aviation Administration
- U.S. Fish and Wildlife Service

1.10 Incorporation by Reference

In accordance with Section 15150 of the State CEQA Guidelines to reduce the size of the report, the following documents are hereby incorporated by reference into this Draft PA and Draft EIS/EIR and are available for public review at the Kern County Planning and Community Development Department. A brief synopsis of the scope and content of these documents is provided below.

Kern County General Plan (KCGP)

The KCGP is a policy document with planned land use maps and related information that are designed to give long-range guidance to those County officials making decisions affecting the growth and resources of the unincorporated County jurisdiction, excluding the metropolitan Bakersfield planning area. This document, adopted on June 14, 2004, and last amended on September 22, 2009, helps to ensure that day-to-day decisions conform to the long-range program designed to protect and further the public interest as related to the County’s growth and development and to mitigate environmental impacts. The KCGP also serves as a guide to the private sector of the economy in relating its development initiatives to the public plans, objectives, and policies of the County.

Kern County Zoning Ordinance

According to Chapter 19.02.020, Purposes, Title 19 was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses throughout the unincorporated area of Kern County. Further, the purposes of this title are to:

- Provide the economic and social advantages resulting from an orderly planned use of land resources;
- Encourage and guide development consistent with the KCGP;
- Divide the County into zoning districts of a number, size, and location deemed necessary to carry out the purposes of the KCGP and this title;
- Regulate the size and use of lots, yards, and other open spaces;
- Regulate the use, location, height, bulk, and size of buildings and structures;
- Regulate the intensity of land use;
- Regulate the density of population in residential areas;
- Establish requirements for off-street parking;
- Regulate signs and billboards; and
- Provide for the enforcement of the regulations of Chapter 19.02.

Destination 2030: Regional Transportation Plan (RTP) (2004)

The latest RTP was adopted in 2004. Destination 2030 is a 26-year regional transportation plan that establishes a set of regional transportation goals, objectives, policies, and actions intended to guide development of the planned multimodal transportation systems in the County. It was developed through a continuing, comprehensive, and cooperative planning process, and provides for effective coordination between local, regional, State, and federal agencies. This RTP provides transportation and air quality goals, policies and actions for now and into the future, and includes programs and projects for congestion management, transit, airports, bicycles and pedestrians, roadways, and freight. In addition, it provides a discussion of all mechanisms used to finance transportation and air quality program implementation (Kern Council of Governments, 2004).

County of Kern Housing Element (2008–2013)

The development and preservation of adequate and affordable housing is important to the well-being of the residents and the economic prosperity of the County. To plan for the development of adequate housing for all income segments, a Housing Element was prepared as a part of the KCGP. This document specifically addresses housing needs and resources in the County's unincorporated areas. The Housing Element must maintain consistency with the other elements of the KCGP.

Kern County Airport Land Use Compatibility Plan (ALUCP)

The ALUCP was originally adopted in 1996 and has since been amended to comply with Aeronautics Law, Public Utilities Code (Chapter 4, Article 3.5) regarding public airports and surrounding land use planning. As required by that law, proposals for public or private land use developments that occur within defined airport influence areas are subject to compatibility review. The principle airport land use compatibility concerns addressed by the plan are: (1) exposure to aircraft noise, (2) land use safety with respect to both people and property on the ground and the occupants of aircraft, (3) protection of airport air space, and (4) general concerns related to aircraft overflights.

The ALUCP identifies policies and compatibility criteria for influence zones or planning area boundaries. The ALUCP maps and labels these zones as A, B1, B2, C, D, and E, ranging from the most restrictive (A – airport property-runway protection zone) to the least restrictive (D – disclosure to property owners only) while E is intended to address special land use development. As required by law, the following affected cities have adopted the ALUCP for their respective airports: Bakersfield, California City, Delano, Shafter, Taft, Tehachapi, and Wasco.

1.11 Sources

This Draft PA and Draft EIS/EIR is dependent upon information from many sources. Some sources are studies or reports that have been prepared specifically for this document. Other sources provide background information related to one or more issue areas that are discussed in this document. The sources and references used in the preparation of this Draft PA and Draft EIS/EIR are listed in Chapter 8, “References,” and are available for review during normal business hours at the:

**Kern County Planning and Community Development Department
2700 “M” Street, Suite 100
Bakersfield, California 93301-2370**

1.12 Document Content and Organization

The content and organization of this Draft EIR are designed to meet the requirements of CEQA and the State CEQA Guidelines, and the Kern County CEQA Implementation Document, as well as to present issues, analysis, mitigation, and other information in a logical and understandable way.

