

Appendix C: Comments Submitted on the FEIS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 7, 2013

Gregory Helseth
Bureau of Land Management/Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Subject: Final Environmental Impact Statement for the Searchlight Wind Energy Project, Clark County, Nevada (CEQ #20120384)

Dear Mr. Helseth:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Bureau of Land Management (BLM) on April 18, 2012. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2), with our primary concerns regarding potential impacts to water and biological resources. We appreciate the additional information that was included in the FEIS in response to our comments, particularly the information regarding tribal consultation and the statement that project fencing will meet hydrologic performance standards to protect water quality. We have the following recommendations for the Record of Decision (ROD) to maximize resource protection:

Drainages and Ephemeral Washes: We appreciate the indirect reference to avoiding infrastructure placement in drainages in water mitigation measure 6 (MM WATER 6). Figure 4.3-2 shows the layout of the main access road corridor and wind turbine placement in relation to the locations of drainages and ephemeral washes. The main access road corridor appears to pass through jurisdictional waters and some turbines appear to be located in washes. We recommend that BLM include a mitigation measure that clearly states that the applicant will actively seek to avoid placement of infrastructure in drainages and commit to the use of existing natural washes, with adequate buffers, to the greatest extent practicable. This will help reduce the residual erosion impacts identified in the FEIS.

Groundwater supply: We understand that the applicant will procure water from willing sellers if supplies are found to be insufficient. Because of the declining water table in the project area, we recommend that BLM require water conservation features in restroom facilities and other water uses in the Operations and Maintenance facilities.

Refer to Appendix D: Errata to the FEIS, MM Water -6 which has been updated to include EPA's suggested language.

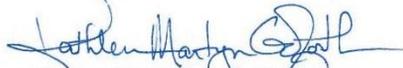
The Operations and Maintenance facilities will comply with Clark County building codes.

Biological resources: We appreciate the inclusion of the Biological Opinion (B.O.) in the FEIS. We support the Fish and Wildlife Service's (FWS) recommendation that BLM encourage Duke Energy to continue to coordinate with FWS to develop an Eagle Conservation Plan and then to apply for a golden eagle programmatic take permit (B.O., p. 2). We recommend that BLM include this in the ROD as a mitigation measure for the protection of resources, consistent with the purposes of NEPA. We also support FWS's conservation recommendation that BLM develop a monitoring program to determine long-term project effects to desert tortoise abundance, distribution, and use of the project area, in coordination with a university or government entity that will be able to disseminate information that is collected through peer-reviewed publications (B.O., p. 47). Such monitoring data could be useful by informing the assessment of direct and cumulative impacts to the desert tortoise in future NEPA analyses.

Finally, we recommend that all mitigation measures identified in the FEIS be adopted in the ROD and included as conditions in construction contracts and any other approvals, as appropriate.

EPA appreciates the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this document, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Office

cc: Edward D. Koch, State Supervisor, U.S. Fish and Wildlife Service

The decision of whether a take permit is being requested is between the applicant and the USFWS. The BLM will continue to work with the USFWS to assess direct and cumulative impacts to the desert tortoise.

Mitigations measures described in the FEIS are included in this ROD with minor clarifications as presented in Appendix D: Errata Pages for the FEIS. Additional BLM mitigation measures have also been added to the ROD in Section V. Mitigation and Monitoring.

United States Department of the Interior



NATIONAL PARK SERVICE

LAKE MEAD NATIONAL RECREATION AREA
601 NEVADA WAY
BOULDER CITY, NEVADA 89005

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January 10, 2013

Greg Helseth
Renewable Energy Manager
Bureau of Land Management
Southern Nevada District Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130
ghelseth@blm.gov

RE: Searchlight Wind Energy Project Final Environmental Impact Statement (FEIS)

Dear Mr. Helseth:

The National Park Service (NPS) appreciates the opportunity to provide comments on the above stated document. The NPS supports renewable energy projects on public lands so long as such projects can be constructed and operated in an environmentally responsible manner that serves the public interest, protects natural resources and protects our treasured landscapes. It is the role of the NPS to contribute to the process and the analysis of renewable energy projects to help ensure they meet the Secretary's goal that such projects on public lands are "Smart from the Start." As a cooperating agency, our goal is to provide both positive and practical feedback in order to mitigate potential impacts to the resources of Lake Mead National Recreation Area (LMNRA).

After review of the FEIS, the NPS would like to submit the following comments:

NPS appreciates that the micro-siting of the turbines and interconnect facility are in compliance with BLM guidelines. Further discussion of the NPS proposed changes and analysis of those changes in the FEIS would have better enabled the public to understand the potential resource impacts.

Pg. v – Summary of Potential Impacts and Mitigation – Visual Resources Impacts – It is stated in the table that, "...long term change to the visual character of the environment; however, compliance with VRM Class II would be achieved." It is the NPS understanding that the project area is categorized as VRM Class III. It is unclear based on the document whether the VRM classification has changed from Class III to Class II and, if so, how the project could go forward

Comment noted.

This typographical error has been corrected in the ROD (refer to Appendix D: Errata to the FEIS).

under the more stringent standard. In a comment response to the NPS it is stated, "...Text has been updated for this KOP to reflect a moderate contrast rating, which remains consistent with a Class III Visual Resources Management Area."

Pg. 3-79 - Figure 3.9-12 KOP 10 – the incorrect picture is inserted here.

