

RECORD OF DECISION

Modified Blythe Solar Power Project

Lead Agency:

*United States Department of the Interior
Bureau of Land Management*

Case File Number: CACA-048811

Modified Blythe Solar Power Project Decision to Amend Right-of-Way Grant

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August 2014



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Abbreviations

ACOE	Army Corps of Engineers
BLM	Bureau of Land Management
BO	Biological Opinion
BSPP	Blythe Solar Power Project
CDCA	California Desert Conservation Area
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DOD	Department of Defense
DOI	United States Department of the Interior
ECCMP	Environmental Construction and Compliance Monitoring Program
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
I-10	Interstate 10
MW	megawatt
NECO	Northern and Eastern Colorado Desert Coordinated Management Plan
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
NTP	Notice to Proceed
POD	Plan of Development
PV	photovoltaic
ROD	Record of Decision
ROW	right-of-way
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of the Interior (DOI) and the Bureau of Land Management (BLM) for an amendment to the existing Right-of-Way (ROW) grant CACA-048811 for the Blythe Solar Power Project (BSPP), which was approved in 2010 as a 1,000-megawatt (MW) solar energy generating plant utilizing thermal parabolic trough technology on 6,831 acres of public land located near the City of Blythe in Riverside County, California. Location maps are provided in Appendix 1 of this ROD. This ROD approves an amendment to the 2010 Federal Land Policy and Management Act (FLPMA) ROW grant for the BSPP and authorizes the construction, operation and maintenance, and decommissioning of the BSPP as a 485 MW solar energy generating plant utilizing photovoltaic (PV) technology on approximately 4,138 acres of public land (Modified Project). This decision was analyzed in the Final Environmental Impact Statement (Final EIS) issued on May 30, 2014 through the Notice of Availability (NOA) published by the Environmental Protection Agency (USEPA) in the Federal Register on May 30, 2014 (79 Fed. Reg. 31110). The Modified Project was analyzed in the Final EIS as the BLM's Preferred Alternative, and is referred to as the Selected Alternative in this ROD. The BLM prepared the Final EIS in accordance with FLPMA, NEPA, the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (Title 40, Parts 1500-1508 of the Code of Federal Regulations [40 CFR Parts 1500-1508]), DOI regulations for implementing NEPA (43 C.F.R. Part 46), and other applicable BLM authorities.

The decision in this ROD reflects careful consideration of the information generated from the environmental review process conducted for the Modified Project, and further reflects resolution of the issues brought to BLM and DOI through that process. As explained below, BLM's approval of the Modified Project does not effect or otherwise require BLM to revisit the land use plan decision approved by the 2010 ROD.

Decision Rationale

This ROD applies only to BLM's decision on the Modified Project. Other agencies, including the California Energy Commission (CEC), are responsible for issuing and enforcing their own decisions and applicable authorizations for the Modified Project.

This decision fulfills legal requirements for managing public lands. Amending the ROW grant contributes to the public interest in developing renewable power to meet Federal and state renewable energy goals. The stipulations in the grant ensure that authorization of the Modified Project will protect environmental resources and comply with environmental standards. This decision reflects a careful balancing of many competing public interests in managing public lands, and is based on comprehensive environmental analysis and full public involvement. The BLM engaged highly qualified technical experts to analyze the environmental effects of the Modified Project. During the scoping process and following the publication of the Draft Environmental Impact Statement (Draft EIS), members of the public submitted comments that enhanced BLM's consideration of many environmental issues relevant to this project. The BLM, CEC, U.S. Fish and Wildlife Service (USFWS), and other agencies used their expertise to address the important issues of environmental resource protection. The BLM, and DOI generally, have determined that all practicable mitigation measures contained in the Final EIS and the existing Biological Opinion, which is provided in Appendix 2 of this ROD, that avoid or minimize environmental harm have been adopted.

1.0 Introduction

1.1 Background

NextEra Blythe Solar Energy Center, LLC¹ (Grant Holder) is the current owner and holder of ROW grant CACA-048811 that the BLM issued for the BSPP on November 4, 2010. The BLM analyzed² and approved a ROW grant³ for the development of the BSPP as a 1,000 MW solar energy generating plant utilizing thermal parabolic trough solar generating technology on 6,831 acres of public land located near the City of Blythe in Riverside County, California (Approved Project). On June 21, 2013, the Grant Holder submitted a Level 3 variance request pursuant to the 2010 ROD⁴ to amend the ROW grant to convert the Approved Project's solar thermal generating technology to PV, reduce the size of the overall solar plant site, and reconfigure the solar plant site to allow transmission and access road corridors through the BSPP site for shared use with other approved and proposed projects in the Project area. As a result of these changes, the Modified Project would generate less power within a smaller solar plant footprint than the Approved Project. It would have a nominal generating capacity of 485 MW on a solar plant site of 4,070 acres (4,138 acres including the on-site portion of the linear corridor). The reduced footprint of the Modified Project is entirely within the footprint of the Approved Project.

The 2010 ROW grant authorized the construction of a 1,000 MW solar thermal trough project that was described and analyzed in the August 2010 Plan Amendment (PA)/Final EIS and authorized by BLM's October 2010 ROD. The initial project proponent and applicant for the BSPP, Palo Verde Solar I, LLC,⁵ commenced construction following the November 4, 2010 receipt of the ROW grant and Notice to Proceed from BLM. Palo Verde Solar I, LLC installed fencing and drainage infrastructure, and constructed a water well, well-related infrastructure, and an approximately 21,000-foot (4-mile) segment of the main access road to the solar plant site. The approximately 180.7-acre area disturbed by the Approved Project is shown on Figure 2-3, Proposed Modification (see Appendix 1). Construction activities ceased on August 23, 2011, following Palo Verde Solar I's indication to BLM that it planned to amend the existing authorizations for the Approved Project to transition to development of a solar PV energy generation plant on the site. Upon this request, BLM issued a Temporary Suspension Order for all surface-disturbing activities. On September 8, 2011, BLM authorized measures to stabilize the site and ensure that Palo Verde Solar I would remain in compliance with the terms of the approved ROW grant

¹ NextEra Blythe Solar Energy Center, LLC is a wholly owned subsidiary of NextEra Energy Resources, LLC.

