

Appendix D

APPENDIX D: COMMENTS AND RESPONSES TO THE DRAFT SUPPLEMENTAL EIS/PRMPA

Appendix D is organized as follows:

D.1 Introduction

D.2 Format of the Responses to Comments: This section describes the format and organization of the comments received on the Draft Supplemental EIS/PRMPA and the responses to those comments.

D.3 Index of Comments Received: This section provides a list of the comments received on the Draft Supplemental EIS/PRMPA, by a member of the public, agency, company, or organization, and lists the unique letter number for each comment letter.

D.4 Common Responses: This section provides a response to frequently raised comments regarding evaluation of an additional conservation alternative, consideration of desert tortoise demographic connectivity, and delay of the Final Supplemental EIS/PRMPA until after a regional analysis of tortoise connectivity is completed.

D.5 Individual Responses to Comments: This section provides responses to individual comments for letters that contain substantive comments.

D.1 INTRODUCTION

A total of three-hundred-seventy-four (374) comment letters were received during the public comment period for the Draft Supplemental EIS/PRMPA, and six (6) people provided oral comments during public hearings. Forty-three (43) comment letters were variations of the same general comment requesting evaluation of an additional conservation alternative, consideration of desert tortoise demographic connectivity, and delay of the Final Supplemental EIS/PRMPA until after a regional analysis of tortoise connectivity is completed. A response to these letters is provided in Section D.4. Three-hundred-nine (309) of the comment letters received and three (3) of the oral commenters either stated support or opposition to the Project or certain aspects of the Project; or expressed thoughts or concerns, or provided information that was unrelated to the proposed Project. None of these comments provided any questions, concerns or information regarding the adequacy of the NEPA analysis, or methodologies and processes used in the Draft Supplemental EIS/PRMPA. While both frequency and expression of intent are important to BLM, they do not provide a basis that warrants any additional changes to the analysis (Section 6.9.2.1, BLM NEPA Handbook H-1790-1 Jan. 30, 2008). Due to the large volume of these letters, many of which are duplicate statements, they are not included in the Final Supplemental EIS/PRMPA. Copies of these letters are included in the Administrative Record for the Project.

NEPA requires all substantive comments - whether environmental or procedural in nature - to be addressed and attached to the Final Supplemental EIS/PRMPA (40 CFR 1503.4(b)). Individual responses for all substantive comments are provided in Section D.5.

D.2 FORMAT OF THE RESPONSES TO COMMENTS

The comments received on the Draft Supplemental EIS/PRMPA are organized by those requiring unique responses, those which receive a common response, and those which did not contain substantive comments. Each comment letter or e-mail is assigned a unique number with each comment individually numbered as well. Individual comments and issues within each comment letter or e-mail are numbered individually along the margins in Section D.5. For example, comment 1-01 is the first substantive comment in Comment Letter 1; “1” represents the commenter; the “01” refers to the first comment in that letter. All comment letters are available in the Administrative Record for the Project.

D.3 INDEX OF COMMENTS RECEIVED

Table D-1 lists all individuals, agencies, and organizations that provided written and oral comments on the Draft Supplemental EIS/PRMPA. As described above, each comment letter was assigned a unique number.

Table D-1: Index of Comments Received on the Draft Supplemental EIS/PRMPA

Comment Letter Number	Name of Commenter	Response to Comment Location
1	US Fish & Wildlife Service (USFWS) (agency)	Page D-13
2	US Environmental Protection Agency (USEPA) (agency)	Page D-18
3	National Park Service (NPS) (agency)	Page D-23
4	Nevada Department of Wildlife (NDOW) (agency)	Page D-35
5	Nevada Division of State Lands (agency)	Page D-39
6	Clark County Department of Aviation (CCDOA) (agency)	Page D-40
7	Basin and Range Watch, Desert Protective Council, Save the Desert Tortoise (organization)	Page D-57
8	Kevin Emmerich, Basin and Range Watch (organization, oral comment)	Page D-81
9	Center for Biological Diversity/ Sierra Club (organization)	Page D-84
10	Desert Conservation Program (organization)	Page D-95
11	Defenders of Wildlife (organization)	Page D-99
12	Stephanie Dashiell, Defenders of Wildlife (organization, oral comment)	Page D-104

Comment Letter Number	Name of Commenter	Response to Comment Location
13	Audubon California, California Native Plant Society, Center for Biological Diversity Defenders of Wildlife, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club, The Nature Conservancy (organization)	Page D-107
14	National Parks Conservation Association (organization)	Page D-111
15	Natural Resources Defense Council (organization)	Page D-119
16	Western Watersheds Project (organization)	Page D-121
17	Lawton Shank, High Desert Racing Association (organization, oral comment)	Page D-128
18	First Solar, Inc. (Applicant)	Page D-131
19	Cotton, Driggs, Walch, Holley, Woloson, & Thompson representing Primadonna Company LLC (company)	Page D-149
20	Southern California Edison (company)	Page D-156
21	Judy Bundorf (individual)	Page D-164
22	Jared Fuller (individual)	Page D-165
23	Scott Legge (individual)	Page D-166
24	Shawn Gonzales (individual)	Page D-167
25	Anne Butterfield (individual)	Page D-171
26	Aida Shirley (individual)	Section D.4
27	Patricia Cook (individual)	Section D.4
28	Fred Rinne (individual)	Section D.4
29	Maurice Carriere (individual)	Section D.4
30	Danielle Cannady (individual)	Section D.4
31	Jane Huff (individual)	Section D.4
32	Liz (no last name provided)	Section D.4
33	M. Raines (individual)	Section D.4
34	Sherri Gallant (individual)	Section D.4
35	Julie Barrett (individual)	Section D.4
36	Colin Smith (individual)	Section D.4

Comment Letter Number	Name of Commenter	Response to Comment Location
37	Katherine Jenkins (individual)	Section D.4
38	Juliet Lamont (individual)	Section D.4
39	Linda Hoffpauir (individual)	Section D.4
40	Karla Walker (individual)	Section D.4
41	No name provided (individual)	Section D.4
42	Peg Hardman (individual)	Section D.4
43	Cristy Wojdac (individual)	Section D.4
44	Jenny Wilder (individual)	Section D.4
45	Diana Cao (individual)	Section D.4
46	Michael Cicero (individual)	Section D.4
47	Juanita Colucci (individual)	Section D.4
48	Jeanette Shin (individual)	Section D.4
49	John St. Clair (individual)	Section D.4
50	Dave Kwinter (individual)	Section D.4
51	Natalie Ladik (individual)	Section D.4
52	Evelyn Gajowski (individual)	Section D.4
53	Stephanie Murray (individual)	Section D.4
54	Amy Jemc (individual)	Section D.4
55	Tom Blumenfeld (individual)	Section D.4
56	Elena Ray (individual)	Section D.4
57	Ken Wilson (individual)	Section D.4
58	Chris Howell (individual)	Section D.4
59	Kent Page (individual)	Section D.4
60	Lucy Burton (individual)	Section D.4
61	Kermit Wegner (individual)	Section D.4
62	Meagan Papp (individual)	Section D.4
63	Ann Giordano (individual)	Section D.4
64	Marcie Reeter (individual)	Section D.4
65	Judith Essex (individual)	Section D.4
66	Nicole Miller (individual)	Section D.4

Comment Letter Number	Name of Commenter	Response to Comment Location
67	Michelle Ray (individual)	Section D.4
68	Margie Rick (individual)	Section D.4
69	Clark County Department of Air Quality	Not substantive
70-71	Al Davis, IBEW 357 (organization, one oral comment)	Not substantive
72	Craig Mortimore, Nevada Wilderness Project (organization, oral comment)	Not substantive
73	Advisory Council on Historic Preservation	Not substantive
74	The Nevada Division of Environmental Protection (NDEP) - Bureau of Water Pollution Control	Not substantive
75	Kenneth Cox (individual)	Not substantive
76	Wendell Mortensen (individual)	Not substantive
77	Wayne Johnson (individual)	Not substantive
78	Gregory Matlock (individual)	Not substantive
79 – 80	Michael McCarthy (individual)	Not substantive
81	Mike Hall (individual)	Not substantive
82 – 85	Katrina Brown (individual)	Not substantive
86	Roger Peebles (individual)	Not substantive
87	Norma Ventura (individual)	Not substantive
88	Adrienne Monzingo (individual)	Not substantive
89	Brian Cummings (individual)	Not substantive
90 – 93	Ryan Bumgardner (individual)	Not substantive
94	Alan Fogg (individual)	Not substantive
95 – 97	Randy Boom (individual)	Not substantive
98	Samuel Torres (individual)	Not substantive
99	Robert Bell (individual)	Not substantive
100	Jeff Bernstein (individual)	Not substantive
101 – 102	Alan Modarelli (individual)	Not substantive
103	Chris Wile (individual)	Not substantive
104 – 105	William Christopher (individual)	Not substantive
106 – 109	Anthony Marzola (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
110 – 111	Christopher Murnane (individual)	Not substantive
112 – 113	Richard Work (individual)	Not substantive
114 – 116	Richard Rodriques (individual)	Not substantive
117	Luis Mora (individual)	Not substantive
118	Osvaldo Carrillo (individual)	Not substantive
119 – 121	Rodney Browley (individual)	Not substantive
122 – 124	Rudy Obeso (individual)	Not substantive
125	Jeff Pinsler (individual)	Not substantive
126	Jeffery Crossland (individual)	Not substantive
127 – 128	Carlos Valle-Pardes (individual)	Not substantive
129	Emanuel Rasmussen (individual)	Not substantive
130 – 131	Juston Oelke (individual)	Not substantive
132 – 133	Mitchell Altman (individual)	Not substantive
134	Andrew Bolda (individual)	Not substantive
135	Tom Kerbs (individual)	Not substantive
136 – 137	Gavino Bautista (individual)	Not substantive
138	Richard Henry (individual)	Not substantive
139	Fernando Leon (individual)	Not substantive
140	Michael Phillips (individual)	Not substantive
141 – 143	Nathan Shue (individual)	Not substantive
144	Gorgonio Tapiceria (individual)	Not substantive
145	John Simon (individual)	Not substantive
146	Earl Silviera (individual)	Not substantive
147	Steve Boettger (individual)	Not substantive
148 – 152	Axel Lemus (individual)	Not substantive
153	Ronald Johnson (individual)	Not substantive
154 – 155	Steven Baker (individual)	Not substantive
156	Stephen Eig (individual)	Not substantive
157- 160	Rogelio Sabile (individual)	Not substantive
161 – 165	Jeffery Carothers (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
166 – 168	David Powell (individual)	Not substantive
169	David Nelson (individual)	Not substantive
170	Kernell Miller (individual)	Not substantive
171	Robert Lund (individual)	Not substantive
172	Michael Van Dusen (individual)	Not substantive
173	Renato Diaz (individual)	Not substantive
174 – 176	Jose Vasquez (individual)	Not substantive
177	Jennifer Tabor (individual)	Not substantive
178 – 179	Lawrence Scarpaci (individual)	Not substantive
180	Nguyon Knight (individual)	Not substantive
181	David Hirst (individual)	Not substantive
182	Derek Salas (individual)	Not substantive
183	Eduardo Alcazar (individual)	Not substantive
184	Hugo Pena (individual)	Not substantive
185	Lancelot McGough (individual)	Not substantive
186	Bryan Larson (individual)	Not substantive
187	Marco Cruz (individual)	Not substantive
188	Eddie Favela (individual)	Not substantive
189	Donald Overbay (individual)	Not substantive
190	Raymond Christiansen (individual)	Not substantive
191	Craig DuBuc (individual)	Not substantive
192	Coy Jett (individual)	Not substantive
193	Warren Deguzman (individual)	Not substantive
194	Brian Vorachek (individual)	Not substantive
195	Robert Bieniek (individual)	Not substantive
196	Steven Barker (individual)	Not substantive
197	Brian Bradway (individual)	Not substantive
198	Thomas Hamilton (individual)	Not substantive
199	Bryant Valentine (individual)	Not substantive
200	Charlie Martin (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
201	Douglas Dinger (individual)	Not substantive
202 – 203	Linda Marton (individual)	Not substantive
204 – 207	Bryan Lightman (individual)	Not substantive
208 – 212	Angel Membreno (individual)	Not substantive
213 – 214	Thomas Connors (individual)	Not substantive
215 – 216	Jimmy Sumrow (individual)	Not substantive
217	Darrel Fogg (individual)	Not substantive
218 – 222	Thomas Wilkes (individual)	Not substantive
223 – 227	Manuel Garcia (individual)	Not substantive
228 – 231	Naltali Rivas (individual)	Not substantive
232 – 236	Michael Holness (individual)	Not substantive
237 – 239	Brien Burley (individual)	Not substantive
240	John Cohenour III (individual)	Not substantive
241	James Williams (individual)	Not substantive
242	Chad Cronk (individual)	Not substantive
243	Orlando Garcia (individual)	Not substantive
244	Linda Haugen-Rattazzi (individual)	Not substantive
245	Jason Alaimo (individual)	Not substantive
246	Rob Rosinski (individual)	Not substantive
247	Demetrius Roberson (individual)	Not substantive
248	Michael Weiner (individual)	Not substantive
249 – 250	Matt Katz (individual)	Not substantive
251	John Arola (individual)	Not substantive
252	Gary Davis (individual)	Not substantive
253	David Schmidt (individual)	Not substantive
254	Richard Ogilvie (individual)	Not substantive
255	Samantha Masten (individual)	Not substantive
256 – 257	Richard Bryant (individual)	Not substantive
258 – 263	Robert Gambee (individual)	Not substantive
264	Martin Corbin (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
265 – 267	Kerry Schelden (individual)	Not substantive
268 – 271	Richard Ten Eyck (individual)	Not substantive
272	Lee York (individual)	Not substantive
273 – 277	Ryan Matthews (individual)	Not substantive
278 – 279	Sabrina Chandler (individual)	Not substantive
280	Mike Manners (individual)	Not substantive
281	Wayne Podjaski (individual)	Not substantive
282 – 285	Timothy Millsap (individual)	Not substantive
286 – 290	David McEnulty (individual)	Not substantive
291	Jared Muffoletto (individual)	Not substantive
292 – 295	Michael Vonk Jr. (individual)	Not substantive
296	Julie Cabanilla (individual)	Not substantive
297 – 300	Frank Kumre (individual)	Not substantive
301 – 304	Eric Jacobs (individual)	Not substantive
305 – 307	Sonia Vergel (individual)	Not substantive
308	Kevin Berg (individual)	Not substantive
309 – 311	Robert Brodoski (individual)	Not substantive
312	Kevin Manness (individual)	Not substantive
313 – 314	Danny Zavalsa (individual)	Not substantive
315	John Furphy (individual)	Not substantive
316	Frank Upright (individual)	Not substantive
317	Julian Rogers (individual)	Not substantive
318	Dale Clayton (individual)	Not substantive
319	Treven Rowberry (individual)	Not substantive
320	Glenn Slater (individual)	Not substantive
321	Thomas Harrington (individual)	Not substantive
322	Hugh Torrance (individual)	Not substantive
323	William Warren (individual)	Not substantive
324	Tamika Woods (individual)	Not substantive
325	Manuel Salazar (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
326	David Thrush (individual)	Not substantive
327	Christopher Fleming (individual)	Not substantive
328	Nicholas Pesce (individual)	Not substantive
329	William Beaudoin (individual)	Not substantive
330	William Hitchcock (individual)	Not substantive
331	Curtis Grindle (individual)	Not substantive
332	Suzanne Morgan (individual)	Not substantive
333	Ricky Thoroughgood (individual)	Not substantive
334	Diana Robbins (individual)	Not substantive
335	Michael Eastman (individual)	Not substantive
336	Victor Jordan (individual)	Not substantive
337	Jacob Valdez (individual)	Not substantive
338	Dennis Platt (individual)	Not substantive
339	Arni Williams-Flenoy (individual)	Not substantive
340	Juan Mejias (individual)	Not substantive
341	Jacob Miguel (individual)	Not substantive
342	Prudencio Santiago (individual)	Not substantive
343	Michael Borelli (individual)	Not substantive
344	Steven Lund (individual)	Not substantive
345	Gavin Blair (individual)	Not substantive
346 – 347	James Zakosky (individual)	Not substantive
348	Jose Pelayo (individual)	Not substantive
349	James Steger (individual)	Not substantive
350	Dave Kagebein (individual)	Not substantive
351 – 355	Deborah Long (individual)	Not substantive
356	Richard Altman (individual)	Not substantive
357 – 360	Douglas Smith (individual)	Not substantive
361	Charles Garrett (individual)	Not substantive
362	Jennifer Jones (individual)	Not substantive
363 – 366	Will Gratt (individual)	Not substantive

Comment Letter Number	Name of Commenter	Response to Comment Location
367	Mike Rodriguez (individual)	Not substantive
368	Chuck Fillman (individual)	Not substantive
369	Tyler Eaton (individual)	Not substantive
370	Jerry Blackburn (individual)	Not substantive
371	David Irons (individual)	Not substantive
372	Jason Ludwig (individual)	Not substantive
373	William Yuhás (individual)	Not substantive
374	Mikel Bowe (individual)	Not substantive
375	Forrest Darby (individual)	Not substantive
376	Michael Stepanek (individual)	Not substantive
377 – 379	Kevin Treadwell (individual)	Not substantive
380	Rick Peterson (individual, oral comment)	Not substantive

D.4 COMMON RESPONSES

Several commenters submitted variations of a single comment, with the following main points:

- The BLM should evaluate a more robust conservation alternative that amends land use plans to protect remaining desert habitat in the Ivanpah Valley from industrial development, consistent with a 2011 USFWS recommendation.
- The BLM should ask Silver State to build the Project on already-disturbed lands or on rooftops (i.e., distributed generation).
- The Draft Supplemental EIS/PRMPA does not properly evaluate the extent to which each alternative would obstruct an important desert tortoise habitat linkage.
- The Draft Supplemental EIS/PRMPA should be revised and reissued after research on tortoise habitat in Ivanpah is completed. Biologists began research in 2012 specifically to determine how large solar plants would impact habitat connectivity for the species. The research is scheduled to be completed in mid-2013, at which time the BLM can make a more thoroughly informed decision regarding the future of the Ivanpah Valley and the desert tortoise.

Response

The BLM's responsibility for this EIS is to consider the right-of-way (ROW) application submitted by Silver State for the construction, operation, maintenance, and ultimate decommissioning of a solar photovoltaic project. The BLM must analyze a range of reasonable alternatives, but is not required to analyze in detail every possible alternative or variation. The

BLM will not typically analyze an alternative for a different technology when a ROW application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology.

The BLM's purpose and need for this project was reasonably focused on responding to Silver State's application in accordance with the Federal Land Policy and Management Act's (FLPMA's) multiple-use mandate and other Federal statutory and policy directives regarding the development of renewable energy on public lands. The action alternatives considered in this document satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet Federal renewable energy mandates and respond to impacts identified in the NEPA analysis.

The BLM agrees that the Ivanpah Valley is critically important to desert tortoise connectivity. Since publication of the Draft Supplemental EIS/PRMPA, the BLM, in consultation with the USFWS, has worked with the Applicant to develop a new Project layout to minimize impacts by preserving a protected corridor of undisturbed desert tortoise habitat between the Project footprint and the Lucy Gray Mountains. This new layout, referred to as the BLM Preferred Alternative, would be 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure and allowing a connectivity corridor between the Project footprint and the Lucy Gray Mountains of approximately 1.2 miles wide at its narrowest point with most of the linkage having a width of 1.5 miles (Refer to Figure 2-1 in the Final Supplemental EIS/PRMPA). Although the USFWS estimates that linkages need to be at least 1.4 miles wide to accommodate a single desert tortoise home range, with multiple ranges for optimal functioning, current research does not indicate whether reductions in width or configuration would reduce or eliminate a tortoise' ability to maintain genetic linkages between populations.

Over the past two years, Silver State, in consultation with the BLM and USFWS, has funded and undertaken a considerable amount of biological research to further understand desert tortoise biology and habitat in the Project region. Information from this research effort has informed density estimates with greater confidence, disease status of the regional population prior to Project permitting, and established baseline data on proposed activity areas and localized connectivity potential. As part of their Applicant Proposed Measures, Silver State has agreed to fund ongoing studies analyzing home range and distribution of tortoises in the area surrounding the project. Further, MM BIO-17 Desert Tortoise Measures has been revised in the Final Supplemental EIS/PRMPA to include potential removal of some fencing around the tortoise Large Scale Translocation Site (LSTS) and installation of culverts under Highway 161 to facilitate movement of tortoises within the Ivanpah Valley west of I-15 (refer to Table 2-4 Proposed Mitigation Measures).

D.5 INDIVIDUAL RESPONSES TO COMMENTS

The following pages contain copies of the comment letters that were determined to be substantive and that require individual responses. On the left side or top of the page is a copy of the comment letter with vertical lines indicating the extent of specific numbered comments, and on the right side or bottom of the page in italics are the responses to individual comments.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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November 16, 2012
File No. 84320-2011-CPA-0119

Memorandum

To: Renewable Energy Project Manager, Bureau of Land Management Las Vegas
Field Office, Las Vegas, Nevada
From: State Supervisor, Nevada Fish and Wildlife Office, Reno
Subject: Review of the Draft Supplemental Environmental Impact Statement for the Silver
State South Solar Energy Project (First Solar LLC), Clark County, Nevada

Thank you for the opportunity to review and comment on the draft Supplemental Environmental
Impact Statement (SEIS) for the Silver State South Solar Energy Project. We prepared this letter
under the authority of and in accordance with provisions of the National Environmental Policy
Act of 1969 [42 U.S.C. 4321 et seq.; 83 Stat. 852], as amended, the Endangered Species Act of
1973 [16 U.S.C. 1531 et seq.; 87 Stat. 884], as amended (Act), and other authorities mandating
the Fish and Wildlife Service's (Service) concern for environmental values. Based on these
authorities, we offer the following comments for your consideration.

We understand the Bureau of Land Management (BLM) would grant a right-of-way (ROW)
authorizing the applicant to construct, operate, maintain, and decommission a 350-megawatt
solar photovoltaic power plant on BLM-administered lands in the Ivanpah Valley along the
California/Nevada state line 2 miles east of Primm in Clark County, Nevada.

The draft SEIS analyzes three action alternatives with ROWs ranging from 2,515 to 3,855 acres
and designation of a 40,180-acre Area of Critical Environmental Concern (ACEC). As discussed
in the draft SEIS, the proposed project would negatively impact the federally listed as threatened,
Mojave desert tortoise (Gopherus agassizii) and its habitat.

Demographic and genetic connectivity for the Mojave desert tortoise

We are concerned about habitat fragmentation and demographic and genetic isolation of desert
tortoise populations within the Ivanpah Valley and recommend that BLM select the 'No Action'
alternative. Maintaining a robust population of desert tortoises within the Ivanpah Valley area is
of particular importance because the habitat is already highly fragmented. Currently, the desert
tortoise population within the Ivanpah Valley is only tenuously connected to the Ivanpah Critical

Cmnt
1-1

Response to Comments – Comment Letter 1

Response to Comment 1-1: See Section D.4. The BLM and
Applicant are working with the USFWS to develop specific
monitoring studies to broaden the understanding of impacts of
solar development in the Ivanpah Valley to population
demographics and genetic stability of the desert tortoise
population. Any agreed-upon monitoring studies or mitigation
measures would be incorporated in the BLM's ROW grant.

Renewable Energy Project Manager

File No. 84320-2011-CPA-0119

Habitat Unit. This valley is a critical link between desert tortoise conservation areas in California and Nevada (Hagerty *et al.* 2011; Service 2012). Only four potential linkages remain in Ivanpah Valley (Service 2011). The linkage between the Silver State North project and the Lucy Gray Mountains is the widest of these linkages and likely the most reliable for continued population connectivity (Service 2011).

Habitat linkages need to be wide enough to support a diverse age structure and sex ratio within the linkage (Barrows *et al.* 2011). Desert tortoises can occupy narrow canyon passes, and such linkages may provide connectivity for long-term gene flow. However, the effects on population demographics by constricting a linkage to a narrow corridor with a lower number of desert tortoises remain a concern. A single desert tortoise uses a lifetime utilization area of approximately 1.4 miles wide (Service 1994). Multiple lifetime utilization areas are necessary for desert tortoises to find mates, reproduce (demographics), and maintain populations during years of low habitat quality, periodic fire, and disease outbreak (stochastic events) (Beier *et al.* 2008). For example, the diameter of two multiple lifetime utilization areas would be 2.8 miles wide; three would be 4.2 miles wide; and so on.

In the biological opinion for the Ivanpah Solar Energy Generation Station issued to BLM on June 10, 2011 (Service 2011), the maintenance of a suitable linkage between the Silver State Project and the Lucy Gray Mountains was a key reason why we concluded that connectivity would still be maintained after construction of that project. As proposed, the project could disturb up to an additional 3,855 acres (6 square miles) in this linkage, thus reducing this linkage to the following approximate widths (see attached maps):

Alternative	New Disturbance (acres)	Linkage width (miles) ^a
A – No action	0	2.0
B – Proposed action	3,855	0.02 (100 feet)
C – Alternative layout ^b	2,515	1.0
D – Modification to proposed action layout	3,102	0.3 ^c

^a Measured from the Silver State North project east to the suitable desert tortoise habitat west of the Lucy Gray Mountains.

^b Originally analyzed in the 2010 EIS (BLM 2010) and 2010 biological opinion (Service 2010).

^c Measured from the detention basin on the eastern edge of the proposed site to the suitable desert tortoise habitat west of the Lucy Gray Mountains.

We recommend BLM select the ‘No Action’ alternative to avoid reducing the width of the existing corridor. If this is not possible, we ask BLM to minimize impacts to the linkage by creating and selecting a new alternative that would protect a corridor of undisturbed desert tortoise habitat between the Silver State North project and the Lucy Gray Mountains. This corridor should be wide enough to accommodate multiple desert tortoise ranges, spanning up to several times the desert tortoise lifetime utilization area. Attached is a map showing the footprint of the Silver State South combined alternatives, along with a 1.4-mile distance from the suitable habitat.

Response to Comments – Comment Letter 1

Cmnt
1-1
Cont’d

Renewable Energy Project Manager

File No. 84320-2011-CPA-0119

If this new alternative is selected, we ask BLM and the applicant commit to specific mitigation actions that would help offset a reduction in this linkage. These actions may include: (1) funding genetic and disease testing and removing the fence at the long-term translocation site to increase connectivity in the Ivanpah Valley; (2) funding culvert construction under roads in Ivanpah Valley to connect populations on either side of Interstate 15; and (3) funding recovery actions identified by the desert tortoise recovery 5-year action plan.

Cmnt
1-1
Cont'd

Additionally, we ask that BLM and the applicant commit to specific monitoring studies to help us understand the impacts to population demographics (age and sex ratios) and genetic stability of the desert tortoise population as a result of the project and for other projects in the Ivanpah Valley, such as funding a genomic study that looks at fine-grained genetic relationships to reveal patterns of movement and connectivity in the Ivanpah Valley.

Desert tortoise translocation

The Service does not support translocation as a proven minimization measure for development projects. While loss of individuals would be reduced, translocation of desert tortoises could result in considerable effects to both translocated individuals and individuals that are resident to any identified translocation site.

Cmnt
1-2

Based on pre-project surveys in the project area and large acreage associated with the proposed project, complete avoidance of the need to translocate desert tortoises is unlikely. Therefore, we recommend the project be sited in the area with lowest desert tortoise density within the analysis area to minimize the impacts to desert tortoises from translocation.

Area of Critical Environmental Concern nomination

We recommend BLM adopt the ACEC component of Alternative D and the management prescriptions listed in Table 2-2 of the draft SEIS. Further, we ask that BLM include the acreage between the Silver State North project, or the new boundary of the Silver State South project, and the suitable desert tortoise habitat west of the Lucy Gray Mountains in the ACEC (roughly the acreage described as the project site layout for Alternative D).

Cmnt
1-3

Although we cannot predict if future development in the Ivanpah Valley would result in loss of a viable genetic link, reduction of the remaining desert tortoise habitat and development within undisturbed desert tortoise habitat in the Ivanpah Valley may exacerbate existing fragmentation of desert tortoise habitat. These smaller, fragmented populations may be more susceptible to stochastic population declines, thereby reducing the viability of the greater population. Further, the developed area would likely be uninhabitable to desert tortoises for several desert tortoise generations because natural recovery of vegetation in the desert can take 50 to 300 years (Lovich and Bainbridge 1999; Abella 2010).

Response to Comments – Comment Letter 1

Response to Comment 1-2: The BLM and Applicant have worked with the USFWS to revise the Project layout in order to minimize translocation impacts to desert tortoise. Any agreed-upon monitoring studies or mitigation measures would be incorporated in the BLM’s ROW grant. A translocation plan has not yet been developed for the Project, but is being developed in consultation with USFWS through the Endangered Species Act Section 7 process. To the extent that they are known, the impacts of translocation activities are described in Section 4.6.2.5 of the Final Supplemental EIS/PRMPA.

Response to Comment 1-3: The BLM Preferred Alternative includes the designation of a 31,859-acre ACEC. The ACEC includes an area between the Preferred Alternative layout and the Lucy Gray Mountains. Figure 2-2 in the Final Supplemental EIS/PRMPA shows the revised ACEC boundary.

Renewable Energy Project Manager

File No. 84320-2011-CPA-0119

Migratory birds and eagles

The Service encourages energy development that is wildlife and habitat-friendly. Although little is known about how utility-scale solar energy facilities affect birds and bats, we anticipate that bird and bat mortality could occur from collisions with transmission lines and solar panels. Additionally, extensive terrestrial habitat loss would indirectly affect wildlife.

The Service recommends that utility-scale solar energy facilities develop a Bird and Bat Conservation Strategy (BBCS). A BBCS is a project-specific document that delineates a program designed to reduce the operational risks that result from bird and bat interactions with a specific solar energy facility.

Further, we recommend development of an Eagle Conservation Plan (ECP). As discussed in the draft SEIS, ground surveys observed a pair of golden eagles soaring over the ROW. Additionally, four possible golden eagle nests were detected within 10 miles of the ROW with the nearest territory located approximately 5 miles away. An ECP is a project-specific document that delineates a program designed to reduce the operational risks specifically to bald and golden eagles.

Attached are several documents that provide guidelines for development of a BBCS and ECP. The BBCS and ECP should contain a risk assessment to evaluate potential take and a scientifically rigorous post-construction monitoring scheme. They also should contain adaptive management strategies to implement appropriate corrective actions should birds, bats, and eagles be impacted. Although each project’s plan will be different, the overall goal of the BBCS and ECP should be to reduce, and ultimately eliminate bird and bat mortality to the extent practicable. For more information, contact our regional migratory bird biologist at Chris_Nicolai@fws.gov.

Endangered species consultation

As a reminder, under section 7(a)(2) of the Act each Federal agency shall insure, in consultation with the Service, that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of its habitat. Therefore, we ask that BLM initiate formal consultation under the Act and provide a biological assessment (BA) with a determination of "may affect, likely to adversely affect." The BA should provide details of the proposed action including, construction, operation, and maintenance, and their effects to the desert tortoise. The action area must include all areas to be affected directly or indirectly by the action and not merely the immediate area of direct disturbance. Based on the proposed action and local topography, the action area should include the Ivanpah and Roach Lake valleys between the Clark and Lucy Gray mountains.

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Response to Comments – Comment Letter 1

Response to Comment 1-4: As noted in Mitigation Measure BIO-9 (Table 2-4 in the Final Supplemental EIS/PRMPA), a Bird and Bat Conservation Strategy (BBCS) will be developed as part of the Project. The BBCS will promote adaptive-management strategies to avoid, minimize, and mitigate potential adverse impacts, and detail long-term monitoring and reporting goals. The BBCS would be developed based on the final design and layout of the Project and would be incorporated in the BLM’s ROW grant. The BBCS would include a separate section devoted to eagles describing in sufficient detail the direct effects from the development of the Project to allow USFWS to determine whether an ECP and take permit should be pursued by the Applicant. Mitigation to reduce operational risks to bald and golden eagles will be included in the BBCS. ECPs and BBCSs fall under USFWS jurisdiction and are at this time voluntary.

The Supplemental EIS/PRMPA has been revised to note that a potential golden eagle nesting territory was detected within 5 miles of the proposed footprint (Ironwood Consulting 2012).

Response to Comment 1-5: The BLM initiated formal consultation with the USFWS on March 12, 2013. The Endangered Species Act Section 7 consultation process is described in Section 5.2.3 of the Final Supplemental EIS/PRMPA. The Biological Assessment is attached to this Final Supplemental EIS/PRMPA in Appendix G, and the mitigation measures in the Final Supplemental EIS/PRMPA are consistent with those in the Draft Biological Opinion.

Renewable Energy Project Manager

File No. 84320-2011-CPA-0119

Response to Comments – Comment Letter 1

Conclusion

As discussed above, the Ivanpah Valley is critically important to desert tortoise population connectivity in the Ivanpah Valley Critical Habitat Unit. We recommend BLM select the ‘No Action’ alternative to avoid impacting the narrow linkage that currently exists between the Silver State North project and the Lucy Gray Mountains. If this is not possible, we ask BLM to create and select a new alternative that will minimize impacts by preserving a protected corridor of undisturbed desert tortoise habitat between the Silver State North project and the suitable desert tortoise habitat west of the Lucy Gray Mountains. This corridor should be wide enough to accommodate multiple desert tortoise ranges, spanning up to several times the desert tortoise lifetime utilization area at the narrowest point. Additionally, we ask BLM and the applicant identify and commit to specific mitigation actions and monitoring studies that would help address potential project impacts to the demographic and genetic stability of the desert tortoise population within the Ivanpah Valley.

We appreciate the opportunity to review and comment on the project. If you have any questions regarding this correspondence, please contact Brian A. Novosak in the Nevada Fish and Wildlife Office in Las Vegas at (702) 515-5230. Please reference the file number above in future correspondence concerning this project.



Edward D. Koch

Attachments (7)

cc:

Adaptive Management Coordinator, Desert Conservation Program, Las Vegas, Nevada
Chief, Saint George Regulatory Office, U.S. Army Corps of Engineers, Saint George, Utah
District Biologist, California Desert District Office, Bureau of Land Management,
Needles, California
Environmental Scientist, Communities and Ecosystem Division, Region 9 Environmental
Review Office, Environmental Protection Agency, San Francisco, California
Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service,
Ventura, California
Supervisory Biologist—Habitat, Nevada Department of Wildlife, Las Vegas, Nevada
Assistant Field Manager, Division of Renewable Resources, Las Vegas Field Office,
Bureau of Land Management, Las Vegas, Nevada



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901
DEC 20 2012

Attn: Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130

Subject: Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project,
Clark County, Nevada [CEQ# 20120323]

Dear Mr. Helseth:

The U.S. Environmental Protection Agency has reviewed the Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project. Our review and comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft and Final Environmental Impact Statements for the Silver State Solar Energy Project and provided comments to the Bureau of Land Management on June 2, 2010 and October 8, 2010, respectively. We rated the 2010 Draft EIS as *Environmental Objections – Insufficient Information* (EO-2), primarily due to concerns over potential impacts to waters of the United States, as well as concerns about groundwater availability, and the need for additional biological surveys. The 2010 Final EIS addressed our concerns about groundwater availability and included results from the most recent desert tortoise surveys, but did not provide clarification on the extent of waters, and impacts to these waters, as requested. Subsequently, the Bureau of Land Management authorized only Phase 1 (50 megawatts; Silver State North) of the Silver State Solar Energy facility, as described in the Record of Decision for the 2010 Final EIS. In conjunction with this decision, the ROD stated that any future authorization related to the application for the Silver State South Project (Phases 2 and 3; 150 and 200 MWs, respectively) may require supplemental analysis under NEPA and additional public involvement.

The BLM has prepared the subject DSEIS to address new information associated with the project analyzed in the 2010 Final EIS. In early 2011, the Applicant submitted a new Right-of-Way application for the Silver State South Project. The new ROW application encompasses an additional 5,610 acres north of the previously analyzed area, allowing for the development of two new alternatives (B & D). In addition, the DSEIS examines proposed reductions in the size of the Jean Lake/Roach Lake Special Recreation Management Area and revisions to the Visual Resource Management for the area.

We appreciate the efforts of BLM, the Applicant, and its consultants to discuss and respond to our previous comments on the 2010 Draft and Final EISs. We commend the Applicant, State, and Federal agencies for working together to develop alternatives that support environmentally preferable outcomes. We are pleased to see that the DSEIS provides further information on the extent of Clean Water Act

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Response to Comments – Comment Letter 2

(CWA) jurisdictional waters, and impacts to these waters, as we requested previously. In addition, the DSEIS provides updates on surveys conducted in the expanded ROW application area, as well as new information on the fragmentation of desert tortoise habitat within the Ivanpah Valley, an issue that was not discussed in the 2010 Final EIS.

Based on our review of the DSEIS, we have rated the document as *Environmental Concerns – Insufficient Information* (EC-2). While we commend the Applicant for identifying new alternatives that avoid jurisdictional waters (i.e., Alternatives B and D), we are concerned about the potential impacts associated with fragmentation of key desert tortoise habitat in the Ivanpah Valley, including the Ivanpah linkage corridor. This corridor extends along the eastern edge of the Ivanpah Valley, between the Silver State North Project and the Lucy Gray Mountains, and is the widest of four potential linkages that remain in the Valley. We note that the U.S. Fish and Wildlife Service has recommended¹ that BLM select the “No-Action” alternative to avoid impacting this narrow linkage corridor, and if that is not possible, create a new alternative that would minimize impacts to the linkage corridor.

In its Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (July 2012), the BLM recognized the importance of the Ivanpah Valley and designated it as an exclusion area, where ROWs for new utility-scale solar energy projects will not be allowed in order to protect sensitive natural resources. Maintaining habitat connectivity within the Ivanpah Valley was also identified as a key issue in the Ivanpah Solar Electric Generating Station Biological Opinion (June 2011). The conclusion that connectivity would be maintained after the construction of the Ivanpah SEGS project was based, in part, on the assumption that the corridor between the Silver State Project and the Lucy Gray Mountains would be maintained. Maintaining and preserving a corridor of undisturbed desert tortoise habitat should be an integral component of the Silver State South Project, and any other project located in the Ivanpah Valley.

According to the DSEIS, the U.S. Fish and Wildlife Service has estimated that a linkage would need to be at least 1.4 miles wide to accommodate a single, circular, desert tortoise home range, with multiple ranges likely needed for optimal functioning. Under Alternative A, the BLM would not approve the Applicant’s ROW application and the Ivanpah linkage corridor would remain as it is now, about 2 miles in width. Under Alternative B, the linkage would be reduced down to 100 feet, with much of the proposed footprint approximately 0.2 mile from the Lucy Gray Mountains. Under Alternative D, the linkage would be reduced to 0.5 mile, with most of the linkage having a width of about 0.8 miles. Selection of Alternative C, identified as Alternative 2 in the 2010 Final EIS, would allow for a connectivity corridor of approximately 1.5 miles, but result in up to 9.2 acres of impacts to jurisdictional waters.

Of the three action alternatives described in the DSEIS, Alternative C would allow for the widest linkage corridor, although CWA jurisdictional waters would be adversely affected. We believe that it may be possible to reduce these impacts to jurisdictional waters further by considering variations to the proposed site layout. We note that a substantial portion of the new ROW area is not proposed for development under any of the alternatives. By shifting more of the proposed Project to the northern section of the ROW area, or closer to the southern edge of Silver State North, further reductions in

¹ Memorandum from the U.S. Fish and Wildlife Service to the Bureau of Land Management on the review of the Draft Supplemental EIS for the Silver State South Project, November 16, 2012.

Response to Comments – Comment Letter 2

Response to Comment 2-1: See Section D.4. The drainage components associated with the BLM Preferred Alternative are discussed in Section 2.3.1 in the Final Supplemental EIS/PRMPA. Detailed components of the drainage plan would be developed based on the final design and layout of the Project. Jurisdictional determinations for the Project area are discussed in Section 3.5.4 in the Final Supplemental EIS/PRMPA and communication with USACE regarding the jurisdictional determinations are provided in Appendix F of the Final Supplemental EIS/PRMPA.

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impacts to jurisdictional waters may be achieved, while allowing for the preservation of a suitable linkage corridor through desert tortoise habitat. Further reductions may also be possible by minimizing the number of road crossings over washes. We encourage BLM and the Applicant to fully consider these options. If such a modified alternative is selected, reevaluation of existing drainage plans and some updates to resource information presented in the DSEIS would likely be needed.

We understand that the Applicant currently has a power-purchase agreement for 250 MW, rather than 350 MW (which is the Applicant’s proposed total power output). We recommend that the Final EIS more clearly explain the relationship between the current power-purchase agreement and the proposed total 350 MW output. We also recommend that BLM and the Applicant consider the feasibility of modifying Alternative C to support a 250 MW alternative that allows for both the preservation of a suitable corridor through the Ivanpah Valley and the minimization of impacts to jurisdictional waters.

We encourage BLM and the Applicant to meet with the EPA, USFWS, and the U.S. Army Corps of Engineers to determine the feasibility of developing an optimized design configuration that maximizes avoidance of critical areas and minimizes impacts to jurisdictional waters, as required by Section 404 of the Clean Water Act, while protecting biological resources and providing connectivity of desert tortoise habitat within the Ivanpah Valley. The Final EIS should include a discussion of all avoidance, minimization, and mitigation measures proposed for the Project, sufficient to demonstrate their likely effectiveness, and include an outline of the requirements of a compensatory mitigation plan.

We also recommend that the Final EIS include a discussion of how the proposed action would comply with Endangered Species Act (ESA) requirements, including any necessary ESA Section 7 consultation efforts with the USFWS regarding potential impacts to the desert tortoise. We recommend that any relevant documents associated with the ESA Section 7 consultation process, including any Biological Assessments and Biological Opinions, be summarized and included in an appendix in the Final EIS.

Impacts to biological soil crusts were not identified in the 2010 Final EIS. Site inspections conducted during preparation of the SDEIS, however, indicate that biological soil crusts are present throughout the ROW application area and proposed Project footprint. Construction of the proposed project could disturb and remove as much as 3,855 acres of biological crusts through site preparation, grading, and construction. The SDEIS concludes that Applicant-Proposed Measures (APM) to remove and stockpile biological soil crusts and restore biological soil crusts during project decommissioning would reduce this impact to less than significant. We are concerned that the relevant APMs do not include firm commitments to stockpile soil crusts or restore them. For example, APM-2 states that cryptobiotic soil crusts *may* also be salvaged. APM-10 states that a Facility Decommissioning Plan would be developed at least 6 months prior to commencement of the site closure activities, and closure activities *may* include re-establishment of cryptobiotic soils. We recommend that BLM and the Applicant quantify the acreage of cryptobiotic soils that would be disturbed for each alternative; incorporate project design changes to minimize such impacts; and revise the APMs in the Final EIS to include firm commitments to stockpile soil crusts and restore them.

Some portions of the proposed Project, particularly those areas located in the central or northern section of the ROW area, would be located in areas of very high flood risk, which raises environmental concerns due to increased erosion, migration of channels, and local scour. The 2010 Final EIS included

Response to Comments – Comment Letter 2

Response to Comment 2-2: Under Alternative B, C, and D Silver State has proposed to develop a 350MW_{AC} facility in two construction phases. Phase I is a 250 MW_{AC} portion of the proposed 350 MW_{AC} of development, and would include facilities for interconnection to Southern California Edison’s (SCE) transmission system via the proposed Primm Substation. Phase II, the remaining 100 MW_{AC} proposed for development, would include facilities (e.g., a substation/switchyard, and a 220/230-kV gen-tie line) for interconnection to either the California market via the new Primm Substation, or the Nevada market via the existing Bighorn Substation. BLM does not require a PPA for approval of a ROW for solar energy development as part of its Solar Energy Development Policy: “In ensuring that an applicant meets the regulatory requirement to demonstrate its technical and financial capability to construct, operate, maintain, and terminate the proposed solar energy facility (43 CFR 2803.10(b) and 43 CFR 2804.12(a)(5)), the BLM will consider whether the applicant has a history of successfully designing, constructing, or obtaining the funding for a project generating electrical energy. Actual ownership, development, or management of a successful similarly-sized project generating electrical energy within the last 5 years by the applicant would generally constitute evidence of financial capability.” Further, the Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative of 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure.

Response to Comment 2-3: Comment noted. Silver State and the BLM are working closely with the USFWS, as well as with USACE and EPA who are cooperating agencies on the Supplemental EIS/PRMPA. Avoidance and minimization

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measures are included in the Draft Supplemental EIS/PRMPA and additional mitigation to offset impacts to waters of the U.S. would be developed in consultation with the USACE following final engineering design if Alternative C were selected. Jurisdictional determinations for the Project are provided in Appendix F.

Response to Comment 2-4: The Endangered Species Act Section 7 consultation process is described in Section 5.2.3 of the Final Supplemental EIS/PRMPA. The Biological Assessment is attached to this Final Supplemental EIS/PRMPA in Appendix G.

Response to Comment 2-5: Under the BLM Preferred Alternative, up to 2,427 acres will be disturbed, of which an unknown but substantial amount comprises cryptobiotic soils. In consultation with BLM biologists, the Applicant has agreed to provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils. The BLM anticipates that the funded study and other new sources of information will inform the Facility Decommissioning Plan, which will be developed based on the best available information at that time. Stockpiling biological soil crusts for short time periods may be appropriate to maintain the ability to inoculate soils during the restoration of temporarily disturbed areas. Stockpiling of large volumes of soil for long time periods (multiple years) is not typically effective as the organisms that form biological soil crusts do not survive burying for long time periods. Thus, salvage and stockpiling would only be an appropriate mitigation measure for areas temporarily disturbed and promptly reclaimed.

a map that illustrated the geologic flood hazard class for the Silver State Solar Project. Updated information on the geologic flood hazard class for the acreage in the new ROW application area, however, was not included in the DSEIS. Given the potential instability of the central and northern portions of the proposed Project footprint during flood events, we remain concerned about the proposed siting of the Project in these high flood hazard areas and recommend that BLM and the Applicant consider options for redesigning the project to avoid such areas to a greater degree.

We recommend that the Final EIS include a specific commitment to maintain natural vegetation and contours under the solar panels and avoid grading within the project boundary to the maximum extent feasible. Changes to existing drainage systems should be avoided, especially in sensitive areas, and grading should be minimized to reduce flooding and maintain natural infiltration rates. Drainage plans should be designed to preserve on-site hydrological functions by utilizing existing natural drainage channels to the greatest extent practicable, and minimizing placement of support structures in ephemeral washes. The Final EIS should include an updated drainage plan to facilitate assessment of impacts and effectiveness of mitigation measures.

We are available to discuss all comments and recommendations provided. Please send one hard copy and one CD copy of the Final SEIS and the Record of Decision to us when they are filed with our Washington D.C. Office. If you have any questions, please contact me at 415-972-3843, or contact Ann McPherson, the lead reviewer for this project. Ann can be reached at 415-972-3545 or mcperson.ann@epa.gov.

Sincerely,



Enrique Manzanilla, Director
Communities and Ecosystem Division

cc: Amy Lueders, Bureau of Land Management
Patricia L. McQueary, U.S. Army Corps of Engineers, St. George, UT
Edward D. Koch, U.S. Fish and Wildlife Service, Reno, NV
Amy M. LaVoie, U. S. Fish and Wildlife Service, Las Vegas, NV
Brian A. Novosak, U.S. Fish and Wildlife Service, Las Vegas, NV

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Response to Comments – Comment Letter 2

Response to Comment 2-6: Comment noted. The BLM Preferred Alternative, developed based on public and agency input on the Project, includes use of existing drainages to the extent feasible. The final layout will be designed to minimize the number of road crossings to provide adequate flow-through during storm events. These design measures will be incorporated into the Final Plan of Development (POD) and incorporated into the ROW grants issued by the BLM. Refer also to response to Comment 2-1.