Sections 3.10 Noise and 3.11 Recreation - Nellis Wash Wilderness and its location of approximately 2-miles from the nearest Wind Turbine Generators WTG, is not mentioned in Section 3.11 Recreation as stated in a comment response to NPS, "...Sections 3.10 Noise and 3.11 Recreation have been updated to include that the Nellis Wash Wilderness is located approximately 2-miles from the nearest turbine." NPS recommends that the Nellis Wash Wilderness be referenced in Section 3.11 Recreation.

Pg. 4-77, Line 10 – NPS previously commented that, "we would appreciate if the document was revised to include upper and lower range of red beacon intensity and appropriate flash characteristics." NPS recommends including a list of the FAA parameters for flash duration and intensity that would apply to the proposed lighting for this project and including those parameters in MM-VIS5 of the FEIS.

Pg. 4-79, Line 93 - NPS requests that the right-of-way (ROW) holder agree to pursue approval from the FAA for the installation and use of an audio visual warning system (AVWS), such as the Obstacle Collision Avoidance System (OCAS) currently on the market, which would allow for Federal Aviation Administration (FAA) required warning lights to remain turned off unless safety lighting is triggered by the system, thereby decreasing regular lighting of the facilities and equipment and potential impacts to natural lightscapes. NPS recommends the BLM include the following terms and conditions in the ROW grant: If OCAS or a similar AVWS is approved by the FAA, the right-of-way-holder would agree to incorporate the system into the lighting design of the Searchlight Wind Energy Project. In the event that approval for use of AVWS is not granted at this time, right-of-way holder agrees to retrofit lighted turbines, facilities and equipment with such a system at which time it is approved for use in the future, within the timeframe of the ROW agreement.

Pg. 4-86 - Section 4.9.4 Mitigation Measures – Because specific mitigation measures previously discussed between NPS, BLM, the proponent and Western Area Power Association (WAPA) were not included in the FEIS, NPS would prefer the inclusion of these mitigation measures for the interconnect facility located near the NPS Entrance Station for Cottonwood Cove in the Record of Decision and the addition of mitigation stipulations to the ROW grant.

More specifically, in a meeting between the above listed parties on September 25, 2012, the following mitigation topics were discussed:

The benefits of a block wall versus a chain link fence surrounding the interconnect facility was discussed. In the FEIS, there is no mention of using a block wall or colored chain-link fencing that will blend with the surrounding environment (brown, green, tan) as previously discussed and agreed upon by the parties. A wall could limit the view of the structures within the area and conform in materials and color with the entrance station, but it could also serve as clean pallet for graffiti. NPS recommends that additional visual comparisons and simulations from the east side of the interconnect facility be completed before a final decision is reached on the boundary fence. Additional visual comparisons and simulations would ensure that the best possible design feature would be chosen and agreed upon before construction begins. NPS welcomes the opportunity to continue

This error has been corrected in the ROD (refer to Appendix D: Errata to the FEIS).

Section 3.11 has been updated to include the reference to the Nellis Wilderness Wash and wilderness characteristics (refer to Appendix D: Errata to the FEIS).

MM-VIS 5 has been updated to include the requested information (refer to Appendix D: Errata to the FEIS).

If technologies become available that are approved by the Federal Aviation Administration (FAA), the BLM authorized officer may require an evaluation of the installation of an audio visual warning system (AVWS) for aircraft detection and warning to reduce night lighting impacts from wind turbines located within the authorization. If an AVWS is authorized by the FAA and determined by the BLM authorized officer to be cost effective, the BLM authorized officer may require the installation of an AVWS as a condition of the authorization.

Refer to Section V. Mitigation and Monitoring of the ROD, which discusses additional mitigation measures. The BLM will work with federal stakeholders to develop a Memorandum of Understanding to address mitigation for the switching station.

working with BLM and the project proponent on analyzing and identifying design features and/or measures that will be the best mitigation for the visual impacts to the landscape brought on by the construction of the interconnect facility.

Use of color within the project area was discussed and there was a preference and consensus to use tan and brown colored materials for the buildings within the project area. It was stated the electrical structures need to maintain the factory grey color, as the paint used contains specific electrical properties. NPS recommends the following terms and conditions be included in the ROW grant: If paint technology advances and paint colors that will blend more effectively with the surrounding environment are approved for use in electrical facilities in the future, the right-of-way-holder would agree to retrofit the electrical structures of the Searchlight Wind Energy Project, within the timeframe of the ROW grant.

Re-vegetation efforts were discussed and the statement that "topsoil will be salvaged and redistributed on the disturbed soils that are not part of the long term project" was further analyzed during the meeting. NPS recommends that the redistribution of soils include the fill slopes associated with the construction of the interconnect facility. In the FEIS, it also calls for the replanting of the native cacti and Yucca that were salvaged prior to disturbance. NPS has a native plant nursery at Lake Mead National Recreation Area and this facility can provide support for the restoration of the interconnect facility and the larger wind energy project as part of the restoration plan (with cost reimbursement). NPS also has experience with native plant seed collection and restoration using native seed. As this project progresses, we would like to stay involved in the restoration planning and look forward to working with BLM and the proponent on this task.

Lighting and night sky protection was discussed as part of the meeting. Starry night skies and natural darkness are important components of the special places the NPS protects. National parks hold some of the last remaining harbors of darkness and provide an excellent opportunity for the public to experience this endangered resource. NPS is dedicated to protecting and sharing this resource for the enjoyment of current and future generations.