² The California Energy Commission (CEC) and BLM cooperatively prepared a Staff Assessment and Draft Resource Management Plan Amendment and Environmental Impact Statement as a joint environmental analysis under state and federal law that was issued on March 19, 2010. The BLM issued a Proposed Plan Amendment/Final Environmental Impact Statement (2010 PA/FEIS) pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA, Pub.L. 94-579) and the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. § 4321 et seq.) that was noticed in the August 20, 2010, Federal Register (75 Fed. Reg. 51,479).

³ The Secretary of the Department of the Interior signed a Record of Decision (2010 ROD) for the BSPP on October 22, 2010.

⁴ As described in Appendix 4, Section 5.3 of the 2010 ROD, Level 3 variance requests generally involve project changes that would affect an area outside the previously approved work area; that are outside the areas previously surveyed for cultural resources, sensitive species, and biological resources; or that would change the function, structure, technology required, or other part of the project previously approved in the Plan of Development (POD). The 2010 ROD notes that Level 3 variances may need to be implemented through an amendment to the ROW grant; such an amendment would be necessary to grant the Level 3 variance and approve the Modified Project.

⁵ Palo Verde Solar I, LLC was a wholly owned subsidiary of Solar Millennium, a German company that founded Solar Trust of America in 2009 to develop utility scale solar energy projects in the United States.

pending BLM's review and approval of its proposed ROW grant amendment. The BLM requested that a modified Plan of Development (POD) be submitted within 90 days describing the proposed modifications (BLM, 2011) to the project. Palo Verde Solar I proceeded to maintain the site in accordance with existing approvals and, in November 2011, completed the acquisition of 858.5 acres of agency-approved off-site mitigation land – 89.5 acres more than the 769 acres required for the first phase of construction as stipulated in the 2010 ROD for the Approved Project.

Beginning in December of 2011, Palo Verde Solar I's parent companies both in the United States and Europe filed for bankruptcy. First, Solar Millennium initiated the equivalent of bankruptcy proceedings in Germany, and then in April 2012, Solar Trust of America filed for Chapter 11 bankruptcy protection in Delaware. As part of that bankruptcy proceeding in Delaware, NextEra Blythe Solar, a subsidiary of NextEra Energy Resources, LLC, purchased certain assets from Solar Trust of America, including the un-built Approved Project. On July 12, 2012, BLM approved the transfer of the ROW grant in connection with that transaction and NextEra Blythe Solar became the current Grant Holder for the Approved Project. NextEra Blythe Solar proceeded with Solar Millennium's plan to convert the previously approved solar thermal project to a PV project on the approved site and requested on September 5, 2012 that the BLM lift the Temporary Suspension Order. The BLM granted such request on October 16, 2012, and the Grant Holder began to maintain the site in accordance with the 2010 ROW grant and other approvals. In anticipation of the fact that a PV project on the site would require a smaller footprint than that approved for the prior solar thermal trough project, the Grant Holder relinquished to BLM approximately 35 percent of the 2010 ROW grant area on March 7, 2013. The BLM approved this relinquishment on May 9, 2013. Then the Grant Holder submitted a Level 3 variance request to BLM on June 21, 2013, which requested that the BLM amend the 2010 ROW grant to convert the Approved Project to PV technology, reduce the size of the solar plant site, and reconfigure the project site to allow transmission and access road corridors through the BSPP site for shared use with other approved and proposed projects (i.e., to approve the Modified Project as analyzed in the Final EIS).

On August 30, 2013, BLM initiated NEPA analysis of the Modified Project with the publication of a Notice of Intent (78 Fed. Reg. 53778). It published a Draft EIS on February 7, 2014 (79 FR 7450), and a Final EIS on May 30, 2014 (79 FR 31133). The Final EIS analyzed the impacts of the Modified Project request. The Final EIS did not supersede or replace BLM's 2010 PA/FEIS or other consideration of the Approved Project. Rather, BLM, pursuant to its obligations under FLPMA and NEPA, and tiered the Final EIS to the 2010 PA/FEIS for the Approved Project to the extent that the analysis in that document informed or was relevant to BLM's consideration of the effects of the Modified Project. The Final EIS also incorporated by reference to the extent relevant to its analysis of the Modified Project information in the 2010 ROD for the Approved Project, and the Final Programmatic EIS for Solar Energy Development in Six Southwestern States (Arizona, California, Colorado, Nevada, New Mexico, and Utah) (Solar PEIS).

1.2 Purpose and Need

The BLM's purpose and need in connection with the Modified Project is to respond to the Grant Holder's request for a Level 3 variance under Title V of FLPMA (43 U.S.C. § 1701 *et seq.*) and modification of the 2010 ROW grant to authorize the construction, operation and maintenance, and decommissioning of a

485 MW solar PV project in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws consistent with BLM's multiple use obligations under FLPMA. The 2010 ROW grant for the Approved Project authorizes a 1,000 MW thermal trough project that was described and analyzed in the 2010 PA/FEIS and authorized by the 2010 ROD.

In conjunction with FLPMA, BLM authorities include:

1. Executive Order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner;"
2. Secretarial Order 3285A1, dated March 11, 2009, and amended on February 22, 2010, which "establishes the development of renewable energy as a priority for the Department of the Interior;" and
3. The President's Climate Action Plan, released on June 25, 2013, which sets forth a new goal for the Department of the Interior to approve 20,000 MW of renewable energy projects on the public lands by 2020, in order to ensure America's continued leadership in clean energy.

This ROD describes decisions of DOI and BLM to approve the Grant Holder's Level 3 variance request and amend the 2010 ROW grant as appropriate.

2.0 Overview of Alternatives

2.1 Alternatives Fully Analyzed

In the Final EIS, BLM evaluated one action alternative and one No Action alternative.

Alternative 1: Modified Project. The Modified Project would be composed of 4 individual plants or phases identified as Units 1 through 4. Units 1 through 3 would have an approximate nominal generation capacity of 125 MW each, while the capacity of Unit 4 would be 110 MW.⁶ Construction of Unit 1 would include a shared operation and maintenance building, parking area, and water treatment system facilities to serve all 4 units. The total area enclosed within fences for all 4 units would be 4,070 acres. The on-site portion of the linear corridor would not be fenced and would cover approximately 68 acres, for a total of 4,138 acres within the Alternative 1 footprint. The Modified Project proposes no changes to the approved off-site linear facilities; these would remain as approved in the 2010 ROD. Similarly, as explained below, the California Desert Conservation Area (CDCA) Plan and the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) Amendment to the CDCA Plan would remain as amended by the 2010 ROD.