United States Department of the Interior

NATIONAL PARK SERVICE
Mojave National Preserve
2701 Barstow Road
Barstow, California 92311



IN REPLY REFER TO:
1.B. Temporary (long term) (Formerly L3215) (MOJA)

January 10, 2013

MEMORANDUM

To: Bureau of Land Management, Las Vegas Field Office
ATTENTION: Gregory Helseth

From: Superintendent, Mojave National Preserve [Signature]

Subject: Review of Draft Supplemental Environmental Impact Statement (EIS) for the Proposed Silver State Solar South Project & Las Vegas Field Office Resource Management Plan Amendment

The National Park Service (NPS) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Statement (EIS) for the Proposed Silver State Solar South Project and Las Vegas Field Office Resource Management Plan Amendment. NPS supports renewable energy projects on public lands as 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 NPS to contribute to the process and the analysis of renewable energy projects to help insure that they meet the Secretary's goal that such projects on public lands are "Smart from the Start." Our goal is to provide expertise and practical and specific feedback in order to avoid significant adverse impacts to the resources of Mojave National Preserve (Preserve).

We have reviewed the EIS dated October, 2012 as well as the final Silver State Solar Energy Project EIS published September, 2010. Our greatest concerns are the potential impacts to desert tortoise, desert bighorn sheep, habitat fragmentation, the day and night views from the Preserve, and the potential for significant adverse cumulative impacts due to the development occurring in the surrounding areas and Ivanpah Valley.

In addition, the mitigation proposed in the EIS for most resource impacts consists of creating mitigation plans at a later date instead of identifying specific mitigation in the EIS. NPS recommends the inclusion of mitigation plans in the Final EIS to allow for a reasonable judgment of what resource impacts will result from the implementation of all proposed alternatives and how those impacts will be mitigated.

We have organized comments by impact topic, design features and proposed mitigation.

Response to Comments – Comment Letter 3

Response to Comment 3-1: Comment noted. Mitigation measures were made specific to the extent possible in the Draft Supplemental EIS/PRMPA and have been refined in the Final Supplemental EIS/PRMPA based on agency and public comments. The final selection of avoidance and minimization measures will be based on the final design and layout of the Project and will be incorporated in the BLM's ROW grant.

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Desert Tortoise and Desert Bighorn Sheep

NPS has significant concerns related to the potential for this project to impact Desert Tortoise both in the short term as well as the long term including the loss of wildlife connectivity, habitat degradation, and habitat loss. Please note that the U.S. Fish and Wildlife Service has independently arrived at a similar conclusion regarding potential impacts to desert tortoise. Cumulative impacts from this project and others in the vicinity in the past, present and future cause concern as together they remove and alter habitat and connectivity. As stated in the EIS on page 4-103, "Through construction of these projects, habitat would become further fragmented and migration corridors could become compromised. The combination of the Ivanpah and Stateline solar energy projects may greatly restrict desert tortoise movement on the Western side of I-15 within the Ivanpah Valley." As the EIS also states on page 4-28, the U.S. Fish and Wildlife Service estimates that a linkage would need to be at least 1.4 miles wide to accommodate a single, circular home range and multiple home ranges may be required to function optimally, the reduction of the linkage to 100 feet wide under Alternative's B and D may make those alternatives non-viable.

In addition, the full impact to this species cannot be understood without monitoring the species over the life of this project, if approved, and other projects occurring in the Ivanpah Valley. NPS recommends that monitoring be addressed by funding long term and cumulative impact studies over the life of the project. Further, potential impacts to desert tortoise cannot be determined on the basis of the EIS as written without any identified plan for translocation. NPS is concerned that a promise of future consultation with the U.S. Fish and Wildlife Service regarding translocation may be inadequate to meet the requirements of NEPA because the potential impacts of that translocation cannot be determined without a much more complete analysis of the specific translocation site and the methodology to be used during the process. According to the 2010 FEIS (page 4-174), an estimated cumulative total of 55,817 acres of desert tortoise habitat will be lost due to development of planned and completed renewable energy projects in the area. No mitigation for the loss of desert tortoise habitat due to the Silver State Solar North project is identified in either the 2010 FEIS or this EIS. This loss of essential habitat and compensation for that loss should be identified and further analyzed in the Final EIS. The proposed "Biological Mitigation Measures" consist solely of minimizing impacts to desert tortoise found on the site during construction. Consideration of the impacts on desert tortoise should be analyzed during project operation and decommissioning as well.

In addition, NPS recommends the consideration of removing exclusion fencing post-construction as a mitigation option, and requests that the EIS analyze the potential impacts of removing exclusion fences post-construction. Exclusion fences severely fragment habitat and limit connectivity. Not having them around the project may significantly reduce project impacts on the linkage between the northern and southern portions of Ivanpah Valley. NPS is aware that fencing is often used for security purposes; however, NPS would welcome the opportunity to work with BLM and the applicant to research and investigate more wildlife and habitat friendly solutions.

Desert bighorn sheep (*Ovis Canadensis nelsoni*) do not use the project area for lambing or foraging but they are present in the McCullough Mountains and are likely to use the Lucy Gray Mountains. The same issues regarding interconnectivity and habitat fragmentation identified for

**Response to Comments – Comment Letter 3**

Response to Comment 3-2: See Section D.4. The BLM and Applicant have worked with the USFWS to revise the Project design to minimize impacts to desert tortoise. Any agreed upon mitigation measures would be incorporated in the BLM's ROW grant.

Prior to issuance of any Federal permit, lease, or authorization for any surface-disturbing activity, the Applicant shall pay a remuneration fee for each acre of surface disturbance. The amount and disposition of said fee shall be determined in consultation with the BLM and USFWS. This fee will be paid directly to the Desert Tortoise Public Lands Conservation Fund Number 730-9999-2315, administered by Clark County or any other administrator approved by both the USFWS and BLM. The administrator serves as the banker of these funds and receives no benefit from administering these funds. These funds are independent of any other fees collected by Clark County for desert tortoise conservation planning. Desert Tortoises will be addressed in the Facility Decommissioning Plan, which will consider the best available information at that time.

Fencing proposed for the Project would address security needs as well as wildlife protection. Removal of exclusion fencing post-construction, or construction of security fencing that is permeable to wildlife, would place Desert Tortoises and other wildlife at risk of mortality from vehicles operating on the site, for the life of the Project. As described above, the modified BLM Preferred Alternative was developed to retain a corridor width of approximately 1.26 miles at its narrowest point, and an average width of approximately 1.53 miles.

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Response to Comment 3-3: Section 3.6.2.2 has been updated to include the Lucy Gray Mountains as desert bighorn sheep habitat. The new Project layout (BLM Preferred Alternative) that was developed to address public and agency concerns related to desert tortoise connectivity within the Ivanpah Valley (see Figure 2-1 in the Final Supplemental EIS/PRMPA) would also address connectivity for desert bighorn sheep. This new layout, developed in consultation with the USFWS, allows a minimum width of approximately 1.26 miles between the Project and the Lucy Gray Mountains, with most of the linkage having a width of approximately 1.53 miles. Further, desert bighorn sheep would also be able to transit the Lucy Gray Mountains, portions of which would be set aside as part of the ACEC under Alternative D or the BLM Preferred Alternative.

the desert tortoise apply here. The project is located in or near an identified migration corridor for desert bighorn sheep and no mitigation measures have been identified in the EIS related to this fact. A mitigation measure stating only that a mitigation plan will be developed at a later date may be inadequate to meet the requirements of NEPA.

APPLICANT'S PROPOSED DESIGN FEATURES

Air Quality/Dust Control

Air quality impacts from fugitive dust are proposed by the applicant to be controlled by using water (APM-3). The use of water in desert environments as dust control is a concern, as it is a limited resource. The EIS should analyze alternatives to the use of water as dust abatement and the impacts of water applications to desert tortoise and desert tortoise habitat. Since the use of dust palliatives are not allowed in Southern Nevada as dust suppressants, the use of gravel or crushed rock on road surfaces is a viable option that should be analyzed and considered. This option may allow for less water usage on project thoroughfares while still maintaining an adequate amount of dust control.

The EIS proposes additional water use on roads when winds are 25 miles per hour or greater. This does not account for dust transport by winds less than 25 mph. The EIS should address dust movement in barren project areas at wind speeds of less than 25 mph and define adequate controls that could be applied when dust is generated at any wind speed or due to any disturbance.

Weed control

The EIS needs to better address weed control. It should address all native and non-native plants that the proponents of the project classify as weeds. NPS recommends that the EIS specifically identify the species, the environmental consequences associated with the presence of those species, how they would be controlled and any contingency plans that would be implemented if the controls do not work. The addition of a Weed Control Table outlining the above mentioned categories would be a useful organizational and informational tool for the document. Impacts should be analyzed in the short term and over the long term. Herbicide use for weed control should also be addressed in the EIS as the consequences of herbicide use could have significant impacts on the environment.

Site Rehabilitation Plan

In order to fully analyze the environmental impacts of this proposal, the EIS should address site rehabilitation and facility decommissioning. Special attention should be given to how one would re-establish biological soil crusts and what vegetation species would be re-established, including their density and distribution, and the time period required for each. If monitoring of the success of the revegetation effort is envisioned, that process should also be detailed. An explanation of the best management practices for storage and re-application should be included in the EIS. The scientific basis for the concept that 3,855 acres of biological soil crusts could be stockpiled for future use needs to be fully explained. Although the methodology for removal of specific structures may be determined later, one can clearly define within the EIS process what would be done to rehabilitate the area once the structures have been removed. Other than a discussion



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Response to Comments – Comment Letter 3

Response to Comment 3-4: Comment noted. Prior to any Federal permit, lease, or authorization for any surface-disturbing activity, the Applicant will be required to develop an approved dust control plan, which would be adhered to during construction. The Applicant has an existing agreement with LVVWD for water sufficient for dust control during Project construction and the Applicant has subsequently performed a drawdown analysis that determined no substantial adverse effect related to that water use (Appendix H). The Draft Supplemental EIS/PRMPA proposes additional water use during higher wind speeds, but water would still be used for dust suppression at wind speeds below 25 miles per hour.

Response to Comment 3-5: A detailed weed control plan would be prepared prior to Project construction (refer to APM-9 Noxious Weed Control Plan). That plan would contain details on any herbicide use, which would need to be reviewed and approved by BLM resource specialists to identify any adverse effects prior to use at the Project site.

Response to Comment 3-6: Comment noted. Preparation of a Site Rehabilitation and Facility Decommissioning Plan is required as part of the Performance and Reclamation bond process. The Plan will describe closure requirements and the anticipated bond level necessary to satisfy BLM requirements in 43 CFR Parts 2800 and 2900. The required “Performance and Reclamation” bond will ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g). The “Performance and Reclamation” bond will consist of three components. The first component will be hazardous materials, the second component will be the decommissioning and removal of improvements and facilities, and the third component will address reclamation, revegetation, restoration and soil stabilization.

In consultation with BLM biologists, the Applicant has agreed to provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils. The BLM anticipates that the funded study and other new sources of information will inform the Facility Decommissioning Plan, which will be developed based on the best available information at that time. Stockpiling biological soil crusts for short time periods may be appropriate to maintain the ability to inoculate soils during the restoration of temporarily disturbed areas. Stockpiling of large volumes of soil for long time periods (multiple years) is not typically effective as the organisms that form biological soil crusts do not survive burying for long time periods. Thus, salvage and stockpiling would only be an appropriate mitigation measure for areas temporarily disturbed and promptly reclaimed.

of removal of the structures themselves the EIS does not offer any plan for how the site would be rehabilitated after use. NPS recommends that a Site Rehabilitation or Reclamation plan be created and included in the Final EIS in order to identify any long-term impacts to the site and the appropriate mitigation for those impacts.

Environmental Clearances

The applicant proposes to only perform biological clearances during weather conditions that are permitted for the specific construction activity that will be performed in the area concerned. The EIS should define what weather conditions would be permitted for these construction activities and why the clearances need to be performed under the same weather conditions.

Plant Nursery

The applicant proposes to establish a plant nursery for salvaged plants including yucca and cacti but does not give any specifics as to its location or how plants would be collected and temporarily stored at the nursery. It also does not specify how long plants will be stored and what criteria will determine the success of the nursery. NPS recommends that a clear description and criterion for plant species, stage of growth, and number of plants that would be kept for the re-establishment of vegetation within the construction area after the project is completed be included in the Final EIS. This should be determined before any plants are declared surplus and made available for public or commercial sales.

BLM PROPOSED MITIGATION MEASURES

Noise

The EIS does not adequately address the impacts of noise on wildlife. While it mentions specific bird species which would be vulnerable to the loss of nesting habitat and behavioral disruptions due to noise and vibrations that could result in nest abandonment or malnourished chicks (page 4-28 and 4-29), the EIS does not address mitigation for these potential impacts, nor does it address the decibel levels or frequencies that affect the species. Neither does the EIS analyze noise impacts to other species. NPS recommends that a discussion of the fact that habitat loss may extend beyond the project boundary by several more acres as animals seek escape from noise, vibrations and other environmental interruptions be included and analyzed in the Final EIS.

NPS recommends that mitigation for noise should include sound monitoring and appropriate responses to specific activities, either construction or operational, be established in the Final EIS. These responses can specifically address noise impacts from project activities if approved sound levels are exceeded.

Construction activities should be limited to daylight hours throughout the project area not just within 1,000 feet of residences or recreational areas. In addition, construction should be limited to between 7:00 AM and 7:00 PM. This serves the dual purpose of reducing noise, which travels further during twilight and night time, and limiting light pollution.



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Response to Comments – Comment Letter 3

Response to Comment 3-7: APM-14 in the Draft Supplemental EIS/PRMPA states that environmental clearance activities would “occur only during weather conditions permitted for the activity.” Different resources have weather/season requirements which are part of accepted protocol, and must be met before clearance can occur.

Response to Comment 3-8: The BLM will require the preparation of a Salvage Plan as a condition of the ROW grant. Such a Plan would include quantification of temporary impact areas, how many plants the Applicant proposes to use for revegetation in those areas, how many are to be sold, and how many they plan to destroy.

Response to Comment 3-9: The analysis of biological impacts in the Draft Supplemental EIS/PRMPA (Section 4.6.2.3) acknowledged that noise could cause adverse impacts to wildlife. However, new analysis has been provided in Section 4.6.2.3 discussing the specific effects of noise on wildlife and the ways in which wildlife responses to noise can result in effects beyond Project area boundaries. Section 4.2.3 includes mitigation measures intended to reduce noise levels, and to limit the timing of noise-generating activities. Construction noise would primarily be generated by heavy equipment during site grading and preparation, which would occur over approximately 24 months. Cumulative impacts of noise on wildlife were also analyzed in Section 4.19.3.6. Clark County does not quantitatively limit noise generation or effects from construction occurring during daylight hours (Sec 30.68.020 (h)). Silver State would typically restrict construction activities to daylight hours to ensure compliance with Clark County regulations and also for safety reasons. Occasional nighttime activities are anticipated, but nighttime activities would not

include heavy truck deliveries, pile driving or vibration equipment use. Clark County has regulations regarding noise generation from operations, as discussed in the 2010 Final EIS Section 4.1.2.2, Noise-Local.

Acoustic barriers are only effective for stationary noise sources, which would not generate the majority of the noise from Project construction. MM NOI-5 and MM NOI-6 would be the primary measures affecting Project noise generation. Silver State will incorporate equipment idling practices into worker training and monitor compliance via the protocols of the Environmental Compliance Plan.

MM NOI-5 and NOI-6 as presented in the Draft Supplemental EIS/PRMPA would apply to contractor vehicles; the Applicant would have the responsibility of ensuring their compliance.

Turning off idling equipment reduces noise and air pollution but the EIS does not give clear direction on what this means. NPS recommends that the California Air Quality Management Board requirements be applied and used as guidance for this project due to a lack of established standards in Clark County.

Acoustic barriers are mentioned but there are no details as to what type of barrier might be used or when such barriers would be required. Note that 75 dB is an intrusive noise level for residences as noted at 4.2.1 but noise below this level could have impacts on wildlife. NPS recommends that barriers be used to reduce noise down to the lowest level possible beyond the barrier.

The BLM mitigation requirement for maintaining equipment in proper working order (MM NOI-5) should clearly apply to contractor and sub-contractor equipment as should the requirement for the equipment to be adequately muffled (MM NOI-6). The EIS should expand on what it considers “adequate” to mean.

Soils

Soils and fragile biological soil crusts are easily damaged by human disturbances, especially those as intrusive as construction. The EIS describes a complete removal of the biological crusts on the proposed site. There is no evidence in the literature that cryptobiotic crusts can be reestablished. There is similarly no evidence that “APM’s to remove and stockpile biological soil crusts and restore biological soil crusts during Project decommissioning would reduce this impact to less than significant.”

The mitigation measures applicable to soils (MM SOILS-1 & -2) could be more effective if they clearly state that the applicant shall test and certify that any imported soils are free of hazardous contaminants, are of the same soil type as pre-construction soils, and are weed free.

Additional mitigation would limit the amount of ground disturbance. NPS recommends that ponds not be created to hold water for dust control. A more environmentally sound method would be to use temporary above ground water containment structures. These are available in sizes up to 1.6 million gallons.

Water

As previously noted, the use of water in desert environments is a concern as it is a limited resource. To fully analyze the potential impacts to both surface and subsurface water resources the EIS and the 2010 EIS have addressed many of the issues identified by the proposed water resources mitigation plans listed under MM WATER-1 through MM WATER-5. However, all the plans identified need to be presented in the EIS and analyzed so as to fully understand the environmental consequences of the proposed action and the potential for the plans to mitigate impacts. The analysis of cumulative impacts of groundwater pumping is inadequate in that there is no doubt that water removal from a basin already in an overdraft condition would alter (i.e., reduce) the groundwater volume in the local basin. The EIS cumulative analysis is further flawed in stating that the impact of the project is small given that the projected annual use of this project is nearly one third of the total perennial yield for the basin.

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Response to Comments – Comment Letter 3

Response to Comment 3-10: The BLM acknowledges that reestablishment takes place over decades, and recovery to a biological soil crust community similar to predisturbance conditions is likely to take much longer. In consultation with BLM biologists, the Applicant has agreed to provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils. Stockpiling biological soil crusts for short time periods may be appropriate to maintain the ability to inoculate soils during the restoration of temporarily disturbed areas. Stockpiling of large volumes of soil for long time periods (multiple years) is not typically effective as the organisms that form biological soil crusts do not survive burying for long time periods. Thus, salvage and stockpiling would only be an appropriate mitigation measure for areas temporarily disturbed and promptly reclaimed.

Testing of imported soils is already included at BLM discretion in MM SOILS-1 and -2 in the Draft Supplemental EIS/PRMPA, as suggested in the comment. Regarding the use of ponds for dust control water, the NPS comment is noted but the amount of ground disturbance associated with the ponds is minimal and when filled with water that area does not generate fugitive dust emissions. Therefore, the requirement for large water storage tanks has not been incorporated into the Final Supplemental EIS/PRMPA.

Response to Comment 3-11: The Applicant has an existing agreement with LVVWD for water sufficient for dust control during Project construction and the Applicant has subsequently



performed a drawdown analysis that determined no substantial adverse effect related to that water use (Appendix H). The draft analysis shows negligible effects from groundwater pumping on nearby wells under two different pumping scenarios. For instance, even under a “worst case” scenario of pumping 1,185 acre-feet of groundwater – which is beyond anticipated water use over 30 years – the Project would have a maximum drawdown of 1.8 feet at a nearby well if using two project pumping wells, and a 1.3 feet at that same nearby if using six Project pumping wells. Following construction, water levels in nearby wells would recover and stabilize at a drawdown of less than one foot during the entire 30-year operational period under either project pumping scenario (that is, two or six project pumping wells).

Biological Resources

MM-BIO-2 requires the use of Best Management Practices (BMPs). There are many “Best Management Practices” that may apply to biological surveys and biological monitoring. Those that will apply to this project need to be specifically identified and addressed in the EIS.

The monitoring plan should identify the qualifications of the monitors and what specifically will be done if the monitor finds that an impact occurs within a boundary that has been established to protect a species or other resource.

The proposed requirement for a salvage plan, MM BIO-7, needs more specifics and needs to be developed and analyzed in the EIS. It should identify the approximate number of plants of each species that will be placed in a nursery for use in site restoration and adhere to the other comments offered above.

Night lighting is to be mitigated by the application of MM BIO-15. Mitigation can be significantly increased by not allowing night lighting except for those needed to meet safety considerations. The use of sensors that only turn lights on when someone is in the area should be analyzed and adopted. Consideration should be given to reducing night lighting at the existing power plant to offset any required night lighting for the project. Night sky is an important visual resource to the National Park Service. Night sky in the project area has been impacted by light pollution from many of the existing facilities in Ivanpah Valley. The table of existing facilities does not show cumulative impacts to this resource. This resource should be clearly listed in Table 4.19-2 and fully discussed in the EIS. The Primm Valley Resorts, Interstate 15 traffic and the Walter M. Higgins Power Generation Station are significant sources of light pollution. Cumulative impacts can also be expected from the Desert Express Passenger Train Project, the Ivanpah Airport, the Joint Point of Entry Station, the First Solar Stateline project, proposed wind projects, and the Molycorp Mountain Pass Mine.

MM BIO-18 for bighorn sheep should apply to all proposed alternatives and should address potential long term and cumulative impacts over the life of the project.

MM BIO-19 for desert tortoise should address the funding of a long-term cumulative impact study that continues over the life of the project. As recommended earlier, the EIS should analyze removal of exclusion fences post construction as a mitigation option to reduce habitat fragmentation and should address both the translocation methodology and site.

Cultural Resources

In general cultural resources are addressed in the EIS but MM CULT-1 may be insufficient to mitigate potential impacts. NPS recommends that an archaeologist or a geo-archaeologist be present for all surface disturbing activities not just for the activities associated with the transmission line substation. Their duties should include monitoring and analyzing the excavation, as stated, but this does not go far enough. Mitigation needs to identify what would be done if cultural resources are identified (e.g., stop the project until potential impacts on eligible historic properties are analyzed and mitigated).



Response to Comments – Comment Letter 3

**Cmnt
3-12**

Response to Comment 3-12: The BMPs referenced in MM BIO-2 are for construction personnel, not resource specialists. These BMPs will be identified as the construction permits are acquired and will be approved by BLM prior to construction.

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Response to Comment 3-13: A biological monitoring plan will be prepared and approved by BLM prior to construction. This plan will include monitor qualifications and unanticipated discovery protocol.

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Response to Comment 3-14: BLM will require the preparation of a Salvage Plan as a condition of the ROW grant. Such a Plan would include quantification of temporary impacts areas, how many plants the Applicant proposes to use for revegetation in those areas, how many are to be sold, and how many they plan to destroy.

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3-15**

Response to Comment 3-15: Lighting for the proposed Project will only be installed where necessary to meet operational and safety considerations, and would not occur along Project maintenance roads. Reducing lighting at existing facilities is beyond the scope of this Supplemental EIS/PRMPA.

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Response to Comment 3-16: Bighorn sheep MM BIO-16 will be applied to all of the action alternatives.

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Response to Comment 3-17: Fencing proposed for the Project would address security needs as well as wildlife protection. Removal of exclusion fencing post-construction, or construction of security fencing that is permeable to wildlife, would place Desert Tortoises and other wildlife at risk of mortality from vehicles operating on the site, for the life of the Project. MM BIO-17 includes funding of studies encompassing a 13,000-acre

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research area in the Ivanpah Valley in both California and Nevada. Compensatory mitigation shall also be paid; these funds would be used for management actions expected to provide a benefit to the desert tortoise over time. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species current status and trend, and preserving distinct population attributes.

Response to Comment 3-18: Mitigation measure CULT-1 has been revised to address the potential for cultural resources across the Project site, and what actions would be necessary in the event cultural resources are discovered.

Visual Resources

The scenic vistas associated with Mojave National Preserve are considered unique and are so identified in the California Desert Protection Act. Although this project is not immediately adjacent to Mojave National Preserve, it lies within the Preserve's viewshed and will have adverse impacts on the Preserve's scenic values.

NPS supports greater recognition for visual resources near national park units. NPS recommends that the Visual Resource Management (VRM) classification for the area be changed to a Class II in recognition of the value to parks. Lowering the VRM class from Class III to Class IV to allow the project to proceed may set a poor precedent and increase environmental impacts instead of decreasing them.

Alternative D, if approved, would have the least impact to the Preserve except for the No Action Alternative. If any of the action alternatives are approved, MM VIS-1 should apply. The mitigation measure should specify the vinyl colors for fencing materials that will be used such as black, brown or green. Light colors such as white or gray or reflective metallic finishes should be avoided.

If you have any questions regarding these comments, you can contact Ms. Ameer Howard at amee_howard@nps.gov or (760) 293-8645.

cc:

Sarah Quinn, NPS-WASO
Ameer Howard, NPS-PWRO
Zach Church, NPS-PWRO
Nancy Christ, BLM-RECO Southern NV

**Cmnt
3-19**

Response to Comments – Comment Letter 3

Response to Comment 3-19: Impacts to viewers were assessed through KOPs and are included in Section 4.12.3 of the Draft Supplemental EIS/PRMPA. KOP 9 is taken from the entrance to the Mojave National Preserve. Anticipated impacts are low because the Project would be viewed in the background distance zone and would be subordinate in the landscape. Also, the contrast that could occur would be seen in context (visual) with other modifications throughout the valley.

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3-20**

Response to Comment 3-20: The BLM is proposing to reduce the VRM Class from Class III to Class IV only for the footprint of the Project. Modifying VRM Classes beyond the effects of the Project is out of the Scope of this Supplemental EIS/PRMPA. Future actions on BLM land would be evaluated on a project-by-project basis for compliance with VRM Classes and public viewing locations (such as NPS Lands) where applicable.

**Cmnt
3-21**

Response to Comment 3-21: Mitigation measure VIS – 1 would apply to all of the action alternatives. The measure specifies minimizing reflective properties using poly-bonded vinyl coating, powder coating, or special non-specular dulling treatment on steel or surfaces that are conducive to such treatments.





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January 10, 2013

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 Deputy Director

NDOW-SR #: 13-077
 SAI #: E2013-089

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

Re: Draft Supplemental EIS for the Silver State Solar South Project and Proposed Las Vegas Field Office Resource Management Plan Amendment (NVN-085801, NVN-089530, NVN90050, and NVN-090823), October 2012 (Draft SEIS)

Dear Mr. Helseth:

Thank you for providing the Nevada Department of Wildlife (NDOW) opportunity to review the Draft SEIS. Additional to the No Action alternative, we understand that three action alternatives were analyzed considering surface disturbances varying from approximately 2,515 to 3,855 acres coincident with construction and operation of a 350 MW solar energy generation plant and related appurtenances and infrastructure adjacent to the existing 50 MW Silver State Solar North facility near Primm, Nevada. Also considered in the Draft SEIS was designation of an Area of Critical Environmental Concern (ACEC) totaling 40,180 acres along with other land use adjustments possible for modification under an amendment process connected with the Proposed Las Vegas Field Office Resource Management Plan.

The Draft SEIS tiers from the previous 2010 Final EIS for the Silver State Solar North and South projects. Focusing our review to potential effects on Nevada’s wildlife resources we noted information from surveys conducted from 2009 to 2011 other than those conducted by NDOW were heavily weighted in the analyses. Hence, the majority of our observations and comments pertain to chapters 3 and 4.

Introductory Pages:

The NDOW is identified as a cooperating agency using the title Nevada Division of Wildlife. The list of acronyms in Chapter 7 correctly identifies NDOW as the Nevada *Department* of Wildlife.

Pages 2-30, Table 2-4, Proposed Mitigation Measures (Continued), MM BIO-9,

In the first bullet, consider including the following as part of mitigation:

- Use applicable guidance found in *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* (Pagel et al 2010).
- Adopt raptor and non-raptor nest buffer distances used in the nest management plan for Southern California Edison’s Eldorado-Ivanpah Transmission Project. Use adaptive management based on lessons learned.

Response to Comments – Comment Letter 4

Response to Comment 4-1: The reference to NDOW was corrected.

Response to Comment 4-2: Guidance found in Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al 2010) has been incorporated in the Final Supplemental EIS/PRMPA in MM BIO-9.

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Helseth, G. (NDOW-SR# 13-077)

2

January 10, 2013

Pages 2-31, Table 2-4. Proposed Mitigation Measures (Continued), MM BIO-13:

Recommend also adapting guidance from the Arizona Burrowing Owl Working Group's 2009 *Burrowing Owl Project Clearance Guidance for Landowners*.

Pages 2-31, Table 2-4. Proposed Mitigation Measures (Continued), MM BIO-14:

NDOW's construction site protocols for the Gila Monster were updated in 2012 and should be referenced accordingly, as well as added to Chapter 6's references for Chapter 2.

Page 3-13, Section 3.6 Biological Resources:

- The middle of the 2nd paragraph states, "All survey methodologies were developed in consultation with the BLM Southern Nevada District Office... ." Descriptions of methods employed from the various surveys cited would be helpful in providing perspective regarding interpretation of the findings of which are extensively summarized in the Draft SEIS. All survey protocols should be clearly and concisely described. Inclusion of at least Ironwood Consulting's 2012 Biological Resources Technical Report as an appendix to the Draft SEIS (provided it included survey methodologies) is recommended.
- The 4th bullet statement would be better served if the word "Sections" was replaced with "Chapters"

Page 3-19, Section 3.6.2.2 Special Status Wildlife Species,

- 5th line of opening paragraph: 21 species are described as occurring in Table 3.6-3 on page 3-20, but only 18 are listed.
- Last line of opening paragraph: Nine special status species are stated as documented during surveys, but 10 species (not including bats) are described in subsequent pages (3-29 to 3-24).

Page 3-21, Table 3.6-4:

- The table's header should be modified to clearly describe what the contents represent. "Range" usually is interpreted as the species geographic distribution as opposed to *statistical variability of estimated abundance*. The column headers using the descriptor "Range Estimate" would be more correct if "Estimate Interval" was used. Again, concise descriptions of the methodologies used to determine the metrics reported would be helpful.
- Footnotes 2 and 3 are described but not indicated as to which metrics they apply.

Page 3-21, closing paragraph for Desert Tortoise:

As pointed out, "the ROW application area is not within a designated CHU," but studies indicate significant tortoise connectivity between the Piute-Eldorado and Ivanpah CHUs. Mindful of the importance that linkages play in population persistence over time, especially in recovery efforts for threatened and endangered or landscape-scale species, optimizing the identified connectivity should be a conservation priority.

Page 21, Golden Eagle:

The Project area and Lucy Gray Mountains are foraging habitat for the Golden Eagle, and the Project will impact this resource value. Foraging habitat of this kind is rapidly declining in size and continuity in this region. But, there is more as the statement, "nearest potentially suitable nesting habitat is located over 7 miles away in the McCullough Range," is incorrect. NDOW views the Lucy Gray Mountains as suitable nesting habitat which are immediately adjacent to the Project right-of-way. Further, Sheep Mountain and the southern Spring Mountains contain suitable nesting habitat and portions of these ranges are within the 10-mile Region of Influence (ROI).

- Within the 10-mile ROI, NDOW records indicate three confirmed active Golden Eagle nests in 2011; one territory each in the Lucy Gray Mountains, Sheep Mountain, and the southern Spring Mountains.
- In addition, more than 50 additional stick nests of probable Golden Eagle origin have also been identified within the ROI. Three of these nests had confirmed use by other species in recent years.

Response to Comments – Comment Letter 4

Response to Comment 4-3: MM BIO-11 in the Final Supplemental EIS/PRMPA has been changed to state that the Arizona Burrowing Owl Working Group 2009 guidance will be used to design preconstruction surveys.

Response to Comment 4-4: NDOW's Gila Monster construction site protocols have been incorporated into MM BIO-12.

Response to Comment 4-5: The Biological Resources Technical Report is included in Appendix G to the Final Supplemental EIS/PRMPA. All survey protocols are in this report.

Response to Comment 4-6: The document has been corrected so that Section 3.6.2.2 is consistent with Table 3.6-3.

Response to Comment 4-7: The table header has been revised to "Abundance Estimate." Footnotes have been clarified.

Response to Comment 4-8: Comment noted. As noted in Section 4.5, the Project may affect demographic connectivity within the immediate Project area through increased habitat fragmentation. Very little research currently exists regarding connectivity in relation to the desert tortoise (USFWS 2012), and in particular, there are no scientifically established metrics for determining adverse impacts to connectivity (i.e., the necessary width of a corridor to allow demographic connectivity). However, maximizing corridor width was the key consideration in the design of the BLM Preferred Alternative. Further, the BLM and Applicant are working with the USFWS to develop specific monitoring studies to broaden the understanding of impacts to population demographics and genetic stability of the desert population from solar development in the Ivanpah Valley.

Response to Comment 4-9: Eagle information in Section 3.6.2.2 has been updated to reflect NDOW records.

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Helseth, G. (NDOW-SR# 13-077)

3

January 10, 2013

These data support that habitat contained within the ROI is of historical and current importance to breeding Golden Eagles.

Page 3-23, Prairie Falcon,

1st line: Prairie falcons are not known to “*build nests*”, but rather use bare cliff ledges or occasionally occupy the nest of a different species.

The statement, “There are no records of the species breeding in the McCullough or Lucy Gray Mountains” is incorrect.

- NDOW records indicate four active prairie falcon territories confirmed in recent years, as well as two other historic territory records, within the ROI. Of these four recently occupied territories, one was in the Lucy Grays, two in the South Spring Range, and one on Sheep Mountain.
- Further, a misunderstanding in utilizing the *Atlas of Breeding Birds of Nevada* (Floyd *et al* 2007) is suggested. This reference actually indicates up to a 25% probability of occurrence for the prairie falcon within the 10 mile ROI.

Page 3-23 and 3-24, Crissal Thrasher and LeConte's Thrasher:

The field studies and modeling for both species performed by Fletcher (2009) may add significant interpretive value to the relative importance of the project area to these species. Additional analysis is recommended to this end.

Page 3-24, Desert Bighorn Sheep:

As NDOW asserted in letters dated September 9, 2009 and May 28, 2010 addressing amended plans of development and the 2010 Draft EIS, the Lucy Gray Mountains are desert bighorn sheep habitat receiving use year-round, principally in the cooler months.

Page 4-25, Section 4.6.2.1 Methodology:

More frequent, pro-active contact with NDOW for discussing locally updated wildlife and special status wildlife species information may have benefited this Draft SEIS.

Page 4-25, 3rd paragraph, 5th line:

Recommend replacing the word “*feel*” with “*experience*” as it is uncertain exactly what wildlife may think.

Page 4-29 Birds, 3rd Paragraph:

Actually, the nearest confirmed active Golden Eagle nest (2011—discovery and last check) is approximately 0.85 miles from the ROW in the Lucy Gray Mountains. This same nest is only approximately 2.5 miles from the proposed solar array field identified in Alternative D. This proximity may increase the probability of disturbance to a breeding pair.

Page 4-29, Mammals, 2nd Paragraph,

- 2nd paragraph: The second sentence may better read, “*The Project is not anticipated to significantly influence movement of bighorn sheep between mountain ranges.*”
- 3rd paragraph 5th line: Replace the word “*adversely*” with “*significantly.*”

Page 6-1, Chapter 6 - REFERENCES,

Chapter 2: Insert

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 6-5, Chapters 3 and 4,

See Page 6-1 comment -- Replace 2007 reference with the 2012 reference for *Gila Monster Status, Identification and Reporting Protocol for Observations*.

Response to Comments – Comment Letter 4

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Response to Comment 4-10: Prairie Falcon information in Section 3.6.2.2 has been updated to reflect NDOW records.

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4-10**

Response to Comment 4-11: Section 3.6.2.2 notes that both species were detected in the ROW application area, and that suitable habitat is present.

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4-11**

Response to Comment 4-12: Section 3.6.2.2 has been updated to include the Lucy Gray Mountains as desert bighorn sheep habitat.

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4-12**

Response to Comment 4-13: Comment noted.

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4-13**

Response to Comment 4-14: “Feel” was replaced with “experience”, as suggested.

**Cmnt
4-14**

Response to Comment 4-15: Section 4.6.2.3 has been revised to include updated golden eagle data. This information was considered in the impact analysis, but the impact conclusions remained similar.

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4-15**

Response to Comment 4-16: Sentence was retained as written, as bighorn sheep movement would not be inhibited. Text was revised to reflect that impacts to the kit fox would be minimal.

**Cmnt
4-16**

Response to Comment 4-17: References were updated as suggested.

**Cmnt
4-17**

Helseth, G. (NDOW-SR# 13-077)

4

January 10, 2013

In view of the concurrent planning efforts for the Proposed Las Vegas Field Office Resource Management Plan Amendment, the Dry Lake Solar Energy Zone Regional Mitigation Planning Project, value of the Silver State Solar South Project area as connectivity linkage for the Ivanpah and Eldorado-Piute desert tortoise CHUs (and perhaps at least 10 BLM special status wildlife species), current state of renewable energy markets, effects to other existing resource values such as special recreation management areas and visual resources, new planning tools like BLM's *Mojave Rapid Ecological Assessment* and The Nature Conservancy's *Ecological Assessment of the Mojave Desert*, the proposed Ivanpah Valley ACEC, why was the Dry Lake SEZ not analyzed as a potential site for the Project?

Regardless of the possibility for analysis of novel or variations on the action alternatives presented in the Draft SEIS, the Project as indicated in section 4.19.3.6 will result in a sizable contribution to long-term cumulative, adverse impacts to wildlife resources in the Ivanpah Valley region. Cooperating agencies need to have interactive dialogue for resolving concerns, such as those expressed herein, and assist in development of alternative strategies to minimize long term impacts to wildlife resources. Because habitat quality characteristics will undergo change not just from straightforward footprint disturbances but less obvious changes in ecological process dynamics, there is expectation that dialogue for compensatory mitigation associated with this and other cumulative projects will contribute to effective and timely management tools.

Thank you again for opportunity to provide this abbreviated review. We look forward to additional opportunities in discussing measures for avoiding and minimizing impacts to wildlife resources.

Sincerely,



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References

- Arizona Burrowing Owl Working Group. 2009. *Burrowing Owl Project Clearance Guidance for Landowners*. Arizona Game & Fish Department. May 2009. 9 pp.
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Online at: <http://digitalscholarship.unlv.edu/thesesdissertations/1122/>.
- Nevada Department of Wildlife. 2012. *Gila Monster Status, Identification and Reporting Protocol for Observations*. NDOW, Southern Region, 7 September 2012. 3 pp.
- Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. *Interim Golden Eagle inventory and monitoring protocols; and other recommendations*. Division of Migratory Bird Management, U.S. Fish and Wildlife Service. 27 pp.

Cmnt
4-17

Response to Comments – Comment Letter 4

Response to Comment 4-18: The Dry Lake SEZ was not analyzed as a potential site because this Project is a part of the Silver State Solar North Project. Location alternatives were evaluated as part of the 2010 Final EIS.

The Nevada Division of State Lands and the State Land Use Planning Agency offer the following comments:

Please consider the cumulative visual impacts from development activities (temporary and permanent). Some notable activities include proliferation of new roads, poorly-sited and designed structures, lack of co-location of infrastructure and improper lighting, to name a few.

The following mitigation measures are suggested:

Utilize appropriate lighting:

- Utilize consistent lighting mitigation measures that follow “Dark Sky” lighting practices.
- Effective lighting should have screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas.
- A lighting plan should be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.
- Any required FAA lighting should be consolidated and minimized wherever possible.

In addition, the following mitigation measures should be employed.

Utilize building materials, colors and site placement that are compatible with the natural environment:

- Utilize consistent mitigation measures that address logical placement of improvements and use of appropriate screening and structure colors. Existing utility corridors, roads and areas of disturbed land should be utilized wherever possible. Proliferation of new roads should be avoided.
- For example, the use of compatible paint colors on structures reduces the visual impacts of the built environment. Using screening, careful site placement, and cognitive use of earth-tone colors/materials that match the environment improve the user experience for others who might have different values than what is fostered by built environment activities.
- Federal agencies should require these mitigation measures as conditions of approval for all permanent and temporary applications.

Skip Canfield, State Land Use Planning Agency

**Cmnt
5-1**

Response to Comments – Comment Letter 5

Response to Comment 5-1: Comment noted. MM VIS-1 has been revised in the Final Supplemental EIS/PRMPA to provide more detail about surface treatments for structures and roads. Lighting for the Project would generally adhere to the guidance provided in the comment; for example, lighting would be shielded and directed downward, and lighting would only be installed within limited locations of the site and would not be installed along roadways.



Department of Aviation

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Response to Comments – Comment Letter 6

January 3, 2013

VIA EMAIL

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

RE: Comments on the Draft Supplemental EIS for the Silver State South Project and Las Vegas Field Office RMP Amendment

Dear Mr. Helseth:

Clark County Department of Aviation (CCDOA) submits these comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Silver State Solar South Project and Las Vegas Field Office Resource Management Plan Amendment. CCDOA looks forward to continuing to work with First Solar, Inc. and with Bureau of Land of Management and its consultants to ensure that the project is constructed in a manner that is compatible with the planned Southern Nevada Supplemental Airport.

Please feel free to contact me at (702) 261-5709 or marksi@mccarran.com with questions or inquiries.

Sincerely,

MARK E. SILVERSTEIN
Principal Planner

Enclosure

cc: Randall Walker
Rosemary Vassiliadis
Teresa R. Motley
Cheryl Cote
Linda Bullen



Clark County Board of Commissioners
Susan Brager, Chair • Steve Stokol, Vice-Chair
Larry Brown • Tom Collins • Chris Giunchigliani • Mary Beth Scow • Lawrence Weeldy

Clark County Department of Aviation Comments

on the

**Draft Supplemental Environmental Impact Statement for the
Proposed Silver State Solar South Project and the
Proposed Las Vegas Field Office Resource Management Plan Amendment**

January 3, 2013

The Clark County Department of Aviation (CCDOA) is planning to construct and operate a new commercial service airport in the Ivanpah Valley (the Southern Nevada Supplemental Airport or SNSA). The proposed Silver State Solar South Project in Primm, Nevada (Silver State South) would be immediately adjacent to, and in fact would overlap in part with, the congressionally-designated Airport Environs Overlay District (Overlay District) for the SNSA. As we have noted in prior comments to the Bureau of Land Management (BLM), CCDOA is committed to ensuring that any new infrastructure in southern Nevada is compatible with the siting, construction, and operation of the SNSA. In light of that fact, CCDOA provides the following comments on the Draft Supplemental Environmental Impact Statement (DSEIS).

1. Proposed ACEC Designation (Alternative D)

Alternative D in the DSEIS includes a proposal to designate a 40,180-acre area as an Area of Critical Environmental Concern (ACEC).¹ Management prescriptions proposed for the ACEC include the exclusion of large site-type rights-of-way (ROWs), and designation of the area as a linear ROW avoidance area. *Id.* CCDOA has several concerns about this proposed designation.

Interference with SNSA Flood Control Facilities

As discussed in our scoping comments, CCDOA has identified sites that will be required to provide adequate stormwater and flood control protection for the SNSA.² In September 2009, CCDOA applied to BLM for a right-of-way (ROW) permit for the lands necessary for implementation of the SNSA flood control plan (BLM Serial No. NVN-087969).³ BLM has made an express commitment to not authorize land uses that would preclude the siting of the SNSA stormwater facilities while an Environmental Impact Statement (EIS) on SNSA is pending. See Letter from Robert B. Ross to Mark E. Silverstein (Mar. 29, 2011) (attached as

¹ DSEIS at 2-9, 2-10.

² Clark County Department of Aviation Scoping Comments on the Supplemental Environmental Impact Statement and Proposed Resource Management Plan Amendment for the Proposed First Solar South Solar Energy Project Near Primm, Nevada (Oct. 31, 2011) at p. 2 (attached as Exhibit A).

³ This ROW application seeks a permit for three modified retention facility basins and one drainage easement for flood control. See Exhibit B.

Response to Comments – Comment Letter 6

Response to Comment 6-1: The management prescriptions for the proposed ACEC, which apply to either Alternative D or the BLM Preferred Alternative, have been modified to allow ROWs necessary for construction and operation of the Southern Nevada Supplemental Airport (Airport) and associated facilities, subject to an approved Airport Final Environmental Impact Statement and Record of Decision, and subject to compliance with the Endangered Species Act, 16 U.S.C. § § 1531-1544. Refer to Table 2-2 in the Final Supplemental EIS/PRMPA. The conveyor belt and modified retention facilities proposed for the Airport are now shown on Figure 4.19-1 in the Final Supplemental EIS/PRMPA. The increased base flood elevation projected in association with the Airport is now described in Section 4.19.3.5.

**Cmnt
6-1**

Response to Comments – Comment Letter 6

Exhibit C).⁴ The proposed ACEC in Alternative D interferes with a number of CCDOA’s planned flood control facilities.

- Lucy Gray Modified Retention Facility (MRF)

As proposed in the DSEIS, the ACEC in Alternative D would entirely subsume one of the planned stormwater retention facilities for the SNSA (the Lucy Gray Modified Retention Facility, located in Sec. 8, T. 26S R. 60E). See **Exhibits B** (ROW application) and **D** (Map). One of the proposed management prescriptions for the ACEC *excludes* ROWs greater than 5 acres inside the ACEC.⁵ In order to provide for construction of the basin and associated spillways, and berms, the Lucy Gray MRF application seeks a ROW that would occupy over 160 acres. This ROW application would be inconsistent with the proposed exclusion of large-scale ROWs from the ACEC, creating a direct conflict with BLM’s assurances to CCDOA that it would not take any actions that would preclude use of the flood control sites identified in CCDOA’s 2009 ROW application.

- Temporary Conveyor Belt

In 2010, CCDOA applied for a ROW permit for a temporary elevated, electric conveyor belt system to transport mineral materials for use in the construction of the SNSA and the modified retention facilities, as well as for any necessary service roads associated with the conveyor belt system. (BLM Serial No. NVN-088081, attached as **Exhibit E**). The proposed ACEC in Alternative D encompasses a section of the conveyor belt route. See **Exhibit D**. Construction and operation of the conveyor belt route would conflict with the management prescription that would identify the ACEC as a linear ROW avoidance area.⁶ As with the Lucy Gray MRF, this would create a direct conflict with BLM’s assurances that it would not take any actions that would preclude use of the flood control sites identified in CCDOA’s ROW applications and referenced in BLM’s 2011 letter to Mark E. Silverstein at CCDOA (**Exhibit C**).

- Increased base flood elevation on the Roach Lake Playa

CCDOA’s 2009 ROW application also seeks a drainage easement over Sections 23 and 26 in T. 26S R. 59E.⁷ This ROW is needed because the planned Airport improvements would reduce the size of the existing Roach Lake Playa lakebed from approximately 5.4 square miles to approximately 2.5 square miles, thereby raising the 100-year storm event base flood elevation in the remaining lakebed by 0.8 feet as compared with existing conditions. The proposed ACEC overlaps with CCDOA’s ROW application for this drainage easement. See **Exhibit D**. The DSEIS does not acknowledge the pending drainage easement nor does it discuss any potential impacts the increased base flood elevation might have on the values being protected by the ACEC designation.

Cmnt
6-1
Cont’d

⁴ As you know, although work on the SNSA EIS has been temporarily suspended due to the economic downturn, Clark County is continuing its planning efforts for the new airport.

⁵ DSEIS at 2-12, Table 2-2.

⁶ *Id.*

⁷ See **Exhibit B**.

Incompatibility with industrial development associated with the SNSA

Further, while the proposed ACEC would not infringe on the congressionally-designated Overlay District, the boundary of the ACEC would directly abut the Overlay District. See **Exhibit D**. The SDEIS contains no recognition of the fact that the proposed ACEC would lie in close proximity to significant existing and proposed industrial development or any discussion concerning how that industrial development would affect the ability of the ACEC to accomplish its purposes. In addition, the proposed management prescription to designate the area as a linear ROW avoidance area is inconsistent with and fails to acknowledge the many existing utility corridors that already cross the area. BLM should expressly acknowledge the ACEC’s proximity to industrial development and multiple existing utility corridors, and should consider more explicitly whether the ACEC as proposed provides the most effective vehicle for protection of the relevant population of desert tortoise.