NPS uses the term "natural lightscape" to describe resources and values that exist in the absence of human-caused light at night. Natural lightscapes are critical for nighttime scenery, such as viewing a starry sky, but are also critical for maintaining nocturnal habitat. Many wildlife species rely on natural patterns of light and dark for navigation, to cue behaviors, or hide from predators. Lightscapes can be cultural as well, and may be integral to the historical fabric of a place. Human-caused light may be obtrusive in the same manner that noise can disrupt a contemplative or peaceful scene. Light that is undesirable in a natural or cultural landscape is often called "light pollution." Light pollution is not the inevitable side-effect of progress, but is instead indicative of wasteful and inefficient outdoor lighting. The loss of the night sky is unnecessary, and protecting dark skies doesn't mean throwing civilization back into the dark ages; it simply requires that outdoor lights be used judiciously, respecting our human environment, wildlife, and the night sky that we all enjoy.

The existing lighting plan provides a mitigation strategy for lighting that includes the use of motion detectors and shielding of lights. NPS further recommends that exterior lighting

Refer to Section V. Mitigation and Monitoring of the ROD, which discusses additional mitigation measures. The BLM will work with federal stakeholders to develop a Memorandum of Understanding to address mitigation for the switching station.

be minimal and directed downward for the optimal minimization of visible light. NPS understands that lighting is necessary for working within the interconnect facility during the nighttime hours, however, if exterior nighttime work is not underway, NPS would prefer no lighting on the interconnect facility.

There was a discussion of providing interpretation and education opportunities along the Cottonwood Cove Access Road. An interpretive panel is proposed in the vicinity of mile marker 4 to address some historic mining aspects of the project area. A second panel is under consideration and it was offered to the NPS. NPS recommends that the second panel address the wind energy project and that Duke Energy have the opportunity to take the lead in the design and fabrication of the exhibit. NPS would welcome the opportunity to assist in that effort.

Additionally, it was discussed that BLM would add language to the FEIS and/or Record of Decision that would stipulate that the proponent would work with NPS on mitigation planning, terms and implementation. NPS recommends the inclusion of language such as, "Mitigation planning, terms and implementation will be carried out in coordination and consultation with NPS" in the Record of Decision and ROW grant to ensure ongoing collaboration throughout the timeframe of the project.

NPS commends the BLM with the inclusion of the Nellis Wash Wilderness in Figures 4.10-1 and 4.10-2. Within Chapter 4, however, there is no mention of the Nellis Wash Wilderness and its wilderness characteristics. Given the proximity of the Nellis Wash Wilderness and the inclusion of it on two Figures within the chapter, NPS recommends that discussion of the area and its wilderness characteristics be addressed.

The NPS requests a response from the BLM on whether and how these issues will be addressed in the Record of Decision and Right-of-Way Grant, prior to surmounting the Record of Decision package. If you have any questions or need additional information, please contact Mike Boyles, Environmental Compliance Specialist – Lake Mead National Recreation Area at (702)293-8978 or michael.j.boyles@nps.gov, or contact Ameer Howard, Renewable Energy Specialist – NPS Pacific West Region at (702) 293-8645 or amee.howard@nps.gov.

Sincerely,



William K. Dickinson
Superintendent, Lake Mead National Recreation Area

cc: Ameer R. Howard, NPS - PWR
Mike Boyles, NPS – LAKE
Zach Church, NPS - PWR
Sarah Quinn, NPS – WASO
Dale Morlock, NPS – EQD
Nancy Christ, BLM – Southern NV

Section 3.11 has been updated to include a discussion of wilderness characteristics (refer to Appendix D: Errata to the FEIS).



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

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January 11, 2013

KENNETH E. MAYER
Director

RICHARD L. HASKINS, II
Deputy Director

PATRICK O. CATES
Deputy Director

NDOW-SR #: 13-105
SAI #: E2012-117

Mr. Gregory Helseth, Renewable Energy Project Manager
BLM – Southern Nevada District Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Re: Final EIS: Searchlight Wind Energy Project (NVN-084626 and NVN-086777) dated December 2012 (FEIS)

Dear Mr. Helseth:

Thank you for providing the Nevada Department of Wildlife (NDOW) opportunity to review the FEIS. While a thorough review of the FEIS was not possible, we support adoption of the *Preferred Alternative* of an 87 WTG facility. Our overall positive relationship working with BLM as a cooperating agency, and more importantly as an agency partner in matters regarding conservation of wildlife resources on this project, has us optimistic that the majority of considerations discussed along the way have resulted in sound mitigation measures incorporated into the FEIS and supporting documents.

In quick review of mitigation summarized in chapter 2, we have the following observations and comments.

Page 2-47: MM-BIO3

1st bullet statement: NDOW's Gila monster construction protocols were updated in 2012, so use and citation of the protocols is advised.

Nevada Department of Wildlife. 2012. *Gila Monster Status, Identification and Reporting Protocol for Observations*. NDOW, Southern Region, 7 September 2012. 3 pp.
Online at: http://www.ndow.org/wild/conservation/reptile/07Gila_Protocol.pdf.

Page 2-47, MM-BIO6: BURROWING OWL PROTECTION DURING CONSTRUCTION:

Use of the Arizona Burrowing Owl Working Group's guidance may be additionally helpful. The citation is:

Arizona Burrowing Owl Working Group. 2009. *Burrowing Owl Project Clearance Guidance for Landowners*. Arizona Game & Fish Department. May 2009. 9 pp.
Online at: http://www.azgfd.gov/pdfs/w_c/owl/burrowingowlc Clearanceprotocol.pdf

Page 2-48, MM-BIO8 WILDLIFE WATER DEVELOPMENTS:

Thank you.