Alternative 2: Denial of the Modified Project (No Action). Under this Alternative, the Level 3 variance request would be denied by BLM and the Grant Holder would remain able to develop the 2010 Approved

⁶ Nominal plant capacity refers to generation and delivery of power under ideal conditions. The instantaneous capacity of any solar energy facility is dependent on many factors and changes over a course of a day, a season, or year regardless of the technology, geographic location, or design. The nominal capacity is understood to mean the peak power-generating capacity of the facility expressed in watts minus all auxiliary, internal (parasitic) loads.

Project as modified by the March 7, 2013 voluntary relinquishment that left approximately 4,433 acres of the 2010 ROW grant available for development, roughly 65 percent of the Approved Project footprint, which, as scaled, would be sufficient to develop approximately 650 MW of the approved 1,000 MW of generation capacity using the solar thermal parabolic trough technology authorized by the 2010 ROD. All other aspects of the project with the partial relinquishment would be the same as the 2010 Approved Project. The CDCA Plan and the NECO Amendment to the CDCA Plan would remain as amended by the 2010 ROD. No further analysis or approvals would be required for BLM to issue a Notice to Proceed for this alternative, subject to the terms and conditions of the 2010 ROW grant.

2.2 Alternatives Not Fully Analyzed

Alternative sites, technologies, and methods were considered as potential alternatives to the Modified Project but not carried forward for detailed analysis. Potential alternative sites considered were on private land, BLM administered land, and on brownfields/degraded lands identified by the USEPA. Additionally, BLM considered alternative types of energy projects including geothermal, wind, and other types of solar energy technologies, among others. Finally, BLM also considered other configurations of the Modified Project within the 2010 ROW grant footprint. The BLM eliminated these alternatives from detailed analysis based on one or more of the following reasons: it would not respond to BLM's purpose and need; would be technically or economically infeasible; would be inconsistent with the basic policy objectives for the management of the area; implementation of the alternative would be remote or speculative; it would be substantially similar in design to an alternative that is analyzed; and/or, it would have substantially similar effects to an alternative that was analyzed in detail. Each of these reasons is explained in detail in Section 2.6 of the Final EIS.

2.3 Previously Considered Alternatives

The 2010 PA/FEIS considered two additional alternatives: the 2010 Approved Project and 2010 No Project Alternative. Neither of these alternatives was revisited for purposes of BLM's consideration of the Grant Holder's Level 3 variance; however, both were summarized in Section 2.4 of the Final EIS for purposes of disclosure and to facilitate comparison of the Modified Project to with the existing BSPP Project prior analysis.

2.4 Environmentally Preferred Alternative

In accordance with 40 C.F.R. § 1505.2(b), the BLM has identified Alternative 1, the Modified Project, as the environmentally preferred alternative because it would cause the least damage to the biological and physical environment in the project area. The Modified Project would avoid or reduce impacts to vegetation and wildlife resources, cultural resources, soils, surface water resources, and other resources present within the areas not proposed for development compared to the Approved Project. Additionally, it would reduce impacts on recreation, visual resources, and groundwater withdrawal.

2.5 Agency Preferred Alternative/Selected Alternative

Alternative 1, the Modified Project, was identified as BLM's preferred alternative in Final EIS Section 2.5. The Modified Project also is referred to as the Selected Alternative in this ROD as a result of the decision described in the following section.

3.0 Decision

The decision is hereby made to approve the Agency Preferred Alternative, the Modified Project, and authorize amendments to the 2010 ROW grant for the BSPP (CACA-04881). This decision fulfills BLM's legal requirements for managing public lands and contributes to the public interest in developing renewable power to meet federal and state renewable energy goals. Specifically, this ROD approves the construction, operation and maintenance, and decommissioning of the up-to 485 MW solar PV project on BLM administered public lands in eastern Riverside County, California, analyzed as the Agency Preferred Alternative in the Final EIS. This approval will take the form of an amendment to the 2010 ROW grant (CACA-04881), which was issued in conformance with Title V of FLPMA (43 U.S.C. § 1761 *et seq.*) and its implementing regulations (43 C.F.R. § 2801 *et seq.*).

The amended ROW grant authorization will allow NextEra Blythe Solar, LLC, the Grant Holder, the right to use, occupy, and develop the described public lands to construct, operate and maintain, and decommission a solar PV electric generating facility composed of four units: Units 1 through 3 would have an approximate nominal generation capacity of 125 MW each, while the capacity of Unit 4 would be 110 MW. Within the approved ROW area, as amended by this ROD, construction and operation of the solar plant and on-site linear facilities would permanently disturb approximately 4,138 acres. The 2010 ROD approved the construction, operation and maintenance, and decommissioning of an off-site double-circuit 230 kV power transmission line (gen-tie), an off-site access road, an off-site distribution line, an off-site fiber optics line, and connection to Southern California Edison's Colorado River Substation. These components would remain as approved in the 2010 ROD and are not affected by this decision.

The total project construction period would consist of approximately 48 months. The approved ROW grant, as amended by this ROD, has a term of 30 years with a right of renewal so long as the lands are being used for the purposes specified in the grant. The initiation of construction will be conditioned on final approval by BLM. This approval will take the form of an official Notice to Proceed (NTP) for each phase or partial phase of construction. Construction of Unit 1 would occur first, followed by Units 2, 3, and 4. If the Modified Project does not progress to construction, operation, or is proposed to be changed to the extent that it appears to BLM to be a new project proposal on the approved project site, that proposal would be subject to additional review under NEPA.

The amended ROW is conditioned on compliance with: (i) the terms and conditions in the grant; (ii) the 2010 Biological Opinion (BO) issued by the United States Fish & Wildlife Service (USFWS), including any future amendments as explained below (the 2010 BO is provided in Appendix 2 of this ROD); (iii) the National Historic Preservation Act (NHPA) Section 106 Programmatic Agreement, as amended (provided in Appendix 4 of this ROD); (iv) implementation of mitigation measures and monitoring programs identified in the Final EIS and adopted BLM (provided in Appendix 5 of this ROD); and (v) the issuance

of all other necessary local, state, and federal approvals, authorizations, and permits. As explained below in Section 5.3 and in Appendix 3, BLM is issuing this ROD and associated ROW grant prior to the conclusion of the reinitiated consultation process under the ESA. As a result, following acceptance of the amended ROW by the Grant Holder, BLM will only issue a limited NTP for certain activities prior to the conclusion of the consultation process. The following activities included in the limited NTP are necessary to complete tortoise clearance in fall of 2014 and to generally attain project site readiness prior to the beginning of construction: construction of tortoise fencing, construction of access roads, tortoise clearance consistent with current USFWS protocol, reactivation of an existing groundwater well, geotechnical exploration, and limited staking and surveying related to these activities. All subsequent construction-related activities require receipt by BLM of the amended BO from USFWS and confirmation that the amended BO does not necessitate any changes to the Project before NTPs will issue.