2. Other

Table 3.9-2, on p. 3-32 of the DSEIS should include Case Number NVN-087969, CCDOA’s ROW application for the modified retention facilities and drainage easement.

The third paragraph of Section 4.19.2.2, on p. 4-90 of the SDEIS, states incorrectly that “as currently sited, the proposed project if approved, would not impact [the Overlay District].” A more accurate description would be: “The proposed project has been designed to minimize impacts to the Overlay District or the SNSA. The project proponent has worked closely with CCDOA to ensure that the proposed project and the proposed SNSA are compatible.”

The first bullet point in the same section states that “[a]s of November 2011, the precise location of any roadway, utilities, or other related infrastructure within this corridor has not been established.” It is unclear what “this corridor” refers to. BLM appears to be discussing the Overlay District. If that is so, the statement is incorrect. As discussed above, CCDOA’s ROW applications identify the precise location of stormwater and flood control facilities both on and off the Overlay District. Although these ROWs have not yet been approved, because they are required components of the congressionally-designated SNSA, their precise locations are reasonably foreseeable.

3. General

Page 5-11 of the DSEIS incorrectly states that CCDOA has declined cooperating agency status on this project. CCDOA expressly sought cooperating agency status by letter to Greg Helseth dated October 31, 2011 (attached to CCDOA’s scoping comments; see **Exhibit A**), as it did for the previous EIS approved for the Silver State Solar North Project. CCDOA has never declined to act as a cooperating agency on the proposed project.

* * *

Response to Comments – Comment Letter 6

Response to Comment 6-2: Comment noted. Figures 4.19-1 and 4.19-2 now show the ACEC in context with proposed SNSA facilities, and the SNSA relationship to the ACEC is now mentioned throughout the cumulative impact analysis. The management prescriptions for the proposed ACEC, which apply to either Alternative D or the BLM Preferred Alternative, have been modified to allow ROWs necessary for construction and operation of the Southern Nevada Supplemental Airport (Airport) and associated facilities, subject to an approved Airport Final Environmental Impact Statement and Record of Decision, and subject to compliance with the Endangered Species Act, 16 U.S.C. § § 1531-1544. Refer to Table 2-2 in the Final Supplemental EIS/PRMPA. The ACEC as proposed under the BLM Preferred Alternative and Alternative D represents the outcome of discussions with USFWS during Section 7 ESA consultation.

**Cmnt
6-2**

**Cmnt
6-3**

**Cmnt
6-4**

Response to Comment 6-3: Comment noted. Table 3.9-2 in the Final Supplemental EIS/PRMPA has been modified to include CCDOA’s ROW application.

**Cmnt
6-5**

Response to Comment 6-4: Comment noted. Section 4.19.2.2 in the Final Supplemental EIS/PRMPA has been modified as suggested.

**Cmnt
6-6**

Response to Comment 6-5: Comment noted. The referenced text has been revised to mention the pending ROW applications for storm water and flood control facilities. However, the precise location of any roadway, utility or other SNSA-related infrastructure would be subject to an approved Airport Final Environmental Impact Statement, Record of Decision, and compliance with the Endangered Species Act, 16 U.S.C. § § 1531-1544.

Response to Comment 6-6: Comment noted. CCDOA is listed in the Final Supplemental EIS/PRMPA as a cooperating agency.



October 31, 2011

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

RE: Scoping Comments for the Supplemental Environmental Impact Statement and a Resource Management Plan Amendment for the Proposed First Solar South Project, NVN-089530; and Request for Cooperating Agency Status

Dear Mr. Helseth:

In response to the Notice of Intent published on September 1, 2011 (76 Fed. Reg. 54483), and in response to a letter from Vanessa Hice received by the Clark County Department of Aviation (CCDOA) on September 9, 2011, CCDOA submits these comments on the Supplemental Environmental Impact Statement (SEIS) and proposed Resource Management Plan (RMP) Amendment for the proposed First Solar South Project (the Project) near Primm, Nevada. CCDOA looks forward to continued cooperation with First Solar and with the Bureau of Land Management (BLM) and its consultants to ensure that the Project can be constructed in a manner that is compatible with the proposed new Southern Nevada Supplemental Airport (SNSA).

As you may know, the construction of the SNSA will be eligible for federal grant funding under the Airport Improvement Program (AIP). In order for Clark County to receive such AIP grants, CCDOA must comply with several statutorily-defined obligations. In particular, the airport sponsor must take appropriate action to ensure that the terminal airspace required to protect instrument and visual operations to the airport will be cleared and protected by mitigating existing and by preventing future airport hazards. 49 U.S.C. 47107(a)(9). In addition, as the recipient of AIP grant monies, CCDOA must also take appropriate action to restrict the use of land next to or near the airport to users that are compatible with normal airport operations. 49 U.S.C. 47107(a)(10). As a result of these legal requirements, CCDOA is contractually and statutorily obligated to ensure that land uses in and around the proposed SNSA site would not impair the use and operation of that facility.

The Project is located in immediate proximity to the approximately 6,000-acre parcel of land patented to Clark County for the proposed SNSA (the Airport Site). Because of its

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Response to Comments – Comment Letter 6



Clark County Board of Commissioners
Susan Broger, Chair • Steve Sisolski, Vice-Chair
Lary Brown • Tom Collins • Chris Giunchigliani • Mary Beth Scow • Lawrence Weekly

Mr. Gregory Helseth
October 31, 2011
Page 2

legal obligations to protect against any incompatibility between the SNSA and the First Solar Project, CCDOA formally requests to be a cooperating agency for the First Solar South and Proposed Resource Management Plan Amendment SEIS. As described above, CCDOA has the necessary jurisdiction by law and/or special expertise to participate as a cooperating agency.

In addition, CCDOA is submitting the attached scoping comments to identify concerns that should be examined in the First Solar South/RMP Amendment SEIS. Please feel free to contact me at (702) 261-5709 or marksi@mccarran.com with questions or inquiries.

Sincerely,



MARK E. SILVERSTEIN
Airport Program Administrator

Encl.

cc: Randall Walker
Rosemary Vassiliadis
Teresa Motley
Philip Rhinehart
Vanessa Hice
Mark Chandler
David Kessler
Linda Bullen

Response to Comments – Comment Letter 6

Response to Comments – Comment Letter 6

**Clark County Department of Aviation
Scoping Comments on the
Supplemental Environmental Impact Statement and
Proposed Resource Management Plan Amendment for the
Proposed First Solar South Solar Energy Project near Primm, Nevada**

October 31, 2011

The Clark County Department of Aviation (CCDOA) owns and operates a regional system of airports within southern Nevada, and as part of that system, is planning to construct and operate a new commercial service airport in the Ivanpah Valley (the Southern Nevada Supplemental Airport or SNSA).

Silver State Solar, LLC (First Solar)¹ has applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) for construction, operation, maintenance, and termination of a solar energy generation facility (First Solar South or the Project). The ROW application seeks 13,043 acres, although the footprint of the proposed solar energy facilities apparently would only require approximately 2,900 acres. A significant amount of the lands within the boundaries of First Solar's requested ROW fall within the lands designated by Title V of Public Law 107-282 for future use as an Airport Environs Overlay District (Overlay District) for the SNSA. In addition, the proposed First Solar South Project as built would be immediately adjacent to, and would overlap in part with, the Overlay District. Other parts of the requested ROW would impinge upon sites identified by CCDOA as necessary for stormwater and flood control purposes to serve the SNSA.

Because the proposed Project differs in significant ways from the Silver State Solar Project originally studied by BLM in a Final Environmental Impact Statement (FEIS) (serial no. N-85077; ROD issued on 10/13/10), BLM has determined that a Supplemental Environmental Impact Statement (SEIS) must be prepared and has invited CCDOA to comment on any potential conflicts between the proposed Project and construction or operation of the SNSA.

CCDOA meets regularly with First Solar representatives concerning its project near Primm (the "North" Project), which is currently under construction, and also concerning the proposed First Solar South Project. CCDOA and First Solar have worked successfully to reach conceptual agreement on a proposed plan of development for the Project that would not interfere with construction and operation of the SNSA. However, while CCDOA neither supports nor opposes the Project, the actual ROW application under consideration by BLM covers considerably more land than has been identified as necessary for the siting of the Project itself. This is a critical distinction because CCDOA has serious concerns about potentially conflicting uses within the broad ROW at issue in the SEIS. CCDOA is committed to ensuring that any new infrastructure in southern

¹ Silver State Solar is a wholly-owned subsidiary of First Solar, Inc.

Response to Comments – Comment Letter 6

Nevada is compatible with the siting, construction, and operation of the SNSA. In light of that fact, CCDOA files these comments on the Proposed Project.

1. LAND USE

Airport Site and Overlay District

As discussed in the original FEIS, pursuant to Public Law 106-362, the BLM patented to Clark County a 6,000-acre site in the Ivanpah Valley (Airport Site) for the purpose of constructing and operating an airport and related infrastructure.² Subsequently, Congress directed that an additional 17,000 acres surrounding the Airport Site (the Overlay District) be conveyed to the County upon final federal approval of the SNSA (Public Law 107-282).³ BLM adequately recognized the congressional mandate for the Overlay District in its statement of Purpose and Need in the FEIS approving Silver State North.⁴ Pursuant to this congressional mandate, the Federal Aviation Administration (FAA) and BLM have begun work on the necessary environmental reviews for the SNSA. Although work on the environmental impact statement (EIS) for the SNSA was temporarily suspended in 2010 due to the economic downturn, Clark County is continuing its planning efforts for the new airport.

Stormwater and Flood Control Sites

Subsequent to the publication of the underlying FEIS, CCDOA finalized its planning studies regarding additional sites that will be necessary to ensure adequate stormwater and flood control protection of the SNSA.⁵ In September 2009, CCDOA applied to BLM for a ROW permit for the lands necessary for implementation of the SNSA flood control plan. (See serial no. NVN-087969, **attached as Exhibit A**). That application is still pending, and use of the sites for flood control purposes will be evaluated in the EIS for the SNSA.⁶

The Proposed ROW for First Solar South

The 13,043-acre ROW requested for the First Solar South Project encompasses a considerable amount of the land previously identified as part of the Overlay District for the SNSA: namely, all or parts of the T.26S, R.59E Sections 14, 27, and 34; and T.27S, R.59E, Sections 9 and 10. In addition, the proposed ROW would also encompass the two entire sections of land required by CCDOA for flood control for the SNSA, and addressed in CCDOA's 2009 ROW application to BLM (T.26S, R.59E, Sections 23 and 26). See Map at **Exhibit C**. This raises two significant issues for consideration in the SEIS.

² Final Environmental Impact Statement for the Silver State Solar Energy Project (September 2010) (FEIS) at 3.9.2.

³ *Id.*

⁴ *Id.* and *id.* at 1.4.1.8.

⁵ Based upon analysis of existing drainage patterns for the general project area and of predicted 2-year, 5-year, 10-year and 100-year stormwater runoff flows that would be generated within the airport project area, CCDOA planners developed a flood control plan that will limit stormwater flows that reach Roach Lake in order to satisfy relevant FAA guidelines.

⁶ See Letter from Robert B. Ross, Jr. to Mark E. Silverstein dated Mar. 29, 2011 (Ross Letter), **attached as Exhibit B**.

Response to Comments – Comment Letter 6

First, we remind BLM of its express commitment to not authorize land uses that would preclude the siting of the SNSA stormwater facilities.⁷ CCDOA is currently planning to use all or parts of T.26S, R.59E Sections 14, 23, 26, 27, and 34 for flood control purposes needed to support the construction and operation of the airport. Therefore, in the SEIS for First Solar South, BLM must examine the degree to which granting the full 13,043-acre ROW would interfere with the proposed SNSA and its ancillary facilities, and deny any part of First Solar's application that is incompatible with the uses proposed in the SNSA EIS.

Second, we remind BLM of its commitment to ensuring that authorized land uses on airport-related lands are compatible with the uses authorized by Congress in Public Laws 106-362 (the Ivanpah Valley Airport Public Lands Transfer Act of 2000) and 107-282 (the Clark County Conservation of Public Land and Natural Resources Act of 2002).⁸ To ensure this, BLM should coordinate the terms of any relevant land use authorization with Clark County. Such coordination will enable BLM and Clark County to fulfill their respective obligations under federal law to prevent any potential future airspace incompatibility and to take all appropriate actions to restrict incompatible land uses near the SNSA Site.⁹

2. DRAINAGE AND FLOODPLAIN IMPACTS

It is critical to understand the degree to which the following aspects of the First Solar South Project would affect both amount and rate of stormwater flows to the SNSA Site:

- Increased impervious surface (because of paved access road, new buildings, and new parking lot);
- Altered rate of flow due to cumulative effect of the solar panels from both projects (Silver State North and South) and First Solar's stormwater infrastructure (e.g., berms, debris basins, and level spreader detention basins);
- Altered rate of sediment flow due to impacts to upgradient vegetation; and
- Potential increased amount of flow (if the project applicant proposes to truck in substantial quantities of water per year).

For that reason, CCDOA recommends that the SEIS examine the direct effects to existing drainage patterns and the cumulative effects to drainage, taking into account the SNSA drainage plans. CCDOA has already provided a detailed planning report for the proposed SNSA stormwater facilities to the BLM Las Vegas Field Office for use in the SNSA EIS. CCDOA stands ready to provide additional copies of this report or any additional information that may assist the BLM or project applicant.

⁷ See Ross Letter at 2 (acknowledging that while the SNSA EIS is pending, federal law and regulations prohibit the BLM from limiting the range of alternatives being studied in the EIS); attached as Exhibit B.

⁸ Memorandum of Understanding Between Clark County (on behalf of the Department of Aviation) and the Bureau of Land Management, Las Vegas Field Office, Regarding the Southern Nevada Supplemental Airport (March 1, 2011) at Section II.

⁹ See 49 U.S.C. § 471087 §§ (a)(9) & (10).

Response to Comments – Comment Letter 6

3. AVIATION ISSUESHazard Determination

In the underlying FEIS, BLM adequately addressed of the issue of FAA regulations at 14 CFR Part 77, which require that any party proposing to construct a structure taller than 200 feet or within 20,000 feet of a proposed airport must provide notice to the FAA through FAA Form 7460 and receive a Determination from the FAA regarding whether the proposed structure or structures are hazards to air navigation. CCDOA recommends that the SEIS incorporate a similar discussion of these critical regulatory obligations and include a mitigation measure such as MM HAZ-6.¹⁰

Wildlife Attractants

Due to the proximity of the First Solar South Project to a proposed commercial service airport, any drainage or stormwater detention system constructed in conjunction with the Project should be consistent with FAA's guidance for avoiding wildlife attractants near airports.¹¹ As part of its commitment to ensure compatible land uses near the SNSA (see Section 1, above), BLM has an obligation to ensure the Project complies with FAA guidelines. Therefore, the SEIS should also include a mitigation measure to prevent wildlife attractants near the planned airport. Per FAA's guidance, planning should address design requirements for any flood control/drainage or water detention systems and also address plans to avoid trash and debris that may attract wildlife.¹²

4. SEGREGATION OF LANDS

In accordance with the Interim Rule amending 43 C.F.R. Parts 2090 and 2800, BLM temporarily segregated the lands within the proposed ROW boundary from location under the public lands laws, including the Mining Law of 1872, for a period of up to two years. In its legal description of the segregated lands, BLM included Sections 14 and parts of Sections 27 and 34 of T.26S, R.59E, as well as parts of Sections 3, 9, and 10 of T.27S, R.59E.¹³ We note, however, that in October 2002, pursuant to Public Law 107-282, these lands were already withdrawn from entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws. They are to remain withdrawn until the Secretary terminates the withdrawal or the land is patented.¹⁴ Thus, the SEIS should reflect accurately the special status of the land in the Overlay District, e.g., that even after the temporary segregation expires, lands within the Overlay District will continue to be withdrawn from entry under the mining or mineral leasing laws.

5. AMENDING THE RESOURCE MANAGEMENT PLAN

Because approval of the First Solar South Project ROW application will require an amendment to the Las Vegas Resource Management Plan (RMP), BLM must also study

¹⁰ FEIS at 4.14.

¹¹ FAA Advisory Circular 150/5100-33B.

¹² *Id.*

¹³ Notice of Intent, 76 Fed. Reg. 54483, 54484 (Sept. 1, 2011).

¹⁴ Pub. L. 107-282, § 501(a)(5).

Response to Comments – Comment Letter 6

the impacts associated with an RMP amendment that would allow for different land and resource uses within the Jean Lake/Roach Lake Special Recreation Management Area (SRMA). Concurrently, the BLM Las Vegas Field Office (LVFO) is in the process of revising the RMP in its entirety.¹⁵ In that regard, it is curious that the Notice of Intent (NOI) for the First Solar South Project and Associated RMP amendment makes no mention of the pending revision of the entire RMP. BLM guidance requires that when an RMP is amended pursuant to a project-specific application during an on-going RMP revision process, BLM must consider the effect of amending the RMP on the on-going RMP revision process, including any “ripple” effect on the RMP revision analysis created by the project-specific amendment.¹⁶ CCDOA urges BLM to coordinate its analysis for the RMP revision accordingly. Further, because the SNSA Overlay District and flood control lands are currently encompassed within the Jean Lake/Roach Lake SRMA, we request that BLM consult with CCDOA regarding any change in designation in the current SRMA boundary that could potentially impact the construction or operation of the SNSA, including its flood control facilities.

* * *

¹⁵ See 75 Fed. Reg. 428 (Jan. 5, 2010) (Notice of Intent to prepare a revision to the Las Vegas Resource Management Plan and Associated Environmental Impact Statement) and Final Scoping Report, issued May 2010.

¹⁶ Bureau of Land Management Land Use Planning Handbook H-1601-1 at VII(F).

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Time: 01:28 PM
Page 1 of 1

Run Date: 12/18/2012

01 10-21-1976;090STAT2776;43USC1761
Case Type 287001: ROW-WATER FACILITY
Commodity 945: FLOOD PLAIN RESERV
Case Disposition: PENDING

Total Acres 4,999.000
Serial Number NVN--- - 087969

Serial Number: NVN--- - 087969
Int Rel

Name & Address	Int Rel	% Interest
CLARK CNTY DEPT OF AVIATION BOX 11005 LAS VEGAS NV 89111	APPLICANT	100.0000000

Serial Number: NVN--- - 087969

Mer Twp	Rng	Sec	SType	SNr Suff	Subdivision	District/Field Office	County	Mgmt Agency
21 0240S	0590E	031	ALIQ		E2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S	0590E	006	ALIQ		S2NE,N2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S	0590E	006	LOTS		1,2;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S	0590E	035	ALIQ		E2;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0250S	0590E	035	LOTS		1,4,5,10;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0260S	0590E	015	LOTS		4,5,8;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0260S	0590E	026	ALL		ENTIRE SECTION	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0260S	0590E	027	LOTS		1,4,5,8;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S	0590E	034	ALIQ		NENW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0260S	0600E	006	ALIQ		SW,NENE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT

Serial Number: NVN--- - 087969
Action Remark Pending Office

Act Date	Code	Action	Action Remark	Pending Office
09/25/2009	124	APLN RECD		DIVISION OF LANDS

Serial Number: NVN--- - 087969

Line Nr	Remarks
0001	ROW FOR THREE MODIFIED RETENTION FACILITY BASINS AND
0002	ONE DRAINAGE EASEMENT FOR FLOOD CONTROL.

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

Response to Comments – Comment Letter 6



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
<http://www.blm.gov/nv/st/en/fo/lvfo.1.html>

MAR 29 2011

In Reply Refer to:

N-87969
N-88003
N-88081
N-88518
2711/2800 (NVS0056)

Mark E. Silverstein
Clark County Department of Aviation
Planning Section
1845 E. Russell Rd, 3rd Fl.
Las Vegas, NV 89119

Dear Mr. Silverstein:

This letter is a follow-up for the meeting held on December 15, 2010 between representatives of the Clark County Department of Aviation (CCDOA) and the Bureau of Land Management (BLM) pertaining to the proposed Southern Nevada Supplemental Airport (SNSA). At the meeting, the CCDOA expressed concerns relating to off-site facilities that are currently proposed to support the SNSA, more specifically identified as the modified retention facility sites included in BLM application N-87969. The BLM appreciated the opportunity to meet with the CCDOA to discuss the concerns relating to the SNSA off-site facilities. As discussed at the meeting, the BLM believes that the following actions may help to address some of the concerns.

The BLM recognizes that Congress has expressed a clear intent that lands in the Ivanpah Valley be set aside for development of a new commercial service airport and related infrastructure. In the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263), as amended, the Ivanpah Valley Airport Public Lands Transfer Act of 2000 (Public Law 106-362), and Title V of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282), Congress recognized the need for a supplemental commercial service airport to serve the Las Vegas metropolitan area and found that the Ivanpah Valley was the best location for a new airport. The Acts collectively authorized the sale of the 6,000-acre Airport Site to the CCDOA, identified a 17,000-acre Noise Overlay District for transfer to the CCDOA upon a final decision by the Federal Aviation Administration and BLM to approve the airport, and directed

Response to Comments – Comment Letter 6

Response to Comments – Comment Letter 6

the BLM to establish a transportation and utilities corridor connecting the Las Vegas Valley to the Airport Site to provide for the utilities and transportation infrastructure needed to serve the airport.

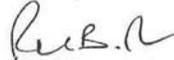
On March 1, 2011, the CCDOA and the BLM entered into a Memorandum of Understanding (MOU) relating to the SNSA. The purpose of the MOU is to enhance communication and consultation between CCDOA and BLM with respect to management of federal lands near the SNSA, to ensure that CCDOA receives timely notification regarding proposed land uses on lands as defined in the MOU, to ensure that CCDOA provides timely comments to BLM on any such proposed uses, and to ensure compliance with the aforementioned Acts. The MOU identifies the modified retention facilities as airport-related lands and details a process for communication between the CCDOA and the BLM that includes uses proposed on the airport-related lands.

The modified retention facility sites are being evaluated in the Environmental Impact Statement (EIS) for the SNSA. While the EIS for the SNSA is pending, federal law and regulations prohibit the BLM from limiting the range of alternatives being studied in the EIS. Since the modified retention facility sites are being considered as part of the EIS for the SNSA, the BLM would not authorize land uses that preclude the siting of the modified retention facilities in the proposed locations. Additionally, given the Congressional intent outlined in the aforementioned Acts, the BLM will evaluate proposed land uses located on airport-related lands (as identified in the MOU) to ensure that they are not incompatible with the uses authorized by the Acts. The MOU identifies a mechanism for the CCDOA to provide the BLM with comments that will assist in the evaluation to determine if a proposed use may limit the range of alternatives currently being analyzed in the EIS or if the proposed use may be incompatible with the uses authorized by the Acts.

Also discussed at the meeting, the Las Vegas Field Office is engaged in a revision to the existing Resource Management Plan (RMP). The revised RMP will include a reference to the MOU between the CCDOA and the BLM for the SNSA.

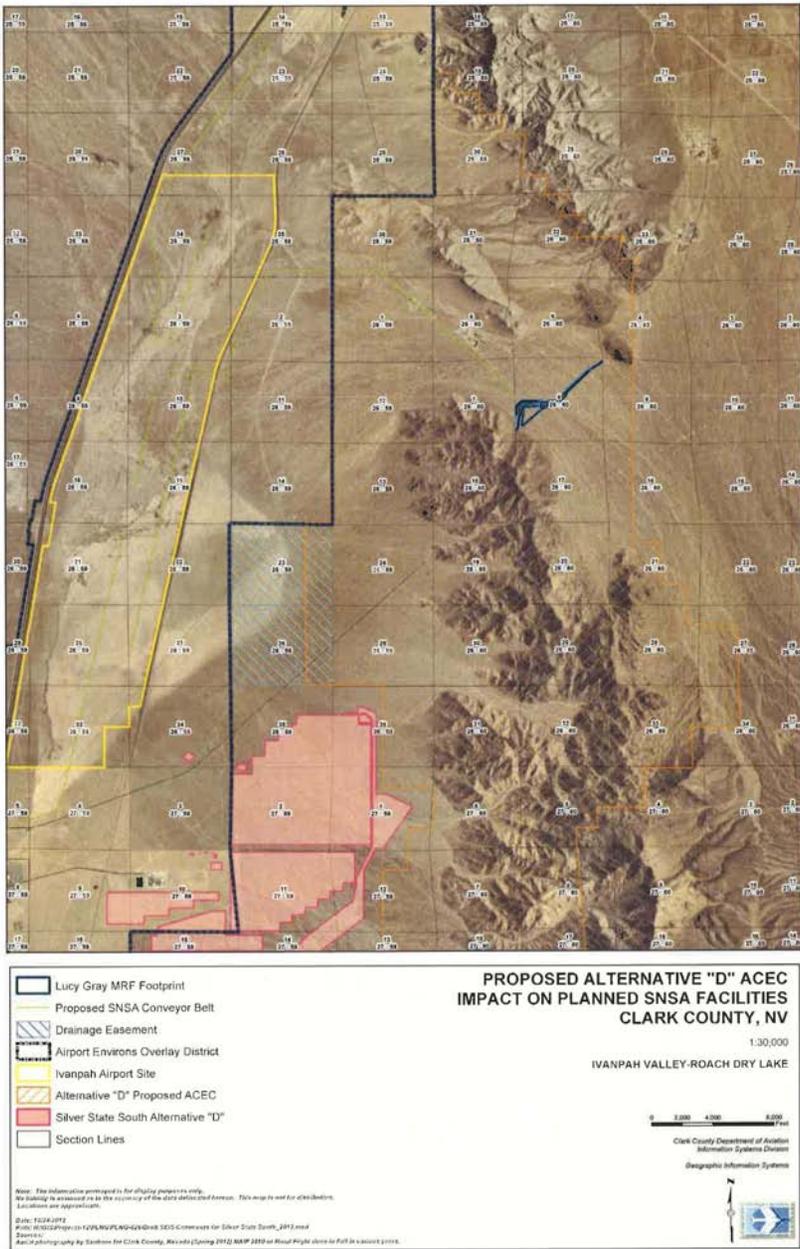
In the future, please request a meeting anytime the CCDOA has concerns relating to the SNSA. The MOU identifies Phil Rhinehart as the BLM Staff Contact. Please feel free to contact Phil Rhinehart at (702) 515-5182 for any BLM-related SNSA issues.

Sincerely,



Robert B. Ross, Jr.
Field Manager

Response to Comments – Comment Letter 6



DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Time: 01:36 PM
Page 1 of 1

Run Date: 12/18/2012

01 10-21-1976;090STAT2776;43USC1761
Case Type 289001: ROW-OTHER-FLPMA
Commodity 971: NON-ENERGY FACILITIES
Case Disposition: PENDING

Total Acres 60,230
Serial Number NVN--- - 088081

Serial Number: NVN--- - 088081

Name & Address	Int Rel	% Interest
CLARK CNTY DEPT OF AVIATION BOX 11005	LAS VEGAS NV 89111	100.0000000

Serial Number: NVN--- - 088081

Mer Twp	Rng	Sec	S Typ	Snr Suff	Subdivision	District/Field Office	County	Mgmt Agency
21 0240S 0590E 031			ALIQ		E2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0240S 0590E 034			ALIQ		SW,SWSE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 003			ALIQ		SWSW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 004			ALIQ		NW,SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 005			ALIQ		NENE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 010			ALIQ		NENW,NE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 011			ALIQ		SW,S2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 014			ALIQ		W2NE,SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 022			ALIQ		SENE,SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 023			ALIQ		W2;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0250S 0590E 033			ALIQ		SESE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0250S 0590E 034			ALIQ		W2W2;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0250S 0590E 036			ALIQ		S2SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 002			ALIQ		NW,W2SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 004			ALIQ		NE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 004			ALIQ		NW,N2SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 005			ALIQ		SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 005			ALIQ		NE,W2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0590E 008			ALIQ		E2NW,W2NE,NESW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
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21 0260S 0590E 032			ALIQ		SENE,E2SE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0600E 001			ALIQ		NW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0600E 006			ALIQ		SW;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT
21 0260S 0600E 007			ALIQ		NE;	LAS VEGAS FIELD OFFICE	CLARK	BUREAU OF LAND MGMT

Serial Number: NVN--- - 088081

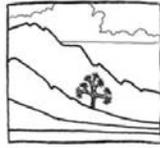
Act Date	Code	Action	Action Remark	Pending Office
12/02/2009	124	APLN RECD		DIVISION OF LANDS

Serial Number: NVN--- - 088081

Line Nr	Remarks
0001	ROW FOR CONVEYOR SYSTEM TO TRANSPORT MINERAL
0002	MATERIALS FOR USE IN CONSTRUCTION OF SO. NEVADA
0003	SUPPLEMENTAL AIRPORT.

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

Response to Comments – Comment Letter 6



Basin and Range Watch

January 9th, 2013

To: Gregory Helseth
BLM Las Vegas Field Office,
4701 North Torrey Pines Drive,
Las Vegas, NV 89130-2301
SilverStateSouthEIS@blm.gov

Dear Greg,

We would like to submit the following comments for the Silver State South Supplemental Environmental Impact Statement (NVN-089530, NVN-085801)

Basin and Range Watch is a group of volunteers who live in the deserts of Nevada and California, working to stop the destruction of our desert homeland. Industrial renewable energy companies are seeking to develop millions of acres of unspoiled habitat in our region. Our goal is to identify the problems of energy sprawl and find solutions that will preserve our natural ecosystems and open spaces. We have visited the Silver State South project site and are concerned about the direct and cumulative impacts that the project would have on the region.

The Desert Protective Council (DPC) is non-profit 501(c)(3) membership organization, incorporated in 1954. The mission of the Desert Protective Council is to safeguard for wise and reverent use by this and succeeding generations, those desert areas of the American southwest that are of unique scenic, scientific, historical, cultural, spiritual and recreational value and to educate children and adults to a better understanding of the desert. The DPC works through a balanced program of education, advocacy and land stewardship. DPC members have hiked and camped throughout southern Nevada and eastern California and we are concerned about the direct and cumulative impacts to the region on the values listed above from the construction of the Silver State South project.

Save the Desert Tortoise is a community of over 5,000 people from Nevada and across the nation concerned about the desert tortoise and its habitat.

Purpose and Need.

The Purpose and Need Statement should reflect a need to protect the natural, cultural and visual resources of Ivanpah Valley from the recent boom of renewable energy applications. The Statement should recognize that projects of such large acreage are not compatible with maintaining functioning

**Cmnt
7-1**

Response to Comments – Comment Letter 7

Response to Comment 7-1: Comment noted. The BLM manages public lands for multiple uses for future generations taking into account potential renewable and non-renewable sources, in accordance with §103(c) of the Federal Land Policy and Management Act of 1976. The BLM's NEPA Handbook notes that "the purpose and need statement for an externally generated action must describe the BLM purpose and need, not an Applicant's or external proponent's purpose and need." 40 CFR §1502.13. The BLM's statement of purpose and need is in response to a specific ROW request on BLM-managed lands. The BLM's purpose and need is triggered by the application. The BLM's policy is to facilitate environmentally responsible development of solar energy projects on the public lands, consistent with the provisions of Secretarial Order 3285A1 dated March 11, 2009, as amended February 22, 2010.

ecological systems. The Statement should recognize the presence of rare plants. The Statement should recognize that Ivanpah Valley has been identified by the as an important region for the desert tortoise and that this project would disrupt a potentially important desert tortoise connectivity zone.

The management objectives in The Energy Policy Act 2005 (EPAct), Title II, Section 211, set 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.

In October, 2012, the Interior Department announced that the goal was achieved when Secretary Salazar signed the Record of Decision for the Chokecherry and Sierra Madre Wind Energy Project in Wyoming. Since 2009, the Department of the Interior has authorized 18 utility-scale solar projects, 7 industrial-scale wind projects, and 8 geothermal plants on the public lands. When built, these projects will generate over 10,000 MW of electricity.

The goals of Section 4 in Secretarial Order 3283 clearly state a need for environmental responsibility: “the permitting of **environmentally responsible** wind, solar, biomass, and geothermal operations and electrical transmission facilities on the public lands.

The Silver State South Solar Project in its proposed location would impact rare plants, endangered wildlife, cultural resources, air quality and visual resources. It will need over 5 square miles of desert habitat for space to develop. It would be inconsistent with the Best Management Practices concerning the National Environmental Policy Act, the Endangered Species Act, and the Federal Lands Management Policy Act, etc and can, in no way, be considered “environmentally responsible”.

Alternatives:

The SEIS should consider more alternatives that are specific to conservation.

Following the guidelines of the National Environmental Policy Act, a full range of alternatives should be considered in every Environmental Impact Statement.

Also following the guidelines of the National Environmental Policy Act, the final EIS should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) **Include reasonable alternatives not within the jurisdiction of the lead agency.**
- (d) Include the alternative of no action.

Response to Comments – Comment Letter 7

**Cmnt
7-1
Cont’d**

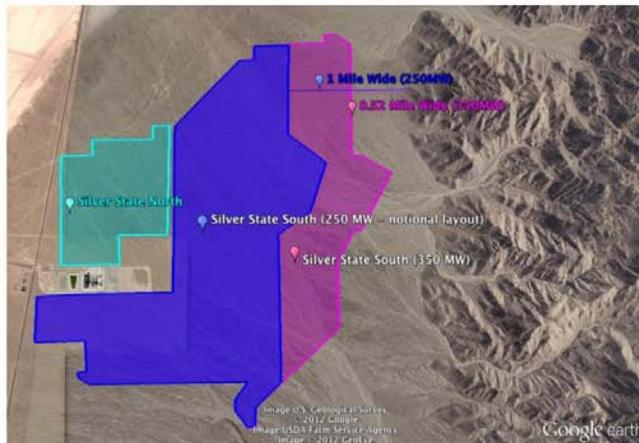
(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

We would like to request that the following alternatives be included in the Draft Environmental Impact Statement.

Our preferred alternative: Choose a Conservation Alternative that designates the Area of Critical Environmental Concern. Evaluate and select a conservation action alternative the denies First Solar's right-of-way request, and instead designates a more robust ACEC that covers more of the lower elevation creosote bush scrub habitat between Primm, Nevada and the Lucy Gray Mountains.

Reduced footprint 250 MW alternative: First Solar has secured a Power Purchase Agreement for 250 MW yet the SEIS is reviewing a project footprint for 350 MW. Given the controversy associated with this project involving rare plants, wildlife linkage, desert tortoise and visual resources, we would like to see the BLM review an alternative that cuts off 100 MW. By doing this, BLM could work with a wider connectivity corridor for the desert tortoise. Why review a larger alternative when the applicant does not even need it? We have provided a Google Earth map that shows how much habitat and wildlife linkage could be preserved if a 250 MW alternative were considered.



Brownfields and Degraded Lands Alternative: The US Environmental Protection Agency has identified over 1.5 million acres of brownfields in the United States that would be suitable for utility scale solar development. See here: <http://www.epa.gov/oswercpa/>

<http://www.wvbrownfields.org/conferences/2010/presentations/Evans%20Paul%20-%20Jobs.pdf>

**Cmnt
7-2**

Response to Comments – Comment Letter 7

Response to Comment 7-2: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

Silver State has proposed under Alternatives B, C, and D to develop a 350MW_{AC} facility in two construction phases. Phase I is a 250 MW_{AC} portion of the proposed 350 MW_{AC} of development, and would include facilities for interconnection to SCE's transmission system via the proposed Primm Substation. Phase II, the remaining 100 MW_{AC} proposed for development, would include facilities (e.g., a substation/switchyard, and a 220/230-kV gen-tie line) for interconnection to either the California market via the new Primm Substation, or the Nevada market via the existing Bighorn Substation. Further, the Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative of 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure.

The BLM's purpose and need for the proposed action defines the range of alternatives to be considered. The BLM must analyze a range of reasonable alternatives, but is not required to analyze in detail every possible alternative or variation. The BLM's purpose and need was reasonably focused on responding to Silver State's application in accordance with FLPMA's multiple-use mandate and other Federal statutory and policy directives regarding the development of renewable energy on public lands.

Distributed power generation is considered outside the scope of the purpose and need for the Project; specifically, Federal renewable power generation goals on the public lands. BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The action alternatives satisfy the purpose and need in that they fulfill

BLM's obligation to consider the ROW application, meet Federal renewable energy mandates and respond to impacts identified in the NEPA analysis. Refer to Common Response in Section D.4.

The commenter is correct that not all of the proposed ACEC area is suitable desert tortoise habitat, but preservation of those areas prevents encroachment onto tortoise habitat and also benefits protection of other species that did not meet relevance and importance criteria for ACEC protection such as bighorn sheep that can use higher elevation and rockier terrain.

The Arizona BLM is reviewing the “The Restoration Design Energy Project” http://www.blm.gov/az/st/en/prog/energy/arra_solar.html (RDEP), funded by the American Recovery and Reinvestment Act of 2009, which supports the Secretary of Interior’s goals to build America’s new energy future and to protect and restore treasured landscapes. The following statement is made: **“Emphasis will be on lands that are previously disturbed, developed, or where the effects on sensitive resources would be minimized. The BLM intends to use the results of the EIS to amend its land use plans across Arizona to identify areas that are considered to be most suitable for renewable energy projects.**

While these amendments will only apply to BLM-managed lands, the EIS will examine all lands in Arizona and serve as a resource to the public, policy makers, and energy planners.”

Distributed Generation Alternative: Distributed generation in the built environment should be given much more full analysis, as it is a completely viable alternative. This project will need just as much dispatchable baseload behind it, and also does not have storage. But environmental costs are negligible with distributed generation, compared with this project. Distributed generation cannot be “done overnight,” but neither can large transmission lines across hundreds of miles from remote central station plants to load centers. Most importantly, distributed generation will not reduce the natural carbon-storing ability of healthy desert ecosystems, will not disturb biological soil crusts, and will not degrade and fragment habitats of protected, sensitive, and rare species.

Alternatives should be looked at that are in load centers, not closest to the project site. There is a need to consider the “macro” picture, the entire state, to look at maximum efficiency.

A master comprehensive plan should exist before large expensive inefficient solar plants are sited and built out in the wildlands. This plan should carefully analyze the recreational and biodiversity resources on public lands. A list of assumptions should be included detailing the plan for integrating various fuels mixes and technologies into each utility’s plan, an overall state plan, and a national plan. Loads should be carefully analyzed to determine whether additional capacity is needed for peaking, intermediate, or baseload purposes. Unit size, which impacts capital and operating costs and unit capacity factors, has a direct bearing on the relative economics of one technology over another. A plan might recommend that smaller units built in cities and spaced in time offer a less risky solution than one large unit built immediately.

Right now there is no utility plan, no state plan, and no national plan. Large-scale central station energy projects have been sited very far from load centers out in remote deserts, with the only criterion being nearness to existing transmission lines and natural gas lines. Very little thought has been given to the richness of biological resources, the cumulative impacts on visual scenery to tourists, the proximity to ratepayers, or the level of disturbance of the site.

There will be a need to build many new efficient natural gas peaker or baseload plants to back up the renewable projects planned. Instead, the renewables should be distributed generation in load centers, which will provide much more efficiency, rather than inefficient remote central station plants that reduce biodiversity and require expensive transmission lines. This reduces the risk, as distributed generation is a known technology and has been proven in countries like Germany where incentive

Response to Comments – Comment Letter 7

**Cmnt
7-2
Cont’d**

programs have been tested. Incentive programs can be designed in an intelligent manner to vastly increase distributed generation. Incentives for large remote projects are unproven to lower risk and may actually raise debt levels with runaway costs associated with poor sighting and higher-than-anticipated operating and maintenance costs. Many renewable project developers have failed to consider reasonable or viable alternatives that could serve as solutions that everybody could live with. In the case of this particular project, conflicts with endangered species, cultural resources, storm water drainage erosion, views from National Parks and wilderness areas could all be avoided with a distributed generation alternative.

Alternative D: We would like to thank the BLM for considering our Area of Critical Environmental Concern (ACEC) nomination in Alternative D for the FEIS. We are disappointed that visual resources and cultural resources did not meet BLM’s qualifications to be included in the ACEC. We believe that the boundaries of the current BLM modified ACEC proposal will fail to maintain wildlife linkage and connectivity for the desert tortoise. The ACEC would have to include more of the alluvial fan to protect the desert tortoise. While the Lucy Gray Mountains portion of the ACEC would be good for other wildlife species, the elevation is too high and the substrate is too rocky for this to be the best quality desert tortoise habitat.

Affected Environment/Environmental Consequences:

Air Quality/Fugitive Dust:

Large solar projects in desert areas are very bad for air quality. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts thus resulting in more airborne particulates.

First Solar (and the buyers of their approved projects) have done a less than satisfactory job of mitigating the fugitive dust emissions for their Desert Sunlight and Antelope Valley Solar Ranch Projects.

The Right of Way for the Desert Sunlight Project guaranteed that mitigation would control fugitive dust emissions, but photos taken of the Desert Sunlight Project show “dust blackouts” that have occurred when there are strong wind events. These dust blackouts were reported to be rare in the area before First Solar disturbed so much of the ground with large earth moving machines.

The below photos show the dust blackouts from the Desert Sunlight Project. This project is expected to be 4,400 acres and the poor air quality resulted from disturbance of only 1,000 acres so far.

The air quality has been made so poor by the construction of this project, that you can hardly even see the Coxcomb Mountains in Joshua Tree National Park looking from the south.

**Cmnt
7-2
Cont’d**

**Cmnt
7-3**

Response to Comments – Comment Letter 7

Response to Comment 7-3: Comment noted. For the Silver State North Project that was completed in 2012, the Applicant obtained a dust control permit from Clark County and had no violations of permit conditions. The Applicant would obtain a similar permit for construction of the proposed Project and would implement dust control measures (refer to APM 3 – Air/Dust Control).



The Bureau of Land Management has required that the company control the dust as a condition of mitigation in the Record of Decision. First Solar chose a very hot area to build this project. In order to control dust, they must use a very large amount of water on a consistent basis. The area will often see temperatures approaching 120 F (49 C) in the summer. The rate of evaporation at that temperature can be over 150 inches per year. Summer temperatures on the Silver State South proposed project site can average 110 F (44 C) and the evaporation rate is quite similar to that of the Desert Sunlight Site.

Equally, First Solar has made controversial news over their lack of ability to control fugitive dust emissions for their Antelope Valley Solar Ranch. The AVSR project has been delayed due to large fugitive dust violations. As pointed out in the linked article, local residents have been complaining about First Solar's apparent inability to control fugitive dust for this project as well: *"Can First Solar Play Nice With the Locals?"* :<http://www.greentechmedia.com/articles/read/Can-First-Solar-Play-Nice-With-The-Locals/>

Cmnt
7-3
Cont'd

Response to Comments – Comment Letter 7



^Photo of dust blackout on the Antelope Valley Solar Ranch from GreenTech Media

Dust control in hot, arid climates is very problematic. The removal of well established vegetation, biological soil crusts and centuries old desert pavement creates opportunities for dust to be airborne every time the wind blows. Not only does fugitive dust create problems for visual and biological resources, it creates issues for public health as well.

We are seeing this problem with several of the recently approved, prioritized large energy projects. The Department of Interior has been so effective in streamlining the environmental review of these projects that they have created a perfect storm of compromised air quality.

Surprisingly, the SEIS fails to address the potential of fugitive dust emissions to spread Coccidioidomycosis (Valley Fever) to nearby communities. The Silver State South Project will be located very close to both Primm and Jean, Nevada. It will also be close to Nipton on the California side and even near the Ivanpah Solar Project. It will be about 30-40 miles from the city of Las Vegas, Nevada.

There have been 368 cases of Valley Fever confirmed in Clark County, Nevada from 1992 to 2003: <http://www.lasvegassun.com/news/2003/aug/11/valley-fever-hidden-threat-in-wind/>

According to the Center for Disease Control in 2010 there were over 16,000 reported cases of Valley Fever (i.e. coccidioidomycosis), the majority of which were located in Arizona and California (Accessed by Internet, July 3 2012 at:

<http://www.cdc.gov/fungal/coccidioidomycosis/statistics.html>.)

We would like to request the following mitigation measures for air quality on the Silver State South Project:

1. Stop all construction when wind speeds reach ten miles per hour or more.
2. Limit construction hours by half when temperatures climb above 100 degrees.
3. Hold both First Solar and Nextera accountable for their air quality violations. Give them steep fines until they can get their act together. The Right of Way/Lease Grant issued for this project states: "Failure of the holder to comply with any diligent development provision of this

Response to Comments – Comment Letter 7

Cmnt
7-3
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instrument may cause the Authorized Officer to suspend or terminate the authorization in accordance with 43 CFR 2807.17-2807.19, and use the posted Performance and Reclamation bond to cover the costs for removal of any equipment and/or facilities. The Authorized Officer will provide the holder a written Notice of Failure to Ensure Diligent Development prior to the suspension or termination of the authorization. The holder will be provided an opportunity to correct any noncompliance in accordance with 43 CFR 2807.18 or submit a written request to the Authorized Officer for an extension of the time lines in the approved Plan of Development.”

4. Provide a web page where the general public can monitor disciplinary actions taken by BLM to insure that developers are in compliance with conditions of mitigation. This web site should have a place for the public to report violations.

Mitigation for dust emissions: Most solar and wind projects are using water to control dust (which we will be elaborating on), but since that is having questionable success, many developers are looking to use synthetic and organic polymers. The use of these products in single applications can fall within acceptable limits for their use, however continued use within the same area and the build up over time has not been studied and therefore no restrictions have been made for any product.

Synthetic polymers are generally considered acrylic or acetate based or from similar chemicals. The information available shows that they can decompose to components which are considered hazardous by themselves.

Some polymer based products create very hard crusts, is that when they start breaking down they will break down into clumps that are difficult to rework into the existing soil. This makes the restoration of the site problematic for decommissioning. This would make the reestablishment of biological soil crusts very difficult and ultimately make the ecological restoration of the project site unlikely.

Another concern is that polymers would erode into the drainage of the project site and end up in the groundwater. What impacts would synthetic polymers have on water quality and public health to local communities?

Dust Control for Low-Volume Roads: Update on Public Lands Highway Discretionary Program Project (See Williams et al. 2011)

Ground-water/storm-water:

On page 4-17 in the Environmental Consequences, the SEIS states:

The potential impacts of the Silver State Solar Energy Project’s proposed water withdrawal on area wells was evaluated for the 2010 Final EIS in the First Solar Silver State Groundwater Availability Study (August 9, 2010). The study used the U.S. Geological Survey (USGS) computer model WTAQ to simulate drawdown conditions for an 8-inch-casing diameter well for two alternative well designs, a 600-foot deep well and an 800-foot deep well, which represent the estimated range in well depths and screen lengths that would be necessary to meet the demands of the Project. The analysis modeled a predicted 200 acre-foot-per-annum (AFA) demand for the Project’s four-year construction period, followed by 20 AFA for Project operations. After the

Cmnt
7-3
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Cmnt
7-4

Response to Comments – Comment Letter 7

Response to Comment 7-4: The BLM has not approved any palliatives for dust control other than water.

four years of construction pumping, the predicted drawdown in the 600-foot-deep well is approximately 106 feet; the drawdown in the 800-foot-deep well is about 43 feet. For both well depths, the model predicted a 0.01-foot drawdown 3 miles from the wells following project construction. After 50 years of construction and operations of the Project, the estimated drawdown is 11 feet for the 600-foot well and 4.6 feet for the 800-foot well; the drawdown at 3 miles from each well is still less than a foot.

The BLM is predicting that there will be drawdown of groundwater for as much as 106 feet from one well and 4.6 feet from another. The SEIS indicates that a total of 600 acre feet per year will be used for construction and no more than 200 acre feet per year.

Will there be mitigation that shuts down construction if First Solar exceeds this total?

On Page 4-100, the FEIS states: “ Without knowing the water sources for many of the foreseeable projects, it is not possible to assess the magnitude of the impacts; however, if all the water needed to support the foreseeable projects were drawn from the same water table, this would cause a cumulative impact. However, the water used for the proposed Project would be small in comparison to the withdrawal parameters from the LVVWD and would not alter groundwater volume within the local basins; therefore, it would not contribute to a considerable cumulative impact under this criterion.”