MM-BIO 4 and Chapter 6 have been updated to include the correct reference (refer to Appendix D: Errata to the FEIS).

Comment noted.

We look forward to future dialogue and opportunities in discussing monitoring results and measures for avoiding and minimizing impacts to wildlife resources.

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist
Nevada Department of Wildlife, Southern Region
4747 Vegas Drive, Las Vegas, Nevada 89108
702.486.5127 x3600; 702.486.5133 FAX
bhrdnbrk@ndow.org

cc: Nevada State Clearinghouse
NDOW, Files
U.S. Fish & Wildlife Service



desert conservation
PROGRAM

January 17, 2013

Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management, Las Vegas Field Office
4701 N. Torrey Pines Dr.
Las Vegas, NV 89130-2301

Re: Final Environmental Impact Statement for the Searchlight Wind Energy Project, 2800 (NVS3100), NVN-84626, NVN-86777.

Dear Mr. Helseth:

Thank you for the opportunity to provide comments on the Final Environmental Impact Statement (FEIS) for the Searchlight Wind Energy Project.

As you are aware, the Clark County Multiple Species Habitat Conservation Plan (MSHCP) mitigates for the impacts of an Endangered Species Act Section 10(a)(1)(B) incidental take permit by funding a variety of mitigation actions, including actions on Bureau of Land Management (BLM) lands and other federal lands. The subject project will include new permanent disturbance in areas where the MSHCP has funded mitigation actions in support of our incidental take permit.

In the FEIS for the related Searchlight Wind Energy Project, we did not find an assessment of the direct, indirect and cumulative impacts that the project would have on areas where MSHCP actions have been funded. These areas include, at a minimum:

- Within the Ireteba Peaks grazing allotment at a cost of \$275,000.
- Areas where Clark County funds have provided for weed monitoring and treatment activities, including the Interagency Weed Sentry Project.
- Areas where Clark County funds have provide for restoration activities.

A series of letters have been provided to BLM that address our concerns with permanent loss of MSHCP mitigation areas. The letters addressed to BLM where dated February 25, 2010, May 28, 2010, July 12, 2010, July 14, 2010, October 8, 2010, October 24, 2011, June 29, 2012 and December 19, 2012. We would like to request that the BLM address the issue of appropriate mitigation for the permanent loss of MSHCP mitigation areas in the FEIS and for all future projects.

respect, protect and enjoy our desert!

500 S. Grand Central Parkway Las Vegas, NV 89106 • Phone (702) 455-3536 • Fax (702) 382-4593

The BLM never amended or agreed to amend the 1998 Las Vegas Resource Management Plan (RMP) to exclude or avoid issuance of ROWs within the Searchlight Multiple Use Managed Area (MUMA) as identified in the 2001 Clark County MSHCP. The area is "zoned" to allow this activity type without size restriction at a "zoning" level. The proposed action is in conformance with the 1998 RMP. The MSHCP plan and associated MOUs between the MSHCP permittees and the BLM reflected the land management allocations in the 1998 RMP.

The project has been sited outside the Piute/Eldorado Area of Critical Environmental Concern (ACEC) and the Piute-Eldorado Critical Habitat Unit for the desert tortoise, both categorized as Intensively Managed Areas (IMAs) in the Clark County MSHCP. The area around Searchlight, Nevada was excluded from both designations due to former mining activities and the future possibility of development in this area. The 2001 Clark County MSHCP recognizes this with the conservation management category designation of the area as a "Multiple Use Managed Area (MUMA). MUMAs are undesignated BLM managed public lands "on which human activities are not precluded and which may, at times, be intense, but nevertheless continue to support significant areas of undisturbed natural vegetation. MUMAs provide connectivity between populations of species in IMAs and [Less Intensively Managed Areas] LIMAs, and areas of more intensive use." (page 2-76 Recon 2001).

The FEIS for the Searchlight Wind Energy Project and associated biological assessment and biological opinion analyze the impact of the proposed action on desert tortoises and their critical habitat, ACECs, BLM sensitive species, common wildlife and vegetation. Therefore, the area where Clark County MSHCP projects have been implemented has been analyzed.

Retirement of the Iretaba Peaks grazing allotment - This mitigation action removed the threat and stressor resulting from desert tortoises competing with cattle for forage within the Piute/Eldorado ACEC. The proposed action of permitting a ROW for a wind farm in the area around Searchlight, Nevada, outside the Piute/Eldorado ACEC and critical habitat, will not return cattle grazing to this allotment. The allotment remains in "non-use status" as discussed on page 2-196 of the Clark County MSHCP (Recon 2001). This project, therefore, will have no impact on the effectiveness of that mitigation action conducted by the Clark County Desert Conservation Program.

Weed monitoring and weed treatments - Weed monitoring and weed treatments through projects like the Weed Sentry project were conducted throughout Clark County. The mitigation projects reduced the threat and stressor of weeds reducing the quality of habitat of covered species. The proposed project has been analyzed for environmental impacts resulting from weeds and the ROW grants will require the permittee to manage weeds within their ROW. The Clark County Desert Conservation Program is not currently funding weed management, including maintenance of previous weed treatments, within BLM MUMAs. The ROWs will ensure weed management within the Searchlight Wind Energy Project area.

Restoration Projects: All areas restored by BLM are considered habitat. Therefore, if restoration treatment sites are disturbed by a future management action, like issuance of a ROW, impacts to loss of habitat are analyzed and avoidance, minimization and mitigation are identified in the EIS and actions to avoid, reduce or offset those impacts are included in the ROD and/or ROW grant. Please refer to **Appendix E** for a list of required mitigation measures.