This ROD applies only to BLM's decisions on the Modified Project. Other agencies, including the CEC, are responsible for issuing and enforcing their own decisions and applicable authorizations for the Modified Project. As explained in the Final EIS, the land use plan decision analyzed in the 2010 PA/FEIS and approved in the 2010 ROD for the Approved Project does not need to be revisited for purposes of the Level 3 Variance proposed by the Grant Holder because both Alternative 1 (the Modified Project) and Alternative 2 analyzed in the Final EIS fit entirely within the footprint of the 2010 Approval Project, and therefore are covered by the CDCA Plan Amendment decisions made in the 2010 ROD. As a result, that land use plan decision remains in effect going forward.

4.0 Management Considerations in Selecting the Preferred Alternative

The BLM selected Alternative 1 as the Agency's Preferred Alternative. The selection of this Preferred Alternative reflects careful balancing of many competing public interests in managing public lands in accordance with the multiple use mandate and other obligations in FLPMA. It also is based on comprehensive environmental analysis and full public involvement in accordance with NEPA.

4.1 Federal Land Policy and Management Act of 1976

The FLPMA establishes policies and procedures for the management of public lands. In Section 1701(a)(8), Congress declared that it is the policy of the United States that:

“ . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use (43 U.S.C. § 1701(a)(8)).”

Title V of FLPMA (43 U.S.C. §§ 1761-1771) and BLM's ROW regulations (43 C.F.R. Part 2800) authorizes BLM, acting on behalf of the Secretary of the Interior, to authorize a ROW grant on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM Authorized Officer (AO) administers the ROW authorization and ensures compliance

with the terms and conditions of the ROW lease. This authority is derived from the authority of the Secretary of the Interior, and may be revoked at any time. With respect to this ROW grant, this authority has been delegated to the Field Manager of the Palm Springs South Coast Field Office, who will be responsible for managing the ROW grant, as amended, for the Modified Project. The grant will be subject to specified terms and conditions, including compliance with the BO, as amended; Programmatic Agreement, as amended; mitigation measures identified in the Final EIS as adopted by BLM; and compliance with other applicable Federal rules and regulations that are designed to protect public health and safety, prevent unnecessary damage to the environment, and ensure that the project will not result in unnecessary or undue degradation of public lands.

4.2 National Environmental Policy Act and Public Involvement

Section 102(c) of NEPA (42 U.S.C. § 4321) and CEQ and DOI implementing regulations (40 C.F.R. Parts 1500–1508 and 43 C.F.R. Part 46) provide for the integration of NEPA directives into agency planning to ensure appropriate consideration of NEPA’s policies and to eliminate delay. When taking actions such as amending ROW grants, the BLM complies with the applicable requirements of NEPA, the CEQ’s NEPA regulations, and the agency’s own policies for the implementation of NEPA. Compliance with the NEPA process is intended to assist Federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the decision, and identifying actions that protect, restore, and enhance the environment. The Draft EIS, Final EIS, and this ROD document BLM’s compliance with the requirements of NEPA for the Modified Project.

The BLM engaged highly qualified technical experts to analyze the environmental effects of the Modified Project and No Action Alternative (Alternative 2). During the scoping process and following the publication of the Draft EIS, members of the public submitted comments that enhanced BLM’s consideration of many environmental issues relevant to the Modified Project. The BLM, USFWS, California Department of Fish and Wildlife (CDFW), other agencies, and consulted tribes used their expertise and best available information to address important resource issues.

Chapter 3 of the Final EIS presents an analysis of the environmental consequences that would result from each of the two alternatives described above, including their effectiveness in meeting BLM’s purpose and need for action, which includes consistency with the requirements of the FLPMA, the policy and legal directives encouraging renewable energy development on BLM administered public lands, and basic policy objectives for the management of lands within the CDCA. The BLM’s purpose and need is described in Section 1.2 of this ROD.

The MW capacity associated with the Selected Alternative will assist BLM in addressing these several management and policy objectives. The Selected Alternative would generate up to 485 MW of electricity annually and is expected to provide climate, employment, and energy security benefits to California and the nation. The Modified Project will provide clean electricity for homes and businesses, and bring much needed jobs to the area. With unemployment rates of 12.2 percent in Riverside County and 9.2 percent in La Paz County, Arizona (Final EIS, p. 3.13-5), employment of workers for project construction would have a beneficial effect in helping to reduce unemployment. The Selected Alternative is expected to

create 628 jobs during the construction period and 24 permanent, full-time jobs during its operation (Final EIS Table 2-5, p. 2-28). By contrast, the No Action Alternative (Alternative 2), would result in the production of up to 650 MW of electricity annually and would create more jobs, but also would result in greater adverse environmental impacts, including the permanent disturbance of 485 additional acres of vegetation, 4.5 million additional cubic yards of cut and fill, and 12,665 additional acre-feet of groundwater consumption (Final EIS Table 2-5, pp. 2-24 through 2-32).

5.0 Consultation and Coordination

5.1 Government-to-Government Consultation with Tribes

As described in detail in Section 4.2.3 of the Final EIS, BLM conducted government-to-government consultation with 15 federally recognized Tribal governments in accordance with several authorities including, but not limited to, NHPA, the American Indian Religious Freedom Act, Executive Order 13175, and Executive Order 13007. The BLM re-initiated consultation for the Modified Project on June 26, 2013, prior to the publication of the Notice of Intent (NOI) for the Draft EIS, reaffirmed its commitment to government-to-government consultation in the August 30, 2013 NOI (78 Fed. Reg. 53778), and provided other public notices about the Modified Project to provide reasonable notice of and seek input about how potential project-related changes could affect the use of sacred sites or their physical integrity. Individual government-to-government meetings with Indian tribes provided a separate forum for tribes to share information and concerns openly and candidly, apart from other consulting parties and about other issues not necessarily related to the NHPA Section 106 process. In addition to NHPA Section 106 consultation meetings with all consulting parties, BLM held individual meetings with interested Tribes and made other efforts (including site visits and individual meetings with tribal members and tribal council members) as part of the government-to-government consultation process. These efforts are summarized in Final EIS Table 4-1.