The BLM seems to be claiming a low impact while admitting that the cumulative scenario of future projects is unknown. The community of Primm did file a water protest with the Nevada State Engineer over withdrawal of construction water for this project.

On Page 2-18 states that mitigation will involve First Solar treating waste water from the Jean prison and injecting it back into the aquifer.

The following issues have been identified by the Environmental Protection Agency can be associated with groundwater injection wells and are not discussed in the FEIS:

From the Environmental Protection Agency website:

<http://water.epa.gov/type/groundwater/uic/aquiferrecharge.cfm>

“Water injected into AR and ASR wells ranges from potable drinking water treated at a public water system to untreated ground water and surface water and even recycled water. Water injected into ASR wells typically meets or is treated to meet primary drinking water standards as required by several state regulatory agencies to prevent degradation of the ambient ground water quality.

Depending on the type and quality of injectate and/or the geology, the potential for endangering a USDW may increase.

- Pathogens may be introduced into an aquifer if injectate is not disinfected. In states which allow injection of raw water and treated effluent under state regulations, the fate of microbes and viruses in the aquifer after injection becomes particularly relevant. The growth of microorganisms within the aquifer could cause decreased water recovery efficiency by clogging the wellscreen or risks to public health from contamination of the aquifer.

Cmnt
7-5

Cmnt
7-6

Response to Comments – Comment Letter 7

Response to Comment 7-5: In response to public comments on the Draft Supplemental EIS/PRMPA, the Applicant had prepared an updated drawdown analysis to determine the potential effects of Project groundwater pumping on existing wells in the vicinity of the project. The draft analysis shows negligible effects from groundwater pumping on nearby wells under two different pumping scenarios. For instance, even under a “worst case” scenario of pumping 1,185 acre-feet of groundwater – which is beyond anticipated water use over 30 years – the Project would have a maximum drawdown of 1.8 feet at a nearby well if using two project pumping wells, and a 1.3 feet at that same nearby if using six Project pumping wells. Following construction, water levels in nearby wells would recover and stabilize at a drawdown of less than one foot during the entire 30-year operational period under either project pumping scenario (that is, two or six project pumping wells). Refer to Appendix H for the drawdown analysis.

Response to Comment 7-6: The re-injection of water into rapid infiltration basins is part of the existing agreement between LVVWD and Silver State for construction and operation of Silver State Solar North, and is not changed by the Proposed Action.

- If water is disinfected prior to injection, the possibility of disinfection by-products (DBPs) forming in situ increases. If soluble organic carbon is not removed from the injectate before disinfection, a chlorinated disinfectant may react with the carbon to form compounds such as trihalomethanes and haloacetic acids.
- Chemical differences between the injectate and receiving aquifer may be different enough to create problems within the recharged aquifer. If the reduction-oxidation (redox) potential of the injectate varies enough from the receiving aquifer, leaching of arsenic and radionuclides may occur if they are present in the geologic matrix, increasing public health risk. Carbonate precipitation within the aquifer may occur if the pH of the injectate is not sufficiently acidic and may cause clogging of the wellscreen.
- Injected water has been known to cause the dissolution of metals such as arsenic, manganese, and iron from the surrounding geologic formation. At the time the Class V Underground Injection Control Study was published in 1999, there were no reported cases of contamination of underground sources of drinking water by ASR wells although changes in water quality of the aquifer after recharge have been noted. Recharge into brackish aquifers or aquifers with poor quality water has, in some cases, improved the ambient water quality of the aquifer. Since the 1999 report was published, however, EPA revised the drinking water standard for arsenic (lowering the threshold for an exceedance to 0.01 mg or 10ug arsenic/L) and some ASR test wells and operations have had concentrations of arsenic exceeding the standard. In addition, some ASR test wells and operations had manganese and iron concentrations exceeding National Secondary Drinking Water Regulations in recovered water. While the presence of disinfection by-products has occurred in USDWs due to ASR activities, EPA is not aware of exceedances of applicable primary drinking water standards as of 2007."

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Panel Washing: First Solar has made claims that they will use no water to wash their solar panels. The logic is that thin-film technology is very light sensitive and will pick up light no matter how much dust is on it. But NEVER? We have heard them make this claim at public meetings for different projects including the Desert Sunlight, Silver State and Stateline Projects. After the comment was made at the Silver State South scoping meeting in October 2011 at the Primm Golf Course, we asked one of their contractors if they would really be able to never use water to wash the solar panels. His response was that they would need 2 to 3 acre feet per year.

Cmnt
7-7

The below photo shows a dust-covered solar panel that we left outside for 4 days in typical Mojave Desert climatic conditions.



Response to Comments – Comment Letter 7

Response to Comment 7-7: The Applicant maintains that due to improvements in panel design, water would not be consumed operationally for panel cleaning. However, the Draft Supplemental EIS/PRMPA assumes that panels would be washed twice per year. Refer to Section 2.6.

Storm-water diversion:

Will diversion of storm runoff impact groundwater levels downstream from the project site?

The project site contains numerous ephemeral washes with a high amount of alluvial activity. Flooding to us appears to be common, and the area not geomorphologically stable. Ecological processes are apparent here. The entire project site lies in what the Desert Renewable Energy Conservation Plan calls a "High Conflict Development Focus Area".

Flash Floods:

Some of the recently approved large energy projects on public lands have experienced damage from large flood events.

Below are photos of three projects which experienced damage from flash floods. Each one of these projects was "Fast Tracked" or "Prioritized" for approval by the Interior Department. Mitigation and planning has been deferred for many of the issues that came up. These large energy projects are being built in poorly chosen locations. While these flood events are referred to as 100 Year Floods by the applicants, it is obvious that these events take place more commonly than every 100 years. Projects that span 5 square miles may sustain flood damage on a yearly basis on different parts of the site. The Silver State South Project will be no exception. It has significant alluvial drainages throughout the project site.

These three projects received significant flood damage in less than one year under construction. It makes us wonder how wise it really is to build a project in an unstable alluvial flood zone when the goal is for that project to last three decades.



^Ivanpah Solar Electric Generating System: desert tortoise exclusion fence removed by floods. July, 2011

**Cmnt
7-8**

**Cmnt
7-9**

Response to Comments – Comment Letter 7

Response to Comment 7-8 Depending on the alternative, a variety of approaches have been proposed for managing drainage through the Project site. Under the BLM Preferred Alternative, drainage through existing ephemeral washes would be maintained to the maximum extent possible, minimizing effects on groundwater levels downstream of the Project site.

Response to Comment 7-9: The Applicant has conducted flood modeling for the 2010 Final EIS and has continued to consider flood potential in the designs reflected in the Supplemental EIS/PRMPA. Although potential for damage to Project facilities from flooding cannot be completely eliminated, the BLM considers the risk to public lands and other private infrastructure from Project flooding to be properly mitigated through Project design and proposed avoidance and minimization measures.

Response to Comments – Comment Letter 7



^Flooded wind turbine construction site; Ocotillo Wind Express project Site, June 2011



Unknown leftover foam from a chemical dust suppressant was spread everywhere when the Ocotillo Wind Express project site flooded in June, 2012



^The biggest flood took place at NextEra’s Genesis Project on July 31st, 2012. The close proximity to a dry lake and alluvial fans make this project location one of the poorest choices to site a large solar project.



^Genesis Solar Project flood, July 31st, 2012

Problems associated with hundreds of workers:

Construction of this project would bring hundreds of new people to the area. With these people may come law enforcement problems. These problems may include illegal off-roading, vandalism to private property, harassment of wildlife and other undesired behavior.

Hazardous Materials:

Cadmium-Telluride

The DEIS should outline the environmental consequences of a potential CdTe pollution event and how it could impact public health, water resources and flora and fauna.

Cmnt
7-10

Cmnt
7-11

Response to Comments – Comment Letter 7

Response to Comment 7-10. Comment noted. The skilled workers that would work at the Project site are not expected to live in the area, and thus would not be expected to contribute to the problems noted in your comment. BLM is not aware of any law enforcement concerns related to construction of Silver State Solar North or the Ivanpah Solar Electric Generating System.

Response to Comment 7-11. Comment noted. The 2010 FEIS, which the Supplemental EIS/PRMPA tiers from, contains extensive analysis of potential hazards related to CdTe. For example, the 2010 FEIS states that CdTe has limited mobility in the environment due to its extremely low vapor pressure and high boiling and melting points (p. 4-112). Further, the CdTe layer in a module is extremely thin and is encapsulated between two layers of glass that are sealed with a laminate material. In addition, CdTe is highly insoluble in water. As a result, the risk of health or environmental exposures in fires or from breakage is de minimis. This is consistent with recent scientific literature that models potential leaching risks from broken CdTe PV modules (Sinha et al., 2012). The cited research paper uses screening level risk assessment methodology in which potential releases under worst case assumptions are compared with health screening values. These conservative assumptions do not reflect actual or expected conditions. For example, the modeling assumes total release of Cd compounds from broken modules, even though such total release would not occur in the field due to the extremely low solubility of CdTe, and the protocols that would be in place to detect and remove broken modules. Notwithstanding this conservative approach, the research paper concludes that potential exposure point concentrations in soil, air, and groundwater are below human health screening levels and background levels in California.

The 2010 FEIS (p. 4-112) also cites independent analysis that indicates that CdTe modules do not pose a risk during fires. Additional information supporting the FEIS's analysis is that grass fires are the most likely fire exposure for ground-mounted PV systems, and these fires tend to be short-lived due to the thinness of fuels. As a result, these fires are unlikely to expose PV modules to prolonged fire conditions or to temperatures high enough to volatilize CdTe, which the FEIS notes has a melting point of 1,041 degrees Celsius. Moreover, even if a desert wildfire could reach that temperature, the vast majority of CdTe would diffuse into the glass, as stated in the FEIS; the actual loss of CdTe from a module would be insignificant (approximately 0.04 percent). For these reasons, the probability of sustained fires and subsequent emissions in adequately designed and maintained utility systems appears to be zero (Fthenakis et al., 2005).

When the fire studies were conducted, were the panels flat during the study so the glass wouldn't slide apart in a fire scenario? Another study should be conducted when panels are in a more diagonal position. Under the current California Department of Toxic Substances Control regulations, the modules First Solar is using are considered hazardous waste when they reach the end of their life. It is not accurate to claim they are risk free.

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7-12**

The study does not talk enough about cadmium sulfide which also occurs in the First Solar module. Please make available in the SEIS the breakage and failure rates from other CdTe power plants to get a better approximation of how often breakage occurs on site. First Solar had to recall almost 5% of their modules over some period in 2008 or 2009, so the breakage rate probably goes up when they all have to be taken down and tested.

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7-13**

Visual Resources:

This project would be built in view of conservation areas and the impact to visual resources will degrade the visitor experience. The project would be visible from the Mojave National Preserve and the McCullough Mountains Wilderness Area .

**Cmnt
7-14**

All of the most potentially visible angles of light and time of day should be considered to depict the worst case scenario.

Downgrading the Visual Resource Management standards for the project from Class 3 to Class 4 will not change the perception from the public. This reflects an administrative decision that would give the BLM the legal ability to allow development where it was previously determined inappropriate under the Resource Management Plan.

We debate even the visual Class 3 designation because large solar projects can remove up to 5 square miles of habitat. Due to the large project size, lands of all VRM classifications will be cumulatively impacted. The project will be visible from lands that are miles outside of the ROW.

The size of the project is large and will have the potential to impact different VRM zones of different classes. BLM defines the objective of this class "to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention".

The following BLM required factors to be considered:

(2) Angle of Observation. The apparent size of a project is directly related to the angle between the viewer's line-of-sight and the slope upon which the project is to take place. As this angle nears 90 degrees (vertical and horizontal), the maximum area is viewable.

(3) Length of Time the Project Is In View. If the viewer has only a brief glimpse of the project, the contrast may not be of great concern. If, however, the project is subject to view for along period, as from an overlook, the contrast may be very significant.

(4) Relative Size or Scale. The contrast created by the project is directly related to its size and scale as compared to the surroundings in which it is place.

Response to Comments – Comment Letter 7

Response to Comment 7-12: The fire studies (Fthenakis et al., 2005) placed PV samples within a cut cylinder, which placed some of the material at an angle as it melted but which did not allow the material to flow uncontrolled.

Response to Comment 7-13: A recent study modeling potential leaching risks from broken panels assumes total release of Cd compounds, including cadmium sulfide, from broken modules (Sinha et al., 2012). The research paper is consistent with the analysis contained in the 2010 FEIS and similarly concludes that potential exposure point concentrations in soil, air, and groundwater are below human health screening levels and background levels in California.

Response to Comment 7-14: Impacts to viewers were assessed through an evaluation of key observation points (KOPs) that reflect views of the Project from locations in the landscape frequented by the public. KOPs analyzed in the Draft Supplemental EIS/PRMPA are included in Section 4.12.3 of the Draft Supplemental EIS/PRMPA. KOP 9 is taken from the entrance to the Mojave National Preserve, and KOP 10 is taken from the Lucy Gray Mountains, which are located between the McCullough Mountains Wilderness and the Project. It is important to note that the Lucy Gray Mountains would largely screen views of the Project from the McCullough Wilderness area as illustrated on Figure 3.12-5 of the Draft Supplemental EIS/PRMPA.

The time that each photo was taken for the visual simulations is disclosed in the KOP location description included with each simulation in Appendix A. All of the simulation photos were taken between 11:00am and 3:00pm to characterize visual effects based on when the Project would be likely viewed from KOPs.

The Project must comply with the VRM Classification in which the Project occurs. This compliance is determined based on the evaluation of contrast from KOPs. Effects are not assessed to adjacent VRM classes. Impacts to viewers were assessed through the evaluation of the KOPs. See section 4.12.3 of the Draft Supplemental EIS/PRMPA for the assessment and Appendix A for the simulations.

The ten factors outlined in the BLM Handbook H-8431-1, Visual Resource Contrast Rating, are addressed as part of the contrast evaluation from each of the KOPs. The contrast rating forms for each KOP are included in Appendix A.

The Key Observation Point simulations do not capture the full polarized glare effect and contrast that would occur from a distance viewing such a large project. The simulations almost portray the solar panels as transparent. We do not believe that the KOP simulations capture the full contrast and reflective impact that the solar panels would have. The below photo is of the Copper Mountain PV facility near Boulder City, Nevada.



^The photo also shows the polarized glare “lake effect” from a PV facility that may attract birds and result in collision.

Biological Resources:

Migratory Birds/Golden Eagles/Bats

Because PV facilities of this size are relatively new, there is not a lot of literature out there concerning the impacts from polarized glare to birds. The appearance of water may bait birds to fly towards the facility and this could result in fatal collision with solar panels.

The Nature Conservancy has released their Mojave Desert Ecoregional Assessment. In the assessment, they discuss the impacts of polarized light pollution on birds and insects:

“Light and noise pollution associated with electrical power plants can be problematic for wildlife. Polarized light pollution from PV panels can attract aquatic insects and other species that mistake the panels for bodies of water, potentially leading to population decline or even local extinction of some organisms (Horvath et al. 2010). Nighttime lighting for security or other reasons may negatively impact a variety of Mojave Desert species, many of which have developed nocturnal behavior to escape the daytime heat of the desert. (Mojave Desert Ecoregional Assessment September 2010, The Nature Conservancy of California 201 Mission Street, 4th Floor San Francisco, CA 94105) p. 50”

The California Energy Commission has recently determined that over 4,000 birds a year will be killed by the pending Rio Mesa Solar Electric Generating System. Some of these birds will be killed by the solar flux, other would be killed by the lake effect. The Rio Mesa Project will not use PV panels but heliostats. Both PV panels and heliostats will produce a lake effect. More on the Rio Mesa Project here: <http://www.energy.ca.gov/sitingcases/riomesa/index.html>

New transmission infrastructure could result in fatal collisions with a variety of birds and bats.

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7-15
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7-16**

Response to Comments – Comment Letter 7

Response to Comment 7-16: As noted in Mitigation Measure BIO-9 (Table 2-4 in the Final Supplemental EIS/PRMPA), a Bird and Bat Conservation Strategy (BBCS) will be developed as part of the Project. The BBCS will promote adaptive-management strategies to avoid, minimize, and mitigate potential adverse impacts, and detail long-term monitoring and reporting goals. The BBCS would be developed based on the final design and layout of the Project and would be incorporated in the BLM’s ROW grant. The BBCS would include a separate section devoted to eagles describing in sufficient detail the direct effects from the development of the Project to allow USFWS to determine whether an ECP and take permit should be pursued by the Applicant. Mitigation to reduce operational risks to bald and golden eagles will be included in the BBCS.

Two golden eagles were observed over the project site and 4 potential golden eagle nests were observed within ten miles of the project site. Potential collisions with panels and loss of foraging habitat could result in Take under the Bald and Golden Eagle Protection Act. We would be interested in seeing an Eagle Conservation Plan.

Desert Tortoise (*Gopherus agassizii*):

The 1994 Desert Tortoise Recovery Plan states that “Large blocks of habitat, containing large populations of the target species, are superior to small blocks of habitat containing small populations.”

The Revised Desert Tortoise Recovery Plan (August 2011) indicate that most of the lands in our Ivanpah ACEC proposal have “high potential” to support desert tortoise populations. (see map)



The impacts from the Ivanpah Solar Electric Generating System (ISEGS) and the Silver State North solar projects on over 4,000 acres have had a negative impact on the tortoise and its habitat. The Stateline project is now under review and would destroy an additional 2,200 acres of tortoise habitat. The Silver State South solar project could remove an additional 3,500 acres of tortoise habitat. From these projects alone, over 10,000 acres of tortoise habitat have been removed and will cause fragmentation on the remaining habitat. Large solar energy sprawl is now a serious threat to the viable desert tortoise populations of Ivanpah Valley.

The Fish and Wildlife Service determines that the Ivanpah site could potentially impact up to 532 adult tortoises, 3,236 smaller-class individuals, and 1,631 eggs or hatchlings. And FWS estimates that there could be 3,867 adult tortoises in the remaining portions of the action area.

The 1994 Desert Tortoise (Mojave Population) Recovery Plan placed the Ivanpah Valley within the Northeastern Mojave Desert Tortoise Recovery Unit, one of six designated evolutionary significant units. The Ivanpah Valley population was determined to be the most genetically unique desert tortoise population in the Mojave Desert, and Northeastern Mojave desert tortoises were recognized as the most genetically distinct population of California’s tortoises.

Hagerty identified the Ivanpah population of tortoises as part of the South Las Vegas unit, a genetically distinct subpopulation. Hagerty and Tracy, in their peer-reviewed publication in Conservation Genetics

**Cmnt
7-16
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Response to Comments – Comment Letter 7

Response to Comment 7-17 See Section D.4. The cumulative impacts to desert tortoise are described in Section 4.19.3.6.

**Cmnt
7-17**

(2010) identify the Ivanpah desert tortoises as part of the genetically distinct South Las Vegas subpopulation. Silver State South could adversely impact up to 4,000 acres of this large and distinct subpopulation through the destruction of quality desert tortoise habitat.

Area of Critical Environmental Concern and Desert Tortoise Connectivity

Because of the high density of Mojave desert tortoise in the eastern Ivanpah Valley and the importance of this area for genetic connectivity of populations, we recommend a conservation alternative that would designate the alluvial fan as an Area of Critical Environmental Concern, including the proposed ROW for the Silver State South project. The desert fan between the Silver State North project and the Lucy Gray Mountains provides the best connectivity corridor remaining in Ivanpah Valley between the critical habitat in the Mojave National Preserve to the south, and the mountain passes connecting Ivanpah Valley to the Piute-Eldorado ACEC to the northeast. The alluvial fan between the Lucy Gray Mountains and the McCullough Range is too high and will not provide tortoise habitat. Linkages need to be wide enough to maintain home ranges in to be effective. According to the 1994 Recovery Plan (U.S. Fish and Wildlife Service. 1994. Desert tortoise [Mojave population] recovery plan. Portland, Oregon: p. C24), the estimated lifetime home range of a male tortoise is 1.5 square miles, and the area should have a minimum density of tortoises so that population viability can be maintained in the face of stochastic factors.

The full alluvial fan should be protected as an ACEC to allow multiple home ranges of tortoises that would provide adequate genetic flow through the area. The Lucy Gray Mountain slopes are unsuitable habitat, steep, rocky, and too high in elevation for good tortoise habitat, and thus would not make good connectivity habitat.

Hagerty et al. 2011 (Hagerty, B.E., K.E. Nussear, T.C. Esque, and C.R. Tracy. 2011. Making molehills out of mountains: landscape genetics of the Mojave desert tortoise. *Landscape Ecology* 26:267-280) model only a few large-scale genetic connectivity pathways between the California Mojave Desert and areas to the north and east in Nevada and Utah. Habitat fragmentation endangers these pathways, one of which is through Ivanpah Valley. Habitat fragmentation can increase genetic isolation, and lead to a higher potential of extinction for populations. Thus the eastern side of Ivanpah Valley in Nevada should be conserved as an ACEC to protect this genetic connectivity as best as possible.

Translocation/Relocation:

The below numbers from the California Department of Fish and Game indicate 50 percent mortality from translocation of desert tortoise.

- Tortoises handled for blood testing will have 5% mortality rate from handling.
- Tortoises translocated will have a 50% mortality rate.
- Resident Tortoises on the recipient site will also have a 50% mortality rate due to competition from translocated tortoises.

The Fish and Wildlife Service has stated that they do not support translocation as a proven mitigation strategy for big development projects.

We are also concerned that desert tortoise translocation could lead to the proliferation of Upper respiratory Tract disease in tortoise populations in Ivanpah Valley.

**Cmnt
7-18**

Response to Comments – Comment Letter 7

Response to Comment 7-18 See Section D.4. The corridor remaining with the addition of the BLM Preferred Alternative is substantially larger than other naturally-occurring corridors that support genetic connectivity in the region, such as the McCullough Pass.

The BLM and Applicant are working with the USFWS to develop specific monitoring studies to broaden the understanding of impacts to population demographics and genetic stability of the desert population from solar development in the Ivanpah Valley.

The Draft Supplemental EIS/PRMPA acknowledges in Section 4.6.2.5 that translocation may cause injury or death of desert tortoises, and that disease transmission is also an associated risk. The BLM and Applicant have worked with the USFWS to revise the Project layout in order to minimize translocation impacts to desert tortoise. Any agreed-upon monitoring studies or mitigation measures would be incorporated in the BLM's ROW grant. A translocation plan has not yet been developed for the Project, but is being developed in consultation with USFWS through the Endangered Species Act Section 7 process. To the extent that they are known, the impacts of translocation activities are described in Section 4.6.2.5 of the Final Supplemental EIS/PRMPA.

To illustrate the cumulative impacts of solar energy sprawl in Ivanpah Valley, we would like to point out that two of the desert tortoises relocated from the Ivanpah Solar Project would actually have to be moved again to make way for First Solar’s pending Stateline Solar Project.

We believe the comment letter submitted to the BLM by the US Fish and Wildlife Service dated November 16th, 2012 is more on the right track. In the letter USFWS concludes: “As discussed above, the Ivanpah Valley is critically important to desert tortoise population connectivity in the Ivanpah Valley Critical Habitat Unit. We recommend BLM select the ‘No Action’ alternative to avoid impacting the known linkage that currently exists between the Silver State North project and the Lucy Gray Mountains. If this is not possible, we ask BLM to create and select a new alternative that will minimize impacts by preserving a protected corridor of undisturbed desert tortoise habitat between the Silver State north project and the suitable desert tortoise habitat west of the Lucy Gray Mountains. This corridor should be wide enough to accommodate multiple desert tortoise ranges, spanning up to several times the desert tortoise lifetime utilization area at the narrowest point. Additionally, we ask BLM and the applicant identify and commit to specific mitigation actions and monitoring studies that would help address potential project impacts to the demographic and genetic stability of the desert tortoise population within the Ivanpah Valley.”

Desert Bighorn Sheep (*Ovis canadensis nelsoni*)

The destruction of potential bighorn sheep foraging and migration corridor habitat is not adequately addressed in the SEIS.

Bighorn biologists Dr. John Wehausen and Dr. Vern Bleich have concluded that radio telemetry studies of bighorn sheep in various southwestern deserts, including the Mojave Desert of California, have found considerable movement of these sheep between mountain ranges. Consequently, intermountain areas of the desert floor that bighorn traverse between mountain ranges can be as important to the long-term viability of populations as are the mountain ranges themselves. Alluvial fans near steep rocky terrain can provide crucial foraging habitat for big horn sheep. (See Bleich et al. 1990 and Bleich et al. 1996)

The Society for the Conservation of Bighorn Sheep notes that a pre-construction baseline of big-horn sheep use should be established, followed by intensive monitoring during construction and follow-up post construction. They advocate a 1.5 mile buffer zone from the project border to the toe of the sloping mountain areas, to help connectivity of the local population and maintain the metapopulation dynamic at work with this sheep population. A wildlife corridor is absolutely essential for a healthy and viable population and for a healthy gene pool exchange, and that the buffer zone would establish a guideline or benchmark for any future development and additional loss of habitat.

Gila monster (*Heloderma suspectum*)

Surveyors found a Gila monster in the ROW. The project would remove a potential of close to 4,000 acres of habitat for this species. There is no mitigation that can adequately replace this habitat. This portion of the Mojave Desert represents the furthest west extension of the range of this species. Gila monster only inhabit a small portion of southern Nevada. The BLM should be protecting this habitat instead of removing it for solar panels.

Desert Kit Fox (*Vulpes macrotis*)

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Response to Comments – Comment Letter 7

Response to Comment 7-19: See Section D.4 regarding the BLM Preferred Alternative, which includes a wider corridor between the Project and the Lucy Gray Mountains. The modified layout may provide for the preservation of foraging habitat for bighorn sheep on the upper alluvial fan of the Lucy Gray Mountains. As described in the cumulative impacts in the Draft Supplemental EIS/PRMPA, existing structures such as I-15 already prohibit east-west movement across the valley and the Project would not inhibit north-south movement as the sheep can easily navigate the Lucy Gray Mountains. Desert bighorn sheep would also be able to transit the Lucy Gray Mountains, which would be set aside as an ACEC under Alternative D or the BLM Preferred Alternative. Section 3.6.2.2 has been updated to include the Lucy Gray Mountains as desert bighorn sheep habitat.

Response to Comment 7-20: Table 3.6-3 (Special Status Wildlife Species with Potential to Occur in the Project Area) of the Draft Supplemental EIS/PRMPA shows that, although no Gila Monsters were detected during field surveys, there is a moderate potential they could occur in the ROW application area. Section 4.6.2.3 of the Draft Supplemental EIS/PRMPA discloses potential impacts to Gila Monsters from the proposed Project alternatives.

A growing outbreak of canine distemper in Desert kit foxes along the I-10 corridor in Riverside County, California was possibly associated with passive relocation and hazing of the kit foxes from their home territories on large-scale solar project construction areas and associated transmission lines, we request the applicant be responsible for a Regional Kit Fox Monitoring Plan in the Ivanpah Valley. This should be prepared before approval and made available to the public for review under an Environmental Assessment. There is a possibility the disease could spread, or a new outbreak occur, and monitoring must be undertaken to ensure the Desert kit fox does not decline in population.

Because of the potential declines observed over much of the range of the kit fox (see Meaney et al. 2006) the kit fox should be treated as a potential sensitive species or species of special concern.

The applicant should be required to test for canine distemper in kit foxes impacted directly and indirectly by the project. Fenced areas should be monitored for any kit foxes climbing back into active construction areas. Surveys should be undertaken to count how many kit foxes are in the area and ten-mile buffer zone around the project, to set a baseline for an ongoing monitoring program. Fencing to exclude kit foxes should be described. Hazing techniques should be explained in full detail for public review. A plan to address any distemper outbreak should be formulated. A monitoring plan should be ongoing for five years after construction.

The American badger should also be included in a monitoring plan, in addition to kit fox.

Botany/Rare Plants:

The project would remove a large area of intact desert which contains rare plants and a high diversity of plant species. The project would destroy a portion of the population of the Yellow two tone penstemon (*Penstemon bicolor ssp. bicolor*). We do not consider seed collection or transplantation as viable mitigation measures, since so little study has been done with rare desert plant species. Avoidance is the best way to conserve these rare plants, and keeping habitat intact. White-margined penstemon (*P. albomarginata*) individuals will sprout in different areas over the years, so a few seasons of surveys will not adequately reflect the population over time. Patches of plants may shift, and potentially could grow in the project footprint in differing rainfall patterns. The area is little explored by botanists and could hold undiscovered species, or even new species, and should be avoided and designated as an ACEC.

The SEIS states that tens of thousands of cactus and yuccas will have to be moved. In the case of the Mojave yucca, this usually is not effective. Despite BMPs the salvage of cacti and yuccas would result in some mortality of these plants, and weed control may not limit the spread of invasive species into relatively undisturbed desert vegetation.

Cultural Resources:

The alluvial fans of Ivanpah Valley have high cultural value for present Tribes. Chemehuevi, Mohave and Paiute elders say the flats and fans were much used in their tradition, and still are today. Every shrub had a use, whether medicinal, for baskets, fiber, or food. The Wolfberry (*Lycium*) thickets were highly valued for seasonal berry-picking. Every lizard, as well as tortoises, were hunted for food. Ancient trails crossed the fan from village sites across the valley (and some can still be seen today), linking springs, agave roasting pits, cave habitations, geoglyphs, prayer spots, and deer/bighorn hunting areas on Clark

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Response to Comments – Comment Letter 7

Response to Comment 7-21: Section 3.6.2.2 (Special Status Species) of the Draft Supplemental EIS/PRMPA discusses desert kit fox inventory and status. The desert kit fox is a State protected species, but has no Federal designation. No additional mitigation is proposed at this time.

Section 4.6.2.3 (Direct and Indirect Effects by Alternatives) addresses potential impacts to desert kit foxes from the proposed Project alternatives. No monitoring plans for the kit fox or the American Badger are being proposed at this time.

Response to Comment 7-22: Section 4.6.1.3 (Direct and Indirect Effects by Alternatives) discloses the acreage to be cleared of vegetation for each alternative. The BLM will require the preparation of a Salvage Plan as a condition of the ROW grant. Such a Plan would include quantification of temporary impacts areas, how many plants the Applicant proposes to use for revegetation in those areas, how many would be sold, and how many they plan to destroy.

Mountain. The body of knowledge is extensive about Ivanpah Valley cultural uses and geography, and this is important to preserve for future generations as an intact cultural landscape.

Previous surveys in the region, including Ivanpah Valley, have found evidence of prehistoric use: campsites, lithic scatters, ceramics, rock shelters showing sign of habitation, trails, and agave roasting pits. These range from the valleys and mountains. Open temporary campsites as well as more permanent camps have been found in the valley zone, as well as chipped stone artifacts, ceramic scatter, and a trail. Surface artifacts and features may range from 4,000-years old to recent.

There is no way to mitigate the loss of cultural resources. A conservation alternative would insure that these sites would be protected from renewable energy sprawl.

Conclusion: The Silver State South Solar Project will destroy close to 4,000 acres of additional Mojave Desert habitat, cultural resources and visual resources of Ivanpah Valley. The Ivanpah Valley contains one of the most important, genetically unique populations of desert tortoises left in the Mojave Desert. We do not believe it is a wise idea for the Interior Department to approve another massive project like this on desert tortoise habitat. The desert tortoise populations of Ivanpah Valley have already taken a pretty big direct and cumulative hit from the Ivanpah Solar Electric Generating System. It is time for the BLM to counter that management decision with a more rigid conservation management for the Ivanpah Valley. For this reason we are requesting a Conservation Alternative for the Silver State South Solar Project that denies the Right of Way for the applicant. We would also like to encourage the BLM to approve a designation of an Area of Critical Environmental Concern for this project site.

Thank you for allowing us this opportunity to submit these comments.

Sincerely,

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7-23

Response to Comments – Comment Letter 7

Response to Comment 7-23: The cultural resource inventory is described in Section 3.7 (Cultural Resources) and potential impacts to cultural resources are described in Section 4.7.3 (Direct and Indirect Effects by Alternatives). The BLM has complied with Section 106 of the National Historic Preservation Act when taking into account the effects of each alternative on historic properties within the Area of Potential Effect.

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U.S. Fish and Wildlife Service. 1994. *Desert tortoise (Mojave population) recovery plan*. Portland, Oregon.

Williams B. K., Little, E. E., and Finger, Susan E. 2011. *Dust Control for Low-Volume Roads: Update on Public Lands Highway Discretionary Program Project "Environmental Effects of Dust Suppressant Chemicals on Roadside Plant and Animal Communities"*. USGS Columbia Environmental Research Center, Columbia, MO January 26, 2011

SILVER STATE SOLAR SOUTH
on 12/06/2012

Page 24

1 the same concerns. I want to thank you, the BLM for
2 the opportunity to speak on this, and I believe the
3 BLM and First Solar can find a solution to all our
4 problems, and I would encourage First Solar to
5 continue over the next couple of weeks before this
6 progresses and continue to communicate with the
7 community of Southern Nevada and head this project
8 in the right direction. Thank you.

9 MR. DEBARDELEBEN: Okay. You're up.

10 MR. EMMERICK: Thank you. I'll try to make
11 this brief. I have a different perspective and my
12 name is Kevin Emmerick. I'm with the group called
13 basis range watch and we are the ones who nominated
14 ACEC, which we would like to thank you, the BLM for
15 considering it, the 40,000 acres, and we did that
16 for the reason that we think this is an important
17 site for wildlife, specifically desert tortoise.
18 You see what is happening down in the Ivanpah
19 project just south of here. The numbers are they
20 did dig up about 100 desert tortoises and that
21 project has acutely impacted our community.
22 Cumulative impact about 3,000 in the region.
23 Another project by the same applicant at State Line
24 is being considered down there and that has a
25 similar density of desert tortoises. They are going

Cmnt
8-1

Response to Comments – Comment Letter 8

Response to Comment 8-1: See Section D.4 regarding the BLM Preferred Alternative, which includes a wider corridor between the Project and the Lucy Gray Mountains.

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1 to move about maybe, I don't know, 60,000 and some
 2 of those tortoises they are going to move are the
 3 tortoises that they moved over from the Ivanpah
 4 project. So this does create a problem. The Silver
 5 State project is Ivanpah Valley and that's been
 6 identified as one of three really important areas
 7 for desert tortoise connectivity. So this project,
 8 whichever alternative is selected, would actually
 9 take on a pretty big swap habitat and leave a pretty
 10 narrow connectivity. That's why we're concerned
 11 about it. They found desert tortoise about density
 12 eight per square mile on this project. And the
 13 Ivanpah valley and desert can never develop one per
 14 square mile. That would make this one fairly
 15 significant area. And so there is other concerns
 16 that we have about this project like the Silver
 17 State North Project that was built on 400 acres or
 18 approximately five to 600 acres, and they used about
 19 maybe 500 acre feed of water in two years to build
 20 that project. And this project footprints to be
 21 about six times that size. I don't have a whole lot
 22 of time here, but suggestions I would like to make
 23 for the BLM to consider other alternatives. I would
 24 like the ACEC alternative, but solar energy and the
 25 photo technology is designed to be retrofitted.

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Response to Comments – Comment Letter 8

Response to Comment 8-2: The Applicant has an existing agreement with LVVWD for water sufficient for dust control during Project construction and the Applicant has subsequently performed a drawdown analysis that determined no substantial adverse effect related to that water use. The draft analysis shows negligible effects from groundwater pumping on nearby wells under two different pumping scenarios. For instance, even under a “worst case” scenario of pumping 1,185 acre-feet of groundwater – which is beyond anticipated water use over 30 years – the Project would have a maximum drawdown of 1.8 feet at a nearby well if using two project pumping wells, and a 1.3 feet at that same nearby if using six Project pumping wells. Following construction, water levels in nearby wells would recover and stabilize at a drawdown of less than one foot during the entire 30-year operational period under either project pumping scenario (that is, two or six project pumping wells). Refer to Appendix H for the drawdown analysis.

Response to Comment 8-3: The BLM’s purpose and need for the proposed action defines the range of alternatives to be considered. The BLM must analyze a range of reasonable alternatives, but is not required to analyze in detail every possible alternative or variation. The BLM’s purpose and need was reasonably focused on responding to Silver State’s application in accordance with FLPMA’s multiple-use mandate and other Federal statutory and policy directives regarding the development of renewable energy on public lands. Further, the Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative that would limit the Project footprint to a 250MW_{AC} facility.

SILVER STATE SOLAR SOUTH
on 12/06/2012

Page 26

1 We'd like the BLM to consider the need to require
 2 alternative of looking at alternatives outside of
 3 the jurisdiction of the lead agency. The other
 4 alternative is the environmental protection agency
 5 has identified about 15 million acres of ground
 6 field that would be suitable for utility scale solar
 7 energy and projects of this size. We know that the
 8 power purchase agreement for First Solar is for 300
 9 and/or for 250 megawatts but the EIS says here they
 10 are going to have 350. I guess we're done. All
 11 right. Well, thank you.

12 MR. DEBARDELEBEN: Is there anyone else that
 13 would like to speak tonight? If not, we're going to
 14 open up the open house portion again. We'll be here
 15 until 8:00 o'clock. If you would like to make a
 16 comment, Debbie will be up in the loft, you can make
 17 your comments there, otherwise thank you for coming.

18 (Whereupon the proceedings
 19 concluded at 8:00 p.m.)

20 * * * * *

21 Attest: Full, true, accurate transcript of
 22 proceedings.

23 
 24 _____
 25 ANGELA CAMPAGNA,
 CCR #495

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Response to Comments – Comment Letter 8

Cmnt
8-3
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Bureau of Land Management
Southern Nevada Renewable Energy Office
Attn: Greg Helseth
4701 N. Torrey Pines Dr
Las Vegas, NV 89130

January 11, 2013

Via e-mail: SilverStateSouthEIS@blm.gov

RE: Silver State South Draft Supplemental Environmental Impact Statement

Dear Mr. Helseth:

These comments on the Draft Supplemental Environmental Impact Statement (“DSEIS”) for the Silver State South Solar Energy Project (the “Project”) and Proposed Las Vegas Field Office Resource Management Plan Amendment are jointly submitted by the Center for Biological Diversity (“Center”) and the Sierra Club (“Club”). Capitalized terms not defined herein shall be given the meaning in the DSEIS.

The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center also works to reduce greenhouse gas emissions and other air pollution to protect biological diversity, our environment, and public health. The Center has over 450,000 members and on-line activists who care deeply about imperiled species and our planet.

The Club is a national nonprofit organization of approximately 1.3 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Club’s concerns encompass protecting our public lands, wildlife, air and water while at the same time rapidly increasing our use of renewable energy to reduce global warming.

Many of the members of both organizations reside or recreate in Nevada and care deeply about conserving the natural heritage of our State.

Center for Biological Diversity and Sierra Club

Page 1

Comments on the SDEIS for the Silver State South Solar Project

Response to Comments – Comment Letter 9

We appreciate this opportunity to comment on this DSEIS. As you are aware, both the Center and the Club have been active in providing comments and attending public meetings regarding this project and its precursor, and in addition have participated in meetings held by First Solar and its predecessor, NextLight (collectively, the “proponent”) to offer our perspectives and input on the project’s design and siting. The proponent has been very responsive to our concerns, and in particular the phasing of the project to develop the portion of the original ROW application with the lowest desert tortoise density first, as Silverstate North, was a direct result of these conversations. We view this process, and this dialogue, as quite positive. However, we continue to have concerns¹ regarding the potential effects of further development in the ecologically core Ivanpah Valley.² This region is home to numerous rare and diverse plants and animals, including genetically distinct populations of the threatened Mojave desert tortoise (“desert tortoise” or “tortoise”) which occur in relatively high densities in the Ivanpah Valley. We have particular concerns regarding potential habitat fragmentation and genetic and demographic isolation of the desert tortoise. The alternatives presented in the DSEIS do not adequately address these concerns.

1. Desert tortoise connectivity

a. Desert Tortoise Connectivity Alternative.

First, we acknowledge that the proponent has gone to extraordinary measures to both gather baseline data on the locations of tortoises, their density and movements, and to share the information with us, outside the NEPA process, as they received it. Through their actions we are building a vastly improved information base on which to design, modify and improve projects, as well as to help understand the short and long term ecological needs of the tortoise. The procurement of a permit from the U.S. Fish and Wildlife Service (“FWS”) for tortoise capture and radio-telemetry study to gain knowledge as part of a NEPA process has never been done before in

**Cmnt
9-1**

¹ Our groups have expressed these concerns a number of times, most recently in a letter dated December 19, 2012 to BLM Director Mike Pool from Audubon California, California Native Plant Society, Center for Biological Diversity, Defenders of Wildlife, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club and the Nature Conservancy, requesting a regional ecological assessment and conservation plan for the Ivanpah Valley (the “Group Ivanpah Letter”).

² In the Mojave Desert Ecoregional Assessment prepared by The Nature Conservancy, Ivanpah Valley is identified as ecologically core in California and parts of Nevada, with most of the Nevada portion identified as ecologically intact Unpublished Report.: <http://conserveonline.org/workspaces/mojave/documents/mojave-desert-ecoregional-2010/@@view.html>. Additionally, the BLM recognized the importance of this area by designating the Ivanpah Valley as an exclusion area in the Final Programmatic Environmental Impact Statement for Solar Development in Six Southwestern States (July, 2012). Although the Silver State South ROW application was considered a pending application and excluded from the program elements of the Solar PEIS, each of our groups formally protested the “grandfathering” date of pending projects.

Response to Comments – Comment Letter 9

Response to Comment 9-1: See Section D.4.

Nevada to our knowledge. The monitoring by the project proponent and the USGS regarding individual desert tortoise home ranges in the area in and around the proposed project is precisely the type of data needed in order to avoid and minimize impacts to this threatened and declining species.

As new information has come in, and after discussions with members of the conservation community in Nevada, the proponent has made major shifts in the footprint of the proposed facility – first, it was moved off the bajada north of the state line, and then again shifted to avoid white-margined penstemon habitat impacts. The shifts made have been to the benefit of desert tortoises as demonstrated by the survey results and estimates contained in the DSEIS.³

Still, concerns remain over the adequacy of the corridor between the facility footprint and the non-habitat area beginning at the edge of the Lucy Gray Mountains. These concerns are particularly strong because, as the DSEIS correctly notes, the area that lies between the current Silver State North Project and the Lucy Gray Mountains is currently the most viable linkage between the northern and southern portions of the Ivanpah Valley, and severing this corridor would effectively isolate the northern portion of the valley from the southern by forcing tortoises to move through passes to the east side of the Lucy Gray Mountains.⁴ The availability of this linkage, the most viable of four, was a factor in allowing the Brightsource SEGS project to move forward. Notably, the June 10, 2011 Reinitiated Biological Assessment for the Ivanpah SEGS Project (“SEGS BO”) states: “(T)he linkage east of the Silver State project has the lowest level of existing habitat degradation and likely provides the most reliable potential for continued population connectivity.”⁵ At this time, the FWS estimated the linkage to be “approximately 1.5 miles wide at its narrowest point.”⁶ The FWS stated that: “(.....) We cannot determine the probability that this linkage would be lost in the future, but the compromised nature of the other linkages in the vicinity of Primm makes this linkage critically important.”⁷

The science surrounding desert tortoise home ranges and the types of corridors needed for short and long-term gene flow and movement of tortoises in adaptation to climate changes is still incomplete. However, it is clear that “(P)reserving the Desert Tortoise will entail managing not just conservation areas alone. It will also involve managing connections between these areas....”⁸ While

³ DSEIS, Table 3.6-4.

⁴ DSEIS Page 4-28.

⁵ SEGS BO, Page 73.

⁶ SEGS BO, Page 71.

⁷ SEGS BO, Page 74.

⁸ FWS Desert Tortoise Recovery Office’s January 2012 paper on the Connectivity of Mojave Desert Tortoise Populations (“FWS Connectivity Paper”), Page 8, stating: “...land and wildlife managers should be thinking about “corridors” that are large enough for resident tortoises to persist and to continue to interact with their

Response to Comments – Comment Letter 9

**Cmnt
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the proponent has done a good job of reviewing the published and gray research associated with this question, and as noted previously is currently conducting much-needed research on it specific to the project area, we continue to feel that in the absence of data otherwise, a precautionary approach is needed. As the DSEIS notes, FWS estimates that a linkage would need to be at least 1.4 miles wide to accommodate a *single*, circular home range,⁹ (emphasis added) while in Alternative D,¹⁰the corridor ranges from less than .5 mile in width to about .8 miles, raising significant concerns about its effectiveness for gene flow and adaptation movement.

For these reasons, we support the November 16, 2012 FWS recommendation to avoid reducing the corridor, and if a project is to be developed in this area, that the *“BLM minimize the impacts to the corridor by creating and selecting a new alternative that would protect a corridor of undisturbed desert tortoise habitat between the Silver State North project and the Lucy Grey Mountains. This corridor should be wide enough to accommodate multiple desert tortoise ranges, spanning up to several times the desert tortoise lifetime utilization areas.”*¹¹

In meetings with the proponent, we have repeatedly asked that a new project alternative footprint be developed, one that would incorporate the precautionary approach by broadening the corridor between the project and the Lucy Gray Mountains.

Such an alternative, which echoes to the alternative that maximizes desert tortoise connectivity proposed by the FWS, would consist of several primary design features:

neighbors within and outside broad habitat linkages, rather than expecting that a more narrow band of habitat will allow an individual tortoise to move through it to the other side, breed with a tortoise on that side, and produce viable offspring that contribute to the next generation. Linkage integrity with sufficient habitat to support sustainable populations is important for desert tortoises and other corridor dwellers to support connectivity between core reserves.” (FWS Connectivity Paper, Page 4).

⁹ DSEIS Page 4-28.

¹⁰ To make matters simple, for the purposes of these comments we will assume that Alternative D is our baseline – all other alternatives, except the No Action alternative, are completely unsatisfactory, and only D begins to address the pressing environmental concerns associated with developing in this area.

¹¹Memorandum from the United States Fish and Wildlife Service to the Bureau of Land Management on the review of the Draft Supplemental Environmental Impact Statement for the Silver State South Solar Energy Project dated November 16, 2012 (the “FWS Memorandum”), Page 2.

Response to Comments – Comment Letter 9

**Cmnt
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- It would be no greater than the scale needed to accommodate the current power purchase agreements,¹² interconnection agreements¹³ and water agreements¹⁴ with respect to the project, which each commit the proponent to a project not larger than 250 MW;¹⁵
- It would be sited in areas of lowest desert tortoise density;
- It would be sited to maximize the connectivity corridor in line with FWS' November 16, 2012 recommendations;
- It would look to place part of the facility west of the railroad corridor, south of the Primm Resort private holding; and
- It would include a commitment to the specific measures to offset linkage reductions and monitoring measures to help understand impacts to the population proposed in the FWS Memorandum.¹⁶

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Response to Comments – Comment Letter 9

We believe this new alternative could provide the needed precautionary approach. We are encouraged by the December 20, 2012 comments from the United States Environmental Protection Agency (EPA) that it may be possible to shift the project to reduce impacts to jurisdictional waters,

¹² To our knowledge, the only contract for this site is the 250 MW renewables portfolio standard power purchase agreement (the "Silver State Contract") between Southern California Edison and Silver State Solar Power South, LLC (<http://www.sce.com/NR/sc3/tm2/pdf/2581-E.pdf>).

¹³ To our knowledge, the only large generator interconnection agreement (LGIA) for the Project site is the 230 MW Large Generator Interconnection Agreement between Silver State Solar Power South, LLC, Southern California Edison Company and the California Independent System Operator filed with the Federal Energy Regulatory Commission on October 18, 2011. Per the proponent, they filed a small generator interconnection agreement for an additional 20 MW.

¹⁴ Per the DSEIS, the water agreement with LVVWD allows for minimum 200 ACF between 2013-2017 (DSEIS Page 3.12). We have not reviewed this agreement, but since it is highly unlikely that "Phase III" of the project could be constructed by 2017, it seems likely that this agreement could need to be re-opened.