This document also follows regulations promulgated by the CEQ for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508); the Department of the Interior’s NEPA regulations, 43 C.F.R. Part 46; the BLM NEPA Handbook, H-1790-1; Sections 201, 202, and 206 of FLPMA (43 CFR 1600); and the BLM Land Use Planning Handbook, H1601-1. This Draft PA and Draft EIS/EIR describes the components of and reasonable alternatives to AEWP and environmental consequences of AEWP and the alternatives. In addition, the document incorporates provisions of CEQA to allow State and local agencies to use this Draft PA and Draft EIS/EIR in its environmental review and approval process.

The Draft PA and Draft EIS/EIR is organized as follows:

- **Chapter 1** provides general background on the proposed AEWP; identifies the purpose and need for the project; identifies roles of the BLM, other agencies, and authorities regulating various aspects of the project; describes the public participation and decision-making processes; describes the issues addressed in the document and documents incorporated by reference; and provides definitions of EIS/EIR terminology.
- **Chapter 2** describes the proposed AEWP and draft land use plan amendment decisions to be made and the alternatives development and screening process conducted for the project. It also presents a range of reasonable alternatives that address the stated purpose and need for the project and identifies and explains why alternatives were considered but not analyzed in detail.
- **Chapter 3** describes the affected environment (existing conditions) for 21 environmental components in the proposed AEWP area.
- **Chapter 4** provides a comprehensive analysis and assessment of impacts (direct, indirect, and cumulative) and mitigation measures (by environmental component) for AEWP and other alternatives (including three No Action Alternatives). It also describes other aspects of BLM compliance with NEPA procedures, including a description of unavoidable adverse impacts, the commitments of resources (40 CFR, 1502.16), as well as addressing CEQA requirements, such as a summary of the environmental impacts of AEWP.
- **Chapter 5** identifies the persons, groups, agencies and other governmental bodies that were consulted or that contributed to the preparation of the EIS/EIR; describes Native American consultations and public participation during scoping; provides a list of EIS/EIR preparers; and lists agencies, organizations, and persons to whom the EIS/EIR will be sent or has been sent.
- **Chapter 6** includes a list of acronyms and abbreviations used in the EIS/EIR.

- **Chapter 7** includes a list of project terms used in the EIS/EIR.
- **Chapter 8** provides the references used in preparing the EIS/EIR.
- **Chapter 9** provides an index for key words used in the EIS/EIR.
- **Appendices** contain information that supplements or supports the analyses in the body of the EIS/EIR.

1.13 Issues to be Addressed

The issues evaluated in this EIS/EIR include the physical, biological, cultural, socioeconomic, and other resources that have the potential to be affected by activities related to the proposed AEWP and alternatives. The issues are:

- | | |
|------------------------------|-------------------------------------|
| ■ Air Resources; | ■ Public Health and Safety; |
| ■ Climate Change; | ■ Social and Economic Issues; |
| ■ Cultural Resources; | ■ Soil Resources; |
| ■ Environmental Justice; | ■ Special Designations; |
| ■ Lands and Realty; | ■ Transportation and Public Access; |
| ■ Livestock Grazing | ■ Vegetation Resources; |
| ■ Mineral Resources; | ■ Visual Resources; |
| ■ Multiple Use Classes; | ■ Water Resources; |
| ■ Noise; | ■ Wild Horses and Burros |
| ■ Paleontological Resources; | ■ Wildland Fire Ecology; and |
| | ■ Wildlife Resources. |

1.14 Terminology

To assist reviewers in understanding this EIS/EIR, the following terms are defined:

- *Project* means the whole of an action that has the potential for resulting in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- *Environment* means the physical conditions that exist in the area and which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of the project. The environment includes both natural and man-made (artificial) conditions.
- *Impacts* analyzed under CEQA must be related to a physical change. Impacts are:
 - Direct or primary impacts that would be caused by a proposed project and would occur at the same time and place; or
 - Indirect or secondary impacts that would be caused by a proposed project and would be later in time or farther removed in distance but would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other effects related to induced changes in the pattern of land use; population density or growth rate; and related effects on air and water and other natural systems, including ecosystems.
- *Significant impact on the environment* means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

- *Mitigation* consists of measures that avoid or substantially reduce a proposed project's significant environmental impacts by:
 - Avoiding the impact altogether by not taking a certain action or parts of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 - Compensating for the impact by replacing or providing substitute resources or environments.
- *Cumulative impacts* are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:
 - The individual impacts may be changes resulting from a single project or separate projects.
 - The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

This EIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- *Less than significant*. An impact that is adverse but that does not exceed the defined thresholds of significance. Less than significant impacts do not require mitigation.
- *Significant*. An impact that exceeds the defined thresholds of significance and would or could cause a substantial adverse change in the environment. Mitigation measures are recommended to eliminate the impact or reduce it to a less-than-significant level.
- *Significant and unavoidable*. An impact that exceeds the defined thresholds of significance and cannot be eliminated or reduced to a less-than-significant level through the implementation of mitigation measures.