5.2 NHPA Section 106 Consultation

Section 106 of the NHPA (16 U.S.C. § 470) requires Federal agencies to take into account the potential effects of a proposed undertaking on historic properties eligible for or listed in the National Register of Historic Places. The steps in the NHPA Section 106 process are described in Section 4.2.2 of the Final EIS. Pursuant to this process for the 2010 Approved Project, BLM consulted with the California State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), federally recognized Indian tribes, and other consulting parties. From this group, several consulting parties entered into a Programmatic Agreement concerning the Approved Project. The required signatory parties (BLM and SHPO), invited signatories (Grant Holder and CEC), and concurring parties (federally recognized Indian tribes) agreed that compliance with the terms of the Programmatic Agreement would resolve adverse effects to historic properties of the 2010 Approved Project.

Consultation continued during the period of time that the BLM was evaluating the Modified Project, and will continue for the duration of the ROW grant, as amended. Significant events in the ongoing Section 106 consultation process that occurred after execution of the 2010 Programmatic Agreement and

before the availability of the Final EIS are summarized in Final EIS Table 4-1. The signatories, invited signatories, and concurring and invited concurring parties received a copy of the NOI for the Modified Project, an invitation to participate in the scoping process, and copies of the Draft EIS and Final EIS for review.

The Programmatic Agreement, per its terms, has been amended to allow for changes in project ownership (see Appendix 4 of this ROD). The Programmatic Agreement, as amended, includes measures to avoid, minimize, or mitigate concerns expressed by Indian tribes. Such measures include: a Historic Properties Treatment Plan(s), which describes in further detail measures to resolve and minimize adverse effects of the project on historic properties; a robust construction monitoring plan that provides for tribal participation; a Native American Graves Protection and Repatriation Act Plan of Action to ensure the proper treatment and protection of prehistoric human remains should any be discovered; and provisions for a long-term Historic Properties Management Plan to provide for post-construction archeological resource monitoring in response to concerns regarding the potential for degradation associated with increased access. Based on the ongoing consultation with Tribal governments and representatives, and the Programmatic Agreement, as amended, many cultural resources in the area are avoided by the Modified Project, and unavoidable impacts are substantially mitigated. As a result, the Selected Alternative would result in impacts less than or similar to Alternative 2 or the Approved Project related to cultural resources. The Programmatic Agreement, as amended, demonstrates BLM's satisfaction of its obligation under Section 106 for the Modified Project.

5.3 Endangered Species Act—Section 7 Consultation

The USFWS has jurisdiction over threatened and endangered species listed under the ESA, as amended (16 U.S.C. §§ 1531 *et seq.*). The BLM complied with its obligations under Section 7 of ESA by consulting with the USFWS regarding the potential effects of the 2010 Approved Project on the desert tortoise. After reviewing the then-current status of the desert tortoise, the environmental baseline for the action area, and direct, indirect, and cumulative effects of the 2010 Approved Project on the desert tortoise, the USFWS issued a Biological Opinion (BO) that found that the 2010 Approved Project is not likely to jeopardize the continued existence of the desert tortoise. Implementation of the reasonable and prudent measures identified in the 2010 BO were considered sufficient to minimize adverse impacts to desert tortoise. The 2010 BO is provided as Appendix 2 of this ROD.

Although BLM previously received a non-jeopardy BO for the 2010 Approved Project, and the Selected Alternative will reduce effects on the desert tortoise because the Selected Alternative is significantly reduced in size and entirely within the footprint of the Approved Project, BLM nevertheless reinitiated consultation with USFWS under Section 7 to amend the BO to reflect the reduced impacts of the Modified Project to desert tortoise. Because there were documented instances of Yuma clapper rail mortality during the spring of 2013 and 2014 at two large-scale PV projects in California, the BLM also looked at whether the Selected Alternative would impact this species.⁷ The BLM determined that the Modified Project is not likely to adversely affect (NLAA) the Yuma clapper rail and requested that

⁷ The first mortality was documented at the First Solar Desert Sunlight facility located approximately 33 miles west of the Modified Project, while the second mortality was documented at the Solar Gen 2 facility over 50 miles southwest of the Modified Project, south of the Salton Sea.

USFWS concur with this determination.⁸ On May 23, 2014, BLM provided additional information to USFWS and reiterated its request that USFWS provide concurrence with BLM's NLAA determination, or issue a BO addressing the effects on Yuma clapper rail. On July 30, 2014, the USFWS provided its concurrence with BLM's NLAA determination for Yuma clapper rail.

Even though the reinitiated consultation process for desert tortoise is still ongoing, BLM has determined it is appropriate to make a decision on the Selected Alternative prior to the conclusion of that process and the issuance of an amended BO. The Grant Holder requested to start general site preparation in the summer of 2014 in order to facilitate tortoise clearance in the fall of 2014 and to reach a certain level of site readiness for subsequent construction. Tortoise clearance must be completed in fall of 2014 in order for the Grant Holder to complete construction in time to receive the solar Investment Tax Credit, which will expire in 2016. In order to accommodate this timing request, the BLM conducted a Section 7(d) analysis as provided for under the ESA, 16 U.S.C. § 1536(d). Section 7(d) provides that “[a]fter initiation of consultation required under subsection (a) (2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which had the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a) (2).”

As further explained below and in Appendix 3 of this ROD, the BLM decision to approve the Project will not result in irreversible or irretrievable commitment of resources affecting possible reasonable and prudent alternatives (RPA), given the limitation that BLM will issue only a limited NTP for the following activities prior to the conclusion of the consultation process necessary to complete tortoise clearance in the fall of 2014: construction of tortoise fencing, construction of access roads, tortoise clearance consistent with current USFWS protocol, reactivation of an existing groundwater well, geotechnical exploration, and limited staking and surveying for these purposes. No additional or subsequent NTPs for further construction related activities will be issued until the conclusion of the consultation process and issuance of an amended BO by USFWS. The BLM based its 7(d) determination on the fact that the 2010 BO for the 2010 Approved Project covered desert tortoise and was a non-jeopardy opinion that does not include any reasonable and prudent alternatives. Since the Modified Project will have fewer effects on desert tortoise given its smaller size relative to the action analyzed in the 2010 BO, the BLM does not anticipate any new RPA measures would be necessary as part of the amended BO for desert tortoise, and therefore no RPAs would be foreclosed by BLM's decision to approve the project and issue a limited NTP.