¹⁵ Although the terms of the Silver State Contract are confidential, and is bilaterally negotiated, based on our reading of pro-forma contracts it may be possible to reduce project output without risking project termination. We encourage the proponent to explore such measures if needed to maximize the effectiveness of the corridor.

¹⁶ "These actions may include: (1) funding genetic and disease testing and removing the fence at the long-term translocation site to increase connectivity in the Ivanpah Valley; (2) funding culvert construction under roads in Ivanpah Valley to connect populations on either side of Interstate 15; and (3) funding recovery actions identified by the desert tortoise recovery 5-year action plan. Additionally, we ask that BLM and the applicant commit to specific monitoring studies to help us understand the impacts to population demographics (age and sex ratios) and genetic stability of the desert tortoise population as a result of the project and for other projects in the Ivanpah Valley, such as funding a genomic study that looks at fine-grained genetic relationships to reveal patterns of movement and connectivity in the Ivanpah Valley." (FWS Memorandum, Page 3).

while allowing for the preservation of a suitable linkage corridor through desert tortoise habitat, as concerns with jurisdictional waters have been a limiting factor in siting flexibility.¹⁷

b. West of I-15.

Related to the connectivity issue when considering the broader question of accommodating gene flow and climate change adaptation in the Nevada Ivanpah Valley, is that of the potential corridor west of I-15. Currently, the area provides good tortoise habitat and would seemingly be able to provide a desired redundant corridor. However, due to human imposed constraints, it is not now functioning to this potential.

Much of the area has been identified for use as a “long term translocation site” for tortoises impacted by development in Clark County under its Multiple Species Habitat Conservation Plan. The translocation area is contained either by natural barriers to tortoise movement, or tortoise fencing. Because of this, natural ingress and egress is prohibited.

A second constraint is the I-15 right-of-way itself and the Union Pacific railroad tracks to the east of the I-15, both of which pose an impassible barrier to tortoises.

Proponent and others have funded research by USGS tortoise biologist, Ken Nussear, which suggests that the likely major connection for tortoises between Ivanpah Valley and the Paiute-Eldorado Valley population is through the McCullough Pass, located on the east side of I-15 and the railway.

One path for tortoises to reach McCullough Pass is through the proposed project site. Our concerns regarding keeping this connectivity corridor functional and still have a major solar project is discussed above. The other connectivity corridor is the one west of I-15. If the aforementioned constraints can be eliminated, this corridor could provide near optimal movement as currently understood by science. To make it such would entail removing the north and south boundary fences

¹⁷ Letter from the United States EPA Region IX to the Bureau of Land Management on review of the Draft Supplemental Impact Statement for the Silver State South Project, Clark County, Nevada, December 20, 2012 (“EPA Letter”). (Pages 2-3) The EPA Letter rates the DSEIS as Environmental Concerns-Insufficient Information, based on concerns about potential impacts associated with fragmentation of key desert tortoise habitat in the Ivanpah Valley, including the Ivanpah linkage corridor.

Response to Comments – Comment Letter 9

Response to Comment 9-2: Comment noted. MM BIO-17 Desert Tortoise Measures has been revised in the Final Supplemental EIS to include potential removal of some LSTS fencing and installation of culverts under Highway 161 to facilitate movement of tortoises within the Ivanpah Valley west of I-15.

of the translocation area, and the planning, design and implementation of tortoise passages under both I-15 and the railway.

We implore the BLM to discuss this option with the FWS for quick implementation. The reason this is raised in comments on Silver State South is that it provides opportunities for the proponent to fund off-site mitigation measures (such as fence removal and underpass developments) that will benefit the impacted tortoise and other species. We would additionally like to clarify that although we appreciate the much-needed research programs funded by the proponent, and hope that these continue throughout the life of the project, we do not consider this research as mitigation for the project's impacts. We strongly support the November 16, 2012 FWS request that mitigation measures be concrete, and include specific measures that offset linkage reduction.¹⁸ We would be happy to participate in further discussions around such measures.

2. Area of Critical Environmental Concern ("ACEC")

We strongly support the establishment of an ACEC and associated management proscriptions as part of this NEPA decision.¹⁹ This ACEC should be established to provide enhanced protection to rare and imperiled species such as the desert tortoise and white-margined penstemon, and it should be part of a larger goal to establish and preserve connectivity in the Ivanpah Valley and between the Ivanpah Valley and the Paiute-Eldorado Valleys.

As such, the ACEC must be expanded to protect a tortoise movement corridor to the McCullough Pass. As shown in Figure 2-5, the proposed ACEC falls far short of providing protection for a tortoise movement corridor. It needs to be expanded further to the east to tie in with the Pass.

In addition, the BLM inflates the meaningful size of the proposed ACEC for desert tortoise and penstemon conservation by including the summit and rugged side slopes of the Lucy Gray Mountains. While the mountain range is important to species such as bighorn sheep and golden eagles, it is in no way under threat from this development, and it does not provide tortoise or penstemon habitat. If this area is taken out and the acres replaced by acres in the valley to provide a meaningful tortoise corridor, the size would remain about the same, but it would be much more functional for its intended purpose.

We support the statement in Section 4.10.2.4 of the DSEIS which says:

¹⁸ FWS Memorandum, Page 3.

¹⁹ It is our understanding that the ACEC is not tied to any alternative and can be implemented as either the "no action" or any of the action alternatives.

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Response to Comments – Comment Letter 9

Response to Comment 9-3: The BLM Preferred Alternative provides for a wider corridor between the Project and the Lucy Gray Mountains. The BLM Preferred Alternative includes the designation of a 31,859-acre Area of Critical Environmental Concern (ACEC). The ACEC includes an area between the Preferred Alternative layout and the Lucy Gray Mountains. Figure 2-2 in the Final Supplemental EIS/PRMPA shows the revised ACEC boundary. The proposed ACEC area has been determined by BLM resource specialists to meet the relevance and importance criteria for protection of the desert tortoise and the white-margined penstemon.

The ACEC as proposed would remain a part of the Jean Lake/Roach Lake SRMA. This SRMA is managed by the BLM for intensive recreation purposes, including competitive OHV racing and recreational OHV use. Closure of trails not overlapping with the Project footprint is not being considered by the BLM in association with this Project, but by preventing creation of additional trails the ACEC designation would increase protection of biological resources in the ACEC. Section 3.11 (Recreation) of the Draft Supplemental EIS/PRMPA discusses recreation in the ROW application area.

“This area would be managed for biological resource protection and would place additional restrictions on recreational users within the SRMA by restricting development of new roads and trails, and requiring a desert tortoise spotter for permitted non-speed recreation activities in the ACEC during the tortoise active season.”

We would go further to request that redundant and impactful trails be closed to motorized vehicle use. As evidenced in DSEIS Figure 3.11-1, the impact from such use is massive and suggests that the BLM is failing to meet its stewardship responsibilities under FLPMA and Executive Orders 1644 and 111989 which require the BLM to minimize impacts from motorized recreation. BLM should utilize this plan amendment opportunity to develop a reasonable designated trail system within the ACEC, and end the attitude that this area is unimportant and a “sacrifice area.”

3. Cumulative Impacts

As we have repeatedly stated, most recently in the Group Ivanpah Letter, we are very concerned regarding the number of proposed projects with serious land use impacts to this region. An expansive ACEC with strong management proscriptions would significantly improve the prospects for preserving the critical species and ecosystem of the area.

We would also like to identify a number of proposed land use impacts which the BLM has not properly evaluated in the DSEIS, including: (i) a proposed transmission and natural gas line that would traverse desert habitat just north of Primm, Nevada connecting Brightsource Energy’s Hidden Hills Solar project to existing transmission and natural gas lines in the Ivanpah Valley and El Dorado Valley, (ii) plans by Elissa Resources to mine rare earth elements on the eastern edge of the Ivanpah Valley, and (iii) Oak Creek Energy Systems’ plans to install over 220 wind turbines for the proposed Crescent Peak Wind project along the eastern edge of the Ivanpah Valley and adjacent to the South McCullough Wilderness.

4. Desert Kit Fox

The DSEIS states that dozens of canid burrows potentially used by kit fox were observed during all surveys conducted within the ROW application area, with one confirmed kit fox burrow complex exhibiting recent activity located within the ROW application area.²⁰ However, the DSEIS also states that “(A)s the acreage to be occupied by the Project is small relative to a kit fox territory and extensive suitable habitat is available, it is anticipated that the kit fox will not be adversely affected.”²¹ As the DSEIS fails to quantify how many kit fox territories overlap the project site, or provide detail

²⁰ DSEIS, Page 3-24.

²¹ DSEIS, at 4-29.

Response to Comments – Comment Letter 9

Response to Comment 9-4: Comment noted. The Final Supplemental EIS/PRMPA has expanded the analysis of cumulative impacts to include the LSTS. The referenced transmission and gas line has been suspended as of July 2013 with the Hidden Hills Solar project. The plans identified by Elissa Resources are at this time speculative, as no applications have been received by BLM for the referenced mining development. BLM’s policy for inclusion of cumulative projects directs that reasonably foreseeable future actions are not limited to those that are approved or funded, but they do not include speculative actions (NEPA Handbook H-1790-1, Section 6.8.3.4. Therefore, that project was not included as reasonably foreseeable in the Draft Supplemental EIS/PRMPA.

As for the Crescent Peak Renewables project, that application was submitted well after the NOI for the proposed Project, and thus was not included in the Draft Supplemental EIS/PRMPA. Given that projects are continually added to the potential list of possible future projects to be considered, a lead agency possesses the authority to set a reasonable cutoff date for such new projects (San Franciscans for Reasonable Growth v City and County of San Francisco (1984) 151 Cal.App.3d 61, 74 n14; Gray v County of Madera (2008) 167 Cal.App.4th 1099, 1128. BLM policy regarding cumulative projects is that only those that are reasonably foreseeable at the time of NOI publication in the Federal Register are analyzed in the environmental document. However, information regarding this project and its cumulative impacts has been added to the cumulative impacts sections of the Final Supplemental EIS/PRMPA in the interests of full disclosure.

Response to Comment 8-5: Section 3.6.2.2 (Special Status Species) of the Draft Supplemental EIS/PRMPA discusses

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Desert kit fox inventory and status. The kit fox is a State protected species, but has no Federal designation. No additional mitigation is proposed at this time.

on the extensive suitable habitat available, the claim of little adverse impact is not supported, especially in light of the many proposed land use impacts facing the region.

The DSEIS fails to provide any avoidance, minimization or mitigation measures outside of those related to reducing construction impacts. The DSEIS relies heavily on “passive relocation” as a mitigation measure. “Passive relocation” has proven to be dramatically unsuccessful, most recently at the Genesis 1 solar project site. The FSEIS should require radio-collar tracking of displaced kit fox that allows for accurate tracking and monitoring of desert kit fox to determine the efficacy of “passive relocation.” Tracking the “passively relocated” kit fox will enable monitoring of the ultimate outcome of the passive relocation, and should allow for identification of distemper outbreaks earlier on, where the disease may be more easily controlled. The FSEIS should also include an expanded section on the status of the on-site desert kit fox population and additional strategies to minimize and mitigate impacts to this species.

5. Avian Impacts.

Per the DSEIS, a number of special status avian species which were found unlikely to occur in the 2010 FEIS have since either sighted or found likely to occur on the site. Western burrowing owls which are a BLM species of special concern protected under the Migratory Bird Treaty Act are likely to occur in the project area in low density.²² Burrowing owl mitigation measures are incomplete, and rely on passive relocation, which has not been proven successful at other projects. There are no measures mitigating for habitat loss or impacts to burrows.

LeConte’s thrasher and Loggerhead shrike were likewise not detected in the original surveys but were found present in the 2011 surveys. No mitigation measures are provided for impacts to LeConte’s thrasher and Loggerhead shrike.

The Bird and Bat Conservation Strategy (BBCS) (MM Bio-11) is missing²³ from the DSEIS. Reviewing this document is necessary to assess the risk of mortality to birds and bats and determine whether these risks are properly mitigated. We support the FWS November 16, 2012 request that the project include a BBCS and Eagle Conservation Plan which contain a risk assessment to evaluate potential take, a scientifically rigorous post-construction monitoring scheme, and adaptive management strategies to implement appropriate corrective actions should birds, bats, and eagles be impacted.²⁴

²²DSEIS, Page 3-21.

²³ Generally, the DSEIS is missing a number of plans key to the effectiveness of mitigation at the project site. Additionally, the DSEIS seems to rely on documents prepared for the 2010 FEIS, despite the fact that these documents would clearly need to be updated based on additional acreage and new data on species.

²⁴ FWS Memorandum, Page 4.

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Response to Comments – Comment Letter 9

Response to Comment 9-6: As noted in Mitigation Measure BIO-9 (Table 2-4 in the Final Supplemental EIS/PRMPA), a Bird and Bat Conservation Strategy (BBCS) will be developed as part of the Project. The BBCS will promote adaptive-management strategies to avoid, minimize, and mitigate potential adverse impacts, and detail long-term monitoring and reporting goals. The BBCS would be developed based on the final design and layout of the Project and would be incorporated in the BLM’s ROW grant. The BBCS would include a separate section devoted to eagles describing in sufficient detail the direct effects from the development of the Project to allow USFWS to determine whether an ECP and take permit should be pursued by the Applicant. Mitigation to reduce operational risks to bald and golden eagles will be included in the BBCS. ECPs and BBCSs fall under USFWS jurisdiction and are at this time voluntary.

6. Cryptobiotic Soils.

Although the 2010 FEIS did not identify or analyze soil impacts, later site inspections disclosed soil crusts present throughout the project site. Per the DSEIS, construction has the potential to disturb 3,855 layers of biological crusts through site preparation, grading and construction.²⁵ *“Loss of biological soil crusts will have a residual effect of decreased soil stability, nitrogen fixing, and water availability. Recovery of these crusts can take from 50 to 250 years.”*²⁶ Although this impact was not analyzed in the Final 2010 EIS, with reference to soil impacts, the DSEIS states: *“(M)itigation measures applicable to the proposed Project are the same as those described in the Silver State Solar Energy Project analyzed in the 2010 Final EIS.”*²⁷ Re-establishment of cryptobiotic soils is an element of the Facility Decommissioning Plan and Performance Reclamation Bond, however, this document is not yet available, and would only address soil impacts at project decommissioning. The FSEIS should include a more robust discussion of soil impacts and concrete mitigation measures for soil impacts.

Thank you for this opportunity to comment on the DSEIS and participate in this process.



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²⁵ DSEIS, Page 4-14.

²⁶ DSEIS, Page 4-15.

²⁷ DSEIS, Page 4-15.

Response to Comments – Comment Letter 9

Response to Comment 9-7: In consultation with BLM biologists, the Applicant has agreed to provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils. Stockpiling biological soil crusts for short time periods may be appropriate to maintain the ability to inoculate soils during the restoration of temporarily disturbed areas. Stockpiling of large volumes of soil for long time periods (multiple years) is not typically effective as the organisms that form biological soil crusts do not survive burying for long time periods. Thus, salvage and stockpiling would only be an appropriate mitigation measure for areas temporarily disturbed and promptly reclaimed.

A Site Rehabilitation and Facility Decommissioning Plan is required to be prepared as part of the Performance and Reclamation bond process. The Plan will describe closure requirements and the anticipated bond level necessary to satisfy BLM requirements in 43 CFR Parts 2800 and 2900. The required “Performance and Reclamation” bond will ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g). The “Performance and Reclamation” bond will consist of three components. The first component will be hazardous materials, the second component will be the decommissioning and removal of improvements and facilities, and the third component will address reclamation, revegetation, restoration and soil stabilization.

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December 19, 2012

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: Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project and the Las Vegas Field Office Resource Management Plan Amendment.
Silver State Solar South Project (N-085801, N-089530, N-90050, N-090823 2800 (NVS0100))

Dear Mr. Helseth:

Thank you for the opportunity to provide comments on the Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project (DSEIS) and the Las Vegas Field Office Resource Management Plan Amendment.

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 DSEIS for the related Silver State Solar South Project (N-085801, N-089530, N-90050, N-090823 2800 (NVS0100)), 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. A few of our previous comments have been noted in the Public Comments Section of the DSEIS but a full assessment is requested to recommend appropriate mitigation for the permanent loss of the MSHCP mitigation areas.

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 were dated February 25, 2010, May 28, 2010, July 12, 2010, July 14, 2010, October 8, 2010, October 24, 2011, and June 29, 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 DSEIS and in the Las Vegas Field Office Resource Management Plan Amendment expected to be completed in late 2013.

respect, protect and enjoy our desert!

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

Response to Comments – Comment Letter 10

Response to Comment 10-1: The BLM never amended or agreed to amend the 1998 Las Vegas Resource Management Plan (RMP) to exclude or avoid issuance of ROWs with the Ivanpah Valley Multiple Use Managed Area (MUMA) as identified in the 2001 Clark County MSHCP. The area is "zoned" to allow this type of activity without size restrictions. The proposed action is in conformance with the 1998 RMP. The MSHCP plan and associated MOUs between the MSHCP permittees and the BLM reflect the land management allocations in the 1998 RMP. The Clark County MSHCP MUMA category includes 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 LIMAs, and areas of more intensive use." (page 2-76, CCDCP 2001)

*The project has been sited outside Intensively Managed Areas (IMA) and Less Intensively Managed Areas (LIMA) identified in the Clark County MSHCP. This includes the Piute/Eldorado Area of Critical Environmental Concern (ACEC), the Piute-Eldorado Critical Habitat Unit for Agassiz's desert tortoise (*Gopherus agassizii*), the South McCullough Wilderness, and lands released from the South McCullough Wilderness Study Area. The alternatives include designation of an ACEC that is designed to maintain connectivity between the Piute/Eldorado ACEC, Ivanpah Desert Wildlife Management Area in California, the South McCullough Wilderness and multiple use lands outside the ROW in Ivanpah Valley to the north.*

The CC MSHCP established a biological goal of no net unmitigated loss or fragmentation of habitat in Multiple Use Management Areas (MUMA) for the following species that may occur in the project area: banded gecko (Coleonyx variegatus), desert iguana (Dipsosaurus dorsalis), desert tortoise (Gopherus agassizii), western chuckwalla (Sauromalus obesus), Western red-tailed skink (Eumeces gilberti rubricaudatus), large-spotted leopard lizard (Gambelia wislizenii wislizenii), great basin collard lizard (Crotaphytus insularis bicinctores), California kingsnake (Lampropeltis getulus californiae), glossy snake (Arizona elegans), Western long-nosed snake (Rhinocœilus lecontei lecontei), Western leaf-nosed snake (Phyllorhynchus decurtatus), Sonoran lyre snake (Trimorphodon biscutatus lambbda), sidewinder (Crotalus cerastes), speckled rattlesnake (Crotalus mitchelli), Mojave green rattlesnake (Crotalus scutulatus scutulatus), sticky buckwheat (Eriogonum viscidulum), and white-margined beardtongue (Penstemon albomarginatus). These species have been considered during development of the affected environment and those potentially affected analyzed in the impact analysis either specifically as special status species or as wildlife and vegetative resources. The analysis includes an assessment of direct, indirect and cumulative impacts.

In addition, the associated biological assessment analyzes the impact of the proposed action and cumulative impact of neighboring projects in Clark County, NV and San Bernardino County, California on desert tortoises and their critical habitat.

An extensive mitigation plan has been developed that includes: a genetics and health study on tortoises in the Large-scale Translocation Site (LSTS); tortoise exclusion fencing of highways in Ivanpah Valley in Nevada; removal of the LSTS barriers to genetic flow on the west side of Interstate-15 if study findings support the action; funding for offsite mitigation projects including restoration of habitat and law enforcement; a

dust pallative movement study; and a 20-year study of genetics and demographics of wild tortoise populations.

Retirement of the Jean Lake grazing allotment - This mitigation action removed the threat and stressor from desert tortoises competing with cattle for forage. The proposed action of permitting a ROW for a solar plant 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 (CCDCP 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 conducted as mitigation for the MSHCP through projects like Weed Sentry were conducted throughout Clark County. The mitigation projects reduced the threat and stressor of weeds reducing the quality of habitat for covered species. The proposed project has been analyzed for environmental impacts resulting from weeds and the ROW grant(s) 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 ROW(s) will ensure weed management within the Silver State South project area.

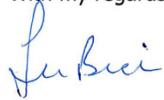
Restoration Projects: All areas where BLM has conducted restoration treatments are considered habitat. Therefore, if restoration sites are disturbed by a future action, like issuance of a ROW, impacts to these areas are analyzed and avoidance, minimization and mitigation measures are developed. The SEIS includes actions to avoid, reduce and offset impacts to desert tortoises and their habitat as well as other BLM sensitive species. These measures are included in the ROD and/or ROW grant and include off-site habitat restoration.

Response to Comments – Comment Letter 10

Gregory Helseth
Renewable Energy Project Manager
December 19, 2012
Page Two

Thank you again for the opportunity to provide comments on the subject DSEIS and the Las Vegas Field Office Resource Management Plan Amendment. 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

Defenders of Wildlife

National Parks Conservation Association

January 11, 2013

Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301
(Via email to: SilverStateSouthEIS@blm.gov)

Re: Comments on Draft Supplemental Environmental Impact Statement for the proposed Silver State South Solar Energy Project

Dear Mr. Helseth:

Thank you for the opportunity to provide comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Silver State South Solar Energy Project. The purpose of the DSEIS is to further evaluate the environmental impacts of the second phase of overall Silver State Solar Energy Project, namely the proposed Silver State South Solar Energy Project, a 350 MW facility which would be located within a 13,043 acre right of way application area involving public land located in Ivanpah Valley in the vicinity of Primm, NV. BLM published the Final EIS for this project in September 2010.

These comments are submitted on behalf of Defenders of Wildlife (“Defenders”) and the National Parks Conservation Association (“NPCA”), both non-profit public interest conservation organizations. Defenders has 1.1 million members and supporters nationally, including 3,900 in Nevada and 67,000 in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

The NPCA is dedicated to the protection and enhancement of National Parks for current and future generations. NPCA advocates on behalf of 750,000 members and activists. NPCA works to safeguard the protections won for resources and recreational opportunities on federal lands within national park units in the greater Mojave Desert and throughout the U.S. NPCA operates three field offices in the Mojave Desert, including the Mojave Field Office in Barstow, CA.

Response to Comments – Comment Letter 11

Defenders has engaged in all aspects of the National Environmental Impact Statement (NEPA) process for both the Silver State North and Silver State South projects. We submitted scoping comments for consideration in the DSEIS on 10/31/2011, and incorporate them into these comments by reference.

Furthermore, because of our concern over cumulative impacts to desert tortoise and other at-risk species and their habitats in the Ivanpah Valley, we recommended in a letter (see attached) to Mike Pool, Acting BLM Director, that no further permitting of solar energy projects take place in Ivanpah Valley until a valley-wide ecosystem analysis and a habitat conservation plan is completed.

Our comments on the DSEIS are as follows:

1. Alternatives. We included the following in our scoping comment letter on 10/31/2011:

The range of alternatives must be carefully and methodically developed as a means to primarily avoid, and secondarily to minimize, adverse impacts to natural and cultural resources on our public lands, and especially because of statutory management requirements contained in the Federal Land Policy and Management Act, the Endangered Species Act (Section 7(a)(1), and BLM's policy for management of Special Status Species (Manual 6840). Alternatives to the proposed project, including alternative locations and reduced project sizes, need to be fully considered and analyzed. Alternative locations considered and analyzed should include those comprising lands, both public and private, that have little or no long-term ecological and conservation value. We strongly urge the BLM and the project applicant to thoroughly search for such lands and include them in the alternatives analysis. The justification in the FEIS for not analyzing other locations simply because the applicant has proposed projects elsewhere, including California, is clearly insufficient and contrary to the provisions of NEPA.

The alternatives described and analyzed in the DSEIS all call for a 350 MW project, but with slightly different configurations. The 350 MW project appears to be driven by the applicant's stated objectives including their confidential power purchase agreement with the Southern California Edison Company. However, all the alternatives to allow for a 350 MW project exceed the reported 250 MW power purchase agreement the applicant has with Southern California Edison. It is our understanding that BLM has not selected a preferred alternative to the proposed project at this time.

We remain very concerned that BLM has not included smaller project alternatives, especially given the significant impacts to the desert tortoise and its remaining habitat in the Ivanpah Valley. We address this issue below under desert tortoise.

2. Desert tortoise. The desert tortoise, a species listed as threatened by the U.S. Fish and Wildlife Service (FWS) in 1990, occurs on public lands throughout much of the Ivanpah Valley, except for non-vegetated playas and areas where natural vegetation cover has been lost or removed to

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Response to Comments – Comment Letter 11

Response to Comment 11-1: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

The BLM's purpose and need for the proposed action defines the range of alternatives to be considered. The BLM must analyze a range of reasonable alternatives, but is not required to analyze in detail every possible alternative or variation. The BLM's purpose and need was reasonably focused on responding to Silver State's application in accordance with FLPMA's multiple-use mandate and other Federal statutory and policy directives regarding the development of renewable energy on public lands.

Further, the Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative of 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure.

Response to Comment 11-2: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

The Biological Assessment is attached to this Final Supplemental EIS/PRMPA in Appendix G and contains detailed mitigation measures for desert tortoise approved by the USFWS. The mitigation measures included in the Final Supplemental EIS/PRMPA are consistent with those in the Draft Biological Opinion.

accommodate developments, such as the Silver State North solar project and the Ivanpah SEGS project in the California portion of Ivanpah Valley. These two solar projects, in particular, have contributed significantly to the loss of desert tortoises in their natural habitats. The proposed Silver State South and Staterline Solar projects would continue this trend of large-scale habitat losses and impacts to naturally occurring desert tortoises.

Although BLM has yet to identify a preferred alternative, we believe that all of the alternatives to the proposed action, other than the no action alternative, would cause significant adverse impact to the desert tortoise through habitat loss, and especially habitat loss in the largest and most important remaining habitat linkage in the Ivanpah Valley. This linkage is the area between the base of the Lucy Grey Mountains and Ivanpah and Roach Dry Lakes.

Missing from the alternatives is one that conforms to the FWS recommendation for minimum width of linkage habitat that provides for gene flow among desert tortoise populations. For gene flow to occur, desert tortoise populations within linkages must persist and be sufficient to ensure gene flow through breeding on a neighbor-to-neighbor basis. In a letter on the SDEIS from the FWS dated November 16, 2012, they recommended that linkage habitat width to sustain populations and gene flow should need to support multiple lifetime home ranges, which are currently estimated to be 1.4 miles for a single adult male. Therefore, based on the FWS's recommendation, the minimum corridor width between the Lucy Grey Mountains and Ivanpah Dry Lake needs to be approximately 2.8 miles to sustain a minimum population and provide for gene flow among the populations in Nevada and California.

FWS has recently stated, "... land and wildlife managers should be thinking about "corridors" that are large enough for resident tortoises to persist and to continue to interact with their neighbors within and outside broad habitat linkages, rather than expecting that a more narrow band of habitat will allow an individual tortoise to move through it to the other side, breed with a tortoise on that side, and produce viable offspring that contribute to the next generation. Linkage integrity with sufficient habitat to support sustainable populations is important for desert tortoises and other corridor dwellers to support connectivity between core reserves (Barrows *et al.* 2011) (FWS, Desert Tortoise Recovery Office, March 2012: Connectivity of Mojave Desert Tortoise Populations. Reno, NV. 17pp.)

None of the development alternatives for Silver State South come close to providing a minimum 2.8 mile-wide habitat linkage. In fact, the maximum linkage width that would exist under the No Action alternative is 2.0 miles because of the constriction imposed by the previously approved and operational Silver State North solar project. Based on the FWS recommendations that minimum linkages need to be at least two home-range widths, we advocate that the no action alternative should be chosen at the proposed action and that the area should be designated as a permanent habitat protection zone in as an amendment to the Las Vegas Resource Management Plan.

Response to Comments – Comment Letter 11

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3. Cumulative impact analysis – biological resources. Although the DSEIS accounts for current and reasonable foreseeable projects in Ivanpah Valley, the cumulative impact analysis for biological resources and natural communities is inadequate. The effects of the cumulative impacts on Ivanpah Valley biological resources and ecological functions need much greater consideration and analysis. The cumulative effects analysis indicates that approximately 15,000 acres of natural vegetation communities in Ivanpah Valley would be lost to development. The beneficial effects of Best Management Practices (BMPs), which are assumed to be required for all projects, are highly-overrated in the analysis. BMPs would be used to “minimize impacts to vegetation and to protect sensitive species.” DSEIS, 4-102. However, BMPs would have no appreciable effect in reducing loss of natural communities and sensitive species.

The cumulative impact analysis special status species is particularly deficient. For example, cumulative impacts to the threatened desert tortoise, including implications for its persistence in Ivanpah Valley and potential disruption of connectivity among populations in recovery units in Nevada and California, are missing from the analysis. Furthermore, the effects of translocation of desert tortoises from the project site and from all other ongoing, planned and reasonably foreseeable project areas is similarly absent from the analysis. Desert tortoise translocation is an experimental procedure intended to minimize mortality (take) of desert tortoises, but it is not considered as mitigation. The cumulative impact of translocation of desert tortoises from all the projects in Ivanpah Valley needs to be addressed. The consultation process with the FWS should be used to more fully develop this aspect of the analysis, and the findings contained in a biological opinion should be used in the NEPA analysis.

One additional project should be included in the cumulative impact list and analysis, namely the Large Scale Translocation Site (LSTS) located near Jean, NV on the west side of I-15. The LSTS includes extensive desert tortoise barrier fencing which has been identified as potentially blocking desert tortoise movements and connectivity among populations in portions of NV and California.

4. Irreversible and Irretrievable Commitments of Resources. Page 4-114 of the DSEIS addresses Irreversible and Irretrievable Commitments of Resources. Although the effects of industrial-scale solar energy developments on natural plant and animal communities is considered essentially a permanent impact due to the extremely long timeframe estimated to restore site conditions to pre-project level, the analysis suggests that such loss is temporary and that site conditions will be restored. This assumption led to the conclusion there would be no irreversible and irretrievable commitments of biological resources. We recommend this analysis be revised based on published literature addressing issues related to plant and animal community restoration in the Mojave Desert.

This concludes our comments on the DSEIS for the Silver State South solar project. Please contact us individually or as a group if you have questions or need clarification.

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10-4

Response to Comments – Comment Letter 11

Response to Comment 11-3: Comment noted. The Final Supplemental EIS/PRMPA includes analysis of the cumulative impacts of the LSTS in Section 4.19.3.7. Additional discussion of cumulative translocation and connectivity disruption are also provided in the Final Supplemental EIS/PRMPA in Section 4.19.5. The findings from the BO must be received before the ROD for the Project can be signed by the BLM, and the ROD will incorporate any mitigation requirements contained in the BO.

Response to Comment 11-4: Comment noted. The discussion of irreversible and irretrievable commitments of resources (Section 4.20.1) has been revised to include a discussion of tortoise connectivity.

Sincerely,



Jeff Aardahl
California Representative
Defenders of Wildlife
1303 J Street, Suite 270
Sacramento, CA 95814
jaardahl@defenders.org



David Lamfrom
California Desert Sr. Program Manager
400 South 2nd Ave #213
Barstow, CA 92311
dlamfrom@npca.org

Attachment: Letter to Mike Pool, Acting Director, BLM

Response to Comments – Comment Letter 11

SILVER STATE SOLAR SOUTH
on 12/04/2012

Page 22

1 MS. DASHIELL: My name is Stephanie
 2 Dashiell. I'm California Desert Associate at
 3 Defenders of Wildlife. I'm also a biologist. I
 4 work on all things related to renewable energy and
 5 conservation in the California desert and
 6 surrounding. The mission of Defenders of Wildlife
 7 is to protect plants and animals in their natural
 8 environment. And we've been engaged in desert
 9 conservation efforts for over 20 years. We support
 10 the energy reduction goals, California and also
 11 nationwide, and we supported the BLM solar
 12 programmatic environmental impact statement. And we
 13 are working to strike a balance between utility
 14 scales they renewable energy development and
 15 conservation of our wildlife and unique landscape.

16 I have a few comments on this project in
 17 particular, and some of these are more general as
 18 well. I really think the range of alternatives
 19 should consider an alternative that's a lower
 20 megawatt number so that avoidance and minimization
 21 of impact to wildlife can be best achieved. I
 22 believe that desert tortoise productivity issues was
 23 not sufficiently addressed in any of the
 24 alternatives, and especially on the eastern border
 25 of the project, next to those that they own. Fish

Cmnt
12-1

Response to Comments – Comment Letter 12

Response to Comment 12-1: Comment noted. The Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative of 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure. The BLM Preferred Alternative also includes a wider tortoise connectivity corridor between the Project footprint and the Lucy Grey Mountains, with a minimum width of 1.26 miles and an average width of 1.53 miles.

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SILVER STATE SOLAR SOUTH
on 12/04/2012

Page 23

1 and Wildlife Service recommends a kilometer and a
2 half as a minimum in their conservation
3 recommendation, and none of the alternatives allow
4 for this.

**Cmnt
12-1
Cont'd**

Response to Comments – Comment Letter 12

Response to Comment 12-2: Comment noted. Refer to Section D.4.

5 My organization does support the
6 designation of the ACEC reserve management planned
7 amendment that was proposed and made into law, and
8 we would like to see that included as one of the
9 alternatives. And I believe that cumulative impacts
10 across California and Nevada in the broadest scheme
11 of things as the Ivanpah Valley, need to be more
12 fully addressed by the BLM in terms of having
13 coordinated mitigation efforts, insuring that
14 translocations are done for desert tortoise in the
15 best places, and that there's not neutral floating
16 of desert tortoise in the few places that we're
17 leaning. And their really needs to be a coordinated
18 mitigation approach.

**Cmnt
12-2**

19 As you know, the solar programatic
20 environmental impact statement has mitigation plans
21 for each of the zones, and the Ivanpah Valley has
22 been become a defective zone and it doesn't have a
23 coordinated mitigation plan. So we really see that
24 it is a priority. We look forward to looking at the
25 new biological opinion for the BLM's preferred

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SILVER STATE SOLAR SOUTH
on 12/04/2012

Page 24

Response to Comments – Comment Letter 12

1 alternative. That concludes my comments. Thank
2 you.

3 MR. DEBARDELEBEN: Is there anyone else
4 that would like to speak? Otherwise, like I said,
5 we'll be here until 8:00. We're happy to answer any
6 questions.

7 MR. PETERSON: I'd like to speak without a
8 card. Can I speak?

9 MR. DEBARDELEBEN: If you can fill out a
10 card.

11 MR. PETERSON: I would love to fill out a
12 card, sir. Is that back here?

13 MR. DEBARDELEBEN: Do you have a card,
14 Sandra?

15 MR. PETERSON: Shall we start? My name is
16 Rick Peterson. I am an electrician. I am a union
17 member, okay. I live in Norco, California. What I
18 want to say is a couple things. First off, America
19 needs the power. We do need power. I don't know if
20 it's solar, I don't know if it's fossil fuel, I
21 don't know if it's black coal, but somehow we need
22 to generate some power in America. So I think
23 that's a plus. So I believe in solar power. That's
24 what I first wanted to say.

25 The other thing is, is I am an offroad

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Audubon California
California Native Plant Society
Center for Biological Diversity
Defenders of Wildlife
National Parks Conservation Association
Natural Resources Defense Council
Sierra Club
The Nature Conservancy

Response to Comments – Comment Letter 13

December 19, 2012

Via Electronic Mail (with Hard Copy to follow)

Mike Pool, Acting Director
Bureau of Land Management
1849 C Street, N.W.
Washington, DC 20240

RE: Request for a Regional Ecological Assessment and Conservation Plan for Ivanpah Valley

Dear Director Pool:

The undersigned organizations are writing to request that the Bureau of Land Management (BLM) 1) immediately develop a landscape-level ecological assessment for the Ivanpah Valley in California and Nevada; and, 2) suspend issuing approvals for proposed and planned development projects until a coordinated conservation plan is implemented for the bistate region.¹

Due to the extraordinary level of development currently underway or proposed in this region and its ecological importance, we believe that this assessment and conservation plan are critical to ensure that BLM actions and decisions are consistent with its legal mandates under the Federal Land Policy and Management Act (FLPMA) to:

- 1) “[m]anage habitat with an emphasis on ecosystems to ensure self-sustaining populations and a natural abundance and diversity of wildlife, fish, and plant resources on the public lands;”²
- 2) “[u]se habitat conservation assessments based on regional ecosystem assessments, where available, to develop conservation strategies and agreements that outline the program of work necessary to reduce, eliminate, or mitigate specific threats to sensitive species; and

¹ We define the Ivanpah Valley as the region that extends from Cima Dome in the Mojave National Preserve in California and northward to where Sheep Mountain meets the Bird Spring Range near Jean, Nevada adjacent to Interstate 15. This region is bordered on the west by the Ivanpah, Clark and Spring mountain ranges and on the east by the New York and Lucy Gray mountain ranges.

² BLM Manual 6500 – Wildlife and Fisheries Management.

- to develop an ecosystem management approach to conservation on BLM-administered lands”;³ and
- 3) ensure that “[a]ctions authorized by the BLM shall further the conservation and/or recovery of federally listed species.”⁴

Compliance with these laws and policies is especially important in the Ivanpah Valley considering the magnitude of current and proposed development and the pressure to develop various land uses. The BLM’s approach to review and permit individual projects on a case-by-case basis does not allow for adequate assessment of cumulative impacts on wildlife and natural resources, and has resulted in a failure to appropriately avoid, minimize or mitigate for landscape-level impacts to the region. In addition, without a comprehensive landscape-level analysis, it is impossible for stakeholders to assess whether any of the proposed projects are appropriate in their current, or modified, forms. Therefore, we urge BLM to suspend further permitting of individual projects while the analysis is being completed.

Land use impacts include, in addition to multiple high-acreage renewable energy projects, the Southern California Edison Eldorado-Ivanpah transmission line and Ivanpah substation; a wastewater treatment project in Jean, NV; Ivanpah Valley Airport; DesertXpress High-speed Train Project; Caltrans Joint Port of Entry; Calnev Pipeline Expansion Project; and the Mountain Pass Lateral gas transmission pipeline serving the Molycorp Mine.

We believe a landscape-scale ecological assessment and conservation plan for the Ivanpah Valley is essential for the following reasons:

1. To Protect the Resource Values in the Ivanpah Valley. The Ivanpah Valley is located near federally designated wilderness areas and the Mojave National Preserve and has been identified as ecologically important habitat in a variety of studies. For example, in the Mojave Desert Ecoregional Assessment prepared by The Nature Conservancy, Ivanpah Valley is identified as ecologically core in California and parts of Nevada, with most of the Nevada portion identified as ecologically intact.⁵ The biological importance of this region should not be underestimated; natural communities in Ivanpah Valley support rare and diverse plants and animals including genetically distinct populations of the threatened desert tortoise which occur in relatively high densities.⁶ As stated above, under the current approach, the BLM is failing to adequately assess and account for the cumulative impacts from the current and proposed development. Only a properly defined landscape scale assessment and conservation plan will adequately protect the biological resources and values in the Ivanpah Valley.
2. To Address Uncertainty Regarding Efficacy of Mitigation. Under the current approach, the BLM is evaluating and assessing mitigation requirements on a project-by-

³ BLM Manual 6840 – Special Status Species Management

⁴ Ibid.

⁵ Randall, J. M., S.S. Parker, J. Moore, B. Cohen, L. Crane, B. Christian, D. Cameron, J. MacKenzie, K. Klausmeyer and S. Morrison. 2010. Mojave Desert Ecoregional Assessment. Unpublished Report. The Nature Conservancy, San Francisco, California. 106 pages + appendices. Available at: <http://conserveonline.org/workspaces/mojave/documents/mojave-desert-ecoregional-2010/@/@view.html>

Response to Comments – Comment Letter 13

Response to Comment 13-1: Requirement of a landscape-scale ecological assessment and conservation plan for the entire Ivanpah Valley is beyond the scope of what BLM can reasonably require as mitigation on a project-specific basis. However, MM BIO-17 includes funding of studies encompassing a 13,000-acre research area in the Ivanpah Valley in both California and Nevada. Compensatory mitigation shall also be paid; these funds would be used for management actions expected to provide a benefit to the desert tortoise over time. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species’ biological requirements, reducing loss of individual animals, documenting the species current status and trend, and preserving distinct population attributes.

Cmnt
13-1

project basis. However, uncoordinated mitigation requirements for individual projects can limit their success; for example, two projects that require translocation of displaced desert tortoises to the same area may result in an overall lower survival rate because the area cannot support the higher density tortoise population. Furthermore, given the relatively small percentage of private land with intact habitat within this region, we have serious reservations about the effectiveness of compensatory mitigation for approved projects to date. For example, compensatory mitigation for the desert tortoise habitat lost at the Ivanpah SEGS is occurring in the Western Mojave Recovery Unit rather than in the Northeastern Mojave Recovery Unit where the projects are located. We do not believe that compensatory mitigation for desert tortoise impacts should occur outside of the recovery unit in which the impact is occurring. A landscape-level assessment will not only allow for an assessment of impacts, it will also result in producing important information for guiding mitigation investment consistent with a landscape-scale conservation strategy.

We believe our request will enable BLM to properly manage public lands in the Ivanpah Valley in a sustained yield manner and, in California, provide the necessary level of long-term protection for sensitive resources within the California Desert Conservation Area, both of which are requirements of FLPMA. BLM can and should consider other existing regional assessments and conservation plans to provide information for the requested bistate Ivanpah Valley assessment. These include but are not limited to: a First Solar-contracted NatureServe study on the ecological effects of two proposed alternatives for the Stateline solar project in California; a First Solar-contracted U.S. Geological Survey study on desert tortoise connectivity in Nevada; the Desert Renewable Energy Conservation Plan (DRECP) in California; the ongoing revision of the Las Vegas Resource Management Plan in Nevada; the Clark County Multiple Species Habitat Conservation Plan; the BLM's Rapid Ecoregional Assessment for the Mojave Basin and Range region; the U.S. Fish and Wildlife Service (USFWS) study on priority linkages for Mojave desert tortoise critical habitat and recovery units.

There is a critical gap in the application of the above information to decisions regarding conservation and development in the Ivanpah Valley as a whole. We believe that the BLM can consolidate and use the above-referenced information to inform decisions to ensure adequate habitat conservation and self-sustaining populations of desert tortoise and other sensitive species in the Ivanpah Valley. Additionally, the BLM has taken a positive step in recognizing the importance of the Ivanpah Valley as wildlife habitat by removing all further consideration for solar development within the variance process, and acknowledging portions of the Ivanpah Valley meet area of critical environmental concern relevance and importance criteria for Agassiz's desert tortoise and White-margined penstemon. The very values intended to be protected through this action could be compromised through projects already approved, under application, or being permitted through other federal, state, or county agencies.

For these reasons, it is critical that the BLM immediately develop and implement a landscape-level conservation assessment, and that permitting for projects is placed on hold until such a plan is completed. By requiring completion of this kind of comprehensive planning before moving forward with the permitting of any individual projects, the federal agencies can ensure that future

Response to Comments – Comment Letter 13

development in the Ivanpah Valley will proceed consistent with the BLM's duty to protect and conserve the Valley's wildlife and natural resources.

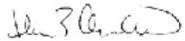
We are requesting by this letter the opportunity to discuss this important issue with you in person and look forward to working with your staff to schedule a meeting.



Kim Delfino
California Program Director
Defenders of Wildlife



Helen O'Shea
Director, Western Renewable Energy
Natural Resources Defense Council



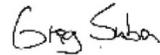
Heene Anderson
Biologist/Public Lands Desert Director
Center for Biological Diversity



Sarah Friedman
Senior Representative, Beyond Coal Campaign
Sierra Club



David Lamfrom
Senior Desert Program Manager
National Parks Conservation Association



Greg Suba
Conservation Director
California Native Plant Society



Garry George
Renewable Energy Project Director
Audubon California



Laura Crane
Director, California Renewable Energy Initiative
The Nature Conservancy

Response to Comments – Comment Letter 13



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: SilverStateSouthEIS@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: 11 January 2013

REGARDING: **Draft Supplement Environmental Impact Statement (DEIS)
and Draft Resource Management Plan (RMP) for Proposed Silver
State South Solar Project**

Dear Mr. Helseth:

The National Parks Conservation Association (NPCA) provides the following comments regarding the Draft Supplemental Environmental Impact Statement (Draft SEIS) and Draft Resource Management Plan (RMP) for the Proposed Silver State Solar Project.

As proposed, Silver State Solar Power LLC, a subsidiary of First Solar, Inc., proposes to construct and operate a 350 megawatt (MW) solar PV generating plant in the Ivanpah Valley, seven miles¹ from the northern boundary of Mojave National Preserve and approximately six miles from the Clark Mountain Range to the west, which is located within Mojave National Preserve.

¹ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP, Chapter 3 – Affected Environment, Special Management Areas, Table 3.10-1, Special Management Areas near ROW

Response to Comments – Comment Letter 14

Response to Comments – Comment Letter 14

NPCA provides comments as regards potential negative consequences to Mojave National Preserve by evaluating the proposed project in relation to the Preserve’s congressionally mandated mission to protect unique biodiversity and public enjoyment values.

As such, NPCA supports the No Action Alternative – which would disallow Silver State to proceed – based on fundamental need to conduct an in-depth valley-wide ecosystem analysis before any solar projects in Ivanpah Valley are permitted.

National Parks Conservation Association (NPCA)

NPCA’S mission is to protect and enhance America’s National Parks for present and future generations. Founded in 1919, NPCA is the leading private voice for national parks, representing more than 750,000 supporters who care deeply about America’s shared natural and cultural heritage preserved by the National Park System.

With regional field offices and headquarters in our nation’s capital, NPCA plays a crucial role in protecting the natural and cultural resources of America’s federally legislated special places – places such as Mojave National Preserve that have been identified for their unique features, natural and cultural resources. NPCA, with nearby offices in Las Vegas and Barstow, work to protect the resources of regional national park units, have 2,400 active dues-paying members in Nevada with nearly 6,000 Nevadans engaged in park-related initiatives, and over 100,000 active members in California.

Mojave National Preserve

Mojave National Preserve is vast. At 1.6 million acres, it is the third largest unit of the National Park System in the contiguous United States. Established in 1994, Mojave National Preserve was recognized to possess “outstanding natural, cultural, historical and recreational values meriting statutory designation and recognition as a unit of the National Park System.”²

Diverse natural resources within Mojave National Preserve include: scenic high-desert forests of Joshua Trees throughout the Preserve; massive volcanic formations at Hole-In-The-Wall and Cinder Cone Lava Beds; as well as impressive geologic features including Castle Peaks, Cima Dome and the Marl Mountains. Some of the cultural resources within the Preserve include: Kelso Depot, a historic railroad depot, visitor center and ancillary historic facilities; Mojave Road, a historic pioneer trail; and hundreds of sites in the Preserve, including the Clark Mountain Range, considered sacred to regional native tribes.

Approximately 550,000 visitors spend time in Mojave National Preserve each year, seeking out the Preserve’s unique scenic landscapes, varied recreation options, uncommon solitude, and night skies. Mountain ranges within the Preserve – including the New York Mountains, Providence Mountains, and Granite Mountains – appeal and attract those who value the experience of ascending to heights that offer expansive vistas.

² 1994 California Desert Protection Act, ([Public Law 103-433](#))

Responsible Renewable Energy Development

NPCA recognizes and supports the Obama Administration's renewable energy initiatives, and supports the development of renewable energy facilities as a way to help reduce air pollution that degrades national parks and as a necessary tool to reduce carbon emissions created through the burning of fossil fuels (oil, natural gas, and coal.).

As such, NPCA supports the Department of Interior's Secretarial Order 3285A1 (March 2009)³ that establishes the development of responsible renewable energy development. Furthermore, we applaud the Administration's acknowledgement that balancing renewable energy production and conservation goals has, oftentimes, inherent unavoidable conflict which we believe can be worked out to the satisfaction of all interests.