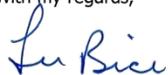
Gregory Helseth
Renewable Energy Project Manager
January 17, 2013
Page Two

In chapter 5: Coordination and Consultation, under 5.2.1 Federal, State, and Local Agencies it states that Clark County Desert Conservation Program were consulted during the preparation of this DEIS. Can BLM provide a summary, meeting dates, phone logs, notes, or topics covered in this consultation.

While reviewing Appendix A-4: BLM Response to Comments on the Draft EIS, under State and Local Agencies, our previous comment submitted via email dated 4/5/2013 was not included (see attachment). The original comment was a request that all surveyed species occurrence data collected within the project area, be submitted to the Nevada Natural Heritage Program (NNHP). To further enhance species habitat model development, please include both the presence and absence observation data. Please provide all reports along with the data to NNHP.

Thank you again for the opportunity to provide comments on this project. If you have any questions please don't hesitate to contact me.

With my regards,



Lee Bice
Sr. GIS Analyst

LB/ee

cc: Carolyn Ronning, MSHCP Coordinator, BLM
Jeri Krueger, Habitat Conservation Planning Coordinator, USFWS

Enclosure

This letter was not a comment on the DEIS; therefore, it was not included in the FEIS. However, per Clark County Desert Conservation Program's request, the GIS data was forwarded to NNHP on May10, 2012.

Searchlight Wind Energy Draft EIS Comment

Lee Bice

Sent: Thu 4/5/2012 2:05 PM

To: 'BLM_NV_SND0_SearchlightWindEnergyEIS@blm.gov'

Cc: Lee Bice; Marci Henson; Sue Wainscott

Attn: Gregory Helseth

RE: Searchlight Wind Energy Draft EIS Comment

Clark County, Nevada, through the Desert Conservation Program (DCP), administers the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and Section 10(a)(1)(B) incidental take permit (TE034927-0) for compliance with the Federal Endangered Species Act on behalf of the County and the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas; and the Nevada Department of Transportation (Permittees). The current permit covers 78 species, including the threatened desert tortoise.

The DCP would like to request that all surveyed species occurrence data collected within the project area be submitted to the Nevada Natural Heritage Program (NNHP). To further enhance species habitat model development please include both the presence and absence observation data. Please provide all reports along with the data to NNHP.

The information provided is intended to identify potential issues raised by the proposed project. Please be advised that providing this information does not constitute authorization or endorsement and does not alleviate the project proponent's responsibility to verify the information, review all applicable laws and regulations, and ultimately determine what is necessary to ensure compliance.

Sincerely,
Lee Bice

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Nevada Field Office / 10161 Park Run Drive / Las Vegas, NV 89145 / 702 318 6524

TO: Greg Helseth
Las Vegas Field Office
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301
Via email: Searchlight_Wind_Energy_EIS@blm.gov

FROM: Lynn Davis, Senior Program Manager
Nevada Field Office
National Parks Conservation Association
10161 Park Run Drive, #150
Las Vegas, NV 89145
(702) 318 6524
Via email: ldavis@npca.org

DATE: 14 January 2013

REGARDING: **Final Environmental Impact Statement (FEIS)
for Proposed Searchlight Wind Energy Project and
for Western Area Power Administration Switching Station**

Dear Mr. Helseth:

The National Parks Conservation Association (NPCA) provides the following comments – and request for consideration *before* a Record of Decision is issued – per the Final Environmental Impact Statement (FEIS) regarding the permitting of Searchlight Wind Energy Project, a 200 megawatt (MW) wind energy facility with associated ancillary industrial-scale infrastructure proposed by Duke Energy, and the permitting of an accompanying power switching station to be constructed by the Western Area Power Administration (WAPA).

First and most significant is the fact that NPCA's comments on the Draft EIS, submitted April 18, 2012, were omitted from the FEIS. Per written correspondence and verbal communication, the BLM has acknowledged this serious error.

As per directives under the National Environmental Policy Act (NEPA), regulations outlined by the Council on Environmental Quality (40 CFR 1500-1508), and the BLM-issued NEPA

Appendix D: Errata to the FEIS includes the NPCA's comments on the DEIS and the BLM's responses. It should be noted that similar comments submitted by the NPS, other organizations and individuals were addressed in the FEIS. BLM responses to the NPCA's comments in the errata to the FEIS are consistent with, if not identical to, answers provided in the FEIS to similar comments.

Handbook (H-1790-1), NPCA could ask that our comments be acknowledged through a Supplemental EIS or through other means. NPCA believes, however, that a BLM-generated idea is an appropriate approach towards resolving outstanding concerns on the visual aspects of the proposed power switching station - concerns we raised in our comments, but remain unaddressed in the FEIS.

Specifically, on December 14, 2012, a representative of the Southern Nevada BLM District Office suggested a meeting of high-level stakeholders to discuss the siting and construction of the proposed WAPA power switching station. To be successful, such a meeting requires a willingness and commitment to improve the visual aspects of the proposed substation. NPCA supports this path forward based on BLM protocol to “evaluate and respond to public comments” and to “reevaluate and revise the preferred alternative or proposed action” based on input.

NPCA reviewed the FEIS and written correspondence from Nancy Christ, BLM Planning and Environmental Coordinator dated December 19, 2012. In Ms. Christ’s correspondence we note the following statement: “(NPCA’s) comments are part of the administrative record and have been addressed in the other comment responses included in the Final EIS.” However, we see no evidence of that, specifically as regards the power switching station.