The BLM's 7(d) analysis is provided as Appendix 3 of this ROD. In July 8, 2014, USFWS confirmed via email that it did not foresee any conflict with issuing the ROD and the limited NTP with the development of RPAs should they be needed as part of the amended BO.

⁸ It should be noted with respect to potential Yuma clapper rail impacts that the Modified Project footprint does not contain any Yuma clapper rail habitat and no Yuma clapper rail have been observed in the project area as part of project-specific resource surveys. Moreover, conservation measures specifically included for the Modified Project in the Final EIS, and required by this ROD, to reduce the impacts to bird species (e.g. marking and fencing) will reduce the potential for impacts to Yuma clapper rail.

5.4 Bald & Golden Eagle Protection Act/Migratory Bird Treaty Act

The BLM has also initiated and continued informal consultations with the USFWS related to the Bald and Golden Eagle Act (BGEPA; 16 U.S.C. §§ 668 *et seq.*) and the Migratory Bird Treaty Act (MBTA; 16 U.S.C. §§ 703 *et seq.*). The BGEPA prohibits any form of possession or taking of either bald eagles or golden eagles, which is defined as to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, disturb, or otherwise harm eagles, their nests, or their eggs.” The loss of active migratory bird nests or young is regulated by the MBTA.

The Final EIS included an evaluation of the Modified Project’s potential impacts on both migratory birds and golden eagles. In accordance with BLM Instruction Memorandum 2010-156 dated July 9, 2010, the BLM made a determination that the project is not likely to result in the take of golden eagles and would not disrupt essential breeding behavior. The Final EIS summarizes the Grant Holder’s proposed design features to address these impacts, including their Bird and Bat Conservation Strategy, Avian and Bat Protection Plans, and Golden Eagle Monitoring Plan. These plans will include a number of different conservation measures designed to minimize the Modified Project’s impacts on migratory birds and golden eagles, including specific measures to be implemented during construction, post construction monitoring and reporting. Additional measures aimed at further reducing risks to birds and bats may be implemented through adaptive management if the results from avian mortality monitoring required by these plans and related agency consultation warrant such action.

5.5 Federal Agency Coordination

5.5.1 U.S. Environmental Protection Agency

As described in the 2010 ROD, BLM coordinated with USEPA during the scoping process and comment periods provided for the 2010 PA/FEIS and this coordination occurred again for the Modified Project. As described in Section 4.1.1 of the Final EIS, USEPA submitted comments in response to the August 30, 2013 NOI to prepare the Draft EIS regarding impacts to air quality and aquatic and biological resources and consistency with regional planning efforts. The USEPA also submitted comments in response to the February 7, 2014 NOA of the Draft EIS (79 Fed. Reg. 7474). The USEPA’s concerns about air resources are addressed in Final EIS Section 3.2, impacts to biological resources are addressed in Final EIS Sections 3.3 and 3.4, and impacts to aquatic resources are addressed in Final EIS Section 3.18.

5.5.2 U.S. Department of Defense

As explained in Section 4.1.2 of the Final EIS, BLM works closely with the Department of Defense (DOD) through the DOD Siting Clearinghouse prior to approval of ROWs for renewable energy, utility, and communication facilities to ensure that these facilities would not interfere with military training routes or special use airspace. This coordination is separate from input sought and received from local military installations near the project site regarding potential hazards to air navigation. Although the Clearinghouse has no regulatory authority in permitting energy infrastructure projects, coordination with the Clearinghouse serves the national security interests of the United States by protecting DOD-specific

military capabilities such as the capacity to test and evaluate military weapons and sensor systems, monitor the skies for threats, and train personnel. Coordination has occurred for the Modified Project.

5.5.3 U.S. Army Corps of Engineers

On August 2, 2010, the Los Angeles District of the Department of the Army Corps of Engineers (ACOE) rendered a final opinion concluding that there are no waters of the United States on the Approved Project site. Because the determination remains valid until August 2, 2015, consultation with ACOE was not re-initiated for the Modified Project as it is entirely within the Approved Project's footprint as analyzed by the ACOE in 2010 (see Final EIS Section 4.1.3).

5.6 Coordination with the California Energy Commission

The California Energy Commission (CEC) has the exclusive authority to certify and license the construction, modification, and operation of thermal electric power plants in California that generate 50 MW or more. As a thermal electric power project greater than 50 MW, the 2010 Approved Project was subject to CEC jurisdiction. During the original proceeding leading up to the CEC's issuance of a license and the BLM's authorization of a ROW grant for the 2010 Approved Project, BLM and CEC staff collaborated on the review and environmental analysis of the project (Section 1.5.1 of the Final EIS). The CEC issued its Final Decision for the 2010 Approved Project on September 15, 2010. The CEC retained jurisdiction to consider the proposed conversion of the BSPP from solar thermal to the use of PV technology (Pub. Res. Code § 25500.1) and, on January 21, 2014, issued a Commission Decision approving the Modified Project. The BLM and CEC staff continued to collaborate regarding the agencies' review of the Modified Project.

6.0 Mitigation Measures

Consistent with BLM NEPA Handbook H-1790-1 and 40 C.F.R. § 1505.2(c), all practicable means to avoid or minimize environmental harm from the Selected Alternative have been adopted by this ROD. The amended ROW grant authorization is subject to the following measures, terms, and conditions:

- Terms and Conditions in the USFWS BO, provided in Appendix 2 of this ROD, as may be amended by USFWS;
- Terms and Conditions in the amended Programmatic Agreement, provided in Appendix 4 of this ROD;
- Avoidance, Minimization, and Mitigation Measures identified in Final EIS Chapter 3, *Environmental Analysis*, provided in their final form in Appendix 5 of this ROD; and
- The Environmental Construction and Compliance Monitoring Program (ECCMP) provided in Appendix 6 of this ROD.

These measures, terms, and conditions are determined to be in the public interest pursuant to 43 C.F.R. § 2805.10(a)(1). Additional mitigation may be imposed pursuant to State laws (including the California Environmental Quality Act), rules, policies, or regulations.

7.0 Monitoring and Adaptive Management

A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation (40 C.F.R. § 1505.2(c)). Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation and other conditions established in the Final EIS or otherwise during BLM's review of the Modified Project, and made a condition of the decision in this ROD, shall be monitored for implementation by BLM or other appropriate consenting agency, as applicable.

For purpose of the monitoring and enforcement of those measures, ECCMP for the Selected Alternative is provided in Appendix 6 of this ROD. As the Federal lead agency under NEPA, BLM is responsible for ensuring compliance with all adopted mitigation measures set forth in Appendix 5. The BLM also has incorporated these mitigation measures into the amended ROW grant as terms and conditions. Failure on the part of NextEra Blythe Solar, LLC, as the Grant Holder, to adhere to these terms and conditions could result in various administrative actions up to and including a termination of ROW grant CACA-048811 and requirement to remove the facilities and rehabilitate disturbances.

Adaptive management has been incorporated into the mitigation measures adopted for the Selected Alternative. Adaptive management is a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to reevaluate the outcomes.

8.0 Public Involvement

8.1 Scoping

The BLM published the NOI to prepare an EIS for the Modified Project in the Federal Register on August 30, 2013 (78 Fed. Reg. 53778). On September 17, 2013, BLM held a publicly noticed Scoping Meeting in the Community Room at Blythe City Hall, located at 235 N. Broadway in Blythe, California. Six comment letters were received during the scoping period, which began with the issuance of the NOI and concluded on September 30, 2013. A Scoping Report was prepared, and is included for agency and public review as Appendix D of the Final EIS.

The BLM also established a website that described the Modified Project, the process, and various methods for providing public input, including the phone number where BLM's Project Manager for the project could be reached, physical addresses where project documents could be reviewed, and an e-mail address where comments could be sent electronically. Results of scoping were discussed in the Draft EIS and are detailed in the scoping report, which was included as an Appendix to the Final EIS, and is available as part of this project record and on the BLM website.

8.2 Public Comments on the Draft EIS

The BLM issued a NOA of the Draft EIS for the Modified Project and distributed the Draft EIS for public and agency review and comment on February 7, 2014 (79 Fed. Reg. 7474-02). The BLM held a public meeting in Blythe on March 5, 2014. The comment period ended March 24, 2014. Fourteen comment letters were received and provided in Appendix H of the Final EIS. Responses to all letters also were provided in Appendix H of the Final EIS. All comments received from agencies, members of the public, and internal BLM review were considered and modifications incorporated as appropriate into the Final EIS. Input received resulted in the addition of clarifying text in the analysis and further explanations provided in responses to comments.

8.3 Public Comments on the Final EIS

Even though there was no comment period, BLM received four letters regarding the Final EIS following the EPA's publication of the NOA in the Federal Register for the Final EIS on May 30, 2013 (79 Fed. Reg. 31110):

- U.S. EPA, dated June 27, 2014;
- Colorado River Indian Tribes, dated June 30, 2014;
- Laborers International Union of North America (LIUNA), Local 1184, dated June 30, 2014; and
- Pless Environmental, Inc., dated June 29, 2014, and provided by LIUNA.

Even though there was no comment period on the Final EIS, BLM considered these letters to the extent practicable. The BLM's consideration of these letters did not result in changes in the design, location, or timing of the project in a way that would cause significant effects to the human environment outside of the range of effects analyzed in the Final EIS. Similarly, none of the letters identified new significant circumstances or information relevant to environmental concerns that bear on the project and its effects.

8.4 Errata

Subsequent to the publication of the Final EIS, BLM determined that minor corrections to and clarifications of the Final EIS were necessary. These minor revisions and clarifications are being made as a result of and in response to internal BLM review since May 30, 2014, when the USEPA published the NOA of the Final EIS in the Federal Register. None of the minor corrections and clarifying statements affects the adequacy of the analysis or conclusions documented in the Final EIS.

Final EIS page 3.4-4) is revised as follows:

The Yuma clapper rail has the potential to occur in the project study area as a dispersing resident or migrant. The Yuma clapper rail was not identified during the analysis for the 2010 Approved Project; however, during the spring of 2013 and 2014, Yuma clapper rail mortality was documented at two large-scale PV projects in California. The first mortality was documented at the First Solar Desert Sunlight facility located approximately 33 miles west of the Modified Project, while the second mortality was documented at the Solar Gen 2 facility over 50 miles

~~southwest of the Modified Project, south of the Salton Sea. one was reported as deceased in May 2013 construction monitoring data from the Desert Sunlight Solar Farm site. No Yuma clapper rails have been identified as injured or deceased in monitoring reports for other solar projects under construction in the Mojave Desert. (Galati | Blek LLP, 2014).~~

Final EIS page 3.6-2, paragraph 1, is revised as follows:

A total of 99 archaeological sites have been identified within the Modified Project site. Of these, ~~only~~ 15 have been evaluated and determined not eligible for listing in the National Register of Historic Places (NRHP). ~~The other 84 sites remain unevaluated.~~ Because the 2010 Approved Project was being implemented in phases (Phases 1A, 1B, and 2), evaluations of eligibility to the NRHP also were phased, in accordance with the Programmatic Agreement that was executed for the BSPP by BLM in consultation with the SHPO (Signatories), the CEC and Palo Verde Solar I, LLC (Invited Signatories), and 12 Indian tribes (Concurring Parties). The evaluations for Phase 1A have been completed, resulting in determinations of ineligibility for 15 sites, as discussed above. The evaluations for the remaining 84 sites in Phase 1B and Phase 2 also have not been completed, and but BLM has yet to make formal determinations of eligibility ~~for the 84 sites located in these phases~~ for these sites and receive SHPO concurrence. Final determinations for the remaining 84 sites located within the Modified Project site will be made in accordance with the Programmatic Agreement, as amended (Appendix E). All sites are treated as eligible by BLM until they are determined ineligible.

Final EIS page 3.6-4, paragraph 1, is revised as follows:

Further documentation of the McCoy Tinaja petroglyph site was conducted in November, 2013 (Weidlich and Warren, 2013). The site consists of 63 petroglyph features, numerous rock features, three trail segments, and a tinaja, which is a naturally-occurring geological feature consisting of a pocket in bedrock where water occasionally can pool. The petroglyph site ~~has been preliminarily documented (Weidlich and Warren, 2013), but has not been~~ was formally evaluated for its eligibility for listing in the NRHP in May 2014, and BLM has yet to make a formal determination of eligibility for this site and receive SHPO concurrence.

Final EIS page 3.6-4, paragraph 4, is revised as follows:

Significance evaluations ~~were underway for Phase 1B of the 2010 Approved Project at the time that the original project owner filed for bankruptcy, and have not been finalized~~ have been completed, but BLM has yet to make formal determinations of eligibility for these sites and receive SHPO concurrence.

Final EIS page 3.6-7, paragraph 4, is revised as follows:

A total of 99 archaeological sites are located within the Modified Project's APE. Of these, 15 have been determined not eligible for listing in the NRHP and ~~84 remain unevaluated until the appropriate phase of review~~ have been evaluated, but BLM has yet to make formal determinations of eligibility for these sites and receive SHPO concurrence. Final determinations

for the remaining 84 sites located within the Modified Project site will be made in accordance with the Programmatic Agreement, as amended (Appendix E). All sites are treated as eligible by the BLM until they are determined ineligible.

Final EIS page 3.13-15, paragraph 1, is revised as follows:

The evaluations for the remaining 84 sites have ~~not yet~~ been completed, but BLM has yet to make formal determinations of eligibility for these sites and receive SHPO concurrence.

8.5 Availability of the Record of Decision

Electronic copies of this ROD are available on the Internet at http://www.blm.gov/ca/st/en/fo/palm_springs/Solar_Projects/Blythe_Solar_Power_Project.html. Paper and electronic copies may be viewed at the following locations:

California State Office
2800 Cottage Way, Suite W-1623
Sacramento, California 95825

Palm Springs—South Coast Field Office
1201 Bird Center Drive
Palm Springs, California 92262

California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553

9.0 Consideration of Other BLM Plans and Policies

9.1 Relationship of the Selected Alternative to the Solar PEIS

The BLM issued the (Solar PEIS) in July 2012 and the Secretary signed the associated ROD on October 12, 2012. The Solar PEIS ROD recognizes all approved solar energy projects on BLM administered lands and does not affect the status of any of these approved projects (Solar PEIS ROD Section B.1.3). Accordingly, this modification to the 2010 Approved Project is not subject to the decisions made through the Solar PEIS ROD. If the Selected Alternative were to be abandoned and ROW grant CACA-048811 relinquished, the lands within the ROW area would be subject to the land use plan decisions made through the Solar PEIS ROD. This would affect any future application proposed on the site.⁹

9.2 Conformance with the CDCA Plan

In furtherance of its authority under the FLPMA, BLM manages public lands in the California Desert District, including the site of the Selected Alternative, pursuant to the CDCA Plan and its amendments.

⁹ For example, future projects would be subject to the Solar PEIS ROD's amendment of the CDCA Plan to designate the Riverside East Solar Energy Zone (including the BSPP site) as a priority area for commercial-scale solar development.

The CDCA Plan is a comprehensive, long-range plan that was adopted in 1980; it since has been amended many times. The CDCA is a 25 million acre area that contains over 12 million acres of BLM administered public lands in the California Desert, which includes the Mojave Desert, the Sonoran Desert, and a small part of the Great Basin Desert. The site of the Selected Alternative includes approximately 4,138 acres of BLM administered land in the CDCA.

The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not specifically identified in the CDCA Plan be considered through the Plan Amendment process. As described in Section 3 of this ROD, the CDCA Plan was amended in the 2010 ROD to identify the 2010 Approved Project site as a site specifically associated with power generation and transmission.

The site of the Selected Alternative is classified as Multiple Use Class L (Limited Use) in the CDCA Plan. The Limited Use classification is intended to protect sensitive, natural, scenic, ecological, and cultural resource values. Public lands classified as Limited Use are managed to provide for multiple use of resources at a lower intensity, ensuring that sensitive values are not significantly diminished. Based on CDCA Plan Table 1, Multiple Use Class Guidelines, and CDCA Plan Chapter 3, Energy Production and Utility Corridors Element, solar uses are conditionally allowed in the Multiple Use Class L designation contingent on the CDCA Plan amendment process and NEPA requirements being met for the proposed use. Because the Selective Alternative site is entirely within the footprint for the Approved Project, which was identified in the CDCA Plan for such use in the ROD for the Approved Project, a CDCA Plan Amendment is not required for the Selected Alternative.

The ROD for the 2010 Approved Project also (i) approved the closure of certain open routes identified and designated in the NECO Amendment to the CDCA Plan that traversed the 2010 Approved Project site, and (ii) made several required determinations regarding the 2010 Plan Amendment's conformance to the CDCA Plan. The route closure decisions and other CDCA Plan conformance determinations are unaffected by the changes reflected in the Selected Alternative since the footprint of the Selected Alternative is entirely within the footprint for the 2010 Approved Project. Therefore, the Selected Alternative is consistent with the CDCA Plan and does not require an additional or new plan amendments or conformance determinations.

10.0 Final Agency Action

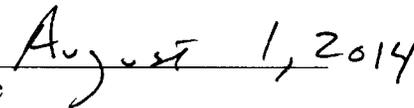
10.1 Right-of-Way Amendment

It is my decision to approve the Level 3 variance to amend the solar energy right-of-way lease/grant CACA-048811 held by NextEra Blythe Solar, LLC, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and the Bureau of Land Management that are reflected in this Record of Decision. This decision is effective on the date this Record of Decision is signed.

Approved by:



Neil Kornze
Director, Bureau of Land Management
U.S. Department of the Interior

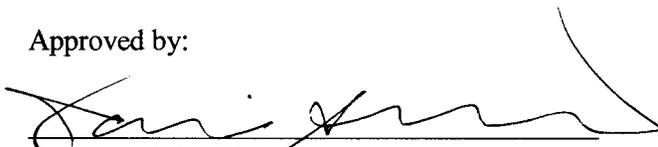


Date

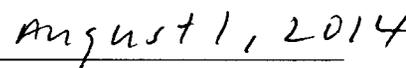
10.2 Secretarial Approval

I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 C.F.R. § 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 C.F.R. Subpart 4.400. Any challenge to these decisions, including the BLM Authorized Officer's amendment of the right-of-way as approved by this decision, must be brought in the federal district court.

Approved by:



Janice M. Schneider
Assistant Secretary, Lands and Minerals Management
U.S. Department of the Interior



Date