The BLM's Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States (FES 12-24; DOE/EIS-0403) which outlined protocol and established Solar Energy Zones (SEZs), is demonstrable in its commitment to permitting future solar energy development projects on public lands more efficiently, and in a standardized and environmentally responsible manner.⁴

Notably, the PEIS identified Ivanpah Valley as an exclusion zone for large-scale renewable energy development but allowed exception for pending solar energy applicants – a concession which NPCA questions in this location due to known high conflict and sensitive resources. This project would not be considered for approval under the currently adopted framework of the Solar PEIS. All future and contemplated industrial-scale solar development should, we believe, be held to the standards of “due diligence and siting requirements”⁵ established in the PEIS. Silver State South (First Solar) should be encouraged to site their proposal(s) within SEZs or at minimum be moved to an environmentally preferred location.

NPCA also requests adherence to Instruction Memorandum 2011-061 “Solar and Wind Energy Applications – Pre-Application and Screening,” dated February 7, 2011,⁶ that “establishes processes for protection of areas and resources of national interest and other specially designated areas that protect wildlife, visual, cultural, historic, or paleontological resource values” as the

³ Department of Interior Secretarial Order 3285A1 regarding Renewable Energy Development, <http://elips.doi.gov/ELIPS/0/doc/151/Page1.aspx>

⁴ Cover Letter for Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States (FES 12-24; DOE/EIS-0403) http://energy.gov/sites/prod/files/EIS-0403-PEIS-Volume1-2012_0.pdf

⁵ Draft SEIS Silver State Solar, Chapter 1, Section 1.4 Relationship to Policies, Plans and Programs

⁶ Department of Interior Instruction Memo 2011-061 regarding Solar and Wind Applications – Pre-Application and Screening, http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2011/IM_2011-061.html

Response to Comments – Comment Letter 14

Response to Comment 14-1: Comment noted. BLM's responsibility under FLPMA is to consider the ROW application for this tract of land. The ROD for the Solar Programmatic EIS was signed on October 12, 2012. It does not authorize any existing solar energy development project or eliminate the need for site-specific environmental review for any future utility-scale solar energy development project. The BLM will continue to make separate decisions as to whether or not to authorize individual or pending solar energy projects in conformance with existing land use plans as amended by the ROD. The BLM defines “pending” applications as any application (regardless of place in line) filed within variance and/or exclusion areas before the publication of the Supplement to the Draft Solar PEIS (October 28, 2011), and any application filed within Solar Energy Zones before June 30, 2009. Pending applications are not subject to any of the decisions adopted by the ROD. The BLM will process pending solar applications consistent with existing land use plan decisions in place prior to amendment by this ROD. When processing these applications, the BLM will consider its current policies and procedures (e.g., Instructional Memoranda [IM] 2011-060, and IM 2011-061, including interagency coordination with Department of Interior agencies, or other applicable policies and procedures that the BLM might adopt in the future. The Supplemental EIS/PRMPA describes the impacts within the region of this and other reasonably foreseeable projects to provide the decision maker with sufficient information to decide whether or not to approve this Project or an alternative. BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet Federal renewable energy mandates and respond to impacts identified in the NEPA analysis.

**Cmnt
14-1**

basis for decision-making in siting industrial facilities, specifically near areas which meet “High Conflict” descriptions.

As outlined in the above-mentioned Instructional Memorandum, Mojave National Preserve meets criteria for “High Conflict Status,” requiring a greater level of consultation, analysis, and mitigation to resolve issues,” per the following identification:

“Lands near or adjacent to lands designated by Congress, the President, or the Secretary for the protection of sensitive viewsheds, resources, and values (e.g., units of the National Park System, Fish and Wildlife Service Refuge System, National Forest System, and the BLM National Landscape Conservation System), which may be adversely affected by development.”

We therefore submit that decision-making as regards the Silver State Solar Project (and other industrial-scale proposals) abide by the above-mentioned federally mandated initiatives, directives and administrative rules. As such, the special-status designation of Mojave National Preserves requires thorough diligence as regards “resources of national interest” which includes the ecosystem of “wildlife, visual, cultural, historic and paleontological resource values.”

The Proposed Project

The Silver State Solar South Project is proposed to be located in the Ivanpah Valley in an unincorporated portion of Clark County, approximately 40 miles south of Las Vegas, and approximately two miles east of Primm,⁷ and within close proximity to Mojave National Preserve, and several wilderness areas. The proposed solar facility is located within high-density desert tortoise habitat.

The Silver State Project would construct a solar array field of solar modules on fixed-tilt mounting systems, with associated facilities including a massive (up to 10,000 square-foot) O&M building, above-ground water storage tanks and septic system, 21 miles of new perimeter and access roads, and chain-link perimeter fencing topped with barbed wire,⁸ and desert tortoise fencing.

Of note, the application area is located between the Lucy Gray Mountains, the NV Energy Walter M. Higgins Generating Station and the Union Pacific Railroad, to the north by undeveloped BLM land, and to the southwest by the California state line – seven miles from the northern boundary of Mojave National Preserve and approximately six miles from the Clark Mountain Range, within The Preserve, to the west.

⁷ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP, Chapter 3 – Affected Environment, Geographic Setting

⁸ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP, Chapter 2 – Section 2.4.1 Proposed Project Components

Response to Comments – Comment Letter 14

**Cmnt
14-1
Cont’d**

In addition to addressing the standards of protecting a congressionally mandated National Park unit, the proposed project is located within close proximity of four nearby wilderness areas⁹ (see below) and must meet higher evaluation standards.

- South McCullough Wilderness Area (three miles east).
- Stateline Wilderness Area (six miles west),
- Mesquite Wilderness Area (eight miles west), and
- And designated wilderness area in the Clark Mountain Range, within Mojave National Preserve (six miles west), an area which was not addressed in the Draft SEIS.

Preferred No Action Alternative

NPCA recommends that Silver State Solar and all other pending industrial-scale projects in Ivanpah Valley not be allowed to proceed until a comprehensive, in-depth, regional ecosystem analysis is conducted and addressed with appropriate response and the designation of an Area of Critical Environmental Concern (ACEC).

NPCA makes this recommendation on two major factors:

- Cumulative Impacts have not been adequately assessed, and
- Mitigation in Ivanpah has not adequately planned and enforced.

Need for a Regional Aggregate Analysis of Cumulative Impacts

In Chapter 4 of the DEIS, the evaluation of “cumulative impacts” – evaluating “the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” – is acknowledged as a requirement for siting decisions, per 40 CFR 1508.7.

Mid-December 2012, Audubon California, the California Native Plant Society, Center for Biological Diversity, Defenders of Wildlife, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club and The Nature Conservancy forwarded a jointly signed letter to Mike Pool, Acting Director of the BLM to request that a “Regional Ecological Assessment and Conservation Plan for Ivanpah Valley” be undertaken immediately – before any approval is given to any pending Project proposals.

The request was made in response to the number of projects proposed for development in the Ivanpah Valley. In addition to the Proposed Silver State South Project, on pages 4-81, 4-82, 4-83, 4-84, 4-85, and 4-86 in the Draft SEIS are several charts of existing, under construction, proposed and anticipated projects in the Ivanpah Valley including:

⁹ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP, Chapter 3 – Affected Environment, Special Management Areas, Table 3.10-1, Special Management Areas near ROW

Cmnt
14-2

Cmnt
14-3

Response to Comments – Comment Letter 14

Response to Comment 14-2: Comment noted.

Response to Comment 14-3: Comment noted. The Final Supplemental EIS/PRMPA has expanded the analysis of the cumulative impacts to include additional projects, including the LSTS and the Crescent Peak Wind project. Requirement of a landscape-scale ecological assessment and conservation plan for the entire Ivanpah Valley is beyond the scope of what BLM can reasonably require as mitigation on a project-specific basis. However, MM BIO-17 includes funding of studies encompassing a 13,000-acre research area in the Ivanpah Valley in both California and Nevada. MM BIO -17 also includes potential removal of some LSTS fencing and installation of culverts under Highway 161 to facilitate movement of tortoises within the Ivanpah Valley west of I-15. Compensatory mitigation shall also be paid; these funds would be used for management actions expected to provide a benefit to the desert tortoise over time. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species’ biological requirements, reducing loss of individual animals, documenting the species current status and trend, and preserving distinct population attributes.

Response to Comments – Comment Letter 14

Built -

- Mountain Pass pipeline and Molycorp Mine – a lateral gas transmission line and a 2,222-acre open pit rare earth mine
- Walter Higgins Power Station - 530-MW natural gas plant with six-story cooling system

Under Construction -

- Ivanpah Solar Electric Generating System – three-phase 370-MW solar facility with substation and natural gas power plant on 3,671 acres of public land
- Silver State North Solar Project - 1st phase 50-MW solar field with eventual build-out to 400-MW solar field plus ancillary facilities located on 618 acres of public land
- Southern Cal Edison Eldorado Transmission Line - 35-mile transmission upgrade affecting nearly 420 acres of public land plus additional construction of substation
- Wastewater Treatment Project - funded by Silver State Solar to provide water for both Silver State North and South projects

Anticipated –

- CalNev Pipeline Project – petroleum pipeline project between Colton CA and Las Vegas
- First Solar Project – 300-MW solar field, 220-kV transmission line and ancillary facilities to be sited on 1,900 to 2,150 acres of public land
- Ivanpah Airport – Proposed international airport to be sited on nearly 6,000 acres with a 17,000 acre Airport Environs Overlay District
- Joint Point of Entry – Agricultural inspection station
- Xpress West (formerly named Desert Xpress) – high speed rail 180-mile project which will traverse Ivanpah Valley with Preferred Alternative route near Clark Mountains in possible conflict with Ivanpah Solar Electric Generating Systems (above)

Additional -

- Two Possible Wind Projects – (Applicant filings have expired)
- One Wind Project – which has not been mentioned in the DEIS
- Other Mining Claims in the area (New York Mountains) – which have not been adequately addressed
- Pending Area of Critical Environmental Concern (ACEC)
- In-progress BLM Resource Management Plan (RMP)

**Cmnt
14-3
Cont'd**

Of note is that the table in the DEIS provides *lists*¹⁰ of possible cumulative effects followed by pages of *descriptions*¹¹ of each project but does little more than total some of the acreage for the multiple existing and proposed projects in the Ivanpah Valley.

The Cumulative Impact “analysis,” as provided, maps all projects by showing *where* they are located in relationship to one another but it fails to show the footprints of each project and does not adequately assess the affected natural and cultural resources of projects in relation to one another. Without an in-depth ecological assessment, with as many industrial-scale projects slated for Ivanpah Valley, there is potential for significant cumulative impacts including:

- Harm to the federally threatened desert tortoise within the valley;
- Harm and disconnection of tortoise migration corridor(s) that runs along the west side of the valley;
- Harm to identified rare plants on and around the project site;
- Harm to other state and federally listed species that live on or traverse the proposed site such as bighorn sheep, golden eagle, American badger, and potentially burrowing owl;
- Harm to Mojave National Preserve and adjacent wilderness areas, all of which were created to protect values such as scenic views, wildlife, and cultural resources; and
- Harm to cultural properties including places like the Clark Mountain Range which is regarded as a sacred site by local native tribes

**Cmnt
14-3
Cont'd**

A comprehensive regional ecosystem assessment is necessary to review, in aggregate impact, the effects of such things as wildlife displacement, loss of vegetation, loss of recreational opportunities and access, increased noise and the effect on wildlife and recreationists, increased transportation, altered viewsheds, and other environmental factors.

With an aggregate perspective, examples of possible cumulative conflicts might find that mitigation measures proposed and approved for one project could be negated by another or that simultaneous construction could cause grievous harm to area wildlife and vegetation if noise levels and activity reach certain thresholds.

NPCA also notes a short list of Cumulative Impacts Indicators¹² as regards Special Management Areas and believes this short list does not adequately address potential conflicts as regards the proximity of Mojave National Preserve and nearby wilderness areas.

**Cmnt
14-4**

Response to Comments – Comment Letter 14

Response to Comment 14-4: Section 4.10.2 in the Draft Supplemental EIS/PRMPA describes direct and indirect effects from the action alternatives when measured against the indicators listed in Section 4.10.1. These effects include both the Mojave National Preserve and nearby Wilderness. Cumulative effects from the Project alternatives to Special Management Areas are described in the Draft Supplemental EIS/PRMPA in Section 4.19.3.10 and result from the removal of the alternative footprints from the SRMA and the designation of an ACEC.

¹⁰ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP Amendment SEIS , Chapter 4, Environmental Consequences Cumulative Impacts, Section 4.1.9.1 (pages 4-81 through 4-86)

¹¹ Draft SEIS Silver State Solar South Project and Proposed LVFO RMP Amendment SEIS , Chapter 4, Environmental Consequences Cumulative Impacts, Section 4.1.9.1 (pages 4-86 through 4-113)

¹² Draft SEIS Silver State Solar South Project and Proposed LVFO RMP Amendment SEIS , Chapter 4, Environmental Consequences Cumulative Impacts, Section 4.1.10.1

Need to Adequately Mitigate

Current and foreseeable industrial development within the Ivanpah Valley will exceed its capacity to retain protected values, including those for federally protected species. Indeed, capacity to mitigate has already been revealed to be woefully inadequate.

As evidenced with the Ivanpah Solar Electric Generating System (Brightsource), appropriate mitigation, as projected and agreed upon, has not been available within the affected desert tortoise recovery area. The inability to mitigate for the impacts of a project call into questions whether that project (and others) should be allowed to proceed.

Significant federal investment has occurred to protect the desert tortoise and other rare and sensitive species, and siting decisions need to reflect this expenditure of public dollars. Inability to mitigate damages should preclude approval and/or warrant commitment to move proposed industrial-scale solar projects to SEZs, as defined in the Solar PEIS.

Summary

We thank the BLM for the opportunity to comment. We summarize our overall positions by asking that:

- 1) Full consideration be given to the federally mandated protective status of nearby Mojave National Preserve and other areas identified as Special Management Areas;
- 2) A regional in-depth ecological assessment be immediately to evaluate in aggregate all current, under-construction and anticipated industrial-scale projects in the Ivanpah Valley to develop a understanding of current and future impacts to protected lands and species;
- 3) Mitigation methods be scrutinized and reevaluated to reflect capacity and executed to mitigate for impacts locally; and
- 4) Solar proponents are encouraged to site facilities in designated Solar Energy Zones.

Sincerely

Lynn Davis, Senior Program Manager
National Parks Conservation Association
Nevada Field Office
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Response to Comments – Comment Letter 14

January 11, 2012

Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301
(via email to: SilverStateSouthEIS@blm.gov)

Re: Draft Supplemental Environmental Impact Statement for the proposed Silver State South Solar Energy Project

Dear Mr. Helseth:

Thank you for the opportunity to provide comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Silver State South Solar Energy Project. These comments are submitted on behalf of the Natural Resources Defense Council (“NRDC”), a non-profit public interest conservation organization. NRDC has over 1.2 million members and online activists nationwide, more than 250,000 of whom live in California. NRDC uses law, science and the support of its members and activists to protect the planet’s wildlife and wild places and to ensure a safe and healthy environment for all living things. NRDC has worked to protect wildlands and natural values on public lands and to promote pursuit of all cost effective energy efficiency measures and sustainable energy development for many years.

NRDC submitted scoping comments for consideration in the DSEIS on 10/31/2011, and incorporate them into these comments by reference. We are now submitting the following comments on the Supplemental Draft Environmental Impact Statement regarding range of alternatives and impacts to desert tortoise.

Alternatives: The alternatives described and analyzed in the DSEIS all call for a 350 MW project, but with slightly different configurations. We remain very concerned that BLM has not included smaller project alternatives, especially given the significant impacts to the desert tortoise and its remaining habitat in the Ivanpah Valley. It is our understanding that BLM has not selected a preferred alternative to the proposed project at this time, and we strongly believe that a smaller sized project must be analyzed as part of that decision.

Desert tortoise: The alternatives currently proposed do not respond adequately to issues raised by the U.S. Fish and Wildlife Service with regard to impacts to desert tortoise in this landscape. We are very concerned that the proposed Silver State South project as currently configured, and other development proposals in the Ivanpah Valley, will have extremely significant cumulative effects on the resident tortoise populations and that further analysis on the landscape level and across state lines is necessary.

Furthermore, because of our concerns over cumulative impacts to desert tortoise and other at-risk species and their habitats in the Ivanpah Valley, NRDC and other conservation organizations recommended in a letter dated December 19, 2011 to Acting BLM Director Mike Pool, that a valley-wide ecosystem analysis and habitat conservation plan be completed before any additional permitting of solar energy projects is completed in the Ivanpah Valley. As we have previously stated,

Response to Comments – Comment Letter 15

Response to Comment 15-1: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

Response to Comment 15-2: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA. The Biological Assessment is attached to this Final Supplemental EIS/PRMPA in Appendix G.

**Cmnt
15-1**

**Cmnt
15-2**

without a comprehensive landscape-level analysis, it is impossible for stakeholders to assess whether any of the proposed projects in the Ivanpah Valley are appropriate in their current, or modified, forms.

Thank you for your consideration of these comments. Please contact me if you have questions or need clarification on any of the above comments.

Sincerely,

Helen O'Shea
Director, Western Renewable Energy Project
Natural Resources Defense Council
111 Sutter Street, 20th Floor
San Francisco, CA 94104
hoshea@nrdc.org

Response to Comments – Comment Letter 15



Michael J. Connor, Ph.D.
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Web site: www.westernwatersheds.org

Working to protect and restore Western Watersheds

January 11, 2013

BY EMAIL

BLM, Las Vegas Field Office
Attn: Greg Helseth
Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

Email: <SilverStateSouthEIS@blm.gov>
Greg Helseth <ghelseth@blm.gov>

RE: Draft Supplemental Environmental Impact Statement and the Draft Resource Management Plan Amendment for the Proposed Silver State Solar South Project in Clark County Near Primm, NV.

Dear Mr. Helseth:

Western Watersheds Project provides the following comments on the Draft Supplemental Environmental Impact Statement and a Resource Management Plan Amendment for the Proposed First Solar South Project. The closing date for the public to submit comment is January 11, 2013 so these comments are timely filed.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project and its staff and members use and enjoy the public lands, including the lands at issue here, and its wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes.

Western Watersheds Project recognizes that global climate change poses new challenges to our already stressed public lands. However, while climate change threatens biodiversity and entire fragile ecosystems, our response to climate change also threatens our public lands and their wildlife. Accordingly, WWP supports responsible development of power plant projects. Responsible development requires the use of comprehensive, ecologically sound, science-based analysis in determining power plant locations. This is best achieved by focusing energy developments on private or severely altered lands that are located close to points of use to minimize new disturbance or further fragmentation of fragile, native ecosystems and to preserve

Response to Comments – Comment Letter 16

our public lands. The ecological impacts from renewable energy project development should be fully mitigated with significant and lasting actions.

Unfortunately, the proposed location of the First Solar South project is on resource-rich public land making it a very poor choice of site for a power plant project. The project would be located on relatively undisturbed public lands that provide high quality habitat for the listed desert tortoise, and if approved would have significant direct, indirect and cumulative impacts on desert tortoises and their habitat, other wildlife, rare plants, ground water, and visual resources. This location was proposed for inclusion within a desert tortoise conservation area in the United States Fish and Wildlife Service’s original 1994 *Desert Tortoise (Mojave Population) Recovery Plan* underlining the ecological importance and environmental sensitivity of the project site.

The appropriate action for the BLM to take in this case is simply to deny the Right-of-Way (“ROW”) application in its entirety.

If the BLM does not deny this ROW application, it needs to address numerous issues and deficits in the DSEIS to ensure compliance with the National Environmental Policy Act (“NEPA”), the Federal Land Policy Management Act (“FLPMA”), the Endangered Species Act, and BLM policy. These issues include:

(1) The Proposed Project Does Not Comply with the Las Vegas RMP.

The proposed project will compromise the biological goals outlined in the 1998 Las Vegas RMP which include “Maintain functional corridors of habitat between areas of critical environmental concern to increase the chance of long-term persistence of desert tortoise populations within the recovery unit.” The impacts of the proposed project and action alternatives on connectivity between desert subpopulations are reviewed in the USFWS letter dated November 16, 2012¹. We agree with the USFWS. We hereby incorporate those comments, which are part of the record of the project, in their entirety by reference as part of this comment letter.

In addition, the Las Vegas Field office has embarked on a revision of the Las Vegas RMP. Western Watersheds Project submitted scoping comments on February 28, 2010. In our comments we proposed that the BLM consider “an alternative that expands the boundaries of the Piute El Dorado Area of Critical Environmental Concern to match the proposed Desert Wildlife Management Area (“DWMA”) mapped in figure 9 of the 1994 Desert Tortoise Recovery Plan (see attached map). This will establish connectivity between the Primm and Ivanpah Valleys and ensure gene flow...” The proposed project and alternative configurations lie in this important area. Because the proposed project would constrain alternatives that have been proposed in the Las Vegas RMP revision planning process, the BLM must delay further processing of the project pending completion of the Las Vegas RMP revision.

(2) Range of Alternatives.

¹ Letter from Ted Koch, State Supervisor, Nevada Fish and Wildlife Office, Reno re: Review of the Draft Supplemental Environmental Impact Statement for the Silver State South Solar Energy Project (First Solar LLC), Clark County, Nevada, dated November 16, 2012. File No. 84320-2011-CPA-0119. 85 pp.

Response to Comments – Comment Letter 16

Response to Comment 16-1: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

The commenter is correct in noting that the proposed Project and alternatives lie within the area of the Las Vegas RMP revision. However, the Silver State South Solar Project Supplemental EIS/PRMPA is being developed in response to a specific ROW application filed by the Applicant and is independent of the Las Vegas RMP revision. As part of the Project, an amendment is being proposed to the existing RMP.

The BLM Preferred Alternative includes the designation of a 31,859-acre Area of Critical Environmental Concern (ACEC). The ACEC includes an area between the Preferred Alternative layout and the Lucy Gray Mountains. Figure 2-2 in the Final Supplemental EIS/PRMPA shows the revised ACEC boundary.

**Cmnt
16-1**

The NEPA implementing regulations specify that NEPA documents must analyze a full range of alternatives including “reasonable alternatives not within the jurisdiction of the lead agency” (40 C.F.R. § 1502.14). Based on the information and analysis presented in the sections on the Affected Environment (40 C.F.R. § 1502.15) and the Environmental Consequences (40 C.F.R. § 1502.16), the NEPA document should present the environmental impacts of the proposed action and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public

In our scoping comments we asked the BLM to consider a number of alternatives to both the plan amendment and the ROW issuance. These are:

(1) Las Vegas RMP Plan Amendment Alternatives

(a) No Development Alternative. This would amend the Las Vegas RMP to make the entire 13,043 acre project area unavailable for energy development.

(b) Desert Tortoise Conservation Alternative. This would amend the Las Vegas RMP to comply with conservation recommendations made by the USFWS in its Biological Opinion² for the ISEGS project to make the entire 13,043 acres unavailable for energy development and would designate the area as an ACEC or addition to the existing DWMA to conserve desert tortoises and preserve essential connectivity within the Ivanpah Valley.

(2) ROW Issuance Alternatives

(a) No Action Alternative as is required by NEPA.

(b) Public lands that are not desert tortoise habitat.

(c) A private lands alternative under which the project is built on private lands only.

(d) A green energy alternative that would use distributed energy such as “roof top” solar and other technologies to avoid the need for construction of a power plant.

As we explained in our scoping letter, full analysis of these alternatives will clarify the need for the proposed project, provide a baseline for identifying and fully minimizing resource conflicts, facilitate compliance with the BLM’s FLPMA requirement to prevent the unnecessary and undue degradation of public lands and its resources, and provide a clear basis for making an informed decision. The BLM has simply ignored these proposed alternatives. It has proposed establishing a small ACEC combined with power plant constructed (Alternative D) but it has failed to consider the reasonable and logical alternative of protecting the entire project area by amending the land use plan to make the entire 13,043 acre project area unavailable for energy development. BLM has failed to consider any other alternatives, such as a distributed energy alternative that would ensure production of renewable energy without sacrificing more of our

² USFWS 2011. Biological Opinion on BrightSource Energy’s Ivanpah Solar Electric Generating System Project, San Bernardino County, California [CACA-48668, 49502, 49503, 49504] (8-8-10-F-24R) issued June 10, 2011.

Response to Comments – Comment Letter 16

Response to Comment 16-2: A number of alternatives were recommended during the scoping period for the Supplemental EIS/PRMPA. The alternatives put forward were similar to alternatives suggested during the EIS process for the 2010 Silver State Solar Energy Project, including consideration of alternative technologies; alternative locations; and alternative size and layout. During the Supplemental EIS/PRMPA scoping period, concerns related to interstate drainages, desert tortoise connectivity and other special status species, and impacts to recreation in the Jean Lake/Roach Lake SRMA led to the development of Alternative D. Comments received on the Draft Supplemental EIS/PRMPA have led to the development of the BLM Preferred Alternative (Figure 2-1), which proposes a reduced size Project and further addresses concerns for desert tortoise connectivity and special status species.

The BLM Preferred Alternative includes the designation of a 31,859-acre Area of Critical Environmental Concern (ACEC). The ACEC includes an area between the Preferred Alternative layout and the Lucy Gray Mountains. Figure 2-2 in the Final Supplemental EIS/PRMPA shows the revised ACEC boundary.

**Cmnt
16-2**

valuable public lands. The BLM needs to revise the DSEIS to consider a reasonable range of alternatives.

(3) Desert Tortoise.

The proposed project area is good to excellent quality desert tortoise habitat that supports a remarkably high desert tortoise population. In fact, the quality of habitat is such that the project area was proposed as part of one of the Desert Wildlife Management Areas (i.e. an ACEC dedicated to desert tortoise conservation) in the 1994 Desert Tortoise Recovery Plan (USFWS 1994 at 41, page attached).

The proposed action will severely compromise connectivity between the Ivanpah Valley desert tortoise and the El Dorado desert tortoise populations. Maintaining connectivity is especially important given the threats posed by global climate change. While the DSEIS alludes to the problem, it downplays the impacts to connectivity by using inappropriate qualifying language. For examples, “This would likely eliminate the effectiveness of the ROW application area as a corridor between the northern and southern portions of Ivanpah Valley.” DEIS at 4-42. When in fact, “This would eliminate the corridor” would be closer to the truth.

As we pointed in our scoping comments, in her study on ecological genetics of desert tortoise Hagerty (2008³) identified the project area as important for the South Las Vegas desert tortoise population. Disruption of this connectivity will reduce gene flow and could jeopardize desert tortoise recovery in southern Nevada.

In addition, the biological goals outlined in the 1998 Las Vegas RMP include “Maintain functional corridors of habitat between areas of critical environmental concern to increase the chance of long-term persistence of desert tortoise populations within the recovery unit.” The impacts from this project to federally-listed desert tortoises will be direct, indirect, and cumulative. These impacts include habitat loss; habitat disturbance; fragmentation of habitat; fragmentation of populations; decreased viability of fragmented populations; loss of connectivity; potential increases in predators such as ravens and coyotes; introduction, establishment and spread of invasive plants and weeds; increased fire risk; increased human presence; and increased use of roads.

The *Revised Recovery Plan for the Mojave Population of the Desert Tortoise* which was completed in 2011 includes the following two recovery actions relevant to the project:

1) Recovery Action 2.9

Secure lands/habitat for conservation - conserving sensitive areas that would connect functional habitat or improve management capability of surrounding areas, such as inholdings within tortoise conservation areas that may be open to renewable energy development.

2) Recovery Action 2.11

Cmnt
16-3

Response to Comments – Comment Letter 16

Response to Comment 16-3: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

³ Hagerty, B. 2008. Ecological Genetics of the Mojave Desert Tortoise. PhD. Dissertation. University of Nevada, Reno. 244 pp.

Connect functional habitat – connecting blocks of desert tortoise habitat, such as tortoise conservation areas, in order to maintain gene flow between populations.

The project site provides important matrix habitat that provides essential connectivity between the BLM’s Ivanpah DWMA/ACEC south of the Nevada/California border with the remaining South Las Vegas Valley desert tortoises.

Because the proposed project site is important, occupied desert tortoise habitat that provides essential connectivity between significant tortoise populations, because the project does not comply with the biological goals of the Las Vegas RMP, and because it does not comply with Recovery Actions identified in the Revised Recovery Plan, BLM should deny the permit application.

(4) Other Sensitive Species & Wildlife.

The SDEIS analysis of direct, indirect and cumulative impacts to sensitive species is inadequate. Although we clearly raised the issue in scoping, there is no evaluation of the avian collision risks posed by the solar plant structures.

There are a number of sensitive bird species known to present on or near proposed project the site including Golden Eagle (*Aquila chrysaetos*), Loggerhead Shrike (*Lanius ludovicianus*), Western Burrowing Owl (*Athene cunicularia hypugaea*), Le Conte’s Thrasher (*Toxostoma lecontei*), Crissal Thrasher (*Toxostoma crissale*), Vaux’s Swift (*Chaetura vauxi*), and Brewer’s Sparrow (*Spizella breweri*). There are many other bird species found in the area that are known or expected to use the site. Clark Mountain is an identified “Important Bird Area” that supports populations of many rare birds including a breeding population of the declining Mexican Whip-poor-will. Birds move between the Clark Mountains and other areas to the east across the north Ivanpah Valley where the project is located.

In their study of the Solar One project, McCrary *et al.*, found that the most frequent form of avian mortality was collision with structures (McCrary *et al.*, 1986⁴). As McCrary *et al* point out; birds are especially prone to collisions with reflective surfaces, and in their study collisions accounted for 75% of the bird deaths. McCray et al found that at least 22 different bird species suffered collision fatalities with mirrors on the Solar One project. The proposed Fist Solar South project will establish a field of thousands of PV panels with highly reflective surfaces. Although there is little published data on risk of bird collision with PV panels the risk is probably similar to that posed by many other man-made features when placed in habitat. While many of the birds that use the project site are active during the day, some forage at night. However, even strictly diurnal species will take to flight at night if they disturbed. Thus the risk of risk of bird collision with the PV panels is round-the-clock.

The SDEIS should be revised include a full and frank analysis of risks to birds including to golden eagles and determine the collision risks. It should characterize bird flight patterns, and should quantify anticipated avian deaths.

⁴ McCrary, M. D., McKernan, R. L., Schreiber, R. W., Wagner, W. D. and Sciarrotta, T. C. 1986. Avian Mortality at a Solar Energy Power Plant. *Journal of Field Ornithology*, 57(2): 135- 141.

**Cmnt
16-3
Cont’d**

**Cmnt
16-4**

Response to Comments – Comment Letter 16

Response to Comment 16-4: As noted in Mitigation Measure BIO-9 (Table 2-4 in the Final Supplemental EIS/PRMPA), a Bird and Bat Conservation Strategy (BBCS) will be developed as part of the Project. The BBCS will promote adaptive-management strategies to avoid, minimize, and mitigate potential adverse impacts, and detail long-term monitoring and reporting goals. The BBCS would be developed based on the final design and layout of the Project and would be incorporated in the BLM’s ROW grant.

The Solar One project referenced by the commenter is a solar thermal plant, which used highly reflective mirrors instead of the relatively light-absorbent photovoltaic panels proposed by Silver State.

(5) Livestock Grazing: Protection of Rare Plants & Other Special Status Species.

Alternative D includes designation of an ACEC to protect sensitive species. Livestock stock grazing will end within the ACEC. However, this should also be true for all other action alternatives. Livestock grazing should be terminated in the project area to protect remaining populations of White Margin Penstemon (*Penstemon albomarginatus*), other rare plants, desert tortoise and other sensitive wildlife, and their habitats.

In addition, the plan amendment should allow for retirement/buyout of any remaining portions of Jean Lake and Roach Lake Allotments that are available for livestock grazing or immediate termination of the allotments if these are vacant for conservation/mitigation purposes.

Please continue to keep Western Watersheds Project informed of all further steps in this project process. If you have any questions, please feel to call me at (818) 345-0425 or e-mail me at <mjconnor@westernwatersheds.org>.

Sincerely,



Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
P.O. Box 2364
Reseda, CA 91337

Attachments:

Page 41 from the 1994 Desert Tortoise Recovery Plan showing map of proposed conservation areas in the Silver State Project area.

**Cmnt
16-5**

Response to Comments – Comment Letter 16

Response to Comment 16-5: A discussion of livestock grazing is found in section 3.6.4 (Rangeland Resources) of the Draft Supplemental EIS/PRMPA. Two grazing allotments are located within the ROW application area: the Jean Lake allotment and the Roach Lake allotment. Both allotments are currently closed to grazing.

Desert Tortoise (Mojave Population) Recovery Plan

Response to Comments – Comment Letter 16

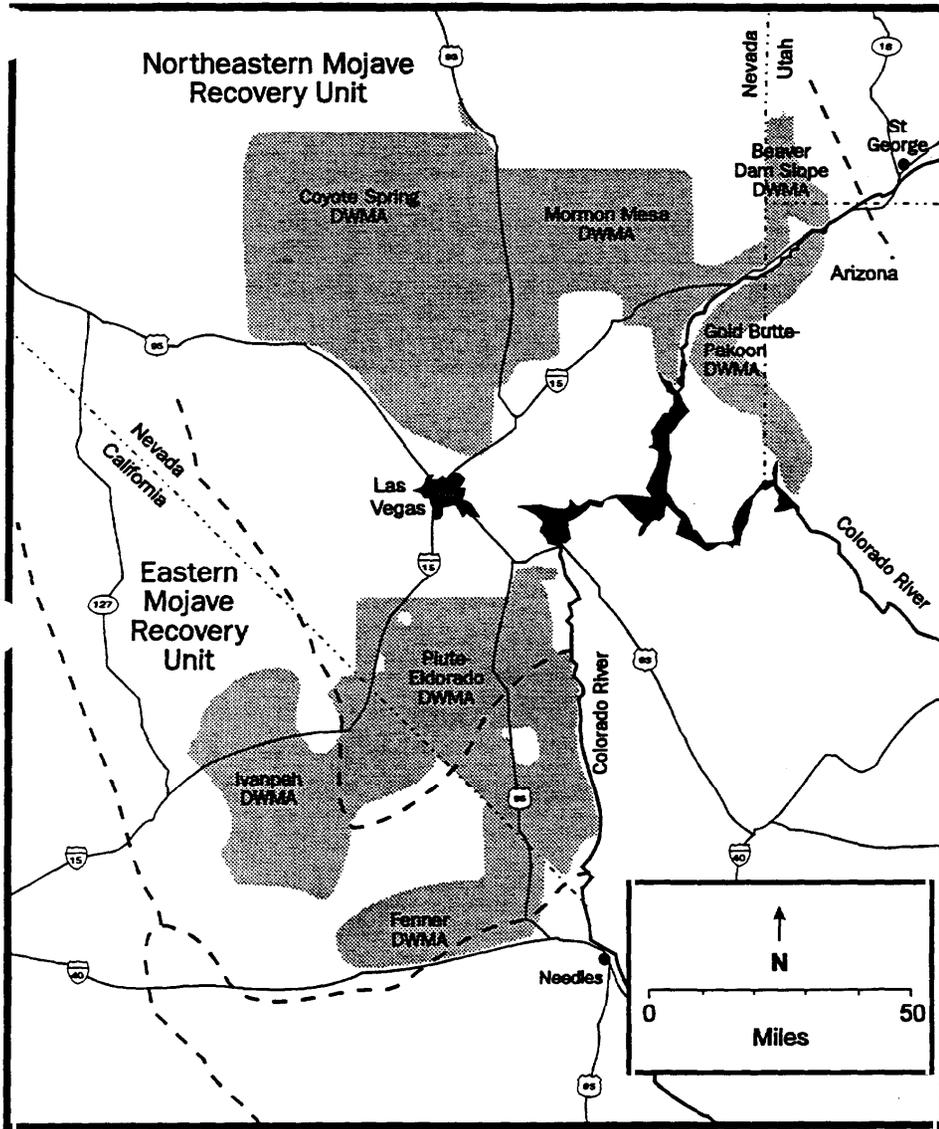


Figure 9. Proposed DWMA in the eastern and northeastern Mojave recovery units.

SILVER STATE SOLAR SOUTH
on 12/05/2012

Page 24

1 "Smart from the Start Process."

2 This is terminology that was actually coined
3 by one of our employees some time ago wherein the
4 proponents gather together the input from yourselves
5 here tonight and from other opportunities available to
6 them to assure that the document produced takes into
7 account all of the interests of the state that will be
8 involved in this area. We are one of them.

9 I also wish to state at this time our support
10 for the designation of the Ivanpah Valley Area of
11 Critical Environmental Concern as a biological compo- --
12 biological focus to it and we acknowledge that as a
13 mitigating instrument that will help to offset some of
14 the impacts caused to the desert tortoise resource
15 within this area.

16 And that gives me 22 seconds to hand over to
17 anyone else. I sure appreciate your time. Thank you
18 very much.

19 MR. DEBARDELEBEN: All right. Mr. Shank?

20 MR. SHANK: Thank you.

21 Thank you. I enjoy the opportunity to address
22 the group this evening. My name is Lawton Shank. I am
23 the marketing director for High Desert Racing
24 Association, which is based in Las Vegas, Nevada.

25 I obviously would prefer the option of no

Response to Comments – Comment Letter 17

INTEGRITY COURT REPORTING, LLC 702-509-3121
7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

SILVER STATE SOLAR SOUTH
on 12/05/2012

Page 25

1 additional solar versus the possibility of having solar
2 out there eight times what is there now. There is
3 several reasons that I don't believe solar belongs in
4 the area.

5 Number one, we hear it's going to create a
6 great economic impact and so forth. That will occur
7 while construction is going on as far as jobs,
8 et cetera, et cetera. When the project is completed, it
9 will be reduced to a workforce with a few maintenance
10 people. That's it.

11 The power, we have no guarantee it's going to
12 Nevada. It's perched in Nevada right on the state line.
13 I just as soon see it go across the state line into
14 California. Probably that's where the power is going to
15 go anyway.

16 One thing I haven't seen addressed here is
17 what happens to the turtles on the 3,800 acres or
18 whatever we're talking about, where are they going to be
19 relocated, because we have a concern there that now
20 that's going to eat up 3,800 acres of land that they
21 currently have access to.

22 And the other thing that was brought up, we
23 was talking about, the airport. The land is to be near
24 the airport. I believe that there was a solar project
25 planned up near Area 51 and the Air Force stepped in and

INTEGRITY COURT REPORTING, LLC 702-509-3121
7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

Response to Comments – Comment Letter 17

Response to Comment 17-1: Comment noted. The Draft Supplemental EIS/PRMPA accurately describes in Section 4.15 that construction would employ approximately 350 workers and operation would employ approximately 15 full-time permanent workers.

**Cmnt
17-1**

Response to Comment 17-2: Under Alternatives B, C, or D, Silver State proposes to send generated power from Phase I of the Project to California (as identified in their existing Power Purchase Agreement) and that power from Phase II could go to either California utilities, Nevada utilities, or a combination of both.

**Cmnt
17-2**

Response to Comment 17-3: A translocation plan has not yet been developed for the Project, but is being developed in consultation with USFWS through the Endangered Species Act Section 7 process. To the extent that they are known, the impacts of translocation activities are described in Section 4.6.2.5 of the Final Supplemental EIS/PRMPA.

**Cmnt
17-3**

Response to Comment 17-4: Comment noted. Based on FAA review of the Silver State Solar project as previously analyzed (BLM 2010), review and approval of the proposed Project by the FAA prior to construction would result in no residual aviation impacts from the development of the proposed Project.

**Cmnt
17-4**

SILVER STATE SOLAR SOUTH
on 12/05/2012

Page 26

1 said the reflection, the solar panels versus the
2 aircraft, is not safe.

3 And I'm sure the FAA would get into another
4 commercial airport. A commercial airport will bring
5 much more economic benefits to Nevada than a solar plant
6 that's -- or rather illuminates 100,000 homes. I don't
7 think it's a practical thing.

8 And I also have not heard anything about
9 what's going to happen when the next technology comes
10 along. Are there things in place to dismantle the solar
11 plant, put it back like it belongs, put the land back
12 like it was, like it was never there? No. We hear
13 nothing about that. All we hear is how great, how
14 wonderful current technology is. The way technology is
15 moving, today's technology will be obsolete in ten years
16 and we'll be on to some other type of illumination and
17 power.

18 Thank you for the opportunity.

19 MR. DEBARDELEBEN: All right. Anyone else?

20 If not, we'll close the formal comment period
21 and open back up into open house and be here for another
22 45 minutes or so.

23 No?

24 Okay. Thank you.

25 (The hearing concluded at 8:00 p.m.)

**Cmnt
17-4
Cont'd**

**Cmnt
17-5**

Response to Comments – Comment Letter 17

Response to Comment 17-5: Preparation of a Site Rehabilitation and Facility Decommissioning Plan is required as part of the Performance and Reclamation bond process. The Plan will describe closure requirements and the anticipated bond level necessary to satisfy BLM requirements in 43 CFR Parts 2800 and 2900. The required "Performance and Reclamation" bond will ensure compliance with the terms and conditions of the ROW authorization, consistent with the requirements of 43 CFR 2805.12(g). The "Performance and Reclamation" bond will consist of three components. The first component will be hazardous materials, the second component will be the decommissioning and removal of improvements and facilities, and the third component will address reclamation, revegetation, restoration and soil stabilization.

Silver State Solar Power South Project, Draft Supplemental Environmental Impact Statement, U.S. Bureau of Land Management, October 2012
 Comments from Silver State Solar Power South, LLC
 Date: 1/11/13

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
1	Silver State Solar Power South, LLC		Executive Summary (throughout)		With the exception of our comment regarding Table ES-2, below, we have not included detailed comments on the Executive Summary Chapter itself, but recommend that BLM review and modify the Executive Summary to ensure consistency based on the more detailed comments on the substantive chapters of the Draft Supplemental Environmental Impact Statement (DSEIS) provided below.
2	Silver State Solar Power South, LLC	Pages ES-13 and 14; 4-27 to 4-30	Executive Summary; Section 4.6.2.3.	Table ES-2, Comparison of Effects from Alternatives, Biological Resources, (Desert Tortoise Connectivity Corridor)	<p>The biological effects summarized in Table ES-2 and the effects analysis in Chapter 4.6, are overly generalized and should explain the distinction among the alternatives with regard to the available desert tortoise corridor to the east of the Project site, particularly as between Alternatives B and D.</p> <p>For Alternative B, Proposed Action, it is noted that, "... the linkage corridor would be reduced to approximately 100 feet wide at its narrowest point.</p> <p>For Alternative C, Alternative Layout, is noted that, "This corridor would be wider than the corridor formed under the Proposed Action, and would be approximately the width of the narrowest portion of the existing corridor at the northern end of the ROW application area."</p> <p>For Alternative D, Modification to Proposed Action Layout, it is noted that, "Impacts to the desert tortoise under Alternative D would be similar to Alternative B. The primary difference would be that the connectivity corridor between the Project footprint and the Lucy Gray Mountains would be approximately 0.5 miles wide at its narrowest point with most of the linkage having a width of 0.8 mile. This remaining corridor would be intermediate to the corridors formed by Alternative B and Alternative C, and would be less than half the width of the narrowest portion of the existing corridor at the northern end of the ROW application area."</p> <p>Based on data presented in the 2010 Biological Opinion (which addresses what is now Alternative C), the connectivity corridor for Alternative C at its narrowest point is 1.12 miles, with an average for the entire corridor being 1.73. We request that the FSEIS text be revised to reflect this information.</p> <p>Similarly, the text of the FSEIS should be revised to read, for Alternative D, "...approximately 0.51 miles wide at its narrowest point and an average of 1.07 miles for the entire corridor." Alternative B should be revised to read, "...approximately 0.22 miles wide at its narrowest point and an average of 0.39 miles for the entire corridor."</p> <p>The desert tortoise corridor is also described in Chapter 4, Section 4.6.2.3 Direct and Indirect Effects by Alternatives (pages 4-25 through 4-30). We request Chapter 4 (and elsewhere in the DSEIS, as needed) be made with the changes described above and, as with other sections, incorporate the appropriate information with regard to the proposed revised project layout (Alternative E), as noted below.</p>

Response to Comments – Comment Letter 18

Response to Comment 18-1: Comment noted. The Executive Summary has been updated to reflect changes made within the main text of the Final Supplemental EIS/PRMPA.

Response to Comment 18-2: The Executive Summary has been updated to reflect changes made within the main text of the Final Supplemental EIS/PRMPA. Section 4.6 in the Final Supplemental EIS/PRMPA has also been revised to provide more details on tortoise connectivity that have become available in the Biological Assessment and Draft Biological Opinion, which were not available during the preparation of the Draft Supplemental EIS/PRMPA.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
3	Silver State Solar Power South, LLC	Page 1-2	Section 1, Project Overview		In Section 1.1, reference is made to the total application area as being 13,184 acres. Throughout the DSEIS, the primary reference to application area is 12,958 acres. We therefore request that the reference in Section 1.1 be revised to 12,958 acres to be consistent.
4	Silver State Solar Power South	Various (e.g., 2-2)	Section 2.1.2 Applicant's Objectives, 1st paragraph		<p>Renewable energy output from the Project will be marketed to both the California and Nevada markets. Currently, the text of Section 2.1.2, page 2-2, only references the California market ("...where it can interconnect directly into the California transmission system"). We request that the text be revised to include both markets and that the DSEIS be globally searched and the same revision made where only the California market is referenced.</p> <p>In addition, it is requested that the text and figures of Chapter 2 (and elsewhere in the document, as needed) be updated to identify the facilities that will provide a connection to Nevada Energy's Bighorn substation (e.g., gen-tie from the Project's South substation to Bighorn Station). These facilities are described in the 2010 FEIS (e.g., Sections 2-1, 2-3 and 2-5).</p> <p>Based on Comment 5 below, referencing page 2-3, also note that the Applicant has developed a revised project layout, Alternative E. Under Alternative E, additional facilities may be required to allow both phases of Alternative E to connect to both California and Nevada markets. Interconnection details will be provided along with Alternative E site layout.</p>
5	Silver State Solar Power South, LLC	Page 2-3	Section 2.3.2, Alternative B – Proposed Action		Based on input received from the public, environmental organizations and federal agency stakeholders, we are proposing a revised project layout for the proposed action to be carried through for analysis in the Final SEIS. This revised project layout (which for the purposes of providing comments on the DSEIS we are referencing as "Alternative E") is fully within the geographic area and extent of impacts already identified and considered through Alternatives B, C and D, and therefore does not in any way modify the identification of issues or analysis set forth in the DSEIS. However, by revising the project layout, we are able to further reduce potential impacts to desert tortoise connectivity by widening the corridor that exists between the project site and the Lucy Grey Mountains. Combined with the revised site layout, we also propose dividing the Alternative E into two phases (Phases II and III) consistent with the 2010 FEIS. This would allow the area north of the watershed divide between Ivanpah and Roach Dry Lakes (Phase II) to proceed while further permitting review on the area south of the watershed divide (Phase III) is completed with the U.S. Army Corps of Engineers. We are presently working on a Revised Plan of Development and technical exhibits and analysis to support BLM's consideration of Alternative E and its inclusion in the Final SEIS. However, we recommend that BLM set forth this new alternative/proposed action in Chapter 2 and carry through its analysis throughout the Final SEIS.

Response to Comments – Comment Letter 18

Response to Comment 18-3: Comment noted. The correct value is 13,184 acres. The Final Supplemental EIS/PRMPA has been revised to be consistent throughout.

Response to Comment 18-4: The Project's connection to the Bighorn Station and the Nevada market has been included in figures and text throughout the Final Supplemental EIS/PRMPA, as appropriate.

Response to Comment 18-5: Comment noted. The layout referenced in this comment has been superseded by a subsequent design provided by the Applicant. This most recent revised layout has been incorporated in the Final Supplemental EIS/PRMPA as the BLM Preferred Alternative and is thoroughly analyzed.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
6	Silver State Solar Power South, LLC	Page 2-14	Section 2.4.1 Proposed Project Components; Roads, Fencing and Security; 2 nd and 6 th bullets		<p>The description of perimeter and support facility fencing requires clarification. The Project's perimeter fence will have an overall height of 7 feet; however, other facilities may require fencing with a slightly greater height of 8 feet.</p> <p>To address industry standards for these types of fencing (perimeter fencing and fencing for support facilities) and to provide clarification, we request the following revisions be made to the second bullet:</p> <p>"The chain-link perimeter fence would be 7-foot high, comprised of a 6-foot-high chain link fence, with 1-foot-high barbed-wire security strands at the top."</p> <p>The description of the security fencing, provided in the sixth bullet, should also be revised as follows:</p> <p>"Some support facilities (e.g., substation) would be secured with an 8 foot high fence comprised of a 7-foot-high chain link fence with 1-foot high barbed wire strands at the top."</p>
7	Silver State Solar Power South, LLC	Page 2-14	Section 2.4.1 Proposed Project Components Roads, Fencing and Security; 5th bullet, first sentence		<p>As described in the DSEIS, the proposed project components include a 20-foot wide fire break that would be constructed around the exterior of the perimeter fence, but within the tortoise fence. The need for and final location of the fire break will be determined during final design, taking into account BLM and Clark County requirements.</p> <p>To best address the need and/or exact location of the fire break prior to final design, we request that the first sentence of the 5th bullet be revised to replace the word "would" with "may" and read as follows, "A 20-foot wide fire break may be constructed around the exterior of the perimeter fence within the tortoise fence."</p>
8	Silver State Solar Power South, LLC	Page 2-18	Section 2.4.1 Proposed Project Components; Water Supply 2 nd and 3 rd paragraphs		<p>The Las Vegas Valley Water District (LVVWD) will be supplying additional water to the project. Therefore, we request that "may" be changed to "shall" in the first sentence of this paragraph.</p> <p>Additionally, the refinement of the volume of water required for construction is ongoing as are negotiations to secure adequate water to support construction needs. The DSEIS states that "The amount of water available to the Project for construction would be 200 AFY." This is an anticipated minimum amount of water needed for construction, and therefore, it is requested that "a minimum of" be added to this sentence as follows, "The amount of water available to the Project for construction would be a minimum of 200 AFY."</p> <p>In the third paragraph, it is noted that, "...the Silver State Solar South Project is exploring other potential water sources, including filing for additional temporary water (construction dust control) with the Nevada State Engineer and negotiating to obtain existing private water rights." The additional temporary water may be provided by the onsite well or trucked to the site from an offsite location within the LVVWD service territory.</p> <p>It is also noted in this paragraph and elsewhere in the DSEIS that reference is made to the "Nevada Department of Environmental Protection". We suggest that a global search of the DSEIS be conducted to refer the "Nevada Division of Environmental Protection" (i.e., "Division" instead of "Department".)</p>

Response to Comments – Comment Letter 18

Response to Comment 18-6: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-7: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-8: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
9	Silver State Solar Power South, LLC	Page 2-21	Section 2.6, Project Operation, Maintenance, and Decommissioning		Section 2.6 of the DSEIS states that, "Staff would be on site 24-hours per day." Although there might be periods throughout the operational life of the Project when staff is present on site 24-hours-per-day, final operation plans may not require a 24-hour-per-day staffing. Site security will be provided on a 24-hour-per-day basis; however, this could be accomplished through a combination of on-site staffing, remote monitoring, or electronic security systems. We therefore request that the reference to staff being on site 24-hours per day be deleted.
10	Silver State Solar Power South, LLC	Page 2-21	Section 2.6, Project Operation, Maintenance, and Decommissioning, first paragraph		This paragraph refers to "up to 10 full-time positions (or personnel hours totaling 10 full-time employee positions). Based on the anticipated Project operation and maintenance staffing, we request that this be revised to "up to 15 full-time positions (or personnel hours totaling 15 full-time employee positions)". We also request that there be a global search of the DSEIS to reflect a consistent to the 15 full-time positions.
11	Silver State Solar Power South, LLC	Pages 2-22, 2-24 (and elsewhere)	Section 2.6 Decommissioning	Table 2-3, Applicant Proposed Measures	Section 3.4.2, Cryptobiotic Soils (also referred to as biological soil crusts), includes reference to field observation identifying the presence of cryptobiotic soils at the site and that cryptobiotic soils should be assumed to be present throughout the ROW. Additionally, at various points in the DSEIS, a reference is made to restoring cryptobiotic soils. As examples: <ul style="list-style-type: none"> • Section 2.6, Project Decommissioning, refers to restoration of cryptobiotic soils as a goal of the project. • APM-2, Excavation/Grading, includes the sentence, "Cryptobiotic soil crusts may also be salvaged." • APM-10, Site Rehabilitation Plan and Facility Decommissioning Plan, includes the bullet, "Re-establishment of cryptobiotic soils" • MM BIO-7, Cactus and Yucca Salvage Plan, includes "3. The Applicant shall provide site access during construction for BLM restoration and reclamation crews to salvage cacti, yucca, and other plant-related materials (shrubs, cryptobiotic soils) on an as-needed basis." The APMs address salvage or restoration of cryptobiotic soils; however, the Applicant is not proposing to salvage cryptobiotic soils. Additionally, the Applicant is not aware of any feasible mitigation for restoration or salvaging such soils or any established criteria for salvage and restoration, let alone the ability to effectively locate and store such soils. As noted in the DSEIS (Section 4.4.4), recovery of these soil crusts can take up to 250 years. Therefore, it is requested that any reference to such salvaging or restoration be deleted from the DSEIS, for APMs, MMs, or other text.
12	Silver State Solar Power South, LLC	Pages 2-23 through 2-36	Applicant Proposed Measures and Proposed Mitigation Measures, all	Tables 2-3 and 2-4	APMs and MMs are described in Chapter 2, Tables 2-3 and 2-4. It is requested that a global search be conducted in Chapter 4 to confirm references to the table numbers for APMs and MMs are correct.

Response to Comments – Comment Letter 18

Response to Comment 18-9: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-10: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-11: Comment noted. The BLM does not believe that stockpiling biological crusts (cryptobiotic soils) is an effective mitigation measure. As part of the proposed Project mitigation, the Applicant will provide \$50,000 in funding for a BLM study to analyze effective ways to mitigate the loss of cryptobiotic soils. Stockpiling biological soil crusts for short time periods may be appropriate to maintain

the ability to inoculate soils during the restoration of temporarily disturbed areas. Stockpiling of large volumes of soil for long time periods (multiple years) is not typically effective as the organisms that form biological soil crusts do not survive burying for long time periods. Thus, salvage and stockpiling would only be an appropriate mitigation measure for areas temporarily disturbed and promptly reclaimed.

Response to Comment 18-12: Comment noted. References to Tables 2-3 and 2-4 have been corrected throughout the Final Supplemental EIS/PRMPA.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
13	Silver State Solar Power South, LLC	Pages 2-24, 2-25	APM-2, Excavation/ Grading	Table 2-3 Applicant-Proposed Measures	Specific site preparation design parameters will be determined based on geotechnical investigation findings and final engineering design details. Given this, reference to specific compaction and depth requirements should not be defined in the DSEIS. We therefore request revisions to APM-2 as follows: The remaining backfill will be composed of the native excavated soils and compacted to 90 percent of standard proctor density a density determined appropriate based on detailed geotechnical study findings and design requirements. During the backfill, underground utility marking tape will be installed 12 inches at an appropriate depth below grade to indicate the type of conductors installed beneath.
14	Silver State Solar Power South, LLC	Page 2-25	APM-4 SWPPP	Table 2-3. Applicant-Proposed Measures	We will obtain a State Construction Stormwater Permit for construction of the project and will prepare and implement the Stormwater Pollution Prevention Plan (SWPPP) required under the permit, which includes Best Management Practices (BMPs) for mitigating the effects of soil erosion. Operation of the facility does not fall under the State's 11 industrial categories requiring an Industrial Stormwater Permit and, therefore, an Industrial Stormwater Permit and corresponding SWPPP will not be required. However, we will implement BMPs during operation of the project to mitigate the effects of soil erosion. Therefore, it is requested that the title and text of APM-4 be revised as follows: *APM-4 BMPs for Mitigating Effects of Soil Erosion The project design and plans will include construction BMPs to mitigate potential soil erosion caused by construction and operation of the project. BMP's will be developed to assist with the management and protection of water resources throughout construction of the project."
15	Silver State Solar Power South, LLC	Page 2-25	APM-6 Health and Safety Program; last sentence	Table 2-3. Applicant-Proposed Measures	APM-6 states that, "All contractors will be required to maintain and carry health and safety materials including the Material Safety Data Sheets (MSDSs) of hazardous materials used on site." Based on the practical implementation of the construction; environmental, health and safety programs; and, our experience with other projects, we request that APM-6 be revised to clarify the reference to contractors carrying MSDSs with them while on site. Specifically, we recommend revising the text as follows: *All contractors shall be trained on the location of Material Safety Data Sheets (MSDSs) of hazardous materials used on site."

Response to Comments – Comment Letter 18

Response to Comment 18-13: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-14: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-15: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
16	Silver State Solar Power South, LLC	Page 2-27	APM-12, Vegetative Trimming, 1st sentence	Table 2-3, Applicant-Proposed Measures	APM-12 states that vegetation will be trimmed to an average height of not more than 12 inches just ahead of the PV module installation activity. The Project will employ disk and roll surface preparation, or grading, as determined necessary, in all areas where PV modules are installed. APM-12 should therefore be modified as follows: <u>Except where excavation or grading is proposed</u> Vegetation will be trimmed to an average height of not more than 12 inches just ahead of the PV module installation activity. <u>Except where excavation or grading is proposed, the</u> In <u>these areas, the</u> root systems of existing vegetation will be left in place to provide soil stability.
17	Silver State Solar Power South, LLC	Page 2-27	APM-15, General Design and Construction Standards	Table 2-3, Applicant-Proposed Measures	APM-15 refers to various federal and industrial codes and standards, including dates for the code references [e.g., Uniform Plumbing Code (UPC 2006), Uniform Mechanical Code (UMC 2006)]. Design and construction documentation must be reviewed and approved by Clark County in accordance with the appropriate year of a code or standard. Therefore, we request that this APM be revised to read, "The Proposed Project would be designed and constructed in accordance with federal, state, local, and industrial code or standards."
18	Silver State Solar Power South, LLC	Page 2-28	MM NOI-1, Conduct Construction Activities during Daytime Hours.	Table 2-4, Mitigation Measures	MM NOI-1 specifies construction-related timeframes and distances from sensitive receptors to minimize potential noise impacts. Although the Desert Oasis apartment complex is an appropriate sensitive receptor, the Applicant is not aware of any need for reference to recreational areas that would warrant mitigation from construction noise emissions. Given that recreational uses in the vicinity of the Project site are dispersed uses, and most likely daytime uses, we recommend the following revision to MM NOI-1: Construction activities (including truck deliveries, pile driving, and vibration equipment use) shall be restricted to the least noise-sensitive times of day—weekday daytime hours between 7:00 a.m. and 10:00 p.m., within 1,000 feet of nearby residential or recreational areas <u>uses</u> .
19	Silver State Solar Power South, LLC	Page 2-28	MM NOI-7, Ensure proper installation of transformer equipment, last bullet	Table 2-4, Mitigation Measures	The last bullet of MM NOI-7 has been truncated. We request that the text be revised as follows: "Mounting the transformers on surfaces with a large mass to avoid amplifying the sound." [Adding, "amplifying the sound," at end of bullet.]

Response to Comments – Comment Letter 18

Response to Comment 18-16: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-17: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-18: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-19: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
20	Silver State Solar Power South, LLC	Page 2-29	MM Water 3, 1 st and 2 nd bullets	Table 2-4, Mitigation Measures	<p>The 1st and 2nd bullets of MM Water-3 are as follows,</p> <ul style="list-style-type: none"> • "PV panels designed to be at least 3 feet above the ground to accommodate the 0.5 foot to 2.5 feet of flooding calculated in the Louis Berger report; • Concrete ballasts would not be used on areas rated at moderate or higher risk flood zone after House (2006). Steel post foundations would be used in these flood-prone areas. Steel post foundations (8 to 12 feet in depth) in flood-prone areas would be designed to withstand a minimum of 1.5 feet of scour; and <p>Project design has incorporated appropriate flood depth estimates to allow PV panels to remain a minimum of 6 inches above the high water mark. Concrete ballasts are not being used. Steel posts foundations in flood prone areas will be designed to withstand a minimum of 1.5 feet of scour.</p> <p>To better address the variability of flood depth across the site, we request that the 1st bullet be revised to read as follows:</p> <p>"PV panels will be installed to remain a minimum of 6 inches above the high water mark, based on flood depth estimates."</p> <p>Similarly, we request the 2nd bullet be revised to removed the reference to concrete ballasts and read as follows:</p> <p>"Steel post foundations (8 to 12 feet in depth) in flood-prone areas would be designed to withstand a minimum of 1.5 feet of scour;"</p>
21	Silver State Solar Power South, LLC	Pages 2-30, 2-31	MM BIO-4 and MM BIO-12 Facility Siting	Table 2-4, Mitigation Measures	<p>Because these two MMs are essentially identical, we recommend that one be removed:</p> <p>MM BIO-4. Facility Siting. Final tower and spur road locations shall be adjusted by the Applicant to avoid sensitive biological resources to the greatest extent feasible.</p> <p>MM BIO-12. Facility Siting. Final tower and spur road locations shall be adjusted to avoid sensitive biological resources to the greatest extent feasible.</p>
22	Silver State Solar Power South, LLC	Page 2-31	MM BIO-10 Avian Protection MM BIO-11 Bird and Bat Conservation Strategy	Table 2-4, Mitigation Measures	<p>Under MM BIO-10, Avian Protection, all transmission and subtransmission towers and poles will be designed to be avian-safe in accordance with the Suggested Practices for Avian Protection on Power Lines. A post-construction bird study is also required, with review by BLM and USFWS. Under MM BIO-11, Bird and Bat Conservation Strategy (BBCS), an approach for reducing the potential risks for avian and bat mortality resulting from construction and operation of the Project, including steps "that should be taken to avoid, minimize, and mitigate any potential adverse effects..." and details for "long-term monitoring and reporting goals" are required. Thus, the BBCS will address the design and post-construction issues of MM BIO-10. We therefore request that MM BIO-10 be deleted, because the measures detailed in MM BIO-10 will be addressed in the Bird and Bat Conservation Strategy (MM BIO-11).</p>
23	Silver State Solar Power South, LLC	Page 2-32	MM BIO-17 American Badger and Desert Kit Fox Impacts Reduction Measures.	Table 2-4, Mitigation Measures	<p>This measure makes note of both active and passive techniques, many of which are currently evolving within agency guidance. We request that the text be revised to provide additional flexibility by noting that specific techniques will be defined in BLM management plans, developed for and reviewed by appropriate agency personnel for adequacy</p>

Response to Comments – Comment Letter 18

Response to Comment 18-20: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-21: MM BIO-12 is indeed duplicative with MM BIO-4 and has been removed from the Final Supplemental EIS/PRMPA as suggested.

Response to Comment 18-22: Comment noted; however MM BIO-10 is designed to address the specific concerns regarding transmission and subtransmission lines, and it has been retained in the Final Supplemental EIS/PRMPA.

Response to Comment 18-23: Comment noted. MM BIO-15 has been revised to allow for best available techniques approved by appropriate agency personnel, rather than specifying which techniques shall be used.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
24	Silver State Solar Power South, LLC	Page 2-32	MM BIO-19, Desert Tortoise Measures, Effectiveness Monitoring Program, last sentence	Table 2-4, Mitigation Measures	<p>The last sentence under the Effectiveness Monitoring Program currently reads, "Continuation of these studies following construction and operation of the proposed Project would provide baseline data as well as observational data over the lifetime of the Project."</p> <p>Studies completed after the beginning of construction would not be considered baseline. Baseline studies have been and will be completed prior to construction and it is requested that this clarification be provided in the text. Additional studies following construction, such as an effectiveness monitoring program, will be detailed in the Biological Opinion. Therefore, we request that this section of the DSEIS reference requirements in the Biological Opinion instead of attempting to define these studies in the FSEIS. "</p>
25	Silver State Solar Power South, LLC	Various, throughout DSEIS (e.g., page 2-34)			Construction of the project must be in accordance with the provisions of the Biological Opinion and in accordance with direction from USFWS/BLM. Where Desert Tortoise fencing is mentioned throughout the DSEIS, we request that the text be revised to a general statement that construction will be in accordance with the Biological Opinion and/or USFWS/BLM approval (rather than providing specifics on the fencing).
26	Silver State Solar Power South, LLC	Page 2-34	MM VIS-1 Reduce Visual Contrast; 2nd and 3 rd bullets	Table 2-4, Proposed Mitigation Measures	<p>The second bullet under MM VIS-1 refers to inverter boxes, exterior of the O&M building, other structures, lighting fixtures/ poles, above ground transmission lines and poles/ towers being "factory treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green to minimize contrast with the existing landscape."</p> <p>The Applicant's understanding is that painting the inverter shelters and O&M building shadow gray (BLM standard color) and using a dull galvanized finish for the fence and transmission towers will meet the intent of the proposed MM, minimizing contrast with the existing landscape. To provide clarification, we request that this language be revised by removing the reference to "other structures and lighting fixtures" because such structures are not identified or relevant with regard to potential for visual impact.</p> <p>The third bullet under this MM, as written, requires that all galvanized surfaces be treated to minimize reflective properties using poly bonded vinyl coating, powder coating, or special non-specular dulling treatment. The requirement applies to essentially all galvanized surfaces by stating "Surfaces may include, but not limited to fences; PV panel support structures, brackets and pins; etc." The Applicant will treat galvanized fencing to provide a dull, less reflective surface. However, treatment of PV panel supports, brackets and pins, or other components is not practical, and would have limited benefit from a mitigation standpoint. We are therefore requesting that the language in the third bullet be modified as follows:</p> <p>Galvanized surfaces associated with the Project perimeter fence will be treated to minimize reflective properties using poly bonded vinyl coating, powder coating, or special non-specular dulling treatment.</p>

Response to Comments – Comment Letter 18

Response to Comment 18-24: Comment noted. MM BIO-17, along with other measures detailing specific mitigation for desert tortoise impacts, have been reconciled with those in the Draft Biological Opinion.

Response to Comment 18-25: Comment noted. Descriptions of tortoise fencing have been made more general and refer to the detailed mitigation to be provided in the Draft Biological Opinion.

Response to Comment 18-26: Comment noted. Please refer to the revised MM VIS-1, which incorporates many of the suggested edits and provides more specificity to the mitigation.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
27	Silver State Solar Power South, LLC	Page 2-34	MM VIS-1, Last bullet	Table 2-4, Mitigation Measures	<p>Mitigation measure, MM VIS-1, includes a requirement for surface treatment to reduce soil surface contrast within the Project area (i.e., Soil color contrast shall be reduced by using a surface treatment within the project area.). The Applicant's understanding is that this recommended measure is intended to address anticipated visual impacts for viewers located at elevated observation points (e.g., KOP 10). The impact analysis discussion for KOP 10, Page 4-60, states, "If economically feasible, a surface treatment will be used for all areas with exposed soil within the Project footprint including firebreaks and access roads." The analysis concludes (also on Page 4-60) that "Although selective mitigation measures would reduce visual contrast, the proposed Project would not be in conformance with the site's existing VRM Class III objectives because the Project would dominate the landscape setting from this KOP."</p> <p>Given the generally limited opportunities for static views of the Project from higher elevations, and the limited number of potential viewers, we request that this surface treatment requirement be eliminated. Implementation of this measure for all disturbed surfaces within the solar field would not be practical from a cost-benefit standpoint. The analysis provided in Section 4 introduces the surface treatment measure as "if economically feasible" and also acknowledges that even implementation of surface treatment would not achieve conformance with VRM Class III objectives.</p> <p>In addition, even if surface treatment requirements were limited to the main access and perimeter roads, it would provide only an incremental reduction of contrast relative to the much larger solar field. The durability and stability of any surface treatment may also raise concerns from an environmental standpoint (e.g., wind or surface water transport to adjacent sensitive habitat).</p> <p>The Applicant is proposing to minimize grading to the extent practical and will implement restoration of some areas disturbed during construction. These actions will minimize changes in surface contrast.</p>

Response to Comments – Comment Letter 18

Response to Comment 18-27: Comment noted. Please refer to the revised MM VIS-1, which includes experimental testing of surface treatment methods that could reduce contrast. Although surface treatment may not allow for conformance with VRM Class III Objectives, it is still valid mitigation for Project impacts.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
28	Silver State Solar Power South, LLC	Page 2-35	MM HAZ-1 Hazardous Materials Handling Management	Table 2-4, Mitigation Measures	<p>All employees will receive general and job-specific training in hazardous materials management, commensurate with their roles and responsibilities. Employees who have roles and responsibilities specific to management of hazardous waste will participate in additional training, commensurate with their roles and responsibilities related to hazardous waste management. This training will include protocol for ensuring that hazardous waste is not stored onsite in a manner requiring a federal permit or treated/disposed onsite (also activities which require a federal permit). Employees who do not have roles and responsibilities related to management of hazardous waste will not be trained in these matters and will not be allowed to perform any job duties related to hazardous waste. Currently, this distinction is not clear in this MM. We therefore request that MM HAZ-1 be revised as follows to make this distinction:</p> <ul style="list-style-type: none"> • Hazardous Materials Handling Program. ...Employees handling hazardous materials will receive hazardous materials training, employees handling hazardous waste and will be trained in: hazardous waste procedures; spill contingencies; waste minimization procedures; and treatment, storage, and disposal facility (TSDF) training in accordance with OSHA Hazard Communication. <p>Additional requested revisions are:</p> <ul style="list-style-type: none"> • Transport of Hazardous materials. ...Written procedures for the transport of (USDOT hazardous materials used [striked "used"]) shall be established in accordance with... • Fueling and Maintenance of Construction Equipment: ...Drip pans or other collection devices shall be placed under the equipment at night to capture drips or spills. [add: Fuel and tank transfer] equipment shall be inspected daily for potential leakage or failures. Hazardous materials such as paints, adhesives and solvents, shall be kept in an approved locker or storage cabinet.
29	Silver State Solar Power South, LLC	Page 2-35	MM TRAN-1 Traffic Management Plan.	Table 2-4, Mitigation Measures	<p>MM TRAN-1 provides a bulleted list of items to be included in the Project's Transportation Management Plan.</p> <p>The second bullet "To further reduce effect to the I-15 / Primm Boulevard off ramp, the plan shall identify the I-15 / Yeats Well Road off ramp as an alternate access route to the project site during peak construction;" should be deleted. The Yeats Well Road off ramp does not provide an alternative for site access.</p> <p>The fifth bullet, "The Applicant shall require 50 percent of the construction workforce to carpool or vanpool;" should be modified as follows:</p> <p>The Applicant shall encourage the construction workforce to carpool, rideshare or vanpool: Information on available local and regional programs will be made available to the workforce through bulletin board postings and training programs.</p>
30	Silver State Solar Power South, LLC	Page 2-36	MM HAZ-5. Construction Fire Prevention Measures, 3rd bullet	Table 2-4, Mitigation Measures	<p>This bullet currently includes a reference to "spark arresters or turbo-charging (which eliminates sparks in exhaust)" as mechanisms for fire prevention. Spark arresters or turbo-charging will not be used on heavy equipment. We therefore request that this MM be revised to read, :</p> <ul style="list-style-type: none"> • Include mechanisms for fire suppression in all heavy equipment, including such things as fire extinguishers;

Response to Comments – Comment Letter 18

Response to Comment 18-28: Comment noted. MM HAZ-1 has been revised as requested.

Response to Comment 18-29: Comment noted. MM TRAN-1 has been revised to eliminate the reference to the Yeats Wells Road offramp as an alternate access route during construction. The requirement for carpooling or vanpooling has also been revised as suggested, consistent with the implementation of conditions for the Silver State Solar North project.

Response to Comment 18-30: Comment noted. However, use of spark arrestors and turbocharging are simply examples of technologies which reduce fire risk. Further, these measures were included in the ROW Stipulations for Silver State Solar North. Therefore, the referenced text has not been changed.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
31	Silver State Solar Power South, LLC	Page 3-2	Section 3, Affected Environment Resource Values and Uses Brought Forward for Analysis		There are three cultural resource reports listed on the referenced page. The 2009 Cultural Resources Report was superseded by the 2010 report shown lower in list. We request that the reference to the 2009 report be deleted. Additionally, the final report, currently shown with a date of 2011 was finalized in 2012. We request this reference date be changed from 2011 to 2012.
32	Silver State Solar Power South, LLC	Page 3-13; Pages 4-16, 4-21	Section 3.5.4, Jurisdictional Waters, Drainages, and Riparian Areas Sections 4.5.2, Direct and Indirect Effects by Alternatives and 4.5.4, Residual Effects		As noted in our comments above, we are proposing a revised project layout (presently referenced as "Alternative E") which will combine aspects of the previously identified and analyzed Alternatives B, C and D. While the purpose of this revised layout is to reduce overall environmental impacts, particularly those to desert tortoise connectivity, one result of the new layout will be a revision to the potential impacts to "waters of the U.S." subject to the jurisdiction of the U.S. Army Corps of Engineers ("USACE") consistent with USACE's prior Jurisdictional Determinations for the Project. The area presently identified as the Phase II component of Alternative E (which is within the area encompassed by Alternatives B and D) will remain to the north of the watershed divide between Ivanpah and Roach Dry Lakes and therefore will not impact federal jurisdictional waters. The area presently identified as the Phase III component of Alternative E (which is consistent with a portion of the area encompassed by Alternative C) will be to the south of the watershed divide and may potentially impact federal jurisdictional waters. The applicable references to federal jurisdictional waters in DSEIS in Chapters 3 and 4 should be incorporated accordingly to take into account this revised and phased project layout. Similarly, any mitigation required for impacts to jurisdictional waters should be referenced as stipulated under any required permit conditions imposed by the USACE during the subsequent permitting process for Phase III under Section 404 of the Clean Water Act.
33	Silver State Solar Power South, LLC	Page 3-25	Section 3.7, Cultural Resources, 3 rd sentence		The referenced sentence shows an APE for the SEIS to be 5,790 acres. The surveyed acreage was 5,863. We request that "5,790" be changed to "5,863".
34	Silver State Solar Power South, LLC	Page 3-29	Section 3.9, Lands and Realty	Table 3.9-1, Legal Description of ROW Application	For accuracy purposes, in Table 3.9-1, Legal Description of ROW Application, please add Sections 12 and 15 to the list of sections for Township 27S, Range 59E.

Response to Comments – Comment Letter 18

Response to Comment 18-31: The dates for the selected references have been updated as requested.

Response to Comment 18-32: The Applicant's revised layout has been incorporated in the Final Supplemental EIS/PRMPA as the BLM Preferred Alternative and is thoroughly analyzed.

Response to Comment 18-33: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Response to Comment 18-34: Comment noted. The Final Supplemental EIS/PRMPA has been edited as suggested.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference															
35	Silver State Solar Power South, LLC	Pages 3-19 through 3- 21	Section 3.6.2.2, Special Status Wildlife Species Desert Tortoise	Table 3.6-4 Comparison of Desert Tortoise Range Estimates per Alternative	<p>Surveys for desert tortoise have been completed with the full coverage method for all alternatives and adjacent areas. Below is a table of updated information to use in the Table 3.6-4:</p> <table border="1"> <thead> <tr> <th>Alternative/Site</th> <th>Range Estimate (# tortoises)</th> <th>Density Range Estimate (tortoises/mi²)</th> </tr> </thead> <tbody> <tr> <td>Alternative B</td> <td>19 to 132</td> <td>3 to 22</td> </tr> <tr> <td>Alternative C</td> <td>31 to 158</td> <td>8 to 40</td> </tr> <tr> <td>Alternative D</td> <td>17 to 117</td> <td>3 to 24</td> </tr> <tr> <td>Alternative E</td> <td>45 to 244</td> <td>8 to 40</td> </tr> </tbody> </table> <p>Page 3-21 currently states, "Recent studies have indicated connectivity between these CHUs occur north-south through eastern Ivanpah/Roach Valley, which includes the ROW application area, and east-west through the northern McCullough Range south of Hidden Valley (Hagerty et al 2012; Nussear et al 2009)."</p> <p>We request that this sentence be refined as follows to present a full and accurate representation of existing conditions:</p> <p>"Recent modeling has suggested that there is potential for genetic connectivity between these CHUs through eastern Ivanpah/Roach Valley, which includes the ROW application area, and east-west through the northern McCullough Range. Recent studies and modeling suggest that demographic connectivity has likely been severed between these two CHUs by the historic expansion of the Las Vegas Valley (Nussear et al 2009; Nussear personal communication 2013; Ironwood 2012). No current genetic or demographic connectivity is likely to exist to the north of these CHUs through the Las Vegas Valley, but is likely to exist to the south to include a contiguous area of over 4 million acres, of which approximately 75% is modeled as good habitat for desert tortoise (Nussear et al 2009, areas greater than or equal to 0.6)."</p> <p>This request is made for the following reasons:</p> <ol style="list-style-type: none"> 1. The Hagerty and Nussear work was not from studies, but modeling. 2. These models have not indicated connectivity and were not designed to address issues of connectivity. The potential for genetic connectivity in this region is currently being explored by Dr. Nussear through an on-the-ground study in the northern McCullough Range, as well as a similar study in the Stateline Pass in California. 3. There is a difference between genetic and demographic connectivity that should be discussed and neither connection has been indicated or proven. Genetic connectivity may exist, but there is no indication that demographic connectivity currently exists between these CHUs. 4. The McCullough Pass is severely restricted in width and is unlikely to provide connectivity at a demographic rate. 5. The area to the south of, and including, these two CHUs supports a network of over 4 million acres of protected habitats through wilderness, CHUs, park service, and existing ACECs. 	Alternative/Site	Range Estimate (# tortoises)	Density Range Estimate (tortoises/mi ²)	Alternative B	19 to 132	3 to 22	Alternative C	31 to 158	8 to 40	Alternative D	17 to 117	3 to 24	Alternative E	45 to 244	8 to 40
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Response to Comments – Comment Letter 18

Response to Comment 18-35: Comment noted. Updated survey information has been incorporated into Section 3.6.2 in the Final Supplemental EIS/PRMPA. The text on page 3-21 regarding connectivity has been revised in the Final Supplemental EIS/PRMPA to discuss the constraints to connectivity within the Ivanpah Valley and barriers between CHUs north and south of Las Vegas. The text has also been revised to more clearly reflect the findings of Nussear et al. 2009 and Hagerty et al. 2012. However, the text was not revised to refer to connectivity through protected areas south of the ROW application area. As noted in the comment, Nussear et al. 2009 was a modeling effort. This model was partially based on records of desert tortoise presence and existing habitat conditions. However, the model did not account for anthropogenic disturbance so cannot provide information on the value of corridors south of the Project relative to the Roach Lake corridor.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
36	Silver State Solar Power South, LLC	Page 3-55	Section 3.17 Energy and Minerals		The DSEIS makes reference to active mining claims within the project Right-of-Way application boundary. The active mining claims referenced have since been deemed invalid and null and void by the Department of the Interior. All references to active mining claims should be corrected in the DSEIS to note the Department of the Interior's determination voiding these claims and the lack of any pending appeal of that decision.
37	Silver State Solar Power South, LLC	Chapter 4 (throughout)			Throughout Chapter 4, the effects analysis includes reference to the significance level of the impacts, such as statements that the impacts would be "less than significant" (e.g., Section 4.1.2.2, p. 4-4) or "mitigated below significance" (e.g., Section 4.1.4, p. 4-7). The term "significance" has specific meaning under NEPA, which focuses on the determination of whether an EIS as opposed to an EA should be prepared, a determination which is not relevant in this instance. As explained in the BLM NEPA Handbook, "While [the term 'significance'] is a common descriptor, do not use it unless it is intended to take on the NEPA meaning." Handbook, Section 6.8.1.2, p. 56 (referencing Section 7.3). Instead, the effects analysis should focus on analyzing and describing the direct and indirect effects of the proposed action and the alternatives on the human environment. <i>Id.</i> Some of these references may be modeled on the California Environmental Quality Act, which is not applicable to this Project.
38	Silver State Solar Power South, LLC	Page 4-4	Section 4.1.2.2, Alternative B – Applicant's Proposed Project	Table 4.1-1. Construction Emission Estimates	Table 4.1-1 presents estimates of total emissions during construction of the proposed project. To provide a better understanding of the substantive analysis supporting the air analysis, we suggest that a reference to Appendix A of the FEIS be included for details on the original calculations that supported the impact analysis and in support of Table 4.1-1 in the DSEIS. We also suggest providing more supporting information on the conversion of the FEIS data for the DSEIS, which could be accomplished by adding a comparative table. In the text supporting the comparative table, include a brief description of the inputs, assumptions, methodology, models, and emission factors used in the calculations.
39	Silver State Solar Power South, LLC	Page 4-5	Effect AQ-2: Long-term adverse effects on air quality conditions resulting from operations, 2 nd paragraph, 6 th sentence		This paragraph refers to "fixed" orientation of panels which is inconsistent with the Project description. As noted in Section 2.4.1 of the DSEIS (Proposed Project Components, page 2-13), the Project will be constructed using First Solar cadmium tellurium thin-film modules mounted on both fixed-tilt mounting systems and single-axis, horizontal tracker structures. Therefore, the term "fixed" should be deleted from the referenced paragraph on Page 4-5. It is also recommend that a global search of the DSEIS be conducted to confirm there are no other "fixed" only references and, if so, to replace those references with reference to both fixed tilt and trackers.

Response to Comments – Comment Letter 18

Response to Comment 18-36: The description of the four mining claims described in the Draft Supplemental EIS/PRMPA has been updated in the Final Supplemental EIS/PRMPA to reflect the outcome of the validity examination and the lack of an appeal to the BLM determination that they were not valid claims.

Response to Comment 18-37: Comment noted. The Supplemental EIS/PRMPA has been reviewed for improper use of the term "significant" and "significance" and the text has been revised to eliminate the incorrect use of those terms.

Response to Comment 18-38: Comment noted. The Final Supplemental EIS/PRMPA now includes a reference to Appendix A of the 2010 Final EIS.

Response to Comment 18-39: Comment noted. Any instances within the Supplemental EIS/PRMPA where panel alignment is referred to as only "fixed" rather than allowing for use of a tracker-type array have been revised to accurately describe the proposed Project.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
40	Silver State Solar Power South, LLC	Page 4-6	Section 4.1.2.3 Alternative C - Alternative Layout		In Section 4.1.2.3, Alternative C - Alternative Layout there is reference to large detention basins. This alternative would not require construction of large detention basins, but would instead rely upon drainage corridors for management of surface runoff flows through the site. Please delete the reference to basins as follows: "...because the location within the alluvial fan would require additional large detention basins and establishment of defined drainage corridors..." Given the above text change, the associated statements regarding the grading requirements and air emissions relative to Alternative B should be confirmed, and if necessary modified.
41	Silver State Solar Power South, LLC	Page 4-14	Effect SOIL-2		The text in Section 4.2.2.2, <i>Effect SOIL-2</i> , states that the Applicant proposes to salvage the top 4 inches of native soil where flood control features are built. Although the Applicant will be implementing site restoration and rehabilitation measures, specific measures, including any salvage of native soils, will be defined in project-specific management and restoration plans. At this time, the Applicant is not proposing salvage of native soil at the location of proposed flood control features; therefore, please delete the reference to salvage of the top 4 inches of native soil.
42	Silver State Solar Power South, LLC	Page 4-22	Section 4.6.1.3 Direct and Indirect Effects by Alternatives, 4th paragraph		The text states that during project operation, the composition of the plant community would shift to favor those species more tolerant of continual disturbance and would likely shift in favor of invasive weed species. Based on our experience at similar project sites, this is not necessarily the case and we recommend qualifying this by stating that the composition of the plant community "could potentially" shift based on operational and environmental conditions, but that any non-native invasive species will be controlled pursuant to the implementation of APM-9 (noxious weed control plan).
43	Silver State Solar Power South, LLC	Page 4-23	2nd paragraph, 2 nd sentence, Effect BIO-2, Damage or destroy special status plants		As currently written "Effect BIO-2: Damage or destroy special status plants" (page 4-22 and 4-23) states that, "Under NRS 527.060-120, it is illegal for any company or individual to cut, destroy, mutilate, remove, or possess cactus and yucca, or portions of these plants." As written, the text includes only partial content of the relevant regulatory language of NRS 527.060-120 and should be revised as follows to present accurately the contents of NRS 527.060-120. The revision below includes the relevant regulatory language that allows activities subject to the express permission of the legal owner, or the legal owner's duly authorized agent and should replace the text cited above: "Except as otherwise provided by law, under NRS 527.060-120, it is illegal for any company or individual to cut, destroy, mutilate, remove, or possess cactus and yucca, or portions of these plants without written permission from the legal owner, or the legal owner's duly authorized agent, specifying locality by legal land description and number of plants to be removed or possessed."

Response to Comments – Comment Letter 18

Response to Comment 18-40: Comment noted. The mention of large detention basins in association with Alternative C has been removed. Reference to the reduced grading and air emissions associated with that drainage method has been added to the impact analysis in the Final Supplemental EIS/PRMPA.

Response to Comment 18-41: Comment noted. The Final Supplemental EIS/PRMPA has been revised to remove reference to salvage of the top 4 inches of soil.

Response to Comment 18-42: Comment noted. The Final Supplemental EIS/PRMPA has been revised to clarify the shift to increased non-natives is not a certainty, and that non-natives would be controlled through implementation of APM-9.

Response to Comment 18-43: Comment noted. The text of Effect BIO-2 has been revised to include the full text of NRS 527.060-120, as suggested.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
44	Silver State Solar Power South, LLC	Page 4-27	Section 4.6.2.3, Direct and Indirect Effects by Alternatives Effect BIO-4, Desert Tortoise		The existing text includes mitigation measures within the analysis of impacts. To support a concise and consolidated listing of mitigation measures, we recommend moving mitigation embedded in the impact discussion to the mitigation measure discussion.
45	Silver State Solar Power South, LLC	Page 4-41	4.10.2.2 Alternative B - Applicant's Proposed Project		Reference is made under Alternative B concerning the potential for construction vehicles to introduce noxious weeds to the Ivanpah DWMA. Construction equipment operation would be limited to designated access roads and the development limits identified on the final site development plans. As such, on-site construction equipment would not likely be operating any closer than approximately 1 mile from the DWMA boundary. As a result, we recommend that the reference to potential introduction of noxious weeds into the Ivanpah DWMA be deleted.
46	Silver State Solar Power South, LLC	Page 4-41	Effect SMA-1, last line		<p>The DSEIS makes multiple references to use of Project roads for recreational and competitive OHV activities. Text and figure references in the DSEIS are inconsistent with the Applicant's understanding of OHV use of Project roads and location of routes to preserve OHV access to the Lucy Gray Mountains. OHV access to be provided through the Project lease area would be limited to use of specific portions of the Project Access Road and the designated Maintenance Road as shown in various site layout drawings that have been provided to the BLM. In addition, use of the Project access road by OHVs would require approvals by the BLM and others. The DSEIS also identifies the existing FEMA flood zone as a potential route for OHV use (Fig 4.11-1). The Project has not proposed use of the FEMA flood zone for OHV use.</p> <p>All references to OHV use of Project perimeter roads should be deleted. Designated perimeter roads would be generally within the Project's security fencing. As necessary, please also clarify that OHV use would be limited to specific portions of the Project Access Road (i.e., from the eastern end of the UPRR overpass to the designated Maintenance Road). Also, please correct the location and labeling information on the DSEIS figures in Chapters 2 and 4 to clarify those roads proposed to be available for OHV use.</p>
47	Silver State Solar Power South, LLC	Page 4-67	Section 4.14.2.2 Alternative B – Applicant's Proposed Project; Effect HAZ-1; Operations and Maintenance, second paragraph		The information provided on cadmium telluride (CdTe) in solar modules is very general in nature. We request that the DSEIS refer to page 4-112 of the 2010 FEIS for details on CdTe, such as cadmium telluride is a stable compound of cadmium and tellurium, independent analysis indicates CdTe modules do not pose a risk during fires, the CdTe is almost completely encapsulated in molten glass when exposed to fire, etc. Alternatively, the material on page 4.112 of the 2010 could be copied into or summarized in the DSEIS.

Response to Comments – Comment Letter 18

Response to Comment 18-44: Comment noted. The one location within the Draft Supplemental EIS/PRMPA where mitigation is discussed within the effect description is paragraphs 3 and 4 on page 4-27 (translocation). This discussion has been moved to the Residual Effects section 4.6.2.5.

Response to Comment 18-45: The commenter is correct in that activities under Alternative B would be well removed from the DWMA. The document has been revised as suggested regarding the potential for spread of noxious weeds to the DWMA under Alternative B.

Response to Comment 18-46: Figures showing recreational access through the Project site for all alternatives (e.g., 4.11-1, 4.11-2) have been revised in coordination with the Project Applicant to accurately show the proposed public OHV access. The text has also been revised to clarify that perimeter roads would not be available for public use and to clearly identify those roads that would be available for public use.

Response to Comment 18-47: Additional information regarding CdTe is included in the Final Supplemental EIS/PRMPA, and a reference to the more extensive explanation of CdTe in the 2010 Final EIS has also been included.

Comment #	Initials	Page Number	Line Number	Figure or Table Number	Comment and/or Reference
48	Silver State Solar Power South, LLC	Page 4-69	Section 4.14, Health and Safety, Effect HAZ-4		The text of the DSEIS states, "O&M of the proposed Project would increase the potential for incidents related to electrical arcing and sparking from any wires that might become exposed between solar panels and substations. The proposed Project would reduce fire risk by installing a fire break and a water system, and housing electrical equipment in enclosures. The proposed Project must comply with federal and state standards and implement MM HAZ-4 (Table 2-2 and Table 2-3)." To avoid the potential for safety or fire risk associated with electrical equipment, routine inspections and preventative maintenance will be implemented. The Applicant is not proposing to install a fire water system. Therefore, we request that reference to the water system be deleted.
49	Silver State Solar Power South, LLC	Page 4-70	4.14.3 Mitigation Measures		Please add APM-10, Site Rehabilitation and Facility Decommissioning Plan, to the list of mitigation measures in Section 4.14.3.
50	Silver State Solar Power South, LLC	Page 4-80 (and following)	Section 4.19 Cumulative Impacts		In Section 4.19, the cumulative impacts analysis often groups together the effects of the Cumulative Projects and the Project without distinguishing whether the Project itself would contribute to cumulative effects in relation the Cumulative Projects. As defined in the Council on Environmental Quality's NEPA regulations, "cumulative effects" focuses on "impact on the environment which results from the <i>incremental impact</i> of the action when added to other past, present and reasonably foreseeable future actions." 40 C.F.R. 1508.7 (emphasis added). We recommend revising the individual cumulative effects analysis sections in Chapter 4.19 to more clearly distinguish the incremental impact of the Project, if any, as defined under NEPA.
51	Silver State Solar Power South, LLC	Pages 4-82 through 4-86	Section 4.19.1 Cumulative Impacts Analysis Methodology	Table 4.19-2. List of Projects Considered Within or Near the Ivanpah Valley	The list of cumulative projects identified in the DSEIS is not consistent with the list contained in the 2010 FEIS. Therefore, we recommended that BLM include clarification explaining the distinction, which we assume is based on the inclusion of newly proposed projects and the deletion of previously identified projects that are no longer proceeding. The text reference to this table is "Table 4.19-1" (see last sentence of the first paragraph of Section 4.19.1. Additionally, the table number is changed to "Table 4.19-3", beginning on the second page of the table. We recommend text and table referencing be made consistent.
52	Silver State Solar Power South, LLC	Page 6-6	Chapter 6, References (Chapters 3 and 4 – Affected Environment and Environmental Consequences)		The reference year for the cultural resources report by White, W.G. and M.K. Lerch is shown as 2009. The correct reference year is 2010. We request that this change be made.

Response to Comments – Comment Letter 18

Response to Comment 18-48: Comment noted. References to a fire water system have been removed from the Final Supplemental EIS/PRMPA as requested.

Response to Comment 18-49: Comment noted. APM-10 has been added to the list of mitigation measures in Section 4.14.3.

Response to Comment 18-50: Comment noted. Where appropriate in the cumulative impacts analysis, additional distinction has been added to differentiate the incremental effect of the action on the cumulative impact.

Response to Comment 18-51: The commenter is correct in observing that the cumulative project list in the Draft Supplemental EIS/PRMPA has been updated from that in the 2010 Final EIS to reflect projects that are no longer going forward, and to add new projects that have been proposed since the 2010 Final EIS was completed. The erroneous table headings for Table 4.19-1 have been corrected in the Final Supplemental EIS/PRMPA.



COTTON•DRIGGS•WALCH
HOLLEY•WOLOSON•THOMPSON

WRITER'S EMAIL: TDRIGGS@NEVADAFIRM.COM

January 11, 2013

Via Email (ghelseth@blm.gov)

Bureau of Land Management
Attn: Greg Helseth
Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

RE: N-85801, N-89530, N-90050, N-90823
2800 (NVS0100)

Dear Mr. Helseth:

This office represents the Primadonna Corporation (“Primadonna”) with respect to the above-referenced matters. Primadonna has reviewed the Draft Supplemental Environmental Impact Statement (EIS) for the Silver State Solar South Project (the “Project”) proposed by Silver State Solar Power South, LLC (the “Company”). Below for your consideration are comments to the EIS that have been prepared by our office and the Las Vegas office of MWH Americas, Inc. (“MWH”) addressing various environmental and water issues. Some comments below relate to information received at the BLM public meetings and discussions with Company representatives at such meetings.

A. Air Quality

Generally, Primadonna is concerned about the adverse effects of potential dust resulting from the site preparation and related activities at the site.

Specifically, Section 4.1.2.2 *Effect AQ-2* in the EIS states that “during project operation, dust management needs would be minimal, as fugitive dust-generating activities such as vehicle traffic are limited.” What is the estimated schedule for dust suppressant during operation and how much water is expected to be used during this time?

B. Groundwater

Primadonna maintains and operates the four wells described in Section 3.5.3 of the EIS. Accordingly, Primadonna is concerned with the location of the Project well and any adverse effects or draw down that may occur in its wells during the construction phase of the Project. This concern also includes any adverse effects to the water quality as one the wells is used for

**Cmnt
19-1**

Response to Comments – Comment Letter 19

Response to Comment 19-1: Comment noted. Silver State does not anticipate that any water would be used for dust suppression during Project operation. For the Silver State North Project that was completed in 2012, the Applicant obtained a dust control permit from Clark County and had no violations of permit conditions. The Applicant would obtain a similar permit for construction of the proposed Project and would implement dust control measures (refer to APM 3 – Air/Dust Control).

Bureau of Land Management
 Attn: Greg Helseth
 January 11, 2013
 Page 2

potable water service to the Walter M. Higgins Generation Station (“Higgins”). Much of the data in the EIS appeared to be similar to the data that was prepared in connection with the Company’s previous project adjacent to the proposed right of way application. Accordingly, Primadonna has the following specific comments and questions from the EIS:

1. Was any data gathered from operation of the existing Silver State North wells during construction used to update hydrologic parameters used in the ground water model? If not, can such data be used to provide updated and more accurate information on the potential effects on Primadonna’s wells.
2. What are the predicted drawdown levels in the water wells serving Primadonna and Higgins during construction and the life of the Project.
3. Are any monitoring wells planned for the Project, and, if so, where are they planned to be located.
4. Provide the locations of the production and monitoring wells, if any, to be used during the construction and operation of the Project.
5. Provide any updates on the amount water to be pumped during construction in the event a groundwater recharge program is instituted.

C. Groundwater Recharge

Section 4.5.2 of the EIS states that “[c]onsumption of ground water for the proposed Project would be more than offset by treatment and infiltration of waste water under the existing agreement with LVVWD.” Specifically, Section 4.5.2.2 states “[i]f the LVVWD feels that the proposed Project is compromising its ability to provide service for its customers, the Applicant has agreed to participate in a groundwater re-charge program where the aquifer would be recharged at a rate of 270 acre feet per annum for the continued life of the Project.” With regards to this proposed groundwater recharge program, Primadonna has the following comments and questions:

1. What method and formula was used to calculate the volume of recharge to the aquifer to determine the claimed offset?
2. What volume of water would be recharged?
3. Where would the recharge take place?
4. What is the method of recharge (i.e., rapid infiltration basins)?
5. What is the source and quality of the 270 ac-ft. of water – Jean Prison Facilities as previously proposed?

Response to Comments – Comment Letter 19

Response to Comment 19-2: No; consequently, there is no such data available to provide information on potential effects to Primadonna's wells. However, the Applicant conducted an updated drawdown analysis of the existing wells in the vicinity of the Project, including Primadonna's wells.

**Cmnt
19-2**

Response to Comment 19-3: In response to public comments on the Draft Supplemental EIS/PRMPA, the Applicant had prepared an updated drawdown analysis to determine the potential effects of Project groundwater pumping on existing wells in the vicinity of the Project. The draft analysis shows negligible effects from groundwater pumping on the Primadonna and other wells in the vicinity of the Project under two different pumping scenarios. For instance, even under a “worst case” scenario of pumping 1,185 acre-feet of groundwater – which is beyond anticipated water use over 30 years – the Project would have a maximum drawdown of 0.6 and 1.6 feet at the Higgins wells and 1.8 feet at the Primadonna well (using two Project pumping wells), and a maximum drawdown of 0.6 and 1.1 feet at the Higgins wells and 1.3 feet at the Primadonna well (using six Project pumping wells). Following construction, water levels in the Primadonna and Higgins wells would recover and stabilize at a drawdown of less than one foot during the entire 30-year operational period under either Project pumping scenario (that is, two or six Project pumping wells).

**Cmnt
19-3**

**Cmnt
19-4**

**Cmnt
19-5**

**Cmnt
19-6**

**Cmnt
19-7**

Response to Comment 19-4: The Applicant has modeled two different production well scenarios using a total of six two potential wells, or using a total of six potential wells (to assess the effect of spreading out the withdrawal over multiple wells). The locations of those wells are included in Appendix H.

It is important to note that these well locations are for the purpose of analysis. The actual well locations will be determined after further field testing.

Response to Comment 19-5: The amount of water pumped during construction is independent of the groundwater recharge program. The Applicant anticipates using approximately 800 acre feet of water during construction. However, if conditions during construction require the use of additional water, the Project may require up to a total of 1,000 acre feet. Even if additional water is needed, it will have a negligible effect on other wells (drawdown was negligible when modeled at 1,185 acre feet). The public records indicate that there is sufficient water available in the basin where the Project wells will be located and does not anticipate trucking water to the site.

Response to Comment 19-6: As specified in the permits, diversions from Goldstrike, J-7, JState, and Midway wells are limited to a combined duty of 653.37 acre-feet per year (AFY) plus 90 percent of the net treated effluent that is artificially recharged using the Rapid Infiltration Basins (RIBs). The amount of artificial recharge is computed by subtracting the volume of evaporation from the volume of treated effluent discharged to the RIBs. These terms are expressed by the following equation:

Permitted Diversion (AFY) = 653.37 + .09 X [Net Artificial Recharge] where;

Net Artificial Recharge (AFY) = Discharge to RIBs (AFY) minus evaporation (AFY)

Source: Las Vegas Valley Water District, 2012 Annual Groundwater Report for Jean, Nevada: Permit Nos. 17691, 21997, 51133, 51543, 51544, 52733, 52734, 52735, 54983, 76210, 81345T, and 81346. Doc No. LVVWD-ED-0013. March 2013.

Response to Comment 19-7: Up to 270 AFY would be infiltrated at rapid infiltration basins located at the Gold Strike Hotel and Casino. The recharge water source is wastewater effluent from the Jean Prison Facilities. This effluent is treated at the Gold Strike Wastewater Treatment Plant prior to discharge to RIBs. Effluent discharged to the RIBs must be treated to appropriate standards as defined in the Gold Strike Wastewater Treatment Plant's discharge permit issued by the Nevada Division of Environmental Protection.

Bureau of Land Management
 Attn: Greg Helseth
 January 11, 2013
 Page 3

- To what water quality standard will the water be treated, and has the Nevada State Engineer agreed to an aquifer recharge credit calculation method and amount?

**Cmnt
 19-7
 Cont'd**

D. Surface Water

Referring to Section 4.5.2.2, *Effect Water -4*: Increase the potential for flooding hazards, Primadonna has concerns as follows:

- Will there be a monitoring and maintenance plan for removing sediment build up in the detention basins?
- Has a site been designated to be the dump site for the sediments removed from the detention basins? If so, where is the dump site located?

**Cmnt
 19-8**

E. Vegetation

Referring to Section 4.6.1.3, page 4-22, it states that “Up to 3,855 acres of mostly undeveloped desert lands would be cleared and graded to accommodate construction of the solar facility and ancillary facilities. During the operational life of the Project, minimal vegetation would exist within the facility. And on page 4-23, “All cacti and yucca that are planned for removal need to be approved and tagged by the BLM and their translocation coordinated.” Accordingly, Primadonna has the following questions and concerns:

- Citing federal regulations regarding conserving and managing valuable federal resources, the Nevada BLM field office has required, when granting rights of ways and easements, the harvesting, transporting, and replanting yuccas and succulents from granted right of way lands to designated BLM parcels. Is such a requirement being placed on the Project? If not, why?
- Are the plants being “translocated” for replanting on other BLM parcels?

**Cmnt
 19-9**

Notwithstanding the above comments and concerns, Primadonna has enjoyed a good relationship with the Company during the construction and operation of the Silver State North project, and is complimentary of the Company’s efforts to address Primadonna’s concerns and minimize any adverse effects to Primadonna’s operations during construction and continued operation of the Silver State North project.

Response to Comments – Comment Letter 19

Response to Comment 19-8: The monitoring and maintenance requirements for operation of the detention basins will be dependent upon final design characteristics. Upon completion of final design, operational inspection and maintenance needs will be determined. The Applicant has not completed final detention basin design and, therefore, has not estimated sediment volumes that may be associated with detention basin maintenance. Any required sediment disposal will be done in accordance with Federal, State and local requirements.

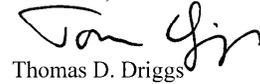
Response to Comment 19-9: The BLM will require the preparation of a Salvage Plan as a condition of the ROW grant. Such a Plan would include quantification of temporary impacts areas, how many plants the Applicant proposes to use for revegetation in those areas, how many would be sold, and how many they plan to destroy.

Bureau of Land Management
Attn: Greg Helseth
January 11, 2013
Page 4

For the reasons set forth above, Primadonna is concerned that the ROW could adversely affect Primadonna's commercial operations and interests. Accordingly, Primadonna respectfully requests that BLM and the Company evaluate and address such concerns in connection with any approval of the proposed ROW.

Sincerely,

COTTON, DRIGGS, WALCH,
HOLLEY, WOLOSON & THOMPSON



Thomas D. Driggs

TDD:tdd

cc: Bob Swadkins
Marc Rubinstein
Angela MacKinnon
Marilyn Skender

Response to Comments – Comment Letter 19



January 11, 2013

To: Mr. Greg Helseth
Renewable Energy Project Manager
U.S. Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

From: Jerry Silva, SCE Project Manager

RE: Southern California Edison Company Comments on First Solar's Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project and Proposed Las Vegas Field Office Resource Management Plan Amendment

Dear Mr. Helseth:

Thank you for the opportunity to comment on First Solar's Draft Supplemental Environmental Impact Statement for the Silver State Solar South Project.

The attachments to this transmittal are provided via one e-mail message which contain Southern California Edison Company's (SCE) comments on First Solar's Draft Supplemental Environmental Impact Statement for Silver State Solar South, as follows:

- SSS.SCE Comments to Draft Supplemental EIS & SCE Primm Project Technical Description

If you have any questions, you may contact Messeret Yilma via telephone (626-302-7810), or e-mail (Messeret.Yilma@sce.com). A hard copy will also be delivered.

Sincerely,

A handwritten signature in black ink that reads "Jerry Silva".

Jerry Silva
Major Projects Organization
Southern California Edison
Phone: (714) 672-6616
Email: Jerry.Silva@sce.com

cc. Messeret Yilma

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
1.	Table ES-1 and Table 2-1	ES-8 2-5	Approximate Acres Southern California Edison (SCE) Switchyard and Laydown Alternative D 15 51	Based on SCE's project description, it is estimated that the Proposed Project would temporarily disturb approximately 41 acres and permanently disturb approximately 10 acres.
2.	2.4.1	2-17	A 1-mile long 220-kV transmission line to interconnect the South Substation with SCE's Eldorado to Ivanpah 220-kV transmission line via the under construction proposed Primm Substation.	Primm Substation is not under construction.
3.	2.4.1	2-17	The Primm Substation will be within an area approximately 480 feet by 480 feet and will include all of the equipment required for the 220-kV interconnection of the transmission line from the South Substation to SCE's Eldorado-Ivanpah transmission line. Silver State will own the gen-tie up to the "dead end structure" (the last transmission pole before the Primm Substation), and SCE will own and operate the Primm substation. <u>Primm Substation would be an unattended, automated, switchrack with three positions equipped and an ultimate build out of five positions. This switching station (no power transformation) would be surrounded by a wall with two gates. For more information, see Primm Project Technical Description, attached as Appendix xx.</u> <u>Primm Substation would be connected to the Eldorado-Ivanpah 220-kV Transmission Line No. 2 via loop-in transmission segments. The proposed loop-in of the existing Eldorado-Ivanpah 220-kV No. 2 Transmission Line would require approximately three double circuit transmission lattice steel tower structures or approximately six H-frame structures, or a combination of both to enter the Primm Substation.</u>	The Draft SEIS indicates that where components and construction practices differ from what was described in the 2010 Final EIS, additional information is provided. The Final EIS on pages 2-24 through 2-25 indicates that the switchyard would include a 34.5kV to 220kV SUT for step-up power, three circuit breakers, and a barbed-wire perimeter fence. Additional information is not provided in the Draft SEIS. No information is provided regarding the loop-in line, while the Final EIS indicates a tap on page 2-24.
4.	Table 2-3 Table 2-4	2-23 to 2-36		SCE would comply with the applicant-proposed measures and proposed mitigation measures to the extent that the measures apply to SCE's activities.
5.	Table 2-3	2-24	APM-2. EXCAVATION/GRADING. Prior to trench excavation,	For SCE, excavated soil may be disposed of at an off-

Response to Comments – Comment Letter 20

Response to Comment 20-1: Comment noted. The referenced change in acreage for the Primm Substation has been carried forward to all Project alternatives.

Response to Comment 20-2: Comment noted. The text has been changed as requested.

Response to Comment 20-3: Comment noted. The Project description in the Final Supplemental EIS/PRMPA has been updated to include this information.

Response to Comment 20-4: Comment noted.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<p>the area to be trenched will be graded and organic matter removed. Organic matter will be mulched and re-deposited within the site fill except under foundations and in trenches. Cryptobiotic soil crusts may also be salvaged. Trench excavation will be performed with conventional trenching equipment. Excavated soil to be used as backfill will be maintained adjacent to the trench. <u>Excessive soils may be balanced on site or transported offsite disposal facility, and used to backfill the trench once conductors are installed and tested. Slurry may also be used in the backfill.</u> Excavated soil to be used as backfill will not be removed from the Project site. Temporary sheeting or bracing shall be used as necessary to support trench side walls in areas where soils are soft or collapsible.</p> <p><u>For non-SCE trench work,</u> the trench itself will be first backfilled with 3 to 4 inches of sand to provide suitable bedding for installed conductors, and then 3 to 4 inches of sand will be deposited on top of installed conductors. The remaining backfill will be composed of the native excavated soils or slurry and soils to be compacted to 90 percent of standard proctor density. During the backfill, underground utility marking tape will be installed 12 inches below grade to indicate the type of conductors installed beneath.</p> <p><u>SCE is not proposing to install any direct buried cable systems excluding ground conductor. Excavation work performed by SCE would typically be used to install a conduit system. Native soil, slurry, and/or encasement would be used to backfill the trench. Where native soil would be utilized, compaction would be performed at a minimum of 90 percent of standard proctor density.</u></p>	<p>site disposal facility in accordance with all applicable laws and regulations. Clarify that excavated soil to be used as backfill would not be removed from the project site.</p> <p>SCE’s standards for underground work do not include the use of the practices enumerated here.</p> <p>Additional language to account for SCE conduit systems standards.</p>
6.	Table 2-3	2-25 to 2-26	<p>APM-9 NOXIOUS WEED CONTROL PLAN</p> <p>The applicant would prepare a Noxious Weed Control Plan (APM-9) would be prepared and submitted to the BLM for review and approval before BLM issuance of a Notice to Proceed. The following are project-specific measures that the Applicant would implement to control noxious weeds:</p> <p><input type="checkbox"/> Noxious Weed Risk Assessment Form. This form provides information about the types of weed surveys to be conducted and</p>	<p>This language allows for inspection only, which will likely be the level of approach necessary. However, if equipment shows up to the work site with caked mud/soil it will need to be cleaned before entering the work site. Also, if a weed free area is identified additional inspection/cleaning at ingress locations will conserve this field condition.</p>

Response to Comments – Comment Letter 20

Response to Comment 20-5: Comment noted. The text has been changed as requested.

Response to Comment 20-6: Comment noted. The text has been changed as requested.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<p>weed treatment and prevention method schedules appropriate for the types of noxious weeds likely to be present. This form identifies and evaluates the level of noxious weed management necessary.</p> <p><input type="checkbox"/> Pesticide Use Proposal. The Applicant shall prepare, submit, obtain, and maintain a herbicide use proposal for the Proposed Action. The Applicant would coordinate weed control activities with the BLM Weed Coordinator, particularly regarding proposed herbicide treatments. Pesticide Application Reports will be provided annually to the BLM Weed Coordinator.</p> <p><input type="checkbox"/> Weed Management Plan. Before ground-disturbing activities begin, the Applicant would prepare a weed management plan. The plan would identify potential weed infestations at the Proposed Project site and along the Project-associated linear facilities and would prescribe treatment.</p> <p><input type="checkbox"/> Weed Infestation Prevention. The Applicant would limit ground disturbance to the minimum necessary to safely construct and operate the Proposed Project. The Applicant would avoid creating soil conditions that promote weed germination and establishment.</p> <p><input type="checkbox"/> Equipment Inspection Cleaning Sites. The Applicant would establish equipment inspection/cleaning sites to check for and potentially remove weed seeds, plant parts, or mud and dirt from vehicles. Project-related equipment and machinery would be required to arrive on-site in a clean condition. However, if necessary, project-related equipment and machinery would be cleaned using compressed air or water to remove mud, dirt, and plant parts before moving into the project site, and from relatively weed-free areas. Additional inspection and potential cleaning will be undertaken for relatively weed-free areas if identified during pre-construction surveys. Seeds and plant parts would be collected, bagged, and deposited in dumpsters destined for local landfills, when practical.</p>	
7.	Table 2-3	2-27	<p>APM-15 GENERAL DESIGN AND CONSTRUCTION STANDARDS</p> <p>The Proposed Project would be designed in accordance with federal and industrial standards including American Society of Mechanical Engineers (ASME), National Electric Code (NEC 2005), International Energy Conservation Code (IECC 2006), International Building Code (IBC 2006), Uniform Plumbing Code (UPC 2006), Uniform</p>	As a regulated utility SCE adheres to published General Orders of the CPUC as relevant to general design and construction standards.

Response to Comments – Comment Letter 20

Response to Comment 20-7: Comment noted. This measure was changed to not refer to specific standards.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<p>Mechanical Code (UMC 2006), National Fire Protection Association (NFPA) and Occupations Safety and Health Administration (OSHA). Construction will be in accordance with the federal codes listed above and all applicable state and local codes. Local Clark County codes will include Title 13 – Fire and Fire Prevention, Title 22 – Buildings and Construction, Title 24 – Water, Sewage and Other Utilities and Title 25 – Plumbing and Electrical Regulations.</p> <p><u>In lieu of the standards enumerated above, SCE's scope of work will be designed and constructed in accordance with SCE's standards and the General Orders of the CPUC. SCE anticipates certain ministerial permits may also be required in support of its scope of work.</u></p>	
8.	Table 2-4	2-28	<p>MM NOI-7: Ensure proper installation of transformer equipment. The Applicant shall ensure proper installation of transformer equipment by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Installing transformers within enclosures; <input type="checkbox"/> Using sound-dampening pads between each transformer and the mounting surface; <input type="checkbox"/> Using flexible conduit couplings between each transformer and the associated wiring system; and <input type="checkbox"/> Mounting the transformers on surfaces with a large mass to avoid. <p><u>The measures described above will not be applicable to SCE's scope of work</u></p>	SCE will not be installing any high voltage transformers (greater than 50 kV) requiring the noise dampening measures described.
9.	Table 2-4	2-28	<p>MM GEO-2. Applicant's Insurance Coverage. The Applicant shall acquire the appropriate insurance coverage to address potential off-site damage to structures or injury to people by facility structures that are moved off-site by a geologic event such as an earthquake or flash flood event.</p> <p><u>Note: SCE is self-insured and would not provide supplemental insurance coverage as mentioned above.</u></p>	SCE is self-insured and would not provide supplemental insurance coverage as mentioned above.
10	Table 2-4	2-28	<p>MM NOI-1: Conduct Construction Activities during Daytime Hours. The Applicant shall conduct construction activity only during daytime hours while within 1,000 feet of the Desert Oasis apartment complex. Construction activities (including truck deliveries, pile driving, and vibration equipment use) shall be restricted to the least noise-sensitive times of day—weekday daytime hours between 7:00 a.m. and 10:00 p.m., within 1,000 feet of near residential or recreational areas <u>(public parks, picnic areas, playgrounds, and outdoor sport facilities for golf and</u></p>	As the ROW application area is located entirely within the Jean/Roach Lake Special Recreation Management Area (SRMA), SCE requests to clarify that the measure would apply to recreation facilities that are generally considered noise sensitive. Additional language would allow for scheduling flexibility on a case-by-case basis.

Response to Comments – Comment Letter 20

Response to Comment 20-8: Comment noted. The text has been changed as requested, with clarification that it is because SCE would not install high voltage transformers.

Response to Comment 20-9: Comment noted. BLM understands that SCE is self insured and will provide documentation at the time the ROW grant is issued.

Response to Comment 20-10: Comment noted. The text has been changed as requested.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<u>tennis), unless a variance is provided:</u>	
11	Table 2-4	2-31	MM BIO-10. Avian Protection. All transmission and subtransmission towers and poles will be designed to be avian-safe in accordance with the Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006 (Avian Power Line Interaction Committee 2006). Additionally, a post-construction bird study shall be conducted by the Applicant with review by BLM to monitor for incidents of bird strikes during the operation of the proposed Project. The scope and protocol of post-construction monitoring and reporting of bird strikes will be determined from future consultation with USFWS.	The Draft SEIS states, “Falcons are also susceptible to injury as a result of collision with powerlines and transmission structures or from electrocution. However, given the numerous transmission lines and structures already present in the immediate vicinity of the Project area, it is unlikely that the addition of the proposed generation tie-line will result in an adverse impact to falcons... Golden eagles may be susceptible to injury and/or mortality from collision with powerlines and transmission structures or electrocution. Because the project will follow Avian Power Line Interaction Committee guidelines, it is unlikely that the addition of the proposed generation tie-line will result in an adverse impact to golden eagles.” As the Draft SEIS indicates that adverse impacts would be unlikely, there would be no need to mitigate impacts.
12	Table 2-4	2-33	MM CULT-1: Avoidance of Known Cultural Resources. An Applicant-funded qualified geoarchaeologist shall be present during land disturbing activities during construction of the proposed Southern California Edison transmission line substation in Township xx, Range xx, Section xx to monitor and analyze the excavation(s) to determine the presence or absence of any cultural resources or the former Pleistocene Ivanpah Lake bottom and the amount of associated post lake deposition.	Please provide rationale for requiring monitoring in this area. There is no reference to this area being sensitive in Chapter 4. If area is sensitive, please provide a legal description of the locations requiring monitoring rather than by construction element as the locations of construction elements may be refined upon final engineering.
13	Table 2-4	2-34	MM VIS-1 Reduce visual contrast. The following selective mitigation measures shall be implemented by the Applicant to reduce visual contrast: <input type="checkbox"/> Solar field access ways shall be offset at appropriate intervals to minimize the appearance of straight lines within the solar field. <input type="checkbox"/> The exterior of the inverter boxes and the exterior of the O&M building and other structures, lighting fixtures and poles, above ground transmission lines and poles/ towers will be factory treated with a non-specular dull finish or using the BLM-standard environmental color Shadow Gray or Covert Green to minimize contrast with the existing landscape. <input type="checkbox"/> All visible galvanized surfaces will be treated to minimize reflective properties using poly bonded vinyl coating, powder coating, <u>dull galvanized finish, galvanized finish,</u> or special	Clarify that only visible galvanized surfaces would need to be treated to reduce visual contrast. SCE practice is to galvanize structures and fences.

Response to Comments – Comment Letter 20

Response to Comment 20-11: Comment noted. The referenced mitigation measure has been eliminated as it was duplicative of other mitigation, and the comment no longer applies to remaining mitigation measures.

Response to Comment 20-12: This mitigation measure was removed.

Response to Comment 20-13: This mitigation measure was revised to clarify which structures need be treated to reduce visual contrast.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<p>non-specular dulling treatment. Surfaces may include, but not limited to fences; PV panel support structures, brackets and pins; etc.</p> <p><input type="checkbox"/> A plan shall be prepared and implemented to revegetate areas disturbed by construction of flood control berms and channel improvements. Revegetation efforts shall focus on softening harsh lines associated with clearing.</p> <p><input type="checkbox"/> The concepts of feathering and selective vegetation removal shall be applied along the project area perimeter to result in an organic or irregular line but shall not result in more disturbance than the original engineered design. Landform modifications associated with necessary berms and channel improvements shall be blended into the natural landscape.</p> <p><input type="checkbox"/> Soil color contrast shall be reduced by using a surface treatment within the project area.</p>	
14	Table 2-4	2-35	<p>MM HAZ-1. Hazardous Materials Handling Management. The Applicant shall implement a Hazardous Materials Handling Management Program or incorporate within their other program the items outlined below. Hazardous materials used and stored onsite for the Proposed Action activities shall be managed according to the specifications outlined below:</p> <p><input type="checkbox"/> Hazardous Materials Handling Program. A project-specific hazardous materials management program shall be developed before beginning construction. The program shall outline proper hazardous materials use, storage, and disposal requirements. The program shall identify types of hazardous materials to be used during construction activities. All personnel shall be provided with project-specific training. This program shall be developed to ensure that all hazardous materials are handled in a safe and environmentally sound manner. Employees will receive hazardous materials training and will be trained in: hazardous waste procedures; spill contingencies; waste minimization procedures; and treatment, storage, and disposal facility (TSDF) training in accordance with OSHA Hazard Communication.</p> <p><input type="checkbox"/> Transport of Hazardous materials. Hazardous materials that will be transported by truck include fuel (e.g., diesel fuel, and gasoline, propane, etc), and oils and lubricants for equipment. Containers used to store hazardous materials shall be properly labeled and kept in good condition. Written procedures for the transport of hazardous materials used shall be established in accordance with U.S. Department of Transportation (USDOT), and Nevada Department of Transportation (NDOT) regulations.</p>	The Primm Microwave Communication Site would include an above ground 499 gallon capacity propane fuel tank.

Response to Comments – Comment Letter 20

Response to Comment 20-14: Comment noted. The text has been changed as requested.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
			<p>A qualified transporter shall be selected to comply with federal and state transportation regulations.</p> <p><input type="checkbox"/> Fueling and Maintenance of Construction Equipment: Written procedures for fueling and maintenance of construction equipment shall be prepared prior to construction. Vehicles and equipment shall be refueled on site or by tanker trucks. Procedures shall include the use of drop cloths made of plastic, drip pans, and trays to be placed under refilling areas to ensure that chemicals do not come into contact with the ground. Refueling stations shall be located in designated areas where absorbent pads and trays will be available. The fuel tanks shall also contain a lined area to ensure that accidental spills do not occur. Drip pans or other collection devices shall be placed under the equipment at night to capture drips or spills. Equipment shall be inspected daily for potential leakage or failures. Hazardous materials such as paints, adhesives and solvents, shall be kept in an approved locker or storage cabinet.</p>	
15	Table 2-4	2-35	<p>MM TRAN-1. Traffic Management Plan. The Applicant shall produce a Traffic Management Plan that identifies BMPs to minimize construction-related traffic impacts. Specifically, the BMPs shall ensure an adequate flow of traffic in both directions by providing sufficient signage to alert drivers of construction zones, notifying emergency responders prior to construction, conducting community outreach, and control traffic around impacted intersections.</p> <p>The Traffic Management Plan shall include the following:</p> <p><input type="checkbox"/> Scheduled deliveries of materials for off-peak hours to reduce effects during periods of peak traffic;</p> <p><input type="checkbox"/> To further reduce effect to the I-15 / Primm Boulevard off ramp, the plan shall identify the I-15 / Yeats Well Road off ramp as an alternate access route to the project site during peak construction;</p> <p><input type="checkbox"/> Truck traffic shall be phased throughout construction;</p> <p><input type="checkbox"/> Truck traffic shall use designated truck routes when arriving to and departing from the proposed work sites;</p> <p><input type="checkbox"/> The Applicant shall require 50 percent of the construction workforce to carpool or vanpool. SCE will make best efforts to adhere to the 50 percent requirement. However, based on the type of construction activities it may not be possible. <u>Where feasible, SCE will adhere to the 50 percent requirement. However, satisfaction of this requirement may not be feasible for all construction activities.</u></p>	<p>The 50 percent requirement may not be feasible to carpool for construction delivery of major materials, haul in construction equipment, environmental monitors, etc.</p>

Response to Comments – Comment Letter 20

Response to Comment 20-15: Comment noted; however the requested change is no longer necessary as the 50% requirement has been eliminated from the mitigation measure.

No	Section/ Appendix	Page	DSEIS Text Revision	Justification
16	4.14.2.2	4-67	<p>Operation and Maintenance. The O&M of the proposed Project would involve the periodic and routine transport, use and disposal of hazardous materials, hydraulic fluid, welding gases (acetylene, oxygen, and argon), and herbicide (Roundup® or equivalent). Hazardous wastes generated by the project could include: lubricating oil, oily rags used during maintenance, waste oil sorbents used for cleanup of small spills, and diesel used to fuel a backup firewater pump, and propane used to fuel an emergency generator. Hazardous substances that would be used have low and moderate (acetylene only) toxicity under the National Fire Protection Association (NFPA) health rating and would be recycled or disposed of by a certified oil recycler. The proposed Project would have to comply with regulations set by the Nevada State Fire Marshal and the Clark County Fire Department for the proper storage of these hazardous materials on-site.</p> <p>Dielectric fluid and cadmium telluride (CdTe) would be utilized in the carbon steel transformers and modules respectively. The dielectric fluid is mineral oil and is not considered hazardous (Zayed and Phillippe 2012). The CdTe is a semiconductor material used between two sheets of glass that make up the solar modules. Mitigation measure MM HAZ-2 would be recommended for the portions of the proposed project that will utilize these panels to provide a recycling option for the CdTe containing PV panels (Table 2-3).</p>	<p>The Primm Microwave Communication Site would include an above ground 499 gallon capacity propane fuel tank.</p> <p>Since SCE would not be installing, maintaining, or generating waste PV panels, the mitigation measure would not apply to SCE.</p>

Response to Comments – Comment Letter 20

Response to Comment 20-16: Comment noted. The text has been changed as requested.

January 10, 2013

Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Attn: Gregory Helseth Re: Silver State Solar South Project
Renewable Energy
Project Manager

Following are my comments regarding the referenced project.

1. The visual resources of the Ivanpah Valley are being totally destroyed. Two years ago this valley was relatively pristine, with limited industrial development. Today it is nearly destroyed by the solar developments on both sides of the California and Nevada border.
2. The proposed project will cause destruction of prime desert tortoise habitat. In addition, what little habitat left will be fragmented. With the number of renewable projects slated for Southern Nevada, we will soon run out of places where tortoises can be relocated to.
3. The existing off-road vehicle use area near Primm will be impacted. This will result in ORV enthusiasts using other areas (whether approved or not) which will likely result in even more habitat destruction than presently occurs. The citizens of Southern Nevada who are ORV enthusiasts still need a place to recreate.
4. The construction process will require our most precious commodity: Water. This project, in combination with all the other projects either under construction or built in the valley, will require far more water than is available in the area.

**Cmnt
21-1**

**Cmnt
21-2**

**Cmnt
21-3**

**Cmnt
21-4**

I recommend that the BLM choose the "No action" alternative for this project.



Judy Bundorf
1800 Sterling Point Court
Henderson, NV 89012

Response to Comments – Comment Letter 21

Response to Comment 21-1: Comment noted. The Draft Supplemental EIS/PRMPA describes Project-specific impacts to visual resources in Section 4.5, and cumulative impacts to visual resources are described in Section 4.19.3.5.

Response to Comment 21-2: Comment noted. The Draft Supplemental EIS/PRMPA describes Project-specific impacts to desert tortoise and tortoise habitat in Section 4.6.2, and cumulative impacts to the desert tortoise are described in Section 4.19.3.6.

The Biological Assessment is attached to this Final Supplemental EIS/PRMPA in Appendix G.

Response to Comment 21-3: Comment noted. The Draft Supplemental EIS/PRMPA describes Project-specific impacts to recreation from interruption of OHV trails in the Project area in Section 4.11, and cumulative impacts to recreation are described in Section 4.19.3.11. The indirect impacts of displacing OHV access to other areas are described in several locations in the Draft Supplemental EIS/PRMPA, for example in Section 4.10.2.4 and 4.19.3.4.

Response to Comment 21-4: Comment noted. The Draft Supplemental EIS/PRMPA describes Project-specific impacts to water resources from construction in Section 4.5, and cumulative impacts to water resources are described in Section 4.19.3.5.

From: Jared Fuller [mailto:jgillenfuller@yahoo.com]
Sent: Thursday, January 03, 2013 2:31 PM
To: BLM_NV_SND0_SilverStateSouthEIS
Subject: Sivler State South SDEIS comment

The silver state south solar project should not be built. The area to the east and south of the existing solar and gas power plants contains habitat for desert tortoise valuable in itself and for the population connectivity it provides. This area also contains vegetation resources, including various succulents and rare plants such as Utah swallow-wort, Death Valley ephedra, penstemon species, and matted cholla which should not be disturbed. At the very least, the project should be substantially reduced in size and reconfigured to avoid the rare plant populations.

Jared Fuller
636 W. 200 S.
Provo, Utah
84601

Cmnt
22-1

Response to Comments – Comment Letter 22

Response to Comment 22-1: The BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet Federal renewable energy mandates and respond to impacts identified in the NEPA analysis.

The inventory conducted for vegetation and special status plant species is included in Section 3.6.1 and impacts to vegetation and special status plant species are included in Section 4.6.1.

Refer also to Common Response in Section D.4.

From: Scott Legge [mailto:scottleggejr@hotmail.com]
Sent: Monday, November 26, 2012 11:28 AM
To: Helseth, Gregory L
Subject: SILVER STATE SOLAR SOUTH PROJECT

Mr. Helseth,

Hope your Thanksgiving was good. I am writing as a citizen of Phoenix, AZ expressing my concerns about losing the surrounding desert areas of Primm, NV currently utilized by the desert/offroad racing community. I would hate to see the racing community permanently lose this precious space for recreation and competition.

Thanks,
Scott Legge

Cmnt
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Response to Comments – Comment Letter 23

Response to Comment 23-1: During and after construction, dispersed recreational activities would not be allowed within the proposed Project footprint, and the Project footprint would be removed from the 216,300-acre Jean Lake/Roach Lake SRMA. The removal of the SRMA designation within the Project footprint would change the policies under which the area is managed as it would no longer be managed as part of the SRMA. However, the Applicant has committed to allowing public access to the Lucy Gray Mountains (see Figure 4.11-1) so recreation opportunities could continue in other parts of the SRMA. This access would also be available to organized competitive OHV races, however these events require special recreation permits and separate NEPA documentation before the races are approved.

22 October 2012

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

RE: Public comments on Silver State South Solar project (NVN-089530, NVN-085801)

Dear Mr. Helseth:

Please accept the following comments regarding First Solar’s application for a right-of-way to construct and operate the Silver State South solar project (hereafter Silver State South).

The Bureau of Land Management should revise and reissue a draft supplemental environmental impact statement (EIS) in mid-2013 after results of ongoing research on habitat connectivity for the Federally listed desert tortoise are complete, and the revised draft EIS should analyze other alternatives, including 1.) a conservation alternative that rejects First Solar’s proposal and analyzes a more sufficient area of critical environmental concern, and 2.) a ayout for a 250 MW project that takes into account First Solar’s actual power purchase agreement, which is 100 megawatts (MW) less than the project proposed and evaluated in the draft environmental impact statement (DEIS).

Purpose and Need

The DEIS inadequately addresses or ignores other agency purpose and needs that have been assigned to the Ivanpah Valley during review of past solar projects constructed sited in Ivanpah. The BLM’s purpose should be rewritten to include conservation goals for preserving a critical desert tortoise genetic linkage. The US Fish and Wildlife Service recommended in its revised biological opinion on BrightSource Energy’s Ivanpah Solar Electric Generating System (ISEGS) that the BLM amend land use plans for the Ivanpah Valley so that further industrial scale development not be permitted to “reduce fragmentation within the critical linkage between the Ivanpah Critical Habitat Unit and the El Dorado Critical Habitat Unit.” (USFWS, 10 June 2011)

The agency purpose and need discussed in the DEIS also ignores the Department of Interior Solar Energy Development Program, implemented by the Secretary of Interior on 15 October 2012, which designates the Ivanpah Valley as a solar energy exclusion zone in order to protect natural resources. Although project applications pending are not subjected to the solar exclusion zone created in the Ivanpah Valley, members of the public protested the exception for pending projects. The intent of the solar exclusion zone in the Ivanpah Valley is to protect wildlife resources, and

Response to Comments – Comment Letter 24

Response to Comment 24-1: Comment noted. However, the BLM purpose and need expressed in the Draft Supplemental EIS/PRMPA is appropriate for responding to the Applicant’s ROW grant application. The recent Solar PEIS and Las Vegas District Resource Management Plan revision are examples of regional planning efforts which are intended to respond to broader agency purposes.

Cmnt
24-1

would cover the proposed Silver State South footprint, indicating conflicting agency purpose and need for the same parcels of public land. (Record of Decision, Solar Energy Development Program, 15 October 2012).

The 2011 revised desert tortoise recovery plan also identifies habitat connectivity as a key element in the species' recovery. According to the revised plan, "[c]onnecting fragmented habitat helps to maintain gene flow between isolated populations. This action improves species fitness (ability to maintain or increase its numbers in succeeding generations) by maintaining diversity, allowing populations to interbreed, and providing access to larger habitats (Forman et al. 2003)."

Given the disparity in agency needs in the Ivanpah Valley, the agency purpose and need should be re-drafted. The purpose and need should also be separate for this particular DEIS. Separating the purpose from the need will help articulate the distinction between BLM's need to respond to the applicant's proposal, and the contrasting purposes that the Department of Interior has assigned to the Ivanpah Valley.

Flexibility and constrains ignored:

The Draft EIS mischaracterizes or ignores elements of the applicant's flexibility and constraints, artificially abandoning potential for more thorough alternative analysis. Another supplemental Draft EIS will be necessary to evaluate alternative layouts with a reduced footprint in accordance with the economic viability of the project as documented by the California Public Utilities Commission (CPUC) and Federal Energy Regulator Commission (FERC).

According to filings with CPUC, the power purchase agreement between First Solar's Silver State South and Southern California Edison (SCE) is for 250 MW, according to CPUC Advice Letter 2581-E from 6 May 2011, not the 350 MW for which the project footprint is designed and analyzed in the Draft EIS. Furthermore, the Large Generator Interconnection Agreement (LGIA) filed with FERC would only accommodate 230MW through the El Dorado substation, according to an SCE filing to the FERC dated 18 October 2011 under Federal Power Act regulations. According to Instruction Memorandum 2011-059, and the BLM NEPA Handbook, the "applicant's interests and objectives, including any constraints or flexibility with respect to their proposal, help to inform the BLM's decision and cannot be ignored in the NEPA process." The BLM should issue a supplemental draft EIS that analyzes action alternatives for a facility that is consistent with the economic viability of the project, which would be a 230 or 250 MW facility.

If the BLM continues to analyze a 350MW proposal, then BLM should also analyze as connected actions the need for possible transmission line and substation upgrades necessary to accommodate the extra generation potential of the project. SCE's LGIA limit at 230MW suggests that the existing transmission infrastructure may need to be upgraded if the project is going to be expanded to 350MW.

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Response to Comments – Comment Letter 24

Response to Comment 24-2: Comment noted. The Final Supplemental EIS/PRMPA includes a BLM Preferred Alternative of 250 MW_{AC} in capacity, with a reduction in size, construction duration, and required related infrastructure.

Analyses of natural resource impacts require additional information:

The BLM’s Draft EIS analyzed proposed layouts and designated a preferred alternative despite the BLM’s knowledge of an important study commissioned to determine the viability of the desert tortoise habitat linkage through the Ivanpah Valley that is not due to be completed until approximately spring 2013. The purpose of the study is to directly address agency and community concerns that the Silver State South project could sever the critical linkage identified in separate USFWS opinions. The BLM’s decision to rush the project’s Draft EIS, and the Department of Interior’s decision to list the Silver State South project as a “priority project” (the renamed “fast-track” process that has already received judicial criticism), is inconsistent with the overwhelming biological resources concerns that are underscored by the Ivanpah Valley’s designation as a solar energy ROW exclusion zone in the Solar Energy Development Program.

Alternatives do not provide sufficient wildlife corridor:

As the results of the habitat linkage study are pending, the BLM’s preferred alternative is not sufficient to meet other agency and community recommendations for preserving population connectivity for the threatened desert tortoise; concerns that are based on a history of scientific consultation among desert tortoise experts. Additional alternatives to be analyzed in another supplemental Draft EIS should analyze a project footprint that accommodates wildlife corridor meeting agency and scientific recommendations. Although the BLM’s preferred alternative provides the widest habitat linkage among the alternatives addressed in the Draft EIS, the linkage remains insufficient according to current scientific recommendations. The preferred alternative would only provide approximately a half-mile (0.5 mile) corridor of suitable desert tortoise habitat, at the narrowest point. The USFWS has estimated that tortoises need a corridor of suitable habitat at least 1.4 miles wide to maintain sufficient connectivity.

Given the importance of the public lands already identified in this comment letter, it is incumbent upon the BLM to ensure analysis of reasonable alternatives. Given that First Solar is unlikely to build a project that produces more energy than it can sell, an alternative analyzing a 230 MW facility designed to minimize impacts on the wildlife resources in the Ivanpah Valley is essential.

Modifications to ACEC proposal inconsistent with original intent:

BLM’s reissued supplemental Draft EIS should analyze conservation alternatives, including an alternative that amends the land use plan to implement an effective Area of Critical Environmental Concern (ACEC) and rejects First Solar’s ROW application, as well as other alternatives for a reduced project layout that include a more robust ACEC boundary than the boundary analyzed in the Draft EIS.

BLM determined that the original ACEC proposal submitted by Basin and Range Watch contained valid reasons to amend land use plans for two reasons: 1.) the protection of rare plant species, and 2.) the need to protect the desert tortoise connectivity corridor. However, BLM modified the boundaries of the ACEC to

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24-3

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24-5

Response to Comments – Comment Letter 24

Response to Comment 24-3: Comment noted. However, the Draft Supplemental EIS/PRMPA is a supplement to an earlier EIS (BLM 2010) that analyzed a very similar project. The NOI for the Draft Supplemental EIS/PRMPA was published in the Federal Register on September 1, 2011, leaving more than two years between the publication of the NOI and the release of the Draft Supplemental EIS/PRMPA. The BLM disagrees that this process has been rushed, but does have a responsibility to respond to ROW applications in a reasonable amount of time, consistent with Title II of FLPMA and BLM ROW regulations.

Response to Comment 24-4: See Section D.4. Also, refer to Figure 2-1 in the Final Supplemental EIS/PRMPA.

The BLM and Applicant are working with the USFWS to develop specific monitoring studies to broaden the understanding of impacts to population demographics and genetic stability of the desert population from solar development in the Ivanpah Valley.

Response to Comment 24-5: Comment noted. However, to include consideration of the ACEC nomination in the Draft Supplemental EIS/PRMPA required the exclusion of the ACEC from the Project footprint. The resulting ACEC does include a lower quantity of alluvial fan area, as noted. The recommendation to include an alternative that includes the ACEC but not the proposed Project would not be responsive to the ROW application. Such an effort would need to be pursued as a separate action unrelated to the proposed Project.

accommodate the Silver State South ROW. The revised ACEC boundary does not provide protection to a sufficient and consistent swath of habitat that would maintain connectivity.

The modified ACEC proposal for Alternative D mostly covers the rougher and higher elevation terrain of the Lucy Gray Mountains, which may not provide suitable desert tortoise habitat to maintain genetic connectivity between recovery units. The alluvial plain habitat carved out from the original ACEC proposal by BLM to accommodate the Silver State South ROW leaves the corridor unprotected, thus failing to achieve one of the two reasons for approving the ACEC proposal in the first place.

Reasonably Foreseeable Projects

The Draft Supplemental EIS' evaluation of reasonably foreseeable projects omits several thousand acres of potential disturbance in the vicinity of the Silver State South project. According to the website of Canada-based Elissa Resources, the company has claim to expansive land on the eastern edge of the Ivanpah Valley in Nevada, and plans to develop the Thor rare earth element mine on the site. The company has already conducted drilling, and assesses that initial results indicate large and rich deposits of rare earth elements. BLM mining claim records indicate that Elissa Resources hold mining claims across at least 4,000 acres of desert habitat in the Mount Diablo Meridian 28S/61E and 29S/61E township and ranges under the claimant name Red Hill Energy.

Partly overlapping with Elissa Resources' potential Thor mine development, Crescent Peak Renewables LLC, a subsidiary of Oak Creek Energy Systems, is proposing a wind energy facility involving up to 220 turbines across a ROW application spanning nearly 58 square miles in Nevada. The company submitted a permit to construct the facility to the Public Utilities Commission of Nevada in September, according to public records. The project would further disturb and fragment habitat for the desert tortoise and foraging habitat for other sensitive species on the eastern edge of the Ivanpah Valley, and should be evaluated in the draft supplemental EIS as another foreseeable project in the vicinity.

Thank you for your time, and let me know if you have any questions.

Sincerely,
Shaun Gonzales

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**Cmnt
24-6**

Response to Comments – Comment Letter 24

Response to Comment 24-5: The plans identified by Elissa Resources are at this time speculative, as no applications have been received by BLM for the referenced mining development. BLM's policy for inclusion of cumulative projects directs that reasonably foreseeable future actions are not limited to those that are approved or funded, but they do not include speculative actions (NEPA Handbook H-1790-1, Section 6.8.3.4. Therefore, that project was not included as reasonably foreseeable in the Supplemental EIS/PRMPA.

As for the Crescent Peak Renewables project, that application was submitted well after the NOI for the proposed Project, and thus was not included in the Draft Supplemental EIS/PRMPA. Given that projects are continually added to the potential list of possible future projects to be considered, a lead agency possesses the authority to set a reasonable cutoff date for such new projects (San Franciscans for Reasonable Growth v City and County of San Francisco (1984) 151 Cal.App.3d 61, 74 n14; Gray v County of Madera (2008) 167 Cal.App.4th 1099, 1128. BLM policy regarding cumulative projects is that only those that are reasonably foreseeable at the time of NOI publication in the Federal Register are analyzed in the environmental document. However, information regarding this project and its cumulative impacts has been added to the cumulative impacts sections of the Final Supplemental EIS/PRMPA in the interests of full disclosure.

From: Anne Butterfield [mailto:AnneFarr45@comcast.net]

Sent: Monday, December 10, 2012 4:06 PM
 To: BLM_NV_SND0_SilverStateSouthEIS; Childers, Jeffery K
 Cc: BUTTERFIELD ANNE
 Subject: "Public comment on the Stateline and Silver State South solar power projects"

"Public comment on the Stateline and Silver State South solar power projects"

To the Bureau of Land Management:

I have been a committed advocate for renewable energy for many years yet I am truly troubled by industrial scale solar projects being built - needlessly in wilderness areas - where sensitive populations of animals exist, as is the case in the two projects named above. Of particular concern is the federally threatened Desert Tortoise. (please see <http://www.kcet.org/news/rewire/solar/photovoltaic-pv/draft-environmental-statement-out-for-stateline-solar.html>)

People who closely watch the much needed advance of renewable energy in the United States know that building large solar projects in urban or suburban centers can save money and wildlife as compared with building in remote areas. When solar projects are built close to the end users, it can save on transmission expenses and deliver value-enhancing *shade* over parking lots, roads, highways, canals, and commercial centers where those solar farms get built.

Also, building solar arrays to float on reservoirs or stand over canals is a huge saver of water from evaporation. (please see

Page 1

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25-1**

Response to Comments – Comment Letter 25

Response to Comment 25-1: Comment noted. Distributed power generation is considered outside the scope of the purpose and need for the Project; specifically, Federal renewable power generation goals on the public lands. The BLM will not typically analyze an alternative for a different technology when a ROW application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology. BLM's responsibility for this EIS was to consider the ROW application for this tract of land. The Supplemental EIS/PRMPA did describe the impacts within the region of this and other reasonably foreseeable projects to provide the decision maker with sufficient information to decide whether or not to approve this Project or an alternative. The BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet Federal renewable energy mandates and respond to impacts identified in the NEPA analysis. The designs described in your comment (e.g., floating panels), while potentially promising for the future, would not be sited on BLM-administered lands, and thus are not considered as alternative actions for BLM in responding to the ROW application.

Response to Comments – Comment Letter 25

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<http://www.nytimes.com/2011/04/20/business/energy-environment/20float.html?pagewanted=all>) First Solar should offer to build a huge solar farm to float on nearby Lake Mead which is constantly losing water level due to the effects of global warming, and where huge transmission capacity exists for the power station at Hoover Dam. Bureau of Reclamation is already seeking projects this way:

"Evaporation rates at Colorado River reservoirs (Powell, Mead, etc.) constitute major losses of water in the Colorado River system - losses that are not put to 'beneficial use', as defined by most water users. In fact, evaporation rates at Lake Powell and Lake Mead (330,000 acre-feet (af) and 740,000 af, respectively) are greater than water amounts transported to Las Vegas and Salt Lake City metro areas (290,000 af and 140,000 af, respectively). Evaporation rates of these two major reservoirs are so high primarily because of the desert environments in which they are located. These environments have high summer temperatures, low relative humidity, and intense solar inputs....

In an effort to reduce evaporation rates at these reservoirs, while also producing clean, renewable energy, the BOR and other land and water management agencies should consider covering many portions of Lake Powell and Lake Mead with solar panels. Solar panels would simultaneously utilize solar inputs to create electricity and prevent evaporation. Electricity produced could be transported by existing lines from Hoover and Glen Canyon Dams. Solar panels could be mounted to dry land and span arms of reservoirs, or could be harnessed on floating 'piers'.

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Response to Comments – Comment Letter 25

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see
[http://www.usbr.gov/lc/region/programs/crbstudy/44_Eva
poration_Reduction_from_Reservoirs_and_Canals.pdf](http://www.usbr.gov/lc/region/programs/crbstudy/44_Eva
poration_Reduction_from_Reservoirs_and_Canals.pdf)

I am asking the BLM to direct the Stateline and Silver State projects away from the sensitive tortoise habitat in Ivanpah Valley and ask "First" Solar to build "First" on BUILT ENVIRONMENTS. I hope they will discover superior project value as well as superior social acceptance by building on already existing infrastructure. This is a values issue; solar power is about preserving the environment and should exhibit that value in every possible way.

thank you for your consideration,

Anne B Butterfield
209 Boulder View Lane
Boulder CO 80304

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