In Summary: Per conversations with the Southern Nevada BLM District Office and expressed willingness from the BLM to see that NPCA’s viewpoint on this project is adequately considered, we request that the siting of the power switching station along with the power station’s construction methods and materials be addressed by convening a meeting that includes high-level representatives from Duke Energy, the Western Area Power Administration, the National Park Service, the BLM, and National Parks Conservation Association. We anticipate that all representatives would approach that meeting with commitment and focus to finding a better way to construct this part of the proposed infrastructure which is necessary to the wind farm project. The BLM District Office staff suggested this meeting as a way to resolve matters before the issuance of the Record of Decision, and we agree this is an appropriate approach.

We recognize that the project applicants are greatly interested in seeing this project approved through a Record of Decision. For this reason, we ask that a meeting (and, if necessary, subsequent meetings) be convened immediately so that we may work out acceptable plans to all parties.

Thank you,

Lynn Davis, Senior Program Manager
National Parks Conservation Association, Nevada Field Office
10161 Park Run Drive, Suite 150, Office 227
Las Vegas, Nevada 89145
702 318 6524 office / ldavis@npca.org

The BLM will work with federal stakeholders to develop a Memorandum of Understanding to address mitigation for the switching station.

The NPS had similar objections to the location of the proposed switching station and its visual impacts in a comment letter dated April 18, 2012. This letter and BLM responses were included in the FEIS. Refer to Appendix A-4: Federal Agency Comments pages 14-24.

From: Jim wiegand [<mailto:jim@jimwiegand.com>]

Sent: Monday, January 14, 2013 12:00 PM

To: BLM_NV_SNDO_SearchlightWindEnergyEIS

Cc: 'Stephanie Abrahams'

Subject: Comments for Searchlight Wind Energy Project - Clark County Nevada

I would like to submit these comments for the Final Environmental Impact Statement (FEIS) for the Searchlight Wind Energy Project. I am opposed to the project and the assessments made in the Final EIS for the following reasons:

The permanent footprint of the Searchlight wind project, will not 163 acres, it will be thousands of miles because this project will kill migrating species. Golden Eagles

Comment noted

migrating from as far away as Alaska will be killed. The BLM should by now be aware of the golden eagle population collapse in the Mojave region. It was discussed in the comments I made for the Tule Ridgeline Wind project in Southern CA. These comments also apply to the Searchlight wind project because it is also located in the Mojave Desert. I also want to point out that one of the raptor nest surveys showing a complete abandonment of golden eagle, was conducted in California about 90 miles south of the Searchlight wind project site.

The mortality impacts from this project will lead to further population declines for this species.

As far as I am concerned the some of the comments written about the impacts to the golden eagles living near the Searchlight wind project are a clear case of silent fraud. Here is what was said....."Golden eagle nests were restricted to cliffs and were located at least 4 miles from the project boundary with 2 of the nests being approximately 10 miles from the project boundary. **Based on data from Idaho, golden eagle home range size should not overlap with the project boundary.**"

Saying that the project should not overlap with the home range of the golden eagle is very deceptive because the dense pocket of eagles living along the food rich Snake River in Idaho, has nothing to do with the eagles living in the barren Mojave region. It is well established that an eagle's home range for this desert region is far greater and requires at least 50-100 square miles. A few miles of travel means nothing to a hunting eagle. For this reason so the food sources and wind currents will bring them right to this planned wind project where they will be killed.

The statement from the USFWS claiming the project **will have the potential** to result in the "take" project of golden eagles is not only false, it too is very deceptive. There is enough history with golden eagles and wind projects for this agency to know better than to make this kind of statement. Let me make this very clear, this project not only kill local eagles, but it will be killing dispersing fledgling eagles, and it will kill migrating eagles.

Another statement in the Final EIS; "When compared to raptor use data at other wind energy facilities, raptor use at the Proposed Project site was relatively low. However, no installed wind projects in southern Nevada or similar nearby habitat exist so no direct comparisons can be made", is also a misleading and deceptive statement. This is Mojave Desert habitat because of this overall raptor usage

Comments noted.

Refer to Appendix B-4: Bird and Bat Conservation Strategy of the FEIS for the USFWS methodology for determining potential take and estimates of take for the Searchlight Wind Energy Project.

Comment noted.

will be less than at many other sites but for the local indigenous species, useage will be high. This includes golden eagles.

At the 580 MW Altamont Pass, studies have shown that wind turbines kill golden eagles at rate of 0.13 - 0.2 per MW per year (Smallwood and Thelander 2004 Chapter 3 Table 3-11.). This equals 75-116 eagles being smashed out of the skies over Altamont each year. **Wind turbine strikes were also shown to be the number one cause of eagle mortality.**

What the public does not understand is that Altamont Pass is not unique because at every wind farm located in eagle habitat, there are the same deadly combination of circumstances, wind currents, prey species, soaring eagles, and huge blades ripping through the air hundreds of feet up. Eagles forage over hundreds and sometimes thousands of miles. For this reason wind farms have a mortality footprint that far exceeds their boundaries.

In the Altamont pass region, Grainger Hunt during his seven-year study found that in the deaths of 100 radio-tagged eagles, wind turbine blade strikes killed at least 42. They were the number one cause of Golden Eagle mortality. He also added that the actual number was higher because the blades occasionally destroyed the transmitters.

I examined the golden eagle nesting records from the Grainger Hunt Surveys (2005) near Altamont Pass and compared them to the current records of nesting golden eagles for area located in the Los Vaquerous Reservoir watershed north and northwest of Altamont pass. This land is now managed by the Contra Costa County Water District. The records show that there has been a golden eagle decline of at least 50% in nesting golden eagles since 2005. Where the there were once 8-9 nests, there are now only 4. Golden eagles also stopped nesting in the 86 square mile region of the Altamont Pass Wind Resource Area over 20 years ago.

In the eagle surveys around the Tule and Ocotillo this year there was only 1 nest that produced young in 2012. This is an area that represents over 1000-1200 square miles of eagle habitat or territories. San Diego County only has 4,525 square miles. Yet the media is putting out inaccurate numbers that give the appearances of there being 44-48 so called "active nests" or "nesting territories."

I have read over a number of raptor surveys conducted recently in the Southern California region. One of the Mojave surveys (near Parker) was

For a variety of reasons the Altamont fatality numbers may be an outlier with regard to golden eagle fatalities at wind energy facilities. In addition to the dense configuration of older-generation turbines, high prey densities and lack of breeding eagles possibly attract sub-adults and floaters to the Altamont, contributing to the high activity and high fatality rates. In addition, the limited amount of repowering that has occurred at Altamont suggests that eagle (and raptor) fatality rates will decline as the older turbines are replaced by fewer, taller, and higher power-rated turbines. Initial results of the repowering suggest that golden eagle fatality rates could decline by more than 80% with complete turbine replacement and comparable power output (Insignia 2009; Smallwood and Karas 2009; ICF 2011).

conducted by C2MHill in 2010. They found 2 active (in the true sense) raven nests, 9 red-tailed hawk nests, 3 prairie falcon nests, and 2 great horned owl nests in an area of over 600 square miles. But they also found **12 unoccupied golden eagle nests** in area that they felt were at one time built by 3-4 nesting pairs.

Comments noted.

In 2010 the Wildlife Research Institute conducted raptor surveys over a 1500 square mile area in the Mojave. They found 34 golden eagle nests and but only one that was occupied and productive. The sum of these two surveys found 45 empty eagle nests and only 1 truly active eagle nest in over a **2100 sq mile region of the Mojave**.

In another 2010, 650 sq mile raptor survey (Bloom Biological) conducted north of Big Bear Lake, 8 more inactive eagle nests were found. From looking at the map of these locations the empty nests appear to represent at least 2 and possibly 4 more abandoned golden eagle territories.

In the WRI eagle surveys conducted for Tule wind project and Ocotillo wind projects a large numbers of empty nests were also found. In the 2010 WRI stated ten historic golden eagle territories were surveyed, of which six were said to be active, but of those, only three of the eagle nests were actually occupied with incubating adults. Again in 2011 WRI surveyed what they claimed to be eleven golden eagle territories, six were said to be occupied during the first round of surveys (Cane Brake, Coyote Mountains – West, Garnet Mountain, Glenn Cliff, Monument Peak, and Moreno Butte). But in the most important statistical category as it relates to eagle populations, only three of the territories were confirmed as being productive (eggs or young) during the second round of surveys (Cane Brake, Glenn Cliff, Moreno Butte).

Despite the confusing descriptions for given for eagle usage by researchers, this is very clear evidence of an alarming golden eagle population decline in Southern California. The number of nesting eagles (by proper definition) is the core of the population and represents the single most important criterion for analyzing any golden eagle population.

When these surveys were conducted in 2010 it was a wet year for the desert. If more adult eagles were present, they would have nested. Also as the surveys pointed out, other raptor species had no problems nesting in this habitat.

In the last 10-15 years I have noticed a disturbing trend. Wind industry biologists have began using the words "territories", "active territories", "inactive nests", "nest territories" and "active nests" in their surveys and

reports. These terms are vague, have different meanings, are misleading, and contribute to misrepresentations in population estimates. The term "active nest" when pertaining to the analysis of any nesting golden eagle population, should be used only if the nest is shown to be occupied by the presence of adult eagles, with eggs and/or dependent young in a given breeding season. A nest is not really active if it is used as a feeding platform and has newly added nesting material. These signs of use have nothing to do with an accurate analysis of the golden eagle population because abandoned eagle nests can be and frequently are used by a variety of species. Many eagle nests are used by ravens, hawks, owls, prairie falcons and even wood rats. The use of the eagle nests by these species makes the nests "active" but it has nothing to do with nesting golden eagles.

Comments noted.

In any wind industry generated report, survey, or study pertaining to an assessment of golden eagle population numbers, unless an eagle nest is accounted for in the context I have stated, there are no credible conclusions that can be drawn. If a golden eagle happens to be seen at a location during a field survey, it does not necessarily mean it has a territory or that it has a mate, and should never be used to exaggerate a population estimate. A single eagle traveling around California (because they do travel hundreds of miles) could be seen in ten different locations in CA and from the reports I have reviewed, then could construed to represent ten eagle territories.

Maybe this is why the Wildlife Research Institute claims there are currently 355 golden eagle territories in the Ca Mojave region **and 2187 golden eagle nesting territories in Nevada**. If so they are primarily **abandoned territories**.

For decades wind industry generated mortality studies for wind projects have been inherently flawed. The procedures for conducting these studies make them totally unreliable. Mortality studies look for birds in areas 8-10 times too small just around the turbines. However, there are many larger birds that when struck on the project site can actually travel off the site before the impacts fully set in. Some of these individuals will end up hundreds of yards outside the project area before the effects of the collision kill them and they are therefore incorrectly omitted from the mortality study. Others upon impact are hit and travel like a baseball far outside study areas. This is especially true for new generation wind turbines that reach 400 feet into the air.

Most mortality studies have been conducted every 15 to 30 days, instead of every day, allowing significant time for scavengers to take most of these fallen birds away. Further, these surveys are done by the human eye, rather than dogs which could quickly and more accurately detect fallen birds. Finally, these studies do not include a count of the birds and bats that are permanently disabled or mortally

wounded, which would show the true harm caused by these turbines. Without accurate and adequate mortality studies, the true irreparable harm to avian species caused by wind projects can never be fully identified or understood.

Comments noted.

The true impact of wind turbines upon golden eagles cannot be ignored. Like many other raptors, Golden eagles prefer windy areas because it makes soaring and gliding easier. But wind energy developers are also looking for windy spots, and that puts wind turbines and raptors on a direct collision course.

The Searchlight project will be deadly for other reasons not discussed. This project will have many ridgeline placed turbines and are the most deadly to eagles. Diablo Winds and the unmentioned Buena Vista wind projects both located at Altamont, are ridgeline based projects. The Buena Vista project with the larger 1 MW turbines had an eagle kill rate of .143 per MW, nearly 3 times what was reported at Diablo Winds. The huge turbines proposed for the Searchlight project, at 2.3MW, are much larger than the 1MW Buena Vista turbines. For this reason they will be more dangerous for the eagles. There is also something else which makes ridgeline turbines more dangerous to eagles. Paired up golden eagles will hunt in teams. One will fly low for the purpose of flushing prey, the other eagle flying higher in the sky and behind, will pick off prey that is fooled by mainly paying attention to the lower eagle. I have witnessed this ridgeline hunting behavior and it takes place primarily in the turbine sweep zone between 30 and 500 feet up.

Golden eagles and other raptors often supplement their diet by scavenging. Wounded or freshly killed birds (or other prey) found beneath huge wind turbines will always attract golden eagles. One must also keep in mind that a soaring eagle is a somewhat relaxed eagle and any push or gust of wind could throw even a careful eagle into the path of a sweeping turbine blade before it can take one wing beat. These foraging and scavenging behaviors put the golden eagle in direct risk of collision with wind turbine blades

The Final EIS has not addressed the cumulative impacts that will be caused by this project.

The death of any golden eagle in the Mojave region is of vital importance especially when considering how few actually exist in this desert region. This problem has not been addressed with assessments for the Searchlight Wind project. The cumulative effects on the golden eagle from the wind industry can be seen in the severe population declines or territory abandonment I have shown to exist in Southern California.

From a report from Shawn Smallwood and Californians for Renewable Energy, they had this to say in 2009 about the cumulative impacts to expect from wind energy in

California as it tries to meet its 33% RPS (California's Renewables Portfolio Standard).. " As explained in CARE's comments on the Tehachapi Renewable Transmission Project EIR/EIS, the available evidence indicates that not only would wind energy generation require the development of up to 4,771 square miles to achieve the 33%(RPS)based on fatality rates from four wind resource areas in California, could cause annually fatalities of >23,000 burrowing owls, >22,000 American kestrels, nearly 9,000 red-tailed hawks, >1,500 golden eagles, nearly 64,000 raptors of all kinds, >370,000 birds of all kinds, and nearly 24,000 bats of all kinds, just by collisions alone (Fig. 1). We do not believe these fatality rates would be sustainable, and we believe the California public will not accept them."

Comments noted.

While I agree with them about the coming devastation to bird life from wind energy development in California, I do not believe that the wind industry mortality in California will ever reach his figures of 23,000 burrowing owls and 1500 golden eagle fatalities a year. Their populations will crash long before these numbers can be reached. As I have shown, it is already happening.

Every actual nesting territory is important. How many exist in Southern Nevada region of the Searchlight project? The eagles nesting near this site could be the only ones in thousands of square miles. It is important to know this so the cumulative impacts can be accessed. I believe that by analyzing all the golden eagle surveys that have been conducted to date, it is safe to assume that there are no more than 25 productive golden eagle nests left in the California Mojave region. This is a huge area that represents 20-25 percent of the state.

As I have pointed out, mortality studies conducted by the wind industry are seriously flawed. Every cumulative impact study I have looked pertaining to the wind industry is unreliable because they have all been generated from the years of flawed data taken from biased and flawed mortality studies. Therefore how many eagles that are killed by these turbines will be nearly impossible to determine but certainly more than what has been presented.

In California where there are many installed wind energy projects already located in eagle habitat, an eagle doesn't have to fly far before it is in great danger. The Searchlight wind project is project **will** add one more deadly stop-over for the Mojave Desert golden eagle population.

Wind energy has been a disaster for the golden eagle. The negative footprint from wind energy projects have created ecological sinks for migrating and regional bird populations. The decades of killing of so many golden eagles by the wind

industry is having a profound negative impact. The proof lies in Southern CA where there is evidence of a golden eagle population decline of 80-90 percent.

For the many reasons I have given, new credible golden eagle surveys and assessments should be conducted before one more wind turbine is built in the golden eagle habitat located in the Mohave region.

Respectively submitted,

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At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW. For more detailed information on bird survey methods and results within the Proposed Project area refer to the 2007-2009 Avian Surveys Report (Tetra Tech 2010) and the 2011 Searchlight Raptor Nest Survey Report (Tetra Tech 2011). A copy of these reports can be obtained from the BLM Searchlight Wind Energy Project website (http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/searchlight_wind_energy.html) or by emailing a request to the Las Vegas BLM Field Office at BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov.