

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

**PALEN SOLAR ELECTRIC
GENERATING SYSTEM**

**DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT**



Volume 2 of 2

July 2013
CACA #048810

Publication Index #: BLM/CA/ES-2013/023+1793



APPENDICES

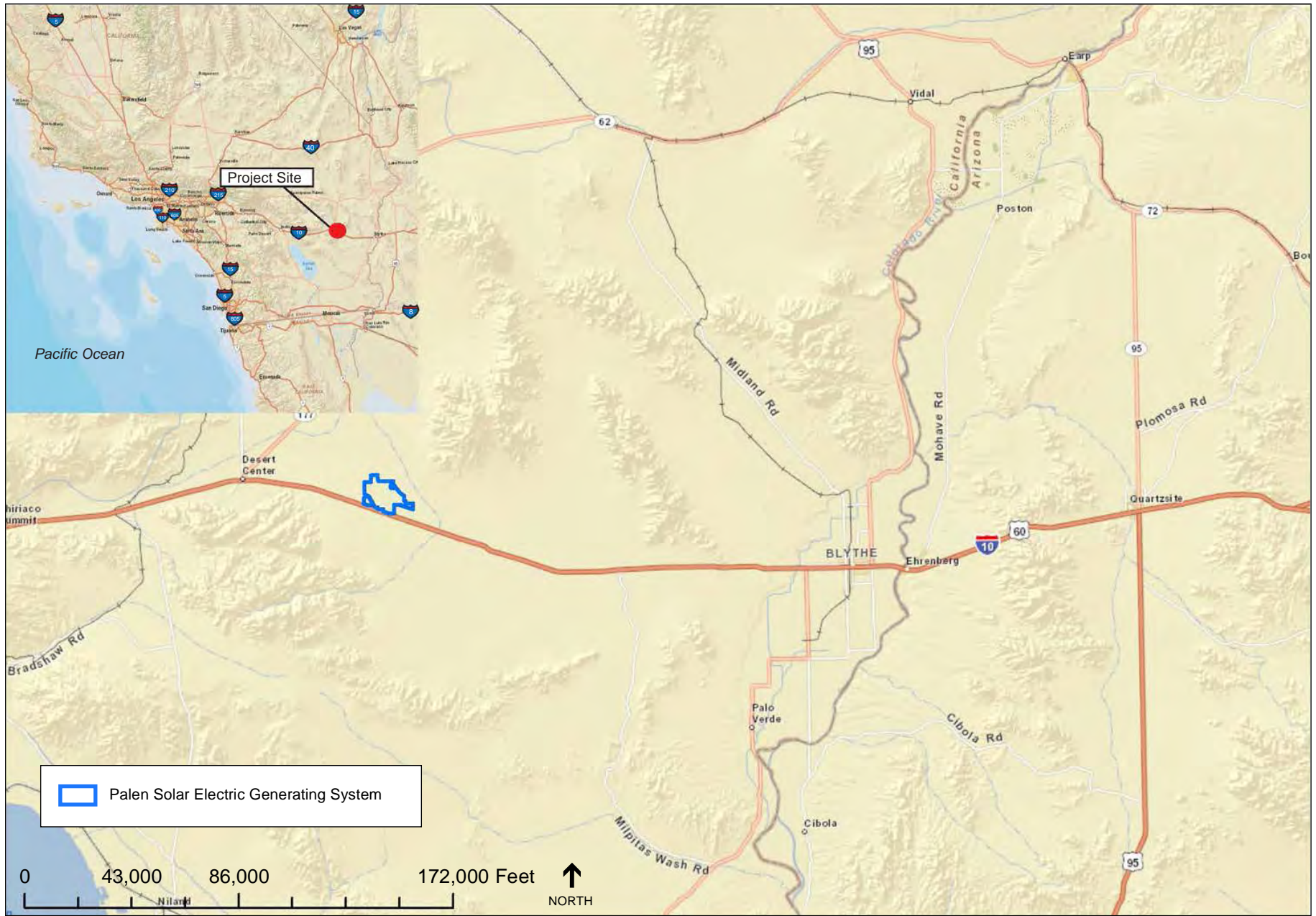
	<u>Page</u>
A. Maps and Figures	A-1
2-1 Project Location	A-3
2-2 Project Area	A-5
2-3 Preliminary Site Plan	A-7
2-4 Common Area	A-8
2-5 Temporary Construction Laydown Area	A-9
3.19-1 Characteristic Landscape of the Project Site	A-10
3.19-2 Landscape Context Photographs	A-11
3.19-3 Project Study Area and Viewshed	A-12
3.19-4 VRM Classes	A-13
3.20-1 Chuckwalla Valley Regional Groundwater Basins	A-14
3.20-2 Chuckwalla Valley Groundwater Basin Bedrock Topography	A-15
3.20-3 Chuckwalla Valley Groundwater Basin Cross Section A-A'	A-16
3.20-4 Regional Geology Map	A-17
3.20-5 Chuckwalla Valley Groundwater Basin Pre Project Conditions	A-18
3.20-6 Basin Wide Groundwater Hydrographs	A-19
4.1-1 Cumulative Project Scenario	A-20
4.18-1 Location of Key Observation Points (KOPs)	A-21
4.18-1a Location of Additional Key Observation Points	A-22
4.18-2 Existing Power Tower Receivers in Operation (Exhibiting Diffuse Reflected Sunlight)	A-23
4.18-3 Oblique View Simulation of the Solar Electric Generating System	A-24
4.18-3a View from Interstate 10 Westbound, Looking Northwest Towards the PSEGS Site Approximately 6 Miles East of Project	A-25
4.18-4 Power Tower Heliostats on Trailer Enroute to Installation, Ivanpah Valley, CA	A-26
4.18-5 Staging Area at Ivanpah Solar Energy System Power Tower Facility Ivanpah Valley, CA	A-27
4.18-6 Trimmed Vegetation Beneath Power Tower Heliostats Ivanpah Valley, CA	A-28
4.18-7 View from KOP-1, Highway 177 and Palen Pass Road, Looking South toward the PSEGS Site	A-29
4.18-8 View from KOP-2, Highway 177 at the Edge of Joshua Tree Wilderness, Looking Southeast toward the PSEGS Site	A-30
4.18-9 View from KOP-3, Desert Lily Sanctuary Entrance/Parking Area, Looking Southeast toward the PSEGS Site	A-31
4.18-10 View from KOP-4, Eagle Mountain Road, Looking East toward the PSEGS Site	A-32
4.18-11 View from KOP-5, I-10 Interchange at Desert Center, Looking East toward the PSEGS Site	A-33

	<u>Page</u>
A. Maps and Figures (continued)	
4.18-12 View from KOP-6, Residential Community Entrance/Exit in Desert Center, Looking East toward the PSEGS Site	A-34
4.18-13 View from KOP-7, Corn Springs Road at the Edge of Chuckwalla Mountains Wilderness, Looking North toward the PSEGS Site	A-35
4.18-14 View from KOP-8, I-10 Eastbound Near the Southwestern Corner of the Project, Looking Northeast toward the PSEGS Site	A-36
4.18-15 View from KOP-9, I-10 Westbound Near the Southeastern Corner of the Project, Looking Northwest toward the PSEGS Site	A-35
4.18-16 View from KOP-3A Coxcomb Wilderness Area (Joshua Tree National Park), Looking south towards the PSEGS Site	A-38
4.18-17 View from KOP-7A, Big Wash, Joshua Tree National Park, Looking southeast towards the PSEGS site (15.46 miles)	A-39
4.18-18 View from KOP-8A, Dragon Wash, Joshua Tree National Park, Looking southeast towards the PSEGS site (15.98 miles)	A-40
4.18-19 View from KOP-9A, Alligator Rock, BLM Area of Critical Environmental Concern (ACEC), Looking East towards the PSEGS Site (11.12 miles)	A-41
4.18-20 View from KOP-10A, Interstate 10 Eastbound, Looking East towards the PSEGS Site (6.87 miles)	A-42
4.18-21 View from KOP-12A, BLM Chuckwalla-Mountain Wilderness Area, Looking Northeast towards the PSEGS Site (4.63 miles)	A-43
4.18-22 View from KOP-13A, Interstate 10 Westbound, Looking Northwest towards the PSEGS Site (6.39 miles)	A-44
4.18-23 View from KOP-15A, BLM Palen/McCoy Wilderness Area, Looking Southwest toward the PSEGS Site (6.14 miles)	A-45
4.18-24 View from KOP-17A, Bradshaw Trail, Mule Mountain, Looking Northwest toward the PSEGS Site (22.98 miles)	A-46
4.19-1 Overall Grading and Drainage Plan	A-47
B. Plan Amendment/Final FEIS for the Palen Solar Power Project	B-1
C. Applicant Proposed Measures	C-1
D. Air Quality Laws, Regulations, and Policies	D-1
E. Department of Defense Non-Objection Letter	E-1
F. Draft Fire Safety Plan	F-1
G. Visual Contrast Rating Worksheets	G-1

APPENDIX A

Maps and Figures

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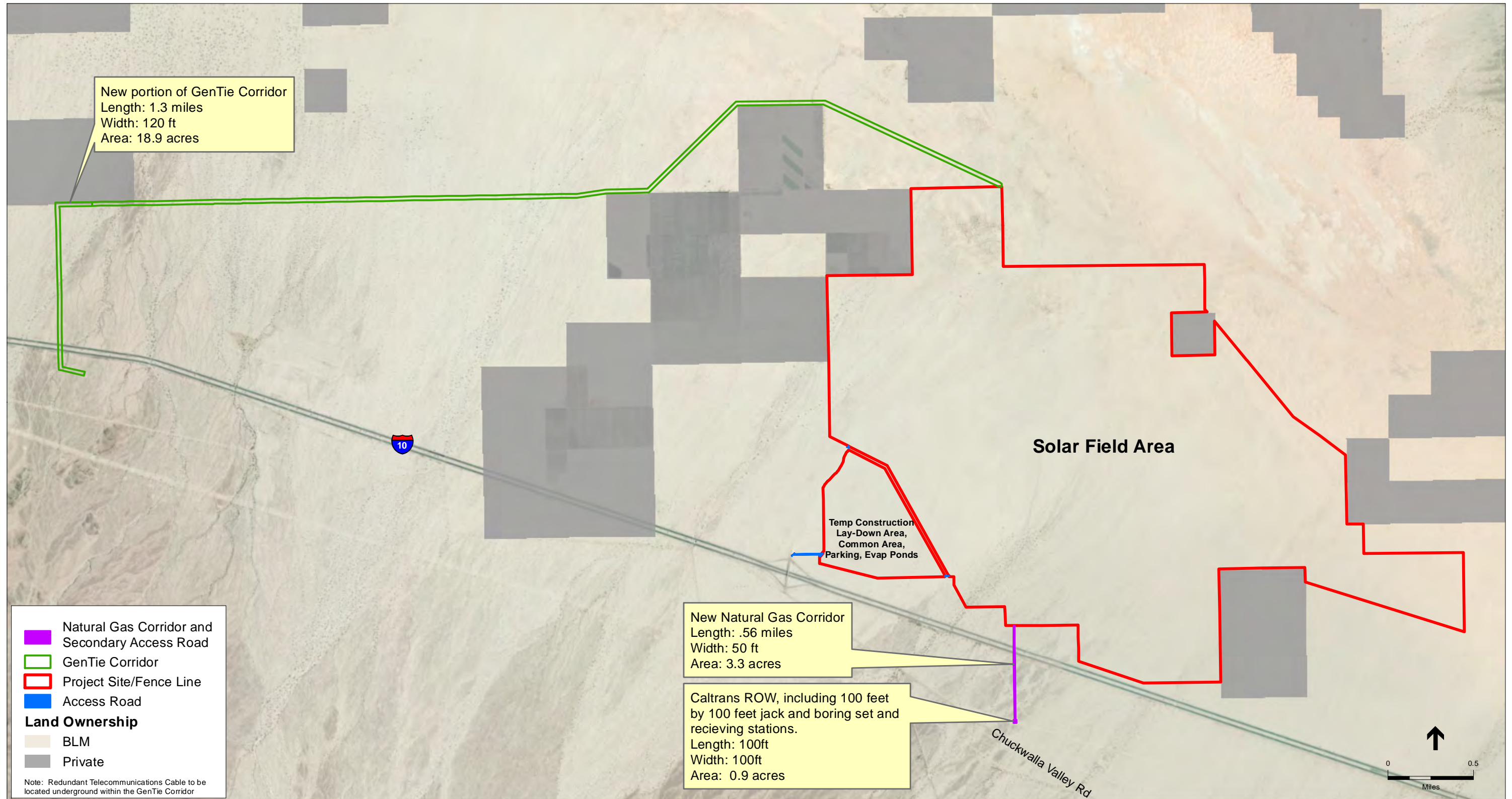


SOURCE: Palen Solar III LLC, 2013

PSEGS Draft SEIS . 130111

Figure 2-1
Project Location

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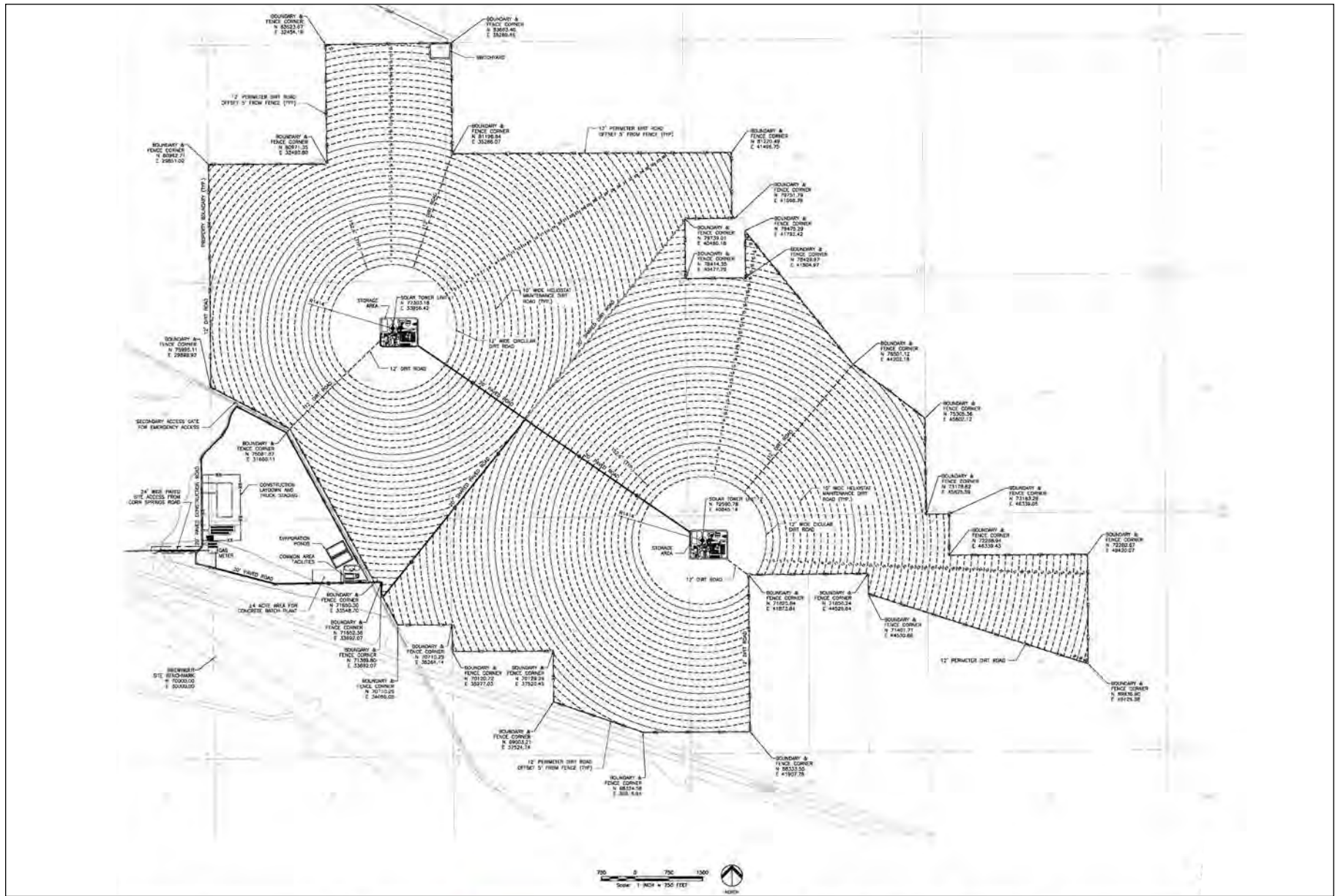


SOURCE: BrightSource Energy, 2013

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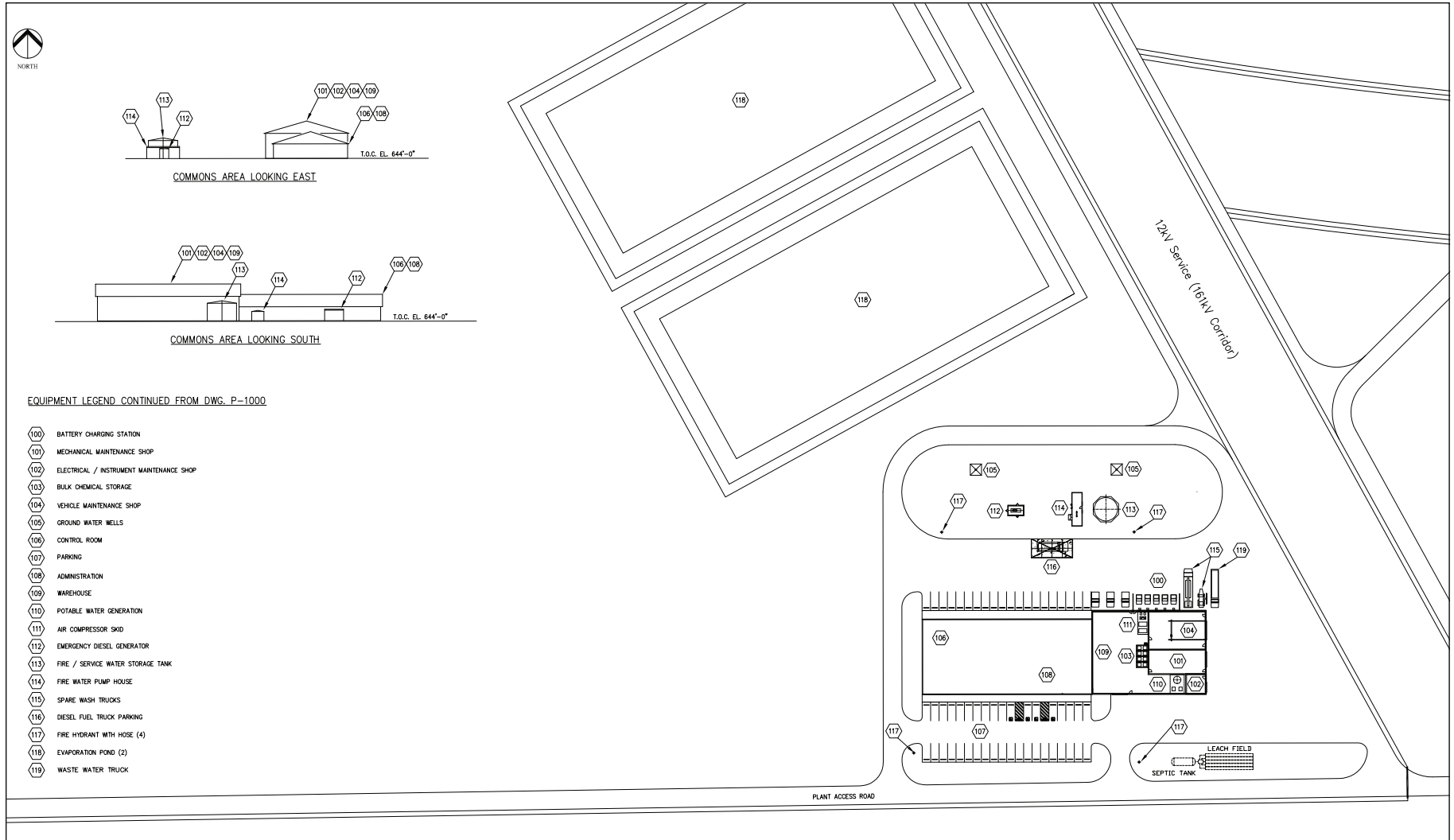
Figure 2-2
 Project Area

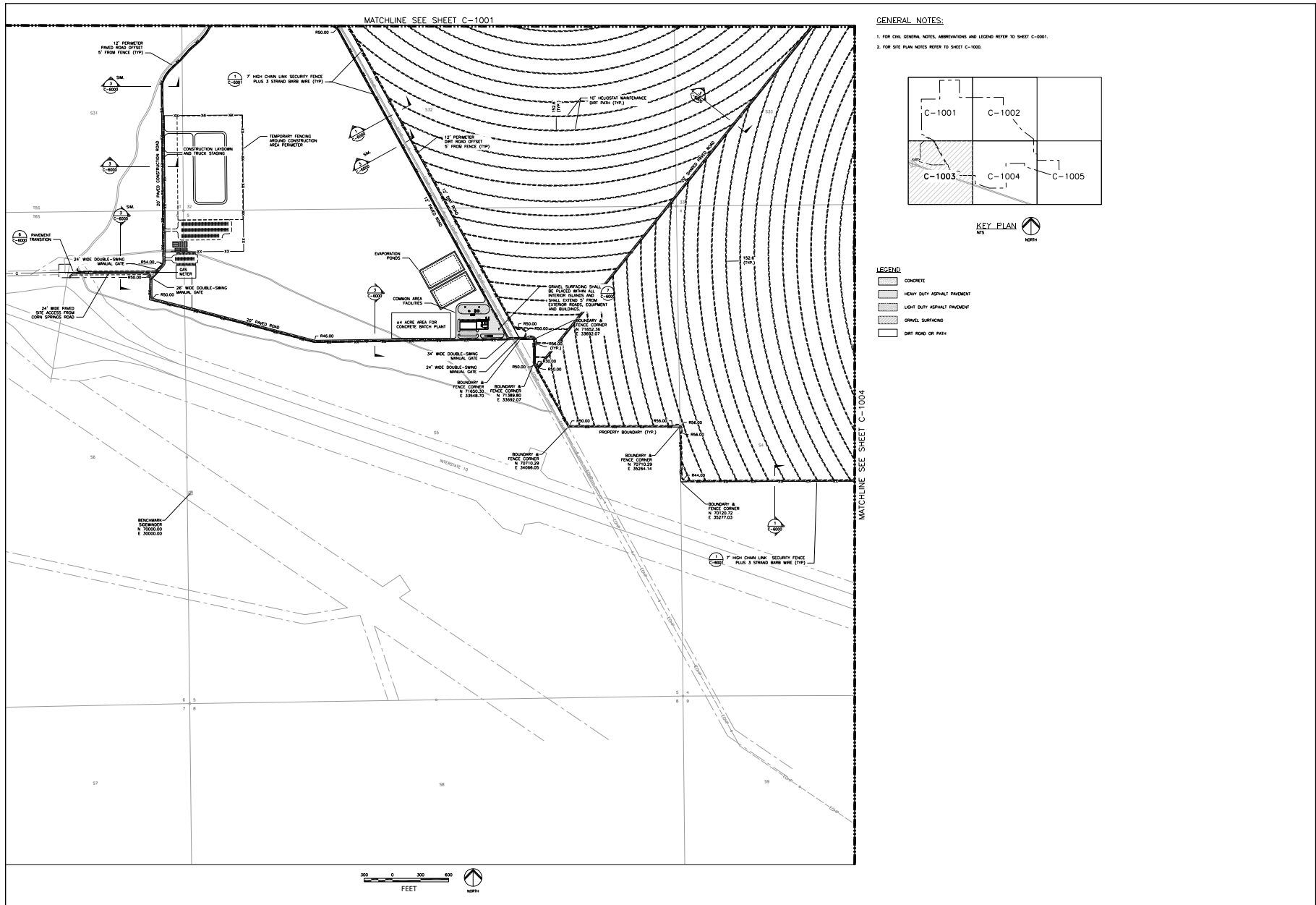
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SOURCE: CH2MHill, 2013

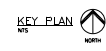
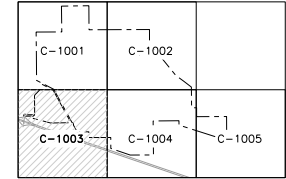
PSEGS Draft SEIS . 130111
Figure 2-3
Preliminary Site Plan





GENERAL NOTES:

1. FOR CIVIL GENERAL NOTES, ABBREVIATIONS AND LEGEND REFER TO SHEET C-1001.
2. FOR SITE PLAN NOTES REFER TO SHEET C-1000.



- LEGEND**
- CONCRETE
 - HEAVY DUTY ASPHALT PAVEMENT
 - LIGHT DUTY ASPHALT PAVEMENT
 - GRAVEL SURFACING
 - DIRT ROAD OR PATH





Dry Lake Bed



Ironwood Tree



Creosote Scrub

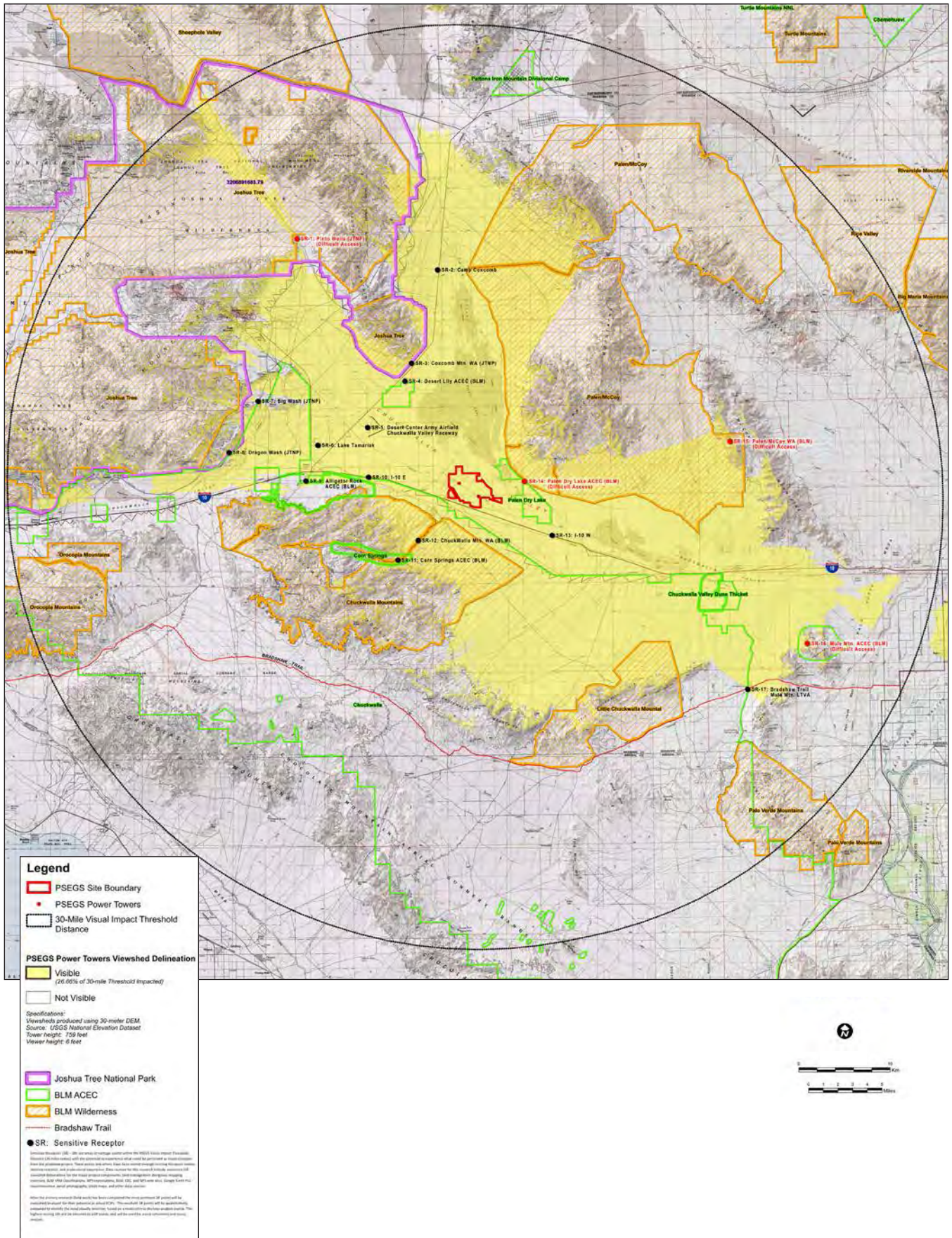


Chuckwalla Valley Road, looking north



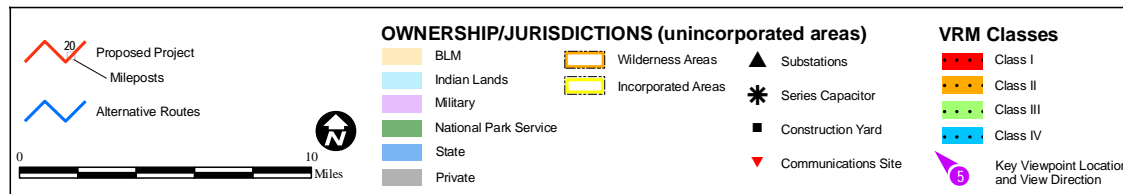
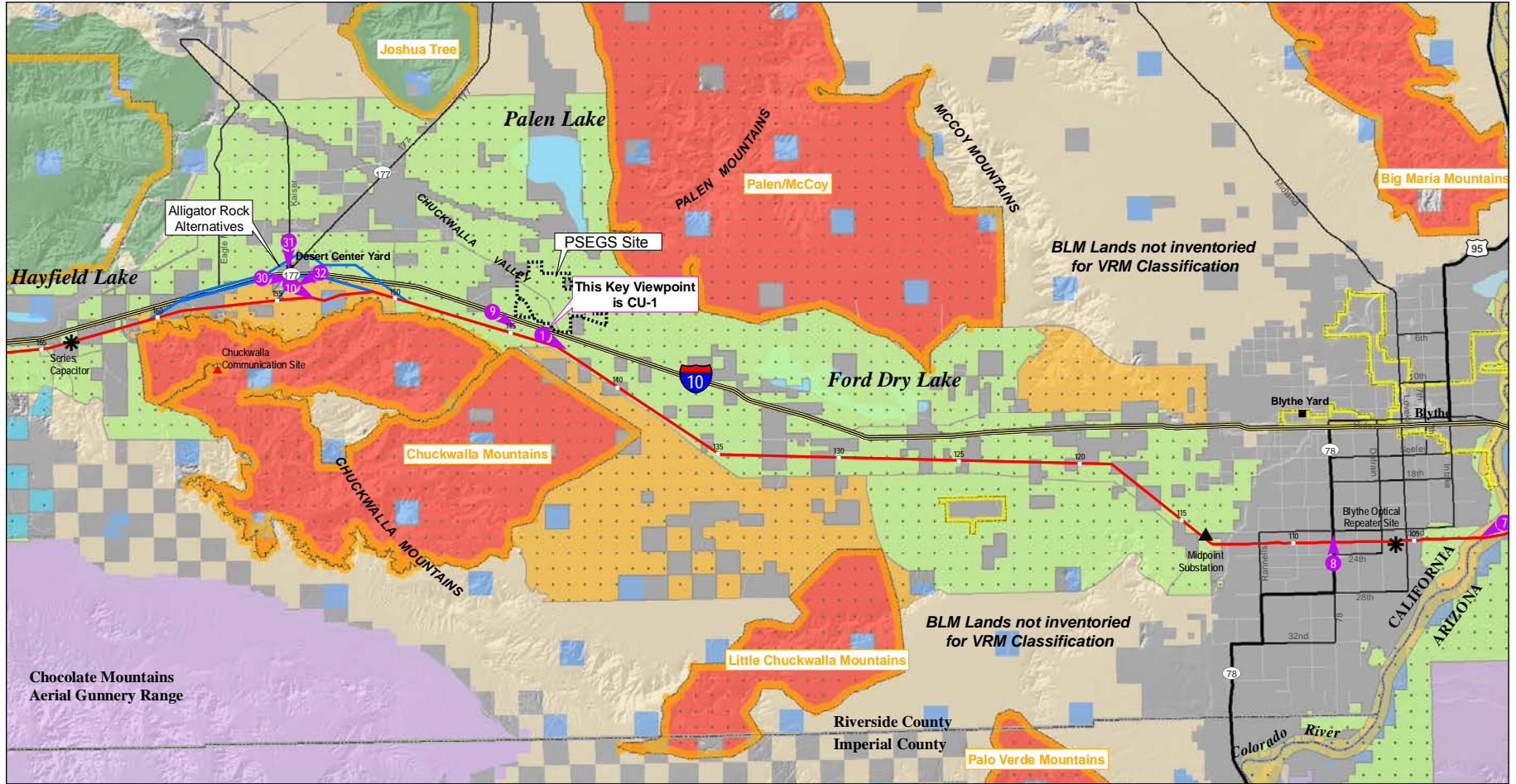
The Flats, Looking East

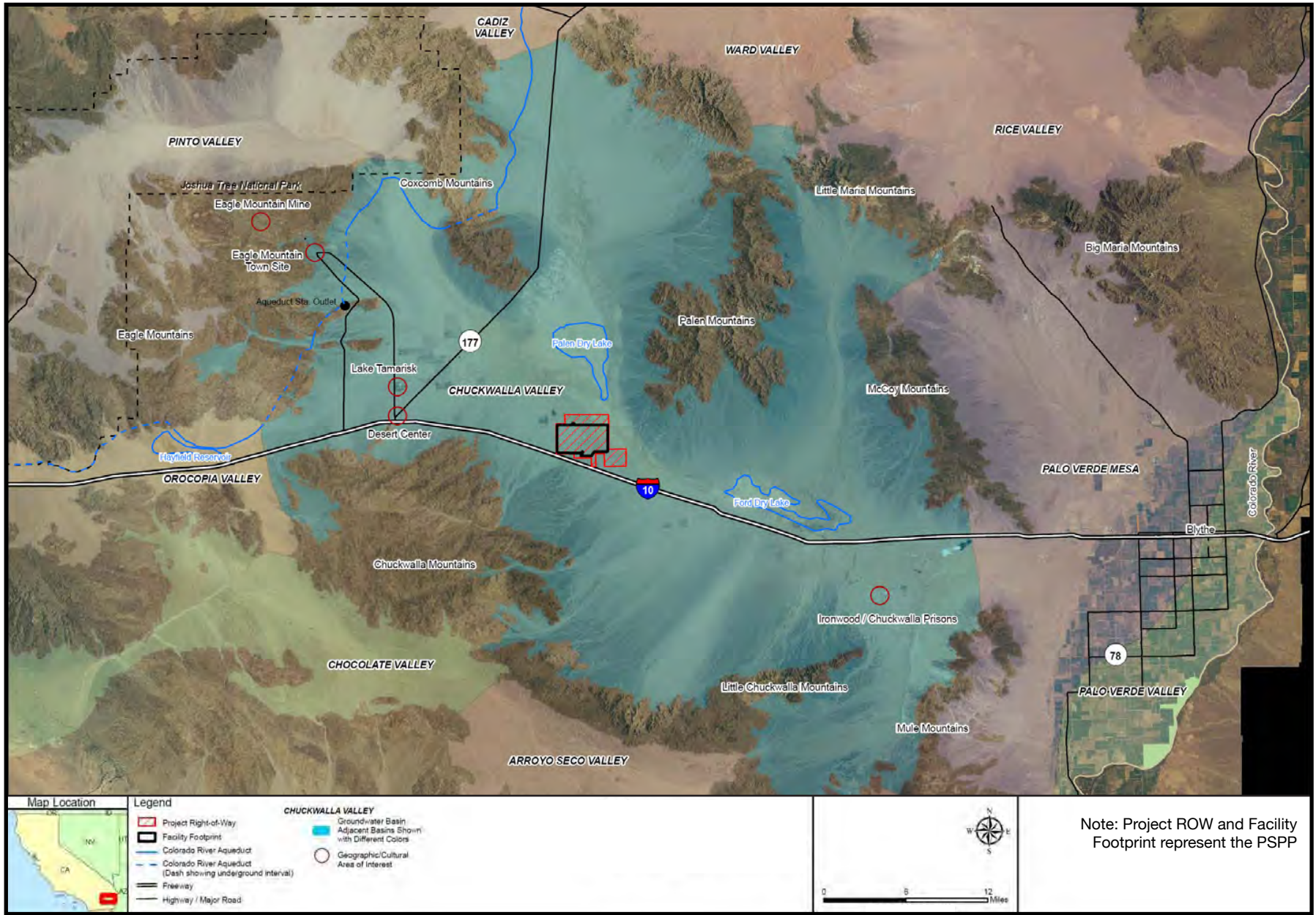
A-11



SOURCE: 3DScape

PSEGS Draft SEIS . 130111
Figure 3.19-3
 Project Study Area and Viewshed

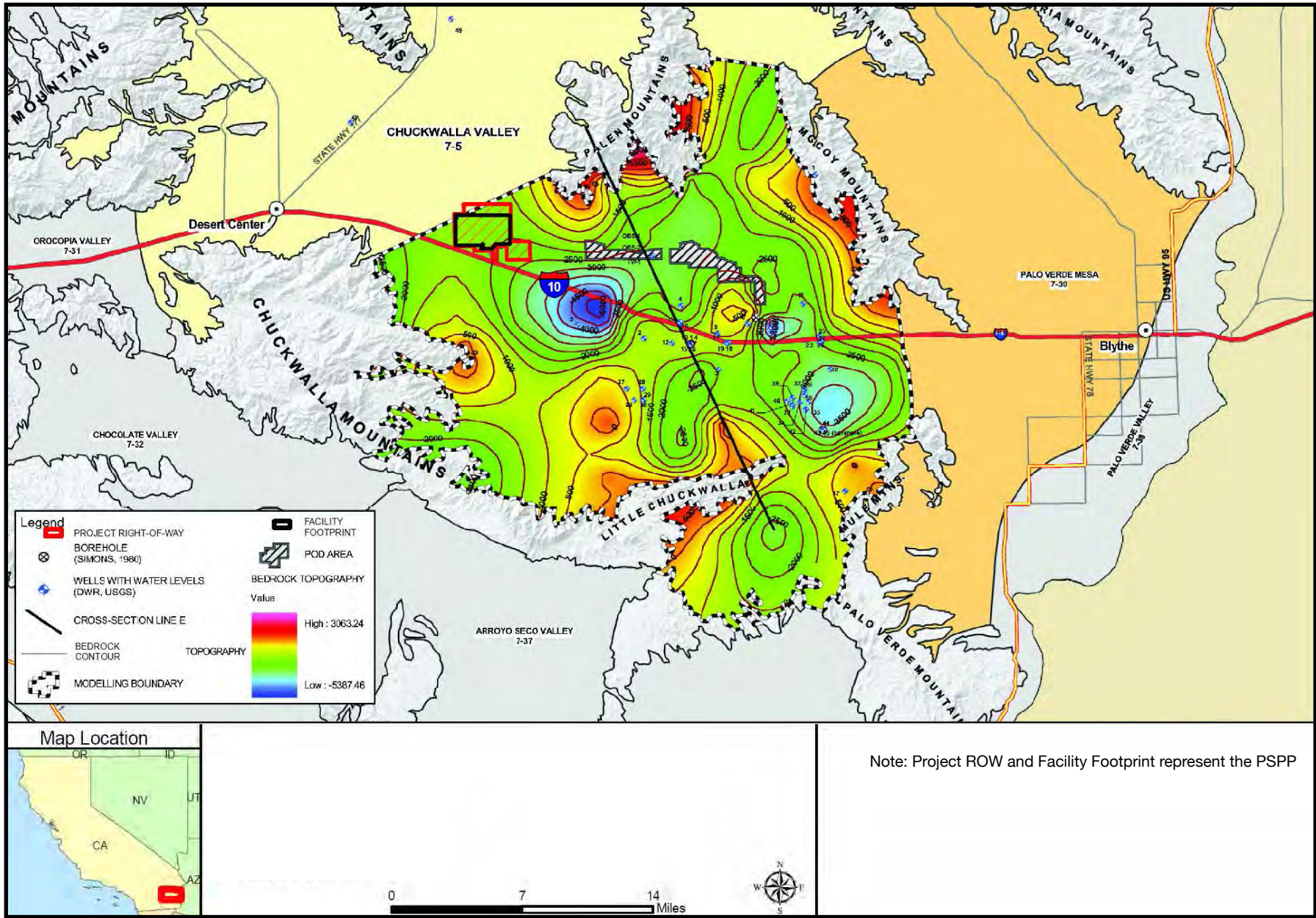




SOURCE: CEC/BLM, 2010

PSEGS Draft SEIS . 130111

Figure 3.20-1
Chuckwalla Valley Regional Groundwater Basins

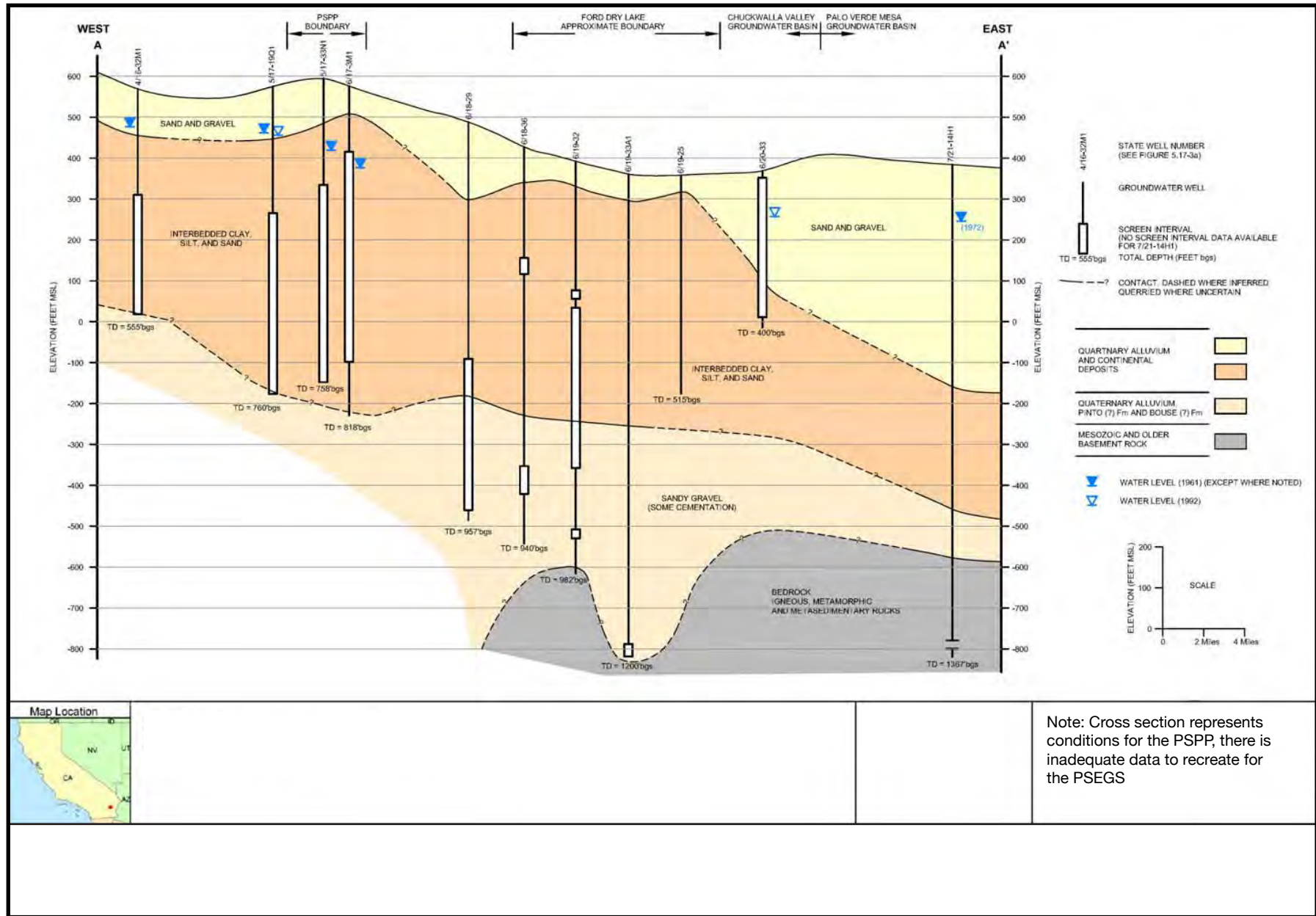


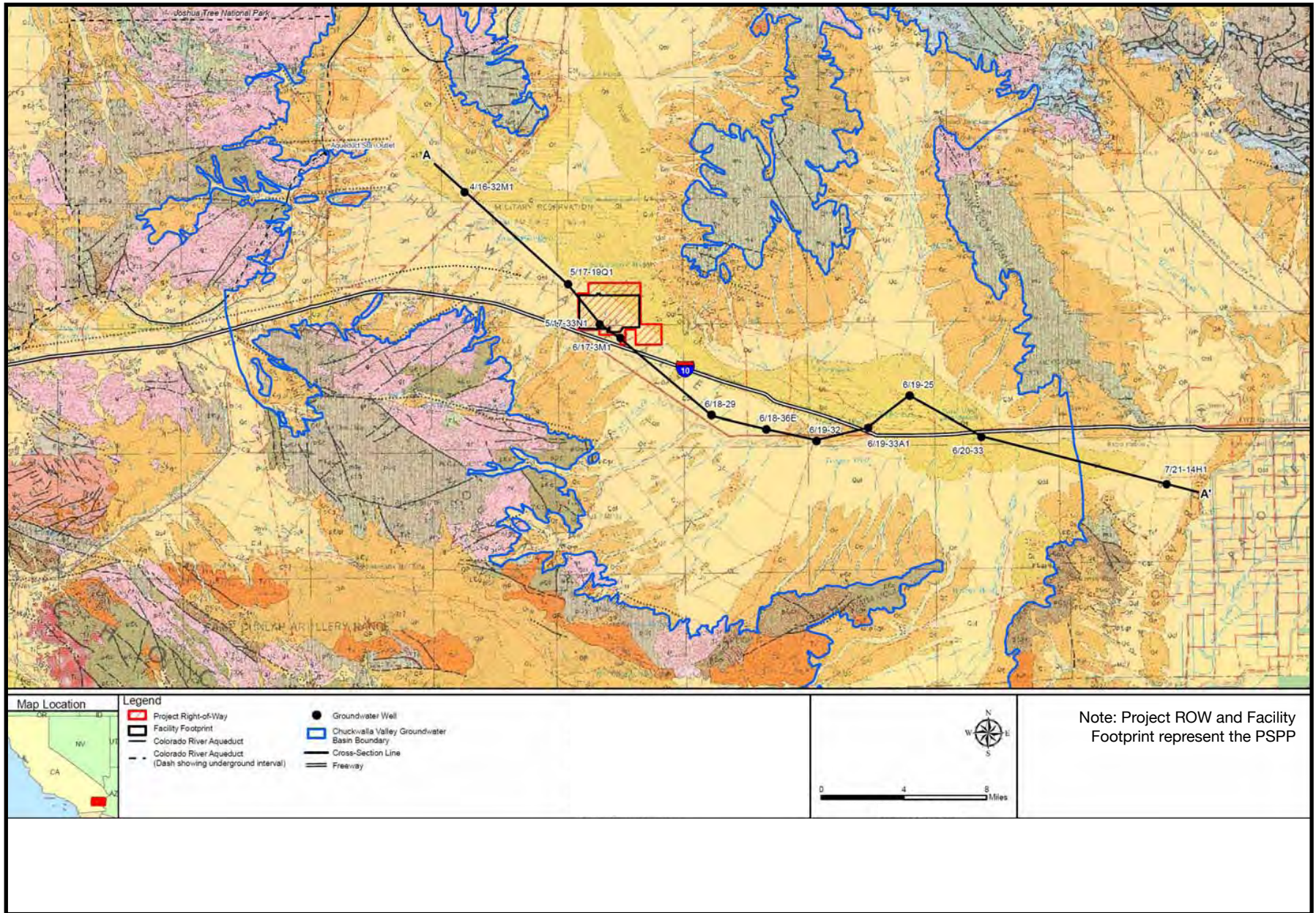
Note: Project ROW and Facility Footprint represent the PSPP

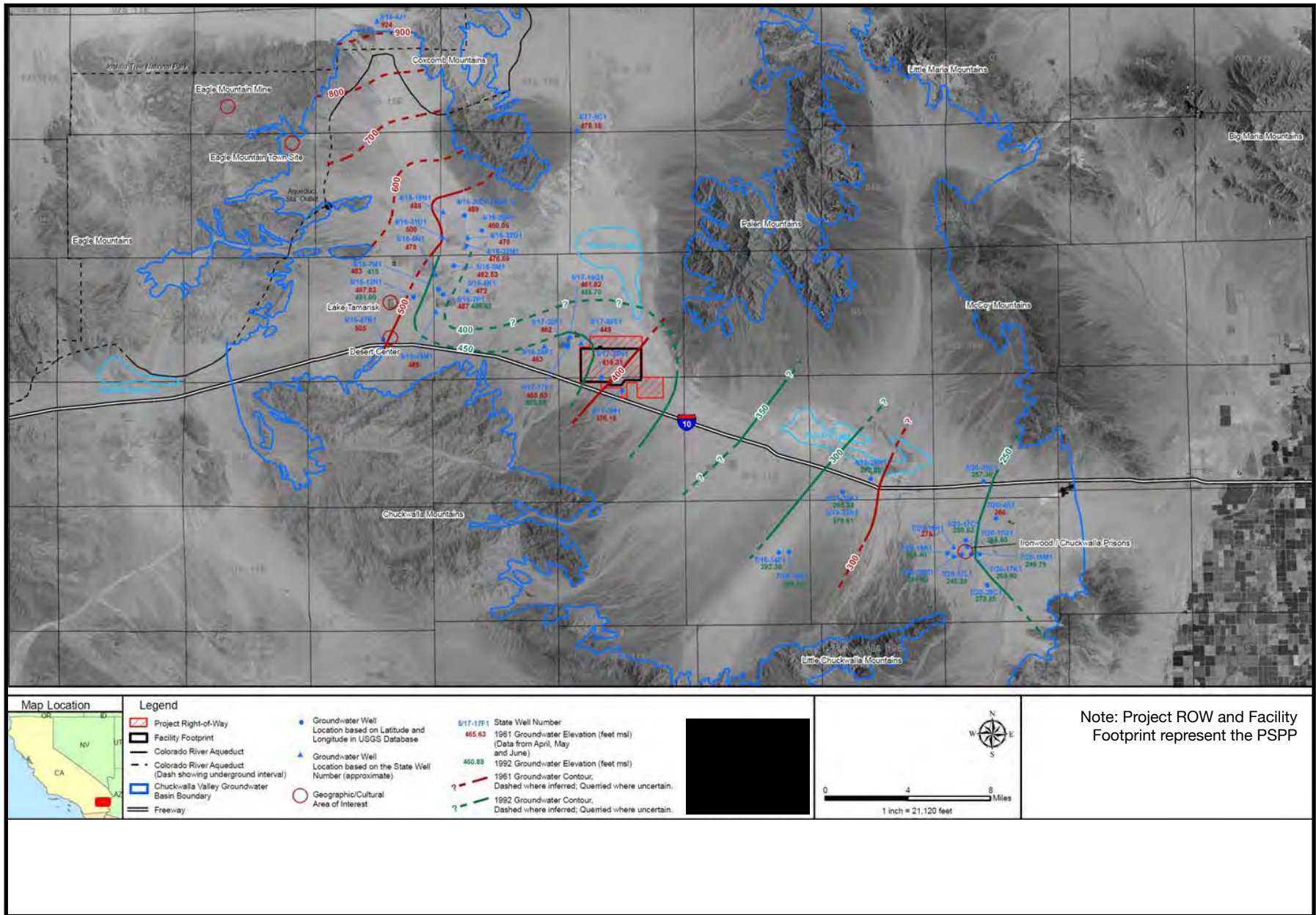
SOURCE: CEC/BLM, 2010

Figure 3.20-2

Chuckwalla Valley Groundwater Basin Bedrock Topography





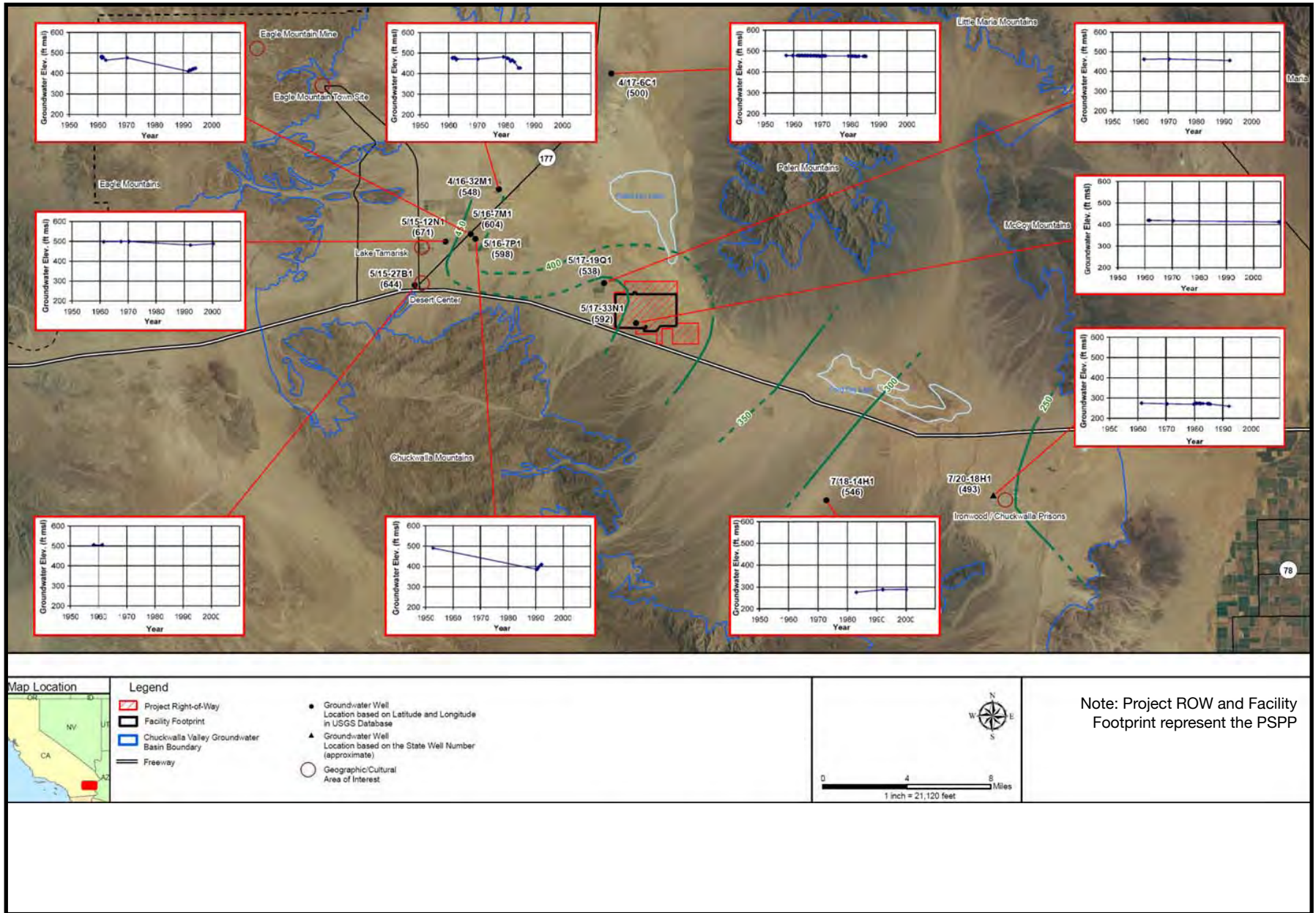


SOURCE: CEC/BLM, 2010

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Figure 3.20-5

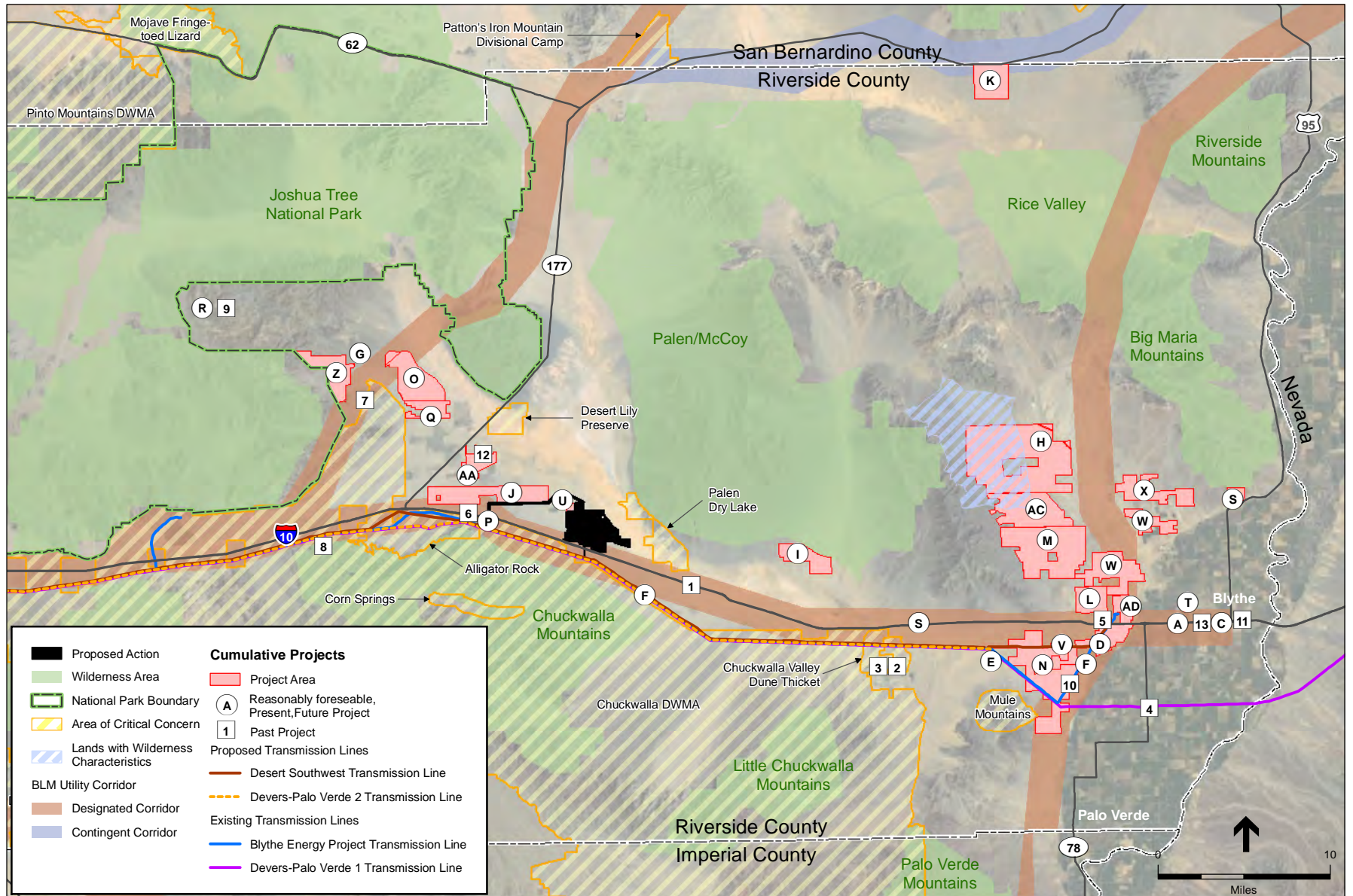
Chuckwalla Valley Groundwater Basin
Pre Project Conditions



SOURCE: CEC/BLM, 2010

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Figure 3.20-6
Basin Wide Groundwater Hydrographs

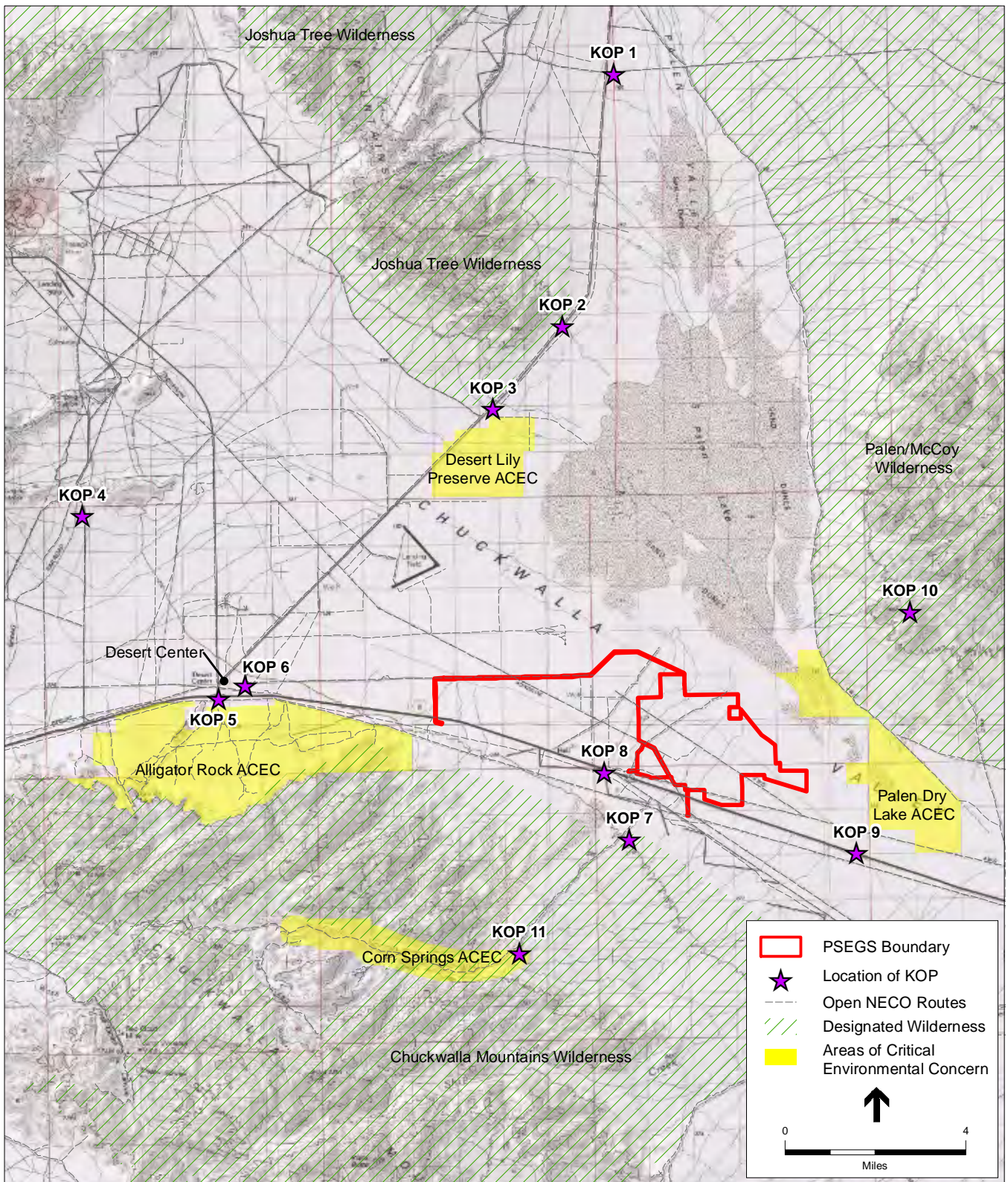


SOURCE: CEC RSA, 2010; BLM, 2013; CEC, 2013; Kern County Planning and Community Development, 2013

Note: Refer to Tables 4.1-6 and 4.1-7 for the lists of projects in the cumulative scenario

PSEGS Draft SEIS . 130111

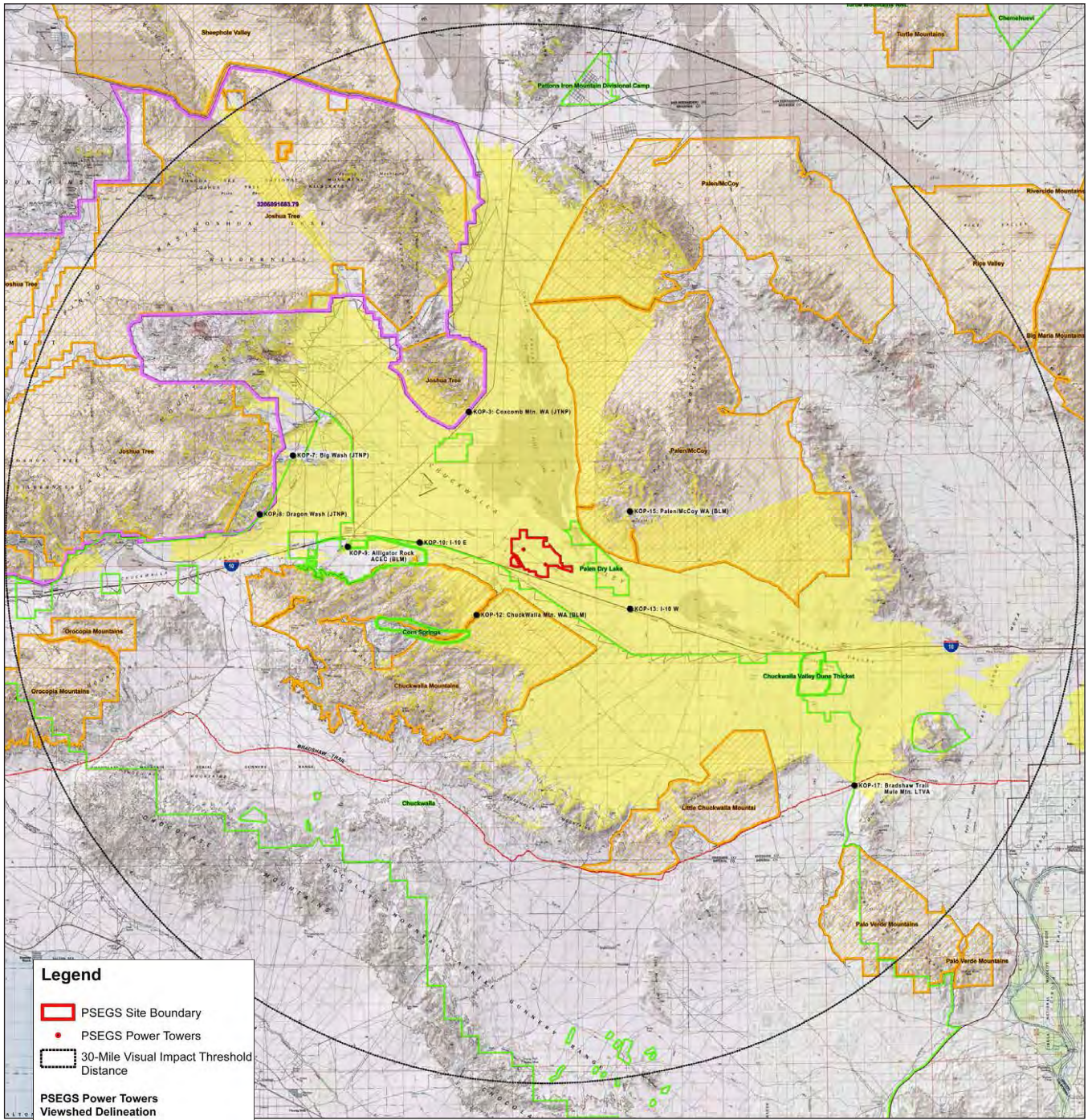
Figure 4.1-1
Cumulative Projects Scenario



SOURCE: AFC, 2009

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Figure 4.18-1
Location of Key Observation Points (KOPs)



Legend

- PSEGS Site Boundary
- PSEGS Power Towers
- 30-Mile Visual Impact Threshold Distance

PSEGS Power Towers Viewshed Delineation

- Visible (26.66% of 30-mile Threshold Impacted)
- Not Visible

- Joshua Tree National Park
- BLM ACEC
- BLM Wilderness
- Bradshaw Trail
- KOP: Key Observation Point

*Specifications:
Viewsheds produced using 30-meter DEM,
Source: USGS National Elevation Dataset
Tower height: 750 feet
Viewer height: 6 feet*

SOURCE: 3DScape

PSEGS Draft SEIS . 130111

Figure 4.18-1U

Location of Additional Key Observation Points

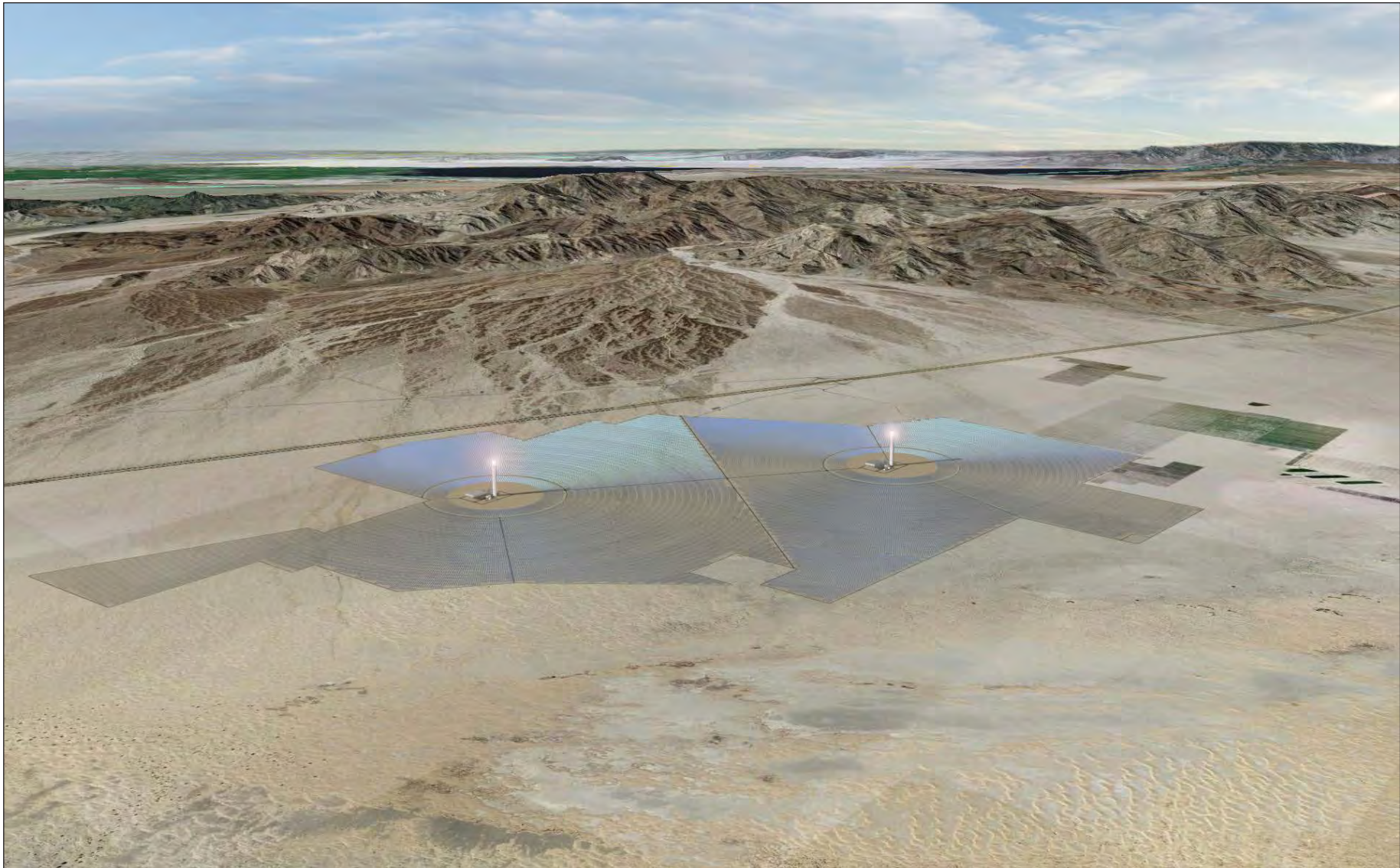


Unidentified Power Tower Facility



Torre Sol Gemmasolar 20-Min Power Tower Facility near Seville, Spain (Credit: Robert Sullivan, Argonne Laboratory)

Figure 4.18-2
Existing Power Tower Receivers in Operation
(Exhibiting Diffuse Reflected Sunlight)



SOURCE: Palen Solar Holdings, LLC

PSEGS Draft SEIS . 130111

Figure 4.18-3

Oblique View Simulation of the Solar Electric Generating System



SOURCE: 3DScape, 2013

PSEGS Draft SEIS . 130111

Figure 4.18-3a

View From Interstate 10 Westbound, Looking Northwest Towards the PSEGS Site

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SOURCE: BLM (Credit: Robert Sullivan, Argonne National Laboratory)

PSEGS Draft SEIS . 130111

Figure 4.18-4

Power Tower Heliostats on Trailer Enroute to Installation
Ivanpah Valley, CA



SOURCE: BLM (Credit: Robert Sullivan, Argonne National Laboratory)

PSEGS Draft SEIS . 130111

Figure 4.18-5

Staging Area at Ivanpah Solar Energy System Power Tower Facility
Ivanpah Valley, CA



SOURCE: BLM (Credit: Robert Sullivan, Argonne National Laboratory)

PSEGS Draft SEIS . 130111

Figure 4.18-6

Trimmed Vegetation Beneath Power Tower Heliostats
Ivanpah Valley, CA



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition

Figure 4.18-9
View from KOP-3, Desert Lily Sanctuary Entrance/Parking Area,
Looking Southeast toward the PSEGS Site



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



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Simulated Condition



Existing Condition



Simulated Condition



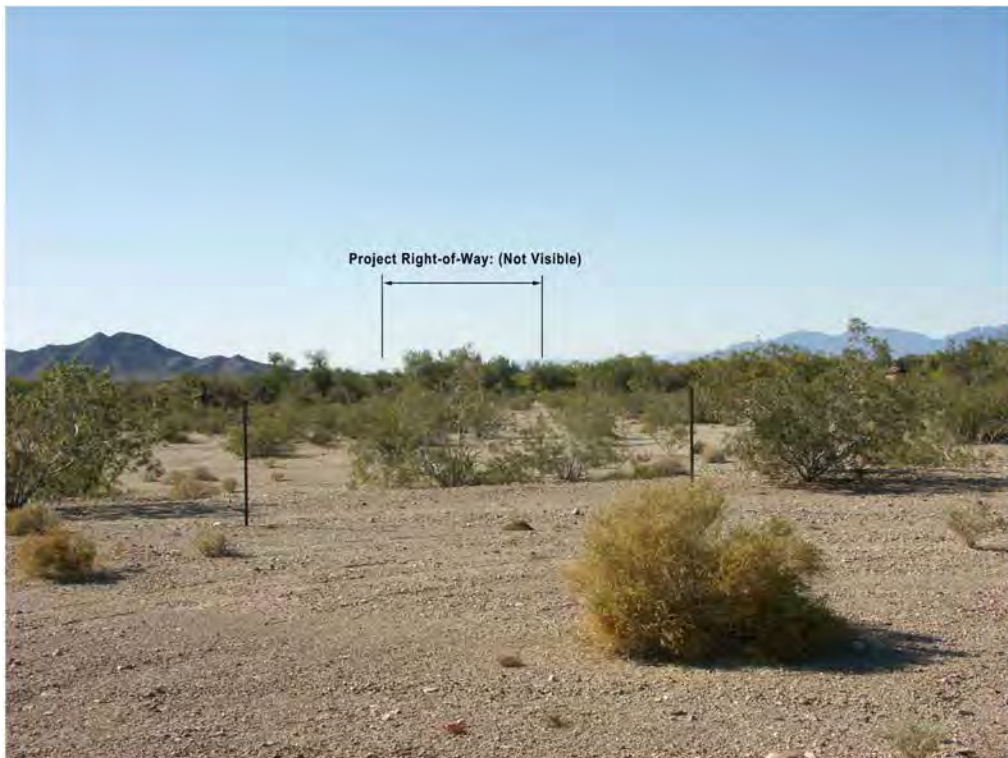
Existing Condition



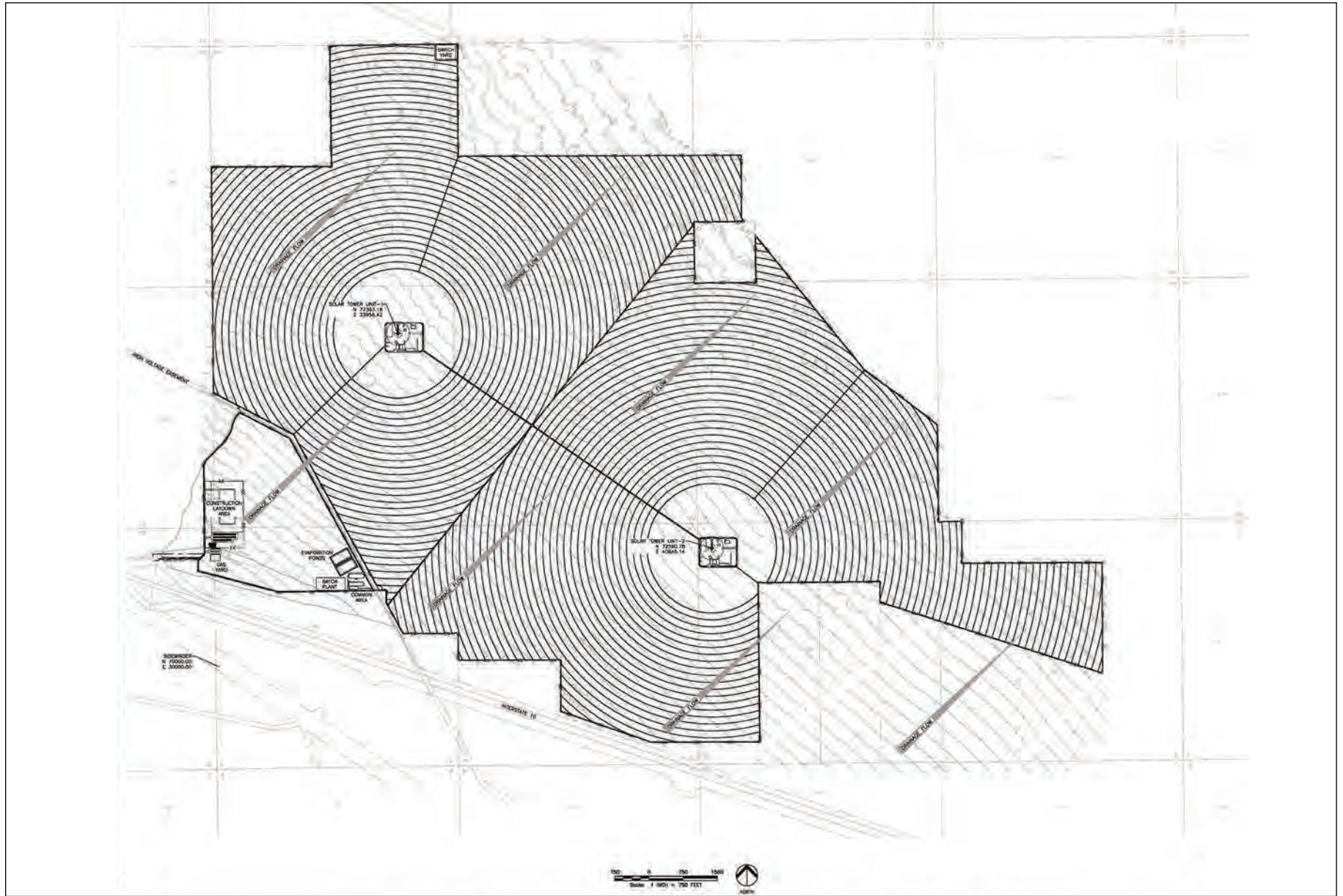
Simulated Condition



Existing Condition



Simulated Condition



APPENDIX B

Plan Amendment/Final EIS for the Palen Solar Power Project

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Bureau of Land Management
PLAN AMENDMENT/FINAL EIS
FOR THE
PALEN SOLAR POWER PROJECT

Volume 1 of 2



May 2011




United States Department of the Interior
Bureau of Land Management

**Plan Amendment / Final EIS
for the
Palen Solar Power Project**

For the

Palm Springs – South Coast Field Office
Palm Springs, California

May 2011



John R. Kalish
Field Manager

May 6, 2011

Date

DOI Control #: 11-06

Publication Index #: BLM/CA/ES-2011-11+1793

NEPA Tracking # DOI-BLM-CA-060-0010-0015-EIS



United States Department of the Interior



Bureau of Land Management

1201 Bird Center Drive

Palm Springs, CA 92262

Phone (760) 833-7100 | Fax (760) 833-7199

<http://www.blm.gov/ca/palmsprings/>

In reply refer to:
CACA 048810

May 6, 2011

Dear Reader:

Enclosed is the Proposed Resource Management Plan Amendment/Final Environmental Impact Statement (PA/FEIS) for the California Desert Conservation Area (CDCA) Plan and right-of-way grant application of Palen Solar I, LLC, a wholly owned subsidiary of Solar Millennium for the Palen Solar Power Project (PSPP). The Bureau of Land Management (BLM) prepared the PA/FEIS in consultation with cooperating agencies, taking into account public comments received during the National Environmental Policy Act (NEPA) process. The proposed decision on the plan amendment would add the PSPP site to those identified in the current CDCA Plan, 1980 as amended, for solar energy production. The proposed decision on the PSPP is whether to approve the right-of-way grant applied for on behalf of Palen Solar I, LLC.

This PA/FEIS for the PSPP has been developed in accordance with NEPA and the Federal Land Policy and Management Act of 1976 (FLPMA). The PA is based largely on the preferred alternative in the Draft Resource Management Plan Amendment/Draft Environmental Impact Statement (PA/DEIS), which was released on March 18, 2010. The PA/FEIS for the PSPP contains the proposed plan and project decisions, a summary of changes made between the PA/DEIS and PA/FEIS, an analysis of the impacts of the decisions, a summary of written comments received during the public review period for the PA/DEIS and responses to comments.

The BLM will accept additional public comment on the PA/FEIS for 30 days after the Environmental Protection Agency publishes the Notice of Availability in the Federal Register. Comments can be sent to Allison Shaffer, Project Manager, by mail: 1201 Bird Center Drive, Palm Springs, CA, 92262; phone: (760) 833-7100; or email CAPSSolarPalen@blm.gov. All substantive comments will be reviewed and responded to in the Record of Decision.

Pursuant to BLM's planning regulations (43 CFR 1610.5-2), any person who participated in the planning process for the proposed resource management plan amendment and has an interest that is or may be adversely affected by the proposed amendment may protest such amendment within 30 days from the date the Environmental Protection Agency publishes its notice of availability for the PA/FEIS in the *Federal Register*. Unlike the planning decision, issuance of the proposed right-of-way grant is an implementation decision that is not subject to protest under the BLM planning regulations.

For further information on filing a protest, please see the accompanying protest regulations in the pages that follow (Attachment 1). The regulations specify the required elements in a protest. Protesting parties should take care to document all relevant facts and, as much as possible, reference or cite the planning documents or available planning records (e.g., meeting minutes or summaries, correspondence, etc.). To aid in ensuring the completeness of the protest, a protest checklist is attached to this letter (labeled as Attachment 2). All protests must be in writing and mailed to one of the following addresses:

Regular Mail:
Director (210)
Attention: Brenda Hudgens-Williams
BLM Protest Coordinator
P.O. Box 71383
Washington, D.C. 20024-1383

Overnight Mail or Other Delivery:
Director (210)
Attention: Brenda Hudgens-Williams
BLM Protest Coordinator
20 M Street, S.E., Room 2134LM
Washington, DC 20003

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

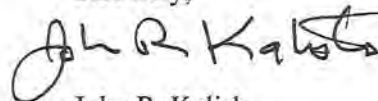
Emailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed or faxed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of Brenda Hudgens-Williams - BLM Protest Expeditor at 202-912-7129, and emailed protests to Brenda_Hudgens-Williams@blm.gov.

The BLM Director will make every attempt to promptly render a decision on each valid protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior. Responses to protest issues will be compiled in a Director's Protest Resolution Report that will be made available to the public following issuance of the decisions.

Upon resolution of all protests, the BLM may issue a Record of Decision (ROD) adopting the Approved PA and making a decision regarding issuance of the right-of-way grant for the PSPP. Copies of the ROD will be mailed or made available electronically to all who participated in this NEPA process and will be available to all parties through the "Planning" page of the BLM national website (<http://www.blm.gov/planning>), or by mail upon request.

Unlike land use planning decisions, implementation decisions included in this PA/FEIS are not subject to protest under the BLM planning regulations, but are subject to an administrative review process, through appeals to the Office of Hearings and Appeals (OHA), Interior Board of Land Appeals (IBLA) pursuant to 43 CFR, Part 4 Subpart E. Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations once the BLM resolves the protests to land use planning decisions and issues an Approved PA and ROD. The Approved PA and ROD therefore will identify the implementation decisions made in the plan that may be appealed to the Office of Hearing and Appeals.

Sincerely,



John R. Kalish
Field Manager

Attachment 1

Protest Regulations

[CITE: 43CFR1610.5-2]

TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR
PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents
Subpart 1610--Resource Management Planning
Sec. 1610.5-2 Protest procedures.

- (a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.
 - (1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.
 - (2) The protest shall contain:
 - (i) The name, mailing address, telephone number and interest of the person filing the protest;
 - (ii) A statement of the issue or issues being protested;
 - (iii) A statement of the part or parts of the plan or amendment being protested;
 - (iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and
 - (v) A concise statement explaining why the State Director's decision is believed to be wrong.
 - (3) The Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.
- (b) The decision of the Director shall be the final decision of the Department of the Interior.

Resource Management Plan Protest

Critical Item Checklist

The following items *must* be included to constitute a valid protest
whether using this optional format, or a narrative letter.

(43 CFR 1610.5-2)

BLM's practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, will be available for public inspection in their entirety.

Resource Management Plan (RMP) or Amendment (RMPA) being protested:

Name:

Address:

Phone Number: ()

Your interest in filing this protest (how will you be adversely affected by the approval or amendment of this plan?):

Issue or issues being protested:

Statement of the part or parts of the plan being protested:

Attach copies of all documents addressing the issue(s) that were submitted during the planning process by the protesting party, OR an indication of the date the issue(s) were discussed for the record.

Date(s):

A concise statement explaining why the State Director's decision is believed to be wrong:

**Palm Springs South Coast Field Office
Palen Solar Power Project
Plan Amendment/Final Environmental Impact Statement**

Lead Agency: Bureau of Land Management (BLM)
Palm Springs / South Coast Field Office (PSSCFO)
Palm Springs, California

For further information, contact:
Allison Shaffer, Project Manager PSSCFO -
1201 Bird Center Drive, Palm Springs, CA 92262

Abstract

This Plan Amendment/Final Environmental Impact Statement (PA/FEIS) addresses two decisions by the United States Bureau of Land Management (BLM): the possible approval of an amendment to the *California Desert Conservation Area Plan* (CDCA Plan) to recognize the site of the proposed Palen Solar Power Project (PSPP); and the possible approval of a right-of-way (ROW) grant to Palen Solar I¹ for construction, operation and decommissioning of a solar electricity generation facility. The Agency Preferred Alternative is to grant the ROW to Palen Solar I for the PSPP, which covers approximately 4,365 acres, managed primarily by the BLM, and which would generate 500 megawatts (MW) of electricity. The PA/FEIS identifies impacts of the Agency Preferred Alternative, including impacts related to biological resources, cultural resources, land use, visual resources, and hydrology, water quality, and water use. Many of these adverse impacts can be avoided or substantially reduced based on compliance with applicable laws, ordinances, regulations and standards, and compliance with measures provided in this PA/FEIS.

Chapter 2 discusses the various alternatives analyzed by BLM, including: the proposed PSPP (500 MW requiring about 2,970 acres of disturbance within an approximately 5,200 acre ROW); Reconfigured Alternative 1 (500 MW on approximately 2,940 acres); Reconfigured Alternative 2 (500 MW on 4,402 acres or 500 MW on 4,330 acres, depending on whether Option 1 or Option 2 is developed); Reduced Acreage Alternative (375 MW on approximately 2,080 acres); the No Action Alternative (no ROW grant and no CDCA Plan Amendment); and two CDCA Plan Amendment/No Project Alternatives (amend the CDCA Plan for no solar/no ROW grant, and amend the CDCA Plan for solar energy development/no ROW grant, respectively). Chapter 3 describes the existing conditions on and in the vicinity of the project site. Chapter 4 describes the potential environmental consequences expected to result from each of the Alternatives, including the Agency Preferred Alternative. Chapter 5 describes consultation and coordination with federal, state, local, and non-governmental organizations as well as the BLM's responses to comments received on the Staff Assessment/Draft Environmental Impact Statement.

The Field Manager of the Palm Springs South Coast Field Office has the authority for site management of future activities related to the ROW grant and is the BLM Authorized Officer for this PA/FEIS.

¹ Chevron Energy Solutions and Solar Millennium would be joint developers of the PSPP. Chevron Energy Solutions applied for the ROW grant for the PSPP. To facilitate the permitting of the project, the developers have requested that the BLM issue one ROW grant to a project-specific company. The company for PSPP is Palen Solar I, LLC a wholly owned subsidiary of Solar Millennium and the single Applicant for the PSPP.

Relationship to the Palen Solar Power Project Staff Assessment and Draft Environmental Impact Statement

In accordance with the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), and California Environmental Quality Act (CEQA), the Bureau of Land Management (BLM) and the California Energy Commission (CEC) cooperatively prepared a Staff Assessment (SA) and Draft Environmental Impact Statement (DEIS) as a joint environmental analysis (SA/DEIS) to evaluate environmental impacts of the right-of-way grant applied for on behalf of Palen Solar I¹ for the Palen Solar Power Project (PSPP) and proposed California Desert Conservation Area (CDCA) Plan Amendment for the project.

The SA/DEIS satisfies NEPA, FLPMA and CEQA requirements. However, the format of the SA/DEIS differs from the format typically used for EISs prepared by the BLM. Therefore, this Plan Amendment/Final EIS (PA/FEIS) has been prepared as a stand-alone document to provide the reader with a more familiar EIS format.

During this process, the Applicant provided information to the CEC (including, but not limited to, the Application for Certification, data responses and other related information) that informed best management practices, applicant proposed measures and mitigation measures that were included in the SA/DEIS. For purposes of this NEPA analysis, due to the evolution of such information throughout the environmental review process, measures initially proposed as “applicant proposed measures” are included as Mitigation Measures where applicable rather than as part of the Project Description.

The SA/DEIS provided the basis for the analysis certified by the California Energy Commission in its CEQA-specific Revised Staff Assessment (RSA) and also provides the basis for the analyses presented in this PA/FEIS. The following table correlates the applicable SA/DEIS chapters to the PA/FEIS chapters provided herein.

¹ Chevron Energy Solutions and Solar Millennium are joint developers for the PSPP. Chevron Energy Solutions applied for the right-of-way grant and, to facilitate permitting, the developers have requested that the BLM issue one right-of-way grant to a project-specific company. The company for the PSPP is Palen Solar I, LLC, a wholly-owned subsidiary of Solar Millennium and the single Applicant for the PSPP.

PROPOSED PA/FEIS AND SA/DEIS CORRELATION CHART

PA/FEIS Chapter	SA/DEIS Chapter
Chapter 1 Introduction	A. Introduction
Chapter 2 Proposed Action and Alternatives	B. Description of the Proposed Project and Alternatives D.1 Facility Design D.3 Power Plant Efficiency D.4 Power Plant Reliability D.5 Transmission System Engineering E. General Conditions
Chapter 3: Affected Environment	
3.1 Introduction	C. Environmental Analysis
3.2 Air Resources	C.1 Air Quality
3.3 Global Climate Change	C.1 Air Quality
3.4 Cultural Resources	C.3 Cultural Resources and Native American Values
3.5 Environmental Justice	C.8 Socioeconomic and Environmental Justice
3.6 Lands and Realty	C.6 Land Use, Recreation, and Wilderness
3.7 Livestock and Grazing	Not applicable
3.8 Mineral Resources	D.2 Geology, Paleontology, and Minerals
3.9 Multiple Use Classes	C.6 Land Use, Recreation, and Wilderness
3.10 Noise	C.7 Noise and Vibration
3.11 Paleontological Resources	D.2 Geology, Paleontology, and Minerals
3.12 Public Health Safety	C.4 Hazardous Materials Management C.5 Health and Safety C.11 Transmission Line Safety and Nuisance C.13 Waste Management C.14 Worker Safety and Fire Protection
3.13 Recreation	C.6 Land Use, Recreation, and Wilderness
3.14 Social Economics	C.8 Socioeconomic and Environmental Justice
3.15 Soils Resources	C.9 Soil and Water Resources
3.16 Special Designations	C.6 Land Use, Recreation, and Wilderness
3.17 Transportation and Public Access – OHV	C.10 Traffic and Transportation
3.18 Vegetation Resources	C.2 Biological Resources
3.19 Visual Resources	C.12 Visual Resources
3.20 Water Resources	C.9 Soil and Water Resources
3.21 Wild Horse and Burros	Not applicable
3.22 Wildland and Fire Ecology	C.2 Biological Resources
3.23 Wildlife Resources	C.2 Biological Resources
Chapter 4 Environmental Consequence	C. Environmental Analysis
4.1 Introduction	Not applicable
4.2 Impacts on Air Resources	C.1 Air Quality

PROPOSED PA/FEIS AND SA/DEIS CORRELATION CHART (Continued)

PA/FEIS Chapter	SA/DEIS Chapter
4.3 Impacts to Global Climate Change	C.1 Air Quality
4.4 Impacts on Cultural Resources	C.3 Cultural Resources and Native American Values
4.5 Impacts on Environmental Justice	C.8 Socioeconomic and Environmental Justice
4.6 Impacts on Lands and Realty	C.6 Land Use, Recreation, and Wilderness
4.7 Impacts on Mineral Resources	D.2 Geology, Paleontology, and Minerals
4.8 Impacts on Multiple Use Classes	C.6 Land Use, Recreation, and Wilderness
4.9 Impacts on Noise	C.7 Noise and Vibration
4.10 Impacts on Paleontological Resources	D.2 Geology, Paleontology, and Minerals
4.11 Impacts on Public Health and Safety	C.4 Hazardous Materials Management C.5 Health and Safety C.11 Transmission Line Safety and Nuisance C.13 Waste Management C.14 Worker Safety and Fire Protection
4.12 Impacts on Recreation	C.6 Land Use, Recreation, and Wilderness
4.13 Social and Economic Impacts	C.8 Socioeconomic and Environmental Justice
4.14 Impacts on Soils Resources	C.9 Soil and Water Resources
4.15 Impacts on Special Designations	C.6 Land Use, Recreation, and Wilderness
4.16 Impacts on Transportation and Public Access - Off-Highway Vehicle Resources	C.10 Traffic and Transportation
4.17 Impacts on Vegetation Resources	C.2 Biological Resources
4.18 Impacts on Visual Resources	C.12 Visual Resources
4.19 Impacts on Water Resources	C.9 Soil and Water Resources
4.20 Impacts on Wildland and Fire Ecology	C.2 Biological Resources
4.21 Impacts on Wildlife Resources	C.2 Biological Resources C.14 Worker Safety and Fire Protection
Chapter 5 Consultation Coordination	F. List of Preparers

TABLE OF CONTENTS

Palen Solar Power Project PA/FEIS

Volume 1

Cover Sheet

Dear Reader Letter

Abstract

Relationship to the Blythe Solar Power Project SA/DEIS

Executive Summary

	<u>Page</u>
1. Introduction and Purpose and Need	1-1
1.1 Purpose and Need	1-2
1.2 Major Authorizing Laws and Regulations	1-4
1.3 Relationship of Proposed Action to BLM Policies, Plans, and Programs, and LUP Conformance Determination	1-7
1.4 Interagency Coordination	1-13
1.5 Issues Analyzed in this EIS	1-13
2. Proposed Action and Alternatives	2-1
2.1 Proposed Land Use Plan Amendment Decisions and Alternatives	2-2
2.2 Proposed Action	2-3
2.3 Connected Actions	2-19
2.4 Alternatives	2-20
3. Affected Environment	
3.1 Introduction	3.1-1
3.2 Air Resources	3.2-1
3.3 Global Climate Change	3.3-1
3.4 Cultural Resources	3.4-1
3.5 Environmental Justice	3.5-1
3.6 Lands and Realty	3.6-1
3.7 Livestock Grazing	3.7-1
3.8 Mineral Resources	3.8-1
3.9 Multiple Use Classes	3.9-1
3.10 Noise	3.10-1
3.11 Paleontological Resources	3.11-1
3.12 Public Health and Safety	3.12-1
3.13 Recreation	3.13-1
3.14 Social and Economic Setting	3.14-1
3.15 Soils Resources	3.15-1
3.16 Special Designations	3.16-1
3.17 Transportation and Public Access – Off Highway Vehicle	3.17-1

	<u>Page</u>
Volume 1 (continued)	
3. Affected Environment (continued)	
3.18 Vegetation Resources	3.18-1
3.19 Visual Resources	3.19-1
3.20 Water Resources	3.20-1
3.21 Wild Horse and Burros	3.21-1
3.22 Wildland Fire Ecology	3.22-1
3.23 Wildlife Resources	3.23-1
4. Environmental Consequences	
4.1 Introduction	4.1-1
4.2 Impacts on Air Resources	4.2-1
4.3 Impacts on Global Climate Change	4.3-1
4.4 Impacts on Cultural Resources	4.4-1
4.5 Impacts on Environmental Justice	4.5-1
4.6 Impacts on Lands and Realty	4.6-1
4.7 Impacts on Mineral Resources	4.7-1
4.8 Impacts on Multiple Use Classes	4.8-1
4.9 Impacts on Noise	4.9-1
4.10 Impacts on Paleontological Resources	4.10-1
4.11 Impacts on Public Health and Safety	4.11-1
4.12 Impacts on Recreation	4.12-1
4.13 Social and Economic Impacts	4.13-1
4.14 Impacts on Soils Resources	4.14-1
4.15 Impacts on Special Designations	4.15-1
4.16 Impacts on Transportation and Public Access – Off Highway Vehicle Resources	4.16-1
4.17 Impacts on Vegetation Resources	4.17-1
4.18 Impacts on Visual Resources	4.18-1
4.19 Impacts on Water Resources	4.19-1
4.20 Impacts on Wildland Fire Ecology	4.20-1
4.21 Impacts on Wildlife Resources	4.21-1
4.22 Irreversible and Irrecoverable Commitment of Resources	4.22-1
4.23 Short-term vs. Long-term Productivity of the Environment	4.23-1
5. Consultation, Coordination and Public Involvement	5-1
5.1 Interrelationships	5-1
5.2 Description of Consultation Processes for ESA Section 7, NHPA Section 106, and Indian Tribes	5-4
5.3 Implementation, Monitoring and Enforcement	5-5
5.4 Scoping	5-6
5.5 Public Comment Process	5-7
5.6 Administrative Remedies	5-98
5.7 List of Preparers	5-98
Acronyms and Abbreviations	
Glossary	
References	
Index	

Page**Volume 1 (continued)****List of Tables**

ES-1	Summary of Impacts by Alternative	ES-6
2-1	General Project Dimensions	2-5
3.2-1	Federal and State Ambient Air Quality Standards	3.2-2
3.2-2	Federal and State Attainment Status Project Site Area within the MDAB Portion of Riverside County	3.2-3
3.2-3	Criteria Pollutant Summary Maximum Ambient Concentrations	3.2-4
3.3-1	California Greenhouse Gas Emissions (MMTCO ₂ E)	3.3-8
3.4-1	Summary of Cultural Resources (Previously Identified and Newly Discovered) within the APE	3.4-41
3.5-1	Racial and Income Characteristics for Residents Within the Environmental Justice Study Area	3.5-2
3.8-1	Correlation and Ages of Stratigraphic Units	3.8-2
3.9-1	Multiple-Use Class Designations	3.9-1
3.9-2	Multiple-Use Class-M Land Use and Resource Management Guidelines	3.9-3
3.10-1	Summary of Measured Noise Levels	3.10-1
3.10-2	Definition of Some Technical Terms Related to Noise	3.10-2
3.10-3	Riverside County Land Use Noise Standards for Stationary Sources	3.10-3
3.11-1	Correlation and Ages of Stratigraphic Units	3.11-2
3.12-1	Solid Waste Disposal Facilities	3.12-4
3.12-2	Active Faults Relative to the Proposed Project Site	3.12-11
3.12-3	Modified Mercalli Intensity Scale	3.12-13
3.13-1	Recreation Areas and Special Designations with Recreational Opportunities	3.13-3
3.13-2	Desert Peaks within the Vicinity of the Project Site	3.13-4
3.13-3	Average Recreation Use at Developed Sites 2007-2009	3.13-5
3.14-1	Population Profile of the Regional Study Area	3.14-8
3.14-2	Housing Profile of the Regional Study Area (2010)	3.14-9
3.14-3	Population Projections For Riverside County and the Regional Study Area	3.14-10
3.14-4	Employment by Industry Group – 2008	3.14-15
3.14-5	Labor Force and Unemployment Data for the Regional Study Area	3.14-16
3.14-6	Local Labor Pool by Craft – Riverside and San Bernardino Counties	3.14-18
3.14-7	Riverside County Expenses and Revenues for FY 2007-2008	3.14-19
3.15-1	Soil Series and Their Descriptions	3.15-3
3.17-1	Existing Traffic Volumes and Level of Service	3.17-5
3.18-1	Natural Communities/Cover Types	3.18-3
3.18-2	Special-Status Plants Known or Potentially Occurring in the Biological Resources Study Area	3.18-12
3.18-3	Special-Status Plants with Low to Moderate Potential to Occur in the Project Study Area	3.18-23
3.19-1	Determining Visual Resource Inventory Classes	3.19-3
3.19-2	Visual Resource Management Classes	3.19-4
3.20-1	Climate Temperature Data for Blythe Airport, California (1913-2008)	3.20-2
3.20-2	Precipitation Data for Blythe Airport, California (1913-2008)	3.20-2
3.20-3	Monthly Average Evapotranspiration (ET _o) Rates	3.20-3
3.20-4	Estimated Runoff and Infiltration in Chuckwalla Valley Groundwater Basin	3.20-6
3.20-5	Groundwater Budget (AFY)	3.20-12
3.20-6	Aquifer Characteristics	3.20-16

Volume 1 (continued)**List of Tables (continued)**

3.20-7	Summary of Groundwater Quality Data	3.20-17
3.20-8	Summary of Offsite Peak Discharges	3.20-18
3.20-9	Springs and Surface Water Sites in Chuckwalla Valley in the Vicinity of the Site	3.20-20
3.23-1	Special-Status Wildlife Known or With Potential to Occur in the Biological Resources Study Area	3.23-3
3.23-2	Special-Status Wildlife with Low to Moderate Potential to Occur in the Project Study Area	3.23-16
4.1-1	Cumulative Scenario	4.1-4
4.1-2	Renewable Energy Projects in the California Desert District	4.1-8
4.1-3	Renewable Energy Projects on State and Private Lands	4.1-10
4.1-4	Existing Projects along the I-10 Corridor (Eastern Riverside County)	4.1-15
4.1-5	Future Foreseeable Projects along the I-10 Corridor (Eastern Riverside County)	4.1-17
4.2-1	Background Concentrations	4.2-3
4.2-2	Maximum Proposed Action Construction Impacts	4.2-4
4.2-3	Proposed Action Construction – Maximum Daily Emissions	4.2-5
4.2-4	Proposed Action Construction - Maximum Annual Emissions	4.2-5
4.2-5	Proposed Action Operation Emission Impacts	4.2-7
4.2-6	Proposed Action Operations – Maximum Daily Emissions	4.2-7
4.2-7	Proposed Action Operations – Maximum Annual Emissions	4.2-8
4.2-8	Emission Factors	4.2-8
4.3-1	Project Construction-Related Greenhouse Gas Emissions	4.3-3
4.3-2	Operational Greenhouse Gas Emissions	4.3-4
4.4-1	Cumulative Impacts to Cultural Resources: Estimated Numbers of Cultural Resources	4.4-8
4.9-1	Typical Environmental and Industry Sound Levels	4.9-2
4.9-2	Predicted Construction Noise Levels	4.9-3
4.9-3	Predicted Operational Noise Levels at the Identified Sensitive Residential Receptor	4.9-4
4.11-1	Hazardous Materials Proposed for Storage onsite During Operations	4.11-6
4.11-2	Types of Health Impacts and Exposure Routes Attributed to Toxic Emissions	4.11-11
4.11-3	Operation Hazard/Risk at Point of Maximum Impact	4.11-13
4.11-4	Operation-Phase Emission Rates	4.11-15
4.11-5	Cancer Risk and Chronic Hazard Due to Operation Phase Emissions	4.11-16
4.11-6	Results of Analysis: Contribution to Total Cancer Risk by Individual Substances from All Sources at the Point of Maximum Impact (PMI)	4.11-17
4.11-7	Summary of Operations-generated Nonhazardous Waste Streams and Management Methods	4.11-24
4.13-1	Total Labor by Skill in Riverside/San Bernardino/Ontario MSA (2006 and 2016 Estimate) and Project Required Construction by Craft Peak Month	4.13-3
4.13-2	Project Construction Economic Benefits (2010 Dollars)	4.13-7
4.13-3	Total Labor by Skill in Riverside/San Bernardino/Ontario MSA (2006 and 2016 Estimate) and Project Required Operation	4.13-11
4.16-1	Designated Routes within Palen Project Area	4.16-2

Page**Volume 1 (continued)****List of Tables (continued)**

4.16-2a	2010 Peak Hour Volumes and LOS on Study Roadways During Peak Construction	4.16-4
4.16-2b	2012 Peak Hour Delays and LOS on Study Intersections During Peak Construction	4.16-4
4.16-3	Peak Hour Volumes and LOS on Study Roadways During Project Operation	4.16-5
4.16-4	Peak Hour Delay and LOS on Study Intersections During Project Operation	4.16-6
4.17-1	Comparison of Direct and Indirect Impacts to Vegetation Communities and Special Status Plants from Proposed Action and Alternatives	4.17-16
4.17-2	Direct Impacts to Inner and Outer Sand Corridors and the Direct and Indirect Impacts to Sand Dune Habitat	4.17-18
4.17-3a	Desert Washes in Palen Watershed – Cumulative Effects	4.17-25
4.17-3b	Desert Washes in the NECO Planning Area – Cumulative Effects	4.17-25
4.17-4	Comparison of Compensatory Mitigation Requirements for Proposed Action and Alternatives	4.17-26
4.17-5	Project Contribution to Cumulative Impacts on Vegetation Resources	4.17-27
4.17-6	Summary of Selected Impacts and Mitigation Measures	4.17-31
4.17-7	Recommended Mitigation Acreage for Proposed Action and Reconfigured Alternative 2	4.17-33
4.18-1	Visual Contrast Ratings	4.18-2
4.18-2	KOP Location and Characteristics	4.18-4
4.18-3	Approximate Dimensions of Project Structures	4.18-6
4.18-4	Degree of Contrast for KOPs 1, 2, and 3	4.18-11
4.18-5	Degree of Contrast for KOPs 5 and 6	4.18-13
4.18-6	Degree of Contrast for KOP 7	4.18-14
4.18-7	Degree of Contrast for KOPs 8 and 9	4.18-15
4.19-1	Estimated Change to Chuckwalla Valley Groundwater Basin Budget (Average Year Conditions)	4.19-2
4.19-2	Results of Numerical Modeling for the Project	4.19-3
4.19-3	Sanitary Facility Set-Backs Requirements	4.19-9
4.19-4	Summary of Existing and Proposed Peak Flow Rates at Downstream Project Boundary	4.19-11
4.19-5	Summary of Proposed Collector and Conveyance Channel Hydraulic Characteristics	4.19-14
4.19-6	Reasonably Foreseeable Future Projects and Anticipated Water Use	4.19-22
4.19-7	Estimated Change to Chuckwalla Valley Groundwater Basin Budget	4.19-23
4.19-8	Results of Numerical Modeling for Proposed Project and All Reasonably Foreseeable Projects	4.19-25
4.21-1	Comparison of Impacts to Selected Wildlife from All Project Alternatives	4.21-18
4.21-2	Cumulative Impacts to Selected Wildlife Resources from the Project	4.21-24
5-1	Commenters on the Palen Solar Power Project Draft Environmental Impact Statement	5-7
5-2	List of Preparers	5-99

	<u>Page</u>
Volume 2 – Appendices	
A. Maps and Figures	A-1
1-1 Regional Context	A-3
2-1 Project Location	A-4
2-2 Proposed Action	A-5
2-3 Reconfigures Alternative 1	A-6
2-4 Reconfigured Alternative 2 Option 1	A-7
2-5 Reduced Alternative 2 Option 2	A-8
2-6 Reduced Acreage Alternative	A-9
2-7 BLM Master Title Plat ROW CACA – 048810	A-10
3.5-1 Census Block Groups within 6 Miles of the Project Site	A-11
3.14-1 Regional Study Area by Zip Code and Travel Distance	A-12
3.15-1 Regional Soils Map	A-13
3.15-2 Land Units	A-14
3.15-3 Sand Transport Zones Characterizing Varying Rates of Sand Transport	A-15
3.16-1 Special Designations within 20 Miles of Project Site	A-16
3.17-1 OHV Routes in the Project Vicinity	A-17
3.18-1 Plant Communities	A-18
3.18-2 Desert Dry Wash Woodland-Chuckwalla Valley	A-19
3.18-3 Dune Habitat	A-20
3.18-4 Desert Washes	A-21
3.18-5 Desert Washes - Palen Watershed	A-22
3.18-6 Landforms	A-23
3.18-7 Vegetation Communities	A-24
3.18-8 Harwood's Milk-Vetch Habitat	A-25
3.18-9 Special Status Plant Species	A-26
3.19-1 Characteristic Landscape of the Project Site	A-27
3.19-2 Landscape Context Photographs	A-28
3.19-3 Project Study Area and Viewshed	A-29
3.19-4 Interim VRM Classes of the Project Area	A-30
3.20-1 Chuckwalla Valley Regional Groundwater Basins	A-31
3.20-2 Chuckwalla Valley Groundwater Basin Bedrock Topography	A-32
3.20-3 Chuckwalla Valley Groundwater Basin Cross Section A-A'	A-33
3.20-4 Regional Geology Map	A-34
3.20-5 Chuckwalla Valley Groundwater Basin	A-35
3.20-6 Basin Wide Groundwater Hydrographs	A-36
3.20-7 Chuckwalla Valley Groundwater Basin Well Locations	A-37
3.20-8 Developed Project Hydrology	A-38
3.20-9 Chuckwalla Valley Springs and Seep	A-39
3.23-1 Desert Tortoise Habitat	A-40
3.23-2 Desert Tortoise Chuckwalla to Chemehuevi DWMA's and Critical Habitat	A-41
3.23-3 Mojave Fringe-Toad Lizard Habitat	A-42
3.23-4 Mojave-Fringe-Toed Lizard Habitat Chuckwalla Population	
3.23-5 Couch's Spadefoot Toad Habitat	A-44
3.23-6 Burrowing Owl Habitat	A-45
3.23-7 Golden Eagle Foraging Habitat within 10 Miles of Mountains	A-46
3.23-8 Golden Eagle Foraging Habitat within 140 Miles Radius of Project	A-47
3.23-9 Leconte's Thrasher Habitat	A-48
3.23-10 American Badger/Desert Kit Fox Habitat	A-49

	<u>Page</u>
Volume 2 – Appendices (continued)	
A. Maps and Figures (continued)	
3.23-11 Bighorn Sheep WHMAs	A-50
3.23-12 Burro Deer Range	A-51
4.1-1 BLM Rights of Way with Existing and Future/Foreseeable Projects	A-52
4.9-1 Noise Measurement Locations	A-53
4.14-1 PSPP Intrusion into the Chuckwalla Sand Transport Corridor	A-54
4.14-2 Summary of Alternatives’ Impacts on the Sand Transport Corridor	A-55
4.18-1 Location of Key Observation Points (KOPs)	A-56
4.18-2 Foreground View of an Existing Solar Energy Facility (Kramer Junction SEGS Project)	A-57
4.18-3 Aerial Views of Existing Solar Trough Projects	A-58
4.18-4 Examples of Solar Trough Spread Glare	A-59
4.18-5 View from KOP-1, Highway 177 and Palen Pass Road, Looking South Toward the PSPP Site	A-60
4.18-6 View from KOP-2, Highway 177 at the Edge of Joshua Tree Wilderness, Looking Southeast toward the PSPP Site	A-61
4.18-7 View from KOP-3, Desert Lily Sanctuary Entrance/Parking Area, Looking Southeast toward the PSPP Site	A-62
4.18-8 View from KOP-4, Eagle Mountain Road, Looking East toward the PSPP Site	A-63
4.18-9 View from KOP-5, I-10 Interchange at Desert Center, Looking East toward the PSPP Site	A-64
4.18-10 View from KOP-6, Residential community entrance/exit in Desert Center, Looking East toward the PSPP Site	A-65
4.18-11 View from KOP-7, Corn Springs Road at the edge of Chuckwalla Mountains Wilderness, Looking North toward the PSPP Site	A-66
4.18-12 View from KOP-8, I-10 eastbound near the southwestern corner of the Project, Looking Northeast toward the PSPP Site	A-67
4.18-13 View from KOP-19, I-10 westbound near the southeastern corner of the Project, Looking Northwest toward the PSPP Site Toward the PSPP Site	A-68
4.18-14 View from KOP-10, Palen-McCoy Wilderness, Looking Southwest toward the PSPP Site	A-69
4.18-15 View from KOP-11, Chuckwalla Mountains Wilderness, Looking Northeast toward the PSPP Site	A-70
4.19-1 Chuckwalla Valley Groundwater Basin Levels, End of Construction	A-71
4.19-2 Chuckwalla Valley Groundwater Basin Levels, End of Operation	A-72
4.19-3 Preliminary Conceptual Drainage Plan	A-73
4.19-4 Chuckwalla Valley Groundwater Basin Cumulative Groundwater Levels, End of Construction	A-74
4.19-5 Chuckwalla Valley Groundwater Basin Cumulative Groundwater Levels, End of Operation	A-75
4.21-1 Foreseeable Projects within the NECO Boundary	A-76
B. Conditions of Certification	B-1
C. Applicable Laws, Regulations, Policies, and Executive Orders	C-1
D. Results of Scoping	D-1

	<u>Page</u>
Volume 2 – Appendices (continued)	
E. Analysis of the Red Bluff Substation Project, Incorporated by Reference from the Desert Sunlight Solar Farm Project EIS	E-1
F. Cultural Resources	F-1
G. Appendix G	G-1
H. Programmatic Agreement	H-1
I. Biological Resources	I-1
J. VRM Contrast Rating Summary	J-1
K. Comment Letters	K-1

EXECUTIVE SUMMARY

ES.1 Background and Project Overview

In August 2007, the United States Bureau of Land Management (BLM) California Desert District and the California Energy Commission (CEC) entered into a Memorandum of Understanding (MOU) to jointly develop the environmental analysis documentation for solar thermal projects under the jurisdiction of both agencies. Consistent with that MOU, the BLM and the CEC prepared a joint environmental document to address the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) for the Palen Solar Power Project (PSPP). The resulting Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) was circulated for agency and public review between April 7, 2010, and July 1, 2010.

On April 7, 2010, the CEC and BLM determined that they would develop and publish separate final documents for compliance with CEQA and NEPA, respectively. The CEC issued a Revised Staff Assessment (RSA) in September 2010 and a Commission Decision in December 2010, and the BLM has prepared this proposed Plan Amendment/Final Environmental Impact Statement (PA/FEIS). For inter-agency consistency, the SA/DEIS, RSA and Commission Decision were the primary references used in preparing this FEIS. Comments received on the DEIS are addressed in this PA/FEIS. After the publication of this PA/FEIS, the BLM will prepare a Record of Decision (ROD) regarding the Agency Preferred Alternative. The publication of the ROD in the Federal Register is the final step required of the BLM to meet the requirements of NEPA for the PSPP.

Based on the analysis of environmental impacts of the Proposed Action and each of the alternatives summarized below and described in Chapter 2, *Proposed Action and Alternatives*, the BLM has determined that Reconfigured Alternative 2 is the Agency Preferred Alternative. BLM would amend the CDCA Plan to include Reconfigured Alternative 2 (500 MW), and would approve a solar energy generating facility and ancillary facilities on either of two layouts, issue a ROW grant, and amend the CDCA Plan to include the proposed generation facilities and transmission line as an approved use. Alternatively, the BLM could take no action on the project but amend the CDCA Plan to make the area available for future renewable development, take no action on the project and amend the CDCA Plan to make the area unavailable for future renewable energy development, or take no action on the project application and no action on a CDCA Plan amendment.

ES.2 Purpose and Need

BLM Purpose and Need

In accordance with FLPMA Section 103(c), public lands are to be managed for multiple use that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant rights-of-way on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA § 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the proposed action is to respond to a FLPMA right-of-way (ROW) application submitted by Palen Solar I¹ (Applicant) to construct, operate, maintain and decommission a solar thermal facility on public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws (40 CFR 1502.13). Other applicable 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. The Energy Policy Act of 2005 (EPAc 05 or EPAc), Section 211 of which states: "It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on public lands with a generation capacity of at least 10,000 megawatts of electricity."
3. Secretarial Order 3285A1, *Renewable Energy Development by the DOI*, dated February 22, 2010. This Secretarial Order establishes the development of renewable energy as a priority for the DOI and creates a Departmental Task Force on Energy and Climate Change. It also announced a policy goal of identifying and prioritizing specific locations (study areas) best suited for large-scale production of solar energy.

Department of Energy Purpose and Need

The Applicant applied to the Department of Energy (DOE) for a loan guarantee under Title XVII of the Energy Policy Act of 2005 (EPAc 05), as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the "Recovery Act"). DOE is a NEPA cooperating agency pursuant to an MOU between DOE and BLM signed in January 2010. The purpose and need for action by DOE is to comply with its mandate under EPAc by selecting eligible projects that meet the goals of that Act. Section 1705 of the Recovery Act authorized a program for rapid deployment of renewable energy projects and related facilities and electric power transmission projects. The primary purposes of the Recovery Act are job preservation and creation, infrastructure investment, energy efficiency, science, assistance to the unemployed, and

¹ Chevron Energy Solutions and Solar Millennium have a joint development agreement. Chevron Energy Solutions applied for the Right of Way for Palen Solar Power Project. To facilitate the permitting of the Palen Solar Power Project (PSPP), the Applicant is requesting that the Energy Commission issue one License to a Project- specific company. The company for PSPP is Palen Solar I, LLC a wholly owned subsidiary of Solar Millennium and the single Applicant for the PSPP.

State and local fiscal stabilization. The Section 1705 Program is designed to address the current economic conditions of the nation, in part, through renewable energy and transmission projects.

ES.3 Proposed Action and Alternatives

Comparison of Alternatives

The Applicant did not request a CDCA Plan amendment directly. Nonetheless, the BLM has determined that a CDCA Plan amendment would be required if a ROW were granted for a solar power generating facility on the proposed site. Regardless of whether the Proposed Action is approved, the BLM could elect to amend the CDCA Plan. Consequently, the following range of outcomes of the BLM's potential CDCA Plan amendment process is as follows:

PA1 – The CDCA Plan (1980, as amended) would be amended to identify the footprint of the PSPP site as suitable for the proposed type of solar energy development. (This is the proposed land use plan amendment.)

PA2 – The CDCA Plan (1980, as amended) would not be amended. (This is No Action Alternative A, discussed below.)

PA3 – The CDCA Plan (1980, as amended) would be amended to identify the PSPP application area as unsuitable for any type of solar energy development. (This is CDCA Plan Amendment/No Project Alternative B, discussed below.)

PA4 – The CDCA Plan (1980, as amended) would be amended to identify the PSPP application area as suitable for any type of solar energy development. (This is CDCA Plan Amendment/No Project Alternative C, discussed below.)

Accordingly, the BLM is considering a CDCA Plan Amendment in connection with or independent of a ROW for the Proposed Action or one of the action alternatives. Each alternative summarized in this section is described in detail in Chapter 2, *Proposed Action and Alternatives*.

1. **Proposed Action:** The 500 MW PSPP would consist of Units 1 and 2, each with nominal capacity of 250 MW. The solar field would disturb approximately 2,760 acres within an approximately 5,200 acre ROW; linear facilities would disturb approximately 137 additional acres. The PSPP includes a private land component consisting of 40 acres. BLM would amend the CDCA Plan specifically for the PSPP.
2. **Reconfigured Alternative 1:** This reconfigured project would generate the same energy output as the PSPP, but would realign the solar fields to reduce impacts to the primary and secondary desert washes that cross the proposed site as well as to the sand dune habitat and the Mojave fringe-toed lizard in the northeastern portion of the PSPP site. Approximately 2,940 acres within the ROW would be disturbed for the solar field (approximately 180 acres more than the Proposed Action). BLM would amend the CDCA Plan for Reconfigured Alternative 1.
3. **Reconfigured Alternative 2:** This alternative would generate the same energy output as the PSPP, but would realign the solar fields to reduce impacts to the sand transport corridor, to sand dune habitat and to Mojave fringe-toed lizard. Reconfigured Alternative 2 includes two possible solar field layouts (Option 1 and Option 2). Option 1 consists of

public land administered by BLM as well as 240 acres of private land. Option 2 would avoid use of this private land and use only BLM-administered public land (with the exception of a 40-acre private parcel already owned by the Applicant). The total disturbance area of Option 1 would be 4,360.3 acres; for Option 2, it would be 4,323.8 acres. This alternative would require adjustment of the boundaries of the BLM ROW, as it includes land not currently included in the proposed ROW. BLM would amend the CDCA Plan for Reconfigured Alternative 2.

4. **Reduced Acreage Alternative:** This alternative would follow boundaries similar to those of Reconfigured Alternative 1, but it would be about 25 percent smaller, disturbing about 2,080 acres of land (as compared with 2,740 acres required for Units 1 and 2 of the PSPP). Reduced Acreage Alternative would avoid construction within Desert Tortoise Critical Habitat by removing the southern row of the solar trough loops of Unit 1, would reduce impacts to primary and secondary desert washes, and would reduce impacts to sand dune habitats, the sand transport corridor, and Mojave Fringe-Toed Lizard. BLM would amend the CDCA Plan for Reduced Acreage Alternative.
5. **No Action Alternative A:** The ROW application would be denied, and the CDCA Plan would not be amended.
6. **CDCA Plan Amendment/No Project Alternative B:** The ROW application would be denied. The CDCA Plan would be amended to identify the project application area as unsuitable for any type of solar energy development.
7. **CDCA Plan Amendment/No Project Alternative C:** The ROW application would be denied. The CDCA Plan would be amended to identify the project application area as suitable for any type of solar energy development.

Agency Preferred Alternative

As stated in PA/FEIS Section 2.4.4, *Agency Preferred Alternative*, the BLM has determined that it prefers Reconfigured Alternative 2 relative to the other alternatives evaluated. The Agency Preferred Alternative is described in PA/FEIS Section 2.4.3, *Alternatives Considered*. Direct, indirect and cumulative impacts associated with Reconfigured Alternative 2 are analyzed throughout Chapter 4, *Environmental Consequences*.

ES.4 Connected/Cumulative Actions

The two actions described in PA/FEIS Section 2.3, *Connected Actions*, cannot or will not proceed unless other actions are taken previously or simultaneously; or else are interdependent parts of a larger action and depend upon the larger action for their justification. These actions include relocation of an existing Southern California Edison (SCE) power line that crosses the southwest portion of the PSPP site and SCE's proposed construction and operation of the Red Bluff Substation, including related generation-tie (gen-tie) lines, telecommunications and telemetry service, provision of power to the proposed substation during its construction, and related infrastructure.

ES.5 Environmental Consequences

Impact Summary Table

Table ES-1 summarizes by environmental parameter the direct, indirect and cumulative impacts of the Proposed Action, Agency Preferred Alternative and other alternatives, which are analyzed in PA/FEIS Chapter 4, *Environmental Consequences*.

Major Conclusions

Areas of Controversy

Based on input received from agencies, members of the public and others, areas of controversy related to the PSPP include:

1. **Biological Resources:** The disturbance areas associated with the Proposed Action and alternatives consist almost entirely of native habitats, including desert dry wash woodland, unvegetated ephemeral dry wash, Sonoran creosote bush scrub, and stabilized and partially stabilized desert dunes. Specific areas of controversy relating to biological resources relate to waters of the State, wildlife connectivity, sand transport corridors and related landforms (e.g., dunes), sensitive plant communities, and special-status species. See, e.g., PA/FEIS Sections 4.17, *Impacts to Vegetation Resources*, 4.21, *Impacts to Wildlife Resources*.
2. **Cultural Resources:** Concerns related to damage, displacement and destruction of cultural artifacts and other resources; loss of integrity of cultural resources; and whether changes in the settings of cultural resources would be consistent with their historic or traditional cultural values. See, e.g., PA/FEIS Section 4.4, *Impacts to Cultural Resources*.
3. **Water Resources:** Concerns related generally to surface water and groundwater use and associated effects, and specifically to potential impacts to Colorado River water. See, e.g., PA/FEIS Section 4.19, *Impacts to Water Resources*.
4. **Visual Resources:** Concerns focused on glare that would be caused by sunlight reflecting off of the parabolic mirrors and on changes in landscape views (including cumulatively).
5. **Alternatives:** Concerns related to whether the range of alternatives was unreasonably narrow and whether it should be expanded.

Comments were received during the scoping process for the PSPP. The scoping process and public input received during that process are provided in detail in Appendix D, *Scoping Report*.

Issues to be Resolved

The BLM will decide whether to grant the proposed ROW, grant the ROW with modifications, or deny the ROW. Modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)). The BLM also will decide whether or not to amend the CDCA Plan to identify the application area as suitable for the proposed solar energy development, to identify it as suitable for any type of solar energy development, or to identify it as unsuitable for any type of solar energy development.

**TABLE ES-1
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	ALTERNATIVES							
	Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Air Resources	<p><i>Construction:</i> NOx=209.9 tons/yr; VOC=30.4 tons/yr; CO=183.47 tons/yr; PM10=172.89 tons/yr; PM2.5=44.33 tons/yr; and SOx=0.69 tons/yr</p> <p><i>Operations:</i> NOx= 5.44 tons/yr; VOC=19.48 tons/yr; CO=20.16 tons/yr; PM10=35.75 tons/yr; PM2.5=9.23; tons/yr; and SOx=0.70 tons/yr</p> <p><i>Decommissioning:</i> Comparable in type and magnitude, but likely to be lower than, the construction emissions</p>	Similar to or slightly higher than the Proposed Action	Similar to or slightly higher than the Proposed Action	Similar to or slightly higher than the Proposed Action	<p><i>Construction:</i> Similar to the Proposed Action</p> <p><i>Operations:</i> Approximately 25% less than the Proposed Action</p>	Insufficient information on future project that would likely be constructed to determine future impacts	Insufficient information on future project that would likely be constructed to determine future impacts	Insufficient information on future project that would likely be constructed to determine future impacts
Global Climate Change	<p><i>Construction:</i> GHG: 101,000 MT CO₂-Equivalent emissions and loss in carbon uptake of about 4,598 MT of CO₂ per year due to vegetation removal.</p> <p><i>Operations:</i> 14,818 MT CO₂-Equivalent. GHG emissions during construction and operation are more than offset during the operation of the Proposed Action, as a result of displacement of electricity from fossil fueled power plants</p> <p><i>Decommissioning:</i> Comparable in type and magnitude, but likely to be lower than, the construction emissions</p>	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Approximately 25% less than the Proposed Action	No Impact	No Impact	Similar to the Proposed Action

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	ALTERNATIVES							
	Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Cultural Resources	<p><i>Construction:</i> 49 known sites (9 prehistoric and 40 historic) Possibly additional resources yet to be discovered during construction</p> <p><i>Operations:</i> No additional impacts</p> <p><i>Decommissioning:</i> No additional impacts</p>	<p><i>Construction:</i> 41 known sites (2 prehistoric, 38 historic, and 1 multi-component)</p> <p><i>Operations:</i> Same as Proposed Action</p> <p><i>Decommissioning:</i> Same as Proposed Action</p>	<p><i>Construction:</i> 61 known sites (9 prehistoric and 52 historic)</p> <p><i>Operations:</i> Same as Proposed Action</p> <p><i>Decommissioning:</i> Same as Proposed Action</p>	<p><i>Construction:</i> 61 known sites (10 prehistoric and 51 historic)</p> <p><i>Operations:</i> Same as Proposed Action</p> <p><i>Decommissioning:</i> Same as Proposed Action</p>	<p><i>Construction:</i> 34 known sites (33 historic and 1 multi-component)</p> <p><i>Operations:</i> Same as Proposed Action</p> <p><i>Decommissioning:</i> Same as Proposed Action</p>	No Impact	No Impact	Similar to the Proposed Action
Environmental Justice	No Impact	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Lands and Realty	<p><i>Construction:</i> Minimal impacts to designated corridors, and access roads.</p> <p><i>Operations:</i> Minimal impacts to designated corridors, and access roads. Land within the Project site would be unavailable for placement of future site or linear facilities.</p> <p><i>Decommissioning:</i> No Impact</p>	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed action or slightly reduced	Greater, comparable, or reduced compared to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action
Livestock Grazing	No Impact	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Mineral Resources	<p><i>Construction:</i> Negligible and temporary effect on the availability of sand and gravel resources and no impact on the availability of other mineral or gas resources.</p> <p><i>Operations:</i> No impact.</p> <p><i>Decommissioning:</i> No impact.</p>	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Similar to the Proposed Action (slightly reduced impact)	Similar to the Proposed Action	Similar to the Proposed Action	No impact

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	Proposed Action	ALTERNATIVES						
		Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Multiple Use Classes	<p><i>Construction and Operations:</i> Disturbing of approximately 2,970 acres on predominately MUC-M classified lands. Restriction of multiple use opportunities on the PSPP site to a single dominant use for the lifespan of the project.</p> <p><i>Decommissioning:</i> Use opportunities on the site would return to the pre-PSPP conditions</p>	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action	Similar to the Proposed Action
Noise	<p><i>Construction:</i> short-term elevated noise levels would occur associated with construction equipment and high pressure steam blow.</p> <p><i>Operations:</i> Long-term operational noise levels would be approximately 42 dBA Leq at the nearest sensitive receptor.</p> <p><i>Decommissioning:</i> short-term elevated noise levels would occur associated with construction equipment.</p>	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Slightly reduced compared to the Proposed Action	Similar to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action	Similar to the Proposed Action
Paleontological Resources	<p><i>Construction:</i> Damage and/or destruction of paleontological resources; possible net gain to the science of paleontology depending on fossils found.</p> <p><i>Operations:</i> No Impact.</p> <p><i>Decommissioning:</i> No Impact.</p>	Same as Proposed Action	Same as Proposed Action	Same as Proposed Action	Potential impacts would be reduced commensurate with reduction in acreage disturbed.	No impact	No impact	Similar to the Proposed Action

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	Proposed Action	ALTERNATIVES						
		Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Public Health and Safety	<p><i>Construction and Decommissioning:</i> Risks to public health and contamination associated with construction equipment; hazardous materials required for construction and safety risk of encountering unexploded munitions.</p> <p><i>Operations:</i> large quantities of liquified petroleum gas and Therminol VP1 would be used; no short- or long-term adverse human health effects are expected; transmission line safety and nuisance hazards; traffic and transportation safety, including aviation safety; and worker safety and fire protection impacts; impacts associated with geologic hazards; site security.</p>	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Slightly reduced compared to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action	Similar to the Proposed Action	Greater, comparable, or reduced compared to the Proposed Action
Recreation	<p><i>Construction:</i> Direct and indirect impacts from noise, fugitive dust, and truck and other vehicle ingress and egress to the construction site; visual intrusions for visitors seeking experiences from a natural setting. The site would not be available for recreational use, such as day use, hiking and camping.</p> <p><i>Operations:</i> The site would not be available for recreational use, such as day use, hiking and camping.</p> <p><i>Decommissioning:</i> Similar impacts as those described for construction. Would ultimately benefit recreational values, since additional acres would be reclaimed and potentially made available for recreational use.</p>	Similar to the Proposed Action but would require approximately 180 additional acres.	Similar to the Proposed Action but would require approximately 1,390 additional acres.	Similar to the Proposed Action but would require approximately 1,354 additional acres.	Similar to the Proposed Action but would require approximately 890 less acres.	Insufficient information on future project that would likely be constructed to determine future impacts.	Insufficient information on future project that would likely be constructed to determine future impacts.	Same or similar impacts as the Proposed Action.

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	ALTERNATIVES							
	Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Social and Economic	<p><i>Construction:</i> Employment of 566 workers (average) and 1,145 workers (peak). Most, if not all, expected to live within two hours of site.</p> <ul style="list-style-type: none"> Any temporary lodging demand met by existing housing or lodging. No new housing or motel development induced. Total direct construction spending benefits of \$218.7 million on labor and \$30 million on materials. Additional total indirect and induced spending benefits of \$184.3 million and 457 jobs. <i>Operations:</i> Annual employment of 134 workers of which at least 75% expected to live within two hours of site. Any in-migration housing demand met by existing housing. No new housing growth induced. Annual direct spending benefits of \$5.8 million on labor and \$5.0 million on materials. Additional total indirect and induced spending benefits of \$6.1 million and 222 jobs. <p><i>Decommission:</i> Temporary spending and employment benefit from deconstruction and site restoration work. Subsequent long term adverse impact from lost project jobs and spending.</p>	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Similar but reduced proportionate to size of alternative	Insufficient information on future project that would likely be constructed to determine future impacts.	Insufficient information on future project that would likely be constructed future impacts to determined.	Similar to the Proposed Action

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	ALTERNATIVES							
	Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
			Option 1	Option 2				
Soils Resources	<p><i>Construction:</i> Total earth movement of approximately 4.5 million cubic yards.</p> <p><i>Construction and Operation:</i> With the implementation of the recommended BMPs and mitigation measures, the proposed action would cause minimal wind or water erosion generated soil loss.</p> <p><i>Operation:</i> The project would cause a total of 970 acres of direct impact to dune areas within the sand transport corridor, including 430 acres of direct impact within the most sensitive area for sand transport (Zone 2); and, 1,113 acres of indirect (sand shadow) impacts downwind of the project site where deflation and dune loss within the life of the project would likely occur. Most of the indirect impacts that would be caused by the proposed action would be within Zone 2.</p> <p><i>Decommissioning:</i> With the implementation of the recommended BMPs and mitigation measures, the proposed action would cause minimal wind or water erosion generated soil loss. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed. Natural sand migration and dune habitat processes would resume.</p>	<p><i>Construction and Operation:</i> Similar to proposed action for wind or water erosion generated soil loss.</p> <p><i>Operation:</i> Direct impacts to 187 more acres within the sand transport corridor as compared to the proposed action, including 90 more acres of direct impact to Zone 2 as compared to the proposed action. 100 acres less than the proposed action for indirect impacts within the sand transport corridor.</p> <p><i>Decommissioning:</i> Similar to proposed action for wind or water erosion generated soil loss and sand transport processes</p>	<p><i>Construction and Operation:</i> Similar to proposed action for wind or water erosion generated soil loss.</p> <p><i>Operation:</i> Direct impacts to dune habitat and the sand transport corridor greatly reduced to Zone 2 as compared to the proposed action (140 acres total). Indirect impacts to the sand transport corridor greatly reduced for Zone 2 as compared to the proposed action (130 acres total).</p> <p><i>Decommissioning:</i> Similar to proposed action for wind or water erosion generated soil loss and sand transport processes.</p>	<p><i>Construction and Operation:</i> Similar to proposed action for wind or water erosion generated soil loss.</p> <p><i>Operation:</i> Direct impacts to dune habitat and the sand transport corridor greatly reduced to Zone 2 as compared to the proposed action (150 acres total). Indirect impacts to the sand transport corridor greatly reduced for Zone 2 as compared to the proposed action (130 acres total).</p> <p><i>Decommissioning:</i> Similar to proposed action for wind or water erosion generated soil loss and sand transport processes.</p>	<p><i>Construction and Operation:</i> Similar to proposed action for wind or water erosion generated soil loss.</p> <p><i>Operation:</i> Direct impacts to dune habitat and the sand transport corridor greatly reduced to Zone 2 as compared to the proposed action (9 acres total). Indirect impacts to the sand transport corridor greatly reduced for Zone 2 as compared to the proposed action (55 acres total).</p> <p><i>Decommissioning:</i> Similar to proposed action for wind or water erosion generated soil loss and sand transport processes.</p>	No Impact	No Impact	Impacts to soils and sand transport similar to the impacts under the proposed Project.

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	ALTERNATIVES							
	Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
Special Designations	<p><i>Construction:</i> 3.63³ acres of impacts within the Chuckwalla DWMA/ACEC. Potential impacts to wilderness users' opportunities for solitude and primitive unconfined recreation.</p> <p><i>Operation:</i> potential impacts to wilderness users' opportunities for solitude and primitive unconfined recreation.</p> <p><i>Decommissioning:</i> Potential impacts to wilderness users' opportunities for solitude and primitive unconfined recreation.</p>	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	No impact.	Similar to the Proposed Action	Similar to the Proposed Action
Transportation and Public Access – Off Highway Vehicle Resources	<p><i>Construction:</i> temporary disturbance to motorized vehicles on local routes; traffic hazards from construction worker commuting and parking; increased traffic from construction activities; damage to roadways</p> <p><i>Operation:</i> closure of approximately 14 miles of designated open routes. Increased opportunities for vandalism, illegal cross-county use and other disruptive behavior from OHVs. Closure of open washes.</p>	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Similar to the Proposed Action (slightly reduced impact)	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action
Vegetation Resources	<p><i>Construction:</i> 4,024 acres vegetation communities lost; 344 acres ephemeral drainages lost; 5 special status plant species impacted</p>	<p><i>Construction:</i> 3,097 acres vegetation communities lost; 144 acres ephemeral drainages lost; 5 special status plant species impacted</p>	<p><i>Construction:</i> 4,366 acres vegetation communities lost; 407 acres ephemeral drainages lost; 5 special status plant species impacted</p>	<p><i>Construction:</i> 4,330 acres vegetation communities lost; 384 acres ephemeral drainages lost; 5 special status plant species impacted</p>	<p><i>Construction:</i> 2,242 acres vegetation communities lost; 133 acres ephemeral drainages lost; 5 special status plant species impacted</p>	<p>Short term: no impact</p> <p>Long term: Similar to Proposed Action</p>	No Impact	<p>Short term: no impact</p> <p>Long term: Similar to Proposed Action</p>

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	Proposed Action	ALTERNATIVES						
		Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
Visual Resources	<p><i>Construction:</i> Mitigable short-term impacts from construction lighting and visible dust plumes; substantial adverse effects from large-scale visual disturbance in the landscape.</p> <p><i>Operations:</i> Mitigable impacts to night sky from facility lighting; Adverse and unavoidable impacts from visual disturbance and glint and glare from foreground/midground views. Cumulatively considerable impacts for motorists and special designations due to large-scale landscape conversion.</p> <p><i>Decommissioning:</i> Mitigable short-term impacts prior to successful restoration.</p>	Severity of adverse impacts slightly increased, but the overall visual resource conclusions remain the same.	Adverse impacts diminished in intensity relative to the action alternative, but only in terms of form and line contrast of the PSPP within the landscape. Other impacts remain the same.	Adverse impacts diminished in intensity relative to the action alternative, but only in terms of form and line contrast of the PSPP within the landscape. Other impacts remain the same.	Adverse impacts diminished in intensity relative to the action alternative, but only in terms of form and line contrast, and project dominance, of the PSPP within the landscape. Other impacts remain the same.	Short Term: no impact Long Term: similar to proposed action, in proportion with the size of any potential future project.	Short Term: no impact Long Term: similar to proposed action, in proportion with the size of the project.	Short Term: no impact Long Term: similar to proposed action, in proportion with the size of the project.
Water Resources	<p><i>Construction and Operation:</i></p> <ul style="list-style-type: none"> • Pumping/Consumption of 2,128 afy during construction and 2,308 afy during operation of groundwater. • Mitigable alteration of stormwater flows and drainage, including re-routing of existing flowpaths. • Mitigable water quality effects including use of heavy machinery and sedimentation during construction, and use of septic system, and other facilities during operation. • No effect on flows in the Colorado River is anticipated. <p><i>Decommissioning:</i> Mitigable water quality effects due to use of heavy machinery and re-grading of site to match adjacent topography.</p>	Similar to the Proposed Action	Similar to the Proposed Action	Similar to the Proposed Action	Approximately 25% less than Proposed Action for groundwater consumption, similar to the Proposed Action for all others.	No Impact	No Impact	Similar to the Proposed Action

**TABLE ES-1 (Continued)
SUMMARY OF IMPACTS BY ALTERNATIVE**

Resource	Proposed Action	ALTERNATIVES						
		Reconfigured Alternative 1	Reconfigured Alternative 2		Reduced Alternative	No Action Alternative A	CDCA Plan Amendment/ No Project Alternative B	CDCA Plan Amendment/ No Project Alternative C
Wild Horse and Burros	No Impact	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Wildland Fire Ecology	<i>Construction:</i> Slight increase in threat of wildland fires in area <i>Operations:</i> threat of wildland fire similar to current situation	Similar to Proposed Action	Similar to Proposed Action	Similar to Proposed Action	Slightly less than Proposed Action	Short term: no impact Long term: Similar to Proposed Action	No Impact	Short term: no impact Long term: Similar to Proposed Action
Wildlife Resources	<i>Construction:</i> 4,024 acres wildlife habitat lost; 11 special status wildlife species impacted <i>Operations:</i> Disruption of migratory patterns; death or injury to individuals from striking powerlines, mirrors, arrays, poles or being struck by vehicles; increased predation.	<i>Construction:</i> 3,097 acres wildlife habitat lost; 11 special status wildlife species impacted on 23% fewer acres than Proposed Action <i>Operations:</i> Similar to Proposed Action	<i>Construction:</i> 4,366 acres wildlife habitat lost; 11 special status wildlife species impacted on 8% more acres than Proposed Action <i>Operations:</i> Similar to Proposed Action	<i>Construction:</i> 4,330 acres wildlife habitat lost; 11 special status wildlife species impacted on 8% more acres than Proposed Action <i>Operations:</i> Similar to Proposed Action	<i>Construction:</i> 2,242 acres wildlife habitat lost; 11 special status wildlife species impacted on 44% fewer acres than Proposed Action <i>Operations:</i> Similar to Proposed Action	Short term: No impact Long term: Similar to Proposed Action	No Impact	Short term: no impact Long term: Similar to Proposed Action

PA4 – The CDCA Plan (1980, as amended) would be amended. (This is CDCA Plan Amendment/ No Project Alternative C, discussed below.)

ES.6 Lead Agencies' Roles and Responsibilities

The BLM's authority for the Proposed Action includes the Federal Land Policy and Management Act (FLPMA) of 1976, Section 211 of the Energy Policy Act, and BLM's Solar Energy Development Policy. The FLPMA authorizes the BLM to issue ROW grants for renewable energy projects. BLM's authority also extends to BLM-administered lands under the jurisdiction of the Palm Springs/South Coast Field Office, which are governed by the California Desert Conservation Area Plan (1980, as amended) (CDCA Plan). Because the CDCA Plan would need to be amended to allow the project to be developed on the proposed site, BLM also would oversee that CDCA Plan amendment process for the project.

The CEC has the exclusive authority to certify the construction, modification and operation of thermal electric power plants in California that generate 50 MW or more. CEC certification is in lieu of any permit required by State, regional or local agencies. The CEC must review power plant Applications for Certification to assess potential environmental impacts and compliance with applicable laws, ordinances, regulations, and standards (LORS). The CEC analysis regarding the project in the SA/DEIS was prepared and approved in accordance with the requirements of CEQA.

ES.7 Organizations and Persons Consulted

In addition to the scoping and SA/DEIS public review processes, the BLM consulted and coordinated with public agencies that have been or may be requested to take action on the PSPP. Consultation and coordination is summarized below.

Native American Consultation and Coordination

The BLM consults with Indian tribes on a government-to-government level in accordance with several authorities including NEPA, Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470), as amended; the American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996), as amended; and Executive Order 13007 (May 24, 1996), concerning Indian Sacred Sites. Adverse effects of the Proposed Action or an alternative could have on cultural resources will be resolved through compliance with the terms of a Programmatic Agreement (PA) reached on September 21, 2010, pursuant to NHPA Section 106 (16 USC Section 470; 36 CFR Section 800.14). See PA/FEIS Section 5.2.2, *Tribal Consultation and Section 106 Compliance*, for additional information.

United States Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction over threatened and endangered species listed under the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.). Formal consultation with the USFWS under ESA Section 7 is required for any major federal action that

may adversely affect a federally-listed species. Consultation for the Proposed Action was initiated by the Applicant's submittal of a Draft Biological Assessment (BA), dated March 2010, which described the proposed action to the USFWS. Following review of the BA, the USFWS is expected to issue a Biological Opinion (BO) that specifies mitigation measures, which must be implemented for any protected species. Consultation with USFWS for the PSPP is ongoing.

ES.8 Public Participation

Scoping activities were conducted by the BLM in compliance with the requirements of NEPA for the PSPP. Many of these scoping activities were conducted jointly with the CEC. The BLM's scoping activities are described in detail in the Final Scoping Report, which is provided in Appendix C. The scoping report documents the Notice of Intent, the scoping meetings, workshops, and the comments received during scoping.

ES.9 Comments and Responses

The BLM and CEC distributed the joint SA/DEIS for the PSPP for public and agency review between April 7, 2010, and July 1, 2010. Eight comment letters were received. PA/FEIS Appendix K, *Comment Letters*, includes all of the written comments received by the BLM in response to the Notice of Availability. Section 5.5, *Public Comment Process*, provides responses to common and individual comments.

CHAPTER 1

Introduction and Purpose and Need

Palen Solar I¹ (Applicant) is seeking a ROW grant for approximately 5,200 acres to construct, operate, maintain and ultimately to decommission a concentrated solar thermal electric generating facility (the Palen Solar Power Project, or PSPP) on BLM-administered public lands in the southern California inland desert, approximately 0.5 mile north of U.S. Interstate-10 (I-10) approximately 35 miles west of Blythe and approximately 10 miles east of Desert Center, in an unincorporated area of eastern Riverside County, California (Figure 1-1).² Construction and operation of the proposed action would disturb approximately 2,970 acres; an additional 137.34 acres would be needed for linear facilities (i.e., the final transmission line, temporary construction power line, telecommunications line, and site access road). Acreage that would not be disturbed would not be part of the ROW grant. The proposed action would be located entirely on BLM-administered land, except for one 40-acre privately-owned parcel.

In March 2010, the United States Bureau of Land Management (BLM) and the California Energy Commission (CEC) issued a joint Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) to analyze environmental impacts of the proposed action and alternatives under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), respectively. On April 7, 2010, the BLM and CEC determined that they would develop and publish separate final documents for compliance with Federal and State law, respectively. The CEC issued a Revised Staff Assessment (RSA) in September 2010 pursuant to CEQA, and the BLM has prepared this Plan Amendment/Final Environmental Impact Statement (PA/FEIS) pursuant to NEPA. Although the BLM and CEC are not publishing a joint final environmental document, the agencies have shared staff expertise, information, and documentation throughout the process to promote intergovernmental coordination.

The SA/DEIS, RSA and December 2010 Commission Decision were the BLM's primary references in preparing this PA/FEIS. The PA/FEIS analyzes 24 alternatives in addition to the project, including three build alternatives (Reconfigured Alternative 1, Reconfigured Alternative 2 and a Reduced Acreage Alternative) and three no-build alternatives (No Action Alternative A, CDCA Plan Amendment/No Project Alternative B and CDCA Plan Amendment/No Project Alternative C). The remaining alternatives were considered but eliminated from further analysis. The proposed action and each of the alternatives are described in Chapter 2, *Proposed Action and Alternatives*.

¹ Chevron Energy Solutions and Solar Millennium are joint developers of the PSPP. Chevron Energy Solutions applied for the ROW grant for the project. To facilitate the permitting of the PSPP, the developers have requested that the BLM authorize one ROW grant to a project-specific company. The company for the PSPP is Palen Solar I, LLC, a wholly owned subsidiary of Solar Millennium and the single Applicant for the PSPP.

² All figures referenced in this PA/FEIS are included in Appendix A.

The environmental resources and other considerations that could be affected by the proposed action are described in Chapter 3, *Affected Environment*. The consequences of implementing the proposed action and alternatives on these resources and other considerations are analyzed in Chapter 4, *Environmental Consequences*. The consultation and coordination that has occurred between and among agencies, organizations and individuals, including responses to comments received on the SA/DEIS, are described in Chapter 5, *Consultation, Coordination and Public Involvement*.

Publication in the Federal Register of the EPA's Notice of Availability (NOA) for this PA/FEIS will initiate a 30-day protest period on the proposed PA and a 30-day public review period on the FEIS. The decision to adopt the PA is a "plan decision", and is subject to protest under applicable BLM regulations (43 CFR 1610.5-2). Any protest on the proposed PA must be filed with the Director of the BLM. Following resolution of any protests, BLM then may publish a Record of Decision (ROD) with respect to the Plan Amendment and the Project Application. The decision regarding the ROW grant is an "implementation decision" and is appealable to the Interior Board of Land Appeals upon issuance of the ROD pursuant to applicable BLM regulation (43 CFR 2801.10). The publication of the ROD in the Federal Register would be the final step required of the BLM to meet the requirements of NEPA for the PSPP.

1.1 Purpose and Need

The BLM as the lead agency under NEPA, and the Department of Energy (DOE) as a cooperating agency, have independent purposes and needs for the project. Each is provided below.

1.1.1 BLM Purpose and Need

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

In accordance with Section 103(c) of the Federal Land Policy and Management Act of 1976 (FLPMA), public lands are to be managed for multiple use that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant rights-of-way on public lands for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the proposed action is to respond to a FLPMA right-of-way application submitted by the applicant to construct, operate, maintain, and decommission a solar thermal energy-generating facility and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM right-of-way regulations, and other applicable Federal laws and policies.

In conjunction with FLPMA, the BLM's applicable authorities include the following:

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. Section 211 of the Energy Policy Act of 2005 (119 Stat. 594, 660) (EPA 05 or EPAAct), which established a goal for the DOI (BLM's parent agency) to approved at least 10,000 megawatts of non-hydropower renewable energy power on public lands by 2015.
3. Secretarial Order 3285A1, Renewable Energy Development by the DOI, dated February 22, 2010. This Secretarial Order establishes the development of renewable energy as a priority for the DOI and creates a Departmental Task Force on Energy and Climate Change. It also announced a policy goal of identifying and prioritizing specific locations (study areas) best suited for large-scale production of solar energy.
4. Instruction Memorandum 2011-59, National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations, dated February 7, 2011. This IM reiterates and clarifies existing BLM NEPA policy to assist offices that are analyzing externally-generated, utility-scale renewable energy ROW applications. It includes examples and guidance applicable to such applications that supplement information in the BLM's NEPA Handbook (H-1790-1) that reflect that utility-scale renewable energy projects are distinct from many other types of land and realty actions due to their size and potential for significant resource conflicts, as well as the priority that has been placed on them by the Department of the Interior (DOI).

The BLM will decide whether to deny the proposed right-of-way, grant the right-of way, or grant the right-of-way with modifications. Modifications may include revising the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)).

The BLM's action also will include consideration of a concurrent amendment of the California Desert Conservation Area (CDCA) Plan of 1980, as amended. 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 that are not identified in the CDCA Plan to be added to it through the land use plan amendment process. CDCA boundaries are shown on Figure 1-1. The project site is within the CDCA, but is not identified in the CDCA Plan for solar power generation. Therefore, if the BLM decides to approve the issuance of a ROW grant, a CDCA Plan amendment also would be required.

1.1.2 Department of Energy Purpose and Need

The Applicant has applied to the Department of Energy (DOE) for a loan guarantee under Title XVII of the EPA 05, as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the "Recovery Act") for Solar Power Units 1 and 2 of the project. DOE is a cooperating agency on this EIS pursuant to an MOU between DOE and BLM signed in January 2010. The purpose and need for action by DOE is to comply with its mandate under the Act by selecting eligible projects that meet its goals.

The EAct established a Federal loan guarantee program for eligible energy projects, and was amended by the Recovery Act to create Section 1705 authorizing a new program for rapid deployment of renewable energy projects and related manufacturing facilities, electric power transmission projects, and leading edge biofuels projects. The primary purposes of the Recovery Act are job preservation and creation, infrastructure investment, energy efficiency, science, assistance to the unemployed, and State and local fiscal stabilization. The Section 1705 Program is designed to address the current economic conditions of the nation, in part, through renewable energy, transmission and leading edge biofuels projects. The purpose and need for the proposed action is to meet the objectives of these laws.

1.2 Major Authorizing Laws and Regulations

The primary agency-specific authorizing laws and regulations are summarized as follows:

1.2.1 BLM

BLM's authority and policy guidance for making a decision related to the proposed action flows from Section 1701 et seq. of FLPMA, Section 211 of the EAct, the American Recovery and Reinvestment Act of 2009, and BLM's Solar Energy Development Policy of October 7, 2010 (Instruction Memorandum (IM) 2011-003. FLPMA establishes public land policy and guidelines for administration, and provides for the management, protection, development, and enhancement of public lands. Section 501(a)(4) of FLPMA specifically authorizes BLM to issue ROW grants for the generation, transmission, and distribution of electric energy. The EAct renewed interest in developing utility-scale renewable energy facilities on federal public land: Section 211 of the Act establishes a target of approving 10,000 MW of non-hydropower renewable energy generation on public lands by 2015. The United States Congress also intensified the need for accelerated development of such projects with passage in early 2009 of the American Recovery and Reinvestment Act, which confers economic benefits on renewable energy projects that begin construction before the end of 2010 (the availability of these benefits has been extended through 2011). BLM's Solar Energy Development Policy of 2010 is discussed below, in Section 1.3.1, *Relationship to BLM Policies, Plans and Programs*.

1.2.2 California Energy Commission

The CEC has the exclusive authority to certify the construction, modification, and operation of thermal electric power plants 50 MW or larger. The CEC certification is in lieu of any permit required by State, regional, or local agencies and by Federal agencies to the extent permitted by Federal law (Pub. Res. Code § 25500). The CEC must review and analyze the Applicant's power plant Application for Certification (AFC) in accordance with Public Resources Code section 25500 and following, the implementing regulations set forth in Title 20 of the California Code of Regulations section 1701 and following, and CEQA (Pub. Res. Code § 21000 et seq.; 14 Cal. Code Regs. § 15000 et seq.). The CEC approved the project in December 2010.

1.2.3 U.S. Fish and Wildlife Service

The United States Fish and Wildlife Service (USFWS) has jurisdiction over threatened and endangered species listed under the Endangered Species Act (ESA) (16 U.S.C. Section 1531 et seq.). Formal consultation with the USFWS under Section 7 of the ESA is required for any Federal action that may adversely affect a Federally-listed species. Consultation for the Proposed Action was initiated by the Applicant's submittal of a Draft Biological Assessment (BA), dated March 2010, which described the proposed action to the USFWS. Following review of the BA, the USFWS is expected to issue a Biological Opinion (BO) that specifies reasonable and prudent measures that must be implemented for any protected species that may be affected adversely by the proposed action. The BO will be issued prior to the BLM's issuance of the ROD and compliance with the measures identified by the USFWS in the BO would be required under the ESA and also in the ROD.

1.2.4 Tribal Consultation

The BLM consults with Native American tribes in accordance with several authorities, including NEPA, the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470), as amended; the American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996), as amended; Executive Order (E.O.) 13007 (May 24, 1996), concerning Indian Sacred Sites; E.O. 13175 (Nov. 6, 2000), concerning Consultation and Coordination With Indian Tribal Governments; and the Presidential Memorandum of April 29, 1994 (59 FR 22951 (1994)). For this project, in coordination and cooperation with the CEC, BLM expanded its consultation to include Native American groups not recognized by the federal government.

The BLM initiated consultation in the early stages of project planning by certified letter on July 1, 2009. Tribes were invited to a general scoping meeting and project site visit held on January 25, 2010. On February 10, 2010, the BLM Palm Springs Field Office Manager and Archaeologist met with the Fort Yuma Quechan Tribal Council. The BLM provided information on several solar energy projects, including the proposed project, and answered questions. On March 3, 2010, the BLM mailed letters to the below-listed tribes requesting consultation under NHPA Section 106 with tribes, the Energy Commission, the Applicant, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation to develop a Programmatic Agreement (PA) that describes the actions that will be taken by the parties in order to meet their environmental compliance responsibilities for the project.

An initial meeting regarding the PA was held on April 23, 2010 in Palm Desert, to which all interested tribes were invited. They also were notified of a workshop on the PSPP SA/DEIS, held on April 29, 2010, in the BLM Palm Springs Field Office, where, additionally, BLM also held an informational meeting for the tribes on May 25, 2010. The BLM issued a draft PA for the PSPP on June 17, 2010, allowing 30 days for public and Native American comment. Appendix I of the draft PA included a log-to-date of BLM's consultation with specific individuals and groups.

Most recently, BLM held a meeting in Palm Desert on August 11, 2010, to review and discuss the revised draft PA; some Native Americans were in attendance. At this meeting, representatives of two non-federally recognized consulting organizations (California Union for Renewable Energy and La Cuna de Aztlan Sacred Sites Protection Circle) expressed concern over geoglyphs and other sacred sites and ancient trails that solar development in the Chuckwalla Valley and on Palo Verde Mesa could affect. Outside of these communications with the non-federally recognized consulting parties, through formal consultation efforts with Native Americans identified no additional cultural resources beyond those analyzed in the SA/DEIS that could be impacted by the project.

Thirteen tribes or related entities were identified and invited to consult on this project, including:

1. Ramona Band of Mission Indians
2. Torres-Martinez Desert Cahuilla Indians
3. Augustine Band of Cahuilla Mission Indians
4. Agua Caliente Band of Cahuilla Indians THPO
5. Morongo Band of Mission Indians
6. Twentynine Palms Band of Mission Indians
7. Fort Yuma Quechan Indian Tribe
8. Colorado River Indian Tribes
9. Chemehuevi Reservation
10. Colorado River Reservation
11. San Manuel Band of Mission Indians
12. Quechan Indian Tribe
13. Fort Mojave Indian Tribe

Adverse effects that the proposed action could have on cultural resources will be resolved through compliance with the terms of a Programmatic Agreement reached on September 21, 2010, pursuant to NHPA Section 106 (16 USC Section 470; 36 CFR Section 800.14) in consultation with the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, Indian tribes, and other interested parties. Implementation of the terms of the Programmatic Agreement is identified as a recommended mitigation measure (see Section 4.4, *Cultural Resources*, and Appendix B, *Conditions of Certification*).

1.2.5 U.S. Army Corps of Engineers

The United States Army Corps of Engineers (USACE) has jurisdiction to protect the aquatic ecosystems, including water quality and wetland resources, under Section 404 of the Clean Water Act (33 U.S.C. 1344). Under this authority, USACE regulates the discharge of dredged or fill material into waters of the United States, including wetlands, by reviewing proposed projects to determine whether they may impact such resources and, thereby, be required to obtain a Section 404 permit. Throughout the NEPA process, the BLM has provided information to the USACE to assist the agency in making a determination regarding its jurisdiction and the need for a Section 404 permit. The USACE rendered a final opinion on August 2, 2010 concluding that the proposed action does not affect waters of the U.S. and thus, does not require a Section 404 permit.

1.2.6 California Department of Fish and Game

The California Department of Fish and Game (CDFG) protects fish and aquatic habitats within the State through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. In this context, the term “streambed” encompasses all portions of the bed, banks, and channel of any stream, including intermittent and ephemeral streams, extending laterally to the upland edge of riparian vegetation. In the case of vegetated ephemeral dry washes, such as those present on the project site, this CDFG interpretation often results in an asserted geographic jurisdictional area that is much wider than the active channel of the stream and, therefore, much wider than the jurisdiction of the USACE. Fish and Game Code Section 1602(a) states that it is unlawful for an entity to “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake” without first notifying CDFG of that activity. If CDFG determines that the activity may substantially adversely affect an existing fish or wildlife resource, the entity will need to obtain a Lake or Streambed Alteration Agreement (SAA) from the CDFG before it may commence the activity. CDFG would include in the SAA measures necessary to protect the affected resources (Id.). The BLM, CEC, and the Applicant have provided information to CDFG to assist in its determination of the impacts to streambeds, and identification of permit and mitigation requirements. The Applicant filed a Streambed Alteration Agreement with CDFG for the purposes of altering the terrain and installing channels. This application currently is being reviewed. Compliance with the requirements of the Streambed Alteration Agreement is identified as a recommended mitigation measure (see Section 4.21, *Wildlife Resources*, and Appendix B, *Conditions of Certification*).

CDFG also regulates potential impacts to species that are protected under the California Endangered Species Act (CESA) (Fish and Game Code Section 2050, et seq.). The Applicant filed an application for an incidental take permit and revised desert tortoise technical report (including Fall 2009) in January 2010. Compliance with the requirements of the Incidental Take Permit is identified as a recommended mitigation measure (see Section 4.21, *Wildlife Resources*, and Appendix B, *Conditions of Certification*).

1.3 Relationship of Proposed Action to BLM Policies, Plans, and Programs, and LUP Conformance Determination

1.3.1 Relationship to BLM Policies, Plans and Programs

The relationship of the PSPP to the BLM’s Solar Energy Development Policy, the BLM’s proposed Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development (Solar PEIS), Secretarial Order No. 3310 (Dec. 22, 2010), and the Federal Wildland Fire Policy is discussed in this section. Land Use Plan conformance, including the project’s relationship to the CDCA Plan, Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan), and California Desert Renewable Energy Conservation Plan are discussed below.

BLM's Solar Energy Development Policy

The BLM processes solar energy right-of-way applications for lands in accordance with its Solar Energy Development Policy (Instruction Memorandum No. 2011-003) (BLM, 2010). Pursuant to this policy, applications for commercial solar energy facilities are processed as right-of-way authorizations under Title V of FLPMA and its implementing regulations (43 CFR Part 2800); they also must comply with the BLM's environmental and planning requirements. Among other things, BLM's Solar Energy Development Policy provides policy guidance on early coordination with Federal land managers and stakeholders, the term of solar energy right-of-way authorizations, diligent development requirements, bond coverage, Best Management Practices (BMPs), and BLM access to records. Further, the BLM's Solar Energy Development Policy states, "Secretarial Order 3285A1, signed on March 11, 2009, and amended on February 22, 2010, established the development of renewable energy as a priority of the Department of the Interior.... The BLM has identified some 23 million acres of the public lands with utility-scale solar energy potential, and over 200 right-of-way applications have been submitted to the BLM for processing. As the cost of producing solar energy declines in future years, and as additional transmission capacity is developed, there will be an even greater interest in locating utility-scale solar energy projects on the public lands. This policy IM helps ensure environmentally-responsible development of solar projects on public lands and provides for effective processing of the right-of-way applications." The BLM has considered the proposed action within the framework of this policy.

BLM's Proposed Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development

In response to direction from Congress under Section 211 of the Energy Policy Act of 2005, as well as Executive Order 13212, Actions to Expedite Energy-Related Projects, the BLM and the DOE are collaborating to prepare an evaluation pursuant to NEPA and CEQ regulations of the potential impacts of (1) utility-scale solar energy development, (2) the development and implementation of agency-specific programs or guidance to establish environmental policies and mitigation strategies for solar energy projects, and (3) amendment of relevant BLM land use plans with the consideration of establishing a new BLM Solar Energy Program.

A draft of the environmental analysis, known as the Draft Solar Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development (Draft Solar PEIS) was issued on December 16, 2010. Issuance of the draft initiated a 90-day public comment period, and a 30-day extension was granted. During the comment period, the BLM and DOE will host 14 open meetings, beginning in Washington, D.C. on February 2, 2011, to invite and encourage public input. Meetings also will be held in Palm Springs, Barstow and El Centro, California.

The Draft Solar PEIS considers various alternatives, including a no-action alternative, under which solar energy development would continue on BLM-administered lands in accordance with the terms and conditions of the BLM's existing policies, plans and programs, and two action

alternatives for implementing new BLM Solar Energy Programs. Under the BLM's preferred alternative, the BLM would establish a new Solar Energy Program standardizing and streamlining the authorization process and establishing mandatory design features for solar energy development on BLM-administered lands in six southwestern states. The alternative also would exclude solar energy development from certain BLM-administered lands. For the DOE, the Draft Solar PEIS analyzes a no- action alternative, under which DOE would continue to conduct environmental reviews of DOE-funded solar projects on a case-by-case basis, and one action alternative, under which the agency would develop programmatic guidance to further integrate environmental considerations into its analysis and selection of solar projects that it will support.

Pending a final determination on the Solar PEIS, the BLM continues to process existing solar energy applications, including the Applicant's PSPP application.

Secretarial Order No. 3310, Protecting Wilderness Characteristics on Lands Managed by the Bureau of Land Management

In issuing Secretarial Order No. 3310 on December 22, 2010, the Secretary of the Interior affirmed that the protection of the wilderness characteristics of public lands not only is a high priority for the BLM but also is an integral component of the agency's multiple use mission. In accordance with this policy, all BLM offices protect inventoried wilderness characteristics when they make land use planning and project-level decisions by avoiding the impairment of such characteristics unless the BLM determines that the impairment is appropriate and consistent with other applicable requirements of law and other management considerations. Where the BLM determines that it is appropriate to approve uses that may impair inventoried wilderness characteristics, the BLM must document the reasons for its determination and consider measures to minimize impacts on those wilderness characteristics.

Federal Wildland Fire Policy

The BLM coordinates its fire management activities with the actions of related Federal and State agencies responsible for fire management. The Federal Wildland Fire Policy is a collaborative effort that includes the BLM, USFS, National Park Service (NPS), USFWS, Bureau of Indian Affairs, the National Biological Service, and State wildlife management organizations. The collaborative effort has formulated and standardized the guiding principles and priorities of wildland fire management. The National Fire Plan is a collaborative interagency effort to apply the Federal Wildland Policy to all federal land management agencies and partners in state forestry or lands departments. Operational collaboration between the BLM, USFS, NPS, and USFWS is included in the Interagency Standards for Fire and Fire Aviation Operations 2003. This federally-approved document addresses fire management, wildfire suppression, fuels management and prescribed fire safety, interagency coordination and cooperation, qualifications and training, objectives, performance standards, and fire management program administration. If the PSPP right-of-way grant is authorized and the CDCA Plan amended, any fire management efforts related to the project or the site would occur in the context of the Federal Wildland Fire Policy.

1.3.2 Land Use Plan Conformance and Consistency

This section addresses Land Use Plan conformance, including the project's relationship to the CDCA Plan and Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan).

California Desert Conservation Area Plan

The CDCA Plan, which was developed as mandated by FLPMA, is the Resource Management Plan for the project site and the surrounding area. 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. Those 12 million acres of BLM-administered lands are approximately half of the total land area in the CDCA. The site proposed for the project includes approximately 5,200 acres of BLM-administered land and 40 acres of privately-owned property in the CDCA. As described by the BLM California State Director in his letter presenting the 1980 CDCA Plan:

The California Desert Plan encompasses a tremendous area and many different resources and uses. The decisions in the Plan are major and important, but they are only general guides to site-specific actions. The job ahead of us now involves three tasks: 1) Site-specific plans, such as grazing allotment management plans or vehicle route designation; 2) On-the-ground actions, such as granting mineral leases, developing water sources for wildlife, building fences for livestock pastures or for protecting petroglyphs; and 3) Keeping people informed of and involved in putting the Plan to work on the ground, and in changing the Plan to meet future needs.

The CDCA Plan provides guidance concerning the management, use, development, and protection of the resources and public lands within the CDCA. It is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The CDCA Plan's goals and actions for each resource are established in its 12 elements, each of which provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern and a more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

The project site is classified in the CDCA Plan as Multiple-Use Class (MUC) M (Moderate Use). MUC M is based on a controlled balance between higher-intensity use and protection of public lands. This class provides for a wide variety of uses and also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause. The CDCA Plan allows the development and operation of electrical generation plants within the Moderate Use designation if NEPA requirements are met and a plan amendment is completed.

Need for a CDCA Plan Amendment

To accommodate the proposed action or any of the build alternatives, the CDCA Plan must be amended because sites associated with power generation or transmission not identified in the Plan

will be considered through the Plan Amendment process. As specified in CDCA Plan Chapter 7, *Plan Amendment Process*, there are three categories of Plan Amendments:

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

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

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

Based on these criteria, approval of the proposed action would require a Category 3 amendment. This section summarizes the procedures necessary to evaluate the proposed plan amendment, as well as the procedures required to perform the environmental review of the ROW application.

Statement of Plan Amendment

The Implementation section of the Energy Production and Utility Corridors Element of the CDCA lists a number of Category 3 amendments that have been approved since adoption of the CDCA Plan in 1980. An additional amendment is proposed to be added to this section of the CDCA, and would read “Permission granted to construct the Palen solar energy facility.”

Plan Amendment Process

The Plan Amendment process is outlined in Chapter 7 of the CDCA Plan. In analyzing an applicant’s request for amending or changing the plan, the BLM District Manager, Desert District, will evaluate each of the considerations listed below. For the proposed action, this analysis is provided in Section 4.8.7, *Land Use Plan Amendment Consistency Analysis*.

1. Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment;
2. Determine if alternative locations within the CDCA are available that would meet the applicant’s needs without requiring a change in the plan’s classification, or an amendment to any plan element;
3. Determine the environmental effects of granting and/or implementing the applicant’s request;
4. Consider the economic and social impacts of granting and/or implementing the applicant’s request;
5. Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies; and
6. Evaluate the effect of the proposed amendment on BLM management’s desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

Decision Criteria for Evaluation of a Proposed Plan Amendment

The decision criteria to be used for approval or disapproval of the proposed plan amendment require the BLM Desert District Manager to make following determinations:

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

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

Decision Criteria for Evaluation of Application

In addition to defining the required analyses and decision criteria for plan amendments, the CDCA Plan also defines the decision criteria to be used to evaluate future applications in the Energy Production and Utility Corridors Element of Chapter 3. These criteria include:

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

Northern and Eastern Colorado Desert Coordinated Management Plan

The BLM's Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) amended the CDCA Plan in 2002 to make it compatible with desert tortoise conservation and recovery efforts. The NECO Plan is a landscape-scale planning effort that covers most of the California portion of the Sonoran Desert ecosystem, including over five million acres and two desert tortoise recovery units. The proposed action and alternatives are consistent with the NECO plan, and no NECO Plan amendment is proposed as part of this action.

1.4 Interagency Coordination

The BLM and CEC have sought comments from, and worked closely with, other regulatory agencies that administer laws, ordinances, regulations and standards that may be applicable to the proposed action. These agencies include the U.S. Environmental Protection Agency, USFWS, USACE, State Water Resources Control Board/Regional Water Quality Control Board, State Historic Preservation Office, CDFG, and the Mojave Desert Air Quality Management District. For example, on December 21, 2009, the CEC sent the PSPP AFC to all local, State, and Federal agencies that could be affected by or have an interest in the proposed action and, on July 12, 2010, the U.S. EPA provided comments on the DEIS. Further, the BLM has notified affected Indian Tribes regarding the proposed action, has sought their comments, and has invited them to consult on the proposed action on a government-to-government basis (see also, Section 1.2.4, *Tribal Consultation*).

1.5 Issues Analyzed in this EIS

Preliminary issues to be analyzed were identified during the scoping process for the SA/DEIS (see Section 5.4 and Appendix D, *Results of Scoping*). The issues evaluated include the physical, biological, cultural, socioeconomic, and other resources that have the potential to be affected by activities related to the proposed action and alternatives. The issues are:

Air Resources: What direct, indirect and cumulative impacts would the proposed action or alternatives have with respect to ozone, PM_{2.5} and other air emissions?

Climate Change: What greenhouse gas emissions/climate change impacts would occur related to wildlife, vegetation and habitat? What are the anticipated climate change benefits of solar energy? What effects would the proposed trenching, grading and filling have related to carbon sequestration of the natural desert?

Cultural Resources: Has a 100 percent archaeological inventory been conducted pursuant to Section 106 of the National Historic Preservation Act and BLM Manual 8100? Have archaeological sites been evaluated pursuant to the National Register of Historic Places criteria? Has consultation with Native Americans take place?

Environmental Justice: Would the proposed action and alternatives disproportionately affect minorities and low-income communities?

Lands and Realty: What existing rights-of-way of record would be affected by the proposed action? How would the solar plant site and transmission lines affect Interstate 10 and existing facilities within the rights-of-way?

Mineral Resources: What mineral resources are present on the project site? How could such resources be affected?

Multiple Use Classes: What multiple use classes would be affected by the proposed action and alternatives? What impacts would be associated with restricting use of the site to a single use for the life of the project?

Noise: Will wildlife be considered to be sensitive receptors? What impacts will the dry cooling process noise/vibration impacts have on wildlife?

Paleontological Resources: What paleontological resources would be affected by the project? What direct and indirect impacts could result, and what mitigation measures would address them?

Public Health and Safety: What fire prevention BMPs will be used to address the proposed use of high temperature liquids? How will bioremediation areas be used for soil contaminated by heat transfer fluid? Will there be concentrated, dewatered solid waste associated with evaporation ponds?

Recreation: Will impacts to camping, photography, hiking, wildlife viewing, and rockhounding be considered? Will the evaluation of impacts include the number of users, value of affected land for recreational purposes, and need to locate and acquire replacement venues for lands lost? What indirect impacts could be caused by displacing recreational users?

Social Economics: Will economic impacts due to construction, implementation, and operation be evaluated? What economic impacts would be associated with the loss of commerce due to recreational use losses?

Soils Resources: What impacts would be caused related to desert soils, increased siltation during flooding and dust, and crypto-biotic crust? How would the preparation of a drainage, erosion, and sediment control plan address such impacts?

Special Designations: What activities are proposed to occur within Areas of Critical Environmental Concern, Desert Wildlife Management Areas, Wildlife Habitat Management Areas, the NECO planning area? Is the proposal consistent with applicable regulations and land use plans, including Executive Order 11644, which allows for use of off-road vehicles on public lands?

Transportation and Public Access: Will impacts to off-highway vehicle use be considered? What cumulative loss of land available for OHV recreation would result?

Biological Resources (Vegetation and Wildlife): Are threatened or endangered species present in the area where the proposed action or alternatives would be developed? Will a formal adaptive management plan be required? Will impacts to all known species, not just special status species, be analyzed? How will habitat be protected and habitat loss and fragmentation minimized? What impacts would be associated with the construction of fences? What impacts could be associated with increased shade in the desert environment? Will seasonal surveys be performed for sensitive plant and animal species? Will ponded water or bioremediation areas that could attract wildlife, particularly migratory waterfowl, be analyzed? Will the acquisition of conservation lands be part of the mitigation strategy? Will fire prevention BMPs be required to address the use of high

temperature liquids? What impacts could occur related to habitat fragmentation and loss of connectivity? What scale will be used for vegetation maps? Will impacts due to non-native invasive species be analyzed? Will an invasive plant management plan be required? Will impacts to dwarf germander, Harwood's milkvetch, jackass clover, and Coachella Valley milkvetch be analyzed? Will impacts to desert tortoise be evaluated, especially impacts to existing movement corridor connection from the Chuckwalla DWMA, impacts associated with translocation, and the portion of that site designated as critical habitat? Will impacts to burrowing owl, desert bighorn sheep, Mojave fringe-toed lizard, mule deer, American badger, Northern harrier, Swainson's hawk, loggerhead shrike, purple martin, migratory birds, and golden eagles be analyzed?

Visual Resources: How will the baseline for visual resources be categorized? How will impacts to visually sensitive areas be avoided?

Water Resources (Surface and Groundwater): What connection, if any, will there be between groundwater wells that will supply water to serve the project and the lower Colorado River? How would the need to obtain an entitlement to use Colorado River water affect the project? What impacts to jurisdictional waters of the U.S. and California could occur? What are the effects of additional groundwater pumping in conjunction with other groundwater issues? What subsidence potential would be associated with the project's use of groundwater? What impacts could occur to downgradient groundwater, surface water, and wetlands? What effects could be associated with the diversion of water from ephemeral streams? What water would be required for dust control, fire prevention and containment, vegetation management, sanitation, equipment maintenance, construction, and human consumption? What water conservation measures are proposed to reduce water demands? What are the effects of climate change on water supply? What potential effects could project discharges have, if any, on surface and groundwater quality? How will wastewater or other fluids, if any, be disposed of? Will a Clean Water Act Section 404 permit be required? Is any component of project within a 50- or 100-year floodplain? Would any Clean Water Act Section 303(d) impaired waters be affected?

Wildland Fire Ecology: Will the possibility of increased risk of wildland fires and its effect on vegetation and wildlife species be evaluated? What environmental effects could result from the proposed fire suppression efforts?

CHAPTER 2

Proposed Action and Alternatives

On March 14 2007, the BLM Palm Springs-South Coast Field Office received an Application from Palen Solar I¹ (Applicant) for Transportation and Utility Systems and Facilities on Federal Lands to construct, operate, maintain and decommission the Palen Solar Power Project (PSPP) on BLM-administered public lands in eastern Riverside County, California (see Figure 1-1).² The project would consist of two adjacent, independent power block units (Units) of 250 MW nominal capacity each, for a total nominal capacity of 500 MW. The proposed action includes a right-of-way (ROW) area of approximately 5,200 acres on generally level desert terrain. The portion of the ROW area proposed for disturbance encompasses approximately 4,024 acres, including the power plant site, access roads, and an associated off-site, single-circuit 230 kilovolt (kV) overhead transmission line (gen-tie). The gen-tie would extend south from the project site and across I-10, and would connect the project to the regional power grid at one of the two potential sites identified for Southern California Edison's proposed Red Bluff Substation.

The project site is located in the California inland desert, approximately 0.5 mile north of U.S. Interstate-10 (I-10) approximately 35 miles west of Blythe and approximately 10 miles east of Desert Center, in an unincorporated area of eastern Riverside County, California (Figure 2-1). The site includes one privately-owned 40-acre parcel that is not under BLM's jurisdiction; the remainder of the project facilities would be entirely on Federal land. See Figure 2-2, which shows BLM-administered lands in tan and privately-owned property in gray.

The Applicant is seeking a ROW grant for approximately 5,200 acres of BLM-administered land. The disturbance area for construction and operation of the project, including drainage channels, would be about 2,970 acres; an additional 137.34 acres would be needed for linear facilities (i.e., the final transmission line, temporary construction power line, telecommunications line, and site access road). Acreage that would not be disturbed would not be part of the ROW grant. The BLM has determined that an amendment of the CDCA Plan would be required to grant the requested ROW. Accordingly, although the Applicant has not requested a CDCA Plan amendment directly, the BLM nonetheless will consider such an amendment as part of its deliberations concerning the PSPP.

¹ Chevron Energy Solutions and Solar Millennium would be joint developers of the PSPP. Chevron Energy Solutions applied for the ROW grant for the PSPP. To facilitate the permitting of the project, the developers have requested that the BLM issue one ROW grant to a project-specific company. The company for PSPP is Palen Solar I, LLC, a wholly owned subsidiary of Solar Millennium and the single Applicant for the PSPP.

² All figures referenced in this PA/FEIS are included in Appendix A.

The Staff Assessment/Draft Environmental Impact Statement jointly prepared by the California Energy Commission and the BLM analyzed the project as well as Reconfigured Alternative 1 (Figure 2-3) and the Reduced Acreage Alternative (Figure 2-4). In response to potential impacts to biological resources, including the Mojave fringe-toed lizard and the sand transport corridor, the proposed site was reconfigured again to reduce impacts to the MFTL and sand transport corridor as described in Reconfigured Alternative 2 of this FEIS. Reconfigured Alternative 2 includes two possible solar field layouts, only one of which would be constructed if this alternative is approved. The first solar field layout (Option 1) would include the use of 240 acres of private land near the southeast corner of the project site that could be available if an agreement is reached between the Applicant and the landowner (Figure 2-5). In case no agreement is reached, the second solar field layout (Option 2) would call for the development of this alternative to proceed entirely on BLM-administered federal land (Figure 2-6).

2.1 Proposed Land Use Plan Amendment Decisions and Alternatives

The management of BLM-administered lands in the California Desert is governed by the CDCA Plan. The CDCA Plan recognizes the potential compatibility of solar generation facilities on public lands and, if the CDCA Plan does not associate a specific site with power generation or transmission, requires consideration of a CDCA Plan amendment to make that site-specific association. The planning criteria for considering an amendment to the CDCA Plan are discussed in CDCA Plan Chapter 4.10, *Land Use and Corridor Analysis*.

The project site is classified as Multiple-Use Class M (Moderate Use) in the CDCA Plan. That classification is intended to conserve desert resources and to mitigate damage to those resources which permitted uses may cause. Public lands classified as Moderate Use are managed to provide a controlled balance between higher-intensity use and protection of public lands. Energy and utility development uses are allowed. Accordingly, no re-classification of the site is being considered. Instead, the BLM is considering whether to amend the CDCA Plan to identify the site as appropriate for the development of a solar power generating facility.

Regardless of whether the project is approved, the BLM could elect to amend the CDCA Plan to associate the site with energy generation or transmission. The range of potential outcomes of the BLM's CDCA Plan amendment process is as follows:

PA1 – The CDCA Plan would be amended to identify the footprint of the project site as suitable for the proposed type of solar energy development. (This is the proposed land use plan amendment and also the amendment that would occur in connection with any of the “build” alternatives discussed below, i.e., Reconfigured Alternative 1, Reconfigured Alternative 2 or Reduced Acreage Alternative.)

PA2 – The CDCA Plan would not be amended. (This is No Action Alternative A, discussed below.)

PA3 – The CDCA Plan would be amended to identify the project site as unsuitable for any type of solar energy development. (This is CDCA Plan Amendment/No Project Alternative B, discussed below.)

PA4 – The CDCA Plan would be amended to identify the project site as suitable for any type of solar energy development. (This is CDCA Plan Amendment/No Project Alternative C, discussed below.)

2.2 Proposed Action

2.2.1 Right-of-Way Application Area

The Applicant has filed an application for a ROW to construct, operate, maintain and decommission the project and single circuit 230 kV power overhead transmission line (gen-tie) on the BLM-administered land described below and shown in Figure 2-7:

San Bernardino Base and Meridian

Township 5 South, Range 17 East: Section 27, N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section 28; Section 29, NE $\frac{1}{4}$, S $\frac{1}{2}$; and Sections 32, 33 and 34.

Township 6 South, Range 17 East: Section 2; Section 3, N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 4, N $\frac{1}{2}$; and Section 5, N $\frac{1}{2}$ N $\frac{1}{2}$.

The Applicant used the following selection criteria to choose the proposed site:

1. The site must receive insolation of no less than 7.0 kilowatt-hours per square meter per day (kWh/m²/day).
2. The site must be large enough (at least 4,000 contiguous acres) and of adequate proportions to include two 250 MW parabolic trough solar thermal plants. The site also must be large enough to site the plants outside of large washes, to the extent possible. A suitable site must have no more than a 2 percent grade and should not be located in a flood zone. Competing land uses and land use designations could make the site more difficult to develop.
3. The site should not be highly pristine or biologically sensitive (e.g., not within a designated wilderness area, Area of Critical Environmental Concern [ACEC], or a Desert Wildlife Management Area [DWMA]). The site also should not be located within a military base or park.
4. The site should be located within approximately 10 miles of a California Independent System Operator (CAISO)³ interconnected transmission line with a rating of 230 kV or higher.
5. The site should be in reasonable proximity to existing large, paved roads or freeways.

³ The CAISO is the non-profit public benefit corporation that operates the majority of California's high-voltage wholesale power grid. It balances the demand for electricity with an equal supply of megawatts, and provides the impartial link between power plants and the utilities that serve more than 30 million consumers. The CAISO offers equal access to the grid for all qualified users and plans strategically for the transmission needs of this vital infrastructure (CAISO, 2011).

6. The land must be available for sale or lease/ROW, at a reasonable cost (e.g., the Applicant excluded high value irrigated agricultural lands from consideration). If private land, the site should not be subdivided among more than three landowners to avoid lengthy and/or unsuccessful negotiations. If private land, a lease or purchase option arrangement is necessary so that a large capital investment would not be required until a ROW is granted.
7. The site should be close enough to areas with large construction labor pools so as to maximize the number of construction workers within daily commuting range.

2.2.2 Major Project Components

The major components and features of the project include:

1. Power Block Unit #1 (east);
2. Power Block Unit #2 (west);
3. Access road, 1,350-feet long, paved, two-way, two-lane with graded shoulders, from existing I-10 Corn Springs Road exit to on-site office;
4. Class II all weather secondary emergency access road to I-10 exiting from the solar field at southern site fence line;
5. Office and parking;
6. Land Treatment Unit (LTU) for bioremediation/land farming of heat transfer fluid (HTF)-contaminated soil;
7. Warehouse/maintenance building and laydown area;
8. Onsite transmission facilities, including central internal switchyard;
9. Dry wash rerouting; and
10. Groundwater wells used for water supply.

The two proposed power blocks are identical in design. Each power block includes the following major components:

1. Steam generation heat exchangers;
2. HTF overflow and expansion vessels;
3. One HTF freeze protection heat exchanger;
4. One auxiliary boiler;
5. One steam turbine-generator (STG);
6. One generator step up transformer (GSU);
7. Air cooled condenser (ACC);
8. One wet cooling tower for ancillary equipment;
9. Water filter system and clarifier system;
10. Combination firewater/clarified water tank;
11. Reverse osmosis (RO) reject water surge tank;
12. Potable water system;

13. Demineralized water system;
14. Demineralized water tank;
15. High pH reverse osmosis (HERO) waste water recovery system;
16. Recovered water surge tank;
17. Evaporation waste stream pond(s);
18. Water and HTF pipelines exiting the power block;
19. One propane storage tank, above ground;
20. Operations and Maintenance buildings; and
21. Transmission and telecommunications lines exiting the power block.

The approximate dimensions of various project components are provided in Table 2-1.

**TABLE 2-1
GENERAL PROJECT DIMENSIONS**

Component	Approximate Dimension
Total proposed ROW area	5,200 acres
Disturbance area (total area within ROW disturbed by construction and operation)	3,107.34 acres
Facility footprint (total area within disturbance area that is inside security fencing encompassing both units)	3,079 acres
Power Plant Units 1 and 2 (solar field and power block)	1,380 acres each
Each solar field includes a power block	1547 feet x 535 feet General height: 60 feet ACC height: 120 feet (9 acres)
Parking area	40,600 square feet (.93 acres)
Administration building	10,000 square feet (.23 acres)
Laydown area	47.5 acres
warehouse/assembly hall	197 feet x 558 feet x 36 feet (approximately 2.52 acres)
Substation/switchyard	250,000 square feet (5.74 acres)
On-site unpaved access roads	51.2 acres
On-site paved site roads	31,000 feet x 24 feet wide (17.47 acres)
Unpaved secondary emergency access road	24 feet x 180 feet (approximately 0.2 acres)
Off-site paved main access road	1,280 feet x 24 feet (0.71 acres). In addition, there are 8-foot unpaved shoulders on either side of the access road that are not included as part of this figure, but which are included as part of the disturbance calculations for purposes of the environmental analysis.
Gen tie line (on-site)	120 feet x 15,500 feet (approximately 3 miles, or 43 acres)
Gen tie line (off-site) interconnecting at the proposed Red Bluff substation	Approximately 4.5 miles
Gen-tie transmission towers	Heights range from 90 to 145 feet
Bioremediation/land treatment areas	8 acres
Domestic septic system/leach field	22,000 square feet (0.51 acres)

2.2.3 Power Plant Civil/Structural Features

The project and each of the action alternatives described in Section 2.4.3, *Alternatives Considered*, would use solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. An HTF is brought to a high temperature (750°F) as it circulates through the receiver tubes. The hot HTF then is piped through a series of heat exchangers where it releases its stored heat to generate high pressure steam. The steam then is fed to a traditional steam turbine generator to produce electricity.

Solar Collector Assemblies (SCAs)

The proposed SCAs would be oriented north-south to rotate east-west to track the sun as it moves across the sky throughout the day. The SCAs would collect heat by means of linear troughs of parabolic reflectors, which would focus sunlight onto a straight line of heat collection elements (HCEs) welded along the focus of the parabolic “trough.”

Parabolic Trough Collector Loops

Each of the collector loops would consist of two adjacent rows of SCAs with each row being about 1,300 feet long. The two rows would be connected by a crossover pipe. The heat transfer fluid (HTF) would be heated in the loop and would enter the header, which would return hot HTF from all loops to the power block where the power generating equipment is located.

Mirrors

The parabolic mirrors would be low-iron glass mirrors. Typical life spans of such mirrors are expected to be 30 years or more.

Heat Collection Elements (HCEs)

The HCEs of the two solar plants would be comprised of a steel tube surrounded by an evacuated glass tube insulator. The steel tube would have a coated surface, which would enhance its heat transfer properties with a high absorptivity for direct solar radiation, accompanied by low emissivity. Glass-to-metal seals and metal bellows would be incorporated into the HCE to ensure a vacuum-tight enclosure. The enclosure would protect the coated steel tube and reduce heat losses by acting as an insulator.

HTF System

In addition to the HTF piping in the solar field, each of the four HTF systems would include three elements: 1) the HTF heat exchanger, 2) the HTF expansion vessel and overflow vessel, and 3) the HTF ullage system. Rather than a fired HTF heater, a heat exchanger would be installed to assist in ensuring that temperatures stay above 54°F (12°C) since freezing of the HTF piping system can occur during cooler winter nights or whenever the unit is offline. The proposed HTF heat exchanger is an unfired unit that utilizes steam from the auxiliary boiler as the heating

medium. HTF would be routinely circulated at low flow rates throughout the solar field using hot HTF from the storage vessel as a source. A HTF expansion vessel and overflow vessel would be required to accommodate the volumetric change that would occur when heating the HTF to the operating temperature.

During plant operation, the HTF would degrade into components of high and low boilers (substances with high and low boiling points). The low boilers would be removed from the process through the ullage system. HTF would be removed from the HTF surge tank and flashed, leaving behind high boilers and residual HTF. The flashed vapors would be condensed and collected in the ullage system.

Solar Steam Generator System (SSG)

At both of the Units, the SSG system would transfer the sensible heat from the HTF to the feedwater. The steam generated in the SSG would be piped to a Rankine-cycle reheat steam turbine. Heat exchangers would be included as part of the SSG system to preheat and boil the condensate, superheat the steam, and reheat the steam.

Steam Turbine Generator (STG)

The STG would receive steam from the SSG. The steam would expand through the STG turbine blades to drive the steam turbine, which then would drive the generator, converting mechanical energy to electrical energy. Each of the project's STGs would be a three-stage casing type with high pressure (HP) intermediate pressure (IP), and low pressure (LP) steam sections. The STG would be equipped with the following accessories: steam stop and control valves, gland seal system, lubricating and jacking oil systems, thermal insulation, and control instrumentation.

Cooling Systems

The power plant would include two cooling systems: 1) the air-cooled steam cycle heat rejection system and, 2) the closed cooling water system for ancillary equipment cooling.

The cooling system for heat rejection from the steam cycle would consist of a forced draft air-cooled condenser, or dry cooling system. At each power block, this system would receive exhaust steam from the LP section of the STG and condense it to liquid for return to the SSG.

The auxiliary cooling water systems would use wet cooling towers for cooling plant equipment, including the STG lubrication oil cooler, the STG generator cooler, steam cycle sample coolers, large pumps, etc. The water would be warmed by the various equipment items being cooled and would reject the heat to the cooling tower. This auxiliary cooling system would allow critical equipment such as the generator and HTF pumps to operate at their design ratings during hot summer months when the project's power output would be most valuable. An average of 73,000 gallons of water per day (82 acre feet per year (afy)) would be consumed by the auxiliary cooling water system; the maximum rate of consumption would be 112,000 gallons per day in summer.

Water Supply and Use

The project would be dry-cooled. The proposed action's primary water uses include solar mirror washing, feedwater makeup, fire water supply, onsite domestic use, and cooling water for auxiliary equipment heat rejection.

The average total annual water usage for each of the two Units is estimated to be about 150 acre feet per year (afy) for a total of 300 afy, which corresponds to an average flow rate of about 188 gallons per minute (gpm), based on pumping 24 hours per day, 350 days per year. Usage rates during operations would vary during the year and would be higher in the summer months when the peak maximum flow rate could be as much as about 50 percent higher (about 275 gpm).

Water needs would be met by use of groundwater pumped from 10 wells on the plant site. Water for domestic uses by project employees also would be provided by onsite groundwater treated to potable water standards. It is expected that new water supply wells in the project site would adequately serve the entire project. Multiple wells would provide redundancy and backup water supply in the event of outages or maintenance of one or more of the other wells.

There would be two major covered water tanks: one 1,000,000 gallon Service/Fire Water storage tank and one 340,000 gallon demineralized water storage tank. A much smaller RO reject water tank would also be provided. Several other small water system surge tanks also would be installed in between various steps in the water treatment process. Water storage tanks would be vertical, cylindrical, field-erected steel tanks supported on foundations consisting of either a reinforced concrete mat or a reinforced concrete ring wall with an interior bearing layer of compacted sand supporting the tank bottom.

To facilitate dust and contaminant removal in each of the solar fields, water from the demineralization process would be sprayed on the solar collectors for cleaning. The collectors would be cleaned once or twice per week, determined by the reflectivity monitoring program. This mirror washing operation would be done at night and involves a water truck spraying treated water on the mirrors in a driveby fashion. The Applicant expects that the mirrors would be washed weekly in winter and twice weekly from mid spring through mid fall. Because the mirrors are angled down for washing, water does not accumulate on the mirrors; instead, it would fall from the mirrors to the ground and, due to the small volume, is expected to soak in with no appreciable runoff. Any remaining rinse water from the washing operation would be expected to evaporate on the mirror surface. The treated water production facilities would be sized to accommodate the solar mirror washing demand of about 114 afy.

Roads/Site Surface

There is an existing highway exit near the southwest boundary of the project site. Access would be via a new, 1,350-foot long, 24-foot wide paved access road (with shoulders) starting at the existing Corn Springs Road north of I-10. No improvements to I-10 are anticipated.

Only a small portion of the site would be paved, primarily the site access road, the service roads to the power blocks, and portions of the power blocks (paved parking lot and roads encircling the

STG and SSG areas). The remaining portions of each power block would be gravel surfaced. In total, each power block area would be approximately 18.4 acres each, with approximately six acres of paved area. The solar fields would remain unpaved and without a gravel surface in order to prevent rock damage from mirror wash vehicle traffic; an approved dust suppression coating would be used on the dirt roadways within and around the solar fields. Roads and parking areas located within the power block areas and adjacent to the administration building and warehouses would be paved with asphalt.

Fencing and Security

The perimeter of the solar fields and support facilities would be secured with a combination of chain link and wind fencing. Fencing would be desert tortoise proof to prevent tortoises from entering onto the action area. Chain link metal fabric security fencing would consist of eight-foot tall fencing with one-foot barbed wire or razor wire on top along the north and south sides of the facilities. Thirty-foot tall wind fencing, comprised of A-frames and wire mesh, would be installed along the east and west sides of each solar field. Controlled access gates would be located at the site entrance. As discussed below, the drainage channels would be outside the fence line but still within the proposed ROW.

Drainage and Earthwork

The existing topographic conditions of the site show an average slope of approximately one foot in 75 feet (1.33%) toward the northeast. The Applicant filed a Streambed Alteration Agreement on November 25, 2009, for the purposes of altering the terrain and installing channels. Authorization was received pursuant to the California Energy Commission's approval of the Application for Certification (Pub. Res. Code § 25500).

Lighting System

The proposed lighting system would provide operations and maintenance personnel with illumination in normal and emergency conditions. AC lighting would be the primary form of illumination, but DC lighting would be included for activities or emergency egress required during an outage of the plant's AC system.

Fuel Supply and Use

The auxiliary boiler would be fueled by propane. Propane would be delivered to the project site via truck from a local distributor and stored in 18,000-gallon above ground tanks (one in each power block). The estimated propane usage per unit for normal operations is 8 million British thermal units per hour (MBtu/hr) overnight and 34 MBtu/hr for one half-hour during startup each morning. The boiler will run at 100% load overnight when supplemental HTF freeze protection is needed, which is estimated at 100 hours per year.

Fire Protection

Fire protection systems would be provided to limit personnel injury, property loss, and project downtime resulting from a fire. The systems would include a fire protection water system, foam generators, carbon dioxide fire protection systems, and portable fire extinguishers. The project would be within the jurisdiction of the Riverside County Fire Department.

Firewater would be supplied from the one million-gallon clarified water storage tanks located at each of the two power blocks on the site. One electric and one diesel fueled backup firewater pump, each with a capacity of 5,000 gallons per minute (gpm), would deliver water to the fire protection piping network.

The piping network would be configured in a loop so that a piping failure could be quickly isolated with shutoff valves without interrupting water supply to other areas in the loop. Fire hydrants would be placed at intervals throughout the project site that would be supplied with water from the supply loop. The water supply loop also would supply firewater to a sprinkler deluge system at each unit transformer, HTF expansion tank and circulating pump area, and sprinkler systems at the steam turbine generator and in the administration building. Fire protection for each solar field would be provided by zoned isolation of the HTF lines in the event of a rupture that results in a fire.

Waste Generation and Management

Project wastes would be comprised of non-hazardous wastes including solids and liquids and lesser amounts of hazardous wastes and universal wastes. The non-hazardous solid waste primarily would consist of construction and office wastes, as well as liquid and solid wastes from the water treatment system. The non-hazardous solid wastes would be trucked to the nearest Class II or III landfill. Non-hazardous liquid wastes would consist primarily of domestic sewage and waste water streams such as: RO system reject water boiler blowdown, and auxiliary cooling tower blowdown. A septic tank and leach field system would be installed to manage domestic sewage. All other waste streams will be either recycled or sent to the evaporation pond(s).

Wastewater

The project would produce four primary wastewater streams:

1. Non-reusable sanitary wastewater produced from administrative centers and operator stations;
2. Non-reusable cooling tower blowdown;
3. Partially recyclable boiler blowdown (to be used as cooling tower makeup); and
4. Reusable RO and demineralized reject water that would be sent to a High pH Reverse Osmosis (HERO) type system, or concentrated to minimize waste streams to the evaporation ponds.

Sanitary wastewater production is based on domestic water use. Maximum domestic water use is expected to be less than 166,000 gallons per month (5,500 gallons per day, or 6.2 ac-ft/yr). It is

anticipated that the wastewater would be consistent with domestic sanitary wastewater and would have biochemical oxygen demand and total suspended solids in the range of 150 to 250 mg/L.

Wastewater Treatment

Sanitary wastes would be collected for treatment in septic tanks and disposed via leach fields located at the two power blocks as well as at the administration and warehouse areas. Smaller septic systems would be provided for the control room buildings to receive sanitary wastes at those locations. Based on the current estimate of 5,500 gallons of sanitary wastewater production per day for the entire site, a total leach field area of approximately 11,000 square feet would be required spread out among three or more locations.

The three plant waste water streams - cooling tower blowdown, boiler blow down, and RO/ demineralized water rejects - would be recycled as much as possible to the high pH reverse osmosis (HERO) system for recovery. The HERO system will recover 70% or more (depending on water quality) of this waste stream and would significantly limit the size of the required evaporation pond. Some waste water sources such as cooling tower blowdown or boiler blowdown in certain cases may not be recoverable in the HERO system and would be sent directly to the evaporation pond.

The waste water treatment system would require two 4-acre evaporation ponds per power block. Two ponds were selected for reliability. The plant would operate on one pond for approximately 24 months, and then switch to the second pond. Approximately 18 months would be required for one pond to evaporate and be ready for use again. If a pond requires maintenance or solids removal, the plant still could operate with the other pond. The evaporation ponds would be double-lined and covered with narrow-mesh netting to prevent access by ravens and migratory birds in accordance with applicable regulations.

Non-Hazardous Solid Waste

Non-hazardous solid wastes could be generated by construction, operation and maintenance of the project that are typical of power generation facilities. Such wastes may include scrap metal, plastic, insulation material, glass, paper, empty containers, and other solid wastes. Disposal of these wastes would be accomplished by contracted solid refuse collection and recycling services.

Hazardous Solid and Liquid Waste

Limited hazardous wastes would be generated during construction and operation. During construction, these wastes may include substances such as paint and paint-related wastes (e.g., primer, paint thinner, and other solvents), equipment cleaning wastes and spent batteries. During project operation, these wastes may include used oils, hydraulic fluids, greases, filters, spent cleaning solutions, spent batteries, and spent activated carbon. Both construction and operation-phase hazardous waste would be recycled and reused to the maximum extent possible. All wastes that cannot be recycled and any waste remaining after recycling would be disposed of in accordance with all applicable laws, ordinances, regulations and standards (LORS) (see Appendix C).

Hazardous Materials Management

A variety of hazardous materials would be used and stored during construction and operation of the project. Hazardous materials that would be used during construction include gasoline, diesel fuel, oil, lubricants, and small quantities of solvents and paints. All hazardous materials used during construction and operation would be stored onsite in storage tanks/vessels/containers that are specifically designed for the characteristics of the materials to be stored; as appropriate, the storage facilities would include the needed secondary containment in case of tank/vessel failure. Above-ground carbon steel tanks (300 gallons) also would be used to store diesel fuel at each power block. Secondary containment would be provided for these tanks.

On-Site Land Treatment Unit

The Project site would include a land treatment unit (LTU) to treat soil that could be impacted by minor leaks or spills of heat transfer fluid (HTF) during daily operation and maintenance activities. The LTU would include a two-foot-thick clay layer on the floor (underlain by three feet of native soil compacted to 95 percent relative compaction) that would serve as a protective barrier to the downward movement of contaminants. The LTU also would be surrounded on all sides by minimum 2-foot high berms that would protect the facility from surface water inflow from up to a 100-year flood event. At ambient temperatures, the HTF is highly viscous and virtually insoluble in water. Accordingly, the HTF is not likely to mobilize from the soil downwards to the water table, which is approximately 180 feet or more beneath the surface at the Project site. Each LTU would be designed in accordance with Colorado River Basin Regional Water Quality Control Board (RWQCB) requirements and is expected to comprise an area of about four acres per solar plant, or eight acres total.

The bioremediation facility would utilize indigenous bacteria to metabolize hydrocarbons contained in non-hazardous HTF contaminated soil. A combination of nutrients, water, and aeration facilitates the bacterial activity where microbes restore contaminated soil within two to four months. The California Department of Toxic Substances Control (DTSC) has determined for a similar thermal solar power plant that soil contaminated with up to 10,000 mg/kg of HTF is classified as a non-hazardous waste. However, the DTSC has further indicated that site-specific data would be required to provide a classification of the waste. Soil contaminated with HTF levels of between 100 and 1,000 mg/kg would be land farmed at the LTU, meaning that the soil would be aerated but no nutrients would be added.

2.2.4 Construction

Project construction is expected to occur over a total of 39 months. Project construction would require an average of 566 employees over the entire 39-month construction period, with manpower requirements peaking at approximately 1,140 workers in Month 17 of construction. The construction workforce would consist of a range of laborers, craftsmen, supervisory personnel, support personnel, and management personnel.

If approved, project construction could begin in 2011, with commercial operation commencing as early as 2013.

Temporary construction parking areas would be provided within the project site adjacent to the laydown area. The solar power plant laydown area would be utilized throughout the build out of the two solar units. The construction sequence for power plant construction includes the following general steps:

Site Preparation

This would include detailed construction surveys, mobilization of construction staff, grading, and preparation of drainage features. Grading for the solar field, power blocks, and drainage channels would be completed during the first 24 months of the construction schedule.

Linear Facilities

Linear facilities would include the site access road, temporary construction power line and final transmission line. The site access road and temporary construction power line would be constructed during the first six months of the construction schedule in conjunction with plant site preparation activities. The transmission and telecommunications lines would be constructed during the first 18 months of the construction schedule.

Foundations

Foundation work would include excavations for large equipment (ACC, STG, SSG, GSU, etc.), footings for the solar field, and ancillary foundations in the power block.

Major Equipment Installation

Once the foundations are complete, the larger equipment would be installed. The solar field components would be assembled in an onsite erection facility and installed on their foundations.

Drainage and Earthwork

Solar fields have fairly stringent grading requirements as parabolic troughs must be almost level along their troughs, and grades perpendicular to the troughs are generally benched to 2 percent or less. The existing topographic conditions of the proposed site show an average slope of approximately one foot in 75 feet (1.33 percent) toward the northeast.

The applicant filed a Streambed Alteration Agreement on November 25, 2009, for the purposes of altering the terrain and installing channels. This application is currently being reviewed by the California Department of Fish and Game.

Construction Water

Construction water requirements cover all construction-related activities including:

1. Dust control for areas experiencing construction work as well as mobilization and demobilization,
2. Dust control for roadways,

3. Water for grading activities associated with both cut and fill work,
4. Water for soil compaction in the utility and infrastructure trenches,
5. Water for soil compaction of the site grading activities,
6. Water for stockpile sites,
7. Water for the various building pads,
8. Water for concrete pours on site,
9. Concrete batch plant operations,
10. Water for vehicle washing, and
11. Domestic potable water use.

The predominant use of water would be for grading activities. Average water use at the site is estimated to be about 1,619,899 gallons (about 4.97 acre-feet) per calendar day. Total water use for the 39-month construction period is estimated to be about 5,750 acre-feet. Construction water would be sourced from onsite wells. Potable water during construction would be brought onsite in trucks and held in day tanks.

Concrete Batch Plant

With the estimated concrete volume of approximately 125,000 cubic yards per solar plant, an onsite batch would provide concrete for the solar fields and power block foundations and pads. The batch plant would have a production capacity of 150 cubic yards per hour and operate 10 hours per day, five days a week. Night operation of the batch plant likely would be required to overcome the difficulty of performing concrete placement in extremely high ambient temperatures. It would consist of a series of storage bins and piles, conveyors, mixers, ice storage and chipper, and would include a 75 kW power supply (with diesel generator if needed) and provision for dust control. Concrete would be transported from the batch plant to the placement area via a fleet of eight concrete trucks. The batch plant would be movable and would be deployed to the current area of work at the power blocks or main warehouse area.

Fuel Depot

A fuel depot would be constructed to refuel, maintain, and wash construction vehicles, and would occupy an area of approximately 75 feet x 150 feet. It would consist of a fuel farm with two 2000-gallon on-road vehicle diesel tanks, two 8,000-gallon off-road vehicle diesel tanks, two 250-gallon gasoline tanks, and one wash water holding tank. The fuel farm would include secondary spill containment, a covered maintenance area also with secondary containment, and a concrete pad for washing vehicles.

Construction Power

Construction power would be provided to the site by Southern California Edison. Two alternative sources of construction power are being investigated. Both sources feed from the 12.47 kV distribution system in Desert Center on Rice Road. The first alternative would be a new 12.47 kV

line built within the 161 kV ROW from Rice Road to the project site. The second alternative would be a new 12.47 kV line built within the surveyed 230 kV transmission line ROW from Rice Road to the project site. This line would be built as a combination of new 12.47 kV line or hung on the new 230 kV transmission line towers that connects the single circuit 230 kV line to the project site. The project would include construction of a 12.47 kV internal distribution system and step down transformers to provide power as needed to construction operations.

Construction Wastewater

Sanitary wastes produced during construction would be held in chemical toilets and transported offsite for disposal by a commercial chemical toilet service. Any other hazardous wastewater produced during construction, such as equipment rinse water, would be collected by the construction contractor in Baker tanks and transported off site for disposal in a manner consistent with applicable regulatory requirements.

2.2.5 Operation and Maintenance

While electrical power is to be generated only during daylight hours, the project would be staffed 24 hours a day, seven days per week. A total estimated workforce of 134 full time employees would be needed with both units operating.

Distributed Control System (DCS)

At each solar field, a DCS containing several automation units controls the HTF and steam loops and all auxiliary plant systems, and determines the appropriate operating sequences for them. It would also monitor and record the primary operating parameters and functions as the primary interface for system control. The DCS would communicate with all subsystem controls, including electrical system equipment, steam cycle controllers, variable frequency drives and balance-of-plant system controllers via serial data communication. It would receive analog and digital inputs/outputs from all instruments and equipment not served directly by dedicated local controllers. The DCS would control both the steam and HTF cycles directly, operating rotating equipment via relevant electrical panels. It would include a graphical user interface at an operator console in the main control room.

Day-to-day, the following operation modes would occur in the HTF system: warm up, solar field mode (heat transfer from solar field to power block), shutdown, and freeze protection.

Warm up

Usually in the morning, the warm up mode would bring the HTF flow rate and temperatures up to their steady-state operating conditions. It would do this by positioning all required valves, starting the required number of HTF main pumps for establishing a minimum flow within the solar field and tracking the solar field collectors into the sun.

At the beginning of warm up at each of the four units, HTF would be circulated through a bypass around the power block heat exchangers until the outlet temperature reaches the residual steam

temperature in the heat exchangers. HTF then would be circulated through the heat exchangers and the bypass closed. As the HTF temperature at the solar field outlet would continue to rise, steam pressure would build up in the heat exchangers until the minimum turbine inlet conditions are reached, upon which the turbine could be started and run up to speed. The turbine would be synchronized and loaded according to the design specification until its power output matches the full steady state solar field thermal output.

Solar Field Control Mode

The DCS would enter solar field control mode automatically after completing the warm-up mode. It would regulate the flow by controlling the HTF main pump speeds to maintain the design solar field outlet temperature.

HTF pumps would generally be operated in parallel, at the speed required to provide the required flow in the field. If the thermal output of the solar field is higher than the design capacity of the steam generation system, collectors within the solar field would be de-focused to maintain design operating temperatures.

Shutdown

If the minimal thermal input to the turbine required by the project's operating strategy cannot be met under the prevalent weather conditions, then shutdown would be indicated. Operators would track all solar collectors into the stow position, reduce the number of HTF main pumps to a minimum, and stop the HTF flow to the power block heat exchangers.

Freeze Protection

At each unit, a freeze protection system would be used to prevent freezing of the HTF piping systems when the solar plant is shut down. Since the HTF freezes at a relatively high temperature (54°F or 12°C), HTF would be routinely circulated at low flow rates throughout the solar field using hot HTF from the storage vessel as a source. This circulation of the warm HTF overnight would typically provide adequate freeze protection. During the coldest winter nights, however, when circulation alone would be insufficient to provide adequate freeze protection, then the auxiliary boiler, which would typically run at 25% capacity overnight to provide steam for the STG steam seals, would instead be utilized at 100% capacity to provide steam to an HTF heat exchanger to further heat the HTF.

Solar Mirror Washing Water

At each solar field, to facilitate dust and contaminant removal, water from the demineralization (Reverse Osmosis) process would be sprayed on the solar collectors for cleaning. The collectors would be cleaned once or twice per week, determined by the reflectivity monitoring program. This mirror washing operation would be done at night and involve a water truck spraying treated water on the mirrors in a drive-by fashion. The applicant expects that the mirrors would be washed weekly in winter and twice weekly from mid-spring through mid-fall. Because the mirrors would be angled down for washing, water would not accumulate on the mirrors; instead,

it would fall from the mirrors to the ground and, due to the small volume, is expected to soak in with no appreciable runoff. Any remaining rinse water from the washing operation would be expected to evaporate on the mirror surface. The treated water production facilities would be sized to accommodate the solar mirror washing demand of about 114 ac-ft/yr.

HTF Leak Detection

Leak detection of HTF would be accomplished in various ways. Daily visual inspection throughout the solar field would detect leaks occurring at ball joints or other connections. Additionally, the configuration of the looped system would allow different sections of the loops to be isolated. Isolation valves would be installed such that each HTF loop section could be contained in the unlikely event of a major rupture in the HTF piping. Large leaks would be detected using remote pressure sensing equipment and remotely actuated valves to allow for isolation of large sections of the large-bore header piping in the solar field.

2.2.6 Closure, Decommissioning and Restoration

The planned operational life of the project is 30 years, but the facility conceivably could operate for a longer or shorter period depending on economic or other circumstances. If the project remains economically viable, it could operate for more than 30 years. However, if the facility were to become economically non-viable before 30 years of operation, permanent closure could occur sooner. In any case, a Decommissioning Plan would be prepared and put into effect when permanent closure occurs.

Temporary Closure

If a temporary closure occurs, security would be maintained 24 hours per day at the project site and the BLM and other responsible agencies would be notified. Temporary closure activities would differ depending on whether or not a release of hazardous materials is involved.

If there is no actual or threatened release of hazardous materials, a contingency plan would be implemented for the temporary halting of facility operations. The contingency plan would be developed before operations and its purpose is to ensure compliance with all applicable LORS and appropriate protection of public health, safety, and the environment. Depending on the expected duration of the temporary shutdown, the contingency procedures implemented could include draining and properly disposing of chemicals from storage tanks and other facility equipment, safe shutdown of all facility equipment, and other measures as needed to ensure protection of onsite workers, the public, and the environment.

If the temporary closure were to involve an actual or threatened release of hazardous materials, the procedures followed would be those provided in the Hazardous Materials Business Plan that would be developed for the proposed action. Procedures would include, at a minimum:

1. Measures to control the release of hazardous materials;
2. Notifications required to the appropriate agencies and the public;

3. Emergency response procedures; and
4. Training requirements for project personnel in hazardous materials release response and control.

When all issues related to the hazardous materials release have been resolved, temporary closure would proceed as described above for temporary closure without a hazardous materials release.

Permanent Closure

The procedures provided in the Decommissioning Plan would be developed to ensure compliance with applicable LORS, and to ensure public health and safety and protection of the environment. The Decommissioning Plan would be submitted to the CEC and BLM for review and approval prior to a planned closure.

Security for the project would be maintained on a 24-hour basis during permanent closure. In general, the Decommissioning Plan would address: decommissioning measures for the project and all associated facilities; activities necessary for site restoration/revegetation if removal of all equipment and facilities is needed; recycling of facility components, collection and disposal of hazardous and non-hazardous wastes, resale of unused chemicals to other parties; decommissioning alternatives other than full site restoration; costs associated with the planned decommissioning activities and where funding would come from for these activities; and conformance with applicable LORS (Solar Millennium 2009a, p. 3-2).

It is assumed that the number and type of workers required for closure and decommissioning activities would be similar to those described above for construction of the project. Also, it is assumed the closure and decommissioning workforce would be drawn from the same regional and local area as the construction and operations workforce.

Upon closure, the owner of the project would implement a final Decommissioning and Reclamation Plan. The Decommissioning and Reclamation Plan would include a cost estimate for implementing the proposed decommissioning and reclamation activities subject to review and revisions from the CPM in consultation with BLM, USFWS and CDFG.

Reclamation Plan

The BLM is developing a plan related to reclamation requirements associated with solar development that is expected to be in place before the project is decommissioned. The project would be subject to all reclamation requirements in place at the time of decommissioning, including the reclamation requirements now under development should they be approved. Moreover, if approved, the ROW grant would require a "Performance and Reclamation" bond to ensure compliance with the terms and conditions of the ROW grant, consistent with the requirements of 43 CFR 2805.12(g). The Performance and Reclamation bond would consist of three components: environmental liabilities, including hazardous materials; decommissioning, removal, and proper disposal of improvements and facilities; and reclamation, revegetation, restoration and soil stabilization.

2.3 Connected Actions

Under NEPA, “connected actions” should be evaluated in the same EIS as the proposed action. The relocation of the existing power line is included within the analysis for the proposed action. The Red Bluff Substation Project analysis is incorporated by reference: see Appendix E for a summary of the relevant analysis and identification of another available document that covers similar issues, effects and resources considered in this PA/FEIS. Actions are “connected” if they automatically trigger other actions that may require EISs [40 CFR 1508.25(a)(1)]. For the project, the two actions described below are connected actions and are part of each of the action (build / project) alternatives described in Section 2.4.3, *Alternatives Considered*.

2.3.1 Relocation of Existing Power Line

An existing Southern California Edison 161-kV Eagle Mountain-Blythe power line runs in a northwesterly direction across the southwest portion of the project site. The Applicant is working with Southern California Edison to relocate the line within its existing Eagle Mountain 161 kV transmission line ROW (see, e.g., Figure 2-2).

2.3.2 Construction, Operation and Maintenance of the Red Bluff Substation Project

The proposed Red Bluff Substation would be constructed east of Desert Center, in eastern Riverside County. It would provide interconnections between the proposed action or alternatives and other renewable projects in the Desert Center area, and allow the associated electricity to be carried by the Devers-Palo Verde No. 1 (DPV1) 500 kV transmission line (see, e.g., Figure 2-2). There are two alternative Red Bluff Substation locations: the east location and the west location. Although the ultimate location of the Red Bluff Substation has yet to be selected as between the two likely sites, the substation is expected to be located north of and adjacent to the Devers-Palo Verde #1 transmission line within an existing CDCA utility corridor (see, e.g., Figure 2-2). The substation location will be finalized in conjunction with Southern California Edison as part of the Desert Sunlight project.

Direct, indirect and cumulative impacts of the construction, operation and maintenance the Red Bluff Substation Project are analyzed in the BLM’s *Desert Sunlight Solar Farm Project California Desert Conservation Area Plan Amendment and Final Environmental Impact Statement* (April 2011) (Desert Sunlight EIS).⁴ Sections of the Desert Sunlight EIS relevant to the Red Bluff Substation Project are summarized where appropriate in this PA/FEIS. The Red Bluff Substation Project (including the Red Bluff Substation, transmission lines to connect the substation to DPV1, gen-ties, distribution line for substation light and power, telecommunications service, access road and other components) is described in Chapter 2 of the Desert Sunlight EIS beginning on page 2-24.

⁴ The Desert Sunlight EIS is available for inspection by potentially interested parties on the BLM’s website: http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Desert_Sunlight.html.

Electricity produced by the project would be distributed from a central, internal switchyard via a new, single-circuit 230-kV generation tie (gen-tie) line. The proposed gen-tie line would exit the northwest corner of the project site and extend approximately 7.5 miles west and south through BLM lands and across I-10, to the planned 230/500 kV Red Bluff Substation. The substation would occupy approximately 90 acres. Associated features would include an access road, transmission lines, modification of some existing DPV1 structures near the substation, an electric distribution line for substation light and power, telecommunication facilities, and drainage facilities. Surface stormwater would be redirected around the substation, which would add an additional 20 to 30 acres of land disturbance. In addition, the site would be bounded on three sides by 8-foot tall berms. The BLM is treating the proposed Red Bluff Substation and associated facilities as connected actions for the project even though they are being built to facilitate interconnection of several projects because, regardless of whether the Desert Sunlight Solar Farm project proceeds, interconnection would be necessary for the project. Accordingly, the BLM has approached the identification of connected actions conservatively, by identifying these actions as potential connected actions and thereby ensuring comprehensive analysis.

2.4 Alternatives

2.4.1 Alternatives Considered

Twenty-four alternatives to the proposed action were developed and evaluated in the SA/DEIS. Several scoping comments requested that the project be reconfigured or reduced in size to avoid the northeastern region where impacts to sand dunes and the Mojave fringe-toed lizard would be greater and to avoid the desert washes associated with desert tortoise connectivity. Such comments suggested including the disturbed lands in the vicinity of the site in the project footprint to make up for any loss in acreage. The SA/DEIS analyzed the proposed action, Reconfigured Alternative 1, and the Reduced Acreage Alternative. In its analysis, the BLM determined that the proposed action and the Reconfigured Alternative 1 would have had substantial impacts to biological resources, particularly to the Mojave fringe-toed lizard and the sand transport corridor.

Accordingly, after the issuance of the DEIS and based on its analysis, the Applicant developed and submitted for the BLM's consideration another site configuration alternative in June 2010. The new alternative is analyzed in this FEIS as Reconfigured Alternative 2. Reconfigured Alternative 2 is a practical, feasible 500-MW reconfiguration that could reduce or eliminate significant impacts to sand dunes and the Mojave fringe-toed lizard. As described below, this new alternative is within the spectrum of alternatives analyzed in the DEIS and includes two possible layouts referred to in the FEIS as Option 1 and Option 2. Each layout is described below. A key difference between Option 1 and Option 2 is that Option 1 would include the use of 240 acres of private land near the southeast corner of the proposed site; by contrast, Option 2 would not the use of this privately-owned property and instead would rely (like the proposed action) primarily on BLM-administered lands.

Of the 24 alternatives, the BLM determined that three were reasonable under NEPA: Reconfigured Alternative 1, Reconfigured Alternative 2, and the Reduced Acreage Alternative. Three “no project” alternatives also were evaluated, including: No Action Alternative A, CDCA Plan Amendment/No Project Alternative B and CDCA Plan Amendment/No Project Alternative C.

The remaining alternatives were considered but eliminated from detailed analysis (see Section 2.4.3). Table ES-1 provides a summary of impacts by alternative. Of the various alternatives considered, Reconfigured Alternative 2 was selected as the Agency’s Preferred Alternative.

Reconfigured Alternative 1

Reconfigured Alternative 1 was analyzed in the SA/FEIS. Reconfigured Alternative 1 would be a 500 MW solar facility, like the project, but would reconfigure the proposed solar Units 1 and 2 by changing their shapes, as illustrated in Figure 2-3. Unit 1 (the eastern solar field) would be a 250 MW solar generating facility on about 1,490 acres and reconfigured relative to the proposed action to avoid use of the northern third of the proposed field. It would result in the separation of Unit 1 into two separate polygons trending southeast. Approximately 240 acres of this reconfigured Unit 1 would be outside of the Applicant’s ROW application area, but would remain entirely on BLM-administered lands. Reconfigured Alternative 1 would require the Applicant to submit a revised application to include the requisite acreage for Unit 1. Unit 2 (the western solar field) would be a 250 MW solar generating facility, on approximately 1,450 acres of land in the same approximate location as for the proposed action. However, it would be reconfigured into a stair-step shape trending northeast to avoid the primary and secondary washes crossing the site.

Reconfigured Alternative 1 differs from the proposed action in that the reconfiguration of Units 1 and 2 would use approximately 180 acres more land than the proposed action’s Units 1 and 2, which were located on 1,380 acres each. Reconfigured Alternative 1 also would modify the power block, water treatment system, water storage tanks, and the administration, control, warehouse, maintenance, and lab buildings relative to the proposed action.

Similar to proposed action, Reconfigured Alternative 1 would transmit power to the grid through the Red Bluff Substation. It would require the same infrastructure as the proposed action, including on-site wells, transmission line, road access, gas pipeline, main office and warehouse buildings, and central internal switchyard. The transmission line, road access, and gas pipeline would remain approximately the same length as for the proposed action. The required linear facility routes would require minor adjustments to accommodate the changed solar field configurations.

A comparison among alternatives and impacts is provided in Table ES-1, *Summary of Impacts by Alternative*. Briefly, in comparison to the proposed action, Reconfigured Alternative 1:

1. Retains the 500 MW generation capacity defined for the proposed action and the Applicant has determined that the engineering is feasible;
2. Reduces impacts to the primary and secondary desert washes that cross the proposed site;

3. Reduces impacts to the sand dune habitat and the Mojave fringe-toed lizard in the northeastern portion of the site; and
4. Causes comparable impacts related to visual resources, cultural resources and land use because Reconfigured Alternative 1 would be within the same ROW as the proposed action.

Reconfigured Alternative 2

Reconfigured Alternative 2 was defined in June 2010 after it was determined in the SA/DEIS that the reconfigured alternative analyzed in the SA/DEIS (i.e., Reconfigured Alternative 1) would cause substantial impacts to biological resources including Mojave fringe-toed lizard, sand dune habitat and the sand transport corridor. The new alternative is qualitatively within the spectrum of alternatives that were discussed in the DEIS.

Like the proposed action and Reconfigured Alternative 1, this alternative would have a nominal output of 500 MW and consist of two independent 250 MW power plants (Units 1 and 2). The components of Reconfigured Alternative 2 would be the same as the proposed action. The size of the power block equipment and warehouse and the functional use of the space for each also would be the same. Like the proposed action, Reconfigured Alternative 2 would include a warehouse/ laydown yard, an administrative office area, and a parking lot. A single circuit 230 kV transmission line originating at each power block would terminate at the Central Switchyard located in the same area as with the proposed action. A single circuit 230 kV gen-tie line would connect from the Central Switchyard to Southern California Edison's proposed Red Bluff Substation. The 230 kV gen-tie line would remain in the same location, as would the administrative office area and site access. As with the proposed action, the existing Southern California Edison 161-kV Eagle Mountain-Blythe power line which runs in a northwesterly direction across the southwest portion of the proposed site, would require relocation.

Reconfigured Alternative 2 includes two possible solar field layout options (Option 1 and Option 2). Under either layout, the same design of Unit 2 would be used as for the proposed action. Unit 2 would consist of 288 solar loops and one 250 MW power block in the same location as with the project as proposed. Unit 1 would change as described below. In addition to the modifications to Unit 1, Reconfigured Alternative 2 would differ from the proposed action in two respects, regardless of which solar field is developed. First, the power block equipment associated with Unit 1 would be shifted south by approximately 2,700 feet (0.5 miles). Second, the location of the warehouse/laydown yard would be shifted west by about 3,000 feet.

Option 1

Under Option 1, Unit 1 (the eastern solar field) would be reconfigured into a triangular shape trending southeast to avoid use of the northeastern third of the proposed field. This reconfigured eastern solar field would be located partially on public land managed by BLM, on a 40 acre private parcel on which the Applicant has a purchase option, and on two privately owned parcels not currently controlled by Applicant, which total 200 acres, for a total of 240 acres of private lands. The site plan for Reconfigured Alternative 2 Option 1 assumes that the Applicant can acquire the 240 acres of private land. This alternative also would require adjustment of the

boundaries of the BLM ROW because the alternative includes land not currently included in the proposed ROW. See Figure 2-5.

The drainage concept and the grading approach is the same as for the proposed action, although the detailed design for Reconfigured Alternative 2 Option 1 would be slightly different. Drainage channels for the alternative include the following components:

1. The western channel is the same as for the proposed action.
2. The central channel is essentially unchanged from the proposed action but would be approximately 800 feet longer than in the proposed action plan. The width and depth of the central channel will remain unchanged. The flow in the channel is also anticipated to be very similar to the configuration for the proposed action.
3. The east channel will be approximately 7,000 feet longer than for the proposed action, but the flows from the upstream areas to the downstream areas will be maintained for peak flows and volumes just as they were in the proposed action.
4. Under Reconfigured Alternative 2 Option 1, one additional drainage channel has been added on the southeast side of the project site to intercept off-site drainage flows. This channel will be engineered in the same fashion as the other channels such that the upstream flow is directed to the same general downstream discharge area as the pre-development flow.
5. One additional on-site peripheral channel has been added in the mid-northeastern portion of the Reconfigured Alternative 2 Option 1 site plan to direct on-site flows to the appropriate downstream area.

A comparison among alternatives and impacts is provided in Table ES-1, *Summary of Impacts by Alternative*. Briefly, in comparison to the proposed action, Reconfigured Alternative 2 Option 1:

1. Retains the 500 MW generation capacity for the proposed action and the Applicant has determined that the engineering is feasible;
2. Substantially reduces impacts to the sand dune habitat, Mojave fringe-toed lizard and sand transport corridor in the northeastern portion of the site; and
3. Would cause comparable impacts related to cultural resources and visual resources.
4. The total disturbance area of Option 1 would be 4,365 acres.

Option 2

Option 2 is very similar to Option 1, but would not require use of private land not currently controlled by the Applicant. Unit 1 would consist of 288 solar loops and one 250 MW power block reconfigured so that it is triangular in shape trending southeast. Unlike Option 1, this layout would avoid use of the private land along Unit 1's southern border.⁵ There would be no change to the

⁵ As with the proposed action, Option 2 would include the 40 acre private parcel owned by the Applicant.

power block equipment layout associated with Unit 1, but the entire power block would be shifted south by approximately 2,700 feet (0.5 miles). See Figure 2-6.

The evaporation ponds for Unit 1 of Option 2 would not be changed in terms of function and size, but would be relocated slightly south and east of their location as indicated for the proposed action. Similarly, Unit 1's bioremediation area under this alternative would remain unchanged in terms of function and size, but would be relocated to the mid-southwesterly portion of the solar field.

The grading and drainage detailed design for Option 2 would be slightly different from the proposed action, but the drainage concept and the grading approach would be the same. The drainage plan for Option 2 would include the following components:

1. The west channel would be exactly the same as for the proposed action.
2. The central channel would be essentially unchanged from the proposed action but would be approximately 5,500 feet shorter than in the project plan. The width and depth of the central channel would remain unchanged. The flow in the channel also is anticipated to be very similar to the proposed action configuration. In addition, the central channel lateral diffuser would be replaced with a fan diffuser in this alternative due to the fact that the release point for the drainage water would occur at a location where the fan spread of the pre-development flow is narrower.
3. The east channel would be approximately 1,000 feet longer than for the proposed action, and the lateral diffuser at the end of the east channel would be extended approximately 1,200 feet to disperse flows from the solar fields. The additional length of the east channel will have negligible effect on the peak flows and volumes, and these flows from the upstream areas to the downstream areas would be maintained just as they were in the proposed action.
4. Under Option 2, one additional drainage channel would be added to the southeast side of the project site to intercept off-site drainage flows. This channel would be engineered in the same fashion as the other channels so that the upstream flow is directed to the same general downstream discharge area as the pre-development flow.
5. Two additional on-site peripheral channels and three fan diffusers would be added in the mid-northeastern portion of the Option 2 site plan to direct on-site flows to the appropriate downstream area.

A comparison among alternatives and impacts is provided in Table ES-1, *Summary of Impacts by Alternative*. Briefly, in comparison to the proposed action, Reconfigured Alternative 2 Option 2:

1. Retains the 500 MW generation capacity for the project and the Applicant has determined that the engineering is feasible;
2. Reduces impacts to the sand dune habitat and Mojave fringe-toed lizard in the northeastern portion of the site;
3. Reduces impacts to the sand transport corridor along the northern and northeastern portions of the site; and
4. Would cause comparable impacts related to cultural resources and visual resources.

5. The total area of disturbance for Option 2 would be approximately 4,330 acres.

Reduced Acreage Alternative

The Reduced Acreage Alternative would follow boundaries similar to those of Reconfigured Alternative 1, but it would be about 25 percent smaller, disturbing about 2,080 acres of land (as compared with 2,740 acres required for Units 1 and 2 of the proposed action). The boundaries of the Reduced Acreage Alternative are shown in Figure 2-4.

The Reduced Acreage Alternative would incorporate the following changes from Reconfigured Alternative 1:

It would modify the boundaries of Unit 1 to accomplish the following:

1. Preclude the use of the northeastern quarter of the westernmost solar field; and
2. Reduce and revise the easternmost solar field to avoid the dune habitat.

It would modify the boundaries of Unit 2 to accomplish the following:

1. Eliminate the southernmost segment of Unit 2 (170 acres within Desert Tortoise Critical Habitat);
2. Eliminate the northernmost area of Unit 2 (260 acres of dune sands and Mojave fringe-toed lizard habitat); and
3. Add 215 acres to the western end of the second and third rows of solar trough loops to make up for some of the reductions described above.

A comparison among alternatives and impacts is provided in Table ES-1, *Summary of Impacts by Alternative*. Briefly, in comparison to the proposed action, the Reduced Acreage Alternative:

1. Reduces impacts by eliminating several areas with the most likely resource conflicts (about 25 percent of the area of the proposed action);
2. Avoids construction within Desert Tortoise Critical Habitat by removing the southern row of the solar trough loops of Unit 1;
3. Reduces impacts to primary and secondary desert washes crossing the proposed site;
4. Reduces impacts to sand dune habitats, the inner sand dune corridors of the Chuckwalla Valley aeolian sand corridor, and the Mojave Fringe-Toed Lizard by prohibiting construction of the northeastern portion and southeastern portion of the Unit 1 solar fields;
5. Reduces the net generating capacity of the project to approximately 375 MW (as compared with the 500 MW of the proposed action); and
6. Cause comparable impacts related to cultural resources and removal of open space lands.

The Reduced Acreage Alternative is similar to the proposed action in that it would retain the basic solar collector assemblies, retain the north-south alignment of collector rows, and retain all

loops at the same size (as required for feasibility of the project design). The Reduced Acreage Alternative's Unit 1 would reduce impacts to dune habitat and the Chuckwalla Valley sand dune corridor and result in an approximately 125 MW power facility. By reducing the acreage in Unit 2, this alternative would avoid impacts to desert tortoise critical habitat and dune habitat while retaining the acreage and configuration to power a nominal 250 MW power facility.

Similar to the project, the Reduced Acreage Alternative would transmit power to the grid through the Red Bluff Substation. It would require infrastructure including on-site wells, transmission line, road access, administration building, gas pipeline, main office and warehouse buildings, and central internal switchyard. The transmission line and road access would remain approximately the same length as for the project. The gas pipeline would also remain approximately the same length as for the project. The linear facilities would require minor adjustments to accommodate the modified layout.

No Action Alternative A

Under this No action alternative, the ROW application would be denied, and the ROW grant would not be authorized. The CDCA Plan would not be amended.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the ROW application would be denied, and the ROW grant would not be authorized. The CDCA Plan would be amended to identify the project application area as unsuitable for any type of solar energy development.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the ROW application would be denied, and the ROW grant would not be authorized. The CDCA Plan would be amended to identify the project application area as suitable for any type of solar energy development.

2.4.2 Agency Preferred Alternative

The selection of the Agency Preferred Alternative involves difficult judgments, requiring one environmental value to be balanced against another. For the project, the BLM has determined that Reconfigured Alternative 2 is the Agency Preferred Alternative because it is the alternative that would best fulfill the BLM's statutory mission and responsibilities under FLPMA, BLM ROW regulations, and the other applicable Federal laws and policies (see PA/FEIS §§ 1.2.1, 1.3) giving consideration to the economic, environmental, technical and other factors analyzed in PA/FEIS Chapter 4, *Environmental Consequences*.

2.4.3 Alternatives Considered but Eliminated From Detailed Analysis

Rationale for Eliminating Alternatives

In accordance with 43 C.F.R. 2804.10, the BLM worked closely with the Applicant during the pre-application phase to identify appropriate areas for the project. BLM discouraged the Applicant from including in its application alternate BLM locations with significant environmental concerns, such as critical habitat, Areas of Critical Environmental Concern (ACECs), Desert Wildlife Management Areas (DWMAs), designated off-highway vehicle (OHV) areas, wilderness study areas, and designated wilderness areas or other sensitive resources. BLM encouraged the Applicant to locate its project on public land with the fewest potential conflicts. This approach is consistent with the criteria list for areas to avoid in siting renewable projects defined by Audubon California and other groups.

Numerous alternative sites, technologies and methods were considered but eliminated from detailed analysis under NEPA. These alternatives were eliminated from detailed analysis because one or more of the following criteria from Section 6.6.3 of the BLM NEPA Handbook H-1790-1 apply:

1. It is ineffective (it would not respond to the BLM project purpose and need);
2. It is technologically or economically infeasible;
3. It is inconsistent with the basic policy objectives for the management of the area (e.g., does not conform to the CDCA Plan);
4. Its implementation is remote or speculative;
5. It is substantially similar in design to an alternative that is analyzed; and/or
6. It would have substantially similar effects to an alternative that is analyzed.

Not all of these criteria from the BLM Handbook were used in eliminating alternatives from consideration as described below. This process for eliminating these alternatives from detailed analysis complies with 40 CFR 1502.14(a) and is described briefly in the following sections.

Alternatives Considered but Eliminated from Detailed Analysis

Alternative sites, technologies and methods were considered as alternatives to the action but not carried forward for detailed analysis. Such alternatives are identified and the rationale for elimination from detailed analysis is discussed below.

Site Alternatives

A number of commenters requested that smaller project alternatives and alternatives on disturbed private lands be considered. This section considers potential alternatives to the proposed action that were evaluated and determined to not be feasible or result in lesser impacts than the proposed

action. The Site Alternatives identified below are discussed in detail in Section II(g) of the CEC's December 2010 *Palen Solar Power Project Commission Decision* and Section B.2.8.1 of the RSA. Briefly, however, because these alternatives would not avoid or substantially reduce the adverse impacts of the project or because they do not meet project objectives, the purpose and need for the project, or are otherwise not reasonable alternatives, they are not analyzed in complete detail throughout this PA/FEIS. Instead, the following discussion explains why the following suggested alternative sites were evaluated and eliminated from further analysis:

1. North of Desert Center Alternative
2. Cibola Alternative
3. Palen Pass Alternative
4. Desert Center Alternative
5. Palo Verde Mesa Alternative

North of Desert Center Alternative

The North of Desert Center Alternative would require approximately 3,900 acres of land located along Desert Center Rice Road (State Route 177) east of Kaiser Road, north of Oasis Road, approximately 1.6 miles north of I-10. The North of Desert Center Alternative is comprised largely of private properties but also includes approximately 2,000 acres of BLM-administered land and some County of Riverside land. Center for Biological Diversity published a Potential Solar Energy Study Areas map dated September 9, 2009, which highlights potential Solar Energy Study Areas on private lands immediately adjacent to BLM-identified Solar Energy Study Areas. A portion of the North of Desert Center Alternative is located within this area. The land would be within the Colorado Desert with appropriate slope and solarity requirements.

However, the North of Desert Center Alternative site would be made up of approximately 151 unique parcels with 40 land owners. The Final Phase 2a Report published by the Renewable Energy Transmission Initiative (RETI) and updated in September 2009 identified private land areas for solar development only if there were no more than 20 owners in a 2-square-mile (1,280-acre) area. Also, the majority of the North of Desert Center parcels have supported agricultural operations in the past, some of which are currently in agricultural production; construction of this alternative would result in the permanent conversion of approximately 3,000 acres of land previously used for agriculture to renewable energy production and eliminate foreseeable future agricultural use on the site. Furthermore, impacts of this alternative on nearby resources such as the Desert Lily Preserve ACEC, Joshua Tree National Park, and Chuckwalla Mountains Wilderness and aesthetic values would be comparable to the project.

Rationale for Elimination

This alternative was eliminated from further consideration in this PA/FEIS because it is determined to be infeasible as well as speculative based on the number of private land owners whose agreement would be required and because it would have substantially similar effects to the proposed action.

Cibola Alternative

The Cibola Alternative was identified by the Applicant as a potential alternative site for the project. The Cibola Alternative is located on private land owned by the Metropolitan Water District of Southern California and public land managed by the Department of the Interior. The private land is located west of the Palo Verde Hodges Drain, on undisturbed land. It is located south of Blythe, Riverside County. The elevation of the Cibola Alternative is between approximately 300 and 500 feet above sea level. The alternative site is made up of 29 parcels with two separate land owners. Approximately 6,700 acres were identified by the applicant for this alternative site; however, it is assumed that approximately 4,000 acres of land would be required for the alternative.

Cibola was not pursued by the applicant as a possible site for the project because it had a lower-voltage transmission line crossing the site from north to south and was privately owned. Additionally, the site has excessive slope, between 2 and 4 percent, which would require extensive grading, potentially resulting in erosion and runoff. The crossing of the site by three large desert washes could increase sediment flow in and around the site. The Cibola site would be visible from the Mule Mountains to the west; given the size of the power plants and the approximately 30-foot tall solar trough structures, visual impacts would be considerable and similar to those at the project site.

Rationale for Elimination

The Cibola Alternative was eliminated from further consideration in this PA/FEIS because the site is located on undisturbed private land that would require excessive grading, the impacts of which could be exacerbated by the presence of three large desert washes. Development of this site for a solar use such as the one proposed would cause comparable (and could cause greater) impacts relative to those analyzed in detail in the PA/FEIS.

Palen Pass Alternative

The Palen Pass Alternative was identified by the applicant in the AFC as a potential alternative site for the project. The Palen Pass Alternative is located on BLM-administered land north of Desert Center, adjacent to Highway 177, in Riverside County. The elevation of Palen Pass Alternative is between approximately 500 and 700 feet above sea level. The site is located east of the Joshua Tree National Park in an area identified by the BLM in August 2008 as one that could be included in expansions of the Joshua Tree National Park and/or the McCoy Wilderness. BLM historically has declined to grant ROWs for this particular area.

Rationale for Elimination

The Palen Pass Alternative was not found to be a reasonable alternative for the project because it is inconsistent with the BLM's purpose and need, which includes consideration of whether the proposal would comply with BLM mandates under FLPMA, BLM ROW regulations, and other applicable Federal laws. For example, BLM Instruction Memorandum No. 2011-059, *National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations*, requires particular consideration of whether and how an alternative could affect

nationally designated systems or units, including units of the National Park Service and designated Wilderness. The Palen Pass Alternative was determined to be inconsistent with future expansion of the Joshua Tree National Park and/or the McCoy Wilderness in the area.

Desert Center Alternative

The Desert Center Alternative was identified by the Applicant as a potential alternative site for the project. The Desert Center Alternative is made up of 103 parcels and is owned by 53 separate landowners, including the BLM. The site would be located on 10,900 acres partially within the Chuckwalla DWMA, which is managed as an ACEC for recovery of the desert tortoise, as designated by the BLM Northern and Eastern Colorado Desert Coordinated Management Plan (NECO). The BLM established the Chuckwalla DWMA to protect federally listed desert tortoise and 38 special status plant and animal species and included the specific feature of a 1 percent surface disturbance limitation on federal lands within DWMA's. The U.S. Fish and Wildlife Service also designated the area as Critical Habitat for the desert tortoise. BLM historically has declined to grant ROWs for this particular area.

Rationale for Elimination

The Desert Center Alternative was eliminated from further consideration in the PA/FEIS because it is considered speculative and infeasible based on the number of landowners whose agreement would be required, and because it would have impacts equal to or greater than the other action alternatives with respect to the federally listed desert tortoise and other special status species. Further, this alternative does not justify a change in BLM's prior practice of denying development ROWs for this area based upon the resources meant to be protected.

Palo Verde Mesa Alternative

The Palo Verde Alternative was identified by the Applicant as a potential alternative site for the project. The Palo Verde Alternative is located on public and private land adjacent to the Mule Mountain ACEC west of Blythe, and consists of 12 parcels owned by 8 separate landowners, including the BLM. It also would be located immediately south of several rural residences, and so impacts to public health, noise, and visual resources would potentially be worse than the proposed site. Extensive grading of the Palo Verde Mesa Alternative site would be required and the ephemeral waters and washes that cross it would likely have to be rerouted, resulting in more severe impacts to biological and cultural resources than are expected to result from the alternatives analyzed in detail in the PA/FEIS. BLM historically has declined to grant ROWs for this particular area.

Rationale for Elimination

The Palo Verde Alternative site was eliminated from detailed consideration in the PA/FEIS because it is considered speculative and infeasible based on the number of landowners whose agreement would be required and because it would have substantially similar (or likely greater) effects than alternatives analyzed in detail in the PA/FEIS.

Alternative Solar Generation Technologies

Consistent with BLM Instruction Memorandum 2011-53, the BLM typically does not analyze alternative technologies 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. If, through discussions with the applicant, the BLM determines that the applicant has flexibility with respect to the proposed technology or is uncertain about a specific technology, it may be appropriate to fully analyze an alternative for a different technology. Several alternative solar generation technologies initially were evaluated as potential alternatives to the proposed action, including:

1. Stirling Dish Technology
2. Solar Power Tower Technology
3. Linear Fresnel Technology
4. Utility scale Solar Photovoltaic (PV) Technology
5. Distributed Solar Technology

Each of the alternative solar generation technologies is discussed in detail in Section II(h) of the CEC's December 2010 *Palen Solar Power Project Commission Decision* and Section B.2.8.2 of the RSA; these discussions are not repeated here, but are incorporated by reference.⁶ The rationale for their elimination from more detailed consideration is provided below. Relevant sections of these documents are summarized where necessary to explain the elimination.

Rationale for Elimination

Alternative solar technologies are eliminated from detailed discussion because they are infeasible. Consistent with BLM Instruction Memorandum 2011-53, the BLM considered whether the Applicant has flexibility to implement alternative technologies or is uncertain about the specific technology proposed and determined that would not be appropriate to fully analyze alternative technologies because there is no evidence that this Applicant could or would develop a technology other than the proposed concentrated solar thermal.

The Stirling Dish Technology also is eliminated because it could increase the footprint of the project between 10 and 45 percent. Further, due to its greater height, it could increase visual impacts. With a minimum size of nearly 4,500 acres for 500 MW, Stirling Dish Technology would not eliminate any of the significant impacts of the project.

The Solar Power Tower Technology also is eliminated because no substantial reduction in impacts would occur under this alternative technology. The large area needed for a solar power tower plant would be greater than the land requirement for the project. Grading requirements for

⁶ The Commission Decision and RSA, sections of which are incorporated by reference here and elsewhere within this Section 2.4.3, *Alternatives Considered but Eliminated From Detailed Analysis*, are available in the administrative record for this proposed action as well as on the CEC's website. The Commission Decision is found here: <http://www.energy.ca.gov/2010publications/CEC-800-2010-010/CEC-800-2010-010-CMF.PDF>. The RSA was issued in two parts. RSA Part 1 is here (<http://www.energy.ca.gov/2010publications/CEC-700-2010-007/CEC-700-2010-007-REV-PT1.PDF>) and RSA Part 2 is here (<http://www.energy.ca.gov/2010publications/CEC-700-2010-007/CEC-700-2010-007-REV-PT2.PDF>).

the Solar Power Tower Technology would be less than for the project because the Solar Power Tower Technology does not require grading of the entire solar field; however, grading would still be required for the access roads in between the rows of heliostats. For these reasons, recreation and land use, biological resources, and cultural resource impacts would be similar to those of the project. In addition, due to the extent of the facility and the height of the power towers, impacts to the Desert Center Airport would potentially be greater for this alternative.

The Linear Fresnel Technology also is eliminated because it is infeasible. This technology is a proprietary technology owned by Ausra, Inc. However, Ausra, Inc. has changed its focus to being a technology and equipment provider rather than an independent power developer and owner and will focus on medium-sized (50 MW) solar steam generating systems for customers including steam users, such as food processors, enhanced oil recovery firms, and utilities for power augmentation systems that deliver steam into existing fossil-fuel power plants. A project of 500 MW is theoretically possible, and would require smaller acreage per megawatt. However, at nearly 2,500 acres for 500 MW, this technology would not eliminate the significant impacts of the proposed solar trough technology at this site.

Solar Photovoltaic Technology - Utility Scale also is eliminated because it would not reduce major impacts of the project facility due to the extent of land and access roads required as well as the more extensive grading and stormwater management system required. Due to its requirement for a nearly flat site,⁷ it would require similar grading as the project, with similar air emissions and erosion potential.

Distributed generation refers to the installation of small-scale solar energy facilities at individual locations at or near the point of consumption (e.g., use of solar PV panels on a business or home to generate electricity for on-site consumption). Distributed generation systems typically generate less than 10,000 kW. Other terms for distributed generation include on-site generation, dispersed generation, distributed energy, and others.

Current research indicates that development of both distributed generation and utility-scale solar power will be needed to meet future energy needs in the United States, along with other energy resources and energy efficiency technologies (NREL, 2010). For a variety of reasons (e.g., upper limits on integrating distributed generation into the electric grid, cost, lack of electricity storage in most systems, and continued dependency of buildings on grid-supplied power), distributed solar energy generation alone cannot meet the goals for renewable energy development. Ultimately, both utility-scale and distributed generation solar power will need to be deployed at increased levels, and the highest penetration of solar power overall will require a combination of both types (NREL, 2010).

⁷ See, e.g., *Desert Sunlight Solar Farm Project Final EIS and CDCA Plan Amendment*, http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palmsprings/desert_sunlight.Par.20894.File.dat/Desert%20Sunlight%20FEIS%20chapter%202.pdf (April 2011), p. 2-3, which lists “flat topography (grade of less than three percent)” as the first of the site selection criteria.

Alternatives incorporating distributed generation with utility-scale generation, or looking exclusively at distributed generation, do not respond to the BLM's purpose and need for agency action in this document.

The applicable federal orders and mandates providing the drivers for specific actions being evaluated in this document compel the BLM to evaluate utility-scale solar energy development. The Energy Policy Act of 2005 (Public Law [P.L.] 109-58) requires the Secretary of the Interior to seek to approve non-hydropower renewable energy projects on public lands with a generation capacity of at least 10,000 MW of electricity by 2015; this level of renewable energy generation cannot be achieved through distributed generation systems. In addition, Secretarial Order 3285 A1 requires the BLM and other Interior agencies to undertake multiple actions to facilitate large-scale solar energy production. Accordingly, the BLM's purpose and need for agency action in this document is focused on the siting and management of utility-scale solar energy development on public lands. Furthermore, the agency has no authority or influence over the installation of distributed generation systems, other than on its own facilities, which the agency is evaluating at individual sites through other initiatives.⁸

Alternative Renewable Technologies

Consistent with BLM Instruction Memorandum 2011-53, the BLM typically does not analyze alternative technologies 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. If, through discussions with the applicant, the BLM determines that the applicant has flexibility with respect to the proposed technology or is uncertain about a specific technology, it may be appropriate to fully analyze an alternative for a different technology. Non-solar renewable generation technologies considered as potential alternatives to the project included the following:

1. wind energy
2. geothermal energy
3. biomass energy
4. tidal energy
5. wave energy

The non-solar renewable technologies alternatives (wind, geothermal, biomass, tidal, wave) are discussed in detail in Section II(h) of the CEC's December 2010 *Palen Solar Power Project Commission Decision* and in Section B.2.8.3 of the RSA; these discussions are not repeated here, but rather are incorporated by reference. The rationale for elimination of these alternatives from more detailed consideration is provided below. Relevant sections of the incorporated documents are summarized where necessary to explain the elimination.

⁸ See generally, National Renewable Energy Laboratory, 2010. "Solar Power and the Electric Grid." *NREL Energy Analysis*. <http://www.nrel.gov/docs/fy10osti/45653.pdf>. March 2010.

Wind Energy Alternatives

Wind turbines currently being manufactured have power ratings ranging from 250 watts to 5 MW, and units larger than 7 MW in capacity are now under development. The technology is well developed and can be used to generate significant amounts of power. There are now approximately 2,490 MW of wind being generated in California. For example, the San Geronio Pass, northwest of Palm Springs, is considered one of the best regions in California for producing wind energy. However, there is little undeveloped land remaining for expansion beyond the already existing wind farms. Because there is minimal expansion room, the wind industry is instead replacing the older turbines in the region with newer, fewer, more efficient ones. Approximately 2,500 to 8,500 acres of land would be required for a 500 MW wind electricity power plant, although this land would not be densely developed. While wind plants would not necessarily impact the same types of wildlife and vegetation as the project plant, the significant acreage necessary for a 500 MW wind plant would still cause significant habitat loss in addition to potentially significant impacts from habitat fragmentation and avian and bat mortality. Wind turbines are often over 400 feet high for 2-MW turbines. As such, any wind energy project would be highly visible.

Rationale for Elimination

Wind energy alternatives were eliminated from detailed consideration in the PA/FEIS for multiple reasons. First, they would not respond to the BLM's purpose and need for the proposed action, which is to respond to the Applicant's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a *solar* thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other Federal applicable laws. Second, wind-generated power is considered an infeasible alternative to the proposed action because it is not within the Applicant's area of expertise, and so may not be technically or economically feasible for the Applicant to implement: There is no evidence that this Applicant could or would develop a wind energy generation project.

Geothermal Energy Alternatives

Geothermal technologies use steam or high-temperature water obtained from naturally occurring geothermal reservoirs to drive steam turbine/generators. Geothermal plants account for approximately 5 percent of California's power and range in size from under 1 MW to 200 MW. California is the largest geothermal power producer in the United States, with about 1,800 MW installed capacity. Geothermal plants provide highly reliable base load power, with capacity factors from 90 to 98 percent. Geothermal plants must be built near geothermal reservoir sites because steam and hot water cannot be transported long distances without substantial thermal energy loss.

Approximately 5-10 average-sized geothermal projects would be required to achieve 500 MW of geothermal energy. The amount of land required for a geothermal facility varies greatly. Five hundred MW of geothermal energy could require the use of many thousands of acres of land. However, the amount of ground disturbance on that area would be less than 10 percent. Additionally, while components of the power plant, cooling towers and brine ponds would likely be fenced, there would not likely be fencing required for the wells and well pads.

Concerns regarding geothermal power plants include air quality, hazardous materials, and geology. Benefits from geothermal power plants include an increased reliability and less ground disturbance than some renewable resources, including solar.

Geothermal generation is a commercially available technology and is important for California's renewable energy future because it provides base load power that is available 24 hours a day. It also can be developed with substantially less ground disturbance than that needed for the project, so impacts related to biological and cultural resources, water and soils resources, and traffic/transportation would be reduced. Generation of 500 MW of geothermal power at times of peak demand (to equate to the project), would require development of several large geothermal facilities.

Rationale for Elimination

Geothermal energy alternatives were eliminated from detailed consideration in the PA/FEIS for multiple reasons. First, they would not respond to the BLM's purpose and need for the proposed action which is to respond to an application to develop a solar facility. Second, geothermal power is considered an infeasible alternative to the action because it is not within the Applicant's area of expertise, and so may not be technically or economically feasible for the Applicant to implement: There is no evidence that this Applicant could or would develop a geothermal energy project. Finally, geothermal energy alternatives are considered remote or speculative: few new geothermal energy projects have been proposed in the last two years.

Biomass Alternatives

Electricity can be generated by burning organic fuels in a boiler to produce steam, which then turns a turbine. Biomass also can be converted into a fuel gas such as methane and burned to generate power. Wood is the most commonly used biomass for power generation. Major biomass fuels include forestry and mill wastes, agricultural field crop and food processing wastes, and construction and urban wood wastes. Several techniques are used to convert these fuels to electricity, including direct combustion, gasification, and anaerobic fermentation. Biomass facilities do not require the extensive amount of land required by the other renewable energy sources discussed; however, they produce much smaller amounts of electricity (in the range of 3 to 10 MW) than other sources of electricity.

Currently, nearly 19 percent of the State's renewable electricity derives from biomass and waste-to-energy sources. Generally, small amounts of land are required for biomass power facilities; however, a biomass facility should be sited near a relatively large source of biomass in order to minimize the cost of bringing the biomass waste to the facility.

The emissions due to biomass fuel-fired power plant operation generally are unavoidable. Direct impacts of criteria pollutants could cause or contribute to a violation of the ambient air quality standards and impacts relating to PM10 and ozone emissions. Vehicle-related air emissions caused by the numerous truck deliveries that would be required to supply biomass energy plants with the necessary waste could be considerable. Waste-to-energy facilities also generate concerns about the emission of toxic chemicals such as dioxin, and the disposal of the toxic ash that results

from biomass burning. Toxic air contaminants from routine operation also would cause health risks that could locally adversely affect sensitive receptors. Furthermore, biomass/biogas facility emissions also could adversely affect visibility and vegetation in federal Class I areas or wilderness areas, which would significantly deteriorate air quality related values in such areas.

Rationale for Elimination

Biomass alternatives were eliminated from detailed consideration in the PA/FEIS for multiple reasons. First, they would not respond to the BLM's purpose and need for the proposed action. Second, biomass/biogas power generation is not within the Applicant's area of expertise, and so could be technically or economically infeasible for the Applicant to implement: There is no evidence that this Applicant could or would develop a biomass energy project. Third, biomass alternatives are considered remote or speculative and therefore infeasible, based on the number of new plants that would be required to generate an amount of electricity necessary to replace the project.

Tidal Technologies

Certain coastal regions experience higher tides than others. This is a result of the amplification of tides caused by local geographical features such as bays and inlets. In order to produce practical amounts of power, a difference between high and low tides of at least 5 meters is required. There are about 40 sites around the world with this magnitude of tidal range. The higher the tides, the more electricity can be generated from a given site and the lower the cost of electricity produced.

Tidal technologies, especially tidal fences, have the potential to cause significant biological impacts, especially to marine species and habitats. Fish could be caught in the unit's fins by the sudden drop in pressure near the unit. The passageways, more than 15 feet high and probably sitting on the bay floor, could squeeze out marine life that lives there or alter the tidal flow, sediment build-up, and the ecosystem in general. Even the in-flow turbines could have environmental impacts on marine systems. The in-flow turbines off New York City underwent environmental monitoring for 18 months to ensure the turbines would not create environmental impacts to the river's marine wildlife. The results thus far show no observed evidence of increased fish mortality or injury.

Rationale for Elimination

Tidal technologies were eliminated from detailed consideration in the PA/FEIS because they would not respond to the BLM's purpose and need for the proposed action which is to respond to an application for a solar facility. Tidal technologies also are not within the Applicant's area of expertise, and so could be technically or economically infeasible for the Applicant to implement: There is no evidence that this Applicant could or would develop a tidal energy project. Further, in-flow tidal turbines are a relatively new technology that is unproven at the scale that would be required to replace the project. Furthermore, the environmental impacts of tidal turbines are still under review; they could be comparable or greater than the impacts of the alternatives analyzed in detail in the PA/FEIS.

Wave Power Technologies

The total power of waves breaking on the world's coastlines is estimated at 2 to 3 million MW. In favorable locations, wave energy density can average 65 MW per mile of coastline. The environmental impacts of wave power have yet to be fully analyzed. A recent study published by the U.S. Department of Commerce and National Oceanic and Atmospheric Administration listed a number of potentially significant environmental impacts created by wave power:

1. Significant reduction to waves with possible effects to beaches (e.g., changes to sediment transport processes).
2. The use of buoys may have positive effects on forage fish species, which in turn could attract larger predators. Structures need to reduce potential entanglement of larger predators, especially marine turtle species. Impacts on fish and marine mammals caused by noise coming from the buoys should be understood and mitigated.
3. Modifications to water circulation and currents may result in changes to larval distribution and sediment transport.
4. Wave energy development may affect community structures for fish and fisheries.
5. Lighting and above-water structures may result in marine bird attraction and collisions and may alter food webs and beach processes.
6. A diversity of concerns would arise regarding marine mammals including entanglement issues.
7. Energy-absorbing structures may affect numerous receptors and should avoid sensitive habitats.
8. Chemicals used in the process must be addressed both for spills and for a continuous release such as in fouling paints.
9. New hard structures and lighting may break loose and increase debris accumulation.
10. Electromagnetic effects may affect feeding or orientation and should be better understood.
11. Impact thresholds need to be established. As projects scale up in location or implementation, new risks may become evident.

Rationale for Elimination

Wave power technologies were eliminated from detailed consideration in the PA/FEIS because they would not respond to the BLM's purpose and need for the proposed action. Wave power technologies also are eliminated because they are new and may not be technologically feasible at the scale that would be required to replace the project. Further, wave power technologies are not within the Applicant's area of expertise, and so could be technically or economically feasible for the Applicant to implement: There is no evidence that this Applicant could or would develop a wave power project.

Alternative Methods of Generating Electricity

The following alternative methods of generating or conserving electricity were considered as potential alternatives to the proposed action:

1. Natural gas
2. Coal
3. Nuclear energy

These alternatives are discussed in detail in Section II(h) of the CEC's December 2010 *Palen Solar Power Project Commission Decision* and in Section B.2.8.4 of the RSA. Briefly, however, natural gas power generation accounts for approximately 22 percent of all the energy used in the United States and comprises 40 percent of the power generated in California. A gas-fired power plant generating 500 MW would generally require less than 80 acres of land. Natural gas power plants may result in numerous environmental impacts; of greatest concern is emission of air pollutants and greenhouse gases. In 2006, California enacted SB 1368 which prohibits utilities from making long-term commitments for electricity generated from plants that create more carbon dioxide (CO₂) than clean-burning natural gas plants. Additionally, California law currently prohibits the construction of any new nuclear power plants in California. The rationale for the elimination of these alternatives from more detailed consideration is provided below.

Rationale for Elimination

Alternative methods of generating or conserving electricity are eliminated from detailed discussion because they would be too great a departure from the application to be considered a modification of the Applicant's proposal, and so are infeasible under NEPA. These alternative methods would not respond to the BLM's purpose and need which is to respond to an application for a solar facility, and with the exception of nuclear, none of these address the BLM's public policy goals of increasing renewable energy on public lands, which is part of the purpose and need of this project. Additionally, none of these alternative methods of generating electricity is within the Applicant's area of expertise; therefore, it would not likely be technically or economically feasible for the Applicant to implement them. There is no evidence that this Applicant could or would develop any of these alternative methods to generate energy. Moreover, coal-based power generation is discouraged (see Senate Bill 1368, Pub. Util. Code § 8340 et seq.) and the permitting of new nuclear facilities in California is currently illegal, so these technologies also are eliminated as infeasible.

Conservation and Demand-Side Management

Conservation and demand-side management is discussed in Section II(h) of the CEC's December 2010 *Palen Solar Power Project Commission Decision* and in Section B.2.8.4 of the RSA. Briefly, however, it consists of a variety of approaches to reduce electricity use, including energy efficiency and conservation, building and appliance standards, load management, and fuel substitution.

Rationale for Elimination

Conservation and demand-side management is eliminated from detailed discussion because it does not respond to the BLM's purpose and need for the proposed action. Conservation and demand-side management also is eliminated because it is remote or speculative: with population growth and increasing demand for energy, there is no evidence that conservation and demand-management alone would be sufficient to address all of California's energy needs.⁹ Further, affecting consumer choice to the extent necessary for a conservation and demand side management solution is beyond the BLM's or the Applicant's control.

⁹ See, e.g., National Energy Policy Development Group, 2001. National Energy Policy of 2001, <http://www.wtrg.com/EnergyReport/National-Energy-Policy.pdf> (May 2001), which states, "Over the next 20 years, growth in U.S. energy consumption will increasingly outpace U.S. energy production, if production only grows at the rate of the last 10 years."

CHAPTER 3

Affected Environment

3.1 Introduction

The project site is located in the California inland desert, approximately 0.5 mile north of U.S. Interstate-10 (I-10) approximately 35 miles west of Blythe and approximately 10 miles east of Desert Center, in an unincorporated area of eastern Riverside County, California (see Figure 1-1).¹ The proposed project would consist of two adjacent, independent power block units (Units) of 250 MW nominal capacity each, for a total nominal capacity of 500 MW. A single-circuit 230 kilovolt (kV) overhead transmission line (gen-tie) would connect the project to the regional power grid at Southern California Edison's proposed Red Bluff Substation about 5 miles southwest of the project site. The Applicant has applied for a right-of-way (ROW) grant from BLM for approximately 5,200 acres of flat desert terrain. Acreage not disturbed by the proposed action within the requested ROW would not be part of the ROW grant.

Chapter 3 describes the environmental resources of BLM-administered lands in the action area that could be affected by implementation of the proposed action. Chapter 3 describes resources, resource uses, special designations, and other important topics (e.g., public health and safety, social and economic considerations, and environmental justice conditions) that may be impacted by the proposed action. "Resources" include air, soil, water, vegetation communities, wildlife, wildland fire ecology and management, as well as cultural, paleontological, and visual resources. "Resource uses" include livestock grazing management, minerals, recreation management, transportation and public access, and lands and realty. "Special designations" include, for example, areas of critical environmental concern (ACECs), wilderness areas (WAs), and back-country byways.

Information and data used to prepare this chapter were obtained from the CDCA Plan and various other BLM planning documents. Information and data also were collected from the RSA, SA/DEIS, and research publications prepared by various Federal and State agencies as well as by private sources pertaining to key resource conditions and resource uses found within the project area. The purpose of this chapter is to provide a description of affected resources and BLM program areas within the existing environment of the project area that will be used as a baseline to evaluate and assess the impact of the proposed action and alternatives described in Chapter 2, *Proposed Action and Alternatives*. Descriptions and analyses of the impacts themselves are presented in Chapter 4, *Environmental Consequences*.

¹ All figures referenced are included in Appendix A.

3.2 Air Quality

This section describes air quality conditions for criteria pollutants and the federal and state ambient air quality standards. A discussion regarding global climate change and greenhouse gases can be found in Section 3.3, *Global Climate Change*. The proposed project is within the Mojave Desert Air Basin (MDAB). Relatively high daytime temperatures; large variations in relative humidity; large and rapid diurnal temperature changes; occasional high winds; and sand, dust, and thunderstorms characterize the climate. The aridity of the region is influenced by a sub-tropical high-pressure system typically off the coast of California and topographical barriers that effectively block the flow of moisture to the region. The Colorado Desert experiences two rainy seasons per year. The first occurs during the winter; the second is the summer monsoon.

The monthly average high temperature in Desert Center is 104°F in July. The lowest average monthly temperature is 45°F in January and December (CEC RSA, 2010). Total rainfall in Desert Center averages just less than four inches per year with about 50 percent of the total rainfall occurring from December through March, and about 30 percent occurring during the August/September summer monsoon season.

Wind data from the Blythe Airport for the years 2003 to 2007 indicate the highest annual wind direction frequencies are from the south through the southwest. Due to local topography, a more westerly wind direction is expected at the site. Calm conditions occur approximately 17 percent of the time, with the annual average wind speed approximately 8.5 miles per hour (mph) (CEC RSA, 2010). Mixing heights in the area, which represent the altitudes where different air masses mix together, are estimated to be on average 230 feet (70 meters) in the morning to as high as 5,250 feet (1,600 meters) above ground level in the afternoon.

3.2.1 Ambient Air Quality

The Federal Clean Air Act and the California Clean Air Act both require the establishment of standards for ambient concentrations of criteria air pollutants for ozone, NO₂, CO, sulfur dioxide (SO₂), particulate matter (i.e., PM₁₀, PM_{2.5}), and lead, called Ambient Air Quality Standards (AAQS). These pollutants are called “criteria” air pollutants because standards have been established for each of them to meet specific public health and welfare criteria. The state standards, established by the California Air Resources Board, typically are more protective than the federal standards, which are established by the United States Environmental Protection Agency (EPA). Federal and state air quality standards are listed in Table 3.2-1. The times over which the various air quality standards are measured range from one hour to an annual average. The standards are read as a concentration, in parts per million (ppm), or as a weighted mass of material per a volume of air, in milligrams or micrograms of pollutant in a cubic meter of air (mg/m³ or µg/m³, respectively).

Currently, the ambient air quality within the MDAB is classified in the nonattainment category for state ozone and fugitive dust particulate matter less than 10 micrometers in diameter (PM₁₀) criteria. According to the Northern & Eastern Colorado Desert Coordinated Management Plan,

**TABLE 3.2-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Standard	California Standard
Ozone (O ₃)	8 Hour	0.075 ppm ^a (147 µg/m ³)	0.070 ppm (137 µg/m ³)
	1 Hour	—	0.09 ppm (180 µg/m ³)
Carbon Monoxide (CO)	8 Hour	9 ppm (10 mg/m ³)	9.0 ppm (10 mg/m ³)
	1 Hour	35 ppm (40 mg/m ³)	20 ppm (23 mg/m ³)
Nitrogen Dioxide (NO ₂)	Annual	0.053 ppm (100 µg/m ³)	0.03 ppm (57 µg/m ³)
	1 Hour	0.100 ppm ^b	0.18 ppm (339 µg/m ³)
Sulfur Dioxide (SO ₂)	Annual	—	—
	24 Hour	—	0.04 ppm (105 µg/m ³)
	3 Hour	0.5 ppm (1300 µg/m ³)	—
	1 Hour	0.075 ppm (195 µg/m ³)	0.25 ppm (655 µg/m ³)
Particulate Matter (PM ₁₀)	Annual	—	20 µg/m ³
	24 Hour	150 µg/m ³	50 µg/m ³
Fine Particulate Matter (PM _{2.5})	Annual	15 µg/m ³	12 µg/m ³
	24 Hour	35 µg/m ³	—
Sulfates (SO ₄)	24 Hour	—	25 µg/m ³
	30 Day Average	—	1.5 µg/m ³
Lead	Rolling 3-Month Average	0.15 µg/m ³	—
	Calendar Quarter	1.5 µg/m ³	—
Hydrogen Sulfide (H ₂ S)	1 Hour	—	0.03 ppm (42 µg/m ³)
Vinyl Chloride (chloroethene)	24 Hour	—	0.01 ppm (26 µg/m ³)
Visibility Reducing Particulates	8 Hour	—	In sufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70 percent.

NOTES:

^a The 2008 standard is shown above, but as of January 19, 2010 this standard is being reconsidered for revision to between 0.060 and 0.070 ppm. The 1997 8-hour standard is 0.08 ppm.

^b The U.S. EPA is in the process of implementing this new standard, which became effective April 12, 2010. This standard is based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.

SOURCES: CEC RSA, 2010 (Air Quality Table 2); CEC Commission Decision (Air Quality Table 1); Federal Register, Vol. 75, No. 11, page 2938.

the ozone standard is exceeded due to long distance transport of pollutants from the Los Angeles Basin, while the PM₁₀ standard is due to natural sources found in a desert environment and various land uses. These uses include off-highway vehicle use, mining, and livestock grazing.

In general, an area is designated as attainment if the concentration of a particular air contaminant does not exceed the standard. Likewise, an area is designated as non-attainment for an air contaminant if that contaminant standard is violated. In circumstances where there is not enough ambient data available to support designation as either attainment or non-attainment, the area can be designated as unclassified. An unclassified area is normally treated by the U.S. EPA the same

as an attainment area for regulatory purposes. An area could be attainment for one air contaminant while non-attainment for another, or attainment for the federal standard and non-attainment for the state standard for the same air contaminant.

The project site is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), which more generally includes the counties of Riverside, San Bernardino, Orange and Los Angeles. The Riverside County portion of the MDAB is designated as non-attainment for the state ozone and PM10 standards. This area is designated as attainment or unclassified for all federal criteria pollutant ambient air quality standards and the state CO, NO₂, SO₂, and particulate matter less than 2.5 micrometers in diameter (PM2.5) standards. Table 3.2-2 summarizes the site area's attainment status for various applicable federal and state standards.

**TABLE 3.2-2
FEDERAL AND STATE ATTAINMENT STATUS
PROJECT SITE AREA WITHIN THE MDAB PORTION OF RIVERSIDE COUNTY**

Pollutant	Attainment Status ^a	
	Federal	State
Ozone	Attainment ^b	Nonattainment
CO	Attainment	Attainment
NO ₂	Attainment ^c	Attainment
SO ₂	Attainment	Attainment
PM10	Attainment ^b	Nonattainment
PM2.5	Attainment	Attainment

NOTES:

- ^a Attainment = Attainment or Unclassified, where Unclassified is treated the same as Attainment for regulatory purposes.
- ^b Attainment status for the site area only, not the entire MDAB.
- ^c Nitrogen dioxide attainment status for the new federal 1-hour NO₂ standard is scheduled to be determined by January 2012.

SOURCES: CEC RSA, 2010 (Air Quality Table 3); CEC Commission Decision, 2010 (Air Quality Table 2)

Ambient air quality monitoring data for ozone, PM10, PM2.5, CO, NO₂, and SO₂, compared to most restrictive applicable standards for the years between 2004 through 2009 at the most representative monitoring stations for each pollutant, are shown in Table 3.2-3; and the 1-hour and 8-hour ozone, and 24-hour PM10 and PM2.5 data for the years 1999 through 2009 (2008 for PM10 and PM2.5), collectively “1998-2009 Historical Ozone and PM Air Quality Data,” are shown in Inset 3.2-1, below. Ozone data are from the Blythe-445 West Murphy Street monitoring station, PM10, PM2.5, NO₂, and CO data are from the Palm Springs Fire Station monitoring station, and SO₂ data are from the Victorville-14306 Park Avenue monitoring station.

3.2.2 Ozone

Ozone is not directly emitted from stationary or mobile sources, but is formed as the result of chemical reactions in the atmosphere between directly emitted nitrogen oxides (NO_x) and hydrocarbons (Volatile Organic Compounds [VOCs]) in the presence of sunlight. Pollutant

**TABLE 3.2-3
CRITERIA POLLUTANT SUMMARY MAXIMUM AMBIENT CONCENTRATIONS (PPM OR µG/M³)**

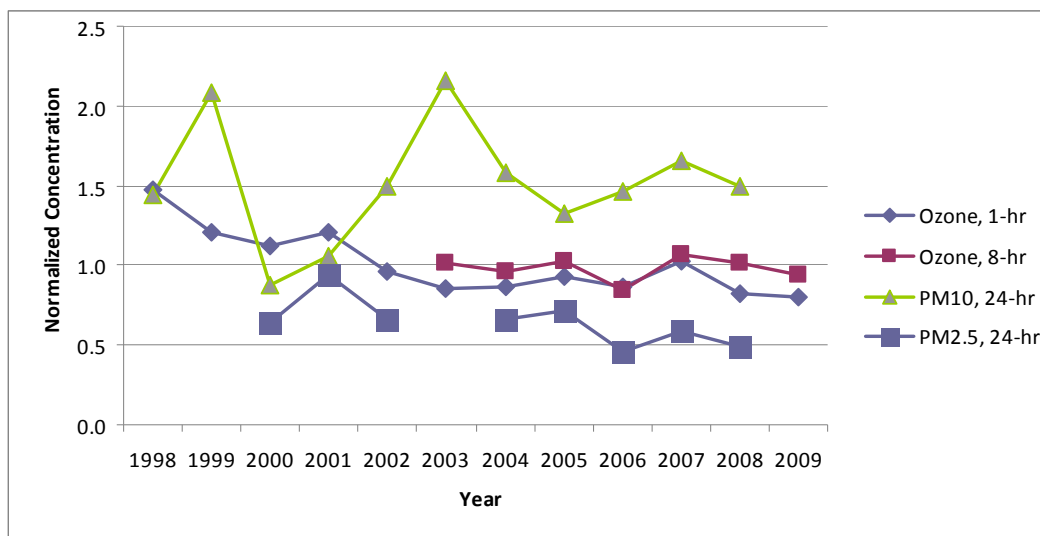
Pollutant	Averaging Period	Units	2004	2005	2006	2007	2008	2009	Limiting AAQS ^c
Ozone	1 hour	ppm	0.078	0.084	0.078	0.092	0.074	0.072	0.09
Ozone	8 hours	ppm	0.067	0.072	0.059	0.075	0.071	0.066	0.07
PM10 ^{a,b}	24 hours	µg/m ³	79	66	73	83	75	--	50
PM10 ^{a,b}	Annual	µg/m ³	26.4	25.9	24.5	30.5	23.2	--	20
PM2.5 ^a	24 hours	µg/m ³	23.3	25	15.9	20.5	17.1	--	35
PM2.5 ^a	Annual	µg/m ³	9.0	8.4	7.7	8.7	7.2	--	12
CO	1 hour	ppm	2.1	2.1	2.3	1.5	1.3	2.3	20
CO	8 hours	ppm	0.8	0.8	0.85	0.79	0.54	0.67	9.0
NO ₂	1 hour	ppm	0.066	0.059	0.093	0.063	0.049	0.048	0.18
NO ₂	Annual	ppm	0.013	0.012	0.01	0.01	0.009	0.008	0.03
SO ₂	1 hour	ppm	0.011	0.012	0.018	0.009	0.006	0.028	0.25
SO ₂	3 hour	ppm	0.007	0.008	0.012	0.005	0.006	0.006	0.5
SO ₂	24 hours	ppm	0.003	0.003	0.005	0.005	0.002	0.005	0.04
SO ₂	Annual	ppm	0.0013	0.0013	0.0015	0.0013	0.0011	0.000	0.03

NOTES:

- ^a Exceptional PM concentration events, such as those caused by wind storms are not shown where excluded by U.S.EPA; however, some exceptional events may still be included in the data presented.
- ^b The PM10 data source is in the Coachella Valley that is classified as a serious PM10 nonattainment area.
- ^c The limiting AAQS is the most stringent of the CAAQS or NAAQS for that pollutant and averaging period.

SOURCE: CEC RSA, 2010 (Table 4)

**INSET 3.2-1
1998-2009 HISTORICAL OZONE AND PM AIR QUALITY DATA
BLYTHE AND PALM SPRINGS MONITORING STATIONS, RIVERSIDE COUNTY^{a,b,c}**



NOTES:

- ^a The highest measured ambient concentrations of various criteria air contaminants were divided by their applicable standard and provided as a graphical point. Any point on the chart that is greater than one means that the measured concentrations of such air contaminant exceed the standard, and any point that is less than one means that the respective standard is not exceeded for that year. For example the 24-hour PM10 concentration in 2008 is 75 µg/m³/50 µg/m³ standard = 1.5.
- ^b All ozone data are from Blythe-445 West Murphy Street monitoring station. 8-hr ozone data were not available for this station before 2003.
- ^c All PM data are from Palm Springs monitoring station. 24-hr PM2.5 data were not available for this station before 2000 and between 2002 and 2004 and no PM data were available after 2008.

SOURCE: CEC RSA, 2010 (Figure 1)

transport from the Los Angeles area of the South Coast Air Basin is one source of the pollution experienced in the eastern Riverside County portion of the MDAB (SCAQMD 2007 as cited in the CEC RSA, 2010).

The 1-hour and 8-hour ozone concentrations measured at the eastern border of Riverside County have been very slowly decreasing over time. The collected air quality data (not shown) indicate that the ozone violations occurred primarily during the sunny and hot periods typical during May through September. The ozone concentrations in the project area have exceeded state ambient air quality standards.

High ozone concentrations can aggravate respiratory and cardiovascular diseases, irritate eyes, impair cardiopulmonary function, and cause leaf damage.

3.2.3 Nitrogen Dioxide

The entire MDAB is classified as attainment for the state 1-hour and annual and federal annual NO₂ standards. The nitrogen dioxide attainment standard could change due to the new federal 1-hour standard, although a review of the air basin-wide monitoring data suggest this would not occur for the MDAB.

Approximately 90 percent of the NO_x emitted from combustion sources is nitric oxide (NO), while the balance is NO₂. NO is oxidized in the atmosphere to NO₂, but some level of photochemical activity is needed for this conversion. The highest concentrations of NO₂ typically occur during the fall. The winter atmospheric conditions can trap emissions near the ground level, but lacking substantial photochemical activity (sun light), NO₂ levels are relatively low. In the summer the conversion rates of NO to NO₂ are high, but the relatively high temperatures and windy conditions disperse pollutants, preventing the accumulation of NO₂. The NO₂ concentrations in the project area are well below the state and federal ambient air quality standards.

NO₂ can aggravate respiratory diseases, reduce visibility, reduce plant growth, and form acid rain.

3.2.4 Carbon Monoxide

MDAB is classified as attainment for the state and federal 1-hour and 8-hour CO standards. The highest concentrations of CO occur when low wind speeds and a stable atmosphere trap the pollution emitted at or near ground level. These conditions occur frequently in the wintertime late in the afternoon, persist during the night and may extend one or two hours after sunrise. The project area has a lack of significant mobile source emissions and has CO concentrations that are well below the state and federal ambient air quality standards.

CO reduces tolerance from exercise can, cause impairment of mental function, cause impairment of fetal development, aggravate some heart diseases (angina), and cause death at high levels of exposure.

3.2.5 Particulate Matter (PM10) and Fine Particulate Matter (PM2.5)

PM10 can be emitted directly or it can be formed many miles downwind from emission sources when various precursor pollutants interact in the atmosphere.

MDAB is classified as non-attainment for state PM10 standards and unclassified for the federal PM10 standard. Table 3.2-3 and Inset 3.2-1 show recent PM10/PM2.5 concentrations. The figures show fluctuating concentrations patterns, and show clear exceedances of the state 24-hour PM10 standard. It should be noted that exceedance does not necessarily mean violation or nonattainment, as exceptional events do occur and some of those events, which do not count as violations, may be included in the data. The MDAB is designated as nonattainment for the state PM10 standard.

Fine particulate matter, or PM2.5, is derived mainly either from the combustion of materials, or from precursor gases (SO_x, NO_x, and VOC) through complex reactions in the atmosphere. PM2.5 consists mostly of sulfates, nitrates, ammonium, elemental carbon, and a small portion of organic and inorganic compounds.

The entire MDAB is classified as attainment for the federal standard and, in the project area, is designated unclassified for the state PM2.5 standards. This divergence in the PM10 and PM2.5 concentration levels and attainment status indicates that a substantial fraction of the ambient particulate matter levels are most likely due to localized fugitive dust sources, such as vehicle travel on unpaved roads, agricultural operations, or wind-blown dust.¹

Particulate matter can aggravate respiratory diseases, can result in reduced lung function, it can increase cause and chest discomfort, causes reduced visibility.

3.2.6 Sulfur Dioxide

The entire air basin is classified as attainment for the state and federal SO₂ standards.

Sulfur dioxide is typically emitted as a result of the combustion of a fuel containing sulfur. Sources of SO₂ emissions within the MDAB come from a wide variety of fuels: gaseous, liquid and solid; however, the total SO₂ emissions within the eastern MDAB are limited due to the limited number of major stationary sources and California's and U.S. EPA's substantial reduction in motor vehicle fuel sulfur content. The project area's SO₂ concentrations are well below the state and federal ambient air quality standards.

¹ Fugitive dust, unlike combustion source particulate and secondary particulate, is composed of a much higher fraction of larger particles than smaller particles, so the PM2.5 fraction of fugitive dust is much smaller than the PM10 fraction. Therefore, when PM10 ambient concentrations are significantly higher than PM2.5 ambient concentrations this tends to indicate that a large proportion of the PM10 are from fugitive dust emission sources, rather than from combustion particulate or secondary particulate emission sources.

SO₂ can irritate the upper respiratory tract and be injurious to lung tissue causing reduced lung function, including asthma and emphysema. SO₂ can cause plant leaves to be yellow, and be destructive to metals, textiles, leather, finishes, and coatings. SO₂ can limit visibility.

3.3 Global Climate Change

3.3.1 Greenhouse Gases and Climate Change

Climate change refers to any significant change in measures of climate (temperature, precipitation, or wind) that lasts for an extended period (e.g., decades or longer). A number of factors may affect climate change, including: natural cycles (e.g., changes in the sun's intensity or earth's orbit around the sun); natural processes within the climate system (e.g., changes in ocean circulation); and human activities that lead to changes the atmosphere's composition (e.g., burning fossil fuels), land surface (e.g., deforestation, reforestation, urbanization, and desertification), and water bodies (oceanic acidification, sea level rise, and formation of dry lakes).

California is a substantial contributor to global GHG emissions as it is the second largest contributor in the U.S. and the 16th largest in the world (CEC Genesis RSA, 2010). GHGs include:

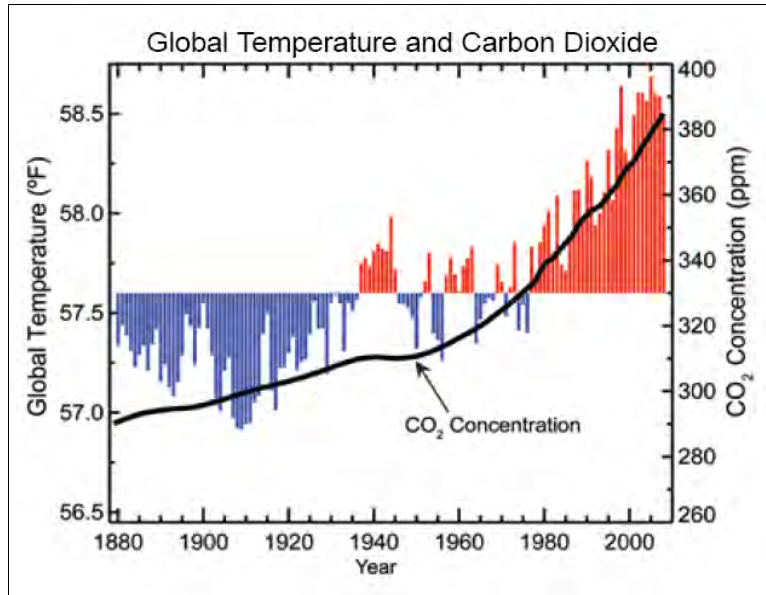
- | | |
|--------------------------------------------|-------------------------------------------|
| 1. Carbon dioxide (CO ₂) | 4. Hydrofluorocarbons (HFCs) |
| 2. Methane (CH ₄) | 5. Perfluorocarbons (PFCs) |
| 3. Mono-nitrogen oxides (NO _x) | 6. Sulfur hexafluoride (SF ₆) |

Electricity generation can produce GHGs comprised of the criteria air pollutants that traditionally have been regulated under the federal and state Clean Air Acts. For fossil fuel-fired power plants, the GHG emissions include primarily carbon dioxide, with much smaller amounts of nitrous oxide (N₂O), and methane (often from unburned natural gas). Other sources of GHG emissions include sulfur hexafluoride (SF₆) from high voltage equipment and hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) from refrigeration/chiller equipment. GHG emissions from the electricity sector are dominated by CO₂ emissions from carbon-based fuels. Other sources of GHG emissions are small and also are more likely to be easily controlled or reused or recycled, but are nevertheless documented here as some of the compounds have very high global warming potentials.

According to the Intergovernmental Panel on Climate Change (IPCC) Third Assessment Report, increased atmospheric levels of CO₂ correlate with rising temperatures; concentrations of CO₂ have increased by 31 percent above pre-industrial levels since 1750 (Inset 3.3-1). Climate models show that temperatures will probably increase by 1.4 degrees Celsius (°C) to 5.8 °C between 1990 and 2100. Much uncertainty in this increase results from not knowing future CO₂ emissions and inherent uncertainty in the assumptions that frame climate models. The IPCC concluded in a statement released February 2, 2007, that “the widespread warming of the atmosphere and ocean, together with ice-mass loss, support the conclusion that it is extremely unlikely that global climate change of the past 50 years can be explained without external forcing, and very likely that it is not due to known natural causes alone” (IPCC, 2007).

GWP is a measure of how much a given mass of greenhouse gas is estimated to contribute to global warming and is devised to enable comparison of the warming effects of different gases. It is a relative scale that compares the gas in question to that of the same mass of CO₂. CO₂ equivalence (CO₂e) is a measure used to compare the emissions from various GHGs based on

**INSET 3.3-1
RELATIONSHIP BETWEEN
GLOBAL TEMPERATURE AND CARBON DIOXIDE (IPCCD 2007)**



their GWP, when measured over a specified timescale (generally 100 years). CO₂e is commonly expressed as million metric tons (MMT) of carbon dioxide equivalents (MMTCO₂e). The CO₂e for a gas is obtained by multiplying the mass (in tons) by the GWP of the gas. For example, the GWP for CH₄ over 100 years is 25. This means that the emission of one MMT of CH₄ is equivalent to the emission of 25 MMT of CO₂, or 25 MMTCO₂e.

3.3.2 EPA Regulatory Initiatives on Greenhouse Gases

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the U.S. Supreme Court found that greenhouse gases (GHGs)¹ are air pollutants under the federal Clean Air Act. The Court held that the EPA must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. These decisions require the EPA to follow the language of Section 202(a) of the CAA. The Supreme Court decision resulted from a petition for rulemaking under Section 202(a) filed by more than a dozen environmental and renewable energy organizations and other entities (CEC RSA, 2010).

After a thorough examination of the scientific evidence on the causes and effects of current and future climate change, as well as other effects of GHGs, the EPA concluded that the science compellingly supports a positive endangerment finding for both public health and welfare. The EPA relied heavily upon the major findings and conclusions from recent assessments of the U.S. Climate Change Science Program and the Intergovernmental Panel on Climate Change. The

¹ The terms greenhouse gases (GHG) and global climate change (GCC) gases are related. Global climate change is the result of GHGs, or air emissions with global warming potentials and affect the global energy balance, and the climate of the planet. GHGs inherently are a cumulative impacts issue, and are discussed as a cumulative impact in this EIS.

EPA made this endangerment finding after considering both observed and projected future effects of climate change, key uncertainties, and the full range of risks and effects to public health and welfare occurring within the United States (EPA, 2009d; EPA, 2009e; EPA, 2009f).

In response, the EPA issued a final rule on May 13, 2010 to apply Prevention of Significant Deterioration (PSD) requirements to new facilities whose carbon dioxide-equivalent emissions exceed 100,000 tons per year (EPA, 2010). The GHG emissions for the project are expected to fall below this amount. Moreover, GHG reductions will be realized from this project. Electrical power generated by the project would be accepted onto the power grid with priority over electrical power generated from fossil based power plants. Therefore, during operations when the PSPP is actively generating electricity, the project would effectively displace a portion of existing fossil fuel-based energy generation with renewable energy generation, and net GHG production would be reduced. See Section 4.3, *Impacts on Global Climate Change*, for GHG emissions and reductions associated with the proposed action and alternative actions.

In addition to the new PSD requirements, on September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule. Under this rule, suppliers of fossil fuels or industrial GHG, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the EPA. The gases covered by the proposed rule are carbon dioxide (CO₂), methane (CH₄), nitrogen dioxide (N₂O), hydrofluorocarbons (HFC)s, perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and other fluorinated gases, including nitrogen trifluoride (NF₃) and hydrofluorinated ethers (HFEs) (CEC Genesis RSA, 2009). Thus, facilities classified as general stationary fuel combustion sources, including electricity services (North American Industry Classification System [NAICS] Code 221) must report emissions if annual rates equal or exceed 25,000 metric tons of GHG. However, the rule does not set specific reporting requirements for electric power generation from solar resources (NAICS Code 221119).

3.3.3 Other Federal and Major International Guidance on Greenhouse Gases and Climate Change

From the White House, Executive Order (EO) No. 13514 Federal Leadership in Environmental, Energy, and Economic Performance expands national efforts to reduce GHG emissions and establishes environmental performance requirements for Federal agencies identified in EO No. 13423 Federal Leadership in Environmental, Energy, and Economic Performance. EO No. 13514 integrates a strategy for sustainability into the Federal Government and makes reduction of GHG emissions a priority for Federal agencies.

From the Department of the Interior (DOI), Secretarial Orders 3226 (Climate Change and the Department of Interior, as amended) and 3285 (Renewable Energy Development by the Department of Interior) direct bureaus and offices within the Department to respond in a timely manner to climate change issues and make development of renewable energy a priority. On September 14, 2009, Secretary of the Interior, Ken Salazar, issued Order No. 3289 (Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources). The Order establishes an approach for increasing understanding of climate change

and responding to impacts related to climate change pertaining to tribes and to the natural and cultural resources that the DOI manages. The document specifically identifies potential impacts such as potential changes in flood risk and water supply, sea level rise, changes in wildlife and habitat populations and their migration patterns, new invasions of exotic species and increased threat of wildland fire. The Order includes Climate Change Response Planning Requirements, which require each bureau and office within the DOI (including the BLM) to consider and analyze potential climate change impacts when undertaking long-range planning exercises, setting priorities for scientific research and investigations, developing multi-year management plans, and making major decisions regarding potential use of resources under the DOI's purview.

3.3.4 California State Guidance on Greenhouse Gases and Climate Change

The State of California has addressed global climate change, through regulatory and other actions taken by the California Energy Commission (CEC), the California Air Resources Board (CARB), the Legislature, and the Governor. For example, in 1998, the CEC identified a range of strategies to prepare for an uncertain climate future, including a need to account for the environmental impacts associated with energy production, planning, and procurement (CEC Genesis RSA, 2010). In 2003, the CEC recommended that the state require applicants to report GHG emissions as a condition of state licensing of new electric generating facilities (CEC Genesis RSA, 2010). In 2005, Governor Schwarzenegger issued Executive Order S-3-05, which established a goal of reducing GHG emissions 80 percent below 1990 levels by 2050.

In 2006, California enacted the California Global Warming Solutions Act of 2006 (AB 32). AB 32 mandates that the state report and verify its GHG emissions to document reduced GHG emissions statewide to 1990 levels by the year 2020. To facilitate this, CARB is required to adopt a statewide emissions limit, adopt regulations to reduce the amount of GHG emissions, and monitor compliance. CARB is the lead agency for implementing AB 32, which set the major milestones for establishing the program.

Although CO₂ is the largest contributor to climate change, AB 32 references five additional GHGs: CH₄, N₂O, SF₆, HFCs, and PFCs. Key elements of California's recommendations for reducing its GHG emissions to 1990 levels by 2020 include the following:

1. Setting targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
2. Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard;
3. Imposing targeted fees on high global warming potential (GWP) gases;
4. Implementing additional measures to address emissions from industrial sources. These proposed measures would regulate fugitive emissions from oil and gas recovery and transmission activities; and

5. Imposing a high GWP mitigation fee to promote the development of alternatives to GWP chemicals and improve recycling and removal of these substances when older units containing them are dismantled.

In recognition of the critical role that local governments will play in the successful implementation of AB 32, CARB recommended a GHG reduction goal for local governments of 15 percent below current levels by 2020 to ensure that their municipal and community-wide emissions match the state's reduction target. AB 32 establishes a comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of GHGs. It also makes CARB responsible for monitoring and reducing GHG emissions and continues the existing Climate Action Team to coordinate statewide efforts. Additional requirements for CARB include the following:

1. Establishing a statewide GHG emissions cap for 2020 based on 1990 emissions;
2. Adopting mandatory reporting rules for significant sources of GHGs;
3. Adopting a plan that indicates how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions;
4. Adopting regulations to achieve the maximum technologically feasible and cost-effective reductions in GHGs, including provisions for using both market mechanisms and alternative compliance mechanisms;
5. Convening an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to advise CARB;
6. Evaluating several factors prior to imposing any mandates or authorizing market mechanisms, including, but not limited to, impacts on California's economy, the environment, and public health; equity between regulated entities; electricity reliability and conformance with other environmental laws, as well as ensuring that the rules do not disproportionately impact low-income communities;
7. Adopting a list of discrete, early action measures to be implemented before January 1, 2010; and
8. Ensuring public notice and opportunity for comment on all CARB actions.

The CARB adopted early action GHG reduction measures in October 2007, mandatory reporting requirements and the 2020 statewide limit in December 2007,² and a Statewide scoping plan in December 2008 to identify how emission reductions will be achieved from major sources of GHG via regulations, market mechanisms, and other actions. CARB staff is developing regulatory language to implement its plan and holds ongoing public workshops on key elements of the recommended GHG reduction measures, including market mechanisms (See, e.g., CARB, 2010). The regulations must be effective by January 1, 2011 and mandatory compliance is to commence on January 1, 2012. The mandatory reporting requirements are effective for electric generating

² The 1990 emissions level, and thus the 2020 emissions limit, adopted by ARB is 427 million metric tonnes of carbon dioxide equivalent (MMTCO₂e).

facilities with a nameplate capacity equal or greater than 1 megawatt (MW) if their emissions exceed 2,500 metric tons (MT) per year.

In addition, the Climate Change Scoping Plan, the state's roadmap to reaching GHG reduction goals, considers the following key strategies³:

1. **Cap-and-Trade Program:** Broad-based to provide a firm limit on emissions; covers 85 percent of California's emissions: electricity generation, large industrial sources, transportation fuels, and residential and commercial use of natural gas, and provides regional linkage with the Western Climate Initiative, allowing greater environmental and economic benefits.
2. **Transportation:** GHG emission standards for cars, low-carbon fuel standard (10 percent by 2020), better land-use planning (Senate Bill 375), and more efficient delivery trucks, heavy-duty trucks, and goods movement.
3. **Electricity and Energy (imported included):** Improved appliance efficiency standards and other aggressive energy efficiency measures, 33 percent renewables by 2020, increased use of efficient "combined heat and power", million solar roofs, solar hot water heating, green buildings, and water efficiency.
4. **Industry (including cement):** Audit of the 800 largest emission sources in California to identify GHG reduction opportunities; regulations on refinery flaring and fugitive emissions; considerations for cement to address "leakage."
5. **High GWP Gases:** Capture refrigerants and other high GWP gases already in use; reduce future impact through leak-resistant equipment, restrictions on use, and fees.
6. **Forestry:** Preserve forest sequestration and voluntary reductions possible from forestry projects.
7. **Agriculture:** More efficient agricultural equipment, fuel use, and water use through transportation and energy measures; reductions from manure digesters; fewer impacts on productivity of crops and livestock.
8. **Waste and Recycling:** Reduce CH₄ emissions from landfills and move toward high recycling and zero waste.

Also in 2006, the State enacted SB 1368 (Public Utilities Code Section 8340 *et seq.*), which limits California utilities' long-term investments in base load⁴ generation to power plants that meet an emissions performance standard (EPS) of 0.500 MT CO₂ per megawatt-hour (1,100 pounds CO₂/MWh). The EPS applies only to carbon dioxide; it does not apply to emissions of other GHGs converted to carbon dioxide equivalent. The Energy Commission and the California Public Utilities Commission (CPUC) jointly established the EPS, which applies to base load power from new power plants, new investments in existing power plants, and new or renewed contracts with

³ The status of the Climate Change Scoping Plan is currently under question as a result of a Superior Court decision in *Association of Irrigated Residents, et al. v. California Air Resources Board* (January 24, 2010). Herein, the court enjoined implementation of the plan because the CARB had adopted it without compliance with CEQA. Additional appeal by the CARB is anticipated.

⁴ *Base load* units are defined as units that operate at a capacity factor higher than 60 percent.

terms of five years or more, including contracts with power plants located outside of California.⁵ If a project, in-State or out-of-State, plans to sell base load electricity to a California utility, the utility will have to demonstrate that the project meets the EPS. As a renewable electricity generating facility, the project is determined by rule to be compliant with the SB 1368 EPS.⁶

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) adopted, in December, 2008, its *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* (Interim Threshold), in order to provide a structure for determining level of impact significance for proposed projects that would result in GHG emissions. The Interim Threshold includes a policy objective to capture 90% of district-wide GHG emissions from industrial sources, and indicates a GHG emissions threshold of 10,000 megatons CO₂e/yr including construction emissions amortized over 30 years, as a significance threshold for GHG emissions (SCAQMD, 2008). Following adoption of the Interim Threshold, additional meetings of the working group charged with producing the Interim Threshold have been ongoing. At the time of publication for this report, finalized threshold values had not yet been adopted by the SCAQMD.

3.3.5 Potential Effects of Climate Change

In November 2004, the California Climate Action Team (CAT) was formed, comprising 14 agencies and 11 subgroups to assist CARB with the Climate Change Scoping Plan. According to the 2006 California CAT Report, the following climate change effects, based on the IPCC trends, can be expected in California over the next century:

1. Increasing temperatures from 0.5 °F to 5.8 °F under the higher emission scenarios, leading to a 25 percent to 35 percent increase in the number of days ozone pollution levels are exceeded in most urban areas;
2. Increased electricity demand, particularly in the hot summer months.
3. Increased vulnerability of forests due to pest infestation and increased temperatures; and
4. A diminishing Sierra snowpack, declining by 70 to 90 percent, threatening the State's water supply;

In addition to these anticipated trends, several additional potential effects of climate change have been identified in recent literature, that are potentially relevant to the project. These include:

1. Changes in flooding regimes and drought, potentially including more frequent extreme weather conditions, such as floods and droughts;
2. Changes in weather patterns that could result in altered drainage patterns and/or increases in erosion and sedimentation;
3. Changes in the availability of water resources to support beneficial use;

⁵ CPUC 2007

⁶ See Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903(b)(1).

4. Changes in the distribution of biological species and/or habitats;
5. Increases in wildfire risk and heat waves, which could affect worker safety; and
6. Changes in soil moisture content, including potential for increases in fugitive dust emissions.

Potential effects of climate change, as specifically relevant to the project site and/or its vicinity, are discussed in Section 4.3, *Impacts on Global Climate Change*.

3.3.6 Existing Greenhouse Gas Emissions

Statewide GHG Emission Inventory

Statewide emissions of GHG from relevant source categories in 1990 and later years are summarized in Table 3.3-1. Specific contributions from air basins such as the Mojave Desert Air Basin (MDAB) are not currently specified as part of the State inventory. Emissions of CO₂ occur largely from combustion of fossil fuels. The major categories of fossil fuel combustion CO₂ sources can be broken into sectors for residential, commercial, industrial, transportation, and electricity generation. Other GHG emissions, such as CH₄ and N₂O, are also tracked by State inventories but occur in much smaller quantities.

**TABLE 3.3-1
CALIFORNIA GREENHOUSE GAS EMISSIONS (MMTCO₂E)**

Emission Inventory Category	1990	2000	2001	2002	2003	2004	2005
Residential Fuel Combustion (CO ₂)	29.7	30.25	27.21	27.32	26.40	27.86	--
Commercial Fuel Combustion (CO ₂)	14.4	15.63	12.04	17.84	15.06	12.1	--
Industrial Fuel Combustion (CO ₂)	103.0	76.17	80.48	71.53	65.47	67.2	--
Transportation Fuel Combustion (CO ₂)	150.7	181.68	182.49	190.19	180.64	187.95	--
Electricity Generation, in-State (CO ₂)	49.0	55.87	61.35	47.78	45.92	55.10	49.0
Methane (all CH ₄ shown as CO ₂ e)	--	26.32	26.62	27.07	27.49	27.80	--
Nitrous Oxide (all N ₂ O shown as CO ₂ e)	--	31.43	30.76	34.48	33.85	33.34	--
Electricity Transmission and Distribution (SF ₆ shown as CO ₂ e)	2.6	1.14	1.10	1.04	1.01	1.02	--
Total California GHG Emissions without Electricity Imports	371.1	440.47	446.35	444.86	423.20	439.19	--
Electricity Imports (CO ₂ e)	61.6	40.48	47.37	51.73	56.44	60.81	--
Total California GHG Emissions with Electricity Imports	433.29	480.94	493.72	496.59	479.64	500.00	--

SOURCE: CEC Genesis RSA, 2010

3.3.7 Existing GHG Emissions Occurring at the Project Site

No industrial, residential, or other emitters of carbon dioxide are currently located or operating at the project site. There are no other existing on-site operations that result in the combustion of fossil fuel, or otherwise result in direct anthropogenic emissions of carbon dioxide on site. There is, however, existing vegetation located on site, and this vegetation is expected to provide ongoing natural carbon uptake. Wohlfahrt et al (2008 as cited in the CEC RSA, 2010) completed an evaluation of carbon uptake by natural vegetation in Mojave Desert systems. The study indicates that desert plant communities may result in the uptake of carbon in amounts as high as 100 grams per square meter per year. This would equate to a natural carbon uptake, under existing conditions, of approximately 1.48 MT of CO₂ per acre per year. For an evaluation of potential impacts of the project on natural carbon uptake, refer to Section 4.3, *Impacts on Global Climate Change*.

3.4 Cultural Resources

Cultural resources are categorized as buildings, sites, structures, objects, and districts for the purposes of complying with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). Three kinds of cultural resources are considered in this assessment: prehistoric, ethnographic, and historic.

Prehistoric archaeological resources are associated with human occupation and use prior to sustained European contact. These resources may include sites and deposits, structures, artifacts, rock art, trails, and other traces of Native American human behavior. Groupings of prehistoric resources are also recognized as archaeological districts and as cultural landscapes. In California, the prehistoric period began over 12,000 years ago and extended through the eighteenth century until 1769, when the first Europeans permanently settled in California.

Ethnographic resources represent the heritage of a particular ethnic or cultural group, such as Native Americans or African, European, Latino, or Asian immigrants. They may include traditional resource-collecting areas, ceremonial sites, value-imbued landscape features, cemeteries, shrines, or ethnic neighborhoods and structures.

Historic-period resources, both archaeological and architectural, are associated with Euro-American exploration and settlement of an area and the beginning of a written historical record. They may include archaeological deposits, sites, structures, traveled ways, artifacts, or other evidence of human activity. Groupings of historic-period resources are also recognized as historic districts and as cultural vernacular landscapes.

Under federal and state historic preservation law, cultural resources generally must be at least 50 years old to have sufficient historical importance to merit consideration of eligibility for listing in the National Register of Historic Places (NRHP) or in the California Register of Historical Resources (CRHR). A resource less than 50 years of age must be of exceptional historical importance to be considered for listing.

3.4.1 Environmental Setting

Geology

The following discussion is primarily excerpted from Steinkamp (2009 as cited in the CEC RSA, 2010). The project site is located within the geomorphic province known as the Basin and Range, situated in the Chuckwalla Valley between the Chuckwalla Mountains to the south and the Palen and Coxcomb mountains to the north (Jennings 1967 as cited in the CEC RSA, 2010). The underlying geology consists of Quaternary alluvial, eolian, and lakebed deposits ranging from Pleistocene (1.8 million years old) to Holocene (8,000 BC to Recent) in age.

Portions of the proposed substation and transmission line route are underlain by Quaternary intermediate alluvium, estimated to be 200,000 and 2,000 years old, consisting variously of gravel, sand, and silt, being situated on top of inactive older alluvial fan surfaces (Stone and Pelka

1989 as cited in the CEC RSA, 2010). The bulk of the project area is comprised of Quaternary younger alluvium, locally dated as AD 1 to present (Stone and Pelka 1989 as cited in the CEC RSA, 2010), composed of silt, sand, and gravel derived from the surrounding mountains.

In contrast, the northeastern portion of the proposed site is blanketed with surficial Quaternary lake bed deposits underlain by both eolian deposits and younger alluvium. These lake bed deposits are weakly consolidated to slightly dissected and in part overlain by modern playa deposits consisting of partly gypsiferous silt and clay (Jennings 1967; Stone and Pelka 1989 as cited in the CEC RSA, 2010). Active sand dunes and sand sheets of recent age also occur in the northeastern portion of the project area (Jennings 1967; Stone and Pelka 1989 as cited in the CEC RSA, 2010). The transition zone between lake bed and dune field is a mix of strongly deflated areas, interspersed with hummocky, linear, dome, and blowout dunes.

From southwest to northeast, the geomorphic landscape consists of a broad bajada (a coalescing of neighboring alluvial fans into a single apron of deposits) with parallel drainages of parallel rills, gullies, and washes that flow northeast toward a dune field in the northeast corner of the project area, bordering Palen Dry Lake bed.

Geoarchaeological Investigations

Geoarchaeological monitoring of a geotechnical investigation within the project site took place July 20–28, 2009 (Steinkamp 2009 as cited in the CEC RSA, 2010). Excavations of 12 boreholes and eight test pits were observed for presence/ absence of paleosols, archaeological artifacts, or other evidence of archaeological deposition. Stratigraphic samples were collected for sedimentological and mineralogical data. Test pits, 1.5–3 meters deep, were placed in locations where deep footings or weight-bearing loads are planned. No cultural resources were found, and no evidence of subsurface paleosols or cultural deposits was noted during the course of monitoring.

Observations of the surface topography and subsurface deposits from the test pits suggest that the site is dominated by a roughly 10–33-centimeter-thick veneer of soil (A horizon)¹ formed in fluvial (re-worked alluvial fan deposits) and eolian (wind-deposited) sands and fluvial gravels originating from the Pleistocene alluvial fans of the surrounding mountain slopes. A-horizon soils consist of olive gray gravelly sand with sparse roots, subangular pebbles, angular blocky structure, and a clear wavy boundary. The C-horizon consists of a C1 horizon of storm couplets overlaying a C2 and C3 horizon of alluvial and dune sands, as well as alluvial gravels. Data from the borings indicate that the deeper subsurface deposits, below three meters, consist of alluvial fan sand and gravels that appear to represent alluvial fan transgression and aggradation, and clay that likely correlates to transgression of early lacustrine (lake) deposits during glacial periods and stable phases of the coalescing alluvial fans.

On the basis of these observations, Steinkamp concludes that the potential for buried shallow archaeological deposits is highest within the northeast quadrant of the project site, where wave-

¹ Sedimentologists denote successively deeper soil layers with alphabetical letters, starting at the top with “A.”

cut platforms of paleo-lacustrine and beach deposits were observed beneath dune deposits less than a meter below the surface. Within the remainder of the area, if buried deposits are present, they are more likely to be deeper (up to 20 feet), due to the greater depth of alluvial fan deposition. Archaeological deposits at depth, within the alluvial fan deposits, have the potential to be heavily disturbed by millennia of alluvial fan transgression and erosion processes. Over the last 80 years, however, dikes, constructed on the upslope side of U.S. Route 60/70 in the 1930s, have protected this area by diverting storm water runoff (Steinkamp 2009, pp. 16–18 as cited in the CEC RSA, 2010).

Paleoclimate and Paleoenvironment

Information on paleoclimate and paleoenvironment for the southern Mojave and northern Sonoran (Colorado) deserts are derived from plant macrofossils found in packrat middens (Grayson 1993, pp. 119–128; 139–143; 194–195; 199–202, 215; Spaulding 1990; Tausch et al. 2004; Thompson 1990; Wigand and Rhode 2002, pp. 332–342; Cole 1986; Van Devender 1990; West et al. 2007, pp. 32–33 as cited in the CEC RSA, 2010), and stratigraphic studies of playa and dry lake deposits years (Ezzo et al. 1989, 1992 as cited in the CEC RSA, 2010).

The geologic epoch following the ice age, or Pleistocene, the Holocene, in which humans are known to have occupied North America, began approximately 12,000 years ago. For purposes of this discussion, the Holocene is divided into four periods: Early, Middle, Early Late, and Late Late.

Early Holocene (10,000-6000 BC)

During the Late Pleistocene and Early Holocene, as the climate became warmer and drier, extensive lowland conifer woodlands retreated upslope and were replaced by desert scrub associations. In the northern Sonoran Desert, around 9,500 BC, hot desert plants (pigmy cedar, cat claw acacia) began dispersing into the region. From about 8,400 BC on, creosote bush begins to appear. This warmer drier period, however, is also noted for witnessing episodes of greater precipitation. In the Mojave Desert, three high lake-stands have been identified at Silver Lake playa, dating between 13,000 and 7,300 BC (Ezzo et al. 1989 as cited in the CEC RSA, 2010). Gallegos et al. (1980, p. 93 as cited in the CEC RSA, 2010) postulate that two moister climatic intervals, dating between 10,500 and 9,500 BC, occurred, based on a pair of caliche beds near Cadiz Dry Lake that were found to contain traces of human stone tool use.

Middle Holocene (6000-3500 BC)

The subsequent Middle Holocene was the warmest and driest interval of the entire Holocene. Desert shrub vegetation dominated lowland and mid-level elevation localities. White burrobush and creosote bush increased in abundance. A dearth of vegetation data from the Middle Holocene suggests plant cover was probably very sparse as a consequence of severe drought conditions. Between approximately 4,800 and 3,000 BC, little evidence exists for summer rainfall. Gallegos et al. (1980, p. 93 as cited in the CEC RSA, 2010) postulate that a climatic interval, dating around

6,500 to 6,000 BC, probably resulted in lake filling based on the discovery of a site of that age, found in the fossil dunes near Bristol Dry Lake.

Early Late Holocene (3500 BC–AD 1)

The Early Late Holocene has been characterized as a period of relatively warm and dry conditions (sometimes drought) interspersed with evidence of cooler moister regimes. For example, evidence of peat deposits, dating to 3,000 BC, has been found at various spring localities in the Mojave Desert. Similarly, around 1,800 BC, a significant increase in the density of pinyon-juniper woodland took place in southern Nevada, suggesting cooler temperatures and winter-dominant precipitation. In the Mojave Desert, a high lake-stand at Silver Lake playa occurred approximately 1,620 BC (Ezzo et al. 1989, 1992 as cited in the CEC RSA, 2010). Gallegos et al. (1980, p. 93 as cited in the CEC RSA, 2010) postulate that a climatic interval, about 1,000 BC, probably resulted in lake filling again, based on evidence of shoreline camping at Cadiz Dry Lake.

Late Late Holocene (AD 1–present)

During the Late Late Holocene, temperature and precipitation patterns fluctuated significantly, swinging between periods of drought and relatively warm conditions (Meko et al. 2001; Stine 1994, 1996, 1998, 2000 as cited in the CEC RSA, 2010), with periods of summer-dominant precipitation and milder winters, contrasting with periods of cooler and somewhat drier conditions and increased winter-dominant precipitation, reminiscent of the previous epoch's ice age (Fagan 2000; Grove 1988; Meko et al. 2001; Scuderi 1987a, 1987b, 1990, 1993 as cited in the CEC RSA, 2010). Modern conditions have prevailed over the last 200 years, with increases in the distribution of pinyon pine, at the higher altitudes as well as expansion of saltbush and the creosote bush/white burrobush associations in the desert lowlands.

Gallegos et al. (1980, p. 93 as cited in the CEC RSA, 2010) postulate that a few hundred years ago, during the "Little Ice Age," rains would have maintained a marshy shallow lake in the Palen basin, supporting subsistence resources favorable for lakeshore hunting and gathering. This is based on hunting and processing tools, as well as red/buff pottery found in fossil dunes at the northwest end of the lake (Gallegos et al. 1980, p. 103 as cited in the CEC RSA, 2010). Large areas of residual sediments stand as "witness columns" and eroding plateaus, 1–2 meters higher than the present lakebed, indicating the former presence of an older lake. Rich archaeological deposits, mixed with lag gravel, are exposed near the base of Palen's eroding dunes (Gallegos et al. 1980, p. 106 as cited in the CEC RSA, 2010).

Prehistoric Background

During the 1970s, the BLM undertook a large-scale cultural resources inventory of the Central Mojave and Colorado Desert Regions (Gallegos et al. 1980 as cited in the CEC RSA, 2010). Crabtree (1980 as cited in the CEC RSA, 2010), in an overview of the region, subsequently summarized the history of archaeological study, identified the cultural chronology and common site types observed, and outlined the research topics of interest at that time. Subsequent cultural resources management investigations have contributed additional information to help refine our

understanding of the prehistory of this region (Arnold et al. 2002, pp. 46–48; Love and Dahdul 2002; Schaefer 1994; Schaefer and Laylander 2007; Warren 1984, pp. 403–409 as cited in the CEC RSA, 2010).

An initial cultural chronology-culture history scheme for the Colorado Desert was developed in the 1930s and 1940s (Campbell 1931, 1936; Campbell and Campbell 1935; Campbell et al. 1937; Rogers 1939, 1945 as cited in the CEC RSA, 2010). This scheme has formed the foundation for subsequent efforts, most recently expressed by Sutton et al. (2007, pp. 233–243; table 15.4 as cited in the CEC RSA, 2010), relating the temporal periods and complexes delineated to those found in the Mojave Desert.

Paleo-Indian Period (about 10,000–8,000 BC)

The Paleoindian Period occurred during the late Pleistocene and the first half of the Early Holocene. Isolated fluted projectile points, assignable to the Western Clovis Tradition have been recovered from the Pinto Basin, Ocotillo Wells, Cuyamaca Pass, and the Yuha Desert (Dillon 2002, p. 113; Moratto 1984, p. 77, fig. 3.1; 87; Rondeau et al. 2007, pp. 64–65, fig. 5.1, table 5.1 as cited in the CEC RSA, 2010). All are surface finds, and have no associations with extinct fauna.

Lake Mojave Complex (8,000–6,000 BC)

The Lake Mojave complex, also known as the Western Pluvial Lakes/Western Stemmed Tradition (Beck and Jones 1997; Erlandson et al. 2007; papers in Graf and Schmitt 2007; Schaefer 1994, pp. 63–64; Sutton et al. 2007; papers in Willig et al. 1988 as cited in the CEC RSA, 2010), occurred during the second half of the Early Holocene. It is characterized by Great Basin Stemmed Series projectile points (Lake Mojave and Silver Lake types), abundant bifaces, steep-edged unifaces, crescents, and occasional cobble tools and ground stone tools. These artifacts often occur in undated surface contexts. Assemblage composition and site structure suggest highly mobile foragers, often traveling considerable distances. Little reliance upon vegetal resources is evidenced. The value of wetland habitats remains unclear. Lake Mojave lifeways may result from relatively rapidly changing climate and habitats during the Early Holocene. This would have produced unpredictability in resource distribution and abundance, producing a high degree of residential mobility.

Pinto Complex (8,000–3,000 BC)

The Pinto complex spans portions of the Early and Middle Holocene. Toolstone use, based on sites attributed to this complex, focuses upon materials other than obsidian and cryptocrystalline silicate (CCS). Pinto Series points are stemmed with indented bases, and display high levels of reworking. Bifacial and unifacial cores/tools are common. Ground stone tools are moderately to very abundant, indicating greatly increased use of plant resources. Pinto sites occur in a broad range of topographic and environmental settings, especially within remnant pluvial lake basins. Moderate to large numbers of people, practicing a collector subsistence strategy, occupied large residential base camps for prolonged periods. Logistical forays into surrounding resource patches probably were made from these sites.

Deadman Lake Complex (7,500–5,200 BC)

Currently, the Deadman Lake complex appears at this time to be confined to the Twentynine Palms area. Sites usually are surficial and located on old alluvial pediments. Artifacts include small-to-medium-size contracting stemmed or lozenge-shaped points, large concentrations of battered cobbles and core tools, and abundant bifaces, simple flake tools, and ground stone tools. The abundance of cobble tools suggests an emphasis upon plant processing. The Deadman Lake and Pinto complexes may represent two different human populations practicing different seasonal/annual rounds, or Deadman Lake may represent a component of the overall Pinto complex adaptation.

Possible Abandonment (3,000–2,000 BC)

Beginning roughly at this time, conditions in the Mojave Desert were warmer and drier. Few archaeological sites date to this period. This suggests population densities were very low. It is possible some areas were largely abandoned. This period corresponds in part to the latter part of the proposed “Altithermal Abandonment,” recognized by some prehistorians as characterizing portions of the Great Basin (see Kelly 1997, pp. 8–9 as cited in the CEC RSA, 2010).

Gypsum Complex (2,000 BC–AD 200)

The Gypsum complex, spanning most of the Early Late Holocene, is characterized by the presence of corner-notched Elko Series points, concave-base Humboldt Series points, and well-shouldered contracting-stemmed Gypsum Series points. Numerous bifaces also occur. Manos and metates are relatively common. During the early portion of the Gypsum complex, settlement-subsistence appears focused near streams. At this time, increased trade and social complexity apparently occurred. Gypsum components are smaller, more abundant, and occur over a more diverse suite of settings than those dating previously. Evidence for ritual activities includes quartz crystals, paint, split-twig animal figurines, and rock art. Gypsum Complex sites are uncommon in the southern and eastern Mojave Desert.

Rose Spring Complex (AD 200–AD 1000)

Cultural systems profoundly changed in the southern California deserts during the Late Late Holocene with the introduction of the bow and arrow, represented by Rosegate Series points. During this time, a major increase in population is thought to have occurred, possibly resulting from a more productive environment and a more efficient hunting technology. Sites often are located near springs, along washes, and sometimes along lakeshores. Intensive occupation is indicated by the presence of wickiups, pit houses, and other types of structures. Well-developed middens have yielded artifact assemblages containing knives, drills, pipes, bone awls, various ground stone tools, marine shell ornaments, and large amounts of obsidian. Obsidian procurement and processing apparently significantly structured settlement-subsistence.

Late Prehistoric Period (AD 1000–AD 1700)

During the Late Prehistoric period, horticultural practices and pottery were introduced (most likely from the Hohokam area in southern Arizona or from northern Mexico), having its greatest

impact along the Lower Colorado River (McGuire and Schiffer 1982; Schaefer 1994, pp. 65–74; Schaefer and Laylander 2007, pp. 253–254 as cited in the CEC RSA, 2010). Ceramic artifacts began to appear in the Colorado Desert approximately AD 1000, assigned to the Lowland Patayan (Lower Colorado Buff Ware) and Tizon Brown Ware traditions (Lyneis 1988; Waters 1982 as cited in the CEC RSA, 2010).

A complex cultural landscape composed of rock art, trails, and geoglyphs² developed during the Late Prehistoric period. Trade and exchange were elaborated, with an emphasis on links between coastal southern California and the Southwest. In addition to pottery, artifact assemblages include Desert Series projectile points, shell and steatite beads, and a variety of milling tools. Obsidian use declined significantly, with CCS becoming the dominant toolstone.

Prehistory of the Chuckwalla Valley

Singer (1984 as cited in the CEC RSA, 2010) presents a lithic quarry-oriented prehistoric settlement model for the Chuckwalla Valley and environs. Over 200 prehistoric sites occur in the region. Past peoples inhabiting the area appear to have been very mobile, especially during late prehistoric and early historic times. During early historic times, native peoples inhabited towns/hamlets located along the Colorado River, within the Coachella Valley, and at major desert springs/oases.

The Chuckwalla Valley was a relatively closed resource exploitation zone. It served as an east-west oriented trade route/corridor between the Pacific Ocean and the Colorado River/greater Southwest. An extensive network of trails is present within the Chuckwalla Valley. Given its orientation and location, the valley may have been neutral territory (i.e., a buffer zone), unclaimed by neighboring native peoples. Quarry sites probably were “owned” by tribal groups. The distribution of particular types of toolstones may have corresponded to a group’s territorial boundaries, and a toolstone type may not have occurred beyond the limits of a group’s specific territory.

Within the Chuckwalla Valley, prehistoric sites are clustered around springs, wells, and other obvious important features/resources. Sites include villages with cemeteries, occupation sites with and without pottery, large and small concentrations of ceramic sherds and flaked stone tools, rock art sites, rock shelters with perishable items, rock rings/stone circles, geoglyphs (see Geoglyphs, below), and cleared areas, a vast network of trails, markers and shrines, and quarry sites. Possible village locations are present at Palen Lake, Granite Well, and Hayfield Canyon.

A cluster of temporary habitation and special activity (task) sites occurs around a quarry workshop in the Chuckwalla Valley. The Chuckwalla Valley aplite quarry workshop complex probably was used throughout the Holocene. During this period, Chuckwalla Valley most likely was occupied, abandoned, and reoccupied by a succession of ethnic groups. In the Early

² Geoglyphs, also known as intaglios, were created on desert pavements by rearranging and/or clearing pebbles and rocks to form alignments, clearings, and/or figures. Rock alignments are present throughout this region, while representational figures only occur close to the Lower Colorado River. It is assumed that they played some role in sacred or ritual activities for prehistoric Native Americans.

Holocene (i.e., Lake Mojave complex times), the area may have been relatively densely inhabited. During the Middle Holocene (i.e., Pinto and Gypsum complexes period) it may only have been sporadically visited. The subsequent Late Holocene Rose Spring and Late Prehistoric periods probably witnessed reoccupation of the valley by Yuman and Numic-speaking peoples.

Research Topics

The research topics discussed below include lithic (stone) procurement, ceramic traditions, horticulture, trade and exchange, and cultural landscapes.

Lithic Procurement

The geology of the Colorado Desert provided prehistoric peoples with a variety of lithic materials for artifact production (Schaefer and Laylander 2007, pp. 252–253 as cited in the CEC RSA, 2010). These included obsidian, cryptocrystalline silicates (chert), crystalline volcanics (basalt, rhyolite), quartz, and plutonic, metamorphic, and sedimentary rocks.

Coso obsidian was the dominant source of obsidian used by Colorado Desert peoples prior to AD 1000. Other obsidian sources, from the southern Mojave Desert, include Bristol Mountains and Devil Peak (Shackley 1995 as cited in the CEC RSA, 2010). Approximately a dozen sources located in Baja California, extreme northwest Sonora, and western Arizona may also have been used (Shackley 1988, 1995, 2005 as cited in the CEC RSA, 2010). During the last thousand years, however, Obsidian Butte was the principal obsidian used in the Colorado Desert and coastal southern California (Hughes 1986; Hughes and True 1983; Laylander and Christenson 1988; Schaefer and Laylander 2007, p. 251 as cited in the CEC RSA, 2010). Obsidian Butte, located near the southern edge of the Salton Sea, was inaccessible when Lake Cahuilla rose to inundate it (130 feet below sea level).

Several topics relating to prehistoric quarrying and tool manufacturing/use have been identified, including: distinction between formal versus the expedient procurement of lithics (Wilke and Schroth 1989 as cited in the CEC RSA, 2010); lithic reduction strategies and transport of lithic materials (Bamforth 1990, 1992 as cited in the CEC RSA, 2010); scales of production at quarries where lithic materials were procured to manufacture ground stone tools (Schneider et al. 1995 as cited in the CEC RSA, 2010); and differences in tools/lithic tools by gender (Walsh 2000 as cited in the CEC RSA, 2010).

Bamforth (1990, 1992 as cited in the CEC RSA, 2010) considers Holocene settlement, raw material, and lithic procurement at several quarry sites in the central Mojave Desert. He suggests that quarry use was conditioned upon mobility strategies, regional quality and abundance of lithic materials, as well as quarry location. Bamforth suggests that an emphasis on transporting prepared cores during the period 2000 BC–AD 500 may have resulted from the formation of relatively large and stable communities in areas with concentrated plant resources.

Singer (1984 as cited in the CEC RSA, 2010) studied two quarry workshop sites located in Chuckwalla Valley. Core production and reduction from locally available aplite was emphasized. This yielded flakes and bifaces, which appear to have been exported from the quarries for final

reduction at other sites. Few formed tools were observed. Those that were present were choppers and scrapers, possibly used to manufacture wooden digging or prying sticks and shafts. The quarry sites appeared to have experienced long-term occupation and use.

Manufacturing efforts appear to have been directed towards production of expedient, rapidly discarded cutting/scraping/pounding/milling tools from locally available lithics (Ludwig 2005; Schaefer and Laylander 2007, pp. 252–252; Singer 1984 as cited in the CEC RSA, 2010). Specialized tool manufacturing included production of sandstone metates along the western side of the Colorado Desert, projectile point (arrow) workshops at seasonal task sites situated around playas, and large quarries at volcanic outcrops within the Lower Colorado and Gila River Valleys, where mortars and pestles were made (Schaefer and Laylander 2007, p. 252 as cited in the CEC RSA, 2010).

Ceramic Traditions

Schaefer and Laylander (2007, pp. 252–253 as cited in the CEC RSA, 2010) note that buffware pottery occurring within the Colorado Desert was initially assigned to the Hakataya ceramic series (Schroeder 1958, 1979 as cited in the CEC RSA, 2010). Subsequent studies (Waters 1982 as cited in the CEC RSA, 2010) place it within the Lowland Patayan Ceramic Tradition. Both typologies are based on surface collections of sherds, with little data resulting from stratigraphic excavations, or associated radiocarbon dates. Schroeder focuses upon details of temper, inclusions, and surface treatment, while Waters emphasizes rim form. Both attempt to define geographic limits of production for each type. Difficulties in applying typology, and problems with stratigraphic integrity, archaeological contexts, and anomalous associated radiocarbon dates, have allowed only gross chronological estimates and have limited identification of manufacturing regions.

In the Salton Basin, some sites dating between about AD 350 and AD 1200 contain pottery (Love and Dahdul 2002 as cited in the CEC RSA, 2010). This evidence suggests pottery was not introduced or rarely used prior to about 1000 AD. Earlier dates from the preceding 200 years suggest Lake Cahuilla may have attracted Colorado River peoples (and their pottery). Early ceramic dates from the Colorado Desert correspond closely with the inception of widespread use of Tizon Brownware pottery in the Peninsular Ranges and along the Pacific Coast (Lyneis 1988; Griset 1996 as cited in the CEC RSA, 2010), although some dates suggest initial introduction of ceramics by AD 800, if not before.

Viewed regionally, pottery use within the Late Prehistoric of the Colorado Desert can be divided into three periods (Arnold et al. 2002, pp. 46–47; Love and Dahdul 2002, pp. 72–73; Waters 1982 as cited in the CEC RSA, 2010). Patayan I times, about AD 800–AD 1050, witnessed the inception of several ceramic traditions. During Patayan II times, AD 1050–AD 1500, increased local manufacture and use of pottery occurred. Patayan III, AD 1500–AD 1760, saw the introduction of “Colorado Buff” pottery, and the westerly spread of ceramics to coastal southern California.

With respect to social and cultural factors governing pottery adoption and use within the Colorado Desert, recent analyses of pottery from the Mojave Desert and surrounding areas provide models focused on behavioral implications regarding its manufacture and function. One concern has been with determining if ceramic vessels were locally made (Eerkens 2001; Eerkens et al. 1999, 2002a; Griset 1996 as cited in the CEC RSA, 2010). Neutron activation analysis and petrographic studies have been used to identify chemical and material signatures (Eerkens et al. 2002b as cited in the CEC RSA, 2010). Pottery manufacture does not appear to have been organized at a higher regional level. Instead, pots generally appear to have been locally produced and used, with limited exchange of pots between different groups. Production appears to have been organized at an individual or family level, emphasizing production of largely utilitarian wares.

Pottery from sites in the northern Mojave is characterized by a relatively high number of elemental signatures suggesting higher levels of mobility (Eerkens et al. 2002b as cited in the CEC RSA, 2010). In addition to a higher degree of residential mobility, Eerkens (2003b as cited in the CEC RSA, 2010) suggests people inhabiting the northern Mojave Desert produced a fairly large number of pots. The combination of high mobility and a fairly high level of pottery production is seen as leading to caching pots near lowland wetlands, which were fixed in the landscape, development of pottery attributes promoting fuel consumption, and a high degree of standardization of largely utilitarian ceramics.

Sedentism in the Owens Valley, northeast of the project area, appears to have developed concurrently with, or immediately prior to, an emphasis on resource storage approximately 500 AD. Small seed intensification appears to have occurred about AD 1300–AD 1400, at the time brownware pottery became widely used. Eerkens concludes that social models, such as those suggesting the activities of aggrandizers or the stabilization of long-distance exchange networks, do not explain these developments. The role played by decrease(s) in population-to-resource balance(s), resulting from increased population pressure, remains unclear.

Eerkens (2003c; 2004 as cited in the CEC RSA, 2010) suggests the significant increase in small seed use and the advent of brownware pottery around AD 1300–AD 1400 are linked. People focused upon seeds because they could easily be privatized. That is, they could be individually owned and thus would not be subject to unrestricted sharing. Pots were a critical component of small seed intensification, because they generally were individually made and owned and could be used within houses, allowing food preparation and consumption to occur in private. Privatization of small seeds may have resulted from increased population size yielding more potential “freeloaders,” new community kinship structures, and the creation of resource surplus.

Horticulture

At the time of initial Euroamerican contact, 240 years ago, native peoples living along the Lower Colorado River and the Colorado Delta were growing a wide variety of domesticates and wild grasses, which provided 30–50 percent of their subsistence economy (Bean and Lawton 1973; Castetter and Bell 1951; Schaefer and Laylander 2007, pp. 253–254 as cited in the CEC RSA, 2010). Annual flooding of the floodplains along the Colorado rejuvenated the soil and provided

enough moisture to sustain crops. Lower Colorado River agriculture is presumed to have begun around 700 AD. It probably spread either from the Hokokam area (to the east), or from northern Mexico (to the southeast) (McGuire and Schiffer 1982 as cited in the CEC RSA, 2010).

Horticulture subsequently appears to have spread west from the Colorado River. Desert Tipai peoples practiced floodplain agriculture along the New and Alamo Rivers. They also constructed small dams and ditches along washes to direct irrigation water onto adjacent terraces. Agricultural elements probably reached the Imperial Valley around AD 1700. Seed caches and mythological references to cultigens possibly indicate very late prehistoric adoption of agriculture. However, the caches contained both native and Old World cultigens. Thus it is unclear if agriculture penetrated west of the Peninsular Ranges in southern California before Euroamerican contact and the sustained influence that came with the establishment of Spanish missions.

Native cultigens may have reached the western Colorado Desert through trade instead of by local production (Schaefer and Laylander 2007, p. 254 as cited in the CEC RSA, 2010). Within the Colorado Desert, several archaeological sites have ceramic jars or rock-lined cache pits containing food remains of native or Old World plants (cf., Bayman et al. 1996; Swenson 1984; Wilke 1978; Wilke and McDonald 1989; Wilke et al. 1977 as cited in the CEC RSA, 2010). Pumpkin seeds occur in human coprolites (fossilized feces) from the Myoma Dunes at the north end of Lake Cahuilla, and also in a ceramic jar from the west shore of Lake Cahuilla, north of the Fish Creek Mountains. The latter dated to AD 1420–1660 (Wilke 1978; Wilke et al. 1977 as cited in the CEC RSA, 2010).

Early-to mid-nineteenth-century Cahuilla archaeological sites contain glass beads, flaked glass, domestic animal bones, carbonized maize and tepary beans, and uncarbonized gourds. Abundant evidence exists indicating the Cahuilla practiced irrigated agriculture during the early- and mid-nineteenth century. The paucity of macro- and micro-fossil cultigen remains from prehistoric archaeological deposits in Cahuilla territory strongly suggests agriculture did not play a significant role in the Cahuilla economy until the early nineteenth century. Early historic intensification of agriculture may have resulted from final desiccation of Lake Cahuilla, regional population growth, decreased mobility, and acculturation, including introduction of Euroamerican irrigation techniques.

In the Mojave Desert and environs, in the approximate period from AD 1–1200, agriculture first was practiced in southern Nevada and environs as a consequence of the Anasazi Intrusion (Warren 1984, p. 421, fig 8.25 as cited in the CEC RSA, 2010). Maize, squash, beans, grain amaranth, and sunflowers were grown. Agriculture was practiced along with foraging for wild plants and animals. Fields probably were irrigated in some manner. Agriculture appears to have intensified over time.

The Owens Valley Paiute were Great Basin Numic-speaking horticulturalists (Lawton et al. 1976; Liljebld and Fowler 1986, pp. 417–418; Steward 1930, 1933, 1938, 1941, 1970 as cited in the CEC RSA, 2010). Ditch and surface irrigation of blue dicks (*Brodiaea capitata*), yellow nut grass (*Cyperus esculentus*), and spikerush (*Eleocharis* sp.), was practiced. This most likely developed

during late prehistoric times, possibly triggered by increased population pressure resulting from climatic change and/or immigration (Bouey 1979 as cited in the CEC RSA, 2010).

Yohe (1997 as cited in the CEC RSA, 2010) notes aboriginal cultigens, such as melons, squash, and beans, were present at two rockshelters dating to the late nineteenth or early twentieth century in Death Valley. Fowler (1995, pp. 110–112; 1996, pp. 91–98 as cited in the CEC RSA, 2010) details garden horticulture among the Southern Paiute and Panamint and Timbisha Shoshone. Stream-irrigated gardens were cultivated, in which corn, beans, squash, sunflowers, and amaranth were grown. These groups also planted gardens near springs, had communal fields with irrigation ditches, and unirrigated stream-bank garden plots. Various land management practices were employed, including intentional burning, clearing, pruning, and coppicing, transplanting and cultivation, and cleaning of water sources.

Winter and Hogan (1986, pp. 125–127, table 1 as cited in the CEC RSA, 2010) note that during protohistoric times, agriculture was practiced by the southern California/Nevada Chemehuevi and Ash Meadows, Pahrump, Las Vegas, and Moapa Southern Paiute bands. Among the crops grown were corn, beans, squash, and sunflowers. Forms of plant husbandry directed towards non-domesticates included burning to encourage growth of new plants, broadcast seed sowing, and irrigation of wild stands of bulb and seed plants (Winter and Hogan 1986, pp. 128–129, table 2 as cited in the CEC RSA, 2010). These practices are thought to have begun prehistorically, continuing and possibly expanding during early historic times. Wallace (1980 as cited in the CEC RSA, 2010) suggests Native American agriculture in the Mojave region was exclusively a historic-period phenomenon.

Trade and Exchange

As Schaefer and Laylander (2007, pp. 254–256 as cited in the CEC RSA, 2010) note, prehistoric and ethnohistoric Colorado Desert peoples had a highly developed network of connections linking locations within and beyond the region. High mobility produced considerable cross-cultural interaction and integration in spite of frequent open aggression and warfare between different groups. This integration and interaction occurred between mobile hunter-gatherers and sedentary horticultural peoples. They are archaeologically manifested by the spatial distribution of site types, rock art, artifacts (especially ceramics and shell ornaments), and toolstones (especially obsidian).

Archaeologists monitor the dynamics of prehistoric trade in the Colorado Desert by analysis of the distributions of artifacts made from various lithics, shell beads and ornaments, and ceramic types and composition (Schaefer and Laylander 2007, pp. 255–256 as cited in the CEC RSA, 2010). As previously stated, with respect to lithics, obsidian from Obsidian Butte is fairly commonly represented in sites located within montane and coastal southern California (Hughes 1986; Hughes and True 1983; Laylander and Christensen 1988 as cited in the CEC RSA, 2010). Obsidian from sources in northern Baja California may have been routed via the Colorado Desert to coastal southern California sites (McFarland 2000 as cited in the CEC RSA, 2010). Wonderstone from the Rainbow Rock source is present in western San Diego County and the northern Coachella Valley (Bean et al. 1995; Pignuolo 1995 as cited in the CEC RSA, 2010).

Material for steatite artifacts found in Colorado Desert sites probably comes from sources in the Peninsular Ranges. Material for argillite artifacts may be from a central Arizona source.

Artifacts made from shellfish species inhabiting the northern Sea of Cortez occur in coastal southern California and the Great Basin (Bennyhoff and Hughes 1987; Fitzgerald et al. 2005 as cited in the CEC RSA, 2010) and may have been traded through the Colorado Desert (Schaefer and Laylander 2007, p. 255 as cited in the CEC RSA, 2010). Shells from southern California coastal species have been found at a number of Colorado Desert sites and those in the Southwest (Ford 1983 as cited in the CEC RSA, 2010). These artifacts may have resulted from direct procurement of shells, or exchange. At the Elmore site, associated with the protohistoric recession of Lake Cahuilla, shell debitage indicates local manufacture of shell beads and ornaments (Rosen 1995 as cited in the CEC RSA, 2010). In the Coachella Valley, shell artifacts may reflect close ties to peoples living along the Santa Barbara Channel.

A cache of Lower Colorado Buffware (i.e., Patayan) anthropomorphic figures found in an Orange County site indicates interregional connections (Koerper and Hedges 1996 as cited in the CEC RSA, 2010). These also are suggested by the frequency of Lower Colorado Buffware (i.e., Patayan/Hakataya) pottery throughout the Colorado Desert (Bean et al. 1995; Cordell 1997; McGuire 1982; Schaefer and Laylander 2007, p. 255; Schroeder 1979; Shaul and Hill 1998; Waters 1982 as cited in the CEC RSA, 2010). However, its use occurred among a number of prehistoric peoples practicing divergent settlement and subsistence patterns. Consequently little effort has been made to refine or apply the Patayan tradition as an integrative model.

On a local level, Plymale-Schneeberger (1993 as cited in the CEC RSA, 2010) examined pottery from three sites in Riverside County. Petrographic and geochemical analyses allowed quantitative distinction between Tizon Brown Ware and Lower Colorado Buff Ware. The study concluded that Brown Ware was locally produced while Buff Ware was imported. Seymour and Warren (2004 as cited in the CEC RSA, 2010) examined proportions of Tizon Brown Ware and Lower Colorado Buff Ware present at sites in Joshua Tree National Park and noted correspondence of pottery types with approximate boundaries of territories occupied by ethnohistorically known native peoples (that is, Cahuilla, Serrano, Chemehuevi).

Davis (1961 as cited in the CEC RSA, 2010) and Sample (1950 as cited in the CEC RSA, 2010) note that a considerable degree of historic-period trade between Native Americans occurred within and across the Colorado Desert. Trade networks across the Colorado Desert extended to the Yokuts and Chumash. Native peoples living along the Colorado River received and reciprocated goods from many groups living to the west.

Cultural Landscapes

In the Colorado Desert, trails, cairns, geoglyphs, cleared circles, rock rings, other desert pavement features, rock art sites, and artifact scatters appear to be some of the elements of prehistoric-ethnohistoric cultural landscapes³ (Schaefer and Laylander 2007, pp. 254–255; Cleland and

³ Cultural landscapes, when related to specific ethnic groups, are referred to as Ethnographic Landscapes (Hardesty 2000).

Apple 2003 as cited in the CEC RSA, 2010). Lower Colorado River geoglyph and rock art sites may represent prehistoric ceremonial centers, located along a route extending between sacred places, representing the cosmology and iconography of Yuman peoples (Altschul and Ezzo 1995; Cleland 2005; Ezzo and Altschul 1993; Gregory 2005; Hedges 2005; Johnson 1985, 2003; Woods et al. 1986 as cited in the CEC RSA, 2010).

Trails. During late prehistoric and ethnohistoric times, an extensive network of Native American trails was present in the Colorado Desert and environs (Heizer 1978; Cleland 2007; Sample 1950, p. 23; Apple 2005; Earle 2005; Melmed and Apple 2009; Von Werlhof 1986 as cited in the CEC RSA, 2010). Segments of many trails are still visible, connecting various important natural and cultural elements of landscapes. For example, these trails are often marked by votive stone piles/cairns and/or ceramic sherd scatters.

Late prehistoric-early historic Native American trail segments have been reported traversing roughly east/west through the Chuckwalla Valley (Johnston and Johnston 1957, map 1; Johnson 1980, pp. 89–93, fig. 1 as cited in the CEC RSA, 2010). Some trails may be located in the vicinity of the project site.

Rock Alignments and Geoglyphs. Geoglyphs were constructed on desert pavements by rearranging and/or clearing pebbles and rocks to form alignments, clearings, and/or figures (Arnold et al. 2002; Gilreath 2007, pp. 288–289; Solari and Johnson 1982 as cited in the CEC RSA, 2010). These constructions occur throughout the deserts of southeast California and adjacent portions of southern Nevada and western Arizona. Rock alignments are present throughout this region, while representational figures only occur close to the Lower Colorado River.

In the Mojave Desert, large rock alignments are found in Panamint Valley, Death Valley, Eureka Valley, and the Owens River Valley (Davis and Winslow 1965; Gilreath 2007, pp. 288–289; von Werlhof 1987 as cited in the CEC RSA, 2010). They have been interpreted as resulting from group ritual(s) (von Werlhof 1987 as cited in the CEC RSA, 2010). Many appear characterized by multiple-use episodes, with portions added through the years as part of ongoing rituals/ceremonies.

Colorado River geoglyphs include the Topock Maze (Rogers 1929 as cited in the CEC RSA, 2010) and a few dozen giant ground figures (Harner 1953; Setzler and Marshall 1952 as cited in the CEC RSA, 2010), often first observed from the air. During historic times, the Top Rock Maze was used by Yuman peoples for spiritual cleansing.

Johnson (1985, 2003 as cited in the CEC RSA, 2010), von Werlhof (2004 as cited in the CEC RSA, 2010), and Whitley (2000 as cited in the CEC RSA, 2010) relate the geoglyphs to Yuman cosmology, origin myths, and religion. Cation ratio dating⁴ of desert varnish has provided

⁴ Cation ratios between weathered rock varnish and unweathered rock are used as a relative dating technique to roughly determine the age of prehistoric rock carvings (petroglyphs). The quantity of positively-charged ions within the varnish (a chemically-changed layer built up of calcium and potassium leachate over time) is compared to those within the unweathered rock beneath the varnish.

estimated ages of approximately AD 800–1000 for the Colorado geoglyphs (Dorn et al. 1992; Schaefer 1994, p. 63; von Werlhof 1995 as cited in the CEC RSA, 2010), although use of the technique remains controversial (Gilreath 2007, p. 289 as cited in the CEC RSA, 2010).

Von Werlhof (1995, 2004 as cited in the CEC RSA, 2010) relates these sites to the Yuman creation story. They also may have functioned as focal points for shamanistic activities, vision quests, curing, and group rituals/ceremonies. Symbolic activities also were represented by intentional pot-drop distributions along trails near water sources. The importance to Native Americans of water sources for survival during long-distance trips and seasonal rounds is obvious. Water sources also manifested significant spiritual values and often were associated with major rock art complexes (McCarthy 1993; Schaefer 1992 as cited in the CEC RSA, 2010).

Ethnographic Background

Currently, the region in which the project site is located is believed to have been occupied at various times by the Chemehuevi, Serrano, Cahuilla, Mojave, Quechan, Maricopa, and Halchidhoma.

Singer (1984, pp. 36–38 as cited in the CEC RSA, 2010) concluded the Chuckwalla Valley was not clearly assigned to any Native American group on maps depicting group territories. Following Johnston and Johnston (1957 as cited in the CEC RSA, 2010), Singer observed that the west end of the Chuckwalla Valley was near the intersecting boundaries of Cahuilla-Serrano-Chemehuevi territory. Possibly before 800 BC, the Chemehuevi may have expanded into Serrano territory, occupying the Chuckwalla Valley. No physical evidence suggested that the Cahuilla occupied the area. Given its east-west orientation and location, however, the Chuckwalla Valley may have been neutral territory, occupied by no Native American group in particular, which served as an east-west trade and travel route.

The Cahuilla

A wealth of information exists regarding traditional and historic Cahuilla society and culture (see Bean and Lawton 1967 for a comprehensive bibliography of sources). Primary sources for the Cahuilla include Bean (1972; 1978), Bean and Saubel (1972), Drucker (1937), Gifford (1918), Hooper (1920), James (1960), Kroeber (1908; 1925, pp. 692–708), and Strong (1929, pp. 36–182). The Cahuilla language, divided into Desert, Pass, and Mountain dialects, has been assigned to the Cupan subfamily of the Takic branch of the Uto-Aztecan linguistic family (Golla 2007; Moratto 1984; Shipley 1978. (As cited in the CEC RSA, 2010).

Territory traditionally claimed by the Cahuilla was topographically complex, including mountain ranges, passes, canyons, valleys, and desert. Bean (1978, p. 375 as cited in the CEC RSA, 2010) described it as, "...from the summit of the San Bernardino Mountains in the north to Borrego Springs and the Chocolate Mountains in the south, a portion of the Colorado Desert west of Orocopia Mountain to the east, and the San Jacinto Plain near Riverside and the eastern slopes of Palomar Mountain to the west." The natural boundaries of the desert, mountains, hills, and plains separated the Cahuilla from surrounding Native American groups. The Cahuilla interacted with

surrounding peoples via intermarriage, ritual, trade, and war. The Cahuilla, Cupeno, Gabrielino, Serrano, and Luiseño shared common cultural traditions. The neighboring Cupeno were closest linguistically to the Cahuilla.

Cahuilla villages usually were located in canyons or on alluvial fans near water and food patches. The area immediately around a village was owned in common by a lineage. Other lands were divided into tracts owned by clans, families, and individuals. Numerous sacred sites with rock art were associated with each village. Trail networks used for hunting, trading, and social visiting connected villages. Trading was a prevalent economic activity. Some Cahuilla were trading specialists. The Cahuilla went as far west as the Channel Islands and east to the Gila River to trade.

Men hunted deer, mountain sheep, pronghorn, rabbits, rodents, and birds. This game was stalked/pursued/trapped by individuals and communal hunting groups. Blinds, pits, bows and arrows, throwing sticks, nets, snares, and traps were used to procure game. Communal hunts using fire drives sometimes occurred.

The Cahuilla had access to an immense variety of plant resources present within a diverse suite of habitats (Barrows 1900; Bean and Saubel 1972 as cited in the CEC RSA, 2010). Several hundred plant species were used for food, manufacture, and medicine. Acorns, mesquite and screw beans, pinyon nuts, and cactus fruits were the most important plant foods. They were supplemented by a host of seeds, tubers, roots, bulbs, fruits and berries, and greens. Corn, beans, squash, and melons were cultivated. Over 200 species of plants were used as medicines.

Structures varied in size from brush structures to dome-shaped or rectangular houses, 15–20 feet long, and ceremonial houses. The chief's house usually was the largest. Used for many social, ceremonial, and religious functions, it was located near a good water source. It generally was next to the ceremonial house, which was used for rituals, curing, and recreational activities. Other structures included a communal men's sweathouse and granaries.

Mortars and pestles, manos and metates, pottery, and baskets were used to process and prepare plant and animal foods. Cahuilla material culture included a variety of decorated and plain baskets; painted/incised pottery; bows, arrows, and other hunting-related equipment; clothing, sandals, and blankets; ceremonial and ritual costumes and regalia; and cordage, rope, and mats. Games and music were important social and ritual activities for the Cahuilla.

The Cahuilla had named clans, composed of 3–10 lineages, with distinct dialects, common genitors, and a founding lineage. Each lineage owned particular lands, stories, songs, and anecdotes. Each lineage occupied a village and controlled specific resource areas. All clan members jointly owned clan territory. Territory ownership was established by marked boundaries (rock art, geographic features), and oral tradition. Most of a clan's territory was open to all Cahuilla. Kinship rules determined rights to assets and responsibilities within a lineage. Each lineage cooperated in defense, large-scale subsistence activities, and ritual performance. The founding lineage within a clan often owned the office of ceremonial leader, the ceremonial house,

and sacred bundle. Artifacts and equipment used in rituals and subsistence was owned by individuals and could be sold or loaned.

The office of lineage leader usually passed from father to eldest son. He was responsible for correct performance of rituals, care of the sacred bundle, and maintenance of the ceremonial house. The lineage leader also determined when and where people could gather and hunt, administered first-fruits rites, and stored food and goods. He knew boundaries and ownership rights, resolving conflict with binding decisions. The lineage leader met with other lineage leaders concerning various issues. He was assisted in his duties by a hereditary official responsible for arranging details for performance of rituals. Other functionaries included song leaders/ceremonialists, assisted by singers and dancers.

Laws were enforced by ritual, stories, anecdotes, and direct action. Supernatural and direct sanctions were used. Tradition provided authority. The past was the referent for the present and future. Old age provided access to privilege, power, and honor. Reciprocity was a significant expectation. Doing things slowly, deliberatively, and thoughtfully was stressed. Integrity and dependability in personal relations were valued. Secrecy and caution were exercised in dealing with knowledge.

Armed conflict occurred after all other efforts to resolve things had failed. A lineage leader and/or skillful warrior lead a temporary war party. Community rituals were held before and after a fight, which usually involved ambush.

Ritual and ceremony were a constant factor in Cahuilla society. Some ceremonies were scheduled and routine, while others were sporadic and situational. The most important ceremonies were the annual mourning ceremony, the eagle ceremony, rites of passage (especially those associated with birth, naming, puberty, and marriage), status changes of adults, and rituals directed towards subsistence resources. The main focus was upon performance of cosmologically oriented song cycles, which placed the Cahuilla universe in perspective, reaffirming the relationship(s) of the Cahuilla to the sacred past, present, to one another, and to all things.

The Serrano

Sources for the Serrano include Bean and Smith (1978), Benedict (1924,1929), Drucker (1937), Gifford (1918), Johnson (1965), Kroeber (1925, pp. 615–619), and Strong (1929, pp. 5–35). The Serrano shared many traits and artifacts with the Cahuilla, discussed above. The Serrano spoke a language belonging to the Serean Group of the Takic subfamily of the Uto-Aztecan family (Golla 2007; Moratto 1984; Shipley 1978). (As cited in the CEC RSA, 2010.)

It is nearly impossible to assign definite boundaries to Serrano territory. Territory traditionally claimed by the Serrano included the San Bernardino Mountains east of Cajon Pass, lands at the base and north of the San Bernardinos in the desert near Victorville, and territory extending east in the desert to Twentynine Palms and south to, and including, the Yucaipa Valley.

The Serrano occupied small village-hamlets located mainly in the foothills near water sources. Others were at higher elevations in coniferous forest, or in the desert. The availability of water was a critical determinant of the nature, duration, and distribution of Serrano settlements.

Women gathered, and men hunted and occasionally fished. Topography, elevations, and biota present within the Serrano territory varied greatly. Primary plant foods varied with locality. In the foothills, they included acorns and pinyon nuts. In the desert, honey mesquite, pinyon, yucca roots, and cactus fruits were staples. In both areas they were supplemented by a variety of roots, bulbs, shoots, and seeds, especially chia. Among primary game animals were deer, mountain sheep, pronghorn, rabbits, rodents, and quail. Large game was hunted with bows and arrows. Small game was taken with throwing sticks, traps, snares, and deadfalls. Meat was cooked in earth ovens. Meat and plant foods were parched or boiled in baskets. Plant foods were ground, pounded, or pulverized in mortars and pestles or with manos and metates. Processed meat and plant foods were dried and stored. Occasional communal deer and rabbit hunts were held. Communal acorn, pine nut, and mesquite gathering expeditions took place. These communal activities involved several lineages under a lineage leader's authority.

Serrano houses were circular, domed, individual family dwellings, with willow frames and tule thatching. They were occupied by a husband and wife along with their children, and often other kin. Houses were mainly used for sleeping and storage. Most daily activities occurred outside, often in the shade of a ramada (a flat-roofed, open-sided shade structure) or other sun cover.

Settlements usually had a large ceremonial house where the lineage leader and his family lived. It was the social and religious center for each lineage/lineage set. The latter was two or more lineages linked by marriage, economic reciprocity, and ritual participation. Other structures included semi-subterranean, earth-covered sweathouses located near water, and granaries.

Serrano material culture was very similar to that of the Cahuilla. Stone, wood, bone, plant fibers, and shell were used to make a variety of artifacts. These included highly decorated baskets, pottery, rabbit skin blankets, bone awls, bows and arrows, arrow straighteners, fire drills, stone pipes, musical instruments, feathered costumes, mats, bags, storage pouches, cordage, and nets.

The clan was the largest autonomous landholding and political unit. No pan-tribal union between clans existed. Clans were aligned through economic, marital, and ceremonial reciprocity. Serrano clans often were allied with Cahuilla clans and Chemehuevi groups. The core of a clan was the lineage. A lineage included all men recognizing descent from a common ancestor, their wives, and their descendants. Serrano lineages were autonomous and localized, each occupying and using defined, favored territories. A lineage rarely claimed territory at a distance from its home base.

The head of a clan was a ceremonial and religious leader. He also determined where and when people could hunt and gather. Clan leadership was passed down from father to son. The clan leader was assisted by a hereditary ceremonial official, from a different clan. This official held ceremonial paraphernalia (the sacred bundle), notified people about ceremonies, and handled ceremonial logistics.

Serrano shamans were primarily healers who acquired their powers through dreaming. A shaman cured illness by sucking it out of the sick person and by the administration of herbal medicines. Various phases of an individual's life cycle were occasions for ceremonies. After a woman gave birth, the mother and baby were "roasted," and a feast held. Differing puberty ceremonies were held for boys (datura ingestion used in a structured ceremonial vision quest) and girls ("pit roasting," ingestion of bitter herbs, dietary restrictions, instruction on how to be good wives). The dead were cremated, and a memorial service was held. During the annual seven-day mourning ceremony, the sacred bundle was displayed, the eagle-killing ceremony took place, a naming ceremony for all those born during the preceding year was held, images were made and burned of those who had died in the previous year, and the eagle dance was performed.

The Chemehuevi

Sources for the Chemehuevi include Drucker (1937), Kelly (1934; 1936), Kelly and Fowler (1986), Kroeber (1925, pp. 593–600), Miller and Miller (1967), and Roth (1976; 1977). Carobeth Laird married a Chemehuevi and collected a large corpus of data, primarily on ritual, religion, and myth (Laird 1974a; 1974b; 1975a; 1975b; 1976; 1977a; 1977b; 1977c; 1978a; 1978b; 1984). The Chemehuevi spoke a language belonging to the Southern Group of the Numic subfamily of the Uto-Aztecan family (Golla 2007; Moratto 1984; Shipley 1978). Many traits characterizing Chemehuevi culture are very similar or identical to those of the Mojave, discussed below. Several probable Quechan traits also were noted for the Chemehuevi. (As cited in the CEC RSA, 2010).

For the territory traditionally claimed by the Chemehuevi, the Colorado River formed the eastern boundary south to the Palo Verde Mountains. The boundary then ran northwest, passing east of the Ironwood Mountains, crossing the Maria Mountains, paralleling the Iron Mountains, and then running between Old Woman Mountain and Cadiz Dry Lake (Kelly 1934; Kelly and Fowler 1986, p. 369, fig. 1 as cited in the CEC RSA, 2010). Mojave territory lay to the northeast, and that of the Las Vegas group of Southern Paiute to the north-northwest.

The Chemehuevi lacked any form of overall "tribal" organization. Anthropologists refer to territorial subdivisions among the Chemehuevi as "bands." Each band was composed of a small number of camps/communities/villages. Bands most likely corresponded to economic clusters (Kelly 1964 as cited in the CEC RSA, 2010). Each group was a geographic unit, associated with a definite territory. In general, each band was economically self-sufficient.

In general, Chemehuevi settlement was mobile and scattered, with residence recurring within a fixed area. Houses were closely grouped. Their occupants usually were related by blood or marriage. Settlement size ranged from 1–2 households up to 10–20. Springs often were inherited private property. Married siblings often camped at the same spring.

The Chemehuevi traveled widely. They had amicable contact with the Serrano, Cahuilla, Quechan/Yumans, and other Native American groups. The Chemehuevi sometimes joined with the Mojave/Quechan to fight the Cocopa/Halchidhoma. The Chemehuevi often crossed the Colorado River and hunted deer in Quechan, Yavapai, and Western Walapai territory. They also traded, intermarried, and competed in games with the Yavapai. To the west, the Chemehuevi

hunted in the Tehachapi area and went to the Pacific Coast along the Santa Barbara Channel to get abalone shell. Sometimes, a party of 8–10 Chemehuevi men joined men from neighboring groups to make a two-month journey to the Hopi villages (in what is now New Mexico) to trade.

The Chemehuevi apparently did not eat fish, but bighorn sheep, deer, pronghorn antelope, and desert tortoise were among the animal food resources they used (Kelly and Fowler (1986, p. 369 as cited in the CEC RSA, 2010). Plant foods in this region included pinyon nuts and mescal. Men inherited rights to hunt large game within certain tracts, defined in songs using geographic references. Women gathered a great variety of plant foods, which were more important in the Chemehuevi diet than game. In addition to pinyon nuts and mescal, agave and seeds were staples. Along the Colorado River, the Chemehuevi practiced floodplain agriculture. They grew corn, squash, gourds, beans, sunflowers, amaranth, winter wheat, grasses, and devil’s claw using techniques similar to Mojave agricultural practices (see below).

Chemehuevi winter houses were conical/sub-conical structures. They also built earth-covered houses without a front wall, similar to those constructed by the Mojave. During the summer, many Chemehuevi lived outside, often building and occupying armadas and windbreaks.

With respect to material culture, Chemehuevi baskets and cradles were made from plant fibers. Plant fibers also provided materials for rope, string, and cordage nets. Pottery, which followed Mojave patterns and styles, included cooking pots, water jars, seed germination and storage pots, spoons/scoops, and large pots for ferrying children across the Colorado River. Watercraft included log rafts and reed balsas. Clothing consisted of double skin or fiber aprons and sandals for men and women. The Chemehuevi commonly had pierced ears and wore body paint.

Monogamy was the commonest form of marriage among the Chemehuevi, but some men had more than one wife. Women gave birth in a special enclosure, followed by a 30-day period of seclusion for mother, father, and child. Puberty rites for boys and girls were held, with the former focused on acquisition of hunting skills. Cremation of the dead was traditional, replaced by in-ground burial in the historic period.

In general, no central political control existed. Territorial boundaries were not rigid, and some bands were named, while others were not. The basic social and economic unit was the nuclear family and could include other close kin. Groups of individual households moved together on hunting and gathering trips, returning to the same spring or agricultural site. Most large bands had a headman whose leadership was more advisory than authoritative. He was usually succeeded by his eldest son.

The principal role of Chemehuevi shamans was curing illness. They acquired their healing powers through dreams rather than through the use of datura or a trance. Chemehuevi families held a mourning ceremony (“cry”), with which several speeches and songs were associated, within the year after the death of a relative. The “cry” was sponsored by the family and included the ceremonial burning of material goods.

The Chemehuevi had deer and mountain sheep song-dances, held for entertainment and hunting success. The Chemehuevi had other songs, as well: bird, salt, quail, and funeral songs. During winter evenings, men narrated a rich body of traditional stories and myths. These performances often included mimicry, song, and audience participation. Oral tradition related people to social norms, their territories, and to the subsistence resources present within them.

The Mojave

Information regarding the traditional lifeways of the Mojave has mainly been drawn from the accounts of early explorers and/or fur trappers who were among the first to encounter native groups, as well as from the later ethnographic accounts of anthropologists, usually well after the influences of Euro-American contact had begun to alter traditional ways of life. The following summary derives mainly from Kroeber (1925) and Stewart (1983a, 1983b) as cited in the CEC RSA, 2010.

The name Mojave is a variation on the name Hamakhava, which is what the tribal people called themselves (Kroeber 1925, p. 727 as cited in the CEC RSA, 2010). The Mojave language is classified into the Yuman subfamily of the Hokan language family. The Mojave were the northernmost and largest tribe of the River and Delta Yumans, who comprised a series of agricultural tribes that occupied the lower Colorado and Gila Rivers. The traditional ethnographic territory attributed to the Mojave includes the Mojave, Chemehuevi, and Colorado River Valleys along the lower Colorado River at the intersection of the borders of Arizona, Nevada, and California. In pre-contact times, Mojave tribal settlement is reported to have centered in the Mojave Valley where their population densities were observed to be the greatest (Stewart 1983b, p. 55 as cited in the CEC RSA, 2010).

The Colorado River served as an oasis in the otherwise harsh, dry environment that surrounded the river valleys. The spring overflow of the river, which spread gently over the bottomlands, left behind a rich silt deposit in its recession. It is within these bottomlands that the Mojave cultivated crops, which served as the foundation of their subsistence economy. Their agricultural methods were relatively simple, consisting of planting seeds on the richly silted floodplains and allowing their crops to mature with a minimum of maintenance or effort. Corn was the primary crop, but several varieties of tepary beans, pumpkins, melons, and other plants were also grown. Once harvested, the portions of the harvest that were not immediately consumed were dried in the sun and stored in large basketry granaries. The Mojave supplemented their diet mainly by gathering wild plants and by fishing, which served as their principle source of meat. Hunting played a minor role in the Mojave subsistence economy (Stewart 1983b, pp. 56–59 as cited in the CEC RSA, 2010).

Technology of the Mojave was relatively simple, and tools were reported to have been crafted to meet only the minimum requirements of utility (Stewart 1983b, p. 59 as cited in the CEC RSA, 2010). According to Kroeber (1925, p. 736 as cited in the CEC RSA, 2010), the farming implements consisted of only two items: a heavy wooden staff or digging stick for planting and a spatulate wooden hoe-like implement, whose square edge was pushed flat over the ground to control weeds. Metates, consisting of a rectangular block of stone, were used for grinding corn,

wheat, and beans, and both stone and wooden pestles, as well as stone mortars, were also used for food processing (Kroeber 1925, pp. 736–737 as cited in the CEC RSA, 2010). Fish were commonly taken with seines, large basketry scoops, sieves, dip nets, and weirs. The bow and arrow and cactus-spine fish hooks were also used for fishing. Mojave basketry was crudely woven, and their pottery was basic and utilitarian (Stewart 1983b, p. 59 as cited in the CEC RSA, 2010). Since hunting was of relatively little significance to the Mojave, hunting devices and techniques were not well developed, consisting mainly of snares, nets, bow and arrow, or curved throwing sticks (Stewart 1983b, pp. 59–61 as cited in the CEC RSA, 2010).

Mojave political and social organization was very informal, and no one individual or group had significant authority over another. Despite the Mojave's loose division into bands or local groups that were spread out over great distances, their cohesion as a tribe was very strong, and they considered themselves as one people occupying a nation with a well-defined territory (Stewart 1983a, 1983b as cited in the CEC RSA, 2010).

The nuclear family was the basic unit of economic and social cooperation, although the extended family constituted the core of a settlement. Rather than large centralized villages, Mojave settlements were widely distributed along the riverbanks in close proximity to arable lands. Houses were situated on low rises above the floodplain and often separated by as much as a mile or two (Stewart 1983b, p. 57 as cited in the CEC RSA, 2010). During most of the year, the Mojave slept under ramadas; however, during the colder season, they occupied more substantial, semi-subterranean, rectangular earth-covered houses.

Warfare was a dominant strain in River Yuman culture, and the Mojave's strong tribal unity served them well in times of warfare. They apparently traveled great distances to do battle, and their principle weapons were bows and arrows and hard wood clubs. According to Kroeber (1925, p. 727 as cited in the CEC RSA, 2010), their main motivation was sheer curiosity, as they liked to see other lands and were eager to know the manners of other peoples, but were not heavily interested in trade.

The Mojave were culturally similar to the other River and Delta Yumans: the Quechan, Halchidhoma, Maricopa, and Cocopa. During ethnohistoric times, the Quechan were considered friends and allies of the Mojave, while the Halchidhoma, Maricopa, and Cocopa were considered to be enemies with whom the Mojave engaged in warfare (Stewart 1983b, p. 56 as cited in the CEC RSA, 2010). The Mojave were also friendly with the Upland Yuman tribes of the Yavapai and Walapai of western Arizona, although relations with the Walapai were somewhat mixed.

One of the most important rituals observed by the Mojave centered on death, namely the funeral and subsequent commemorative mourning ceremony. As soon as possible after death, the deceased was cremated upon a funeral pyre along with all of his or her possessions. The house and granary of the deceased were also burned. It was believed that by burning, these things would be transmitted to the land of the dead along with the soul of the deceased (Stewart 1983b, pp. 65–67 as cited in the CEC RSA, 2010).

Due to their relatively remote location inland, the Mojave maintained their independence throughout the Spanish period of the sixteenth and seventeenth centuries and were only rarely visited by explorers during that time. The few Spanish accounts of encounters with the Mojave provided similar descriptions of Mojave lifeways as those reported later by ethnographers. It is believed that the ancestors of the Mojave resided in the area for at least 1000 years and the mode of life in prehistoric times is thought to be similar to that observed historically (Stewart 1983b, p. 56 as cited in the CEC RSA, 2010).

The Quechan/Yuma

The following summary of the Quechan or Yuma is derived mainly from Bee (1983), Kroeber (1925), and Stewart (1983a) as cited in the CEC RSA, 2010.

Quechan is a variation on the names Kwichyan or Kuchiana, which are the names the tribe called themselves, but this group was also commonly known as the Yuma. The Quechan are among the Yuman-speaking tribes who occupied the lower Colorado River where it forms the boundary between California and Arizona. According to Kroeber (1925, p. 782 as cited in the CEC RSA, 2010), the Quechan and their neighbors to the north, the Mojave, appear to be virtually identical in terms of their agriculture, manufactures, clothing, hairdress, houses, warfare, and sense of tribal unity.

The territory traditionally associated with the Quechan, now divided between the states of California and Arizona, is centered around the confluence of the Colorado and the Gila Rivers, extending several miles north and south along the Colorado and east along the Gila. Quechan legend tells of a southward migration of their ancestors from a sacred mountain; however, it is not known when the ancestors of the Quechan first settled near the confluence (Bee 1983, p. 86 as cited in the CEC RSA, 2010). No group of this name was mentioned in the account of Hernando de Alarcón when he passed through the area during an expedition in 1540, and the first reference to this group did not appear in Spanish documents until the late seventeenth century, at which time they were settled around the river confluence area (Bee 1983, p. 86 as cited in the CEC RSA, 2010).

In an environment otherwise surrounded by dry desert terrain, the subsistence economy of the Quechan focused on riverine agriculture, which was one of the main sources of food for the tribe. Crops were cultivated in the richly silted river bottomlands following the recession of the spring floods and provided a relatively high yield in exchange for relatively low labor output (Bee 1983, pp. 86–87 as cited in the CEC RSA, 2010). The main cultivated crops included corn, tepary beans, pumpkins, and gourds. In post-contact times, watermelons, black-eyed peas, muskmelons, and wheat were introduced by Europeans and brought into cultivation by the Quechan, as well. The Quechan also relied on the gathering of wild foods, the most important of which were mesquite and screw-bean pods, although a variety of other wild plants were also collected (Bee 1983, p. 87; Castetter and Bell 1951, pp. 187–188 as cited in the CEC RSA, 2010). Fishing was of minor importance, as there were few species in the lower Colorado River suitable for eating. Among the fish sought were the humpback, white salmon, and boneytail, which were sometimes caught with unfeathered arrows or cactus spine hooks, but more often taken with traps and nets during floods (Forde 1931, pp. 107–120 as cited in the CEC RSA, 2010). Given the low

incidence of game available in the area, hunting played a minor role in the overall subsistence economy (Bee 1983, p. 86 as cited in the CEC RSA, 2010).

Like the Mojave, Quechan tribal settlements, or rancherías, consisted of extended family groups that were widely dispersed along the riverbanks. Settlements shifted throughout the year, dispersing into smaller groups along the bottomlands during the spring and summer farming seasons and reconvening into larger groups on higher ground, away from the river, during the winter and spring flood periods (Bee 1983, pp. 87–88 as cited in the CEC RSA, 2010). The geographic dispersion of the households within the ranchería groups was closely correlated with the condition of the rivers and the technology of riverine agriculture (Bee 1983, p. 89 as cited in the CEC RSA, 2010). The warm climate and scant precipitation made substantial housing unnecessary for most of the year, so most people made use of ramadas or dome-shaped arrowweed shelters. Each ranchería typically had one or two large, earth-covered shelters for the ranchería leaders' families, but these shelters also accommodated small crowds during colder weather (Forde 1931, p. 122 as cited in the CEC RSA, 2010).

Much like the Mojave, Quechan technology lacked technical or decorative elaboration beyond the demands of minimal utility (Bee 1983, p. 89 as cited in the CEC RSA, 2010). Quechan bows did not feature “backed” construction and so lacked power, and their arrows were frequently untipped, so the bow and arrow's range was short and the penetrating power weak. Sharpened staffs served as digging sticks or, when cut in longer lengths, as weapons (Bee 1983, p. 89 as cited in the CEC RSA, 2010).

In terms of property, there were no marked gradations in wealth, and social pressure favored the sharing of one's abundance with others who were less fortunate. Land ownership was informal, and people did not show much interest in the accumulation of material goods beyond the immediate needs of the family group or the surplus maintained by local leaders for redistribution to needy families within their ranchería (Bee 1983, p. 89 as cited in the CEC RSA, 2010). Lands were not inherited by family members upon the death of an individual; rather, the lands of the deceased were abandoned, and replacement plots were sought by the family members.

Despite the wide distribution of settlements, the Quechan had a strong sense of tribal unity. As with their neighbors and allies, the Mojave, warfare played a major role in Quechan culture, and it was during times of warfare that tribal unity was most prevalent among the individual settlements (Bee 1983, p. 92 as cited in the CEC RSA, 2010). Their major enemies were the Cocopa and the Maricopa, and they often allied themselves with the Mojave in strikes against common enemies (Bee 1983, p. 93 as cited in the CEC RSA, 2010). Bee (1983, p. 93 as cited in the CEC RSA, 2010) suggests that warfare among the riverine peoples may have increased in scale and intensity during the eighteenth and early nineteenth centuries due to new economic incentives, such as the opportunity to trade captives to the Spaniards or to other tribes for horses or goods.

Quechan social and political organization, like that of the Mojave, appears to have been very informal, with no one individual or group having significant authority over others. Two types of tribal leadership have been reported for the Quechan, one for civil affairs and the other for war,

but it is questionable how influential these leadership roles may have been. Each rancharia had one or more headmen, but their authority was contingent upon public support and continued demonstration of competence. According to Bee (1983, p. 92 as cited in the CEC RSA, 2010), important matters at either the tribal or the rancharia level were always decided by consensus, sometimes after long debates dominated by the better and more forceful speaker.

Another important aspect of Quechan society that was shared with the Mojave concerns the commemoration of the dead, which was an elaborate ceremony involving wailing and the destruction of property and ritual paraphernalia. All possessions of the deceased, including the family home, were destroyed or given away (Bee 1983, pp. 89, 93–94 as cited in the CEC RSA, 2010).

The Maricopa and the Halchidhoma

Ethnographic information for the Maricopa and Halchidhoma is meager in comparison to the Mojave and the Quechan. The following brief summary is derived from Harwell and Kelly (1983) and Stewart (1983a) as cited in the CEC RSA, 2010.

The Halchidhoma first entered written history in the early seventeenth century with the account of Juan de Oñate, who encountered the “Alebdoma” or “Halchedoma” during a Spanish expedition on the lower Colorado River, below its junction with the Gila River. When later encountered by missionary-explorer Eusebio Francisco Kino in the early eighteenth century, the Halchidhoma (or “Alchedoma,” as they were referred to by Kino) had moved farther north up the Colorado beyond the Gila. The traditional territory attributed to the Halchidhoma lay along the lower Colorado between the Mojave and the Quechan territories. They were later driven from that area under pressure from their hostile Mojave and Quechan neighbors and moved to the middle Gila River area, where some merged with the Maricopa (Stewart 1983a as cited in the CEC RSA, 2010).

The term Maricopa refers to the Yuman-speaking groups who in the early nineteenth century occupied the area along or near the Gila River and its tributaries (in what is now southern Arizona), but who earlier had occupied the lower Colorado River area. The Maricopa language is closely related to Quechan and Mojave, all three of which are classified as members of the River branch of the Yuman language family (Harwell and Kelly 1983, p. 71 as cited in the CEC RSA, 2010). The Maricopa call themselves pi•pa•s, “the people.” The name Maricopa is an English abbreviation of the name Cocomaricopa, first used by Eusebio Kino in the late seventeenth century (Harwell and Kelly 1983, p. 83 as cited in the CEC RSA, 2010).

The Maricopa, who by the early nineteenth century included remnant tribes of the Halyikwamai, Kahwan, Halchidhoma, and Kavelchadom, share common origins and are culturally similar to both the Quechan and the Mojave, the most prominent traits of which included floodwater agriculture and cremation of the dead. Their material culture was also essentially the same (Harwell and Kelly 1983, p. 71 as cited in the CEC RSA, 2010). The Colorado River Maricopa lived in low, rectangular, earth-covered houses, but the Maricopa of the Gila River had adopted the round houses of their Piman neighbors. Technology was of little interest to the River Yumans and remained at a low level of development (Stewart 1983a as cited in the CEC RSA, 2010).

Historical Background

The project site is located in an area that has historically been and remains remote from centers of development and settlement. The primary themes in this discussion focus on Spanish and Mexican routes through the desert, and early American traffic, mining, transportation, military training, power transmission, and agriculture/ranching.

Spanish and Mexican Routes through the Desert

Sixteenth-century maritime Spanish explorer, Hernando de Alarcon, made the first in-roads into the region in 1540, ascending 85 miles up the Colorado River to the head of navigation near present-day Yuma. Alarcon was sent to supply Coronado's land expedition that had set out on foot from Compostela, Mexico, in search of the fabled seven cities of gold. He eventually cached the supplies and departed after waiting many days. Melchior Diaz, leading a small contingent of Coronado's land unit, later arrived and recovered the supplies. Both Alarcon and Diaz reported the bleak nature of the country. The interior of the Colorado Desert was not explored further until 1702 when Father Eusebio Francisco Kino, a Jesuit missionary, situated in Sonora, began seeking an overland route to coastal California (Rice et al. 1996; Hague 1976; Von Till Warren 1980, pp 83–88 as cited in the CEC RSA, 2010).

Nearly seventy years later, Francisco Garcés (a Franciscan Padre) also seeking a route to the coast, forded the Colorado River at the mouth of the Gila River, traveling west through the desert before despairing and turning back. His efforts were eventually rewarded in March of 1774, arriving at Mission San Gabriel, accompanying the expedition of Captain Juan Bautista de Anza (Rice et al. 1996, Hague 1976 as cited in the CEC RSA, 2010). Two mission outposts were subsequently established near present-day Yuma in 1779 to minister to the native Quechan and strengthen Spain's hold on this strategic point of entry into California. All passage along this route, later known as the Anza or Yuma Trail, was discontinued in 1781 when the Quechan revolted, killing over thirty missionaries, settlers, and soldiers, including Garcés.

Jose Maria Romero, a Mexican Army captain, explored a second route between 1823 and 1826, along the indigenous Halchidhoma Trail. He had learned of this route a couple of years earlier when a group of Cocomicopa Indians from Arizona arrived at Mission San Gabriel, having reportedly crossed the Colorado River near present-day Blythe, journeying westward through the Chuckwalla Valley and over the San Gorgonio Pass. On January 6, 1824, Romero was likely in the vicinity of Palen Lake (Bean and Mason 1962, pp. 40–41 as cited in the CEC RSA, 2010), having made his way up the Salton Wash, between the Orocopias and Chuckwallas. Estudillo, one of the members of the expedition, noted horse paths and footpaths of the Indians, and bones along the trail (Johnson 1980 as cited in the CEC RSA, 2010).

Early American Trans-Desert Crossings

In 1846, during the opening stages of the Mexican-American war, General Stephen Watts Kearny led an advance column of the United States Army into the region. From Santa Fe, Kearny's troops entered California by way of Yuma, reaching San Diego in December, having abandoned

their wagons shortly after crossing the Rio Grande. The war ended in 1848 with the signing of the Treaty of Guadalupe Hidalgo.

Only days after the Mexican-American War ended, gold was discovered, kicking off the California Rush of 1849. It is estimated that more than 100,000 travelers passed by way of the Yuma Crossing.⁵ The presence of so many travelers along the route had a definite impact on the desert. Whereas previous expeditions made the journey in isolation, during the Gold Rush, trails became relative highways. Companies of miners frequently encountered one another or ran across the remains of recently vacated campsites. The desert floor also became littered with articles abandoned when they either fell apart or proved too heavy or cumbersome for their weary owners. Broken wagons, furniture, articles of clothing, tools and even weapons left by the side of the road proved to be a bonanza for scavengers (Lamb n.d.).

After 1851, travel to California along the southern route through the Colorado Desert declined (Lamb n.d.). Horse traders and livestock drovers still used the trail to drive herds from Texas and Mexico to California and the U.S. Army continued to send caravans of provisions from San Diego to its outpost, Fort Yuma, at least until 1852. Emigrants, moving west, however, were more apt to be settling in southern California as farmers or ranchers instead of prospecting for mineral resources.

Desert Land Act, Entrymen, and Homesteading

Anglo-American homesteading and settlement in the Chuckwalla Valley was dependent upon the access to groundwater. The first known documented well was that of Hank Brown, mapped as early as 1856, apparently excavated for use by the Department of Interior's General Land Office survey to establish the San Bernardino Base Line and Meridian through the then uncharted area. Washington, the surveyor noted the well was 45 feet deep and provided good water (about one mile west of the project site) within Township 5 South and Range 16 E, northwest quarter of Section 10 (General Land Office, Plat Map 1856), near the present day airfield northeast of Desert Center (about five miles northwest of the project site). Brown reportedly blazed a wagon road for the boundary surveys up Salt Creek Pass between the Orocopia and Chocolate Mountains and on toward present-day Desert Center (Warren and Roske 1981, p. 17 as cited in the CEC RSA, 2010).

Some twenty years later, Congress, to encourage and promote economic development of the arid public lands of the West, passed the Desert Land Act in 1877. Through this act, individuals could apply for entry onto public lands that could not produce a paying crop without artificial irrigation. After four years demonstrating proof of reclamation and improvements, desert entrymen would gain title to the land.

Brown's offspring, Floyd Brown, was probably one of the earliest participants in the desert land entry program. It does not appear that many others joined him until a quarter century later. In 1908, a subsidiary organization to the Edison Light and Power Company of Los Angeles, the

⁵ <http://www.yumaheritage.com/history.html>

Chuckwalla Land and Power Co., obtained a number of claims on the California side of the Colorado River north of Parker with the intent of building a dam to generate power and irrigate the Chuckwalla Valley, 40 miles to the west.⁶ By the following year, practically all the land in the valley was taken, either by purchase, desert claim, or homestead under the encouragement offered by the development company. The Santa Fe Railroad even had plans to build from Palo Verde through the heart of the valley (Los Angeles Herald 1910 as cited in the CEC RSA, 2010). Unfortunately, the Department of the Interior was of the opinion that it was a promoter's pipe dream and refused to sanction the scheme.⁷

Four years later, the California Conservation Commission reported to the Governor and Legislature that while the power and irrigation project had been abandoned by the Chuckwalla Development Company, a group of 410 desert entrymen had formed the Chuckwalla Valley and Palo Verde Mesa Irrigation Association to proceed with the project independently (California Conservation Commission 1913 as cited in the CEC RSA, 2010). Most of these men were facing forfeiture of their lands and a loss on their investments, not being able to show final proof of securing water. The Senate and House Committees on Public Lands, recognizing their hardship, passed legislation granting them an extension (an exemption from cancellation for a period of one year) to give them time to carry out their plans (U.S. House of Representatives 1913 as cited in the CEC RSA, 2010). The Chuckwalla relief act benefited 780 entrymen, nearly 100 of whom were situated within the project vicinity.

In 1909, at the start of the land rush, Brown's well was reportedly 300 feet deep, and plainly visible from the road, with two adobe buildings and a corral near it (Mendenhall 1909 as cited in the CEC RSA, 2010). A couple of years later, a man named Peter S. Gruendike settled in the valley not far west of the project site (Wharton 1912 as cited in the CEC RSA, 2010). Gruendike's well is in the same general vicinity of Brown's and may be one-and-the-same. Gruendike was an active entryman, publishing an account of his Mountain View Experimental Ranch in *Out West* in 1911. By then, he had a good 10-foot-tall windmill in working order and a large tank, along with many kinds of trees planted and 300 or more palms of different kinds. At the time, he was very enthusiastic regarding the future outlook, having visions of growing hay, grain, melons, grapes, dates, cotton, and all citrus fruits. His land was patented in 1916.

Stephen Ragsdale, a cotton farmer from Palo Verde Mesa, acquired Gruendike's property in 1915 and began operating a towing business at the establishment. Six years later, when Route 60 opened a mile or so to the north, he uprooted and founded the tiny settlement of Desert Center, midway between Indio and Blythe.⁸ Desert Center, at that time, consisted of a café with an attached gasoline station, a towing service/repair garage, a market, post office, several cabins for travelers, and a swimming pool. In addition to supporting tourism by providing sparse amenities for travelers, the local farming community, and a couple of mobile home parks.

⁶ *Imperial Valley Press*, February 27, 1909, September 17, 1910.

⁷ *Imperial Valley Press*, June 3, 1911.

⁸ http://en.wikipedia.org/wiki/Desert_Center,_California

Desert Driving and Automobile Roads

Automobiles began seriously replacing buckboards (four-wheeled wagons drawn by a horses or mules) about 1910.⁹ Because of bad roads, the high-centered Model-T became the vehicle of choice. At that time, no maps, road signs, or service stations existed. Venturesome motorists in Southern California, faced with these circumstances, banded together in 1900 to form a touring club and began publishing a monthly magazine with tips on travel and directions to popular destinations (Von Till Warren 1980, p. 92 as cited in the CEC RSA, 2010). As desert driving could be perilous, motorists began advocating for better information and road assistance. In 1917, the U.S. Geological Survey erected signs directing travelers to water at 167 localities in California's desert (Thompson 1921 as cited in the CEC RSA, 2010). The California Department of Engineering, after paving its first auto road in 1912, began issuing maps in 1918 (Von Till Warren 1980, p. 92 as cited in the CEC RSA, 2010).

In 1915, the Chuckwalla Valley Road was essentially ninety miles of blow sand and cross washes with a couple of ruts. It was not until 1936 that U.S. Highway 60-70 between Indio and Blythe was paved (Norris and Carrico 1978 as cited in the CEC RSA, 2010). In 1968, this highway became Interstate 10 (I-10), a major transportation corridor through the Chuckwalla Valley today, connecting Los Angeles and Phoenix. Most other roads in the area remained unpaved.

Canals and Capital, Irrigation in the Colorado Desert

The paucity of water in the desert prior to irrigation made agriculture a challenge. Plans to improve matters began as early as 1880s. Thomas Blythe, an investor from San Francisco, bank rolled the construction of a canal in the Palo Verde Valley,¹⁰ forty miles east of the project site. The water, taken from a swamp area called Olive Lake, was used to irrigate pasturelands and small agricultural plots. With Blythe's death in 1883, no further agricultural development in the valley occurred until the turn of the century. In 1904, the Palo Verde Land and Water Company purchased the Blythe Estate and began the task of constructing additional canals and intake structures. As previously mentioned, the desert entrymen formed the Chuckwalla Valley and Palo Verde Mesa Irrigation Association in 1913. Flood damages inflicted by the Colorado River, however, necessitated the formation of the Palo Verde Joint Levee District in 1917. The Palo Verde Drainage District was later established in 1921.¹¹ Two years later, the state legislature was petitioned to pass the Palo Verde Irrigation District Act in order to better administer both irrigation and drainage functions.

Although schemes to appropriate Colorado River waters began as early as 1859, the first major canal, the Alamo, was not constructed until 1901 (Harrington 1962 as cited in the CEC RSA, 2010). It conveyed water to the Imperial Valley for two years before becoming choked with silt (Von Till Warren 1980, p. 99 as cited in the CEC RSA, 2010). A temporary measure to bypass the blocked areas resulted in disaster when a spring flood in 1905 diverted the whole river into the Salton Sink, creating the body of water known today as the Salton Sea. The task of turning the

⁹ <http://www.dustyway.com/2008/12/desert-driving-in-early-days.html>

¹⁰ <http://www.pvid.org/History.html>

¹¹ It is not clear whether the desert entrymen were involved in the formation of the drainage district.

river back into its main channel was extremely difficult and complicated by the fact that the canal had been built on both sides of the U.S.-Mexican border making the repair an international effort. In response to this disaster, the California Irrigation District Act was passed in 1911. The Imperial Irrigation District was subsequently formed to straighten out the mess, acquiring the properties from the bankrupt irrigation company.

In the first decade of the twentieth century, farmers in the Coachella Valley, west of the project site relied solely upon groundwater from artesian wells, planting extensive dates, figs, and grapes (Von Till Warren 1980, p. 98 as cited in the CEC RSA, 2010). By 1918, however, the water table had become seriously depleted. The Coachella Valley County Water District was subsequently formed to promote water conservation and control distribution. With completion of a new and improved “All-American Canal” to irrigate the Imperial Valley in 1940, communities in the Coachella Valley began forming plans to tap into it. The Coachella Canal, 122 miles long, was built nine years later.

The Colorado River Aqueduct is a water conveyance structure operated by the Metropolitan Water District of Southern California. It impounds water from the Colorado River at Lake Havasu on the California-Arizona border west across the Mojave and Colorado deserts to the east side of the Santa Ana Mountains. Its construction, between 1933 and 1941, required an army of 5,000 men. It is recognized as one of the engineering marvels of the modern world and was nominated as a National Historic Engineering Landmark by the American Society of Civil Engineers.¹² A portion of this aqueduct tunnels through the Coxcomb Mountains north of the Chuckwalla Valley and the project site.

Hydroelectric Power Transmission

During the late 19th century, history was made generating and transmitting electricity in Southern California’s Inland Empire.¹³ Pioneer engineers and entrepreneurs took the industry’s first steps toward large-capacity power plants and long-distance power transmission nearly 125 years ago. Charles R. Lloyd and Gustavus Olivio Newman built California’s first hydroelectric power plant in western Riverside County in 1887. It relied upon water from a canal in Highgrove at the base of a 50-foot elevation drop. It began by powering 30 outdoor arc lights (15 in Colton and 15 in Riverside) from a direct-current dynamo (Powers 2009 as cited in the CEC RSA, 2010).

In the early 1890s, direct current (DC) relied upon a distributed system involving many power plants and numerous short transmission lines because it was not practical to vary the voltage to meet differing consumer requirements for lighting and motorized appliances. Further, DC systems were inefficient because low-voltage transmission necessitated conveyance of high-currents through resistive conducting wires resulting in large energy losses. In contrast, Alternating current (AC) relied upon a centralized system involving fewer power plants, long-distance transmission lines, and transformers to step down the voltage, essentially enabling the conveyance of high-voltages at low-currents, thereby reducing resistance and energy loss.

¹² <http://www.mwdh2o.com/mwdh2o/pages/about/history4.swf>

¹³ http://www.edison.com/files/backgrounder_mtview_historic.pdf

In September of 1893, while the dominant electric companies were fighting over the emerging electric power standards (DC versus AC), the small community of Redlands, in San Bernardino County, managed to engineer and complete the first commercially viable power plant in the United States (Myers 1983; Hay 1991 as cited in the CEC RSA, 2010). With the foresight of Almarian Decker, long-distance electric power transmission was achieved via transformers and the development of a revolutionary three-phase AC generator. Decker's power generation and delivery system was so successful that it became the Southern California standard.

Hydroelectricity, referred to as "white coal," was a clean and inexpensive source of power that enabled industrial capitalism to take hold in the West (Teisch 2001 as cited in the CEC RSA, 2010). Engineers began to dam western rivers for electricity in the 1890s, just as the hydraulic mining industry declined. Citizens, politicians, and reformers viewed electricity as a necessity that would dramatically uplift the country's standard of living. Water and power companies like Edison Light and Power Company of Los Angeles (later known as Southern California Edison), seeing big money, made every effort to control the stakes.

Before 1913, the highest voltage lines in the Los Angeles area were operated in the 10–75-kV range. Some of the earliest distribution lines were built to serve rural communities (Taylor 2005 as cited in the CEC RSA, 2010). During the 1930s, any circuits built were those that extended lines constructed a decade earlier. Many of these lines focused on following railroad spur lines and existing distribution lines to growing communities.

The first electricity came to Blythe in 1917. Two 50-watt diesel engines generated power 18 hours a day. It was not until 1930 that this system was abandoned when a 70-mile-long transmission line was constructed connecting Blythe with Calipatria in the Imperial Valley, where the line's main system was located. In the 1950s, the Blythe-Eagle transmission line was constructed. It was a 161-kV transmission line that connected the Blythe-Eagle Mountain Substation in Blythe to a substation near Eagle Mountain (Williams 2009; Myers 1983 as cited in the CEC RSA, 2010). The other transmission line in the vicinity of the project is the Palo Verde-Devers line, a 500-kV lattice tower transmission line constructed in 1982. It connects a plant in Arizona with a substation near Palm Springs.

Mining

Riverside County is known mostly for its sporadic, small-scale mining of gold, silver, lead, copper, uranium, fluorite, and manganese.¹⁴ The following summary is derived from Shumway et al (1980), who provide an overview of mining in the region, focusing on areas relevant to the project area as cited in the CEC RSA, 2010.

Large numbers of prospectors were attracted to the region during the gold boom in La Paz (in western Arizona, approximately six miles north of present-day Ehrenberg) in 1862. Not long after, miners began combing the mountains on either side of the Chuckwalla Valley. Gold was being mined as early as 1865 in the Eagle Mountain District northwest of the project site. Much

¹⁴ Exceptions include sizeable sustained mining operations at Midland for gypsum and in the Eagle Mountains for iron.

later, in the late 1940s, Kaiser Steel began a large-scale iron ore mining operation in the Eagle Mountains. In the Granite Mountains to the north-northwest, there was a short stint of gold mining beginning in 1894, followed by a resurgence in the late 1920s by the Chuckwalla Mining and Milling Corporation. Copper mining occurred in the Palen Mountains to the northwest during the second decade of the twentieth century, by the Fluor Spar Group, Homestake Group, Crescent Copper Group, Orphan Boy, and Ophir mines. Most of these mines were abandoned by 1917 (California State Mineralogist 1919 as cited in the CEC RSA, 2010).

The short-lived Pacific Mining District was established in 1887, in the Chuckwalla Mountains, south of the project site, following gold and silver discoveries that caused the most substantial rush to Riverside County in its history. Sixty claims were filed by the end of the year, but the boom fizzled by 1890 because the owners never had enough capital to work them properly (California State Mineralogist 1890 as cited in the CEC RSA, 2010). About 1898, some 40 claims in the area were taken up by the Red Cloud Mining Company. In 1901, a force of 50 men worked there. The company installed a new hoist and a 30-ton mill, and was raising money through stock offerings to construct a tram from the mine to the mill. The company changed hands some time before 1915, however, and soon folded. Just prior to this, half-a-dozen prospectors began working the Chuckwalla Placer Diggings near Chuckwalla Springs, three miles south of the project site. This lasted about fifteen years. The Red Cloud Mine was later resurrected, in 1931, when a small amalgamation plant was built, and continued operations until 1945.

Military Activities

Desert Training Center

In 1942, during World War II, Gen. George S. Patton established the Desert Training Center/California-Arizona Maneuver Area (DTC/C-AMA) in a sparsely populated region of southeastern California, Arizona, and Nevada. Its purpose was to prepare tank, infantry, and air units for the harsh conditions of North Africa, practicing maneuvers, developing tactics, and field testing equipment (Meller 1946 as cited in the CEC RSA, 2010). The installation, in operation for two years (until the end of the war), was 16,000 square miles in extent. It was the first simulated theater of operations in the United States. Its location was chosen for its unforgiving desert heat, rugged terrain, available telephone communications system, and accessibility by established railroads and highways (Henley 1992, pp. 5–7; Howard 1985, pp. 273–274 as cited in the CEC RSA, 2010).

Seven camps were established for divisional use. Camp Young, near Indio, served as the main headquarters (Crossley 1997 as cited in the CEC RSA, 2010). Camp Desert Center was located between Chiriaco Summit and the community of Desert Center in T5S/R14E, Sections 26, 28, 30, 32, and 34; and T4S/R15E, Sections 1-15, 17, 18, 22, and 30-34 (Ickes 1942, pp. 1–2, as cited in Bischoff 2000, p. 58 as cited in the CEC RSA, 2010). It encompassed 34,000 acres, consisting of an encampment with temporary housing structures, an evacuation hospital, observers' camp, an ordnance campsite, quartermaster truck site, and maneuver area (USACOE 1993, p. 3 as cited in the CEC RSA, 2010). The Desert Center Army Airfield was situated just northwest of the community of Desert Center. It contained two paved runways, more than

40 buildings (officer's quarters, a mess hall, a dispensary, a headquarters building, a recreation hall, a link trainer building, a hangar, various supply buildings, an operations building, a power house, a pump house, a control tower), a well, and a 10,000-gallon water tower (Bischoff 2000, p. 93 as cited in the CEC RSA, 2010).

In 1986, BLM planned to nominate each of the seven division camps to the NRHP, to develop an interpretive program for the DTC/C-AMA, and to provide historical resources protection through designation as an Area of Critical Concern (ACEC) (Bischoff 2000, p. 134 as cited in the CEC RSA, 2010). Subsequently, Bischoff (2000, p. 133 as cited in the CEC RSA, 2010), in considering the historical and archaeological contexts for the DTS/C-AMA, found that it was a historically significant resource under all four criteria of the NRHP. As such, he recommended that the facility be nominated to the NRHP as a discontinuous district of clearly functionally and temporally related resources. He further proposed that the facility be recorded as multiple properties consisting of contributing and noncontributing elements of the district. DTC/C-AMA can be thought of as an interconnected landscape of WWII training sites that are highly significant for their association with Gen. George S. Patton and for their contributions to our understanding of how American soldiers were trained during WWII.

Desert Strike

During the Cold War years, relations between the United States and the Soviet Union were fragile. While a campaign promoting the nonproliferation of nuclear weapons began in 1958, a treaty was not signed until 1970. Thus, amid worries of nuclear war, a two-week training exercise was launched in 1964, called Desert Strike. It involved over 100,000 men, 780 aircraft, 1,000 tanks, and 7,000 other vehicles along the banks the Colorado River and adjoining desert valleys ranging over 150,000 square miles of California, Nevada, and Arizona (Garthoff 2001, p. 199; Nystrom 2003 as cited in the CEC RSA, 2010). Four Army divisions, three Army Reserve and National Guard brigades, and fifteen tactical Air Force squadrons took part.

The exercise was a two-sided enactment, with fictitious world powers "Calonia" and "Nezona" sharing a common border at the Colorado River. The premise of the conflict between these two entities, each led by a Joint Task Force, was a dispute over water rights. Major tactical operations during the exercise included deep armored offensive thrusts, defensive operations along natural barriers, counterattacks including airmobile and airborne assaults, and the simulated use of nuclear weapons. The Air Force provided fighter, air defense, interdiction, counter-air reconnaissance, and troop carrier operations in support of both joint task forces (Desert Strike n.d., p. 316 as cited in the CEC RSA, 2010).

In the first phase of Desert Strike, Calonia initiated mock battle with a full-scale invasion of Nezona. A new concept for military river crossings was put into operation during this invasion, accomplished with a combination of assault boats, amphibious armored personnel carriers, ferries, bridges, and fords at eight major sites along a 140-mile stretch of the Colorado River. The practice of attack and counterattack continued into a second phase, in which simulated nuclear strikes and airborne assaults were traded between the forces. Heavy equipment, such as the M60

tank, was used during practice maneuvers, and the track marks can still be seen across the desert (Prose and Wilshire 2000 as cited in the CEC RSA, 2010).

Cultural Resources Inventory

This subsection provides the results of cultural resource inventories for the project, including literature and records searches (California Historical Resources Information System (CHRIS) and local records), archival research, Native American consultation, and field investigations.

Background Inventory Research

To compile information on known cultural resources and previously conducted cultural resources studies pertinent to the location of the project, records searches were conducted at the Eastern Information Center (EIC, part of the CHRIS) at the University of California, Riverside. This study area was of the project footprint and a one-mile buffer around the archaeological Area of Potential Effects (APE¹⁵), exclusive of the transmission route. A supplemental records search was performed to cover the transmission corridor and a half-mile buffer area.

CHRIS Records Search

Twelve previous studies have been conducted within the study area (including the buffer area outside the APE). These are summarized in Appendix F, Cultural Resources Table 1. Less than 1 percent of the APE had been previously surveyed.

Four studies, related to Southern California Edison's Palo Verde-Devers Transmission Lines, were conducted north of the APE (Cowan and Wallof 1977; Wallof and Cowan 1977; Westec Services, Inc. 1982; Wilson 2009 as cited in the CEC RSA, 2010). These same four studies reported on a linear corridor south of the APE. Three additional linear studies, south of the APE, include two along I-10 related to a pipeline project and a safety project (Greenwood 1975; Hammond 1981 as cited in the CEC RSA, 2010) and a fiber optic project along Chuckwalla Road (Underwood et al. 1986 as cited in the CEC RSA, 2010). Several localized surveys, scattered both in and out of the APE, relate to geotechnical boring and pole replacement projects (Crew 1980; BLM 1980; Schmidt 2005 as cited in the CEC RSA, 2010). The remaining investigations include a survey along Corn Springs Road (Martinez et al. 2008 as cited in the CEC RSA, 2010) and a reconnaissance along the dunes on the southeast edge of Palen Dry Lake (Ritter 1981 as cited in the CEC RSA, 2010).

Previously Recorded Resources

Twelve previously recorded resources were identified within the study area, seven historic-period and five prehistoric archaeological sites (see Appendix F, Cultural Resources Table 2). Only one resource, a segment of historical Chuckwalla Road, crosses a portion of the archaeological APE

¹⁵ The APE is defined in the regulations implementing the National Historic Preservation Act, and is the area within which an undertaking could directly or indirectly alter the character or use of historic properties (Title 36 CFR Part 800.16(d)).

(P-33-17766). The remaining six historical archaeological resources include four early-twentieth-century tin can scatters and two isolates (a tin can and a 1940s general infantry periscope-style flashlight).

Five prehistoric resources were identified outside the APE. These included: a remnant of a foot trail (CA-Riv-893T); a pottery sherd scatter (P-33-14160); a rock ring (P-33-14177); and an isolated quartz biface fragment (P-13591). One very large seasonal campsite, CA-Riv-1515, was identified and recorded by Ritter and Reed (1981 as cited in the CEC RSA, 2010) prepared an Area of Critical Environmental Concern (ACEC) management plan and environmental assessment for Palen Dry Lake and CA-Riv-1515. The ACEC is situated adjacent to the project site in an area encompassing 5.3 square miles. Further afield, outside the CHRIS study area, Gallegos et al. (1980 as cited in the CEC RSA, 2010) discuss two other prehistoric sites near Palen Dry Lake, found during a cultural resources inventory of the Central Mojave and Colorado Desert regions (no numerical designations were assigned). Typical archaeological remains underlying the dunes in that vicinity include tools of basalt and chert, flakes of chalcedony and obsidian, and pottery sherds (Gallegos et al. 1980, p. 106 as cited in the CEC RSA, 2010). Notes associated with a collection of about 300 artifacts from these sites are archived at the University of California Los Angeles.

A major aplite toolstone quarry (CA-Riv-1814) was found during investigations in 1980 (Singer as cited in the CEC RSA, 2010). It was determined eligible for the NRHP. Also recorded during that study was a very large site (CA-Riv-1383) spread over 45 acres. This site was also determined eligible for the NRHP.

Archival and Library Research

Along with conducting the records search, the General Patton Memorial Museum and the Palo Verde Historical Museum and Society were visited in order to learn more about regional history. The General Patton Museum is located at Chiriaco Summit near Desert Center and contains information about the Desert Training Facility and other military history related to the project area. The Palo Verde Museum, in Blythe, houses information on the history of the region, focusing heavily on the development of the Blythe community, as well as a comprehensive collection of local periodicals.

Other archival research was also performed, including the examination of historic topographic maps including: Chuckwalla Mountains (1:50,000 scale, 1947); Sidewinder Well (1:62,500 scale, 1952); Palen Mountains (1:48,000 scale, 1943); and Hopkins Well 1:48,000, 1943). In addition, other historic maps were accessed online from California State University, Chico, and the University of Alabama. Also reviewed were maps from the Malcolm Rogers collection on file at the Museum of Man in San Diego.

In addition, the University of California, Davis Shields Library was visited, and on-line searches for historic maps depicting the project area were completed. The following maps were examined:

1. Beale (1861), Map of Public Surveys in California, Scale 1:1,140,000.

2. American Photo-Lithographic Company (1865), California, Scale 1:5,069,000.
3. Asher and Adams (1872), California and Nevada- South Portion, Scale 1:1,267,000.
4. Williams (1873), Map of California and Nevada, Scale 1:3,485,000.
5. Colton (1873), Colton's California and Nevada, Scale 1:2,091,000.
6. Mitchell (1875), Map of the State of California, Scale 1:2,408,000.
7. Hardesty (1882), Map of California and Nevada, Scale 1:2,000,000;
8. Hardesty (1883), Map of Southeastern California, Scale 1:1,140,000.
9. Rand McNalley (1884), California, Scale 1:2,028,000.
10. Punnett Brothers (1897), Map of the State of California, Scale 1:2,218,000.
11. Rand McNalley (1897), California, Scale 1:1,190,000.
12. U.S. Geological Survey (1914), Lithologic Map of California, Scale 1:2,000,000.
13. Smith (1916), Geological Map of the State of California, Scale 1:760,320.

Archival and Library Research Results

Historical data was acquired on the project vicinity, but no additional cultural resources were identified in or near the project APE (Tennyson and Apple 2009 as cited in the CEC RSA, 2010). Additional historical information was assessed from the University of California Davis library and documents available online.

Local Agency and Organization Consultation

Various local historical societies, museums, and research institutions were contacted to request information for the project footprint and surrounding area. The following institutions were contacted by both formal letter and follow-up phone calls: General Patton Memorial Museum; Historic Resources Management Programs, University of California, Riverside; Palm Springs Historical Society; Palo Verde Historical Museum and Society; and Riverside County Historical Commission. The Bureau of Land Management's (BLM) Palm Springs-South Coast Field Office also had General Land Office (GLO) plat maps that informed this analysis, particularly concerning desert land entries, and various survey reports.

Local Agency and Organization Consultation Results

No responses were received from the various historical societies, museums, and research institutions contacted.

Native American Consultation

The Native American Heritage Commission (NAHC) maintains two databases to assist in identifying cultural resources of concern to California Native Americans. The NAHC's Sacred Lands database has records for places and objects that Native Americans consider sacred or otherwise important, such as cemeteries and gathering places for traditional foods and materials. The NAHC Contacts database has the names and contact information for individuals, representing a group or themselves, who have expressed an interest in being contacted about development projects in specified areas.

The NAHC was contacted to request a list of local Native Americans who might have concerns about the project and a search of the Sacred Lands Files for any known resources that might be affected by project impacts. The NAHC responded, indicating that one resource is located within a 1.0 mile radius of the project [believed to be archaeological site CA-Riv-1515]. The NAHC also provided a list of individuals representing local Native American communities.

Appendix F, Cultural Resources Table 3 provides a list of Native Americans contacted their affiliations, and responses, if any. Among those contacted were individuals from the Luiseño (Pauma Valley Band), Cahuilla (Cahuilla Band, Agua Caliente Band, Torres-Martinez Band, Ramona Band, Morongo Band), Serrano (San Manuel Band and Morongo Band), Mojave (Fort Mojave AhaMaKav Cultural Society and Colorado River Indian Tribes), and the Chemehuevi (Twentynine Palms Band and Chemehuevi Reservation, Colorado River Indian Tribes) tribes. Follow-up phone calls were made with all identified Native American groups/individuals.

With the Applicant's filing of the application for a right-of-way grant, the BLM initiated formal, government-to-government tribal consultation pursuant to the NHPA as well as other laws and regulations. The NAHC was contacted by letter about the project, and provided a list of Native American contacts. BLM initiated Section 106 consultation in the early stages of project planning by letter in July 2009. To date, twelve tribes have been identified and invited to consult on this project, as listed below. Tribes were also invited to a general information meeting and proposed project site visit, held on January 25, 2009.

On February 10, 2010, the BLM met with the Ft. Yuma Quechan Tribal Council. The BLM provided information on several solar energy projects, including the project, and answered questions.

Letters requesting consultation among tribes, the California Energy Commission, the applicant, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation to develop a cultural resources Programmatic Agreement (PA) for the PSPP were mailed out to the below-listed tribes on March 3, 2010.

1. Ramona Band of Mission Indians
2. Torres-Martinez Desert Cahuilla Indians
3. Augustine Band of Cahuilla Mission Indians
4. Agua Caliente Band of Cahuilla Indians
5. Morongo Band of Mission Indians
6. Twentynine Palms Band of Mission Indians
7. Ft. Yuma Quechan Indian Tribe
8. Colorado River Indian Tribes
9. Chemehuevi Reservation
10. Colorado River Reservation
11. San Manuel Band of Mission Indians
12. Quechan Indian Tribe
13. Fort Mojave Indian Tribe

An initial meeting regarding the PA was held on April 23, 2010, in Palm Desert, to which all interested tribes were invited. Tribes were also notified of a workshop on the SA/DEIS for the proposed action, held on April 29, 2010, in the BLM Palm Springs-South Coast Field Office, where BLM also held an informational meeting for the tribes on May 25, 2010. The BLM issued a draft cultural resources PA for the PSPP on June 17, 2010, allowing 30 days for public and Native American comment. Most recently, BLM held a meeting in Palm Desert on August 11, 2010, to review and discuss the revised draft PAs for the PSPP and the two other nearby proposed solar projects, and some Native Americans were in attendance. At this meeting, representatives of Californians for Renewable Energy (CARE) and of La Cuna de Aztlán Sacred Sites Protection Circle expressed concern over geoglyphs and other sacred sites and ancient trails that could be affected by solar development in the Chuckwalla Valley and on Palo Verde Mesa.

Results of Inquiries Made to Native Americans

Few comments from Native Americans have been received to date. The Luiseño Council Member requested continued consultation by email on July 10, 2009. As a result of the consultation efforts made to date, Native Americans have identified no additional cultural resources that could be impacted by the project.

The BLM is in ongoing discussions with various tribes pursuant to the cultural resources PA for the PSPP. A log of BLM's consultations with specific individuals and groups is provided in Appendix I of the PA for the PSPP signed October 7, 2010. The following tribes participated in the PA: Morongo Band of Mission Indians, Ramona Band of Mission Indians, Fort Yuma Quechan Indian Tribe, San Manuel Band of Mission Indians, Torres-Martinez Desert Cahuilla Indians, Fort Mojave Tribal Council, Twentynine Palms Band of Mission Indians, Agua Caliente Band of Cahuilla Indians, Augustine Band of Mission Indians, Chemehuevi Tribal Council, and Colorado River Tribal Council. Native American comments and recommendations are addressed in Section 5.5, *Public Comment Process* and will be addressed in the PA for the PSPP.

Field Inventory Investigations

Class III cultural resource inventories of the project APE were conducted in several stages:

1. The main project footprint and originally proposed transmission line/substation locations were surveyed by AECOM April 13–May 6, 2009, and October 14–26, 2009 (Tennyson and Apple 2009; AECOM EDAW 2009a as cited in the CEC RSA, 2010);
2. Portions of a new transmission line and transmission line alternative were surveyed by AECOM in May, 2010(CEC RSA, 2010);
3. Other portions of the new and alternative transmission line routes, the new and alternative substation locations, and the alternative substation access road route were surveyed in 2010 by ECORP for the Desert Sunlight Project.(ECORP 2010).

Results of Class III Cultural Resource Inventory

A total of 64 archaeological sites and 298 isolates were found during the field inventories. These included 9 prehistoric and 54 historic-period archaeological sites and one built-environment

transmission line dating from the 1950s (Tennyson and Apple 2009, pp. 57–124; AECOM EDAW 2009a, pp. 15–17 as cited in the CEC RSA, 2010). These are classified and summarized below.

Prehistoric Resources

Nine prehistoric sites were identified during field inventories, including five sparse lithic scatters, and four sparse lithic and fire-affected rock (FAR) scatters containing minor quantities of additional artifacts/ecofacts including ground stone fragments of manos and metates, hammerstones, battered cobbles, choppers, scrapers, and bifaces, and marine shell (see Appendix F, Cultural Resources Table 4).

Historic-Period Resources

Historic-period resources include 54 sites, 35 of which are refuse scatters dating from the 1880s to 1950s (most originating between 1920s and 1940s), composed primarily of tin cans and minor amounts of glass fragments (see Appendix F, Cultural Resources Table 5). Two of these scatters are adjacent to WWII tank tracks but associations have not been established. The refuse scatters include food cans, tobacco tins, bottles, jars, oil cans, and automobile parts. The remaining 19 sites include 3 other segments of tank tracks, 3 possible placer mining claims, 2 survey markers, 1 corral, 1 road, 5 prospecting quartz reduction loci, and 4 rock cairn features.

Cultural Landscapes

Cultural landscapes are geographic areas associated with historic events or activities, or that exhibit other cultural or aesthetic values. They reveal aspects of our country's origin and development through their resources, forms and features. The designation can be useful planning tools for managing historic, prehistoric and ethnographic resources. Some cultural resources in the project site may be contributing elements to potential cultural landscapes. The PA developed for the PSPP addresses the designation of cultural landscapes in relation to cultural resources affected by the project. Using a "landscape approach" to characterize groups of related cultural resources in the APEs, two potential cultural landscapes could be described as follows:

Prehistoric Trails Network Cultural Landscape

A Prehistoric Trails Network Cultural Landscape would consist of the Halchidhoma Trail through the Chuckwalla Valley and the associated joining and diverging trails (and trail-related features such as pot drops and rock cairns), and the varied loci of importance to prehistoric Native Americans that these trails connected. These loci included springs (and the dry lakes when they were not dry), food and materials resource areas, and ceremonial sites (geoglyphs, rock alignments, petroglyphs). The Halchidhoma Trail (CA-Riv-53T) does not run through the project site, but possible contributors to this potential cultural landscape within the project site include sparse lithic scatters and sparse lithic and FAR scatters. Immediately north of the APE, additional prehistoric sites were recorded that were later determined to be outside the current APE. These could also be included as part of a potential cultural landscape.

Other contributors to this potential landscape, outside the APE, could include:

1. CA-Riv-1383 (a 45-acre site west of the project site, with 170 petroglyphs, 3 trail segments, sparse lithic scatters, cleared rock circles, and other features);
2. CA-Riv-1814 (a major aplite quarry west of the project site);
3. P-33-14177 (a cleared circle south of the project site); and
4. CA-Riv-1515 (an extensive elongated scatter of cultural materials southeast of the project site).

Desert Training Center/California-Arizona Maneuver Area Cultural Landscape

Some of the refuse disposal sites within the project site date to World War II and relate to military activities. These have the potential to contribute to a broader DTC/C-AMA Cultural Landscape. Additional contributors to this potential landscape may be discovered during subsequent archaeological investigations and/or construction. Immediately north of the APE, a bivouac (SMP-H-RMA) was recorded with several cleared pads and tank tracks that were later determined to be outside the current APE. This site could also be included as part of a potential landscape.

Results of Survey for Built-Environment Resources. Field surveys were conducted for the built-environment in May 2009 and May 2010. Five resources were identified. These include: two wooden bridges built in 1931, a transmission line from the late 1950s, a school house dating to around 1935, and a complex of residential buildings and structures built between the 1920s and 1950s. These are referenced, respectively, as the Aztec Ditch Bridge (Caltrans Bridge 56C0102), the Tarantula Ditch Bridge (Caltrans Bridge 56C0103), the Blythe-Eagle Mountain 161-kV transmission line (SMP-H-1024), the Desert Center School House (P-33-6833), and SMP-B-MKM-001. With the exception of the transmission line, none are within the APE.

Summary of Identified Cultural Resources in the APE. A total of 64 cultural resources are present within the APE (not including isolated artifacts) either previously recorded or discovered during field investigations (Table 3.4-1). One historic structure and 63 archaeological sites are known. Of the archaeological sites, 9 are prehistoric and 54 are of the historic period. Of the prehistoric sites, 5 are sparse lithic scatters and four are sparse lithic and FAR scatters. Of the historical sites, 35 are refuse scatters (mostly cans dating to the 1920s–1940s), 3 are placer mining claims, and 2 are survey marker features. Additionally, 1 road, 1 corral, 3 sets of military tank tracks, 5 small prospecting quartz reduction loci, and 4 rock cairns were identified. Lastly, one electrical power transmission line is noted as a built-environment resource.

3.4.2 Determining the Historical Significance of Cultural Resources

A key part of any cultural resources analysis under NEPA and Section 106 of the NHPA is to determine which of the cultural resources that a proposed or alternative action may affect, directly or indirectly, are historically significant. Within the context of Section 106, historically significant refers to cultural resources that are listed on or eligible for listing on the National Register of Historic Places. Subsequent effects assessments are made for those cultural resources

**TABLE 3.4-1
SUMMARY OF CULTURAL RESOURCES (PREVIOUSLY IDENTIFIED & NEWLY DISCOVERED)
WITHIN THE APE**

Archaeological	Prehistoric Sites	Lithic Scatters	5
		Lithic & FAR Scatters	4
	Historical Sites	Refuse Scatters	35
		Placer Mining Claims	3
		Survey Marker Features	2
		Roads	1
		Corral	1
		Military Tank Tracks	3
		Quartz Reduction Loci	5
		Rock Cairns	4
Built-Environment	Structures	Power Transmission Line	1
Total			64

that are determined to be historically significant. Cultural resources that can be avoided by construction may remain unevaluated if the values they possess are only informational in nature. Unevaluated cultural resources that cannot be avoided are managed for project purposes as historically significant and therefore eligible to the National Register of Historic Places under Section 106 when determining effects.

3.4.3 Evaluation of Historical Significance under NHPA Section 106

Cultural resources are considered during federal undertakings chiefly under Section 106 of the NHPA and its implementing regulations, 36 CFR Part 800. Properties of traditional, religious, and cultural importance to Native Americans are also considered under Section 101(d)(6)(A) of the NHPA.

The NHPA Section 106 process requires federal agencies to consider the effects of their undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings (36 CFR § 800.1). Significant cultural resources (historic properties) are those resources, districts, sites, buildings, structures, or objects, that are listed in or are eligible for listing on the NRHP per the criteria listed at 36 CFR § 60.4 and presented below.

Per National Park Service (NPS) regulations, 36 CFR § 60.4, and guidance published by the NPS, National Register Bulletin, Number 15, How to Apply the National Register Criteria for Evaluation, different types of values embodied in districts, sites, buildings, structures, and objects are recognized. These values fall into the following categories:

1. Associate Value (Criteria A and B): Properties significant for their association with or linkage to events (Criterion A) or persons (Criterion B) important in our past.
2. Design or Construction Value (Criterion C): Properties significant as representatives of the man-made expression of culture or technology.
3. Information Value (Criterion D): Properties significant for their ability to yield important information about prehistory or history.

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association. Cultural resources that are determined eligible for listing in the NRHP are termed “historic properties” under Section 106, and are afforded the same protection as sites listed in the NRHP.

NRHP determinations of eligibility have not yet been formally made for the cultural resources that might be affected by the project under any of the alternatives. BLM has informed all consulting parties in the Section 106 process what the agency’s proposed determinations will be and is currently seeking comments from the consulting parties on those determinations. Final determinations will be made in accordance with Section 106 or the PA that has been developed for the PSPP by the BLM in consultation with the California State Historic Preservation Officer, Indian tribes and other interested parties. Until NRHP eligibility determinations are formally made, the cultural resources potentially affected by the project will be assumed to be eligible for the purpose of assessing effects under all alternatives. The isolated artifacts found within the APE lack archaeological contexts and associations that would contribute meaningfully to an understanding of history or prehistory and are considered not eligible for listing in the NRHP.

3.5 Environmental Justice

Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat.241) prohibits discrimination on the basis of race, color, or national programs in all programs or activities receiving federal financial assistance.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” focuses federal attention on the environment and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of this mission (59 Fed. Reg. 7629, Feb. 16, 1994). The order requires the US Environmental Protection Agency (EPA) and all other federal agencies (as well as State agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

The Council on Environmental Quality (CEQ) and EPA share oversight responsibility for the Federal Government’s compliance with Executive Order 12898 and NEPA. The CEQ, in consultation with the EPA and other agencies, has developed guidance to assist Federal agencies with their NEPA procedures so that NEPA documentation effectively identifies and addresses environmental justice concerns. According to the CEQ’s “Environmental Justice Guidance under the National Environmental Policy Act,” agencies should consider the composition of the affected area to determine whether minority populations or low-income populations are present in the area affected by the proposed action, and if so whether there may be disproportionately high and adverse environmental effects (CEQ, 1997).

3.5.1 Minority Populations

The CEQ defines minority individuals as members of the following groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. A minority population, for the purposes of environmental justice, is identified when the minority population of the potentially affected area is greater than 50 percent or meaningfully greater than the percentage of the minority population in the general population or other appropriate unit of geographical analysis (CEQ, 1997).¹

Figure 3.5-1 shows the distribution of minority populations within a six-mile radius of the center of the project site. A six mile radius was selected as a maximum reasonable distance for identifying potential environmental justice communities of concern for the project. Beyond that distance, most direct physical effects would typically be expected to be relatively diminished and the residents’ daily interaction with the project would likely be relatively limited.

¹ According to the CEQ guidelines, “Minority” is defined as all persons except non-Hispanic whites. In other words, minority is defined as all racial groups other than white, and all persons of Hispanic origin, regardless of race.

As shown, the radius encompasses parts of census block group 458.00.6. The total population of the block group within the six-mile radius is 17 of which 10 are classified as Black or African-American, American Indian (or Alaskan Native), Asian, Native Hawaiian (or other Pacific Islander, some other race (including two or more races), and/or Hispanic or Latino).²

Table 3.5-1 presents the minority population composition of the six-mile radius of the project site, the nearby city of Blythe, and Riverside County as a whole. Riverside County as a whole exhibits a proportion of minority residents of 49 percent, which is lower than the City of Blythe and the area within six miles of the project site. The minority population within a six-mile radius of the project site as well as the City of Blythe as the whole is more than 50 percent. Therefore both the very local resident population and the City of Blythe are determined to represent a community of concern for the purpose of environmental justice analysis.

**TABLE 3.5-1
 RACIAL AND INCOME CHARACTERISTICS FOR RESIDENTS WITHIN THE
 ENVIRONMENTAL JUSTICE STUDY AREA**

Geographic Area (Census Block Group)	Total Population	Total Minority (Percentage Minority)	Median Household Income (1999)	Proportion of the Population Living Below the Poverty Level (Percentage Low-Income)
Six-mile radius of PSPP	17	10 (58.8%)	--	--
Block Group 458.00.6	1,440	-- --	\$27,404	28.3%
Blythe	12,155	7,050 (58%)	\$35,324	20.9%
Riverside County	1,545,387	756,556 (49%)	\$42,887	14.2%

NOTE: Persons living within a six-mile radius used to determine minority population. Persons living within the applicable Census Block Group used to determine low income population. See Footnote 2.

SOURCE: U.S. Census, 2000.

3.5.2 Low Income Populations

Unlike the CEQ (1997) guidance on minority populations, none of the environmental justice guidance documents contains a quantitative definition of how many low-income individuals it takes to comprise a low-income population. In the absence of guidance, for this analysis the density used to identify minority populations (i.e., 50 percent or greater) was also used as a minimum to identify low-income populations. In addition, for the purposes of the FEIR analysis a local population is judged to be “meaningfully greater” than the general population if the proportion of individuals living under the poverty line is 100 percent greater than that of the general population.

² To accurately map the affected population typically includes only U.S. census blocks that contain over 50 percent of the blocks’ geographic area within a six-mile radius of a proposed site. In the PSPP case, the census blocks surrounding the site are extremely large and capture populations that extend well beyond the six-mile radius. However, when using the same census blocks used to determine minority population, the low-income population would have accounted for zero persons. Therefore, the census data used to determine low-income population includes all census blocks intersected by the six-mile radius, regardless if over 50 percent of the blocks’ geographic area was contained within.

In this analysis, the current below-poverty-level population is based on Year 2000 U.S. Census block group data within a six-mile radius of the PPSP site. As shown in Table 3.5-1, the 2000 census data reported that the median household income for Riverside County was \$42,887. The block group in which the Project is situated (Census Block Group 458.00.6) has a median household income at \$27,404 and the highest proportion of residents below the poverty level— a proportion of low-income residents (28.3 percent) nearly twice that for Riverside County as a whole.

Consequently, it is conservatively judged that the Census Block Group 458.00.6 is identified as a low income population that represents a community of concern for the environmental justice analysis.

3.6 Lands and Realty

3.6.1 Introduction

BLM manages a diverse combination of lands and resources administered by BLM in eastern Riverside County, including, but not limited to, land uses for utility corridors, communication sites, land tenure (disposal, acquisition or easement) issues, land use authorizations (permits and rights-of-way), withdrawals and renewable energy activities. Within the immediate and surrounding areas of the project site, there are no communications sites, land use permits, leases or easements of record, nor are any land tenure issues identified in close proximity to or that would be affected by the project. There are, however, utility corridors, rights-of-way and renewable energy activities (Figure 4.1-1), and a withdrawal application.

3.6.2 Background

Section 503 of Title V of the Federal Land Policy and Management Act of 1976, as amended, (FLPMA) required the establishment of corridors, to the extent practical, to minimize adverse environmental impacts and the proliferation of separate rights-of-way. Through its planning efforts, the Palm Springs-South Coast Field Office has designated corridors throughout the Field Office boundaries that generically are identified as “locally-designated corridors” and specifically are identified by an alphabetical reference.

Section 368 of the Energy Policy Act of 2005 directs the Secretary of the Departments of the Interior, Defense, Energy, Agriculture, and Commerce to designate corridors for oil, gas, hydrogen pipe and electric transmission lines on federal land in the 11 western states, perform necessary reviews, and incorporate those designations into land use, land management or equivalent plans. Implementing this section, the *Approved Resource Management Plan/Record of Decision for Designation of Energy Corridors on Bureau of Land Management-Administered Lands in the 11 Western States* signed January 14, 2009, established corridors (generically identified as “368 corridors” and specifically identified by a numerical reference) pursuant to Section 368 of the Energy Policy Act of 2005.

Further, lands identified in the Notice of Availability of Maps and Additional Scoping for the *Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development* (Solar Energy Development PEIS or PEIS) released by the Departments of the Interior and Energy identified Solar Study Areas determined to have high potential for development of solar energy facilities. As a result of release of these maps, the BLM filed an application for withdrawal with the Secretary of the Interior identifying 676,048 acres of land in Arizona, California, Colorado, Nevada, New Mexico and Utah to be “withdrawn from settlement, sale, location or entry under the general land laws, including the mining laws, on behalf of the BLM to protect and preserve solar energy study areas for future solar energy development.” The Notice of Proposed Withdrawal, published June 30, 2009, in the Federal Register (74 Fed. Reg. 31,308), segregated certain lands for up to two years to provide time for various studies and analyses in support of a final decision on the withdrawal application. The lands remain open to discretionary actions, such as rights-of-way and land use permits, and to the mineral sales and leasing laws.

3.6.3 Existing Condition

The project site lies within land segregated by the above-referenced withdrawal application. The project area is BLM-managed public land classified as Multiple-Use Class M (Moderate Use) in the CDCA Plan. The project includes one 40-acre parcel of private land (APN: 810-110-007), the use of which is covered by Riverside County General Plan – Eastern Riverside County Land Use Plan, and Riverside County General “Open Space-Rural” land use policies LU 20.1, LU 20.2 and LU 20.4. Reconfigured Alternative 2 would involve two additional parcels of private land also designated in the Riverside County General Plan as “Open Space-Rural” (CEC RSA, 2010).

Interstate-10 lies within a 368 corridor identified as “Corridor 30-52, 2 miles in width” as well as within locally-designated Corridor K (2 miles in width); these corridors are shaded green along I-10 in Figure 4.1-1 and lie south of the project site on a generally east-west heading. Numerous other linear rights-of-way also lie within and to the north and south of these two designated overlapping corridors.

Southern California Edison’s existing 161 kV Eagle Mountain-Blythe power line runs in a northwesterly direction across the southwest portion of the proposed project site.

The southern portion of the project site would lie within the northern portion of both designated corridors. The redundant telecommunications line, the fiber optic cable and the majority of the gen-tie line would lie wholly within Corridors K and 30-52.

Two alternative routes for the new 12.47 kV temporary distribution line to provide power during construction have been identified and analyzed in this PA/FEIS. The distribution line would either lie wholly or partially within the designated corridors, depending on the route selected.

Site access would be from an extension of Corn Springs Road at the I-10 interchange. Corn Springs Road currently runs north-south across I-10 and terminates just north of the I-10 overpass. From this dead-end, Corn Springs Road would be extended about 1,350 feet to the north to connect with a new access road running east into the project site. A second road with secured gate would be constructed from the northern edge of the I-10 right-of-way boundary to the southern portion of the solar plant site to provide emergency access. Both roads would lie within the northern portion of Corridors K and 30-52.

Several transmission line projects are, or are planned for, existing corridors. The Devers-Palo Verde No. 1 (DPV1) is an existing 500 kV transmission line which spans approximately 128 miles of land within California paralleling I-10: it is within Corridors K and 30-52. The Blythe 230 kV Transmission Line Project involves building two 230 kV transmission lines spanning approximately 70 miles between the Julian Hinds and Bucks substations, and construction of a new midpoint substation: it is within the existing federally-designated utility corridors along I-10. The Devers-Palo Verde 2 Transmission Line Project, approved by the CPUC in January 2007, involves the construction of two 500 kV transmission lines along the south side of I-10, parallel to the existing DPV1 transmission line route.

3.7 Livestock Grazing

As shown on Map 2-8 of the Approved Northern and Eastern Colorado Desert Coordinated Management Plan (BLM CDD, 2002), there are no livestock grazing allotments within or adjacent to the project area or right-of-way application area.

3.8 Mineral Resources

3.8.1 Geologic Environment

Depending on the published reference, the project site is located in either the eastern portion of the Mojave Desert geomorphic province, or the northeastern quarter of the Colorado Desert geomorphic province (CEC RSA, 2010), in the Colorado Desert in Riverside County, California. The region is more characteristic of the Mojave Desert geomorphic province in terms of geology, structure and physiography. The Mojave Desert is a broad interior region of isolated mountain ranges which separate vast expanses of desert plains and interior drainage basins. The physiographic province is wedge-shaped, and separated from the Sierra Nevada and Basin and Range geomorphic provinces by the northeast-striking Garlock Fault on the northwest side. The northwest-striking San Andreas Fault defines the southwestern boundary, beyond which lie the Transverse Ranges and Colorado Desert geomorphic provinces. The topography and structural fabric in the Mojave Desert is predominately southeast to northwest, and is associated with faulting oriented similar to the San Andreas Fault. A secondary east to west orientation correlates with structural trends in the Transverse Ranges geomorphic province.

The project site is situated on an alluvial fan within the northwest-trending Chuckwalla Valley between the Chuckwalla Mountains to the southwest, and the Palen Mountains to the northeast. Overall, the site slopes at very shallow grades north and northeast toward the local topographic low at Palen Dry Lake.

Quaternary age alluvial, lacustrine and eolian sedimentary deposits are mapped in the vicinity of the proposed site (CEC RSA, 2010). Marine and transitional sediments of the Pliocene Age Bouse Formation are presumed to underlie alluvial fan deposits, and metasedimentary bedrock of the McCoy Mountains Formation outcrop in the McCoy and Palen Mountains (CEC RSA, 2010). The local stratigraphy, as interpreted by numerous authors, is presented in Table 3.8-1.

Holocene units, which include eolian sands, younger alluvium, and playa lake deposits, are mapped over nearly the entire project site surface. Eolian sands consist of unconsolidated deposits of well sorted, wind-blown sand in dunes and sheets. Younger alluvium is composed of sand, pebbly sand and sandy pebble-gravel, and is generally coarser grained closer to mountain ranges. Desert varnish is not well developed in the mostly unconsolidated and undissected sediments. Playa lake deposits are also unconsolidated, and are comprised of clay, silt, and sand. Older alluvium is present at the surface along the northern edge of both the western (entire length) and eastern (west end only) portion of the project site. The exposures of older alluvium occur as north-south oriented ridges of material protruding into the site from the north, with the intervening areas occupied by drainages filled with younger alluvium. Older alluvium is composed of consolidated gravel and sand that is moderately dissected with moderately developed desert pavement and varnish.

**TABLE 3.8-1
CORRELATION AND AGES OF STRATIGRAPHIC UNITS**

Age	Unit/Description	Jennings (CDMG 1967)	Stone (USGS 1990)	Stone (USGS 2006)
Holocene	Alluvium of modern washes	Qal	Qw	Qw
	Alluvial-fan and alluvial-valley deposits		QTa	Qa ₆
Holocene ± Pleistocene	Qc	Qa ₃		
Pleistocene		Alluvial deposits of Palo Verde Mesa		Qpv
Pleistocene ± Pliocene	Alluvial deposits of the McCoy Wash area	QP	QTfg	QTMw
Pleistocene ± Miocene	Alluvial-fan and alluvial-valley deposits (Older Alluvium)	Qc _o	QTdf	QTa ₂
Pliocene ± Miocene	Bouse Formation ^a	Pu	Tbx	Tbx
Cretaceous and Jurassic?	McCoy Mountains Formation ^b	ms, mv	Km(x), Kja, Kima?	Km(x), Kja, Kima?

NOTES:

^a Not mapped at the surface within the BSPP area and expected to present at depth below the alluvial-filled basin.

^b Mapped only in a small portion at the southwest corner and expected to present at shallow depths near the McCoy Mountains.

SOURCE: CEC RSA, 2010 (Table 2)

Exploration drilling conducted in 1978 by the U.S. Geological Survey (USGS) resulted in two boreholes in the Palen Dry Lake area, one of which lies within the boundaries of the project solar field. U.S. Geological Survey Borehole PDL#1 was advanced to a depth of 505 feet below ground surface (bgs) near the north-central boundary of Section 27 near the northeast corner of the proposed project right-of-way. The lithologic log of PDL#1 indicates the subsurface near the northern site boundary is composed of moderately to thickly bedded sands, gravels, and clays to a depth of approximately 55 feet where a transition to overall clay dominated formation takes place and continues to the total depth of the borehole. The interbedded clays, sands, and gravels probably represent periods of primarily lakebed deposition interspersed with episodes of coarse sediment transport from the nearby Chuckwalla and Palen Mountains. A gravel dominated bed present from approximately 90 to 110 feet also attests to a period of clastic deposition during a period of primarily lakebed sedimentation (CEC RSA, 2010). A water exploration well, 06S/17E-03M01S, which was drilled in 1958 in what is now the southeast portion of the project site reportedly had a similar stratigraphic column with 48 feet of coarse alluvium overlying strata which are clay dominated to a depth of 818 feet bgs (CEC RSA, 2010).

A preliminary geotechnical investigation including 13 exploratory borings and eight test pits has been completed for the general area of the project site (CEC RSA, 2010). The preliminary geotechnical investigation reveals that the project site is underlain by alluvial and eolian deposits of Pleistocene through Holocene age, which consist of dune sands, alluvium and lake deposits to the depths explored (approximately 76.5 feet bgs). The project site is generally surfaced with

unconsolidated soils due to desiccation and/or wind deposition to a maximum depth of 2 feet bgs. The soils below the surficial materials are generally medium dense to very dense poorly graded sand with varying amounts of silt, silty sand and clayey sand. Firm to very hard sandy clays are locally present as interbedded layers 5 to 10 feet thick at depths generally greater than 25 feet bgs. Near-surface site soils are primarily granular with no to low swell potential; however, potentially expansive soils were observed at the ground surface in the northeastern portion of the site (CEC RSA, 2010). Loose dune sand also was observed at the ground surface and at depth in the southwestern portion of the site (CEC RSA, 2010). Collapse potential tests indicate the site soils exhibit a collapse potential in the range of 0 to 3.0 percent when inundated with water.

The proposed solar fields are not crossed by any known active faults or designated Alquist-Priolo Earthquake Fault Zone (EFZ, formerly called Special Studies Zones). A number of major, active faults lie within 62 miles of the site. These faults are discussed in detail in Section 3.12, *Public Health and Safety*, under the Geologic Hazards heading. Several northwest-striking, south-dipping basement thrust faults are mapped at the extreme southern end of the Palen Mountains, and are inferred beneath Quaternary and Tertiary sediments in Chuckwalla Valley. The faults are part of a major Mesozoic terrain-bounding structural zone that was active during late Jurassic time, and are associated with folding and metamorphism in the Palen and McCoy Mountains. The basement faults are no longer active, and are not exposed anywhere on the surface of the proposed site.

Little is known regarding the depth to bedrock beneath the site. Gravity investigations indicate the Chuckwalla Valley overlies three alluvium filled sub-basins separated by east to northeast-trending subsurface basement ridges. Gravity data indicate basin fill in Chuckwalla Valley ranges from approximately 650 feet deep across faulted subsurface basement ridges to greater than 6,000 feet deep near the sub-basin centers. Analysis of gravity anomalies indicates the crystalline basement beneath the sediment filled basins is highly faulted and structurally complex. Review of gravity anomaly data suggests the project site is underlain at an undetermined depth by faulted tertiary non-marine and marine sedimentary, pyroclastic, and volcanic rocks.

The ground water level beneath the site was measured as part of Solar Millennium's water resources investigation. Depth to water beneath the site in well 06S/17E-03M01S was reportedly 180 feet bgs on May 22, 2009. Subsurface exploration performed at the site encountered ground water at depths of 68 and 73 feet below existing grade; however, this occurrence of ground water is believed to be associated with perched conditions and not indicative of the true water table.

3.8.2 Mineral Resources Potential

Lands identified in the Notice of Availability of Maps and Additional Public Scoping for the *Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development* (Solar Energy Development PEIS or PEIS) released by the Departments of the Interior and Energy identified Solar Study Areas determined to have high potential for development of solar energy facilities. As a result of the release of these maps, the BLM filed an application for withdrawal with the Secretary of the Interior identifying 676,048 acres of land in Arizona, California, Colorado, Nevada, New Mexico and Utah to be

“withdrawn from settlement, sale, location or entry under the general land laws, including the mining laws, on behalf of the BLM to protect and preserve solar energy study areas for future solar energy development.” The Notice of Proposed Withdrawal, published June 30, 2009 in the Federal Register (Vol. 47 No. 124), segregated certain lands for up to two years to provide time for various studies and analyses in support a final decision on the withdrawal application. The lands remain open to discretionary actions, such as rights-of-way and land use permits and to the mineral leasing laws.

As described in the RSA for the project, the project site is mapped as Mineral Resource Zone (MRZ)-4. This classification identifies “areas of no known mineral occurrences where geologic information does not rule out either the presence or absence of industrial mineral resources.” No economically viable mineral deposits are known to be present at the site, and no mines are known to have existed within the proposed project boundaries (CEC RSA, 2010). Many inactive mines and mineral prospects are hosted by metamorphic and intrusive basement rocks within 10 miles of the proposed project boundary, primarily in the Palen and Chuckwalla Mountains. These have produced a number of precious and base metals, including iron (magnetite) and pyrophyllite. Minor gold, silver, copper and uranium prospects are located in the Palen Mountains northeast of the project site. The Black Jack Mine in the northern McCoy Mountains about 16 miles northeast of the site is known as the most productive and most extensively worked manganese mine in the southern California. This manganese mine was active during war times and in the 1950s to produce several thousand tons of manganese. This area is within the Ironwood Manganese District of approximately 1.4-square-mile surface area. Other mining areas, including the Blue Bird Mine area, St. John Mine area, and George Mine area also are located in the northern McCoy Mountains and have produced manganese, copper, and a small amount of silver and gold in the past. Uranium has been claimed in the southern McCoy Mountains about 22 miles east of the project site with reported past production by Caproci-Woock Groups. There are several other prospective or claim areas for minerals in the McCoy Mountains including manganese, copper, silver, gold, and uranium. The Roosevelt and Rainbow group of mines in the Mule Mountain district, also known as the Hodges Mountain district that is located about 26 miles southeast of the project site, have produced some gold and copper from the quartz veins in granitic rocks.

The nearest oil and gas fields are located more than 150 miles west of PSPP site in the Los Angeles Sedimentary basin. The nearest geothermal field is located at Brawley just south of the Salton Sea in the Imperial Valley basin about 40 miles southwest of project site (CEC RSA, 2010).

Several gravel borrow pits are present along Interstate 10 (I-10) south of the proposed site, and the presence of alluvial fan materials at the proposed project location means that the property could be accessed and developed as a source of salable sand and gravel resources. During construction, Solar Millennium may need or desire to move sand and gravel either off-site, or between the different units of the facility. Should this occur, Solar Millennium would be required to comply with the regulations in 43 CFR Part 3600, which regulate the production and use of sand and gravel from public lands. Use of sand and gravel or other mineral materials within the boundaries of an authorized right-of-way is permitted; however, removal of these materials from

an authorized right-of-way would require payment to the United States of the fair market value of those materials.

Locatable Minerals

There are no active mining claims within the project area nor is there any locatable mineral activity within the boundaries of the project area. Based on the geological environment and historical trends, the potential for occurrence of locatable minerals is low within the project area.

Leasable Minerals

There are no mineral leases within the project area.

The BLM's Prospectively Valuable maps for leasable minerals show that there is low potential for the occurrence of oil and gas, oil shale or tar sands, coal, sodium, potassium and phosphate. However, the area is identified as prospectively valuable for geothermal resources.

Saleable Minerals/Mineral Materials

Sand and gravel deposits are ubiquitous throughout the project area and the region. There is potential for the project to use mineral materials on or near the site for its own construction needs after proper permitting for use of the material.

3.9 Multiple Use Classes

Under FLPMA Section 601, the BLM has developed the CDCA Plan to “provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.” In this context, the term “multiple use” means the management of the public lands and resource values so that, among other things, they are used in “a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values” (FLPMA, 2001 Section 103).

The CDCA Plan includes a classification system that places BLM-administered public lands within the planning area into one of four multiple-use classes, based on the sensitivity of the resources and types of uses for each geographic area. The class designations govern the type and degree of land-use actions allowed within the areas defined by class boundaries. CDCA lands in Eastern Riverside County are assigned to the classes in the proportions shown in Table 3.9-1.

**TABLE 3.9-1
MULTIPLE-USE CLASS DESIGNATIONS**

Class	Acreage	% of Total Planning Area Public Lands
C	576,858	38
L	550,087	36
M	399,024	26
I	0	0
U	1,886	0
Total	1,527,855	100

Descriptions of the multiple-use classes are:

Class C: Multiple-use Class C (Controlled) has two purposes. First, it shows those areas which are being “preliminarily recommended” as suitable for wilderness designation by Congress. This process is explained in the Wilderness Element of the CDCA Plan (BLM, 1980). Second, it will be used in the future to show those areas formally designated as “wilderness” by Congress.

The Class C Guidelines are different from the guidelines for other classes. They summarize the kinds of management likely to be used in these areas when and if the areas are formally designated wilderness by Congress. These guidelines will be considered in the public process of preparing the final Wilderness Study Reports. However, the final management decisions depend on Congressional direction in the legislation that makes the formal designation.

Class L: Multiple-use Class L (Limited Use) protects sensitive natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

Class M: Multiple-use Class M (Moderate Use) is based upon a controlled balance between higher-intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.

Class I: Multiple-Use Class I is an “Intensive use” class. Its purpose is to provide for concentrated use of lands and resources to meet human needs. Reasonable protection will be provided for sensitive natural and cultural values. Mitigation of impacts on resources and rehabilitation of impacted areas will occur insofar as possible.

Unclassified Lands: Scattered and isolated parcels of public land in the CDCA that have not been placed within multiple-use classes are “unclassified” land. These parcels will be managed on a case-by-case basis, as explained in the Land Tenure Adjustment Element of the CDCA Plan.

Plan Elements: The CDCA Plan Elements provide specific application of the multiple-use class guidelines for specific resources or activities about which the public has expressed significant concern.

The project is on lands designated as MUC-M. The multiple-use class guidelines (BLM, 1980 Table 1) describe land use and resource-management guidance guidelines for 19 land uses and resources as they apply to each class. For MUC-M lands, applicable guidelines from the CDCA Plan, Table 1 are as included in Table 3.9-2.

**TABLE 3.9-2
MULTIPLE-USE CLASS-M LAND USE AND RESOURCE MANAGEMENT GUIDELINES**

Land Uses / Resources	MUC-M Guidelines
1. Agriculture	Agricultural uses (excluding livestock grazing) are not allowed.
2. Air Quality	These areas will be managed to protect their air quality and visibility in accordance with Class II objectives of Part C of the Clean Air Act Amendments unless otherwise designated another class by the State of California as a result of recommendations developed by any BLM air-quality management plan.
3. Water Quality	Areas designated in this class will be managed to minimize degradation of water resources. Best management practices, developed by the Bureau during the planning process outlined in the Clean Water Act, Section 208, and subsequently, will be used to keep impacts on water quality minimal and to comply with Executive Order 12088.
4. Cultural and Paleontological Resources	Archaeological and paleontological values will be preserved and protected. Procedures described in 36 CFR 800 will be observed where applicable. A Memorandum of Agreement has been signed by the BLM, the California State Historic Preservation Officer, and for cultural resources the President's Advisory Council on Historic Preservation to protect cultural resources.
5. Native American Values	Native American cultural and religious values will be preserved where relevant and protected where applicable. Native American group(s) shall be consulted. Memorandums of Agreement and Understandings have been signed between BLM and the Native American Heritage Commission pertaining to Native American concerns and cultural resources.
6. Electrical Generation Facilities	<p>All types of electrical generation plants may be allowed in accordance with State, Federal, and local laws.</p> <p>Existing facilities may be maintained and upgraded or improved in accordance with special-use permits or by amendments to rights-of-way.</p> <ul style="list-style-type: none"> • Nuclear and Fossil Fuel may be allowed in accordance with Federal, State and local laws. • Wind/Solar may be allowed after NEPA requirements are met. • Geothermal may be allowed pursuant to licenses issued under 43 CFR Section 3250 et seq. NEPA requirements will be met.
7. Transmission Facilities	<p>New gas, electric, and water transmission facilities and cables for interstate communication may be allowed only within designated corridors (see Energy Production and Utility Corridors Element). NEPA requirements will be met.</p> <p>Existing facilities within designated corridors may be maintained and upgraded or improved in accordance with existing rights-of way grants or by amendments to right-of-way grants. Existing facilities outside designated corridors may only be maintained but not upgraded or improved.</p>
8. Communication Sites	<p>New sites may be allowed. NEPA requirements will be met. A 30-day public comment period is required for environmental assessments for long distance line-of-site communication systems of three or more sites.</p> <p>Existing facilities may be maintained and utilized in accordance with right-or-way grants and applicable regulations.</p>
9. Fire Management	Fire suppression measures will be taken in accordance with specific fire management plans subject to such conditions as the authorized officer deems necessary, such as use of motorized vehicle, aircraft, and fire retardant chemicals.
10. Vegetation	<p>Removal of vegetation, commercial or non-commercial, may be allowed by permit only after NEPA requirements are met and after development of necessary stipulation.</p> <p>Harvesting by mechanical means may be allowed by permit only.</p> <p>All state and federally listed species will be fully protected. Actions which may jeopardize the continued existence of federally listed species will require consultation with the U.S. Fish and Wildlife Service.</p> <p>Identified sensitive species will be given protection in management decisions consistent with BLM policies.</p>

TABLE 3.9-2 (Continued)
MULTIPLE-USE CLASS-M LAND USE AND RESOURCE MANAGEMENT GUIDELINES

Land Uses / Resources	MUC-M Guidelines
10. Vegetation (cont.)	<p>Identified UPAs will be considered when conducting all site-specific environmental impact analyzes to minimize impact. See also Wetland/Riparian Areas guidelines.</p> <p>Mechanical control may be allowed, but only after consideration of possible impacts.</p> <p>Aerial broadcasting application of chemical controls will not be allowed.</p> <p>Spot application will be allowed after site-specific planning. Types and uses of pesticides, in particular herbicides, must conform to Federal, State, and local regulations (see Vegetation Element).</p> <p>Exclosures may be allowed.</p> <p>Prescribe burning may be allowed after development of a site-specific management plan.</p>
11. Land-Tenure Adjustment	<p>Sale of public land may be allowed in accordance with FLPMA and other applicable Federal laws and regulations. Sales in WSAs will not be allowed until after Congressional action.</p>
12. Livestock Grazing	<p>Grazing will be allowed subject to the protection of sensitive resources.</p> <p>Support facilities such as corrals, loading chutes, water developments, and other facilities, permanent or temporary, will be allowed.</p> <p>Manipulation of vegetation by chemical or mechanical means may be allowed and may be designed, developed, and managed for intensive livestock use.</p>
13. Mineral Exploration and Development	<p>Except as provided in Appendix 5.4, 516, DM 6, NEPA procedures titled "Categorical Exclusions", prior to approving any lease, notice, or application that was filed pursuant to 43 CFR 3045, 3100, 3200, 3500 and S.O. 3087, as amended, an EA will be prepared on the proposed action. Mitigation and reclamation measures will be required to protect and rehabilitate sensitive scenic, ecological, wildlife vegetative and cultural values.</p> <p>Location of mining claims is nondiscretionary. Operations on mining claims are subject to the 43 CFR 3809 Regulations and applicable State and local law. NEPA requirements will be met. BLM will review plans of operations for potential impacts on sensitive resources identified on lands in this class. Mitigation, subject to technical and economic feasibility, will be required.</p> <p>Except as provided in Appendix 5.4, 516 DM 6, NEPA Procedures titled "Categorical Exclusions", new material sales locations, including sand and gravel sites, will require an EA. Continued use of existing areas of sand and gravel extractions is allowed subject to BLM permits as specified in 43 CFR 3600.</p>
14. Motorized-Vehicle Access/Transportation	<p>Motorized-vehicle use will be allowed on "existing" routes of travel unless closed or limited by the authorized officer. New routes may be allowed upon approval of the authorized officer.</p> <p>Vehicle use on some major significant dunes and dry lakebeds may be is allowed (see Motorized Vehicle Access Element).</p> <p>Periodic or seasonal closures or limitations of routes of travel may be required.</p> <p>Access will be provided for mineral exploration and development.</p> <p>Railroads and trams may be allowed.</p> <p>Airports and landing strips may be allowed by lease subject to conformance with county or regional airport loans and FAA and DOD approval.</p>
15. Recreation	<p>This class is suitable for a wide range of recreation activities which may involve moderate to high user densities. Recreational opportunities include those permitted in Class L. Competitive motorized vehicle events are limited to "existing" routes of travel and must be approved by the authorized officer. Pit, start, and finish areas must be designated by the authorized officer. All competitive events and organized events having 50 or more vehicles require permits.</p> <p>Permanent or temporary facilities for resource protection and public health and safety are allowed.</p> <p>Trails are open for non-vehicle use and new trails for non-motorized access may be allowed.</p>

TABLE 3.9-2 (Continued)
MULTIPLE-USE CLASS-M LAND USE AND RESOURCE MANAGEMENT GUIDELINES

Land Uses / Resources	MUC-M Guidelines
16. Waste Disposal	Public lands managed by BLM may not be used for hazardous or non-hazardous waste disposal. Where locations suitable for such disposal are found on BLM managed lands, consideration will be given to transfer of such sites to other ownership for this use. This amendment applies to waste normally handled through landfills or other waste management facilities. It does not apply to mining waste, including tailings and/or chemicals used in processing ore.
17. Wildlife Species and Habitat	<p>All State and federal listed species and their critical habitat will be fully protected. Actions which may affect or jeopardize the continued existence of federally listed species will require formal consultation with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act.</p> <p>Identified species will be given protection in management decisions consistent with BLM policies.</p> <p>Control of depredation wildlife and pests will be allowed in accordance with existing State and Federal laws.</p> <p>Same as Classes C and L, except that chemical and mechanical vegetation manipulation may be allowed.</p> <p>Reintroduction or introduction of native species or established exotic species is allowed.</p>
18. Wetland-Riparian Areas	Wetland/riparian areas will be considered in all proposed land-use actions. Steps will be taken to provide that these unique characteristics and ecological requirements are managed in accordance with Executive Order 11990, Protection of Wetlands (42 CFR 26951), legislative and Secretarial direction, and BLM Manual 6740, "Wetland Riparian Area Protection and Management" (10/1/79), as outlined in the Vegetation Element.
19. Wild Horses and Burros	Populations of wild and free-roaming horses and burros will be maintained in healthy, stable herds, in accordance with the Wild and Free-Roaming Horse and Burro Act of 1971 but will be subject to controls to protect sensitive resources. (See Wild Horse and Burro Element.)

3.10 Noise

The project site is located in the Colorado Desert in the eastern part of Riverside County, approximately 0.5 mile north of Interstate 10 (I-10) at the Corn Springs Road intersection. The site is in a remote area of primarily undeveloped land, with open space and some land developed as a nursery. The small community of Desert Center is located approximately 10 miles west of the site, along I-10. The predominant noise source in proximity to the project site is vehicular traffic on I-10.

Sensitive noise receptors are places that are sensitive to excessive noise levels, such as residential areas where noise can interfere with sleep, concentration, and communication, and can cause physiological and psychological stress and hearing loss. In addition, wildlife management areas where breeding could be disturbed are considered sensitive receptors to noise. One residence is located approximately 25 feet from the northwest corner of the proposed right-of-way boundary, but over one mile from the nearest proposed power block. The power block would be the major source of the power plant's noise during the facility's operation. Another residence is located approximately 3,500 feet northwest of the project site boundary and well over a mile from the nearest power block (CEC RSA, 2010).

The bighorn sheep Wildlife Habitat Management Area (WHMA), approximately 2.5 miles northeast of the site, is a sensitive noise receptor due to the presence of breeding Nelson's bighorn sheep. Sensitive bird nesting habitat also occurs in adjacent creosote scrub and desert dry wash woodland.

3.10.1 Ambient Noise

The Applicant conducted a baseline survey to establish an ambient noise level. Ambient noise levels were measured near the western boundary of the site, near the two residences on May 18 to May 19, 2009. One long-term measurement was taken at the two nearest residences over a 25-hour period between 6:51 p.m., May 18, and 7:51 p.m., May 19, 2009 (see Table 3.10-1). The survey was performed using standard acoustical measurement techniques. Figure 4.9-1 (see Section 4.9, *Impacts on Noise*) depicts the noise measurement sites and the nearest residence locations.

**TABLE 3.10-1
SUMMARY OF MEASURED NOISE LEVELS**

Measurement Sites	Measured Noise Levels, dBA	
	Average During Daytime Hours L_{eq}	Average During Nighttime Hours L_{eq}
LT1, Nearest Residence	43 ^a	34 ^b
LT2, Second Nearest Residence	43 ^a	34 ^b

^a Staff calculations of average of the daytime hours.

^b Staff calculations of average of the nighttime hours

SOURCE: CEC RSA, 2010 (Table 2)

The construction and operation of any power plant creates noise or unwanted sound. The character and loudness of this noise, the times of day or night that it is produced, and the proximity of the facility to sensitive receptors all combine to determine whether the facility would meet applicable noise control laws and ordinances and whether it would cause significant adverse environmental impacts. In some cases, vibration may be produced as a result of power plant construction practices such as blasting or pile driving. The ground-borne energy of vibration has the potential to cause structural damage and annoyance. Definitions of some technical terms related to noise are provided in Table 3.10-2.

**TABLE 3.10-2
 DEFINITION OF SOME TECHNICAL TERMS RELATED TO NOISE**

Terms	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a Sound Level Meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this testimony are A-weighted.
L ₉₀	The A-weighted noise level that is exceeded 90 percent of the time during the measurement period. L ₉₀ is generally taken as the background noise level.
Equivalent Noise Level, L _{eq}	The energy average A-weighted noise level during the Noise Level measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 4.8 decibels to levels in the evening from 7 p.m. to 10 p.m., and after addition of 10 decibels to sound levels in the night between 10 p.m. and 7 a.m.
Day-Night Level, L _{dn} or DNL	The Average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10 p.m. and 7 a.m.
Ambient Noise Level	The composite of noise from all sources, near and far. The normal or existing level of environmental noise at a given location (often used for an existing or pre-project noise condition for comparison study).
Pure Tone	A pure tone is defined by the Model Community Noise Control Ordinance as existing if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the two contiguous bands by 5 decibels (dB) for center frequencies of 500 Hz and above, or by 8 dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies less than or equal to 125 Hz.

SOURCE: CEC RSA, 2010 (Table A1)

BLM does not establish noise thresholds for public lands, but defers to other Federal, State and local regulatory agencies. Chapter 9.52, Noise Regulation, of the Riverside County Code sets forth noise restrictions to protect the health, safety, and general welfare of residents of Riverside County. This ordinance restricts construction hours within one-quarter mile of an inhabited dwelling to between the hours of six a.m. and six p.m. during the months of June through September and to between the hours of seven a.m. and six p.m. during the months of October through May.

Table 3.10-3 presents restrictions on exterior and interior noise from stationary sources for residential land use zones as identified in the Riverside County General Plan. These restrictions do not apply to construction noise.

**TABLE 3.10-3
RIVERSIDE COUNTY LAND USE NOISE STANDARDS FOR STATIONARY SOURCES**

Land Use	Time Period	Interior Standards (L_{eq})^a	Exterior Standards (L_{eq})^a
Residential	10 p.m. to 7 a.m.	40	45
	7 a.m. to 10 p.m.	55	65

^a Standard is for a 10-minute average.

SOURCE: County of Riverside, 2008

3.11 Paleontological Resources

The project site is located entirely on undisturbed, BLM-administered federal land. The Paleontological Resources Preservation Act of 2009 requires the BLM to manage and protect paleontological resources on Federal land using scientific principles and expertise. The term 'paleontological resource' means any fossilized remains, traces, or imprints of organisms, reserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include--(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or (B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001). The potential for discovery of significant paleontological resources or the impact of surface disturbing activities to such resources is assessed using the Potential Fossil Yield Classification (PYFC) system. This system includes three conditions: Condition 1 (areas known to contain vertebrate fossils); Condition 2 (areas with exposures of geological units or settings that have high potential to contain vertebrate fossils); and Condition 3 (areas that are very unlikely to produce vertebrate fossils). The PYFC class ranges from Class 5 (very high) for Condition 1 to Class 1 (very low) for Condition 3 (CEC RSA, 2010).

Depending on the published report the project site is located in either the southeastern portion of the Mojave Desert geomorphic province (CEC RSA, 2010), or the northeastern quarter of the Colorado Desert geomorphic province (CEC RSA, 2010), in the Mojave Desert of Southern California near the Arizona border. Geologically and geographically the area is more characteristic of the Mojave Desert geomorphic province. The Mojave Desert is a broad interior region of isolated mountain ranges which separate vast expanses of desert plains and interior drainage basins. The physiographic province is wedge-shaped and separated from the Sierra Nevada and Basin and Range geomorphic provinces by the northeast-striking Garlock Fault on the northwest side. The northwest-striking San Andreas Fault defines the southwestern boundary, beyond which lie the Transverse Ranges. The Colorado Desert geomorphic province lies to the south and east of the proposed project area. The topography and structural fabric in the Mojave Desert is predominately southeast to northwest, and is associated with mid-Miocene to recent faulting oriented similar to the San Andreas Fault. A secondary east to west orientation correlates with structural trends in the Transverse Ranges geomorphic province.

The project site would be situated on a broad alluvial plain within the northwest-trending Chuckwalla Valley between the Chuckwalla Mountains to the southwest, and the Palen Mountains to the northeast. Overall the proposed site slopes at very shallow grades north and northeast toward the local topographic low at Palen Dry Lake.

Quaternary age alluvial, lacustrine and eolian sedimentary deposits are mapped in the vicinity of the project site (CEC RSA, 2010). The local stratigraphy as interpreted by different authors is presented in Table 3.11-1.

**TABLE 3.11-1
 CORRELATION AND AGES OF STRATIGRAPHIC UNITS**

Age	Unit/Description	Jennings (CDMG 1967)	Stone & Pelka (USGS 1989)	Stone (USGS 1990)
Holocene	Eolian sands	Qs	Qs	Qs
	Younger alluvium	Qal	Qya	Qta
	Playa lake deposits	Ql	Qp	Qp
Pleistocene	Older alluvium	Qc	Qia	Qta
			Qoa	

Holocene units, which include eolian sands, younger alluvium, and playa lake deposits, are mapped over nearly the entire project site surface. Eolian sands consist of unconsolidated deposits of well-sorted, wind-blown sand in dunes and sheets. Younger alluvium is composed of sand, pebbly sand and sandy pebble-gravel, and generally is coarser grained closer to mountain ranges. Desert varnish is not well developed in the mostly unconsolidated and undissected sediments. Playa lake deposits are also unconsolidated and are comprised of clay, silt and sand. Older alluvium is present at the surface along the southwestern edge of the project site.

The exposures of older alluvium occur as northeast-oriented ridges of material protruding into the site from the southwest, with the intervening areas occupied by drainages filled with younger alluvium. Older alluvium is composed of consolidated gravel and sand that is moderately dissected with moderately developed desert pavement and varnish.

Exploration drilling conducted in 1978 by the U.S. Geological Survey (USGS) resulted in two boreholes in the Palen Dry Lake area, one of which lies within the boundaries of the proposed plant site. USGS Borehole PDL#1 was advanced to a depth of 505 feet below ground surface (bgs) near the north-central boundary of Section 27 near the northeast corner of the proposed project right-of-way. The lithologic log of PDL#1 indicates the subsurface near the northern site boundary is composed of moderately to thickly bedded sands, gravels, and clays to a depth of approximately 55 feet where a transition to overall clay dominated formation takes place and continues to the total depth of the borehole. The interbedded clays, sands, and gravels probably represent periods of primarily lakebed deposition interspersed with episodes of coarse sediment transport from the nearby Chuckwalla and Palen Mountains. A gravel dominated bed present from approximately 90 to 110 feet also attests to a period of clastic deposition during a period of primarily lakebed sedimentation (CEC RSA, 2010). A water exploration well, 06S/17E-03M01S, which was drilled in 1958 in what is now the southeast portion of the project site reportedly had a similar stratigraphic column with 48 feet of coarse alluvium overlying strata which are clay dominated to a depth of 818 feet bgs (CEC RSA, 2010).

A preliminary geotechnical investigation including 13 exploratory borings and eight test pits was completed for the general area of the project site (CEC RSA, 2010). This investigation reveals that the site is underlain by alluvial and eolian deposits of Pleistocene through Holocene age, which consist of dune sands, alluvium and lake deposits to the depths explored (approximately 76.5 feet

below the existing ground surface). The project site is generally surfaced with unconsolidated soils due to desiccation and/or wind deposition to a maximum depth of 2 feet below the existing grade.

Near-surface geology beneath the project site consists primarily of Quaternary alluvium, eolian and lacustrine sediments which increases in age with depth from Holocene at the surface to Pleistocene and older at depth (CEC RSA, 2010). Coarse-grained sediments grade laterally and are interbedded with lakebed deposits of similar ages. Pleistocene age older alluvium, which is exposed along the southwestern boundary of the site, underlies younger alluvium and lacustrine sediments. Older alluvium would likely be buried at progressively deeper depths beneath Holocene sediments to the northeast across the site.

A paleontological resources assessment (CEC RSA, 2010) was prepared. Correspondence from Natural History Museum of Los Angeles County; University of California Berkeley Museum of Paleontology; and the Riverside County Land Information System also was reviewed for information regarding known fossil localities and stratigraphic unit sensitivity within the proposed project area (CEC RSA, 2010). All research was conducted in accordance with accepted assessment protocol of the Society for Vertebrate Paleontology to determine whether any known paleontological resources exist in the general area (CEC RSA, 2010).

The information reviewed indicates there are no recorded fossil collection sites within the proposed project boundary or within a one-mile radius. Three vertebrate fossil collection areas have been documented in the vicinity of the proposed project area within the same or similar sedimentary units which underlie the site. One location east-southeast of the site between I-10 and Ford Dry Lake contained fossil remains of a pocket mouse. Another site northwest of the proposed project site in the northern Chuckwalla Valley yielded fossil remains of tortoise, horse, camel, and llama.

The results of a site-specific comprehensive field survey recorded one non-significant fossil occurrence that yielded a non-diagnostic vertebrate material within the project limits (CEC RSA, 2010). The specimen was discovered *ex-situ* (i.e., removed from its original place of fossilization) as a lag deposit transported an unknown distance and re-deposited on top of alluvial sediments (CEC RSA, 2010). As a result, the fossil resource discovered on the surface within the limits of the project boundary is not considered significant.

The Riverside County Transportation and Land Management Agency (TLMA) has produced a paleontological sensitivity map of the County (CEC RSA, 2010). The mapping indicates that areas underlain by playa lake, eolian and younger alluvial deposits within and around the Palen Dry Lake basin have a high paleontological sensitivity rating. Younger alluvium upslope from the lake bed has a low sensitivity rating, and older alluvium is assigned an undetermined sensitivity rating, according to the TLMA.

The paleontological resource sensitivity of undisturbed Quaternary alluvium and lacustrine sediments varies from low at shallow depths to high at deeper depths. These units are mapped at the surface or may be present near the surface adjacent to these mapped areas along the northern

and southern borders of the project site. The depth to Pleistocene age alluvial and lacustrine deposits is undetermined at present for the remainder of the site.

Based on the above research, criteria of the Society for Vertebrate Paleontology, the paleontological report provided in Appendix F, and the confidential paleontological information filing (CEC RSA, 2010), there is a high probability that paleontological resources will be encountered during grading and excavation in the older Quaternary age alluvial and lacustrine sediments within the project site. Further, deeper excavations in the younger alluvium that will encounter the underlying older Quaternary age alluvial soils will also have a high probability to encounter paleontological resources.

3.12 Public Health and Safety

3.12.1 Introduction

The affected environment for Public Health and Safety includes an evaluation of several program areas, including hazardous materials/hazardous waste management, unexploded ordnance (UXO), abandoned mined lands (AML), undocumented immigrants (UDI), transmission line safety and nuisance, traffic and transportation (including aviation) safety, worker safety and fire protection, public and private air strips/airfields, and geologic hazards.

3.12.2 Hazardous Materials

Several factors associated with the project location affect the potential for an accidental release of a hazardous material that could cause public health impacts. These include:

1. local meteorology;
2. terrain characteristics;
3. location of population centers and sensitive receptors relative to the project;
4. existing public health concerns; and
5. existing environmental site contamination.

Meteorological Conditions

Meteorological conditions, including wind speed, wind direction, and air temperature, affect both the extent to which accidentally released hazardous materials would be dispersed into the air and the direction in which they would be transported. This affects the potential magnitude and extent of public exposure to such materials, as well as exposure to associated health risks. When wind speeds are low and the atmosphere stable, dispersion is reduced but could lead to increased localized public exposure. Recorded wind speeds and ambient air temperatures are described in Section 3.2, *Air Quality*.

Terrain Characteristics

The location of elevated terrain is often an important factor in assessing potential exposure. An emission plume resulting from an accidental release could impact high elevations before impacting lower elevations. The existing topographic conditions of the proposed solar field site show an average slope of approximately one foot in 75 feet (1.33 percent) toward the northeast.

Location of Exposed Populations and Sensitive Receptors

The general population includes many sensitive subgroups that could be at risk from exposure to emitted pollutants. Sensitive receptors are people who are particularly susceptible to illness, such as the elderly, very young children, people already weakened by illness (e.g., asthmatics), and persons engaged in strenuous exercise, or locations or institutions that may be occupied predominantly by one or more of these sensitive subgroups, such as residences, schools,

hospitals, and hospices. The location of the population in the area surrounding a project site may have a major bearing on health risk. The nearest sensitive receptors are single residences about 25 feet and 3,500 feet from the project's northwest boundary, but over one mile from the nearest power block; otherwise, there are no sensitive receptors within a three-mile radius of the project site. Within a six-mile radius of the site, the total population is 17 people. The nearest school (Eagle Mountain Elementary School) is about 10 miles west of the site.

Existing Public Health Concerns

Analyses of existing public health issues typically are prepared in order to identify the current status of respiratory diseases (including asthma), cancer, and childhood mortality rates in the population located near proposed project sites to provide a basis on which to evaluate any additional health impacts from the proposed action. Because of the very low population in the immediate vicinity of the project and because no existing health concerns within a six-mile radius of the site have been identified by the Applicant (CEC RSA, 2010), no analysis of existing public health issues has been conducted.

Existing Environmental Site Contamination

The Phase I Environmental Site Assessment conducted for the project site in 2009 found no "Recognized Environmental Conditions" per the American Society for Testing and Materials Standards (ASTM) definition. That is, there was no evidence or record of any use, spillage, or disposal of hazardous substances on the site, nor was there any other environmental concern that would require remedial action (CEC RSA, 2010).

3.12.3 Waste Management

The Riverside County Waste Management Department operates six landfills, has a contract agreement for waste disposal with an additional private landfill, and administers several transfer station leases (see Table 3.12-1, *Solid Waste Disposal Facilities*, for the capacities of landfills that are available to receive solid waste generated in Riverside County). The California Integrated Waste Management Act requires that each jurisdiction reuse, recycle, compost, or otherwise divert 50 percent of its annual waste away from landfills or show a good faith effort to reach this goal. The unincorporated areas of Riverside County currently meet their diversion goal, in addition to adopting the necessary plans and policies to comply with the act (CalRecycle, 2010). The combined remaining capacity of these eight landfills which may receive project waste (this excludes the Oasis Sanitary and Desert Center Landfills) is over 200 million cubic yards; however, the remaining capacity of the Oasis Sanitary Landfill is only 75,727 cubic yards, and the remaining capacity of the Desert Center Landfill, which is expected to close in 2011, is only 23,246 cubic yards (CEC RSA, 2010).

**TABLE 3.12-1
SOLID WASTE DISPOSAL FACILITIES**

Waste Disposal Site	Title 23 Class	Maximum Permitted Capacity (Cubic Yards)	Current Operating Capacity (Tons/Day)	Remaining Capacity (Cubic Yards)	Estimated Closure Date
Badlands Sanitary Landfill	Class III	30,386,332	4,000	21,866,092	2016
Lamb Canyon Sanitary Landfill	Class III	34,292,000	3,000	20,908,171	2023
Oasis Sanitary Landfill	Class III	870,000	400	75,727	2019
Desert Center Landfill	Class III	117,032	60	23,246	2011
Blythe Sanitary Landfill	Class III	4,633,000	400	2,289,139	2034
El Sobrante Landfill	Class III	184,930,000	10,000	118,573,540	2030
Monofill Facility	Class II	1,729,800	750	1,314,800	2012
Chiquita Canyon Sanitary Landfill	Class II, III	63,900,000	6,000	35,800,000	2019
Kettleman Hills Landfill	Class I	10,700,000	8,000	1,100,000	2037
Clean Harbors Buttonwillow Landfill	Class I	14,300,000	10,500	8,884,000	2043

Class I landfill – A landfill that accepts for disposal 20 tons or more of municipal solid waste daily (based on an annual average) including permitted hazardous wastes.

Class II landfill – A landfill that (1) accepts less than 20 tons daily of municipal solid waste (based on an annual average); (2) is located on a site where there is no evidence of groundwater pollution caused or contributed by the landfill; (3) is not connected by road to a Class I municipal solid waste landfill, or, if connected by road, is located more than 50 miles from a Class I municipal solid waste landfill; and (4) serves a community that experiences (for at least 3 months each year) an interruption in access to surface transportation, preventing access to a Class I landfill, or a community with no practicable waste management alternative.

Class III landfill – A landfill that is not connected by road to a Class I landfill or a landfill that is located at least 50 miles from a Class I landfill. Class III landfills can accept no more than an average of 1 ton daily of ash from incinerated municipal solid waste or less than 5 tons daily of municipal solid waste.

SOURCE: CalRecycle, 2010

3.12.4 Unexploded Ordnance (UXO)

Unexploded ordnance (UXO) are military munitions that have been primed, fused, armed or otherwise prepared for action, fired, dropped, launched, projected, or placed in such a manner to constitute a hazard to operations, installations, personnel, or material; or remain unexploded either by malfunction, design, or any other case (USAEC, 2010). UXO presents an immediate risk of acute physical injury from fire or explosion resulting from accidental detonation.

Although the Phase I ESA did not mention the potential of encountering unexploded ordnance (UXO) at or near the project site, historical use of the project site included General George Patton’s Desert Training Camps during World War II. Palen Pass is near the project site and was the site of some of the largest mock battles in the California-Arizona Maneuver Area. Live-fire training occurred in camps and facilities in the PSPP area. Additionally, conventional and unconventional land mines and improvised personnel mines have been detected along with UXO. Due to historical uses in and adjacent to the PSPP area, UXO are a potential hazard at the project site.

3.12.5 Undocumented Immigrants (UDI)

There are no known incidents with undocumented immigrants at the site or near the project area.

3.12.6 Transmission Line Safety and Nuisance

This affected environment analysis focuses on hazards and nuisances resulting from the presence of transmission lines, taking into account both the physical presence of the line and the physical interactions of its electric and magnetic fields.

Power generated from the project would be transmitted to the Southern California Edison (SCE) power grid using a single-circuit overhead 230 kV line. The point of connection with the SCE grid would be at SCE's proposed Red Bluff Substation, approximately five miles to the west. Since SCE's Red Bluff Substation would be under the jurisdiction of the CPUC, it would be designed, built, and operated to reflect implementation of CPUC requirements.

The site is in an undeveloped open desert land with no existing structures other than SCE's 161-kV Eagle Mountain-Blythe transmission line that traverses the southwestern portion of the site. The proposed transmission line would exit the northwest corner of the project site and travel west and south, crossing the I-10, and would continue south to the proposed Red Bluff Substation. The available land for the line's right-of-way would traverse some BLM-administered land in a largely uninhabited desert area, which has only two residences within two miles of the transmission line route, one of which would be as close as 1,000 feet from the line. The closest residence to the project site is approximately 25 feet northwest of the southern site boundary and the next closest is 3,500 feet northwest of the southern site boundary (CEC RSA, 2010).

Aviation Safety

Hazards to area aircraft can arise from the potential for collision in the navigable airspace. However, the project site is not located near a major commercial aviation center.

The closest airfield to the project site is the privately-operated Desert Center Airport, which is located at the end of an unnamed road, one mile (1.6 km) east of CA Route 177 (Desert Center – Rice Road) and 5 miles (8.0 km) northeast of the town of Desert Center; this is approximately 5 miles northwest of the main project site but only 2 miles from the proposed gen-tie line. The Desert Center Airport was built in the early 1940s as Desert Center Army Airfield, officially opened in April 1943, and turned over to the Army Corps of Engineers in 1946, following the end of World War II. The airport operated as a civil airport (owned by Riverside County) at some point between 1966 and 2002; however, by 2002 it was all but abandoned. In 2003, the airfield was being used to fly unmanned aircraft: the hangar had been converted to a workshop and an inclined launching ramp was constructed. Thereafter, Riverside County sold the airfield to Chuckwalla Valley Associates, LLC, which now operates two runways to service the Chuckwalla Valley Raceway (FAA, 2010a; AirNav, 2010). The most recent information available indicates 150 aircraft operations per year at the airfield for the 12-month period ending December 31, 2006 (AirNav, 2010).

The next closest airport (Blythe Airport) is located about 30 miles east of the project site, outside the path of the proposed transmission lines.

Communication System Interference

According to the Federal Aviation Administration, communication systems interference can be caused by solar technologies that cause a negative impact on radar, NAVAIDS, and infrared instruments (FAA, 2010b). Radar interference occurs when objects are placed too close to a radar sail (or antenna) and reflect or block the transmission of signals between the radar antenna and the receiver (either a plane or a remote location). NAVAIDS can be impacted similarly to radar, but they include passive systems with no transmitting signals. Impacts on infrared communications can occur because the solar panels continue to retain heat into the first part of dusk and the heat they release can be picked up by infrared communications in aircraft causing an unexpected signal.

Although it is possible for communication system interference to be caused by other communication signals, it is less common. Transmission line related radio frequency interference is produced by the physical interactions of line electric fields and is a potential indirect effect of transmission line operation. Such interference is due to the radio noise produced by the action of the electric fields on the surface of the energized conductor. The process involved is known as *corona discharge*, but is referred to as *spark gap electric discharge* when it occurs within gaps between the conductor and insulators or metal fittings. Because of the power loss from such corona discharges, it is in the interest of each line proponent to employ design, construction, and maintenance plans that minimize them. When generated, such corona noise manifests itself as perceivable interference with radio or television signal reception or interference with other forms of radio communication when the signal is amplitude modulated (AM). Such radio interference is the buzzing and crackling noise one might hear from the speaker of an AM broadcast receiver when near a transmission line. The potential for corona-related interference generally becomes a concern for lines with voltage of 345 kV and above, and less so for lines such as the proposed 230 kV transmission line.

Frequency modulated (FM) signals are normally unaffected as are modern digital signals such as those involved in cellular telephone communication or modern airport and other types of radio communication. Maximum interference levels are not specified as design criteria for modern transmission lines because the level of the AM interference in any given case would depend on factors such as line voltage, distance from the line to the receiving device, orientation of the antenna, signal level, line configuration, and weather conditions. The level of any such AM interference usually depends on the magnitude of the electric fields involved and the distance from the line. The potential for such impacts is therefore minimized by reducing the line electric fields and locating the line away from inhabited areas. The Federal Communications Commission (FCC) requires the line's owner to mitigate such interference in any specific case.

Audible Noise

Audible noise usually results from the action of the electric field at the surface of the line conductor and could be perceived as a characteristic crackling, frying, or hissing sound or hum, especially in wet weather. The noise level depends upon the strength of the line's electric field,

and is a concern mainly from lines of 345 kV or higher. In fair weather, audible noise from modern transmission lines generally is indistinguishable from background noise at the edge of a right-of-way 100 or more feet wide. The noise-reducing designs related to electric field intensity are not specifically mandated by federal or state regulated noise limits. As with radio noise, it is limited through design, construction, or maintenance practices established from industry research and experience as effective without significant impacts on line safety, efficiency, maintainability, and reliability.

Fire Hazards

Transmission line-related fire hazards could be caused by sparks from conductors of overhead lines, or from direct contact between the line and nearby trees and other combustible objects.

Hazardous Shocks

Hazardous shocks are those that could result from direct or indirect contact between an individual and the energized line, whether overhead or underground. Such shocks are capable of serious physiological harm or death and remain a driving force in the design and operation of transmission and other high-voltage lines. No design-specific federal regulations have been established to prevent hazardous shocks from overhead power lines. However, safety is assured within the industry from compliance with the requirements specifying the minimum national safe operating clearances applicable in areas where the line might be accessible to the public.

Nuisance Shocks

Nuisance shocks are caused by current flow at levels generally incapable of causing significant physiological harm. They result mostly from direct contact with metal objects electrically charged by fields from the energized line. Such electric charges are induced in different ways by the line's electric and magnetic fields. The potential for nuisance shocks around the proposed line would be minimized through standard industry grounding practices specified in the National Electrical Safety Code and the joint guidelines of the American National Standards Institute and the Institute of Electrical and Electronics Engineers (CEC RSA, 2010).

Electric and Magnetic Field Exposure

Electric and magnetic fields (EMF) occur together whenever electricity flows. The possibility of deleterious health effects from EMF exposure has increased public concern in recent years about living near high-voltage lines; however, scientific uncertainty regarding these potential health effects remains. Available data have not established that EMF exposure is a human health hazard. There are no health-based federal regulations or industry codes specifying environmental limits on the strengths of fields from power lines. Most regulatory agencies believe that health-based limits are inappropriate at this time. They also believe that the present knowledge of the issue does not justify any retrofit of existing lines.

While there is considerable uncertainty about EMF health effects, State policy requires reduction of EMF in the design, construction, and maintenance of new or modified lines, if feasible, without affecting the safety, efficiency, reliability, and maintainability of the transmission grid. Further, each new or modified transmission line in California must be designed according to the EMF-reducing guidelines of the electric utility in the service area involved. EMF produced by new lines must be similar to the fields of comparable lines in that service area.

3.12.7 Traffic and Transportation Safety

Roadway Access

Access to the PSPP would be from an extension of Corn Springs Road at the I-10 interchange. The Corn Springs Road extension would be about 1,350 feet long and would run east from just north of the I-10 Corn Springs Road entrance/exit ramps to the project site entrance. For setting information relative to these roadways, see Section 3.17, *Transportation and Public Access – Off-Highway Vehicle Resources*.

The project also proposes to construct an approximately 7.5 mile transmission line running west and south from the site that would cross I-10 before reaching SCE's new Red Bluff substation.

Airports

No major airports exist near the project site. As described under Aviation Safety, above, the closest airfields to the project site are the Desert Center Airport and the Blythe Airport. The Desert Center Airport is approximately 5 miles northwest of the project site but only 2 miles from the gen-tie line. The Blythe Airport is much farther away: about 30 miles east of the site.

Emergency Services Vehicle Access

Riverside County has adopted the 2007 California Fire Code and 2007 California Building Standards Code in their entirety regulating and governing the safeguard of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Riverside County (Riverside County Ord. No. 787). Accordingly, emergency services access roads must be installed and made serviceable prior to and during the time of construction. The grade of the fire department access road must be within the limits established by the Fire Chief and may not exceed 15 percent. The project would include the development of two all-weather access roads in accordance with County and fire code requirements to provide adequate access for emergency vehicles.

Water and Rail Obstructions

The project would not be located adjacent to a navigable body of water; therefore, the project would not be expected to alter water-related transportation. The nearest passenger rail service is an Amtrak station in Palm Springs to the west. Additionally, commercial rail service is banned in Riverside County.

Reflectivity

Reflectivity refers to light reflected off of surfaces that could cause a brief episode of a loss of vision (also known as flash blindness) on pilots or air traffic controllers. Potential impacts of reflectivity include glint and glare. The term *glint* refers to a momentary flash of bright light; by comparison, *glare* is a continuous source of bright light. Flash blindness is defined in FAA Order 7400.2f as “a temporary visual interference effect that persists after the source of illumination has ceased.” For facilities placed in the desert, far from most ground-based receptors, potential impacts would be limited to aircraft passing by (FAA, 2010b).

The amount of light reflected off of a solar panel surface depends on the amount of sunlight hitting the surface as well as the surface reflectivity. The amount of sunlight interacting with the solar panel will vary based on geographic location, time of year, cloud cover, and solar panel orientation. Frequently, 1,000 watts per square meter (W/m²) is used in calculations as an estimate of the solar energy interacting with a panel. According to researchers at Sandia National Lab, flash blindness for a period of 4-12 seconds (i.e., time to recovery of vision) occurs when 7-11 W/m² (or 650-1,100 lumens/m²) reaches the eye (FAA, 2010b).

Reflectivity from solar projects varies depending on the type of solar technology, its materials and design. Concentrated solar power systems such as the project use mirrors to maximize reflection and focus the reflected sunlight and associated heat on a design point to produce steam that generates electricity. Concentrated solar power systems tend to be highly reflective: the percent of sunlight reflected is about 90 percent, translating to 900 W/m² reflected (FAA, 2010b).

The character of reflected light, i.e., whether it is “specular” or “diffuse,” also is important in evaluating reflectivity. Specular reflection occurs when the surface in question is smooth and polished; it results in a more concentrated type of light. Diffuse reflection occurs from rough surfaces such as pavement or vegetation; it produces a less concentrated light. Flash blindness generally occurs only from specular reflections.

Distance between a solar field and potential reflectivity receptors also factors into an analysis of potential impacts, because the intensity of the light reflected from the solar panel decreases as the distance from it increases. The distance necessary to avoid flash blindness is directly proportional to the size of the array in question (FAA, 2010b).

Accordingly, under certain circumstances, reflected light and glare could affect the vision of pilots flying within view of the proposed solar field.

Industrial Plumes

In January 2006, the FAA conducted a Safety Risk Analysis (SRA) of industrial plumes (FAA, 2006). Based on this analysis, the FAA concluded that turbulence associated with plumes could result in the following:

1. Possible airframe damage or negative effects on aircraft stability in flight or both;

2. Adverse effects on aircraft due to high levels of water vapor, engine and aircraft contaminants, icing, and restricted visibilities; and
3. Loss of the aircraft or fatal injury to the crew as well as substantial damage to ground facilities.

As a result, the FAA recommended that FAA Order 7400.2 be amended to consider a plume-generating facility as a hazard to navigation when expected flight paths pass less than 1,000 feet above the top of the object. In addition, the FAA included in its 2006 Safety Risk Analysis three other recommendations concerning plumes:

1. Amend the Aeronautical Information Manual (AIM), Chapter 7, Section 5, with wording that overflights at less than 1,000 feet vertically above plume-generating industrial sites should be avoided;
2. Where operationally feasible, make permanent the temporary flight restriction (TFR) that pertains to the overflight of power plants; and
3. Amend Advisory Circular 70.7460-2K, *Proposed Construction of Objects that May Affect Navigable Airspace*, by changing Instructions to completing FAA Form 7460-1, *Notice of Proposed Construction or Alternation*, Item #21 by adding “For structures such as power plants or any industrial facility where exhaust plume discharge could reasonably be expected and reportable under the provisions of Part 77, thoroughly explain the nature of the discharge.”

According to the FAA, those actions would serve to further enhance aviation safety within the National Airspace System.

More recently, in its 2010 FAA Solar Guide, the FAA explained that thermal plume-related hazards vary depending on the solar technology employed. A “power tower,” for example, produces unexpected upward moving air columns into navigable air space that raise concerns about hazards to safe air navigation. By contrast, conventional solar thermal and photovoltaic solar energy systems can be used reliably and safely even on airport property (FAA, 2010b).

3.12.8 Worker Safety and Fire Protection

Worker safety and fire protection is regulated through the implementation of the federal, state, and local laws, ordinances, regulations, and standards (LORS) identified in Table 1-1.

3.12.9 Geologic Hazards

The project site is located entirely on undisturbed BLM-administered federal land in a moderately active geologic area of the eastern Mojave Desert geomorphic province in eastern Riverside County in southeastern California. This discussion presents the existing geologic hazards in the region of the project site. A brief geologic overview is provided and includes information from a preliminary geotechnical investigation completed by Kleinfelder in 2009. The preliminary geotechnical investigation included 13 exploratory borings and eight test pits in the project study area (CEC RSA, 2010).

Regional Geology

The project site is located in the southeastern portion of the Mojave Desert geomorphic province (CEC RSA, 2010). The Mojave Desert is a broad interior region of isolated mountain ranges that separate vast expanses of desert plains and interior drainage basins. The physiographic province is wedge-shaped, and separated from the Sierra Nevada and Basin and Range geomorphic provinces by the northeast-striking Garlock fault on the northwest side. The northwest-striking San Andreas Fault defines the southwestern boundary, beyond which lie the Transverse Ranges and Colorado Desert geomorphic provinces.

Local Geology

The project site would be situated on a broad alluvial plain within the northwest-trending Chuckwalla Valley between the Chuckwalla Mountains to the southwest, and the Palen Mountains to the northeast. Overall the project site slopes at very shallow grades north and northeast toward the local topographic low at Palen Dry Lake. Quaternary age alluvial, lacustrine and eolian sedimentary deposits are mapped in the vicinity of the project site (CEC RSA, 2010).

Topography

The topography in the Mojave Desert is predominately sloping southeast to northwest, and is associated with faulting similarly-oriented to the San Andreas Fault. A secondary east to west orientation correlates with the topography associated with the Transverse Ranges geomorphic province. Overall the project site slopes at very shallow grades north and northeast toward the local topographic low at Palen Dry Lake. The ground surface in the study area generally slopes gently downward to the southeast at a gradient of less than 1%. Ground surface elevations range from approximately 680 feet msl in the southwest to 425 feet msl in the northeast. Steeper grades are present as the terrain transitions to the isolated sand dunes along the northern portion of the site.

Soils

A preliminary geotechnical investigation including 13 exploratory borings and eight test pits reveals that the project site is underlain by alluvial and eolian deposits of Pleistocene through Holocene age, consisting of dune sands, alluvium, and lake deposits to depths of 76.5 feet below the existing ground surface (the maximum depth of exploratory borings). The project site contains loose soils due to desiccation and/or wind deposition to a maximum depth of 2 feet below the existing grade. The materials below the surface soils are generally medium dense to very dense, poorly graded sand with varying amounts of silt, silty sand and clayey sand. Firm to very hard sandy clays are locally present as interbedded layers 5 to 10 feet thick at depths generally greater than 25 feet below existing grade. More detailed information about soils present at the site and impacts to soil resources are discussed in Section 3.15, *Soil Resources*, and Section 4.14, *Impacts to Soil Resources*.

Faulting and Seismicity

The project site is not crossed by any known active faults or designated Alquist-Priolo Earthquake Fault Zone (CEC RSA, 2010). A number of major, active faults lie within 63 miles of the site. The fault type, potential magnitude, and distance from the site are summarized in Table 3.12-2. Each of the faults listed are considered active. Because of the large size of the project site, the distances to faults were measured from the approximate center of the site. The closest mapped active faults to the solar plant site are the faults attributed to the Brawley Seismic Zone located approximately 37 miles to the southwest. Several northwest-striking, inactive faults are mapped at the extreme southern end of the Palen Mountains, and are inferred beneath Quaternary and Tertiary sediments in Chuckwalla Valley (CEC RSA, 2010). These faults are part of a major Mesozoic terrain-bounding structural zone that was active during late Jurassic time, and are associated with folding and metamorphism in the Palen and McCoy Mountains. They are not exposed anywhere on the surface of the project site.

**TABLE 3.12-2
ACTIVE FAULTS RELATIVE TO THE PROPOSED PROJECT SITE**

Fault Name	Distance from Site (miles)	Maximum Earthquake Magnitude (Mw)	Estimated Peak Site Acceleration (g)
Brawley Seismic Zone	37.0	6.4	0.071
San Andreas: Coachella M-1c-5	37.0	7.2	0.108
San Andreas SB-Coachella M-1b-2	37.0	7.7	0.140
San Andreas: Whole	37.0	8.0	0.165
Elmore Ranch	40.6	6.6	0.073
Pinto Mountain	50.8	7.2	0.085
Pisgah-Bullion Mountain– Mesquite Lake	54.9	7.3	0.084
Imperial	57.4	7.0	0.069
Superstition Hills	59.0	6.6	0.055
San Jacinto–Anza	60.0	7.2	0.074
Superstition Mtn.	62.1	6.6	0.053

SOURCE: CEC RSA, 2010 Geology and Paleontology Table 3

Seismic Hazards

Surface Fault Rupture

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults, or even along different strands of the same fault. Ground rupture is considered most likely along active faults. No active or potentially active faults are mapped within the study area (CEC RSA, 2010). The closest fault zone to the site zoned under the Alquist-Priolo Special Studies Zone Act is the Brawley Seismic Zone, which is 37 miles from the study area.

Ground Shaking

Generally, the greater the earthquake magnitude and the closer the fault rupture to a site, the greater the intensity of ground shaking. The amplitude and frequency of ground shaking is related to the size of an earthquake, the distance from the causative fault, the type of fault (e.g., strike-slip), and the response of the geologic materials at the site. Ground shaking can be described in terms of acceleration, velocity, and displacement of the ground.

A common measure of ground motion during an earthquake is the peak ground acceleration (PGA). The PGA for a given component of motion is the largest value of horizontal acceleration obtained from a seismograph. PGA is expressed as the percentage of the acceleration due to gravity (g), which is approximately 980 centimeters per second squared. Unlike measures of magnitude, which provide a single measure of earthquake energy, PGA varies from place to place, and is dependent on the distance from the epicenter and the character of the underlying geology (e.g. hard bedrock, soft sediments or artificial fills). The estimated bedrock peak horizontal ground acceleration for the power plant is 0.27 times the acceleration of gravity (0.27g) based on 2 percent probability of exceedence in 50 years under 2007 California Building Code criteria (CEC RSA, 2010). Determination of the peak horizontal ground acceleration at the ground surface will require additional analysis once a design-level geotechnical report has been prepared for the project.

The Modified Mercalli Intensity Scale (Table 3.12-3) assigns an intensity value based on the observed effects of ground-shaking produced by an earthquake. Unlike measures of earthquake magnitude, the Modified Mercalli Intensity Scale (MM) is qualitative in nature (i.e., it is based on actual observed effects rather than measured values). MM intensity values for an earthquake at any one place can vary depending on its magnitude, the distance from its epicenter, and the type of geologic material. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total), where intensities ranging from IV to X could cause moderate to significant structural damage. Because the MM is a measure of ground-shaking effects, intensity values can be related to a range of PGA values, also shown in Table 3.12-3.

The close proximity of the project site to the Mojave-Sonoran belt and relatively great distance from more seismically active areas to the west and northwest would suggest a relatively low to moderate probability of intense ground shaking in the project area. However, events such as the Landers earthquake (7.6 Mw), which occurred on June 28, 1992 approximately 78 miles from the project site (CEC RSA, 2010), demonstrate that the proposed site could be subject to moderate levels of earthquake-related ground shaking in the future.

Secondary Earthquake Hazards

Secondary earthquake hazards at the site include earthquake-induced land sliding, settlement, and liquefaction. Liquefaction is a condition in which a saturated cohesionless soil may lose shear strength because of a sudden increase in pore water pressure caused by an earthquake. Lateral spreading of the ground surface can occur within liquefiable soil beds during seismic events. Lateral spreading generally requires an abrupt change in slope such as a nearby steep hillside or deeply eroded stream bank. Other factors such as distance from the epicenter, magnitude of the

**TABLE 3.12-3
MODIFIED MERCALLI INTENSITY SCALE**

Intensity Value	Intensity Description	Average Peak Ground Acceleration^a
I	Not felt except by a very few persons under especially favorable circumstances.	< 0.0017 g
II	Felt only by a few persons at rest, especially on upper floors on buildings. Delicately suspended objects may swing.	0.0017-0.014 g
III	Felt noticeably indoors, especially on upper floors of buildings, but many people do not recognize it as an earthquake. Standing motor cars may rock slightly, vibration similar to a passing truck. Duration estimated.	0.0017-0.014 g
IV	During the day felt indoors by many, outdoors by few. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.	0.014–0.039g
V	Felt by nearly everyone, many awakened. Some dishes and windows broken; a few instances of cracked plaster; unstable objects overturned. Disturbances of trees, poles may be noticed. Pendulum clocks may stop.	0.035 – 0.092 g
VI	Felt by all, many frightened and run outdoors. Some heavy furniture moved; and fallen plaster or damaged chimneys. Damage slight.	0.092 – 0.18 g
VII	Everybody runs outdoors. Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable in poorly built or badly designed structures; some chimneys broken. Noticed by persons driving motor cars.	0.18 – 0.34 g
VIII	Damage slight in specially designed structures; considerable in ordinary substantial buildings, with partial collapse; great in poorly built structures. Panel walls thrown out of frame structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned. Sand and mud ejected in small amounts. Changes in well water. Persons driving motor cars disturbed.	0.34 – 0.65 g
IX	Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb; great in substantial buildings, with partial collapse. Buildings shifted off foundations. Ground cracked conspicuously. Underground pipes broken.	0.65 – 1.24 g
X	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations; ground badly cracked. Rails bent. Landslides considerable from riverbanks and steep slopes. Shifted sand and mud. Water splashed (slopped) over banks.	> 1.24 g
XI	Few, if any, (masonry) structures remain standing. Bridges destroyed. Broad fissures in ground. Underground pipelines completely out of service. Earth slumps and land slips in soft ground. Rails bent greatly.	> 1.24 g
XII	Damage total. Practically all works of construction are damaged greatly or destroyed. Waves seen on ground surface. Lines of sight and level are distorted. Objects are thrown upward into the air.	> 1.24 g

NOTES:

^a Value is expressed as a fraction of the acceleration due to gravity (g). Gravity (g) is 9.8 meters per second squared. 1.0 g of acceleration is a rate of increase in speed equivalent to a car traveling 328 feet from rest in 4.5 seconds.

SOURCE: ABAG, 2003

seismic event, and thickness and depth of liquefiable layers also affect the amount of lateral spreading. The potential for liquefaction of strata deeper than approximately 40 feet below the ground surface is considered negligible because geologic pressures exerted on soils at that depth create soils too compact to liquefy.

Earthquake-induced settlement of soils results when relatively unconsolidated granular materials experience vibration associated with seismic events. The vibration causes a decrease in soil volume, as the soil grains tend to rearrange into a more dense state. The decrease in volume can result in settlement of overlying structural improvements. Loose soils identified at the site could potentially settle during a seismic event.

Slope failures, commonly referred to as landslides, include many phenomena that involve the downslope displacement and movement of material, either triggered by static (i.e., gravity) or dynamic (i.e., earthquake) forces. Slope stability can depend on several complex variables, including the geology, structure, the amount of groundwater present, as well as external processes such as climate, topography, slope geometry, and human activity. The factors that contribute to slope movements include those that decrease the resistance in the slope materials and those that increase the stresses on the slope.

While landslides can occur on slopes of 15 percent or less, the probability is greater on steeper slopes, especially those that exhibit old landslide features such as scarps, slanted vegetation, and transverse ridges. Landslides typically occur within geologic units that contain excessive amounts of water; are located on steep slopes; or where unstable soil already tends to move down-slope. Landslide potential at the project site is low since the proposed energy facility is located on broad, gently sloping terrain.

Other Geologic Hazards

Subsidence and Settlement

Potential hazards in the study area include subsidence, settlement, and earthquake-induced settlement (discussed above). Subsidence of the land surface is a general process that can be attributed to natural phenomena, such as tectonic deformation, consolidation, hydro compaction, collapse of underground cavities, oxidation of organic-rich soils, or rapid sedimentation, and also by the activities of man, such as the withdrawal of groundwater. Local subsidence or settlement may also occur when areas containing compressible soils are subjected to foundation or fill loads.

The Riverside County General Plan indicates the basin fill sediments in Chuckwalla Valley are susceptible to subsidence (CEC RSA, 2010). Regional ground subsidence is typically caused by petroleum or groundwater withdrawal that increases the weight per unit volume of the soil profile, which in turn increases the effective stress on the deeper soils. This results in consolidation or settlement of the underlying soils. The dense to very dense granular site soils are indicative of low to negligible local subsidence. Groundwater levels in the area have been steady in recent years and petroleum withdrawals do not occur locally.

Hydrocompaction

Hydrocompaction (also known as hydro-collapse) generally is limited to young, saturated soils that were deposited rapidly, most commonly by a flash flood. The soils dry quickly, leaving an unconsolidated, low density deposit with properties similar to weak cement. These soils can be compressed easily or collapse under pressure as well as dissolve if infiltrated by water. Foundations built on these types of compressible materials can settle excessively. The depositional environment of the Chuckwalla Valley suggests that the soils may be subjected to hydrocompaction. The project geotechnical report indicates that there is a low to moderate hydrocompaction potential based on the geotechnical data and the observation of soil profile in the test pits (CEC RSA, 2010).

Expansive Soils

Expansive soils have high clay content and in response to changes in moisture content can cause movements that result in damage and/or distress to structures and equipment with shallow foundations. Expansion or contraction occurs near the ground surface where changes in moisture affect the soils. The addition of moisture from irrigation, capillary tension, water line breaks, etc. causes clay soils to collect water molecules in their structure, which in turn causes an increase in the overall volume of the soil. This increase in volume can correspond to movement of overlying structural improvements. Often times, grading, site preparations, and backfill operations associated with subsurface structures can eliminate the potential for expansion. The near surface soils are primarily granular with no to low swell potential; however, potentially expansive soils were observed at the ground surface in the northeastern portion of the site (CEC RSA, 2010).

Corrosive Soils

Corrosivity refers to potential soil-induced electrochemical or chemical action that could corrode or deteriorate concrete, reinforcing steel in concrete structures, and bare-metal structures exposed to these soils. The rate of corrosion is related to factors such as soil moisture, particle-size distribution, and the chemical composition and electrical conductivity of the soil. Fine grain soils with naturally high moisture contents that contain sulfides can be corrosive to buried metal pipe. Placing pipes in corrosive soils could lead to premature pipe failure and leaking. Such soils are present at the project site, and the preliminary geotechnical investigation (CEC RSA, 2010) indicates that site soils could be potentially corrosive to metal pipe.

Erosion

Erosion is the wearing away of soil and rock by processes such as mechanical or chemical weathering, mass wasting, and the action of wind. Additionally, local flash flooding contributes to erosion. Excessive soil erosion can eventually lead to damage of building foundations and roadways. Areas that are susceptible to erosion are soils that would be exposed during the construction phase. Typically, the soil erosion potential is reduced once the soil is graded and covered with concrete, structures, asphalt, or slope protection features. More detailed information

about erosion potential of the soils and impacts to soil resources as a result of erosion are discussed in Section 3.15, *Soil Resources*, and Section 4.14, *Impacts to Soil Resources*.

Volcanic Hazards

The project site is located approximately 40 miles west of the Lavic Lake volcanic hazard area (VHA), an approximately 14-square-mile area within the Mojave Desert comprised of Miocene to Holocene age dacitic to basaltic flows, pyroclastic rocks, and volcanoclastic sediments. The Lavic Lake VHA has been designated by the USGS as an area subject to lava flows and tephra deposits associated with basalt or basaltic andesite vents (CEC RSA, 2010). The Lavic Lake VHA is considered to be subject to future formation of cinder cones, volcanic ash falls, and phreatic explosions.

3.12.10 Site Security

The energy generation sector is one of 14 areas of Critical Infrastructure listed by the U.S. Department of Homeland Security (DHS). Nearly all of the other areas of Critical Infrastructure are reliant, at least in part, on the energy sector. The level of security needed for any particular facility depends on the threat imposed, the likelihood of an adversarial attack, the likelihood of success in causing a catastrophic event, and the severity of consequences of that event.

On April 9, 2007, the DHS published, in the Federal Register (6 CFR Part 27), an Interim Final Rule setting forth Chemical Facility Anti-Terrorism Standards requiring facilities that use or store certain hazardous materials to conduct vulnerability assessments and implement certain specified security measures. This rule was implemented with the publication of Appendix A, the list of chemicals of interest, on November 2, 2007. Petroleum is listed as a chemical of interest with a threshold level of 60,000 lbs. The project would store a maximum of 152,000 lbs of propane/LPG and, therefore, the CFATS regulation will apply and the Applicant would need to submit a “Top Screen” assessment to the DHS. The chemical constituents of Therminol VP-1 (diphenyl ether and biphenyl) and other chemicals proposed to be used and stored at the project site are not on the chemicals of interest list.

Energy sector members also are leading a significant voluntary effort to increase planning and preparedness, including infrastructure protection and cyber security. The North American Electric Reliability Corporation (NERC) published *Security Guidelines for the Electricity Sector* in 2002 (NERC, 2002) as well as issued a Critical Infrastructure Protection standard for cyber security (NERC, 2009), and the U.S. Department of Energy published a draft *Vulnerability Assessment Methodology for Electric Power Infrastructure* in 2002 (DOE, 2002).

3.13 Recreation

3.13.1 On-site Allowable Recreational Uses

Recreational uses on public lands at the project site are guided by the CDCA Plan (BLM, 1980) and the NECO Plan (BLM CDD, 2002). The site is designated in the CDCA and NECO Plans as Multiple Use Class M (Moderate Use; MUC-M). The Class M category is suitable for a range of recreation activities, which generally involve moderate to high user densities, including backpacking, primitive unimproved site camping, hiking, horseback riding, rockhounding, nature study and observation, photography and painting, rock climbing, spelunking, hunting, land sailing on dry lakes, noncompetitive vehicle touring, and events only on “designated open” routes of travel. (BLM, 1980; BLM CDD, 2002). Recreational opportunities allowed in MUC-M designated areas include those permitted in Class L and C (BLM CDD, 2002). Permanent or temporary facilities for resource protection and public health and safety also are allowed (BLM, 1980). Trails are open for non-vehicular use and new trails for non-motorized access may be allowed. Recreational vehicle use, including off-highway vehicle (OHV) use, is discussed in Section 3.17, *Transportation and Public Access – Off-Highway Vehicle Resources*.

Primary activities observed on the project site by BLM staff include OHV touring and sightseeing, photography, rockhounding, hiking, and hunting. Camping or backpacking is not common. There are no recreation facilities or specific recreational attractions on the site. The BLM has no visitor counts for the site but visitor use is assumed to be low due to the limited availability and accessibility of recreation opportunities in the immediately surrounding area. Most use is by local residents from Desert Center and Blythe, or visitors stopping for short periods while traveling along I-10.

3.13.2 Regional Recreation Areas and Opportunities

The unincorporated community of Desert Center is the closest community to the site. Desert Center is approximately 10 miles west of the site in the Chuckwalla Valley. It has no community parks. The Riverside County Regional Park and Open Space District operates no regional parks or open space areas in the Chuckwalla Valley. Similarly, there are no California State parks within the Chuckwalla Valley. Lake Tamerisk, located two miles north of Desert Center, is a 55 member-owned community for active seniors with 150 mobile homes spaces, mobile home rentals, dry campground, heated pool and club house (Lake Tamarisk Desert Resort, 2010).

By contrast, both the Palo Verde Valley to the east of the site and the Coachella Valley to the west offer myriad outdoor recreational opportunities for boating, water skiing, jet skiing, swimming, fishing, canoeing, camping, rock hounding, hiking, archery, hunting, horseback riding, trapping, trap and skeet shooting, and OHV use. The City of Blythe (within the Palo Verde Valley approximately 38 miles east of the site) and the City of Indio (within the Coachella Valley approximately 60 miles west of the site) provide for year-round sporting activities.

The Blythe Parks Department oversees eight parks (approximately 74 acres total), including five neighborhood parks, two community parks, and one regional park. The “Big Foot Skate-board Park” is located at Todd Park. Other recreational opportunities in Blythe include the Blythe Municipal Golf Course; Blythe Skeet & Trap Club (a shooting range and gun club); Blythe Marina; soccer, football, track and volleyball leagues; and indoor racquetball, basketball, aerobic activities, weight room, and summer swimming. Various nearby privately-owned recreational vehicle (RV) parks and campgrounds also provide recreational facilities, including a boat dock, launch ramp, fishing, swimming, horseshoe pits, wildlife observation and other active and passive recreation opportunities (Blythe, 2007).

The City of Indio’s Buildings and Parks Division oversees 11 parks (Indio, 2010). Other recreational opportunities in Indio include several golf clubs, equestrian centers and private polo fields; two public tennis courts; seven museums, including the Coachella Valley Museum and Cultural Center; seven cultural murals; and the Indio Date Gardens. Various nearby privately-owned RV parks and campgrounds also provide recreational facilities, including a boat dock, launch ramp, fishing, swimming, horseshoe pits, wildlife observation and other active and passive recreation opportunities (Village Profile, 2010).

The BLM administers wilderness areas; campgrounds, including long term visitor areas (LTVAs); trails; interpretive sites; and an extensive network of backcountry approved travel and OHV routes in the vicinity of the site. Areas of critical environmental concern (ACECs) and wilderness also provide dispersed recreation opportunities in the region. Overall, recreation use on BLM lands in the California desert is limited to the cooler months of September through May, with little or no use in the summer. Popular recreation activities include car and RV camping, OHV riding and touring, hiking, photography, hunting (dove, quail, deer), sightseeing and visiting cultural sites. Outside of fee collection sites, the BLM has no accurate estimates of visitor use; however, staff observations and Law Enforcement Ranger patrols indicate the area described in this section received approximately 2,000 – 3,000 visitors per year. Recreation areas within 20 miles of the project site are identified in Table 3.13-1, beginning with the area closest to the site, and are discussed below.

The National Park Service administers the Joshua Tree National Park the southeast end of which is located about three miles west of the project site. Joshua Tree National Park comprises approximately 1,017,748 acres, mostly federally-administered, and is used for hiking, mountain biking and rock climbing, and includes nine campgrounds. Other recreational opportunities within the Park include wildflower viewing and birdwatching (NPS, 2011; NPS, 2010). The Park is open year round, with peak visitation occurring in April. There were 1,280,917 recreational visits to the Park in 2001 (National Parks Conservation Association, 2002).

Wilderness Areas

Wilderness Areas are shown in Figure 3.16-1 and described in Section 3.16, *Special Designations*. As indicated in Table 3.13-1, four wilderness areas are located within 20 miles of the project site: the Chuckwalla Mountains Wilderness, Palen/McCoy Wilderness, Joshua Tree Wilderness, and Little Chuckwalla Mountains Wilderness.

**TABLE 3.13-1
RECREATION AREAS AND SPECIAL DESIGNATIONS WITH RECREATIONAL OPPORTUNITIES**

Recreation Area	Approximate Direction from the Project site	Approximate Distance from the					Approximate Size
		Proposed Action	Reconfigured Alternative 1	Reconfigured Alternative 2 Option 1	Reconfigured Alternative 2 Option 2	Reduced Acreage Alternative	
Chuckwalla Desert Wildlife Management Area ACEC	southwest	0.25 mi; crossed by linear facilities	0.25 mi; crossed by linear facilities	0.25 mi; crossed by linear facilities	0.25 mi; crossed by linear facilities	0.25 mi; crossed by linear facilities	352,633 acres
Palen Dry Lake ACEC	northeast	0.5 mi	<.5 mi	1 mi	1 mi	1 mi	3,632 acres
Chuckwalla Mountains Wilderness	south	1.5 mi	1.5 mi	1.5 mi	1.5 mi	1.5 mi	99,548 acres
Palen/McCoy Wilderness	northeast	1.25 mi	1.5 mi	2 mi	2 mi	2 mi	236,488 acres
Corn Springs ACEC	southwest	4.5 mi	4.5 mi	4.5 mi	4.5 mi	4.5 mi	2,467 acres
Alligator Rock ACEC	west	5 mi	5 mi	5 mi	5 mi	5 mi	7,754 acres
Desert Lily Preserve ACEC	northwest	5 mi	5.5 mi	5 mi	5 mi	5 mi	2,055 acres
Joshua Tree National Park	northwest	7 mi	7.5 mi	7 mi	7 mi	7 mi	1,017,748 acres
Joshua Tree Wilderness	northwest	7 mi	7.5 mi	7 mi	7 mi	7 mi	594,502 acres
Little Chuckwalla Mountains Wilderness	southeast	14 mi	12.5 mi	13 mi	13 mi	13 mi	28,034 acres
Chuckwalla Valley Dune Thicket ACEC	southeast	15.5 mi	14 mi	14.5 mi	14.5 mi	14.5 mi	2,273 acres
Corn Springs Campground	southwest	6.5 mi	6.5 mi	6.5 mi	6.5 mi	6.5 mi	9 camping units
Bradshaw Trail Back Country Byway	south	17 mi	17 mi	17 mi	17 mi	17 mi	65 miles long

SOURCE: BLM, 2009; BLM, 2002; Nelson, 2010.

The Wilderness Act limits allowable types of recreation on wilderness lands to those that are primitive and unconfined, depend on a wilderness setting, and do not degrade the wilderness character of the area. Motorized or mechanized vehicles or equipment for recreational purposes are not permitted in wilderness (916 USC 1133(c)). The BLM regulates such recreation on lands within its jurisdiction in accordance with the policies, procedures and technologies set forth in the Code of Federal Regulations (43 CFR 6300), BLM Manual 8560 (*Management of Designated Wilderness Areas*) (BLM, 1983), BLM Handbook H-8560-1 (*Management of Designated Wilderness Areas*) (BLM, 1985), and BLM's Principles For Wilderness Management In The California Desert (BLM, 1995). More specifically, camping, hiking, rockhounding, hunting, fishing, non-commercial trapping, backpacking, climbing, and horseback riding are permissible (BLM, 1988; BLM, 1983). By contrast, physical endurance contests (such as races, competitive trail rides and survival contests), commercial recreational activities, and the use of motorized or mechanized vehicles (including OHVs, aircraft and motor boats) generally are prohibited (16 USC 1133(c); BLM, 1995; BLM, 1988; BLM, 1983).

The four wilderness areas in the vicinity of the project site have no developed trails, parking/trailheads, or other visitor use facilities. These areas are generally steep, rugged mountains, with no permanent natural water sources, thus limiting extensive hiking or backpacking opportunities. Visitor use within the wilderness areas is very light. Though BLM has no visitor use counts, the Desert Peaks Section of the Sierra Club's Angeles Chapter maintains a list of 99 desert peaks which members have climbed. The section also sponsors hikes to the desert peaks. Five of the peaks on the list are within 30 miles of the project site with the closest peak, Black Butte, being approximately 11 miles from the project site. None of the peaks directly overlook the project site, although the site may be visible from certain peaks, depending on elevation and topography. While total numbers of visitors is unknown, it is assumed to be very low due to the difficulty in reaching the peaks. However, two of the peaks (Granite and Black Butte) were featured as destinations in the 2010-2011 Desert Peaks newsletter.

The peaks, elevation, legal description and location are included in Table 3-2 in order of relative distance from the project site:

**TABLE 3.13-2
 DESERT PEAKS WITHIN THE VICINITY OF THE PROJECT SITE**

Desert Peak/ Elevation (ft)	Relative distance from site (air miles)	Legal Description	Special Designation
Black Butte/4,510	11 miles	T.7 S., R.16 E., Sec. 17	Chuckwalla Mountains Wilderness
Red Top/3,854	14 miles	T.4 S., R.18 E., Sec. 12	Palen McCoy Wilderness
Bunch/3,451	18 miles	T.8 S., R.17 E., Sec. 26	Chuckwalla DWMA/ACEC
Granite/4,356	21 miles	T.2 S., R.18 E., Sec. 27	Palen McCoy Wilderness
Eagle Mountain/5,347	29 miles	T.5 S., R.12 E., Sec. 9	Joshua Tree National Park

Observations by staff and Law Enforcement Rangers indicate only 100 - 200 hikers per year within all the wilderness areas near the project site. More popular is vehicle camping along roads that are

adjacent to the wilderness areas. RV camping near wilderness areas, with associated hiking, OHV use, photography, sightseeing, etc. accounts for up to 2,000 visitors per year.

Areas of Critical Environmental Concern

Areas of Critical Environmental Concern (ACECs) are shown in Figure 3.16-1 and described in Section 3.16, *Special Designations*. As indicated in Table 3.13-1, six ACECs are located near the site: the Chuckwalla Desert Wildlife Management Area ACEC, Palen Dry Lake ACEC, Corn Springs ACEC, Alligator Rock ACEC, Desert Lily Preserve ACEC, and Chuckwalla Valley Dune Thicket ACEC. Recreation activities allowed in ACECs are determined by the resources and values for which the ACECs were established, and by the associated ACEC Management Plan. Most ACECs allow low-intensity recreation use that is compatible with protection of the relevant values.

The Alligator Rock and Corn Springs ACECs primarily protect cultural resources. The Chuckwalla Desert Wildlife Management Area (DWMA) and Desert Lily ACECs protect sensitive wildlife and plant species, while Chuckwalla Valley Dune Thicket and Palen Dry Lake ACECs protect both natural and cultural resources. Other than Corn Springs, these ACECs do not have recreation use facilities, but are signed to inform visitors of the special values of the areas and associated protection measures. Other than the campground in the Corn Springs ACEC, BLM has no visitor counts for these sites, but observations and patrols indicate very low use, in the hundreds per year.

Long Term Visitor Areas

The BLM manages seven Long Term Visitor Areas (LTVAs), which accommodate visitors who wish to camp for as long as seven consecutive months. Five are in California and two are in Arizona. None is located within 20 miles of the project site. The closest LTVAs to the site are the Mule Mountains LTVA, approximately 25 miles east, and the Midland LTVA, which is approximately 36 miles east. See Figure 3.16-1.

Two campgrounds are located within the boundaries of the Mule Mountains LTVA: Wiley's Well and Coon Hollow Campgrounds. Both are year-round facilities with campsites, picnic tables, grills, shade ramadas and handicapped-accessible vault toilets. (BLM, 2010 [Trigo Mountains]).

Table 3.13-3 provides average recreational use information for these facilities.

**TABLE 3.13-3
AVERAGE RECREATION USE AT DEVELOPED SITES 2007-2009**

Recreation Fee Site	Average Annual # of Camping Permits	Average Annual Recreation Visits
Corn Springs Campground	186	1,184
Midland LTVA	41	2,826
Mule Mountain LTVA	135	5,545
Total	362	9,555

SOURCE: Use Data from BLM Recreation Management Information System-RMIS

Other Recreational Areas and Opportunities

The Bradshaw Trail

The Bradshaw Trail is a 70-mile Back Country Byway in Southeastern Riverside County, with a small segment in Imperial County. This east-west trail is located about 17 miles south of the project site, and extends from about 12 miles east of the community of North Shore near the Salton Sea State Recreation Area to about 14 miles southwest of Blythe near the Colorado River (see Figure 3.16-1). It was the first road through Riverside County, blazed by William Bradshaw in 1862 as an overland stage route beginning in San Bernardino, California, and ending at Ehrenberg, Arizona. The trail was used extensively between 1862 and 1877 to transport miners and passengers. The trail is a dirt road that traverses mostly public land between the Chuckwalla Mountains and the Chocolate Mountain Aerial Gunnery Range. Four-wheel-drive vehicles are recommended due to stretches of soft sand (BLM, 2009). Recreational opportunities along the Bradshaw Trail include four-wheel driving, wildlife viewing, plant viewing, birdwatching, and scenic drives. All commercial activities require a land use or special recreation permit from the BLM. Fourteen-day camping limits apply on public lands. Primitive vehicular camping is allowed within 300 feet of the trail except in designated wilderness areas, several of which are nearby. Wilderness areas are closed to all motorized and mechanical vehicles, including bicycles (BLM, 2009).

3.14 Social and Economic Setting

3.14.1 Social

This section describes the social and economic background and existing conditions in the proposed action area, which is located in the eastern portion of unincorporated Riverside County. The proposed action area is located approximately 40 miles west of the City of Blythe and 10 miles east of the community of Desert Center. Additionally, this section discusses applicable plans, policies, and regulations that represent the social aspirations, community characteristics, and desired lifestyle, values, and goals of the stakeholders. These plans, policies, and regulations are necessary to understanding social group concerns in the context of renewable energy development. Information in this section is based on regional and national sources as well as input received from members of the public during the scoping process. The primary comments and concerns related to socioeconomic conditions were raised during scoping and were associated with the economic effects of construction, implementation, and operation of the project.

Applicable Plans, Policies and Regulations

Riverside County

Local goals and policies for Riverside County's future planning are described within the County's General Plan. The following General Plan goals and policies are relevant to evaluating how socioeconomic resources may be affected by the proposed action (Riverside, 2008):

1. *Land Use Policy 1.1:* Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of the adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.
2. *Land Use Policy 1.5:* The County shall participate in regional efforts to address issues of mobility, transportation, traffic congestion, economic development, air and water quality, and watershed and habitat management with cities, local and regional agencies, stakeholders, Indian nations, and surrounding jurisdictions.
3. *Land Use Policy 7.1:* Accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity, and environmental integrity.
4. *Housing Element Goal 1:* To assist in the development of adequate housing to meet the County's fair share of the region's housing needs for all economic segments of the population, with an emphasis on lower income households and households with special needs.
5. *Housing Element Goal 2:* To conserve and improve the condition of the housing stock, particularly affordable housing.

Additional local goals and policies for Riverside County's future planning are described within the County of Riverside General Plan/Desert Center Area Plan. The following goals and policies

listed in this Plan are also relevant to evaluating how socioeconomic resources may be affected by the proposed action (County of Riverside, 2008):

1. *Desert Center Area Plan (DCAP)_Policy 1.1:* Development and operations within (Policy) areas shall be in accordance with Specific Plans #305 (Eagle Mountain Landfill) and 306 (Eagle Mountain Townsite).
2. *DCAP Policy 2.2:* Provide for a balance of housing, services, and employment uses such that Desert Center and Lake Tamarisk residents and/or employees can access necessary services or facilities such as health care, housing, employment, food, recreational, and entertainment facilities.
3. *DCAP Policy 2.3:* Assure that the design of new land uses subject to discretionary review visually enhances, and does not degrade, the character of the Desert Center region.

City of Blythe

The main local plans, policies, and goals for the City of Blythe's future community development are described within the City's General Plan and the City's Redevelopment 2005-2009 Implementation Plan. The following General Plan goals are relevant to evaluating how socioeconomic resources may be affected by the proposed action (Blythe, 2007):

1. *Land Use Policy 1:* Preserve the scale and character of established neighborhoods.
2. *Land Use Policy 2:* Encourage new residential growth in the form of neighborhoods.
3. *Land Use Policy 6:* Provide for appropriate relationships between higher density and lower density residential areas, and require buffers of varying size between residential uses and non-residential uses without restricting foot and bicycle access.
4. *Land Use Policy 19:* Ensure that industrial development is compatible with and does not adversely affect the natural environment.
5. *Housing Element Goal 1 (Overall Housing Production):* Provide housing to meet the present and future needs of residents in the City of Blythe and to aim at providing a fair share of the area housing needs, within identified governmental, market, economic and natural constraints.
6. *Housing Element Goal 2 (Housing Affordability):* Facilitate the development of programs that will provide quality housing for those who otherwise would have difficulty affording such housing at market rates. Specifically, such programs will be directed at low and particularly very low income groups.
7. *Redevelopment Agency Goal 1:* Preserve and enhance the economic prosperity of the community and aid business development and retention.

City of Coachella

The main local plans, policies, and goals for the City of Coachella's future community development are described within the City's General Plan. The following General Plan goals are relevant to evaluating how socioeconomic resources may be affected by the proposed action (Coachella, 2008):

1. *Land Use Goal 1:* The City shall plan for a diversity of residential densities and housing types for the current and future needs of Coachella residents.
2. *Land Use Goal 2:* Strive to improve the existing neighborhoods, including the housing stock, the infrastructure and the quality of life.
3. *Land Use Goal 3:* Encourage commercial development that meets the needs of the residents, neighborhoods and the community and that attracts shoppers from the regional commercial market.
4. *Land Use Goal 4:* The City shall establish sufficient industrial areas to provide a diversified economy and a stable employment base for Coachella's residents.
5. *Land Use Goal 5:* The City shall contain ample amounts and varying types of open space and agriculture for its scenic, recreational and economic contribution to Coachella's quality of life.
6. *Land Use Goal 6:* The City shall contain sufficient land for public purposes.
7. *Land Use Goal 7:* The City shall recognize and incorporate existing approved master plans and major highways.
8. *Land Use Goal 8:* The City shall organize the community to participate in the implementation of the General Plan goals, objectives and policies utilizing the existing organizational structure based on the eight colonias.
9. *Land Use Goal 9:* The growth of the City shall be based on fiscally responsible decisions regarding its ability to provide services and to meet the needs of developing adjacent land outside the corporate limits.
10. *Economic Development Goal:* The City shall create an economic climate which is supportive of existing business and which will attract new business and tourism.
11. *Housing Element Goal 1:* To provide adequate housing in a satisfying living environment for all persons regardless of age, race, ethnic background, national origin, religion, family size, marital status, handicap or any other arbitrary factor
12. *Housing Element Goal 2:* To provide housing which is affordable to low and moderate income households
13. *Housing Element Goal 3:* To maintain and conserve the existing housing supply in a safe and serviceable condition while eliminating housing deficiencies and preventing further deterioration
14. *Housing Element Goal 4:* Arbitrary housing discrimination based on race, religion, ethnic origin, marital status, age, sexual orientation or physical characteristics is to be eliminated
15. *Housing Element Goal 5:* To provide a means by which the citizens may furnish a meaningful contribution to the realization of the overall housing goals of the community

City of Indio

The main local plans, policies, and goals for the City of Indio's future community development are described within the City's General Plan. The following General Plan goals are relevant to evaluating how socioeconomic resources may be affected by the proposed action (Indio, 2004):

1. *Goal LU-1:* To plan for a city with a diversity of residential opportunities and lifestyles to fit the current and future needs of Indio.
2. *Goal LU-2:* In portions of the Planning Area that have large amounts of undeveloped land under a few ownerships, provide the tools and flexibility to guide the development of these area to achieve a range of housing opportunities with higher than average amenity packages. Areas requiring this added level of planning are designated with a Residential Planned Development (RPD) overlay designation unique to that area.
3. *Goal LU-3:* To plan for a range of commercial sites within the Planning Area to serve the needs of those living, working, and visiting Indio. These commercial areas will provide a range of commercial opportunities in line with the needs of the above groups, and will continue to develop Indio as the retail center of Eastern Coachella Valley.
4. *Goal LU-4:* Provide additional guidelines for the development of key areas within Indio in order to encourage master planned commercial developments with a strong sense of identity and high levels of design. These areas will be designated with a Commercial Planned Development (CPD) designation unique to that area.
5. *Goal LU-5:* Provide additional guidelines for the development of medical centers needed to support the population in Indio and the surrounding region.
6. *Goal LU-6:* To enhance the employment base of Indio through the provision of adequate lands dedicated to industrial use and to take advantage of the City's Enterprise Zone.
7. *Goal LU-7:* Provide a development framework for the reuse of the areas within and adjacent to the railroad corridor that provides opportunities for the development of manufacturing, transportation, and commercial uses while maintaining the historic significance of the railroad center.
8. *Goal LU-8:* To plan for areas for the provision of public and quasi-public services, such as schools, libraries, police and fire facilities, government centers, and other related facilities that area of a size and location to efficiently serve the current and future population of Indio.
9. *Goal LU-9:* To provide a range of active and passive recreational areas as well as provide areas for the preservation of the natural environment.
10. *Goal LU-10:* Provide areas in the community that encourage the combination of commercial, medium/high density residential, and active and passive open space uses within an area to create a vibrant village atmosphere dominated by pedestrian oriented land uses.
11. *Goal LU-11:* Recognize the need for flexibility in design of large development projects, and allow the adoption of City or developer provided specific plans that will become the guiding document used in the approval of future projects within their boundaries.

12. *Goal ED-1:* Provide the City with the tools needed to promote a balanced economic growth with sufficient fiscal resources to provide for the necessary infrastructure, and public and community services.
13. *Goal H-1:* The community of Indio will ensure that adequate supplies of dwelling units are developed to provide a wide range of housing types, price ranges, and sizes to all sectors of the population.
14. *Goal H-2:* The City will maintain the integrity of existing residential areas so residents can continue to enjoy these areas.
15. *Goal H-3:* Provide housing opportunities that are affordable to moderate, low, and very low income groups.

Social Conditions

The proposed action includes the construction and operation, and ultimately the closure and decommissioning, of a solar energy generating facility located in the Southern California inland desert, approximately 60 miles east of the City of Indio and approximately 40 miles west of the City of Blythe, in eastern Riverside County, California (CEC RSA, 2010).

The expected catchment area for the project's construction workers' daily work commuting is a primary determinant for the affected social and economic environment associated with the project. As discussed in more detail in Section 4.13, *Social and Economic Impacts*, the origin of the project workers likely would be a central factor determining the magnitude and extent of the proposed action's potential socioeconomic impacts to the local and regional communities and economy. The direct benefits of employment and higher personal incomes will primarily benefit the communities where workers and their families reside because these communities would likely be where employees spend most of their earnings. Workers' spending for goods and services also would have an indirect effect on the communities and economies where that spending occurs and result in added secondary employment.

If the number of suitable workers to staff the proposed action locally or in the region is insufficient, then the project could attract individuals to relocate to the area (either temporarily or permanently). Additional new residents consequently could result in increased demand for housing and local services.

There is little research and analysis providing guidance for determining the socioeconomic impact area boundaries for power facilities. The referenced EPRI analysis (CEC RSA, 2010) is widely cited as research showing that workers may commute as much as two hours each direction from their communities rather than relocate (CEC RSA, 2010). Recent testimony by a representative of the Riverside/San Bernardino Building Trades Council also stated that construction workers associated with the proposed action would commute daily two to three hours each way (CEC RSA, 2010).

However, the common representation of the EPRI study findings may overestimate the likelihood of construction workers commuting *daily* for project-related employment and appears to

misrepresent the cited EPRI report findings. The EPRI study importantly distinguishes between “daily commuting,” “weekly commuting” and relocation (or in-migration). The EPRI study also acknowledges a prevalence of weekly commuting for power projects and reported 1.42 hours as the average “construction workers maximum daily commuting time” observed amongst its 12 case studies. The study also estimated that the average maximum daily commute distance was 73 miles.¹ The report also identifies other factors (e.g., quality of life) that determine whether commuting (daily and weekly) versus relocation is likely to occur.

In addition, from its case studies, the EPRI study also determined that “(o)verall, the proportion of in-migrants ranges from 5 to 50 percent for construction workers and 5 to 84 percent for operating staff.” Furthermore, the study observed that: “(1) more in-migration is required in rural, remote areas; (2) the existence of a regional work force experienced in power plant construction reduces in-migration; (3) weekly commuting is more widely practiced in the West, or in rural areas.”

For the affected socioeconomic environment and analysis, the DEIS recognizes the rural nature of eastern Riverside County and conservatively assumes that a two-hour daily commute radius defines the regional study area. Figure 3.14-1 depicts contours from the site up to a two-hour commute shed to show the potential estimated travel time for project workers’ commutes to the site.

Figure 3.14-1 shows the two-hour commute shed estimated by ESA based on similar analysis by AECOM (CEC RSA, 2010). The commute area is shown to extend into parts of San Diego, Imperial and San Bernardino counties in California. The commute radius also extends east into both La Paz and western Maricopa County in Arizona and westwards to Banning in Riverside County. The northwestern boundary for commute radius includes the small community of Morongo Valley in San Bernardino County north of its border with Riverside County.

Because no major populated urban centers occur within the commute radius in the counties of San Diego, Imperial and Maricopa, these areas are not included in the regional study area for the proposed action. The community of Twentynine Palms is shown to be within the outermost limits of the two-hour radius; however, given both the relatively poor roadway connection along Route 62 (suggesting that actual commute time may be higher) and the prevalence of other solar projects closer to these communities, it is expected that relatively few if any San Bernardino County residents would commute daily to work at the project site. Consequently, the social and economic analysis covers predominantly of eastern Riverside County in California and La Paz County in Arizona. In addition, the small city of Twentynine Palms, the community of Morongo Valley, and their respective nearby unincorporated areas of San Bernardino County are included in the regional study area.

As a conservative assumption, the western limit for the two-hour commute area extends only as far as the community of Banning in contrast to the previous AECOM analysis, which suggested that Moreno Valley and Redlands would be within a daily two hour commute of the project site.

¹ This estimate was strongly influenced by one project (Laramie River) that reported a maximum daily commute distance of 115 miles.

The slightly smaller drive-time radius is considered a more realistic representation of actual typical drive time conditions from the project site. Furthermore, adopting this slightly smaller regional study area, the subsequent socioeconomic impact analysis will be more conservative in its evaluation of potential project employment-related adverse impacts.

As required by the BLM Land Use Planning Handbook, Appendix D requirements (BLM, 2005), the analysis of a proposed action of this type needs to consider existing socioeconomic conditions and impacts on several geographic scales. An analysis at a local level presents a challenge because the proposed action is in a sparsely populated area, with the largest urban center being the City of Riverside, located approximately 120 miles west of the site.

Based on BLM guidelines, a reasonable study area for localized socioeconomic impacts would, at a minimum, include the four nearest communities: the City of Blythe, California (approximately 40 miles east of the site); the very small community of Desert Center, California; the City of Ehrenburg, Arizona (approximately 45 miles east of the site); and the Town of Quartzsite, Arizona (approximately 57 miles east of the site). These cities represent all the major communities located within an hour commute of the site and therefore together represent the local study area for the proposed action. The cities of Indio and Coachella are estimated to be just over an hour's drive away from the project site and therefore are considered within the analysis's regional study area.

Population

The current population estimates and recent growth trends for both the regional and local study areas are summarized in Table 3.14-1. All the cities determined to be located within a two-hour commute of the site are shown. In addition, data for Riverside, San Bernardino, and La Paz Counties are presented.

Zip code population estimates were used to estimate the approximate size and location of the residential populations within the unincorporated areas of eastern Riverside County located within the two-hour commute distance of the site. Figure 3.14-1 also shows both the five digit zip code areas and the 2010 estimated population living within each zip code. The unincorporated communities of Cabazon, Desert Center, Mecca, Thermal and Thousand Palms are represented within the unincorporated area population estimates of Riverside County. The unincorporated community of Morongo Valley also is represented within the unincorporated area population estimates of San Bernardino County. While the population estimates for the unincorporated areas are only approximate, Figure 3.14-1 shows that the areas east of Coachella are very sparsely populated and that most of the population within the regional study area lives more than a 90-minute drive from the site. The total population of eastern Riverside County within the regional study area is estimated to be 521,707, which represents approximately 24.4 percent of Riverside County's total population. The majority of this population resides in the Coachella Valley.

Housing

Current housing conditions for the regional and local study areas are summarized in Table 3.14-2. All the cities determined to be located within a two-hour commute of the site are shown. In addition, Table 3.14-2 also presents data for Riverside, San Bernardino, and La Paz Counties.

**TABLE 3.14-1
POPULATION PROFILE OF THE REGIONAL STUDY AREA**

Area	Population		
	Year		
	2000 Population	2010 Population	Average Annual Growth Rate (2000 – 10)
Riverside County, CA	1,545,387	2,139,535	3.3%
Blythe	20,465	21,812	0.6%
Coachella	22,724	42,591	6.5%
Indio	49,116	83,675	5.5%
Indian Wells	3,816	5,144	3.0%
La Quinta	23,694	44,421	6.5%
Palm Desert	41,155	52,067	2.4%
Rancho Mirage	13,249	17,006	2.5%
Cathedral City	42,647	52,841	2.2%
Palm Springs	42,805	48,040	1.2%
Desert Hot Springs	16,582	26,811	4.92%
Banning	23,562	28,751	2.00%
Unincorporated Area ^a	64,269	99,322	4.5%
Eastern Riverside County, CA	364,084	522,481	3.6%
San Bernardino County, CA	1,710,139	2,073,149	1.9%
Twentynine Palms ^b	14,764 (est)	16,877	1.4%
Unincorporated Area	5,890	10,580	6.0%
South San Bernardino County, CA	20,654	27,457	2.9%
La Paz County, AZ	19,715	21,616 ^c	0.9%
Ehrenburg	1,357	1,488 ^{c(est)}	0.9%
Quartzite	3,354	3,731 ^c	1.1%
Cibola	172	189 ^c (est)	0.9%
Unincorporated Area ^d	4,226	4,621	0.9%
Western La Paz County, AZ	9,109	10,029	1.0%
Local Study Area ^e	25,176	26,781	0.7%
Regional Study Area	392,908	559,968	3.5%

NOTES: CA Cities are shown (by County) in order of their relative distance from the project site.

^a Adjusted to remove Chuckwalla and Iron Wood State Prison population.

^b Estimated population to adjust for Twentynine Palms Military Base.

^c 2009 Data

^d Consists of entire remainder of La Paz County except for the population of the City of Parker (3,401) and the estimated Colorado River Reservation population (8,186).

^e Blythe, CA; Ehrenburg, AZ and Quartzite, AZ.

SOURCE: California Department of Finance, 2010; Arizona Department of Commerce, 2010.

**TABLE 3.14-2
HOUSING PROFILE OF THE REGIONAL STUDY AREA (2010)**

Area	Housing	
	Year	
	2010 Total Housing Units	2010 Vacancy Rate
Riverside County, CA	784,357	13.0%
Blythe	5,472	16.1%
Coachella	9,145	4.4%
Indio	28,167	18.0%
Indian Wells	5,025	48.4%
La Quinta	21,491	28.5%
Palm Desert	34,425	30.9%
Rancho Mirage	13,542	38.6%
Cathedral City	21,527	21.5%
Palm Springs	33,603	33.4%
Desert Hot Springs	11,073	16.7%
Banning	11,644	8.4%
Unincorporated Area	36,990 (est)	15.3%
Eastern Riverside County, CA	232,104	23.7%
San Bernardino County, CA	693,712	11.58%
Twentynine Palms	9,228	14.7%
Unincorporated Area	4,650 (est)	28.3%
Eastern San Bernardino County, CA	13,878	19.3%
La Paz County, AZ	16,765 ^a	45.0% ^a
Ehrenburg	824 ^b	34.9% ^b
Quartzite	3,541 ^a	41.9% ^b
Cibola	161 ^b	60.0% ^b
Unincorporated Area ^c	4,262 ^a (est)	49.5% ^a
Western La Paz County, AZ	8,788 ^a	45.3% ^a
Local Study Area ^d	9,837	25.2%
Regional Study Area	219,328	25.0%

NOTES: CA Cities are show (by County) in order of their relative distance from the project site.

^a 2009 Data

^b 2000 Data

^c Consists of entire remainder of La Paz County except for the population of the City of Parker (3,401) and the estimated Colorado River Reservation population (8,186).

^d Blythe, CA; Ehrenburg, AZ and Quartzite, AZ.

SOURCE: California Department of Finance, 2010; Arizona Department of Commerce, 2010.

In 2010, Riverside County had 784,357 total housing units, with a vacancy rate of 13.0 percent. However, vacancy rates vary widely across this large county and are particularly high in the Coachella Valley communities. Overall, the regional study area contains a high number of housing units, with La Paz County communities having the highest vacancy rates.

Among the cities in Riverside County relevant to the proposed action,² Indian Wells has the highest vacancy rate (48.4 percent), and Palm Desert has the highest number of vacant housing units, with 11,223. Among the cities in La Paz County relevant to the Project, Cibola had the highest vacancy rate (60.0 percent), but Quartzsite had the highest number of vacant units at 1,336.

Population Projections

The forecasted population trends for Riverside, San Bernardino, and La Paz Counties are shown in Table 3.14-3. The projected population growth for eastern Riverside County is estimated based on the county-wide growth projections. Population growth in Riverside County is expected to slow over the next few decades. The growth rate is projected to be 3 percent per year between 2010 and 2020, and then to fall to 2.1 percent per year between 2020 and 2030. The population projections discussed above were made prior to the economic recession that began in 2008, likely explaining the decrease in the 2010 actual population estimate for Riverside County and that previously estimated for the future population growth projections.

**TABLE 3.14-3
 POPULATION PROJECTIONS FOR RIVERSIDE COUNTY AND THE REGIONAL STUDY AREA**

Area	Population			
	Year			
	2010 Actual Population	2010 Projected Population	2020 Projected Population	2030 Projected Population
Riverside County, CA	2,139,535	2,239,053	2,904,848	3,507,498
Eastern Riverside County, CA ^a	521,707	545,974	708,322	855,273
San Bernardino County, CA	2,073,149	2,177,596	2,582,777	2,957,744
South San Bernardino County, CA ^a	27,457	28,840	34,207	39,173
La Paz County, AZ	21,544	22,632	25,487	28,074
Western LaPaz County, AZ ^a	10,029	10,535	11,865	13,069
Regional Study Area	559,193	585,349	754,393	907,514

NOTES:

^a Estimates based on Countywide growth projections.

SOURCE: CEC RSA 2010; ESA, 2010.

² The high vacancy rates for the affluent cities of Indian Wells and Rancho Mirage primarily reflect a large proportion of vacation homes and these cities are not expected to provide much of the project workers population.

Temporary Housing Resources

Rental Homes

Table 3.14-2 shows that vacancy rates are high in the study area. Based on reported current vacancy rates for the City of Blythe, approximately 881 housing units are unoccupied in 2010 and may be available for rental (or purchase) by future PSPP workers. Similarly, the data also suggests that up to 1,594 local housing units may be available within the city of Ehrenburg and the town of Quartzsite, Arizona (CEC RSA, 2010).

However, the condition, suitability, and availability of the existing housing resources for use as temporary housing for project-related construction workers are unknown. In addition, as shown by the high vacancy rates elsewhere in the region study area, some “vacant” homes may be second homes and, therefore, less available for use as temporary housing.

Hotel and Motel Accommodations

In addition to the existing residential units, project construction workers and operational workers could use local lodging facilities as temporary housing. Hotel/motel lodging suitable for potential temporary housing use typically is concentrated in urban areas or near major transportation nodes. For the purposes of this analysis, only those hotels in the communities closest to the proposed action were tabulated under the assumption that construction and operations workers would congregate to those areas for commuting ease.

Data compiled by Smith Travel Research for hotels and motels with 15 or more rooms identified 19 hotels with a total of 878 rooms within the local study area in 2008, which presents the most current available data (CEC RSA, 2010). These hotels were all located in Blythe, the only community in California with hotels or motels with 15 or more rooms within one hour’s driving distance of the site.

In addition, 120 hotel/motel rooms are located in Ehrenberg and another 22 rooms are located within the City of Quartzite, Arizona (Arizona Department of Commerce, 2010). The extent that the local motel and hotels within the local study area could provide temporary housing for project construction workers would depend both on the then-current room rates and occupancy rates. Typical room rates for most of the hotel/motels are currently relatively inexpensive during the off-season with quoted rates of \$60 to \$70 per night (not including tax). Provided operators would maintain comparable rates, these local hotel/motel rooms would likely be a possible temporary housing option, particularly for workers that might be willing to share accommodations.

Fifty-seven hotels with a total of 8,285 rooms were identified in communities located from 1 to 1.5 hours drive from the project site. These communities include Indio, Palm Desert, Indian Wells, and Rancho Mirage. Applying the 2008 average occupancy ratio (70.8 percent) suggests that, on average, 2,419 unoccupied rooms are available for rent within 1 to 1.5 hours drive of the project site. A total of 129 hotels with 7,541 rooms were identified in communities within 1.5 to 2 hours’ drive from the project site (CEC RSA, 2010). These communities include Desert Hot Springs, Palm Springs, and Needles. Assuming an annual average occupancy rate of 70.8 percent, 2,202 unoccupied motel and hotel rooms were available for rent within 1.5 to 2 hours drive from

the project site. Data was unavailable for local study area hotel/motel rooms located within Arizona, but there will likely be some unoccupied lodging available to workers.

The average annual occupancy rate for hotels in Riverside and San Bernardino Counties in 2007 was 70.8 percent (CEC RSA, 2010). Applying this ratio (70.8 percent) to the total number of hotel rooms identified within the local study area would suggest that, on average, in 2008 a total of 298 unoccupied rooms were available for rent in the local study area. However, given the seasonality of local tourism to the area, it is considered likely that higher occupancy and room rates would apply during the winter season (December to March), while higher vacancy rates and lower room rates would apply during the off-season (summer and early fall) when very hot local conditions persist.

The attractiveness of temporary housing resources for project construction workers generally would decrease further from the site. The size of some of these hotels and their location within more affluent communities make it likely that many of these hotels would have higher room rates and, therefore, and thus not suitable temporary housing for project workers.

Campground/RV Parks

Other housing opportunities are available in recreational vehicle (RV) facilities, mobile home sites, and campgrounds. Under some circumstances, these types of facilities could be usable by project construction workers as temporary housing. Generally, their lower cost for overnight use could make them more attractive as a potential temporary housing resource. Particularly for construction workers who may own their own RV or trailers, RV parks with utility hook-ups and other amenities would be more suitable for use during the summer and could serve as a longer-term rental for workers who prefer a weekly commute.

There are at least 10 RV parks located in the vicinity of Blythe, with a combined total of about 800 spaces (CEC RSA, 2010). RV parks in Blythe tend to be located along the Colorado River and receive higher levels of use during the summer. Research performed on a small sample of these RV parks suggests that a large number of spaces are occupied by year-round residents or are privately-owned and, therefore, unavailable for use by construction workers (CEC RSA, 2010). Additional RV parks are located in Ehrenberg and Quartzsite, Arizona, approximately four miles and 20 miles east of Blythe, respectively. The town of Quartzsite's web site states more than 70 campgrounds are in the vicinity of the community. Typically the campgrounds are occupied between October and March, with visitors attracted to the gem, mineral, and swap meets and shows that are popular tourist attractions in the area (CEC RSA, 2010). Twenty local RV parks are identified by the Quartzsite Chamber of Commerce as operating within Quartzsite.

Long-term camping is available by permit in Long-Term Visitor Areas (LTVAs) on BLM lands. There are two LTVAs located near the Project site: Mule Mountains LTVA, which includes two primitive campgrounds, Wiley's Well and Coon Hollow, and Midland LTVA, which is located north of the City of Blythe. BLM also operates another LTVA within the local study area at La Posa, south of Interstate 10 near Quartzsite, Arizona. LTVAs are intended for recreation use only and workers would generally not be permitted to use these areas (CEC RSA, 2010).

However, BLM may allow temporary LTVAs to be established on site for construction workers for the duration of project construction as temporary lodging facilities.³

Except for "special areas" with specific camping regulations, vehicle camping is allowed anywhere on BLM-administered land within 300 feet of any posted Open Route. There are, however, no facilities in these locations and there is a 14-day limit for camping in any one location. After 14 days, campers wishing to stay in the area longer are required to move 25 miles from their original camp site (CEC RSA, 2010).

Affected Groups and Attitudes

This section discusses some of the groups whom the proposed action could affect. Social effects to these groups and other stakeholders are discussed under Section 4.13, *Social and Economic Impacts*.

Classifying stakeholders into groups does not imply that other stakeholders who do not fit into a group are ignored or left outside of the social and environmental review process. Discussion of the affected groups is a means to highlight and facilitate framing issues related to the social concerns of some stakeholders who may have a particular local or regional relationship to the host landscape that may potentially be developed to exploit solar energy.

Blythe Area Chamber of Commerce

The Blythe Area Chamber of Commerce provides a forum for local businesses and residents on important community issues. The Chamber of Commerce maintains a directory of all the businesses in Blythe and promotes the city's business economy. The purpose of the Blythe Area Chamber of Commerce is to encourage and facilitate activities that improve the economic viability of this community, provide a forum for guidance and support, provide opportunities to inform, and seek funds necessary for implementing compatible activities that would improve this agricultural community.

Blythe/Palo Verde Valley Economic Development Partnership

The Blythe/Palo Verde Valley Economic Development Partnership is a consortium comprised of the community college workforce and economic development leadership within the Blythe/Palo Verde Valley region. The consortium received funding from the California Community Colleges to enhance the consortium's capacity to support economic and workforce development efforts within its rural and remote sub-regions. This partnership consists of representatives from the City of Blythe, Palo Verde Valley College, Blythe Chamber of Commerce, Riverside County, Palo Verde Unified School District, Palo Verde Irrigation District, and other community and regional representatives. Members of the partnership generally have supportive attitudes toward renewable energy projects, and believe that these types of projects will help the local area's economy (Blythe/Palo Verde Economic Development Partnership, 2010).

³ There are two other campgrounds in the local area: Corn Springs (located 7.5 miles southwest) operated by the BLM and Cottonwood Springs (36 miles west) operated by the NPS. However, due to their use restrictions and conditions both would not be suitable for construction workers use.

Environmental Groups

Several national and local groups have concerns about the siting criteria used for renewable energy projects proposed for development in sensitive biological resource areas. Environmental groups also have concerns regarding impacts on wildlife movement corridors, impacts on special status species associated with the implementation of solar panels (e.g., shading effects on species), and greenhouse gas emission impacts on plants and wildlife (CEC RSA, 2010) to name a few.

Recreational Users

Recreational users include OHV users, hikers, campers and wildlife viewing enthusiasts. The recreational user group has a deep appreciation for the natural high desert landscape, and their social attitudes are participatory and protective of this resource. This group is concerned with the indirect impacts associated with the displacement of recreational lands with solar energy facilities, including the cumulative loss of land available for OHV recreational uses (CEC RSA, 2010).

Local Private Land Owners and Residents

Local private land owners with properties that are in the vicinity of the proposed action have mostly positive attitudes toward renewable energy development. However, some area landowners and residents oppose major change to the desert environment and are concerned about permanent changes to the natural desert environment and wildlife. Others appear to be largely indifferent to the proposed action. Nonetheless, because the area is in an economic recession, many residents and landowners support of new local employment opportunities and revenues that the new renewable energy development project would bring to the local area at least in the near term.

Project Workers and Suppliers to the Renewable Energy Industry

The proposed action has the potential to affect both local and non-local labor force from surrounding areas and the nation. Construction and operation of the proposed action would require both temporary and permanent workers. Since the area is in the midst of a recession, social attitudes towards future employment opportunities are generally supportive.

3.14.2 Economic

Employment statistics by industry sector and county for 2008 are summarized in Table 3.14-4. Government is Riverside County's largest employer. Governmental employment accounts for over 17 percent of the total jobs in the County. Additional important industries in the area include natural resources, mining, and construction; manufacturing; transportation; trade (wholesale and retail); information; financial activities; and services (e.g., professional, business, educational, health). In Riverside County, natural resources, mining and construction, government, and retail trade services are the leading industry groups in terms of employment.

**TABLE 3.14-4
EMPLOYMENT BY INDUSTRY GROUP – 2008**

Industry Group	Riverside County Employment		San Bernardino County Employment		La Paz County Employment	
	Total	Percent of Total	Total	Percent of Total	Total	Percent of Total
Agriculture	13,800	2.3%	2,967	0.3%	323	5.65%
Natural Resources, Mining, and Construction	55,100	9.3%	57,660	6.5%	289	5.05%
Manufacturing	48,600	8.2%	63,634	7.2%	218	3.81%
Transportation, Warehousing, and Utilities	21,400	3.6%	63,164	7.2%	146	2.55%
Wholesale Trade	20,400	3.4%	40,192	4.6%	n/a	n/a
Retail Trade	84,200	14.2%	106,217	12.1%	1,340	23.43%
Information	7,700	1.3%	8,949	1.0%	n/a	n/a
Financial Activities	22,300	3.8%	29,563	3.4%	515	9.01%
Professional and Business Services	57,700	9.7%	151,391	17.2%	161	2.82%
Educational and Health Services	58,800	9.9%	96,586	11.0%	n/a	n/a
All Other Services	94,300	15.9%	120,791	13.7%	261	4.56%
Government	110,200	18.5%	139,329	15.8%	2,465	43.11%
Total	594,500	100%	880,443	100.0%	5,718	100.00%

SOURCE: California EDD, 2010a; Bureau of Economic Analysis, 2010.

Labor Force

The labor force of the study area counties and communities is presented in Table 3.14-5. As of May 2010, Riverside County had a labor force of 909,400 workers, of which 782,400 were employed. Consequently, Riverside County’s unemployment rate was 14 percent - considerably higher than the statewide unemployment rate of 11.9 percent. Blythe has a labor force of 7,100 workers. In addition, the labor force and employment estimates for the unincorporated area within the proposed project’s regional study area were based on the County-wide average. As of May 2010, Twentynine Palms had a labor force of 6,200, of whom 5,200 were employed (the population of the Twentynine Palms military base has been excluded because those residents would not be available to work at the proposed solar facility). Consequently, Twentynine Palms’s unemployment rate was 17.1 percent – also considerably higher than the statewide unemployment rate.

In Arizona, La Paz County had an estimated average labor force of 7,875 workers over the first four months of 2010. No 2010 sub-County area labor force data are available. Therefore, labor force estimates for the sub-County areas were based on 2008 data and adjusted for subsequent population growth. The estimated total labor force for the local study area is 8,480 workers. The total estimated labor force for the regional study area is 238,245 workers.

**TABLE 3.14-5
LABOR FORCE AND UNEMPLOYMENT DATA FOR THE REGIONAL STUDY AREA**

Jurisdiction	Civilian Labor Force	Total Employment	Number Unemployed	Unemployment Rate	Median Household Income^a
Riverside County	919,200	780,600	132,600	14.5%	\$60,085
Blythe	7,100	5,900	1,200	16.7%	\$39,187
Coachella	12,300	9,600	2,700	21.7%	\$41,797
Indio	27,200	23,100	4,100	15.1%	\$55,598
Indian Wells	1,700	1,600	100	5.0%	\$122,983 ^b
La Quinta	14,600	13,500	1,100	7.4%	\$81,498
Palm Desert	24,700	22,700	2,100	8.4%	\$57,038
Rancho Mirage	6,400	5,600	800	12.5%	\$78,284 ^b
Cathedral City	26,100	22,500	3,600	13.7%	\$43,411
Palm Springs	26,100	23,200	2,800	10.9%	\$46,632
Desert Hot Springs	9,600	7,600	1,900	20.2%	\$39,733
Banning	11,700	9,700	1,900	16.5%	\$40,849
Unincorporated Area	58,400 (est)	50,200 (est)	8,200 (est)	14.5%	na
Eastern Riverside County, CA	225,900	195,200	30,500	13.5%	na
San Bernardino County, CA	866,500	742,700	123,800	14.3%	\$58,440
Twentynine Palms	6,200	5,200	1,100	17.1%	\$44,879
Unincorporated Area	3,000 (est)	2,600 (est)	400 (est)	14.3%	na
Southern San Bernardino County, CA	9,200	7,800	1,500	16.3%	na
La Paz County, AZ	7,875	7,150	725	7.6%	\$31,812
Ehrenberg	645 (est)	595 (est)	50 (est)	7.6%	\$35,330 ^b
Quartzsite	735 (est)	680 (est)	55 (est)	7.6%	\$30,165 ^b
Cibola	80 (est)	75 (est)	5 (est)	7.6%	\$28,420 ^b
Unincorporated Area	1,685 (est)	1,555 (est)	130 (est)	7.6%	na
Western La Paz County, AZ	3,145	2,905	240	7.6%	na
Local Study Area	8,480	7,175	1,305	15.4%	na
Regional Study Area	238,245	205,905	32,240	13.5%	na

NOTES:

^a 2005-2007 Census average converted in 2010 dollar values.² 2000 Census data converted in 2010 dollar values.

SOURCE: California EDD, 2010; U.S. Census, 2010; U.S. Census 2000; Arizona Department of Commerce, 2010.

Unemployment Rates

The unemployment rate for Riverside County in May 2010 was 14.5 percent. In Riverside County, the community with the highest unemployment rate is the City of Coachella (21.7 percent). Reported unemployment data for the two communities located within the regional study area differed greatly. Mecca's labor force reported a 27.1 percent rate of unemployment for May 2010 while the more affluent community of Thousand Palm's 2,500 labor force had a 9.8 percent rate of unemployment. However, in the absence of more specific information, the Riverside County unemployment rate was used to estimate the current unemployment for the unincorporated areas within Eastern Riverside County.

As discussed above, Twentynine Palms's unemployment rate was 17.1 percent in May 2010 and higher than the San Bernardino County's unemployment rate of 14 percent. In Arizona, the unemployment rate for La Paz County was 7.6 percent over the first four months of 2010. No 2010 sub-county area unemployment data is available. Generally, past unemployment rates for most of the communities within the regional study area have been lower than the County-wide average. However, in the absence of more current information, the La Paz County unemployment rate was used to estimate the current unemployment for the sub-county areas within the County.

The unemployment rate for the local study area is estimated to be 15.4 percent. Given the estimated local study area labor force estimate of 8,480, it is estimated that there are approximately 1,305 unemployed local study area residents. The unemployment rate for the regional study area is estimated to be 12.7 percent. Given the estimated local study area labor force estimate of 238,245, it is estimated that there are approximately 32,240 unemployed regional study area residents.

Labor Force Growth Projections

Table 3.14-6 presents County labor force estimates and projections for those skilled workers (by craft) required for construction and operation of the project as estimated by the Applicant. Employment figures for 2006 are provided, as well as employment projections for the selected occupations for 2016. The California Employment Development Department (EDD) groups Riverside and San Bernardino into one statistical area for data presentation purposes. As of 2006, there were relatively high numbers of skilled workers in Riverside and San Bernardino Counties, including metal workers (19,460), carpenters (28,850), and construction laborers (27,930).

Relevant specialized positions generally were fewer in number, including paving, surfacing, and tamping equipment operators, power plant operators, and construction trade helpers. Employment figures for all occupations presented are anticipated to either remain constant or increase by 2016. The two occupations with the largest anticipated future job growth by 2016 are construction laborers (4,150 new jobs) and carpenters (3,540 new jobs). The highest rate of job growth by occupation in Riverside and San Bernardino Counties is architects, surveyors, and cartographers (17.6 percent) (EDD, 2010).

**TABLE 3.14-6
LOCAL LABOR POOL BY CRAFT – RIVERSIDE AND SAN BERNARDINO COUNTIES**

Occupational Title	Annual Average Employment		Employment Change		Average Annual Job Openings		
	2006	2016	Number	Percent	New Jobs	Net Replacements	Total
Construction Managers	4,380	5,110	730	16.7%	135	160	295
Carpenters	28,850	32,390	3,540	12.3%	198	380	578
Cement Masons and Concrete Finishers	4,110	4,690	580	14.1%	38	120	158
Construction Laborers	27,930	32,080	4,150	14.9%	348	236	584
Paving, Surfacing, and Tamping Equipment Operators	630	720	90	14.3%	8	16	24
Operating Engineers and Other Construction Equipment Operators	4,790	5,460	670	14.0%	37	85	122
Electricians	6,740	7,600	860	12.8%	66	336	402
Plumbers, Pipefitters, and Steamfitters	4,630	5,330	700	15.1%	81	249	330
Metal Workers and Plastic Workers	19,460	20,800	1,340	6.9%	0	1024	1024
Helpers – Construction Trades	120	130	10	8.3%	35	169	204
Welders, Cutters, Solderers, and Brazers	3,960	4,640	680	17.2%	48	178	226
Architects, Surveyors, and Cartographers	1,420	1,670	250	17.6%	56	135	191
Engineering Managers	1,370	1,600	230	16.8%	43	170	213
Supervisors, Construction and Extraction Workers	10,990	12,380	1,390	12.6%	95	216	311
Machinists	2,630	2,960	330	12.5%	0	161	161
Total	122,010	137,560	15,550	12.9%	1,188	3,635	4,823

SOURCE: EDD, 2010.

No County-level employment projections for La Paz County are available. Given the small size of the available Arizona labor force within the regional study area, any future growth to the La Paz labor force would have a very minor change in future employment for construction occupations.

3.14.3 Fiscal Resources

A summary of Riverside County’s expenses and revenues for the 2007-2008 fiscal year is provided in Table 3.14-7. As the proposed action would be constructed in Riverside County, the County would be the local agency with taxing power and could be expected to receive the majority of the direct impacts from the proposed project in the form of additional expenses or revenues (from business and sales taxes, permits, and other sources). The economic benefits of increased income and employment would result in indirect and induced revenue, and potential expenditures in Riverside and other surrounding counties (such as La Paz and San Bernardino Counties). However, impacts to the surrounding counties cannot be reasonably quantified as the actual distribution of economic benefits will largely depend on the origin of project’s future construction worker population. It is difficult to predict the workers actual origin and consequently therefore corresponding local economy where they are likely to spending most of their earnings.

**TABLE 3.14-7
RIVERSIDE COUNTY EXPENSES AND REVENUES FOR FY 2007-2008**

	Amount (Dollars)	Percent
Expenses	\$2,717,107,833	100%
General Government	\$299,748,199	11.0%
Public Safety	\$1,059,121,385	39.0%
Public Ways and Facilities	\$146,363,144	5.4%
Health	\$340,957,271	12.5%
Public Assistance	\$760,500,349	28.0%
Education	\$17,907,992	0.7%
Recreation & Cultural	\$199,776	0.0%
Debt Services	\$77,863,426	2.9%
Transfers Out	\$14,446,291	0.5%
Revenue Sources	\$2,999,779,907	100%
Special Benefit Assessment	--	--
Property Taxes	\$541,147,001	18.0%
Other Taxes	\$69,873,595	2.3%
Licenses, Permits, Franchises	\$40,960,870	1.4%
Fines, Forfeitures and Penalties	\$90,299,415	3.0%
From Use of Money and Property	\$106,339,835	3.5%
From Other Governmental Agencies	\$1,719,722,101	57.3%
Charges for Current Services	\$400,693,092	13.4%
Miscellaneous Revenue	\$23,922,463	0.8%
Other Financing Sources	\$2,848,266	0.1%
Transfers In	\$3,973,269	0.1%

SOURCE: State of California County Controller, 2009.

For the fiscal year 2007-2008, tax revenue for Riverside County totaled approximately \$3.0 billion, and expenditures totaled \$2.7 billion. Riverside's key expenditures were on public assistance, public safety, and health. The County acknowledges that the economic slowdown may result in revenues lower than past projections which may lead to cutbacks in services.

3.15 Soils Resources

The Project site is located in the Mojave Desert Geomorphic Province (NRCS, 2011). The Province is a broad interior region of isolated mountain ranges separated by expanses of desert plains and is characterized by interior enclosed drainages and many playas. The Project site lies near the toe of alluvial fans emanating from the Chuckwalla Mountains to the south, the Coxcomb Mountains to the north, and the Palen Mountains to the northeast. The elevation of Chuckwalla Valley ranges from under 400 feet at Ford Dry Lake to approximately 1,800 feet above mean sea level (amsl) west of Desert Center and along the upper portions of the alluvial fans that ring the valley flanks. The surrounding mountains rise to approximately 3,000 and 5,000 feet amsl.

The ground surface in the region of the Project site generally slopes gently downward to the southeast at a gradient of less than 1 percent. Ground surface elevations at the Project site itself range from approximately 680 feet amsl in the southwest to 425 feet amsl in the northeast. The existing topographic conditions of the site show an average slope of approximately one foot in 75 feet (1.33%) toward the northeast. Steeper grades are present at isolated sand dunes along the northern portion of the site. Toward the north and central portions of the site, the ground becomes hummocky as it transitions to playa.

The climate in the Chuckwalla Valley is arid and has low precipitation. The region experiences a wide range in temperature, with very hot summer months with an average maximum temperature of 108 degrees Fahrenheit (°F) in July and cool dry winters with an average maximum temperature of 66.7 °F in December (CEC RSA, 2010). The Blythe area receives approximately 3.5 inches of rainfall per year. The majority of the rainfall occurs during the winter months, but rainfall during the late summer is not uncommon. The summer rainfall events tend to be a result of tropical storms that have a short duration and a higher intensity than the winter rains. Annual average precipitation ranges from 0.02 to 0.47 inches per month (CEC RSA, 2010).

Prevailing winds in the vicinity of the project vary seasonally, and indicate two dominant wind directions during typical years. During the spring and summer months, the strongest winds are associated with monsoonal storm events, and come from the south. During the fall and winter months, the prevailing winds are associated with Pacific Ocean derived weather patterns, and come from the north-northwest.

3.15.1 Soil Characteristics

The Natural Resources Conservation Service (NRCS) is the leading resource for soil surveys that detail soil characteristics of an area. Soil units described by the NRCS are classified as a 2nd Order survey at a scale of 1:20,000 with delineations of 1.5 to 10 acres. Soil mapping at the Project site is currently underway by the NRCS but the publication date of survey results is unknown (CEC RSA, 2010). General soils data discussed here were derived from the United States General Soil Map (NRCS 2011; known as STATSGO2, updated in 2006) which is a 4th Order survey (5th Order being the least detailed – scale of 1:250,000 to 1: 1,000,000). The

STATSGO 2 data are not designed for use as a primary tool for permitting or citing decisions. They do serve as a general reference to general soil conditions.

The Regional Soil Map shows two soil map units on the Project site: 1) the Rositas–Dune land–Carsitas map unit and 2) the Vaiva-Quilotosa-Hyder-Cipriano-Cherioni map unit (Figure 3.15-1). The Rositas-Dune land-Carsitas map unit occurs on 54 percent of the site and is characterized by soils with a very high sand percentage (greater than 95 percent) and is highly susceptible to wind erosion. The remaining 46 percent of the site was mapped as the Vaiva-Quilotosa-Hyder-Cipriano-Cherioni map unit characterized by soils with high percentage (greater than 65 percent) of sand with moderate susceptibility to wind erosion. These data were used in conjunction with field observations and laboratory testing conducted as the result of field reconnaissance to better characterize the soils on site (CEC RSA, 2010).

Because the NRCS has not mapped soils at the site as part of the Riverside County soil survey, the Applicant commissioned a general survey to characterize the soil conditions at the Project site. CH2M HILL conducted a preliminary site reconnaissance at the Project site in 2008 and collected two soil samples. Based on the reconnaissance and the two samples collected, soils on site were described as consisting of sandy material and classified as poorly graded sand with silt. Across most of the project site, the soils would be expected to range from silty sand to poorly graded sand with silt. Typical fines content in these soils would be in the range of 5 to 35 percent (CEC RSA, 2010).

AECOM (CEC RSA, 2010) characterized soils on site in greater detail through field observations and laboratory testing. Laboratory textural analysis and field observations determined that the on-site soils were predominantly sands. Soil profiles observed in the test pits were typically sands and laboratory analysis measured sand content from 83 to 94 percent. Silt content measured in the soils ranged from 2 to 8 percent, and clay content from 2 to 11 percent. Observed profiles exhibited a range of effervescence from none to slight in the top layers, but effervescence increased with depth indicating increasing percentages of carbonates (CEC RSA, 2010).

The laboratory and field observations are not consistent with the descriptions of the Vaiva-Quilotosa-Hyder-Cipriano-Cherioni map unit from the General Soil Map. However, this is not unexpected, based on the relatively low resolution of STATSGO mapping data. The data from the current investigation are considered more accurate than the generalized soils map. Therefore, the Rositas-Dune land-Carsitas map unit is considered the representative soil type at the Project site (CEC RSA, 2010). Active sand dunes are located in the northern portion of the Project site (discussed in detail below).

Detailed soil descriptions come from the NRCS Official Series Descriptions (CEC RSA, 2010). Table 3.15-1 includes information about soil characteristics including depth, texture, drainage, permeability, and erosion hazard of individual soil mapping units. Land capability classification is an indicator of the soils' primary limitations for revegetation. Soils on the plant site include VIIe and VIIIc Capability Subclasses. These subclasses indicate that the soils are unsuitable for cultivation and production of commercial crops.

**TABLE 3.15-1
SOIL SERIES AND THEIR DESCRIPTIONS**

Soil Series Name	Description
Rositas	Rositas Series – Sandy Loam <ul style="list-style-type: none"> - Dunes and sand sheets - Very deep, well drained - Slopes range from 0 to 30 percent with hummocky or dune micro relief - Negligible to low runoff - Rapid permeability - High susceptibility of wind erosion - Capability Subclass VIIe nonirrigated - Taxonomic Class: Mixed, hyperthermic Typic Torripsamments (source: http://www2.ftw.nrcs.usda.gov/osd/dat/W/WASCO.html)
Carsitas	Carsitas Series – Gravelly Sand <ul style="list-style-type: none"> - Formed in alluvial fans, moderately steep valley fills and dissected remnants of alluvial fans - Excessively drained - Slopes range from nearly level to strongly sloping - Slow runoff except during rare torrential showers - Rapid permeability - High susceptibility of wind erosion - Capability Subclass VIIe nonirrigated - Taxonomic Class: Mixed, hyperthermic Typic Torripsamments http://www2.ftw.nrcs.usda.gov/osd/dat/C/CARSITAS.html
Dune land	Dune land – Sand <ul style="list-style-type: none"> - Dunes can be as much as 25 feet high but are generally 10 feet high - Very slow runoff - High hazard of wind erosion - None or slight hazard of water erosion

SOURCE: CEC RSA, 2010.

3.15.2 Sand Migration and Dunes

The project site is located within the Chuckwalla Valley, a region of active aeolian (wind-blown) sand migration and deposition. Active aeolian sand migration occurs in migration corridors in the northeastern section of the project site and to the northeast of the site. Aeolian processes play a major role in the creation and establishment of sand dune formations and habitat in the Chuckwalla Valley and those within the project area. (CEC RSA, 2010; PWA, 2010). The sand corridor stretches down the Chuckwalla Valley to Blythe and the Colorado River, however, the amount (if any) of Palen-Ford dunefield sand that reaches the Colorado River is unknown at present. At a macroscale, the site is part of the Clark’s Pass sand ramp running from NW to SE from the Dale Lake playa in the southern Mojave Desert north of Joshua Tree National Park (San Bernardino County) to sediment sinks in the Palen-Ford dune field in Sonoran Desert of Riverside County (Zimbelman et al., 1995). Winds enable the sand ramp to surmount topographic barriers that otherwise separate the Dale Lake Basin and the Palen-Ford Basin. The proposed project area covers several different land units (Figure 3.15-2) including (from southwest to northeast) a currently stable coarse gravel alluvial fan surface with some relict sand dunes that have largely deflated (blown away), a more active wind-blown sand area with relatively shallow sand deposits, and an area of deeper and more active vegetated sand dunes that is Mojave Fringe Toed Lizard (MFTL) habitat (discussed in detail in Section 3.23, *Wildlife Resources*; see also,

PWA, 2010). In the southern and western sectors of the Project site, the surface is a mixture of deflated vegetated dunes with thin coarse sand and patches of alluvial gravel and desert varnish with little available fine loose sand for transport to dunes downwind (PWA, 2010). Moving north and east the fan surface has sandier conditions and transitions from creosote (*Larrea tridentata*) shrub to grasses. This area has shallow vegetated sand dunes and sand sheets that are less deflated and that have more abundant sand than the dunes in the mid fan. The dunes appear to be in relative equilibrium; losses of sand due to wind erosion are matched by deposition of sand from upwind. There is evidence of moderate levels of wind-borne sand transport, and this surface appears to form the outer zone of the sand transport corridor (PWA, 2010). Moving north and east, the vegetated dunes become deeper and the sand becomes more abundant. This area has hummocky vegetated dunes with greater topographic expression than the zone to the west, implying that they are more actively supplied by sand. This area is characterized as MFTL sand dune habitat and this portion of the sand transport corridor is more active than the shallow vegetated sand dunes (PWA, 2010).

The dominant sand migration direction within the corridors is toward the east and south (CEC RSA, 2010). Sand delivered from upwind is deposited, replenishing sand that has been lost downwind. Regional aeolian system studies indicate that the prevailing wind responsible for aeolian sand transport was from the northwest toward the southeast and locally controlled by topography (mountain ranges; CEC RSA, 2010). Three aeolian sand migration corridors occur in the Chuckwalla Valley region: the Dale Lake-Palen Dry Lake-Ford Dry Lake sand migration corridor along the Chuckwalla Valley; the Palen Valley-Palen Dry Lake sand migration corridor where sand is transported southeast along the Palen Valley; and the Palen Pass-Palen-McCoy Valley sand migration corridor, located between the Palen and McCoy Mountains, where sand is transported in a southerly direction/towards the Chuckwalla Valley (CEC RSA, 2010). These sand migrations appear to be driven primarily by winter/Pacific ocean oriented winds, which generally blow from the north-northwest. The proposed project lies within the Palen-Ford sand migration corridor. Nearly half of the project disturbance area (1,735 acres; CEC RSA, 2010) would be located in stabilized and partially stabilized sand dunes, wash habitat, and other areas with soils characteristic of active aeolian sand migration and deposition. Additional sand is added to corridors from local wind corridors that can be thought of as 'sand corridor tributaries' and by fluvial sources. The activity and location of sand transport corridors are not fixed in time or space. Sand corridors can expand, contract or migrate with changing weather and climate (PWA, 2010). The sand migration corridor where the project is sited can be further divided into discrete zones that characterize differing rates of sand transport, for correlation to MFTL habitat sensitivity (PWA, 2010). The sand migration corridor near the project site has been divided into four zones for describing the sand migration process at and proximate to the Project (Figure 3.15-3). Zone 1 has the greatest rate of sand transport and Zone 3 the lowest rate. Zone 4 is designated to the south of the borders of Zones 2 and 3, and represents an area where wind transport is not a significant process for sand migration (and subsequently is estimated to have low sensitivity and value as MFTL habitat). The greatest abundance of MFTL has been observed in Zone 2 (discussed in detail in Section 3.23, *Wildlife Resources*) due to the combination of active wind transport and vegetation cover, with fewer MFTL in Zones 1 (abundant sand but little vegetation) and 3 (plentiful vegetation but less active sand transport). Therefore, Zone 2 represents the most sensitive zone within the sand migration corridor proximate to the Project site (PWA, 2010).

3.16 Special Designations

Two systems of federally managed lands are in the vicinity of project. In December 2008, the Secretary of the Interior signed a Secretarial Order to officially designate the 258 million acres of lands managed for multiple-use by the BLM as the *National System of Public Lands*. The project site and the vast majority of the federally-administered public lands in the vicinity of the site are managed as part of this system. The second system of federally managed lands is the *National Park System*. Joshua Tree National Park, a National Park Service (NPS)-managed component of this system, is located approximately 8.5 miles from the project site and would be within the viewshed of the project. Specially-designated BLM-administered public lands and the NPS-administered Joshua Tree National Park are shown on Figure 3.16-1. The visibility of the project from specially-designated areas is discussed in Chapter 3.19, *Visual Resources*.

3.16.1 National System of Public Lands

Special designations on public lands are established through the BLM's land use planning process, Congressional legislation, or Executive Orders and include, but are not limited to, National Monuments, National Conservation Areas (NCAs), Wilderness, National Scenic or Historic Trails, Wild and Scenic Rivers, Cooperative Management and Protection Areas, Outstanding Natural Areas, National Recreation Areas, Forest Reserves, and Areas of Critical Environmental Concern. These designations also may be part of the BLM's National Landscape Conservation System (NLCS) as described in Public Law 111-11 Sec. 2002(b). There are four designated wilderness areas within approximately 20 miles of the project site (see below). The Omnibus Public Land Management Act of 2009 specified that the public lands within the California Desert Conservation Area administered by the BLM for conservation purposes would be included in the NLCS. There are no National Monuments, National Scenic or Historic Trails, Wild and Scenic Rivers, Cooperative Management and Protection Areas, Outstanding Natural Areas, National Recreation Areas, or Forest Reserves within 20 miles of the project site.

Other special designations are defined in FLPMA or have been established through the BLM's land use planning process. Such designations include wilderness study areas (WSAs), Areas of Critical Environmental Concern (ACECs), Scenic or Back Country Byways, watchable wildlife viewing sites, wild horse and burro ranges, and other special designations identified in BLM Handbook H-1601 – Land Use Planning Handbook, Appendix C, III, *Special Designations*. There are five ACECs and one Back Country Byway within about 20 miles of the project site. Although the project site includes acreage that formerly was included in a wilderness study area, the designation was released decades ago. There are no WSAs, Scenic Byways, designated watchable wildlife viewing sites, or wild horse and burro ranges in the vicinity of the site.

Designated Wilderness Areas (WAs)

Wilderness areas are congressionally designated and are managed pursuant to the federal Wilderness Act of 1964 (16 USC 1131–1136) and the specific legislation establishing the wilderness. The Department of Interior agencies are authorized to manage wilderness areas for

the public's use and enjoyment in a manner that will leave such areas unimpaired for future use and enjoyment as "wilderness" by providing for their protection and the preservation of their wilderness character, and by gathering and disseminating information about their use and enjoyment. The Wilderness Act (16 USC Sec 1131-1136) defines "wilderness" as an "area where the earth and its community of life are untrammelled by man." A designated wilderness area is defined as having four primary characteristics, including the following:

1. a natural and undisturbed landscape;
2. outstanding opportunities for solitude and unconfined recreation;
3. at least 5,000 contiguous acres; and
4. feature(s) of scientific, educational, scenic, and/or historic value

Four designated wilderness areas are located in the vicinity of the project site and were established by the California Desert Protection Act of 1994 (CDPA) (16 USC Sec 410aaa. *et seq.*). Managed by the BLM, the Palen/McCoy Wilderness is approximately two miles northeast, the Chuckwalla Mountains Wilderness is approximately 1.5 miles south and the Little Chuckwalla Mountains Wilderness is approximately 16 miles southeast. Managed by the National Park Service (NPS), the Joshua Tree Wilderness is approximately 8.5 miles northwest of the project site (see Section 3.16.2, *National Park System* for further discussion).

Palen/McCoy Wilderness

The Palen/McCoy Wilderness encompasses approximately 236,488 acres. Within it are the Granite, McCoy, Palen, Little Maria, and Arica Mountains, which are five distinct mountain ranges separated by broad sloping bajadas. Because this large area incorporates so many major geological features, the diversity of vegetation and landforms is exceptional. The desert wash woodland found here provides food and cover for burro deer, coyote, bobcat, gray fox, and mountain lion. Desert pavement, bajadas, interior valleys, canyons, dense ironwood forests, and rugged peaks form a constantly changing landscape pattern. State Highway 62 near the Riverside County line provides access from the north, and Interstate 10 via the Midland Road near Blythe provides access from the south. The area is accessible by four-wheel drive vehicles only. Mechanized or motorized vehicles are not permitted in a wilderness (CEC RSA, 2010).

Chuckwalla Mountains Wilderness

The Chuckwalla Mountains Wilderness is approximately 99,548 acres and lies south of I-10. Within the area is the Chuckwalla Mountains. Included within the walls of this rock fortress are a variety of landforms, textures, and colors. Steep-walled canyons, inland valleys, large and small washes, isolated rock outcrops and vast desert expanses interact to form a constantly changing panorama. The plant and wildlife species are as uniquely diverse. Bighorn sheep, burro deer, raptors, snakes, coyotes and fox inhabit the area. The southwestern bajada region has been identified as highly crucial habitat for the desert tortoise. Ocotillo, cholla, yucca, creosote and barrel and foxtail cactus cover the landscape and provide seclusion. Hunting, fishing, and non-commercial trapping are allowed. Pets are allowed. Horses are permitted. Camping is permitted, limited to 14 days. Access to the wilderness is from the north via I-10. Eastern access

via Corn Springs and Du Pont Roads is provided by the Corn Springs exit on I-10. The Red Cloud Road exit from I-10 provides access from the west, and the Bradshaw Trail provides access to the wilderness from the south. Mechanized or motorized vehicles are not permitted in a wilderness (CEC RSA, 2010).

Little Chuckwalla Wilderness

The Little Chuckwalla Wilderness is 28,034 acres and also lies south of I-10. It includes rugged mountains surrounded by a large, gently sloping bajada laced with a network of washes. To the north, a bajada gently rises to 400 feet, while the rugged mountains crest at 2,100 feet. Habitat for bighorn sheep and desert tortoise can be found in portions of this region, and the southern bajada has been identified as crucial desert tortoise habitat. Several sensitive plant species grow here, including the California snakeweed, Alverson's foxtail cactus, and the barrel cactus. Interstate 10 provides northern access to the Little Chuckwallas via the Ford Dry Lake exit; Graham Pass Road from the west; and Teague Well four-wheel drive route from the east. Both routes access the Bradshaw Trail to the south, which connects to Wileys Well Road.

Users of these wilderness areas, including the Joshua Tree Wilderness Area, discussed below, are seeking opportunities to experience nature, solitude, and unconfined recreation. The areas have no developments other than sparse trails and routes that have not been reclaimed since the wilderness designation. Little data exist on the amounts, types, and trends of visitor use experiences such as camping, hiking, or site seeing. Recreation uses are discussed in Section 3.13, *Recreation*, and include hunting, fishing, and non-commercial trapping. Pets are allowed. Horses are permitted. Camping is permitted, but is limited to 14 days. After 14 days, campers must relocate at least 25 miles from the previous site.

Motorized-vehicle access is prohibited in wilderness areas except under certain circumstances (i.e., where access is required to private property, to facilitate activities associated with valid mining claims or other valid occupancies, to fulfill fish and wildlife management responsibilities under jurisdiction of the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or to accomplish certain administrative and law enforcement operations, including fire suppression and search and rescue operations). Opportunities for the general public to stop, park, or base camp with vehicles inside wilderness are not available.

Wilderness Study Areas (WSAs)

The BLM, through Section 603(a) of FLPMA or established by statute, manages 80 WSAs in California, totaling over 1,360,000 acres. Such areas are roadless, generally at least 5,000 acres, and consist of islands of public lands that have the wilderness characteristics described above. BLM is required to manage WSAs so as not to impair their suitability as wilderness until Congress decides whether it either should be designated as wilderness or should be released for other purposes.

The closest existing wilderness study areas to the site are the Beauty Mountain Wilderness Study Area, approximately 30 miles west of the city of Temecula in San Diego County, and the Cady Mountain Wilderness Study Area between Barstow and Baker along I-40 in San Bernardino County (CEC RSA, 2010). Both wilderness study areas are approximately 100 miles from the project site.

Lands with Wilderness Characteristics

Lands outside of designated wilderness or WSAs are assessed during the RMP or amendment process to determine if they possess one or more wilderness characteristics. Also, plan decisions can include a land use allocation requiring these lands to be managed as Wild Lands to protect one or more wilderness characteristics during the life of the plan (see BLM Land Use Planning Handbook, H-1601-1, Appendix C, (K) Wilderness Characteristics, BLM IM No. 2011-034, and Secretarial Order 3310). These characteristics include naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation.

The proposed LUP amendment for the PSPP includes public lands that were inventoried for potential wilderness designation between 1976 and 1979. All Public Lands within the CDD were analyzed and summarized in 1979 wilderness inventory decisions performed pursuant to the FLPMA. See “California Desert Conservation Area – Wilderness Inventory – Final Descriptive – March 31, 1979”. Public Land within the project site is contained within CDCA Wilderness Inventory Units (WIU) #CDCA 325, 330, and 331. No part of the project site would be on public lands identified as having wilderness characteristics in that 1979 decision.

WIU #CDCA 325 encompassed a large area. The boundary was generally tied on the west to Highway 177; on the north to Highway 62 and an aqueduct; and on the east to Midland-Rice Road. The 1979 decision established the Palen/McCoy WSA for the Public Lands determined to have wilderness characteristics. Public lands not included in the WSA, including those lands now being analyzed for the project, were those where the imprints of man were substantially noticeable. These included impacts from mining, extensive networks of vehicle ways on some bajadas, and sites used by the U.S. Army for desert tank training during WWII. The California Desert Protection Act (CDPA) of 1994 designated the Palen/McCoy Wilderness. The boundary for the wilderness was similar to the boundary of the WSA.

WIU #CDCA 330 was a narrow, elongated area bordered by a pole line access road to the north and by Interstate 10 to the south. This relatively flat, linear area has little topographic relief and ranges from sparsely vegetated creosote to nearly nonexistent vegetation on Ford Dry Lake. The area has been disturbed by man. Fence enclosures are located throughout the area, along with past evidence of development and two wells. With an average width of one to two miles, the confining nature of the unit severely restricts opportunities for solitude or a primitive and unconfined type of recreation. As such, the 1979 decision was that no portion of this unit had wilderness characteristics and no public lands were identified as a WSA.

WIU #CDCA 331 was bordered on the northeast by a maintained road; on the south, by Interstate 10; and, on the northwest, by Highway 177. This area is relatively flat and includes creosote and some ironwood vegetation. Much of the western portion is in private land ownership. Man's work is substantially noticeable within this area, especially on the large portion of privately-owned lands which includes buildings, roads, and an airport. Opportunities for solitude or a primitive and unconfined type of recreation are limited due to the confining nature of the area and inability of topographic features to screen visitors from one another. As such, the

1979 decision was that no portion of this unit had wilderness characteristics and no public lands were identified as a WSA.

Relevant portions of the Wilderness Inventories for the three WIUs were maintained pursuant to section 201(a) of the FLPMA. The current conditions existing in 2011 are essentially the same as in 1979. In summary, no changes have occurred since 1979 that would result in findings that differ from the 1979 decision that wilderness characteristics were not present in the project area. Therefore, wilderness characteristics were not analyzed further in this EIS.

Areas of Critical Environmental Concern (ACECs)

ACECs are BLM-specific, administratively-designated areas within the public lands where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems or processes; or to protect life and safety from natural hazards (FLPMA, 43 USC 1702(a); 43 CFR 1601.0-5(a)). By itself, the designation does not automatically prohibit or restrict uses in the area; instead, it provides a record of significant values that must be accommodated when BLM considers future management actions and land use proposals.

There are six ACECs located in the vicinity of the site. Chuckwalla Desert Wildlife Management Area (DWMA) ACEC is approximately 0.25 mile southwest and is 352,633 acres. The NECO Plan designates this DWMA as an area of “critical environmental concern” to protect desert tortoise and other significant natural resources including special status plant and animal species and natural communities. The Palen Dry Lake ACEC is located approximately 0.5 mile northeast of the project site; it was established to protect cultural resources. The Corn Springs ACEC is approximately 2,467 acres and is approximately 5.5 miles southwest of the site. This ACEC boundary includes land suitable for wilderness designation by Congress. Alligator Rock ACEC consists of 7,754 acres. It is located six miles west of the site and also was established based on the suitability of the acreage for wilderness designation. The Desert Lily Preserve ACEC is six miles northwest of the site and is designated to protect sensitive natural, scenic, ecological, and cultural resource values of its 2,055 acres. The 2,273-acre Chuckwalla Valley Dune Thicket ACEC is located approximately 17 miles southeast of the site. This ACEC is managed for wildlife habitat, specifically that of the desert tortoise. Recreation uses allowed in ACECs are discussed in Section 3.13, *Recreation*.

Back Country Byway

The Bradshaw Trail is a 65-mile National Back Country Byway located about 17 miles south of the project site that extends from about 35 miles southeast of Indio to about 15 miles southwest of the City of Blythe. It was the first road through Riverside County, blazed by William Bradshaw in 1862 as an overland stage route beginning in San Bernardino, California, and ending at Ehrenberg, Arizona. The trail was used extensively between 1862 and 1877 to transport miners and passengers. The trail is a graded dirt road that traverses mostly public land between the Chuckwalla Mountains and the Chocolate Mountain Aerial Gunnery Range. Recreational opportunities include four-wheel driving, wildlife viewing, plant viewing, birdwatching, scenic drives, rockhounding, and hiking.

3.16.2 National Park System

Like the BLM, the NPS is a bureau of the U.S. Department of the Interior. Since 1916, the NPS has been entrusted with the care of America's national park system, which now numbers nearly 400 places that collectively are visited by more than 275 million people each year (NPS, 2010). One unit of the National Park System is located approximately 8.5 miles from the project site: Joshua Tree National Park.

President Franklin D. Roosevelt proclaimed Joshua Tree a National Monument on August 10, 1936, to protect various objects of historical and scientific interest (Proclamation 2193, 50 Stat. 1760). Congress re-designated a National Park on October 31, 1994, as part of the California Desert Lands Protection Act of 1994 (16 U.S.C. § 410aaa et seq.). In establishing this National Park, Congress found that the desert lands within it constitute a "public wildland resource of extraordinary and inestimable value for current and future generations," that has "unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational and recreational values." Joshua Tree also is recognized by the United Nations Educational, Scientific, and Cultural Organization under its Man and the Biosphere Program as a Biosphere Reserve.

As of September 23, 2000, the Joshua Tree National Park consisted of approximately 1,017,748 acres. It lies 140 miles east of Los Angeles, 175 miles northeast of San Diego, and 215 miles southwest of Las Vegas. One of three park entrance locations is at Cottonwood Spring, which lies 25 miles east of Indio and near the project site. Joshua Tree National Park is open year-round, although the peak time for visitors is April. The total number of visitors to the Park increased by 240 percent between 1986 (525,000 visitors) and 1997 (1,200,000) (NPS, 1998). Visitorship remains over a million people per year (Uhler, 2007).

Joshua Tree Wilderness

The Joshua Tree Wilderness is approximately 594,502 acres and is managed by the National Park Service as part of Joshua Tree National Park. The Joshua Tree Wilderness is bordered by the Sheephole Valley Wilderness to the north and the Pinto Mountains Wilderness to the north. It is approximately 10 miles north of I-10 and abuts State Highway 177 to the west. The lower, drier Colorado Desert dominates the eastern half of the wilderness, home to abundant creosote bushes, ocotillo, and the cholla cactus. The slightly more cool and moist Mojave Desert covers the western half of the wilderness, serving as a breeding ground for the Joshua trees. Five fan-palm oases are located in this wilderness area, where surface or near-surface water gives life to palms trees. A diverse variety of desert wildlife species, such as Bighorn sheep, eagles, and kangaroo rats occupy this wilderness. The steep elevations provide views to the south and east which overlook the project. Aerial photography shows no trails or other established routes within this Wilderness segment.

3.17 Transportation and Public Access – Off Highway Vehicle Resources

3.17.1 Public Access

Introduction

Recreation and motorized travel opportunities are determined, in part, by California Desert Conservation Area Plan (CDCA) Multiple Use Class and off-road area designations. The multiple use class is based on the sensitivity of resources and kinds of uses appropriate in various geographic areas. Each of the four multiple-use classes describes a different type and level or degree of use permitted within specified areas. The BLM also designates the public lands it administers as open, limited, or closed to off-road vehicles pursuant to Executive Order 11644 (1972), *Use of Off-Road Vehicles on the Public Lands*, as amended in 1974 by Executive Order 11989; and other authorities, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), BLM planning regulations (43 CFR Part 1600), and BLM Land Use Planning Handbook H-1601-1. For the purpose of this section, the terms Off-Road Vehicle and Off Highway Vehicle (OHV) are used interchangeably, although OHV is the term most used by the BLM and in other federal land use planning efforts.

Multiple Use Class

With the exception of a privately-owned 40-acre parcel, the proposed action would be developed entirely within Multiple Use Class M-Moderate Use. This class is based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such a mining, livestock grazing, recreation, energy, and utility development. See Section 3.9, *Multiple Use Classes*, for more information about the land use and resource-management guidelines applicable to MU-M areas.

OHV Routes

In establishing the CDCA, Congress declared that “the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles.” 43 USC 1781(a)(4).

The CDCA Plan and NECO Plan Amendment state that vehicle access is among the most important recreation issues in the desert. A primary consideration of the recreation program is to ensure that access routes necessary for recreation enjoyment are provided (BLM, 2001 Section 3.8.2). For purposes of OHV management, vehicle access in MUC-M areas is directed toward use of approved (“open” or “limited”) routes of travel, or “open washes.”

Under the CDCA Plan, as amended, BLM-administered public lands within the CDCA are designated as *Open*, *Limited* or *Closed*. Within open areas, motorized vehicles may travel anywhere; in closed areas, such travel is prohibited. There are no BLM-designated open OHV areas in Riverside County. In limited areas, motorized-vehicle access is allowed only on certain *routes of travel*, defined to include roads, ways, trails, and washes.

In addition to OHV areas being designated as open, closed, or limited, OHV routes also are designated as *open*, *closed*, or *limited*, with the following definitions:

1. *Open Route*: Access by all types of motorized vehicles is allowed generally without restriction.
2. *Limited Route*: Access by motorized vehicles is allowed, subject to limitations on the number and types of vehicles allowed and restrictions on time or season and speed limits.
3. *Closed Route*: Access by motorized vehicles is prohibited except for certain official, emergency or otherwise authorized vehicles.

As required by the CDCA Plan, the NECO Plan amendment created a detailed inventory of existing routes within the NECO Plan area that were officially designated as *Open*, *Limited* or *Closed* as part of the NECO routes of travel system. The BLM's Palm Springs-South Coast Field Office (PSSCFO) currently is implementing route signing on the ground. A route has high significance if it provides access to other routes, historical sites, or recreational areas such as the back county driving, photography, camping, rock hounding and hiking opportunities in eastern Riverside County.

The project site has approximately 9 miles of designated open routes. OHV recreational opportunities on the site are limited to driving or riding on these routes. Routes of travel, other than washes, are shown in Figure 3.17-1.

The BLM has no traffic counters or other means to determine accurate use of routes in the vicinity of the project site. Observations by BLM staff and Law Enforcement Rangers report that use is relatively low on routes within the vicinity of the project site, not exceeding 300 visits per year. Recreation and vehicle use generally is limited to the cooler months of September through May. Use is nearly non-existent during the summer. Recreational vehicle use consists of touring in passenger cars, SUVs, motorcycles, and ATVs.

Washes Open Zones

The CDCA Plan, as refined in the NECO Plan, provides special management considerations for OHV use on washes, sand dunes and dry lakes. As part of the land use planning process, MUC designations were assigned to regions throughout the CDCA Plan area. As stated in the NECO Plan, "all navigable washes not individually inventoried and mapped on public lands would be designated as open routes as a class except where such washes occur within a washes closed zone" (p. 2-77). Since there are no OHV *Open Area* designations within the PSSCFO area, motorized travel available to the public in the NECO Plan area is restricted to authorized routes of travel with the exception of washes open zones (BLM CDD, 2002).

The project site is in a “washes open zone.” Under the NECO Plan, all MUC-M areas are considered “washes open zones” unless specifically designated limited or closed. The use of washes within “washes open zones” is restricted to those considered “navigable,” unless it is determined that vehicle use must be further limited. Navigable washes in “washes open zones” are designated “open” *as a class*, that is, washes are not individually designated unless they are identified as specific routes in the NECO route inventory. In this context, the term “wash” is defined as a watercourse, either dry or with running or standing water, which by its physical nature, width, soil, slope, topography, vegetative cover, etc. permits the passage of motorized vehicles, thereby establishing its “navigability” (BLM, 1980; BLM CDD, 2002 Section 3.9.5).

There are approximately 100 minor dry washes that cross the site from southwest to northeast, draining the area downstream of I-10 towards Palen Dry Lake. There are two more significant ephemeral wash complexes that cross the site from southwest to northeast, draining the area downstream of I-10 towards Palen Dry Lake. The BLM has not inventoried or analyzed specific washes in the project area as to their navigability, but by the above definition, all or portions of these washes may be considered navigable through a portion of the project site. As is the case with designated routes, the BLM has no means to determine accurate use of “open wash zones” in the vicinity of the project site.

3.17.2 Transportation

Major Traffic Routes within the Vicinity of the Project

U.S. Interstate 10

Interstate 10 is an east-west regional arterial that crosses much of the southern United States. It runs from the Los Angeles area east to Phoenix, Arizona, where it turns south and continues to Tucson, Arizona, ultimately continuing east to Jacksonville, Florida. In the project area, the speed limit is 70 miles per hour and the road is fully improved to freeway status with two lanes in each direction, each direction experiencing an Average Annual Daily Traffic (AADT) volume of 21,400 vehicles in 2008 (the most recent year for which Caltrans figures are available). There are no bicycle or pedestrian facilities located on I-10 near the project site; however, bicycles are allowed on I-10 from Dillon Road, Coachella (west of the project site) to Mesa Drive, Blythe (east of the project site). The State Department of Transportation (Caltrans) allows bicycle use on State highways where no alternative route is available.

Corn Springs Road

Corn Springs Road is an exit off of I-10 accessed by a diamond-configured interchange. The interchange includes single-lane ramps with ramp junctures, where stop signs control traffic from I-10 before it enters Corn Springs Road. Corn Springs Road is a relatively short road that runs north toward the project site, as well as south, where it intersects with Chuckwalla Valley Road. Corn Springs Road has curb and gutter, but no bicycle or pedestrian facilities.

Chuckwalla Valley Road

Chuckwalla Valley Road is a minor local access road running in an east-west direction just south of I-10 in the vicinity of the project site. It is a two-lane frontage road extending from the southern part of the Corn Springs Road interchange to the Ford Dry Lake Road interchange approximately 10 miles to the east. Stop signs on the Chuckwalla Valley Road approaches control the Corn Springs Road/Chuckwalla Valley Road intersection. Chuckwalla Valley Road has curb and gutter, but no bicycle or pedestrian facilities.

Existing Traffic Volumes

The level of service (LOS) is defined as a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. LOS indicators for the highway and roadway system are based on specific characteristics of traffic flow on designated sections of roadway during a typical day. For mainline freeway and road segments, these include overall traffic volume, speed, and density.

Several physical and operational characteristics of the roadway, such as lane configuration, flow speed (typical speed between intersections), and number of intersections per mile, are used to determine the vehicular capacity of the roadway segment. When these two sets of data are compared, a volume-to-capacity ratio is calculated. These factors are then converted to a letter grade identifying operating conditions and expressed as LOS A through F. The *Highway Capacity Manual 2000*¹, published by the Transportation Research Board, Committee on Highway Capacity and Quality of Service, includes six levels of service for roadways or intersections ranging from LOS A (best operating conditions characterized by free-flow traffic, low volumes, and little or no restrictions on maneuverability)—the best operating conditions—to LOS F (forced traffic flow with high traffic densities, slow travel speeds, and often stop-and-go conditions)—the worst.

Table 3.17-1 provides existing traffic volumes and LOS for I-10 that likely would be used for indirect access to the project site. As indicated below, I-10 and Corn Springs Road are classified as LOS A in the project area.

Site Access

Site access would be via a new 24-foot wide paved access road, 1,350 feet long, starting at the existing Corn Springs Road at the I-10 interchange. No improvements to I-10 would be needed. Corn Springs Road currently runs north-south across I-10 and terminates just north of the I-10 overpass. From this dead-end, Corn Springs Road would be extended east to connect with a new access road into the site.

¹ This manual is a common guide used for computing the capacity and quality of service of various highway facilities, including highways, arterial roads, signalized and unsignalized intersections and the effects of mass transit, pedestrians, and bicycles on the performance of these systems.

**TABLE 3.17-1
EXISTING TRAFFIC VOLUMES AND LEVEL OF SERVICE**

Roadway/Segment	Existing Conditions			
	Travel Lanes	Volume	Capacity	LOS
I-10 West of Project Site	4	3,145	8,000	A
I-10 East of Project Site	4	3,145	8,000	A
Corn Springs Road	2	Negligible		A

NOTES: Capacity represents approximate two-way capacity in vehicles per hour.
Volume represents the number of vehicles crossing a section of road per unit time at any selected period.

SOURCE: CEC RSA, 2010

Public Transportation in the Vicinity of the Project

Public transportation consists of rail and bus service, bicycle and pedestrian facilities, and airports. Information about these forms of public transportation follows.

Rail Service

The Arizona & California Railroad Company, which previously provided rail service in the vicinity of the site, filed a petition to abandon service with the Surface Transportation Board on March 12, 2009. The Surface Transportation Board is a federal economic regulatory agency charged with resolving railroad rate and service disputes and reviewing proposed rail mergers, rail line purchases, construction and abandonment. On January 13, 2010, the Surface Transportation Board ruled that the Arizona & California Railroad Company could abandon service in San Bernardino County and Riverside County. Consequently, no rail service is available near the site at this time.

In addition, no regional passenger railroad transportation exists in the immediate area. The nearest rail passenger service is at Amtrak Stations in Palm Springs, California and Yuma, Arizona.

Bus Service

There is no bus service to the site. Local bus service near the project site is limited to Route 3 of the Desert Roadrunner/Palo Verde Valley Transit Agency bus service, which provides express service on weekday peak hours from Blythe to multiple California State prisons located along I-10, including the Ironwood/Chuckwalla Valley State Prison complex located approximately 21 miles east of the project site. Other regional bus service is provided in the Coachella Valley by SunLine Transit Agency, whose bus system extends from Desert Hot Springs to Mecca (SunBus, 2010). Amtrak Thruway Bus Route 19b is an Indio-Bakersfield route that connects to Amtrak's larger system in Bakersfield. Greyhound routes include I-10 with a bus station in Indio.

Bicycle and Pedestrian Facilities

Bicycle and pedestrian activity in the vicinity of the project site is minimal-to-none. Development is extremely low-density and spread over a large area, which is not conducive to biking or walking.

Airports

The closest airfield to the project site is the privately-operated Desert Center Airport, located at the end of an unnamed road approximately 5 miles northwest of the main project site, but only about 2 miles (approximately 10,500 feet) from the proposed gen-tie line. (As indicated in Table 2-1, *General Project Dimensions*, the proposed gen-tie transmission towers would range in height between 90 and 145 feet). The airport's runway is approximately 4,200 feet long. Chuckwalla Valley Associates, LLC, operates the airport to serve the Chuckwalla Valley Raceway. Airport use is light: about 150 aircraft operations per year at the airfield for the 12-month period ending December 31, 2006. See Section 3.12, *Public Health and Safety*, for more information about this airport.

Regarding new construction near airports, the Federal Aviation Administration (FAA) standards (14 CFR Part 77) require FAA notification if, as a result of construction, any criterion is met among those listed in Part 77.13 of Title 14 of Code of Federal Regulations. Notification is required, for example, if a proposed structure or object would be taller than 200 feet above the ground level at its site, or if it is taller than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of an airport that has at least one runway more than 3,200 feet long.

3.18 Vegetation Resources

In addition to the analysis contained with the BLM's DEIS, this section is based on, and draws heavily from, the California Energy Commission's Staff Assessment (SA), Revised Staff Assessment (RSA) and Commission Decision for the PSPP. The project would be located in the Chuckwalla Valley between the Chuckwalla and Palen mountains in eastern Riverside County, and less than two miles from the southern edge of Palen Dry Lake (DTPC 2006 as cited in the CEC RSA, 2010). The Biological Resources Study Area (Study Area) consists of a 14,771 acre area that encompasses the approximately 4,024-acre Project Disturbance Area (including the transmission disturbance area) and a surrounding buffer area (Commission Decision, 2010).

The project site is located in the central portion of Chuckwalla Valley, an area east of Palm Springs in the Colorado Desert, a subsection of the Sonoran Desert. The elevation range of the Chuckwalla Valley is from 400 feet above mean sea level at Ford Dry Lake to approximately 1,800 feet above mean sea level along some of the bajadas that occur west of Desert Center, California, with the surrounding mountains rising to over 3,000 feet above mean sea level (Solar Millennium 2009a as cited in the CEC RSA, 2010). Hydrologically, the Study Area occurs in the Colorado River Basin within the Chuckwalla Valley Drainage Basin. This is an internally drained basin and all surface water flows to Palen Dry Lake in the western portion of Chuckwalla Valley and Ford Dry Lake in the eastern section of Chuckwalla Valley.

The unique position of the region at the junction with the Neotropic ecozone to the south contributes to the presence of a number of rare and endemic plants and vegetation communities specially adapted to this bi-modal rainfall pattern, and not found elsewhere in California. These include microphyll woodlands, palm oases, and a number of summer annuals that only germinate after a significant warm summer rain (CEC RSA, 2010).

This distinctive bi-modal climate of the Sonoran Desert distinguishes it, floristically, from other deserts, including the Mojave Desert, and from the rest of California, where warm dry summers and a single rainy season in winter are characteristic. In addition to being hotter and drier, the Sonoran Desert region also rarely experiences frost. Although the region supports numerous perennial species, including a wide variety of cacti, more than half of the region's plant species are herbaceous annuals, which appear only during periods of suitable precipitation and temperature conditions.

The Chuckwalla Valley is a region of active aeolian (wind-blown) sand migration and deposition but at a magnitude substantially less that it had experienced during dune aggradational events since the late Pleistocene (CEC RSA, 2010). Nevertheless, aeolian processes play a major role in the creation and establishment of sand dune habitat in Chuckwalla Valley and within the project area, habitat that is essential to the existence of the Mojave fringe-toed lizard among many other dune habitat specialists (especially beetles). In general, major local sand migration corridors used in the past currently are continue to be used, but the corridors have decreased in width since the late Pleistocene within the project area indicating that the aerial extent of aeolian activity in

recent times is less that it once was during regional dune aggradational events (Solar Millennium 2010b as cited in the CEC RSA, 2010).

The dominant sand migration direction within the corridors is toward the east and south. Regional aeolian system studies indicate that the prevailing wind responsible for aeolian sand transport was from the northwest toward the southeast and locally controlled by topography (mountain ranges). Three aeolian sand migration corridors have been identified within the Chuckwalla Valley region including the following: The Dale Lake–Palen Dry Lake–Ford Dry Lake sand migration corridor; the Palen Valley–Palen Dry Lake sand migration corridor; and the Palen Pass–Palen–McCoy Valley sand migration corridor (Solar Millennium 2010b as cited in the CEC RSA, 2010; CEC RSA, 2010 Appendix C).

The project would be located within two areas designated in the NECO plan as wildlife habitat management areas (WHMA): Palen-Ford WHMA and Desert Wildlife Management Area (DWMA) Connectivity WHMA. Management emphasis for the Palen-Ford WHMA is on the management of the dunes and playas within the Palen-Ford dune system. Management emphasis for the DWMA Connectivity WHMA is on the geographic connectivity for the desert tortoises for the conservation areas east of Desert Center (i.e., connectivity between the Chuckwalla DWMA and the wilderness area north of I-10). The Palen-McCoy Wilderness is approximately 3 miles to the northeast of the project site, the Chuckwalla DWMA is located approximately 2 miles to the south, and the Palen Dry Lake ACEC borders the site to the east.

3.18.1 Overview of Natural Vegetation Communities

Seven natural vegetation communities occur within the Study Area (Figure 3.18-1): Sonoran creosote bush scrub, desert dry wash woodland (Figure 3.18-2), unvegetated ephemeral dry wash, stabilized and partially stabilized desert dune, active desert dune, desert sink scrub, and dry lake bed (Figure 3.18-1). Two other cover types occur in the Study Area: agriculture and developed. Table 3.18-1 summarizes the acreage associated with each within the Biological Resources Study Area. The 4,024-acres that would be disturbed to construct, operate and maintain the project (i.e., the Project Disturbance Area) consist almost entirely of native habitats, including 148 acres of desert dry wash woodland, 164 acres of unvegetated ephemeral dry wash, 3,422 acres of Sonoran creosote bush scrub, and 285 acres of stabilized and partially stabilized desert dunes (Figure 3.18-3) (AECOM 2010a as cited in the CEC RSA, 2010).

3.18.2 Ephemeral Drainages “Riparian” Communities

Desert Dry Wash Woodland

Desert dry wash woodland (also known as microphyll woodland) is a sensitive vegetation community recognized by the California Natural Diversity Database (CNDDDB) and the BLM. As discussed below, CDFG (CDFG, 2003 as cited in the CEC RSA, 2010; BLM, 2002) have designated the woodlands as State waters (Figure 3.18-2). Holland describes this community as an open to relatively densely covered, drought-deciduous, microphyll (small compound leaves) riparian scrub woodland. These habitats often are supported by braided wash channels that change

**TABLE 3.18-1
NATURAL COMMUNITIES/COVER TYPES**

Natural Communities and Cover Type within the Biological Resources Study Area	Project Disturbance Area ^a	One-Mile Buffer	Biological Resources Study Area ^b
Ephemeral Drainages "Riparian"			
Desert dry wash woodland	148	699	846
Unvegetated ephemeral dry wash	164	61	225
<i>Subtotal Ephemeral Drainages "Riparian"</i>	<i>312</i>	<i>760</i>	<i>1,071</i>
Upland			
Active desert dunes	0	684	684
Desert sink scrub	0	9	9
Dry lake bed	0	270	270
Sonoran creosote bush scrub	3,422	7,423	10,845
Stabilized and partially stabilized desert dunes	285	625	910
<i>Subtotal Upland</i>	<i>3,707</i>	<i>9,011</i>	<i>12,718</i>
Other Cover Types			
Agricultural Land	3	830	833
Developed	2	147	149
<i>Subtotal Other Cover Types</i>	<i>5</i>	<i>977</i>	<i>982</i>
Total Acres	4,024	10,748	14,771

^a The Project Disturbance Area encompasses the disturbance resulting from the proposed construction of the project, including solar fields, transmission facilities, office and maintenance buildings, lay down area, bioremediation area, drainage channels, leach fields, and other components. It includes the impact acreage of the gen-tie line for the eastern Red Bluff Substation.

^b The Biological Resources Study Area encompasses the Project Disturbance Area (area inside and outside the facility fence that would be disturbed by the project), the solar facility footprint area inside the facility fence including solar fields and other support structures and facilities, the transmission line route and buffer areas (1 mile for solar footprint, 1,000 feet for the transmission line).

SOURCE: Solar Millennium 2010m as cited in the CEC RSA, 2010 (acres are rounded)

patterns and flow directions following every surface flow event (Figures 3.18-4 and 3.18-5) (Holland, 1986 as cited in the CEC RSA, 2010).

This vegetation community occupies the major washes that traverse the Project Disturbance Area and is dominated by an open tree layer of blue palo verde (*Parkinsonia florida*), honey mesquite (*Prosopis glandulosa* var. *torreyana*), ironwood (*Olneya tesota*), and smoke tree (*Psoralea argophylla*) with an understory of big galleta grass (*Pleuraphis rigida*), desert starvine (*Brandegea bigelovii*) and intermixed with creosote bush (*Larrea tridentata*) and Russian thistle (*Salsola tragus*) (Solar Millennium, 2009a as cited in the CEC RSA, 2010, AECOM, 2010a as cited in the CEC RSA, 2010).

Ironwood, palo verde, and smoke tree are desert phreatophytes, groundwater-dependent plants with deep root systems that can extend tens of feet below the ground surface to the underlying water table. Phreatophytes are known for their ability to tap into groundwater 40 feet to 200 feet or deeper, depending on the species. Other known phreatophytes in the project area desert washes include the native cat's claw (*Acacia greggii*) and the invasive exotic Saltcedar (*Tamarix*

ramosissima). However, these deep-rooted species sometimes also occur away from the streams where they have access to deep groundwater.

Desert dry wash woodland is prevalent in the primary wash near I-10 where channel development is most pronounced and water supply more abundant. As the washes become shallower and eventually abate into the landscape further northward from I-10 within the Project Disturbance Area, desert dry wash woodland eventually is replaced by smaller washes of mixed creosote bush and big galleta grass, and a mixture of other upland and wash-dependent species. Outside major washes, desert dry wash woodland appears to be declining overall within the Project Disturbance Area as hydrological diversions upstream (diking and the construction and placement of I-10) in the early 1960s interrupted natural flow paths and reduced water flows either through obstruction and/or redistribution from the Corn Springs Wash (AECOM, 2010a as cited in the CEC RSA, 2010).

Desert dry wash woodland in the study area supports a rich community of wildlife and special status species described in this section and in Section 3.23, *Wildlife Resources*.

Unvegetated Ephemeral Dry Wash

In the project area, the smaller channels without a continuous cover of desert dry wash woodland consist of a sparse to intermittent cover of shrubs and perennial herbs. As discussed below, these habitats also are recognized and regulated as State waters and termed “Unvegetated Ephemeral Dry Wash,” which is somewhat of a misnomer. These smaller channels are subject to frequent channel avulsion and highly variable flow pathways contained within broad floodplains. Vegetative cover consists largely of mixed upland and wash-dependent perennial herbs in a community of creosote bush and big galleta grass—both along the banks and within the riparian interfluves. Like desert dry wash woodland habitats, unvegetated ephemeral dry washes also showed evidence of wildlife use by small and large mammals as movement corridors; they also provide a food and water source for many species of migrating songbirds, raptors, and reptiles. Special-status species likely to benefit from these ephemeral desert washes include desert tortoise.

3.18.3 Upland Communities

Active Desert Dunes

Active desert dunes are considered sensitive by the CNDDDB (CDFG, 2003 as cited in the CEC RSA, 2010) and the BLM (NECO Plan). This community is characterized by mostly unvegetated drifted sand dunes and sand fields of five feet or less in height. Dominant and indicator plants within the Study Area for this community include desert twinbugs (*Dicoria canescens*), creosote bush, birdcage evening primrose (*Oenothera deltoides*), and Russian thistle (*Salsola tragus*). The active desert dunes are in the northeastern portion of the Study Area and northeast of Palen Dry Lake. Despite the presence of Russian thistle, the active desert dunes within the Study Area provide habitat values to many species of plants and wildlife (AECOM, 2010a as cited in the CEC RSA, 2010).

Active desert dunes only occur in the buffer area, northeast of the project site boundary within the most active part of the wind transport corridor; no active desert dune acreage occurs within the Project Disturbance Area. The active desert dunes within the Study Area are an important habitat for the MFTL, western burrowing owl, American badger, desert kit fox, and many species of locally common plant species, reptiles, and birds.

Dry Lake Bed (Playa)

There is no associated Holland or Sawyer and Keeler-Wolf classification for this community. The northeastern portion of the Study Area lies within Palen Dry Lake which is made up of clay and silt. This dry lake bed has a soft surface when wet and displays desiccation cracks once the surface dries. Dry lake beds are prone to periodic flooding with a high coefficient for swelling and contracting once dried. Palen Dry Lake is characterized as a “wet playa” because it supports significant groundwater discharge at the ground surface by evaporation (Solar Millennium 2009a, as cited in the CEC RSA, 2010). Palen Dry Lake bed has no natural or artificial outlet (CEC RSA, Soil and Water Appendix A).

Sonoran Creosote Bush Scrub

Sonoran creosote bush scrub habitat characterizes most of the Study Area and intergrades with desert dry wash woodland along desert washes. This vegetation community is not designated as a sensitive plant community by BLM (NECO Plan). CNDDDB (CEC RSA, 2010) recognizes many rare associations of creosote bush scrub; however, none of these were found in the Project Disturbance Area. Areas of desert pavement occur in this habitat where there is a lower density of vegetation, with cobbles ranging in size from one to three inches (Solar Millennium 2009a as cited in the CEC RSA, 2010). Sonoran creosote bush scrub occurs on well-drained, secondary soils of slopes, fans, and valleys and is the basic creosote bush scrub habitat of the Colorado Desert (Holland 1986 as cited in the CEC RSA, 2010). Within the Study Area, this community is characterized by sandy soils with a shallow clay pan. Past disturbance of the Study Area by military training and agricultural practices has resulted in a high percentage of invasive plant species, especially in the southern portion of the Study Area, consisting primarily of Sahara mustard (*Brassica tournefortii*), Mediterranean grass (*Schismus* spp.), and Russian thistle. The diversion of all the smaller washes by collector ditches south of I-10 also may contribute to the overall sparse vegetative cover and low diversity of creosote bush scrub in the Project Disturbance Area.

Stabilized and Partially Stabilized Desert Dunes

Stabilized and partially stabilized desert dunes are considered sensitive by the CNDDDB (CDFG, 2003 as cited in the CEC RSA, 2010) and the BLM (NECO Plan). These dune systems, recognized as sensitive in the NECO Plan (Figure 3.18-6), are sand accumulations in the desert that have stabilized or partially stabilized as evergreen and/or deciduous shrubs and scattered, low grasses have colonized. These dunes typically occur at lower elevations than active dune systems and retain water just below the sand surface. Water availability allows deep-rooted, perennial vegetation to survive during longer drought periods (Holland, 1986 as cited in the CEC RSA, 2010).

This community occupies the margins of Palen Dry Lake and extends into the Project Disturbance Area. Desert sand dunes provide unique habitats that often support plants, mammals, reptiles and insects that are restricted to sand dunes. Dominant plants within the Study Area of this community include honey mesquite, dyebush (*Psoralea argemone*), and annual desert milkvetch (*Astragalus aridus*). The dunes within the Study Area are an important habitat type for the MFTL, Harwood's milkvetch (*Astragalus insularis* var. *harwoodii*), western burrowing owl, American badger, desert kit fox, and a variety of common plant and wildlife species (AECOM, 2010a as cited in the CEC RSA, 2010). In addition, a potentially undescribed taxon of saltbush has been documented on the dunes just outside the Project Disturbance Area.

Figure 3.18-7 depicts the stabilized and partially stabilized desert dunes as a few discrete patches within the northern and eastern portion of the Project Disturbance Area, totaling 285 acres. Based on review of the aerial photos and mapping provided in the Applicant's Preliminary Geomorphic Aeolian and Ancient Lake Shoreline Report (Solar Millennium 2010b as cited in the CEC RSA, 2010) and in Soil & Water Appendix A of the CEC RSA, the mapping of the stabilized and partially stabilized desert dunes in the CEC Application for Certification (AFC) may under-represent the extent of this community type. Both these recent studies, which focus on sand transport, provide aerial photos that depict an extensive area of active sand dune building that occupies much of the northeastern portion of the Project Disturbance Area. In light of existing uncertainty about the precise number of acres of stabilized and partially stabilized desert dunes, the BLM uses the 285-acre figure in this PA/FEIS.

3.18.4 Other Cover Types

Areas of non-native vegetation within the Study Area include agricultural and developed areas and are limited to approximately five acres within the Project Disturbance Area. These areas, along with other conditions such as gathering/channeling water, often create favorable conditions for the occurrence and spread of non-native invasive plant species (e.g., noxious weeds), which are discussed in Section 3.18.7, *Invasive and Noxious Weeds*.

Agriculture

Neither Holland (1986 as cited in the CEC RSA, 2010) nor Sawyer and Keeler-Wolfe (2009 as cited in the CEC RSA, 2010) provide a vegetation community designation for this land cover type. CDFG characterizes farmed areas as cropland or more general categories of agriculture and urban/agriculture (CEC RSA, 2010). Areas of active and fallow agricultural fields occur within the buffer of the Study Area and not within the Project Disturbance Area. The majority of the lands mapped as agriculture within the Study Area are palm tree plantations. In fallow agricultural areas, ruderal vegetation is recolonizing with exotic plant species interspersed with some native vegetation (Solar Millennium, 2009a as cited in the CEC RSA, 2010). Fallow and active agriculture fields provide habitat to local and migratory wildlife in the form of food, cover, and shelter habitat, especially if fields are actively irrigated (Mayer and Laudenslayer, 1988 as cited in the CEC RSA, 2010).

Developed

Developed areas consist of roadways (I-10 and Corn Springs Road) and cleared land in the southern portion of the Study Area.

3.18.5 Sensitive Natural Communities and Jurisdictional Waters

Sensitive natural communities support unique or biologically important plant or wildlife species, or perform important ecological functions (e.g., bank stabilization or water filtration). These communities usually are scarce locally and regionally and therefore vulnerable to elimination. Sensitive natural communities in the desert region include many wash-dependent communities, dune and playa habitats, and groundwater-dependent plant communities (such as those discussed below), waters of the State, wetland and riparian habitats, and others that are of particular concern to BLM, CDFG and other federal, state and agencies.

The CNDDDB maintains a list of all currently recognized and documented natural communities. This list provides an additional measure of a community's rarity. Communities that are marked by an asterisk are considered rare (relative to widespread and common plant communities such as Sonoran creosote bush scrub) and have a CNDDDB State-rank of 3 or lower, meaning they are found over less than 10,000 to 50,000 acres or are represented by fewer than 21 to 100 occurrences. These communities may be rare due to a naturally restricted range (e.g., wash-dependent or riparian communities are restricted to narrow stringers of habitat), or widespread declines, or other factors.

The following sensitive natural communities occur in or immediately adjacent to the Project Disturbance Area, and so may be directly, indirectly, or cumulatively affected by the project:

1. Desert sink scrub (off-site)
2. Active dunes (off-site)
3. Stabilized and partially stabilized dunes
4. Desert dry wash woodland (waters of the State)
5. Unvegetated ephemeral wash (waters of the State)

Groundwater-Dependent Vegetation Communities

In the Chuckwalla Valley Groundwater Basin, the groundwater is too deep to support surface vegetation other than communities of deeper-rooted, groundwater-dependent "phreatophytes." Desert phreatophytes are able to tap into groundwater up to 40 to 200 feet or deeper, depending on the species. Groundwater elevation contour mapping by Steinemann (1989 as cited in the CEC RSA, 2010) suggests that groundwater levels are very close to the surface in the northwestern 25 percent of Palen Dry Lake but drop to over 100 feet below surface at Ford Dry Lake. Groundwater levels are even deeper in other portions of the valley (Worley-Parsons, 2009a as cited in the CEC RSA, 2010). The levels around Palen Lake are within the known rooting depths for most of the phreatophyte communities present within the zone potentially affected by the project wells, including: mesquite woodlands (Solar Millennium, 2009a, Appendix F as cited in

the CEC RSA, 2010; Sawyer, 2009 as cited in the CEC RSA, 2010; Evens & Hartman, 2007 as cited in the CEC RSA, 2010; Silverman pers. comm. as cited in the CEC RSA, 2010.), alkali sink scrublands (Solar Millennium, 2009a as cited in the CEC RSA, 2010), dune communities along the margins of the playa (Solar Millennium, 2009a as cited in the CEC RSA, 2010; Silverman pers. comm. as cited in the CEC RSA, 2010), and ironwood-palo verde woodlands (Evens & Hartman, 2007 as cited in the CEC RSA, 2010; BLM, 2002). Documented communities around Palen Dry Lake also were confirmed through aerial photo interpretation and other methods.

The groundwater-dependent plant communities occurring outside the project boundary near Palen Dry Lake are also potentially vulnerable to water table drawdowns caused by groundwater pumping. The following groundwater-dependent plant communities are sensitive communities recognized by the CNDDDB (CDFG, 2003 as cited in the CEC RSA, 2010) and/or BLM (NECO Plan).

1. Honey mesquite woodlands (mostly small groves also called “bosques”);
2. Microphyll woodlands (ironwood and palo verde desert dry wash woodlands)
3. Alkali (desert) sink scrubs (dominated or co-dominated by bush seep-weed, iodine bush, fourwing saltbush, spinescale, and allscale);
4. Sparsely vegetated playa lake beds; and
5. Jackass clover (or spectacle fruit) (*Wislizenia refracta*) unique stands (discussed under special-status plants)

Honey Mesquite Bosques

Shrubby “bosques” (groves) of honey mesquite occur around the open, unvegetated playa along the northwest and southwest margins of Palen Dry Lake on small coppice dunes. They also have been documented elsewhere in Chuckwalla Valley (Evans and Hartman, 2007, as cited in the CEC RSA, 2010).

Mesquite bosques are a rare and sensitive community recognized by BLM and the CNDDDB (CDFG, 2003, as cited in the CEC RSA, 2010). They occur in areas with access to permanent and stable groundwater. Like other desert phreatophytes, mesquite is known for its their deep-rooting: Mesquite typically root to depths of 40 feet but have been documented to root as deep as 150 feet (Steinberg, 2001, as cited in the CEC RSA, 2010) to over 250 feet in one example at a mine shaft (Sosebee and Wan, 1989, as cited in the CEC RSA, 2010). When available, mesquite will exploit sources of deep water by growing a taproot. Mesquite also can persist on sites that have little or no groundwater by growing lengthy shallow lateral roots. In some parts of their range they are considered “facultative phreatophytes” that function as phreatophytes if unlimited water is available, but are capable of surviving on sites with limited soil water. In California, however, they are very rare outside of washes or areas with available groundwater; they also occur as a decumbent or running bush found on coppice dunes (vegetated sand mounds). These adaptations allow honey mesquite to retain most leaves in all but the most severe droughts (Ansley et al., 2004, as cited in the CEC RSA, 2010).

The fruit of honey mesquite is valuable forage for wildlife; it is quite predictable, even in drought years, annually providing an abundant and nutritious food source for numerous wildlife species upon ripening in summer (Steinberg, 2001, as cited in the CEC RSA, 2010). The fruit's pericarp is high in sugars and the seeds contain large amounts of protein. Where they occur, honey mesquite seeds form an important part of the diet of mice, kangaroo rats, ground squirrels, quail, black-tailed jackrabbit, mule deer, and many other wildlife. Mesquite flowers are eaten by numerous bird species and are an important nectar source for neotropical migrant birds in their spring passage across California deserts. Quail and many other birds eat mesquite buds and flowers in the spring and seeds during the fall and winter. Western honey mesquite communities often attract large numbers of birds that feed on the mistletoe fruit.

Microphyll Woodlands

Other known phreatophytes in the project area include the native ironwood trees, palo verde, smoke tree, and cat's claw; the invasive exotic (tamarisk), and the native chenopod shrub bush seep-weed. Most of the microphyllous trees (ironwood, palo verde, smoke tree cat's claw) occur along the many desert washes in the project area. The best examples are described above under "Desert Dry Wash Woodland." However, these deep-rooted trees sometimes also occur away from the streams where they have access to deep groundwater.

The distinction between phreatophytes depending on groundwater or exploiting surface water or soil moisture is complicated in areas where groundwater levels are not shallow. However, groundwater elevation contour mapping by Steinemann (1989), as cited in the CEC RSA, 2010, suggests that groundwater levels around Palen Lake are within the known rooting depths for most of the phreatophytes documented within the zone potentially affected by the project wells, including: mesquite woodlands (Solar Millennium, 2009a, Appendix F; Sawyer, 2009; Evens & Hartman, 2007; Silverman pers. comm., all cited in the CEC RSA, 2010), alkali sink scrubs (Solar Millennium, 2009a, as cited in the CEC RSA, 2010), dune communities along the margins of the playa (Solar Millennium, 2009a, as cited in the CEC RSA, 2010; Silverman pers. comm., as cited in the CEC RSA, 2010), and ironwood-palo verde woodlands (Evens & Hartman, 2007, as cited in the CEC RSA, 2010; BLM CDD, 2002, as cited in the CEC RSA, 2010). Documented examples around Palen Dry Lake also were confirmed through aerial photo interpretation and other methods. Groundwater levels drop to over 100 feet at Ford Dry Lake and are even deeper in other portions of the valley (Worley-Parsons, 2009a, as cited in the CEC RSA, 2010).

Alkali sink scrubs

Other known phreatophytes observed in the Project vicinity include succulent chenopod scrubs dominated by bush seep-weed, which forms pure stands over large areas around the margins of Palen Dry Lake. Bush seep-weed is a characteristic component of alkali sinks, a low-growing, grayish, succulent phreatophyte (Barbour et al., 2007, as cited in the CEC RSA, 2010) occupying fine-textured, often poorly-drained, saline-alkaline soils on or around the playa margins. It is a "facultative" wetland plant, meaning that it can occur in wetlands or non-wetlands; however, it is also a deep-rooted phreatophyte, rooting at depths of several meters to access groundwater (Patten et al., 2007, as cited in the CEC RSA, 2010).

In the project area, bush seep-weed-dominant chenopod scrubs occur in the northern portion of the project area and around Palen Dry Lake, predominantly in sand drifts over playa. These communities often occur on the margins of dry lake beds in the Colorado, Sonoran, Mojave, and Great Basin deserts typically below 4,000 feet in elevation (Holland, 1986, as cited in the CEC RSA, 2010). Chenopod scrub provides habitat value to many species of common and special-status plants, mammals, and reptiles as dispersal, foraging and cover habitats especially in association with other upland and desert wash communities. In the project area, many occurrences of the special-status Mojave fringe-toed lizard were found in this community and other communities with a fine sandy substrate. Alkaline sink scrubs in the vicinity also are associated with the rare Abram's spurge, which is documented from less than five viable occurrences Statewide, including an occurrence at Ford Dry Lake in similar habitats.

Special Status Plants

Special-status plant species have been afforded special recognition by Federal, State, or local resource agencies or organizations. Listed and special-status species have relatively limited distributions and typically require unique habitat conditions. Special-status plant species for the purpose of the FEIS are defined as meeting one or more of the following criteria:

1. Listed as threatened, endangered or candidates for future listing under FESA;
2. Listed as threatened or endangered by CESA;
3. Listed as species of concern by CDFG;
4. A species with a California Native Plant Society (CNPS) Rank of 1A, 1B, and 2 as well as some species with a rank of 3 or 4¹;
5. BLM Sensitive species
6. A plant listed as rare under the California Native Plant Protection Act of 1977 (California Fish and Game Code Sections 1900-1913)¹; or
7. Considered a locally significant species, that is, a species that is not rare from a State-wide perspective but is rare or uncommon in a local context such as within a county or region or is so designated in local or regional plans, policies, or ordinances.

BLM designates sensitive species as those requiring special management considerations to promote their conservation and reduce the likelihood and need for future listing under the ESA. BLM sensitive species include all Federal Candidate and Federally Delisted species that were so designated within the last 5 years, and species with a CNPS Rank of 1B that occur on BLM lands. For the purposes of this document, all BLM Sensitive species are included as special-status species.

¹ As defined by the California Native Plant Protection Act, a plant is rare when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens (Fish and Game Code Section 1901) (CDFG, 2009 as cited in the CEC RSA, 2010).

Table 3.18-2 lists all special-status plant species evaluated during the analysis that are known to occur or could potentially occur in the Study Area. Special-status plant species detected or considered possible or likely to occur based on known occurrences in the vicinity and suitable habitat present within the Study Area are discussed in more detail below. Special-status species observed during the 2009 and 2010 field surveys are indicated by bold-face type (Solar Millennium, 2009a as cited in the CEC RSA, 2010; AECOM, 2010a as cited in the CEC RSA, 2010; CEC RSA, 2010).

As shown in Table 3.18-2, several special-status plant species have the potential to occur within the Study Area. Four of these species were observed within the Study Area:

1. Harwood's milkvetch
2. Harwood's eriastrum
3. California ditaxis
4. ribbed cryptantha

Utah vining milkweed was observed outside the Study Area to the east and was documented in the Applicant's July 2010 spring survey report (Solar Millennium, 2010m as cited in the CEC RSA, 2010). An undescribed taxon of saltbush has been reported and documented in the dunes just north of the project boundary (Andre, pers. comm. as cited in the CEC RSA, 2010); it was mapped in the Applicant's preliminary spring 2010 survey report (AECOM, 2010d, as cited in the CEC RSA, 2010). It has no official status or recognition at this time; however, the BLM State Botanist has indicated that any undescribed taxa should be treated as BLM Sensitive species (Christina Lund, pers. comm., as cited in the CEC RSA, 2010), and thus it is included here as a special-status species. Of the six species observed during the surveys, only the Harwood's milkvetch, California ditaxis, and ribbed cryptantha occur within the Project Disturbance Area.

Several additional species were included in the analysis because they are documented or reported to occur within Chuckwalla Valley in similar habitats, or along washes in the surrounding foothills; however, they were not observed in the Study Area during the spring 2009 or 2010 surveys (AECOM, 2010d as cited in the CEC RSA, 2010; Solar Millennium, 2009a, as cited in the CEC RSA, 2010; Solar Millennium, 2010k as cited in the CEC RSA, 2010; Solar Millennium, 2010 as cited in the CEC RSA, 2010): Jackass clover (discussed above), Palmer's jackass clover, mesquite nest straw, dwarf germander, Abram's spurge, glandular ditaxis, desert unicorn plant, winged cryptantha, and Las Animas colubrina. Another rare species, morning-glory heliotrope (*Heliotropium convolvulaceum* var. *californicum*), has been observed in the Chuckwalla Valley and Palo Verde mesa, but this new range extension from the Arizona flora has no status yet in California (Silverman, pers. comm. as cited in the CEC RSA, 2010).

The following late-blooming special-status plants have some potential to occur based on suitable habitat and known occurrences within the Sonoran Desert region of California: Abram's spurge, flat-seeded spurge, lobed ground cherry, and glandular ditaxis. Fall plant surveys were completed in October, 2010 and no special-status plants were found in the study area.

**TABLE 3.18-2
SPECIAL-STATUS SPECIES KNOWN* OR POTENTIALLY OCCURRING IN THE
BIOLOGICAL RESOURCES STUDY AREA**

Common Name	Scientific Name	Status State/Fed/CNPS/BLM/ Global Rank/State Rank
PLANTS		
Chaparral sand verbena	<i>Abronia villosa</i> var. <i>aurita</i>	__/_/1B.1/BLM Sensitive_/G5T3T4/S2.1
Angel trumpets	<i>Acleisanthes longiflora</i>	__/_/2.3/__/G5/S1.3
Desert sand parsley	<i>Ammoselinum giganteum</i>	__/_/2.3/__/G2G3/SH
Small-flowered androstephium	<i>Androstephium breviflorum</i>	__/_/2.2/__/G5/S2*
Harwood's milkvetch	<i>Astragalus insularis</i> var. <i>harwoodii</i>	__/_/2.2/__/G5T3/S2.2
Coachella Valley milkvetch	<i>Astragalus lentiginosus</i> var. <i>coachellae</i>	__/_/FE/1B.2./ BLM Sensitive / G5T2/S2.1
California ayenia	<i>Ayenia compacta</i>	E/__/2.3/__/G4/S3.3
Pink fairy duster	<i>Calliandra eriophylla</i>	__/_/2.3/__/G5/S2.3
Sand evening-primrose	<i>Camissonia arenaria</i>	__/_/2.2/__/G4/S2
Crucifixion thorn	<i>Castela emoryi</i>	__/_/2.3/__/G3/S2.2
Abram's spurge	<i>Chamaesyce abramsiana</i>	__/_/2.2/__/G4/S1.2
Arizona spurge	<i>Chamaesyce arizonica</i>	R/__/2.3/__/G5/S1.3
Flat-seeded spurge	<i>Chamaesyce platysperma</i>	__/_/1B.2/ BLM Sensitive / G3/S1.2
Las Animas colubrina	<i>Colubrina californica</i>	__/_/2.3/__/G4/S2S3.3
Spiny abrojo/Bitter snakeweed	<i>Condalia globosa</i> var. <i>pubescens</i>	__/_/4.2/__/G5T3T4/S3.2
Foxtail cactus	<i>Coryphantha alversonii</i>	__/_/4.3/__/G3/S3.2
Ribbed cryptantha	<i>Cryptantha costata</i>	__/_/4.3/__/G4G5/S3.3
Winged cryptantha	<i>Cryptantha holoptera</i>	__/_/4.3/__/G3G4/S3
Wiggins' cholla	<i>Cylindropuntia wigginsii</i> (syn= <i>Opuntia wigginsii</i>)	__/_/3.3/__/G3?Q/S1.2
Utah milkvine	<i>Cynanchum utahense</i>	__/_/4.2/__/G4/S3.2
Glandular ditaxis	<i>Ditaxis claryana</i>	__/_/2.2/__/G4G5/S1S2
California ditaxis	<i>Ditaxis serrata</i> var. <i>californica</i>	__/_/3.2/__/G5T2T3/S2.2
Cottontop cactus	<i>Echinocactus polycephalus</i> var. <i>polycephalus</i>	__/_/__/__/__/__
Harwood's Eriastrum	<i>Eriastrum harwoodii</i>	__/_/1B.2/BLM Sensitive_/G2/S2
California satintail	<i>Imperata brevifolia</i>	__/_/2.1/__/G2/S2.1
Pink velvet mallow	<i>Horsfordia alata</i>	__/_/4.3/__/G4/S3.3
Bitter hymenoxys	<i>Hymenoxys odorata</i>	__/_/2/__/G5/S2
Spearleaf	<i>Matelea parvifolia</i>	__/_/2.3/__/G5/S2.2
Argus blazing star ^a	<i>Mentzelia puberula</i>	__/_/__/__/__/__
Slender woolly-heads	<i>Nemacaulis denudata</i> var. <i>gracilis</i>	__/_/2.2/__/G3G4T3/S2S3
Lobed cherry	<i>Physalis lobata</i>	__/_/2.3/__/G5/S1.3
Desert portulaca	<i>Portulaca halimoides</i>	__/_/4.2/__/G5/S3
Desert unicorn plant	<i>Proboscidea althaeifolia</i>	__/_/4.3/__/G5/S3.3
Orocopia sage	<i>Salvia greatae</i>	__/_/1B.3./ BLM Sensitive_/G2/S2.2
Desert spikemoss	<i>Selaginella eremophila</i>	__/_/2.2./__/G4/S2.2
Cove's cassia	<i>Senna covesii</i>	__/_/2.2/__/G5/S2.2
Mesquite nest straw	<i>Stylocline sonorensis</i>	__/_/1A/__/G3G5/SX
Dwarf germander	<i>Teucrium cubense</i> ssp. <i>depressum</i>	__/_/2.2/__/G4G5T3T4/S2

TABLE 3.18-2 (Continued)
SPECIAL-STATUS SPECIES KNOWN OR POTENTIALLY OCCURRING IN THE
BIOLOGICAL RESOURCES STUDY AREA

Common Name	Scientific Name	Status State/Fed/CNPS/BLM/ Global Rank/State Rank
PLANTS		
Jackass clover	<i>Wislizenia refracta ssp. refracta</i>	__/_/2.2/__/G5T5/S1.2
Palmer's jackass clover ^b	<i>Wislizenia refracta ssp. palmeri</i>	__/_/Proposed 1B/__/__
"Palen Lake atriplex"^c	<i>Atriplex sp. nov. J. Andre (Atriplex canescens ssp)</i>	__/_/BLM Sensitive/__/__

NOTES:

* Species in bolded type were found in the Biological Resources Study Area

^a Proposed new addition to the CNPS Inventory (Andre, pers. comm. as cited in the CEC RSA, 2010)

^b Proposed new addition to the CNPS Inventory (Silverman, pers. comm. as cited in the CEC RSA, 2010)

^c Proposed new taxon (Andre, pers. comm.). BLM may consider proposed new taxa as BLM Sensitive (Lund, pers. comm. as cited in the CEC RSA, 2010)

Status Codes:

Federal FE = Federally listed endangered: species in danger of extinction throughout a significant portion of its range
FT = Federally listed, threatened: species likely to become endangered within the foreseeable future
BCC: Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities
<www.fws.gov/migratorybirds/reports/BCC2002.pdf>

State CSC = California Species of Special Concern Species of concern to CDFG because of declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.
CFP = California Fully Protected
SE = State listed as endangered
ST = State listed as threatened
WL = State watch list

California Native Plant Society

List 1B = Rare, threatened, or endangered in California and elsewhere
List 2 = Rare, threatened, or endangered in California but more common elsewhere
List 3 = Plants which need more information
List 4 = Limited distribution – a watch list
0.1 = Seriously threatened in California (high degree/immediacy of threat)
0.2 = Fairly threatened in California (moderate degree/immediacy of threat)
0.3 = Not very threatened in California (low degree/immediacy of threats or no current threats known)

Bureau of Land Management

BLM Sensitive = BLM Manual §6840 defines sensitive species as "...those species that are (1) under status review by the FWS/NMFS; or (2) whose numbers are declining so rapidly that Federal listing may become necessary, or (3) with typically small and widely dispersed populations; or (4) those inhabiting ecological refugia or other specialized or unique habitats.
www.blm.gov/ca/pdfs/pa_pdfs/biology_pdfs/SensitiveAnimals.pdf

Global Rank/State Rank

Global rank (G-rank) is a reflection of the overall condition of an element throughout its global range. Subspecies are denoted by a T-Rank; multiple rankings indicate a range of values
G1 = Less than 6 viable element occurrences (EOs) OR less than 1,000 individuals
G2 = 6-20 EOs OR 1,000-3,000 individuals
G3 = 21-100 EOs OR 3,000-10,000 individuals
G4 = Apparently secure; this rank is clearly lower than G3 but factors exist to cause some concern; i.e., there is some threat, or somewhat narrow habitat.
G5 = Population or stand demonstrably secure to ineradicable due to being commonly found in the world.
State rank (S-rank) is assigned much the same way as the global rank, except state ranks in California often also contain a threat designation attached to the S-rank. An H-rank indicates that all sites are historical
S1 = Less than 6 EOs OR less than 1,000 individuals
S1.1 = very threatened
S1.2 = threatened
S1.3 = no current threats known
S2 = 6-20 EOs OR 1,000-3,000 individuals
S2.1 = very threatened
S2.2 = threatened
S2.3 = no current threats known
S3 = 21-100 EOs or 3,000-10,000 individuals
S3.1 = very threatened
S3.2 = threatened
S3.3 = no current threats known

SOURCE: CNDDDB, 2010 as cited in the CEC RSA, 2010

The special-status plants found in the Study Area during the 2009 and 2010 spring surveys are described below, followed by a discussion of species that are considered to have some potential for occurrence in the Study Area based on the presence of suitable habitat and known occurrences in the region.

Harwood's Milkvetch

Harwood's milkvetch has a CNPS Rank of 2.2, meaning that it is fairly threatened in California, but more common elsewhere. It is also a covered species under the NECO Plan (Figure 3.18-8). It has a CNDDDB (NatureServe) Global rank of G5T3/S2.2, which denotes a subspecies whose range in California is imperiled, and that is rare, uncommon or threatened but not immediately imperiled outside California. It is an annual herb that mainly occurs in Sonoran desert scrub throughout the Colorado Desert (BLM 2002). This subspecies is found in desert dunes and sandy or gravelly areas throughout the Mojave and Sonoran Deserts that cover portions of Imperial, Riverside, and San Diego counties (CNPS, 2009 as cited in the CEC RSA, 2010). Historic and recent collections include Ogilby Road in Imperial County and three locales west of Blythe, the Pinto Basin, and the Chuckwalla Basin in Riverside County. Harwood's milkvetch has also been reported from Baja California, Sonora Mexico, and portions of Yuma County, Arizona (Reiser, 1994). There are 97 CNDDDB records for this species, including several within the vicinity of the project site (CNDDDB, 2010 as cited in the CEC RSA, 2010).

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of three new occurrences that were not in the CNDDDB. All of these are historical occurrences. Of the total 46 occurrences in California (CNDDDB plus new additional occurrences), nine of these are protected under Park Service or State Park ownership. A total of 11 records are historical records. Of the total, 16 occurrences have documented threats including development, OHV, agriculture, transmission lines, road maintenance, and trash dumping.

A total of 146 Harwood's milkvetch plants were documented at multiple locations in the Study Area during the 2009 and 2010 surveys (Solar Millennium, 2010k as cited in the CEC RSA, 2010). Seven of these occur within the Project Disturbance Area. Many new occurrences were documented in Chuckwalla Valley and the Palo Verde mesa during the 2010 surveys for the study areas of two nearby projects: the Blythe Solar Power Project (Solar Millennium, 2010k as cited in the CEC RSA, 2010) and the Genesis Solar Energy Project (Solar Millennium, 2010k as cited in the CEC RSA, 2010).

Ribbed Cryptantha

Ribbed cryptantha has a CNPS Rank of 4.3, meaning that it has limited distribution in California but it is not very threatened as defined by CNPS in California. It typically occurs in loose friable soils in the eastern Mojave and Sonoran Deserts in Imperial, Riverside, San Diego, and San Bernardino counties and into Arizona and south to Baja California, Mexico (CNPS, 2009 as cited in the CEC RSA, 2010). It commonly occurs in stabilized and partially stabilized desert dunes and sandy areas of Sonoran and Mojavean desert creosote bush scrub. There are 116 records of this species from several locations throughout Riverside, Imperial, San Diego, and Imperial

counties in the Consortium of California Herbaria database; the nearest collection is from the Palen Valley approximately three miles east of the Desert Center Airport (CCH, 2010 as cited in the CEC RSA, 2010).

A large local population of this species was found during the 2010 surveys for this and other projects in the vicinity (Solar Millennium, 2010k as cited in the CEC RSA, 2010; TTEC, 2010m as cited in the CEC RSA, 2010; AECOM, 2010v as cited in the CEC RSA, 2010). None of the surveyors have reported that the occurrences exhibit local or regional significance. Plant density was estimated for this species using sub-sampling methods, and an estimate of 8,903 plants per acre was used to calculate total plant numbers. Approximately 1.4×10^7 plants on 1,593 acres of occupied ribbed cryptantha acreage were estimated within the Study Area (Solar Millennium, 2010m, Table 3 as cited in the CEC RSA, 2010).

Harwood's Eriastrum

Harwood's eriastrum, also known as Harwood's phlox, or Harwood's woollystar, is a BLM Sensitive spring annual currently known from only 14 documented locations worldwide. It has a Rare CNPS of 1B.2, which indicates it is rare, threatened or endangered throughout its range. It is a California endemic with a global range restricted to San Diego, Riverside, and San Bernardino counties, typically occurring in dunes at the margins around dry lakes such as Dale, Cadiz, and Soda lakes. Surveys conducted in spring 2010 for the Blythe Solar Power Project located this plant primarily in the sandy areas south of I-10, where 2,134 plants were located and mapped (AECOM, 2010v as cited in the CEC RSA, 2010). All of these plants were identified in the general vicinity of Southern California Edison's proposed Colorado River substation. All stabilized and partially stabilized dunes are considered to be suitable habitats for this species in the Study Area.

Review of the occurrence data in the Consortium of California Herbaria identified two new occurrences that were not in the CNDDDB. Both of these are historical records from 1939 and 1958. Of the 14 total occurrences in California (12 CNDDDB plus two additional historic records), three are protected under Park Service or State Park ownership. A total of three records are historical records. Four of these occurrences have documented threats, including OHV and non-native plant impacts.

This species was not observed during 2009 field surveys; however, a total of two Harwood's eriastrum plants were observed in one area of the partially-stabilized dunes in the northeast corner of the Study Area during spring 2010 field surveys (Solar Millennium, 2010m, Table 3 as cited in the CEC RSA, 2010). No Harwood's eriastrum were found within the Project Disturbance Area.

Utah Vining Milkweed

Utah twining milkweed has a CNPS Rank of 4.2, meaning that it has limited distribution in California and that some of the occurrences are threatened. This twining perennial occurs in sandy or gravelly soils in Mojavean and Sonoran desert scrub habitats or washes from approximately 500 feet to 4,300 feet in elevation (CNPS, 2009 as cited in the CEC RSA, 2010).

The distribution of this species includes San Diego, Imperial, Riverside, and San Bernardino counties and portions of Arizona, Nevada and Utah.

There are 58 records of this species from the Consortium of California Herbaria database primarily from San Bernardino and San Diego counties. There is one record from the Big Maria Mountains from wash and stabilized dune habitat at approximately 1,200 feet elevation (CCH, 2010 as cited in the CEC RSA, 2010). Until recently discovered growing on the Palo Verde Mesa (AECOM, 2010v as cited in the CEC RSA, 2010), it was believed that the project was outside of the range of this species. This species was not found during 2009 field surveys; however, it was observed incidentally at a single location outside of the Study Area, east of Palen Lake. No Utah vining milkweed plants were observed within the Project Disturbance Area or buffer area during 2009 or 2010 field surveys (see Figure 3.18-9).

California Ditaxis

California ditaxis has a CNPS Rank of 3.2, meaning that its taxonomic status was not resolved during its last status review. Its occurrences in California are fairly endangered (CNPS, 2009 as cited in the CEC RSA, 2010). It has a CNDDDB rank of S2.2, meaning that there are 6-20 occurrences or 1,000-3,000 individuals and the plant faces threats. This species occupies Sonoran desert scrub, and prefers sandy washes and alluvial fans of the foothills and lower desert slopes, from 100 to 3,000 feet above mean sea level. Reports of this species are known from San Bernardino, Riverside, Imperial, San Diego, and Sonora, Mexico (CNPS, 2009 as cited in the CEC RSA, 2010). There are 17 records from the CNDDDB (2010) primarily from Riverside.

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of four new occurrences that were not in the CNDDDB. Three of these are historical records from between 1921 and 1952; however, one more recent occurrence was found at Anza-Borrego Desert State Park near Starfish Cove Canyon. Of the total 21 occurrences in California (CNDDDB plus new additional occurrences), two of these are protected under Park Service ownership. A total of four records are historical records. Five of these occurrences have documented threats, including, OHV, road grading, and construction of a new power line.

A total of 22 plants were documented in the Study Area during the 2010 surveys; half of which (11) occur within the Project Disturbance Area along the gen-tie line (Solar Millennium 2010m, Table 3 as cited in the CEC RSA, 2010).

Atriplex sp. nov

A potentially new, undescribed taxon of saltbush (*Atriplex*) was discovered on the saline playa margins of Palen Dry Lake last year by a botanist with the U.C. Reserve System (Andre and La Doux, pers. comm. as cited in the CEC RSA, 2010). It resembles the common four-wing saltbush (*Atriplex canescens*), a common plant of dunes which has very linear leaves, but the undescribed taxon has obovate leaves that distinguish it from all other *Atriplex canescens* subspecies (Andre, pers. comm.). The Applicant's botanical consultant tentatively is treating it as a new variety of the common four-wing saltbush.

The undescribed *Atriplex* first was collected in 2005 at the “dry lake” just northeast of the Interstate 15/ Highway 95 junction approximately 35 miles east and northeast of Las Vegas, Nevada. The first voucher/observation of it in California was at Palen Lake in 2009. There also is potential for it to occur along the I-8 corridor in Imperial County. Although it is distinct from the common *Atriplex canescens* in its obovate leaves, it would be easy to overlook the undescribed taxon where they co-occur, even by experienced botanists. The undescribed taxon is more confined to subsaline or saline playa margins, though not necessarily so. Andre (pers. comm.) indicated that it also may have been observed in the Ford Dry Lake area (unconfirmed) and it has been observed in other saline (but non-playa) habitats on remnants of the lower Colorado River flood plain (Andre, pers. Comm.; Silverman, pers. comm. as cited in the CEC RSA, 2010).

Several plants of the new four wing saltbush were found within in the buffer area, northeast of the project site during spring 2010 field surveys (see Figure 3.18-2).

Desert Unicorn Plant

Desert unicorn plant has a CNPS Rank of 4.3, meaning it has limited distribution in California and its susceptibility to threat is presently low. It is also a covered species under the NECO Plan. This species is a low-growing, perennial that occurs in sandy washes within Sonoran desert scrub in San Bernardino, Imperial, Riverside, and San Diego counties of California. There are 13 records known from the NECO planning area in Milipitas Wash, Chuckwalla Valley, and Chemehuevi Valley (BLM, 2002). The blooming period is from May to August (CNPS, 2009 as cited in the CEC RSA, 2010). Although it is a late-season bloomer it has large and distinctive seed pods that can be detected during routine spring surveys. It has a fleshy root system that can remain dormant in dry years. There are 36 records in the Consortium of California Herbaria, several of which are from the Chuckwalla Mountains and Desert Center area, including the project area (CCH, 2010 as cited in the CEC RSA, 2010). This species was not observed during Spring 2009 or 2010 field surveys performed for the project; however, this plant has been identified in the region for other solar projects (AECOM, 2009d as cited in the CEC RSA, 2010, 2009a,b as cited in the CEC RSA, 2010).

Abram's Spurge

Abram's spurge is a late-season, ephemeral annual that responds to summer monsoonal rains but dries quickly and cannot be detected during routine spring surveys. It has CNPS Rank of 2.2, meaning it is fairly rare in California but more common elsewhere (CNPS, 2009 as cited in the CEC RSA, 2010). Habitat consists of sandy flats in creosote bush scrub from approximately 600 to 2,700 feet above mean sea level. This summer annual occurs in halophytic (saline-alkaline) scrub flats, playas, and along inlets and floodplains of playas and always seems to prefer the lower floodplain ecotone, but it can also extend higher up in the floodplain drainages (Silverman, pers. comm. as cited in the CEC RSA, 2010). Based on Consortium of California Herbaria database records for this species, it occurs in sandy soil often along dry lake margins in Riverside, San Diego, and Imperial counties, whereas documented occurrences in San Bernardino County occur on coarser, possibly sandy loams. Abram's spurge occurs from San Bernardino County to Imperial and eastern San Diego counties to Arizona, Nevada, Mexico, and Baja

California. The CNDDDB (2010 as cited in the CEC RSA, 2010) lists 15 occurrences of this plant within Riverside, Imperial, San Bernardino, and San Diego counties in California of these, seven are protected under Park Service, CDFG, or State Park ownership. A total of four records are historical and one of these occurrences has documented threats which include grazing. A 2000 CNDDDB record from a location near the project site: approximately 0.5 mile east of Ford Dry Lake on Gasline Road just south of I-10, is reported as a “substantial population” (CNDDDB, 2010 as cited in the CEC RSA, 2010).

The blooming period is identified by CNPS as September through November (CNPS, 2009 as cited in the CEC RSA, 2010). However, because the project site occurs in an area known for bi-modal rain patterns and late summer/fall rains, this species typically blooms during summer or fall months only following monsoonal rains (>+/- 0.10 inch) (Silverman, pers. comm.). On average, August receives the most rainfall, although rainfall is also received during winter months of December, January, and February. Regional botanical experts have concluded that this, and other summer annuals, may be missed if surveys are only conducted within the mid-March through mid-April window, and that a full inventory at multiple temporal windows are necessary in order to capture all appropriate growing conditions (typically following 12 to 18 mm rain events) (CEC, 2009a as cited in the CEC RSA, 2010).

This species was not identified during spring 2009 or 2010 botanical surveys but surveys were not conducted during a time of year adequate for detecting this species. Fall surveys completed in October, 2010, did not detect this species in the study area (AECOM, 2010 as cited in the CEC Commission Decision, 2010)

Flat-seeded Spurge

Flat-seeded spurge has a CNPS Rank of 1B.2, meaning it is rare, threatened, or endangered in California and elsewhere and some of the occurrences face known threats. It is a BLM Sensitive species and has a CNDDDB element rank of S1.2 meaning that there are less than 6 occurrences or there are fewer than 1,000 individuals known and they are threatened. This species occurs in desert dunes and Sonoran desert scrub in sandy places or shifting dunes at elevations from approximately 200 to 300 feet. Some experts speculate that the species may be a waif in California and note that it is more common in Arizona and Mexico (CNDDDB, 2010 as cited in the CEC RSA, 2010), but overall, little is known or can be concluded about this species (LaDoux, pers. comm. as cited in the CEC RSA, 2010). This ephemeral summer annual blooms February through September (CNPS, 2009 as cited in the CEC RSA, 2010). There are four CNDDDB records of this species for the entire state of California, only one of which is from Riverside County; the closest occurrences are approximately 50 miles away.

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of one new occurrence that was not in the CNDDDB. This occurrence is a historical record from 1933. Of the total five occurrences in California (CNDDDB plus the new additional occurrence), one is protected under State Park ownership. Three records are historical records; none has documented threats.

This species was not observed during spring 2009 or 2010 botanical surveys. Although there are no documented nearby occurrences, the project occurs within its range, suitable habitat is present, and as an ephemeral summer annual it may be under-surveyed and its potential to occur cannot be dismissed (LaDoux, pers. comm. as cited in the CEC RSA, 2010).

Glandular Ditaxis

Glandular ditaxis has a CNPS rank of 2.2, meaning that it is rare, threatened, or endangered in California, but more common elsewhere, and some of the California occurrences face known threats. It has a CNDDDB element rank of S1.2, meaning that there are less than six occurrences or 1,000 individuals and it is threatened. This plant species grows from sea level to approximately 1,400 feet above mean sea level in Mojavean and Sonoran desert scrub, in the sandy soils of dry washes and rocky hillsides. *Glandular ditaxis*, an annual or short-lived perennial, blooms from October through March (CNPS, 2009 as cited in the CEC RSA, 2010); while it can be detected during spring surveys, it is easier to detect in fall following the start of the rainy season (Silverman, pers. comm. as cited in the CEC RSA, 2010).

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of three new occurrences that were not in the CNDDDB. All of these are historical records from 1932. Of the total 21 occurrences (CNDDDB plus new additional occurrences), one is protected under CDFG land ownership. Six records are historical occurrences. One has documented threats, including land development, and is likely extirpated. This species was not observed during spring 2009 or 2010 botanical surveys performed for the project. Fall surveys completed in October, 2010, did not detect this species in the study area (AECOM, 2010 as cited in the CEC Commission Decision, 2010).

Lobed Ground Cherry

Lobed ground cherry is a late season perennial that blooms September to January. It has a CNPS Rank of 2.3, meaning that it is rare, threatened, or endangered in California, but more common elsewhere and not very endangered in California. It has a CNDDDB element rank of S1.3, meaning that there are fewer than six occurrences but no current threats are known. This species occurs in Mojavean desert scrub on decomposed granite soils, playas, and alkaline dry lake beds. This species occurs from approximately 1,500 feet to 2,400 feet above mean sea level. There are four occurrence records in the CNDDDB (2010 as cited in the CEC RSA, 2010), and six additional collection records in the Consortium of California Herbaria database (CCH, 2010 as cited in the CEC RSA, 2010); all records are from San Bernardino County.

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of two new occurrences that were not in the CNDDDB. Both of these are more recent occurrences, including one from Joshua Tree National Park and one in the eastern Mojave Desert. Of the total six occurrences in California (CNDDDB plus new additional occurrences), none is protected under Park Service or other agency land ownership. None is an historical record and none has documented threats. This species was not observed during spring 2009 or 2010 botanical surveys

performed for the project. Fall surveys completed in October, 2010, did not detect this species in the study area (AECOM, 2010 as cited in the CEC Commission Decision, 2010).

Dwarf Germander

Dwarf germander has a Rare Plant Rank of 2.2, meaning that it is rare, threatened, or endangered in California, but more common elsewhere, and fairly endangered in California. It has a CNDDDB element rank of S2. This species occurs in desert dune, playa margins, and Sonoran desert scrub habitats from approximately 100 feet to 1,200 feet. This species typically blooms from March to May but may also bloom from September through November. This species typically occurs in sandy soils and wash habitats and is known from 5 occurrences in California (CNPS, 2009 as cited in the CEC Commission Decision, 2010).

Of the five occurrences in California, one occurs in a BLM Desert Wildlife Management Area. Three records are historical records, and none of these occurrences have documented threats. This species was not observed during spring 2009 or 2010 botanical surveys performed for the project. Fall surveys completed in October, 2010, did not detect this species in the study area (AECOM, 2010 as cited in the CEC Commission Decision, 2010).

Jackass Clover

Jackass clover has a CNPS Rank of 2.2 and considered fairly endangered in California but more common outside California. It has a CNDDDB element rank of 1.2 which means there are 6 or fewer occurrences or fewer than 1,000 individuals and they are threatened. Jackass clover inhabits desert dunes in Mojavean desert scrub, playas, or Sonoran desert scrub. This species commonly is associated with sandy washes, roadsides, or alkaline flats, at elevations from 425 to 2,630 feet.

The CNDDDB (2010 as cited in the CEC RSA, 2010) reports 6 occurrences in California, two of which are protected under National Park Service ownership. Two of the occurrences are based on historical records. One of these occurrences has documented threats, including development. Jackass clover also was documented at several locations from the northern to southern end of Palen Lake in dune habitats during a detailed vegetation mapping and classification project conducted by the CNPS Vegetation Program for BLM (Evens & Hartman, 2007 as cited in the CEC RSA, 2010). The populations of jackass clover at Palen Lake are considered to be unique stands and are included in this analysis as a sensitive natural community. This species was not observed during spring 2009 or 2010 botanical surveys performed for the project.

Palmer's Jackass Clover

Palmer's jackass clover is a proposed new addition to the CNPS inventory (Silverman, pers. comm.). CNPS Rank of 2.2, indicating that it is fairly endangered in California but more common elsewhere. It is a perennial herb that occupies sandy washes, and Sonoran desert scrub habitat from sea level to 650 feet. There are no CNDDDB records for this species (CNDDDB, 2010 as cited in the CEC RSA, 2010). Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of seven occurrences that were not in the CNDDDB. Four are historical records from between 1937 and 1952; however, two more recent occurrences were found in the

Chocolate-Chuckwalla Mountains region, one southeast of Palen Dry Lake and one near the Palen Sand Dunes. No information on land ownership or documents of threats is available from the Consortium of California Herbaria. One occurrence in the Chuckwalla Valley is reported to be threatened by solar development, water table diversions, OHV activity, and agriculture. This species was not observed during spring 2009 or 2010 botanical surveys performed for the project.

Winged Cryptantha

Winged cryptantha has a CNPS Rank of 4.3, meaning that it has a limited distribution in California but is not very endangered. This is a spring-blooming annual that occurs in Mojavean and Sonoran desert scrub from 300 feet to approximately 5,000 feet above mean sea level. This species blooms from March through April (CNPS, 2009 as cited in the CEC RSA, 2010). Winged cryptantha is found in California, Arizona, and Nevada. There are 79 records of this species in the Consortium of California Herbaria database from Riverside, Imperial, San Bernardino, and San Diego counties, representing 50 to 60 element occurrences (CCH, 2010 as cited in the CEC RSA, 2010). This species has low to moderate potential to occur at the project site. This species was not observed during spring 2009 or 2010 botanical surveys performed for the project, but was observed near the proposed Colorado Substation at the southeastern end of Chuckwalla Valley, south of I-10 (Solar Millennium, 2010 as cited in the CEC RSA, 2010).

Las Animas Colubrina

Las Animas colubrina has a CNPS Rank of 2.3, indicating it is not very endangered in California and more common elsewhere (CNPS, 2009 as cited in the CEC RSA, 2010). It is a covered species under the NECO Plan. It is an evergreen to semi-evergreen shrub that occurs in Mojavean and Sonoran desert scrub (creosote bush series) and occurs at elevations from approximately 30 to 3,000 feet. It primarily occurs in dry canyons or headwater reaches of desert washes with gravelly, sandy soils. The distribution of this species includes San Diego, Imperial and Riverside counties; portions of Arizona; Baja California; and Sonora, Mexico. This species has been reported from isolated desert locales in Joshua Tree National Park, the Eagle Mountains, and Chuckwalla Mountains (Reiser, 1994 as cited in the CEC RSA, 2010). There are approximately 27 occurrences primarily from the Chocolate Mountains area (CNDDDB, 2010 as cited in the CEC RSA, 2010; BLM, 2002). This species typically blooms from April through June.

Review of the occurrence data in the Consortium of California Herbaria resulted in the detection of 12 new occurrences that were not in the CNDDDB. Of these, eight are historical records from between 1930 and 1966; however, four are more recent occurrences found in the Sonoran (Colorado) Desert, including several occurrences in the mountains and foothills surrounding Chuckwalla Valley (CCH, 2010 as cited in the CEC RSA, 2010). Of the 36 records in California (CNDDDB plus new additional occurrences), six are protected under Park Service, State Park, or BLM DWMA land ownership. A total of 11 records are historical records. None of these occurrences has documented threats. This species was not identified during Spring 2009 or 2010 botanical surveys performed for the project; however, this plant has been identified in the region during surveys performed for other solar projects (AECOM, 2009d as cited in the CEC RSA, 2010; GSEP 2009a,b as cited in the CEC RSA, 2010).

Other Special Status Plant Species

Table 3.18-3 shows Special Status Plant Species that could occur in the Study Area but were not detected during spring and fall surveys and are not expected to occur due to a low to moderate probability of occurrence.

Jurisdictional Waters

A formal jurisdictional delineation for regulated waters was conducted by the Applicant to determine the extent of potential jurisdictional waters of the U.S. and/or waters of the State within the site. This includes waters (and/or wetlands) regulated under the federal Clean Water Act and/or streams and associated habitat regulated under the California Fish and Game Code. The Applicant has requested a jurisdictional determination (JD) of isolated waters (non-jurisdictional waters of the U.S.) from the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (USEPA) (Galati & Blek 2009a as cited in the CEC RSA, 2010). The application assumes there are no potential jurisdictional waters of the U.S. within the Project Disturbance Area based on the fact that the features occur in a closed basin with no identifiable outlet and have no direct hydrologic connection to any navigable waters. Both vegetated and unvegetated dry washes include unique habitat that is distinct from the surrounding uplands, providing more continuous vegetation cover and microtopographic diversity, as well as movement corridors and refuge for a variety of wildlife. Both the wash-dependent and upland vegetation along these washes drive food webs, and provide seeds for regeneration, habitat for wildlife, and access to water when present, as well as creating cooler, more hospitable microclimatic conditions essential for a number of plant and animal species.

A revised jurisdictional delineation report was submitted as part of the Streambed Alteration Agreement application to CDFG on November 25, 2009, which includes all delineated aquatic features, including desert washes which lack a continuous component of desert wash woodland but provide other wildlife habitat function and values (Galati & Blek 2009a as cited in the CEC RSA, 2010). The revised delineation also includes areas of waters and wash-dependent vegetation downstream of the project footprint that are likely to be indirectly affected by the diversion of waters at the upstream side of the project into a perimeter stormwater conveyance channel. This area of potential indirect effect includes the full extent of the downstream washes that would be deprived of flows. Additionally, the delineation was revised to include the full floodplain width of compound features of multiple small channels with variable flow pathways, including the interfluves of mixed upland and wash-dependent vegetation.

The total (302.8 acres) area of all waters of the State delineated within the Project Disturbance Area includes 141.0 acres of desert dry wash woodland and 161.8 acres of other ephemeral desert washes. A total of 61.1 acres of jurisdictional State waters were delineated downstream of the Project Disturbance Area, encompassing the full downstream reach of waters that would likely be indirectly affected by the diversion of waters at the upstream edge of the Project Disturbance Area. The 61.1 acres of off-site waters includes: 27.5 acres of desert dry wash woodland and 33.6 acres of other ephemeral desert washes.

**TABLE 3.18-3
SPECIAL-STATUS PLANT SPECIES WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA**

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Plants		
<p>Angel trumpets <i>Acleisanthes longiflora</i></p>	<p>This species occurs in Sonoran desert scrub on carbonate soils from approximately 200 to 300 feet above MSL. There are two records from the Consortium of California Herbaria from the Colorado Desert, Palo Verde area (CCH, 2010 as cited in the CEC RSA, 2010).</p>	<p>This species has a low potential to occur since the elevation range of the project site is appropriate for this species although the Study Area does not support carbonate/limestone derived soils in mountainous areas.</p>
<p>Argus blazing star <i>Mentzelia puberula</i></p>	<p>This species occurs in desert scrub and desert woodlands with limestone and granitic slopes above 2,000 feet in elevation. Based on 13 Consortium of California Herbaria database records, this species has been collected from Riverside, San Bernardino, and Imperial Counties from the Little and Big Maria Mountains in Riverside County.</p>	<p>This species is not expected to occur in the Study Area due to lack of limestone and granitic slopes, which are soil types preferred by this species that are absent from the Study Area. The project site is located at approximately 130 to 200 feet above MSL, which is well below the typical elevation where this species typically occurs.</p>
<p>Arizona spurge <i>Chamaesyce arizonica</i></p>	<p>This species occupies sandy, areas in Sonoran desert scrub and has been reported from Imperial, Riverside, and San Diego Counties and portions of Arizona and Baja California (CNPS, 2009 as cited in the CEC RSA, 2010) from approximately 150 feet to 1,200 feet above MSL. There are 7 database records from the Consortium of California Herbaria primarily from San Diego County but also from Riverside and Imperial Counties often from sandy areas and transition areas between chaparral and desert habitats. The record from Riverside County is near Palm Springs from Andreas Canyon (CCH, 2010 as cited in the CEC RSA, 2010).</p>	<p>Arizona spurge has a low potential to occur within the Study Area due to the presence of suitable habitat and appropriate elevation range of the project site.</p>
<p>Bitter hymenoxys <i>Hymenoxys odorata</i></p>	<p>Bitter hymenoxys grows riparian scrub and Sonoran desert scrub from 150 feet to 500 feet above MSL. This species blooms from February through November (CNPS, 2009 as cited in the CEC RSA, 2010). There are five CNDDDB records for this species for the entire State of California, two of which occur in Riverside County; the nearest CNDDDB occurrence is a historical record approximately 5 miles southeast of the Project Area from sandy slope, low bottom lands and overflow flats (CNDDDB, 2010 as cited in the CEC RSA, 2010).</p>	<p>This species was not found during spring 2009 or 2010 field surveys. This species is a target plant species to be surveyed for during spring 2010 botanical surveys within the transmission line, substation, and associated road spurs. This species has a potential to occur within desert dry wash woodland, unvegetated washes, and Sonoran creosote bush scrub habitats within the project area.</p>
<p>Bitter snakewood <i>Condalia globosa</i> var. <i>pubescens</i></p>	<p>Another common name for this species is spiny abrojo. Bitter snakewood occurs in Sonoran desert scrub from approximately 400 feet to 3,000 feet above MSL. Bitter snakewood blooms from March through May (CNPS, 2009 as cited in the CEC RSA, 2010). Based on 35 records Consortium of California Herbaria database, all records are from Imperial County except one from Riverside County, a record from 1,900 feet elevation from a relatively flat alluvial fan from Chuckwalla Bench (CCH, 2010 as cited in the CEC RSA, 2010). There are no CNDDDB records for this species for California (CNDDDB, 2010 as cited in the CEC RSA, 2010).</p>	<p>This species was not observed during spring 2009 or 2010 field surveys. This species is a target plant species to be surveyed for during spring 2010 botanical surveys within the transmission line, substation, and associated road spurs. The Project site occurs below the elevation where this species typically occurs.</p>
<p>California ayenia <i>Ayenia compacta</i></p>	<p>This species occurs in Mojavean and Sonoran desert scrub from approximately 500 to 3,300 feet above MSL. This species blooms from March through April. There are 29 records from the Consortium of California Herbaria database from the Anza-Borrego area alone, and one from Riverside County from a sandy wash in the Santa Rosa Mountains off Martinez Canyon (CCH, 2010 as cited in the CEC RSA, 2010). The nearest CNDDDB occurrence is a historical record from 1776 approximately 30 miles southwest of the Project Area in the Chuckwalla Mountains (CNDDDB, 2010 as cited in the CEC RSA, 2010).</p>	<p>This species was not observed during spring 2009 or 2010 field surveys. This species is a target plant species to be surveyed for during spring 2010 botanical surveys within the transmission line, substation, and associated road spurs. This species has a potential to occur within Sonoran creosote bush scrub and desert wash habitats within the project area.</p>

TABLE 3.18-3 (Continued)
SPECIAL-STATUS PLANT SPECIES WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Plants (cont.)		
California ditaxis <i>Ditaxis serrata</i> var. <i>californica</i>	This species occupies Sonoran desert scrub and has been reported as occurring from San Bernardino, Riverside, Imperial, San Diego, and Sonora, Mexico (CNPS, 2009 as cited in the CEC RSA, 2010) from approximately 100 to 3,000 feet above MSL. There are 23 records from the Consortium of California Herbaria database primarily from Riverside County from sandy, open alluvial fans.	California ditaxis has a low potential to occur within the Study Area due to the presence of suitable habitat and records from the Chuckwalla Valley and Desert Center areas. This species was not observed during spring 2009 field surveys.
California satintail <i>Imperata brevifolia</i>	This species occurs in grassy areas found near chaparral, desert scrub, riparian scrubs, coastal scrub, wet springs, meadows, stream sides and floodplains from sea level to approximately 1,500 feet above MSL. There are 64 records from the Consortium of California Herbaria database from many northern and southern California counties. Records from Riverside County are from the Palm Springs and San Jacinto Mountains area along irrigation ditches or streams.	California satintail has a low potential to occur within the Study Area due to the presence of suitable habitat although lack of occurrences from the project area. This species was not observed during spring 2009 field surveys.
Chaparral sand verbena <i>Abronia villosa</i> var. <i>aurita</i>	This species occupies sandy soil areas of chaparral, coastal sage scrub, and sandy desert dunes (CNPS, 2009 as cited in the CEC RSA, 2010) from approximately 240 feet to approximately 4,800 feet above MSL. There are 147 records in the Consortium of California Herbaria database, many of which are from Riverside County in the San Jacinto Mountains area.	Chaparral sand verbena has a low potential to occur within the Study Area due to the presence of suitable habitat although lack of occurrences from the project area. This species was not observed during spring 2009 field surveys.
Coachella Valley milkvetch <i>Astragalus lentiginosus</i> var. <i>coachellae</i>	The Coachella Valley Multiple Species Habitat Conservation Plan states that this species occurs on "dunes and sandy flats, along the disturbed margins of sandy washes, and in sandy soils along roadsides and in areas formerly occupied by undisturbed sand dunes. Within the sand dunes and sand fields, this milkvetch tends to occur in the coarser sands at the margins of dunes, not in the most active blow-sand areas. As this species is strongly affiliated with sandy substrates, it may occur in localized pockets where sand has been deposited by wind or by active washes. It may also occur in sandy substrates in creosote bush scrub, not directly associated with sand dune habitat (CVAG, 2007 as cited in the CEC RSA, 2010). This plant species blooms from February to May, producing pink to deep magenta-colored flowers. This species occurs on aeolian deposits with fewer than 25 occurrences in the Coachella Valley. Coachella Valley milkvetch depends on natural disturbances from fluvial and aeolian processes for seedling establishment (BLM, 2002).	This species was not observed during spring 2009 surveys and does not have a potential to occur in the Study Area. This species is not expected to occur in the project area. The distribution of Coachella Valley milkvetch is restricted to the Coachella Valley in Riverside County, between Cabazon and Indio. CVAG (2007 as cited in the CEC RSA, 2010) identifies six outlying occurrences within a 5-mile area along Rice Road in the Chuckwalla Valley north of Desert Center, California (CVAG, 2007 as cited in the CEC RSA, 2010); however, USFWS staff has indicated that these occurrences are not of the listed taxon (Engelhard, per. comm. as cited in the CEC RSA, 2010).
Cove's cassia <i>Senna covesii</i>	This species occurs on dry, sandy desert washes and slopes of the Sonoran Desert between 1,600 to 2,000 feet above MSL. This species occurs in sandy washes, roadsides, alkaline flats in the Mojave Desert and northern Sonoran Desert between 1,600 to 2,000 feet above MSL (CNPS, 2009 as cited in the CEC RSA, 2010).	Cove's cassia has a low potential to occur within the Study Area due to the presence of suitable habitat and the project site being located below the typical elevation range where this species is known from. This species was not observed during spring 2009 field surveys.
Crucifixion thorn <i>Castela emoryi</i>	This species occurs in Sonoran Desert and Mojavean Desert in scrub and playas with dry, gravelly washes, slopes, and plains from approximately 300 to 2,100 feet above MSL. There are 64 records in the Consortium of California Herbaria database from Riverside, San Bernardino, Imperial Counties among others and often times prefers grassy or hayfield habitats. There is a record from a hayfield in Chuckwalla Valley.	This species has a low potential to occur within the Study Area due to the presence of suitable habitat and appropriate elevation range of the project site. This species was not observed during spring 2009 field surveys.

TABLE 3.18-3 (Continued)
SPECIAL-STATUS PLANT SPECIES WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Plants (cont.)		
Desert portulaca <i>Portulaca hamiloides</i>	This species occurs in Joshua tree woodlands and has been reported from Riverside, San Bernardino, and portions of Arizona and Baja, California from 3,000 feet to 3,600 feet above MSL (CNPS, 2009 as cited in the CEC RSA, 2010).	This species is not expected to occur within the Study Area due to lack of typical habitat associations and the project site being located outside of the elevation range. This species was not observed during spring 2009 field surveys.
Desert sand parsley <i>Ammoselinum giganteum</i>	This species occupies Sonoran creosote bush scrub and has been reported from Riverside County, California and portions of Arizona (CNPS, 2009 as cited in the CEC RSA, 2010) at approximately 1,200 feet elevation. There are 2 records from the Consortium of California Herbaria database from Riverside County from the Chuckwalla Valley where this species was observed growing in dry basins at 500 feet above MSL (CCH, 2010 as cited in the CEC RSA, 2010).	Desert sand parsley has a low potential to occur within the Study Area due to presence of suitable habitat and reported occurrences from the Chuckwalla Valley. This species was not observed during spring 2009 field surveys.
Desert spike moss <i>Selaginella eremophila</i>	This is a dense, mat forming, non-flowering plant. This species occurs in Sonoran creosote bush scrub in gravelly or rocky soils from approximately 600 to 2,700 feet above MSL. There are 56 records in the Consortium of California Herbaria database from Riverside and San Diego Counties with several records from Anza-Borrego Desert State Park, Palm Springs, Palm Canyon, and San Jacinto Mountain Range. One collection from Riverside County is from the vicinity of the Chocolate-Chuckwalla Mountain region near the north side of the Orocopia Mountains from sloped rocky, shady surfaces in gravelly soils (CCH, 2010 as cited in the CEC RSA, 2010).	This species was not observed during spring 2009 field surveys. This species has a low potential to occur within the Study Area give the presence of suitable desert scrub habitat and historic collections from the project area, although the project site is located below the typical elevation range of this species.
Dwarf germander <i>Teucrium cubense</i> ssp. <i>depressum</i>	This species occurs in desert dune, playa margins, and Sonoran desert scrub from approximately 100 feet to 1,200 feet above MSL. This species typically blooms from March to May but may also bloom from September through November. This species typically occurs in sandy soils and wash habitats and is known from fewer than 10 occurrences in California (CNPS, 2009 as cited in the CEC RSA, 2010). There are 15 records from Consortium of California Herbaria database from Riverside and Imperial Counties; there are records from the Chuckwalla Valley in the Hayfield area and Palo Verde Valley. There is a CNDDDB record from Wiley's Well Road (400 feet elevation) during 1979 (CNDDDB, 2010 as cited in the CEC RSA, 2010). Another CNDDDB occurrence is a historical record from 1912 located approximately 7 miles southeast of the project area from the Palo Verde Valley (CNDDDB, 2010 as cited in the CEC RSA, 2010).	This species has a low potential to occur due to the presence of suitable habitat and appropriate elevation range of the site. This species was not observed during spring 2009 field surveys.
Foxtail cactus <i>Coryphantha alversonii</i>	This species occurs on rocky, granitic soils in Sonoran and Mojavean desert scrub from 200 feet to 4,600 feet above MSL. Prior to conducting spring 2009 field surveys, a reference population was observed on April 9, 2009 at a gravel pit northwest of Blythe along State Route 95 and several individuals were observed in relatively undisturbed Sonoran creosote bush scrub on granitic rock, a preferred habitat type of this species (CNPS, 2009 as cited in the CEC RSA, 2010). This species was not found during surveys performed in the Study Area. There are 25 records of this species from the Consortium of California Herbaria database from Riverside, Imperial, and San Bernardino Counties. There are records from the Chuckwalla Valley from rocky, granitic slopes (CCH, 2010 as cited in the CEC RSA, 2010).	Foxtail cactus has a low potential to occur within the Study Area due to the presence of suitable desert scrub habitat and appropriate elevation of the site although lack of rocky, granitic soils. This species was not observed during spring 2009 field surveys.

TABLE 3.18-3 (Continued)
SPECIAL-STATUS PLANT SPECIES WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Plants (cont.)		
Mesquite nest straw <i>Stylocline sonorensis</i>	This species occupies Sonoran desert scrub around 1,300 feet elevation and has been reported from Riverside County and portions of Arizona and Sonora, Mexico (CNPS, 2009 as cited in the CEC RSA, 2010). There are 2 records from the Consortium of California Herbaria database from Riverside County both from the Chuckwalla Mountains, Hayfields region from 1930 (CCH, 2010 as cited in the CEC RSA, 2010).	This species was not observed during spring 2009 field surveys. Mesquite nest straw has a low potential to occur within the Study Area due to suitable habitat present within the project site.
Orocopia sage <i>Salvia greatae</i>	This species occurs in the southeastern Sonoran Desert and is associated with the Orocopia and Chocolate Mountains on alluvial slopes between 100 and 800 feet above MSL. There are 49 records from the Consortium of California Herbaria database several from the Chocolate, Chuckwalla, and Orocopia mountain areas (CCH, 2010 as cited in the CEC RSA, 2010).	This species was not observed during spring 2009 field surveys. This species has a low potential to occur within the Study Area due to the presence of suitable habitat and appropriate elevation range of the site.
Pink fairyduster <i>Calliandra eriophylla</i>	This species occurs in the Sonoran Desert in sandy washes, slopes and mesas from 350 to 5,000 feet above MSL. There are 62 records from the Consortium of California Herbaria database several from the Chocolate-Chuckwalla Mountains area in Imperial and San Diego Counties (CCH, 2010 as cited in the CEC RSA, 2010).	This species was not observed during spring 2009 field surveys. Pink fairy duster has a low potential to occur within the Study Area due to suitable habitats, appropriate elevation range of the site, and reported records from the project area.
Pink velvet mallow <i>Horsfordia alata</i>	This species occurs in the Sonoran Desert in California, Arizona, and Mexico. It occurs in Sonoran desert scrub from approximately 300 to 1,500 feet above MSL. There are no CNDDDB records for this species for the entire state of California; the most recent collections have been from the Chocolate, Chuckwalla, and Cargo Muchacho Mountains approximately 50 miles south of the Study Area and are believed to be extant.	This species was not observed during Spring 2009 field surveys.
Sand evening-primrose <i>Camissonia arenaria</i>	This species occupies sandy and gravelly areas of Sonoran desert scrub and has been reported from Imperial and Riverside Counties and areas of Arizona and Mexico from 200 feet to 2,700 feet above MSL (CNPS, 2009). There are 13 records of this species in the Consortium of California Herbaria database several from the Chocolate-Chuckwalla Mountains, Palo Verde Valley, and Ogilby Pass area (CCH, 2010 as cited in the CEC RSA, 2010).	This species has a low potential to occur within the Study Area due to the presence of suitable habitat and appropriate elevation of the site. This species was not observed during spring 2009 field surveys.
Slender woolly-heads <i>Nemacaulis denudata</i> var. <i>gracilis</i>	This species occupies desert sand dunes, coastal dunes, and Sonoran desert scrub (CNPS, 2009 as cited in the CEC RSA, 2010) from 150 to 1,200 feet above MSL. There are 45 records in the Consortium of California Herbaria database from the Palm Springs, Indian Wells area in Riverside County (CCH, 2010 as cited in the CEC RSA, 2010).	Slender woolly-heads has a low potential to occur within the Study Area due to suitable habitat and appropriate elevation range of the site. This species was not observed during spring 2009 field surveys.
Small-flowered androstephium <i>Androstephium breviflorum</i>	This species occurs in desert dune and Mojavean desert scrub from approximately 700 feet to 2,000 feet above MSL (CNPS, 2009 as cited in the CEC RSA, 2010). This species blooms from March through April and often occurs on desert bajadas. The nearest CNDDDB record for this species is from Cadiz Valley from Riverside and San Bernardino Counties approximately one mile north of Highway 62 during 1995 from a sandy, Mojavean Desert shrub-land bajada (CNDDDB, 2010 as cited in the CEC RSA, 2010).	This species has a potential to occur within the site due to suitable sand dune habitat and appropriate elevation range of the site. This species was not observed during 2009 field surveys, nor was it found during 2010 botanical surveys.

TABLE 3.18-3 (Continued)
SPECIAL-STATUS PLANT SPECIES WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Plants (cont.)		
Spearleaf <i>Matelea parvifolia</i>	This species occurs in Mojavean and Sonoran desert scrub from 1,320 feet to approximately 3,300 feet above MSL. This species blooms from March through May (CNPS, 2009). The nearest CNDDDB record for this species is from the Chuckwalla Bench area during 1986 from desert dry wash woodland and creosote bush scrub habitats (CNDDDB, 2010 as cited in the CEC RSA, 2010).	This species has a potential to occur within the Project Disturbance Area although was not observed during spring 2009 field surveys. The site is located below the typical elevation range of this species. This species was a target plant species during spring 2010 botanical surveys within the transmission line, substation, and associated road spurs. No plants were found.
Wiggins' cholla <i>Cylindropuntia wigginsii</i>	Wiggins' cholla is not recognized as a species, but is considered a hybrid of silver cholla (<i>C. echinocarpa</i>) and pencil cholla (<i>C. ramosissima</i>). Wiggins' cholla is not found as a separate species in The Jepson Manual (1993) nor in Munz et al A California Flora and Supplement (1973); however, the BLM's Proposed Northern and Eastern Colorado Desert Coordinated Management Plan identifies Wiggins' cholla as a special-status species (BLM, 2002). The CNPS recognizes Wiggins' cholla as a CNPS List 3.3 species meaning more information is needed about this species and is not considered very endangered in California and also considers this species a sporadic hybrid of the two <i>Cylindropuntia</i> species mentioned above (CNPS, 2009 as cited in the CEC RSA, 2010).	Wiggins' cholla is not expected to occur in the project area.

The revised delineation also included waters associated with the proposed new substation south of I-10 and the interconnecting transmission line. However, the impacts and mitigation measures associated with the substation are the responsibility of Southern California Edison, not the Applicant. The acreages itemized above include features that cross the interconnecting transmission line alignment but do not include waters contained within the footprint of the proposed substation (AECOM, 2010a as cited in the CEC RSA, 2010).

Hydrology

The affected waters occur within the Chuckwalla-Palen hydrologic unit, or “watershed” of the Colorado River Hydrologic Basin Planning Area (Galati & Blek, 2010a). The rainfall pattern is bimodal with a rainy season in both summer and winter (December through March and July through September [commonly the wetter of the two]). Average annual rainfall for the project area is approximately 3.7 inches (NOAA, 2009 as cited in the CEC RSA, 2010).

In arid fluvial systems, it is the flash flood events (particularly the larger summer thunderstorms), combined with the highly erosive soils of alluvial fans that most contribute to the conversion from single thread channels to a compound or anastomosing (braided) morphology. Because the ephemeral washes occurring within the disturbance area are subject to very wide fluctuations in discharges over a short period of time their channels can change configuration frequently to accommodate large variations in surface flow during storm events. As a result, arid fluvial systems usually exhibit long periods of little morphologic change interspersed with short-term dramatic changes in channel configuration. Therefore, arid stream geometry is more likely to be influenced strongly by a large event of low recurrence frequency (Lichvar et al., 2006 as cited in the CEC RSA, 2010).

Surface hydrology in the project area is influenced largely by stormwater runoff off the northeastern flank of the Chuckwalla Mountains, approximately 4 miles south, and south of I-10 (Galati & Blek, 2010a as cited in the CEC RSA, 2010). The main hydrologic feature in the watershed, and in the project area, is Corn Springs Wash, which is supported largely by precipitation but also in part by Corn Springs. The stream drains approximately 31 square miles of the Chuckwalla Mountains at higher elevations (AECOM, 2009a as cited in the CEC RSA, 2010). Corn Springs Wash and all other desert washes in the watershed are ephemeral (flowing only in response to storm events). At the foot of the Chuckwalla Mountains, as Corn Springs Wash and other features empty onto the alluvial fan of more erosive, less consolidated soils, the stream system changes from single thread channel to compound, anastomosing channels with highly variable flow pathways. Compound channels are considered the most common channel types in arid regions and are characterized by low-flow meandering channels inset into a wider braided channel network (Lichvar et al., 2006 as cited in the CEC RSA, 2010). These channels are highly susceptible to widening and avulsions (i.e., rapid changes in channel position and/or channel relocation) during moderate to high discharges, reestablishing a low-flow channel during subsequent low flows (Lichvar and McColley, 2008 as cited in the CEC RSA, 2010). This channel avulsion creates diverse physical features and habitats, supports a complex ecosystem, and sustains healthy stream function despite frequent and rapid changes in channel position (USACE, 2007 as cited in the CEC RSA, 2010). With any compound/anastomosing ephemeral stream system in arid regions, the riparian corridor may consist

of streambanks lined with adapted riparian vegetation, unvegetated areas such as recently created swales and terraces (interfluves), or a mosaic of these types (Bendix and Hupp, 2000 as cited in the CEC RSA, 2010).

Historic Hydrologic Alterations

When I-10 was constructed across the alluvial fan outlet of Corn Springs Wash over 40 years ago, it deprived the downstream reaches of all surface flows, interrupted natural channel formation and meandering nature of the alluvial fan flow path(s) that historically drained unimpeded from the Chuckwalla Mountains and toward Palen Dry Lake, a playa lake (depressional desert sink) (Galati & Blek, 2010a as cited in the CEC RSA, 2010). A series of wing dikes were constructed just upstream (south) of the freeway, diverting the flows of numerous smaller channels into the three largest branches of Corn Springs Wash, which I-10 crosses with three short bridge spans. These dikes and bridges along I-10 concentrate the flows of dozens of small washes into three discrete discharge points. The westerly bridge near Corn Springs Road Interchange conveys flows from the main branch of Corn Springs Wash to the northwest corner of the site. The two other bridges convey flows to the center and east side of the project site respectively. The flat topography at the outlet of the culverts creates an initially incised watercourse, which rapidly diminishes and eventually spreads out into numerous small, newly formed channels that abate fairly quickly.

The elevated freeway permanently deprived flows of many of the channels that once crossed the project site; many dead and declining ironwood trees are still evident and there is a marked decrease in the cover, vigor, diversity, and overall habitat function and value in the impaired reaches on the site. This observation also is supported by comparisons of current and historical aerial photography of the project site (before and after the diversions) (Galati & Blek, 2010a as cited in the CEC RSA, 2010).

Function and Value of State Waters for Vegetation

The desert dry washes play an integral role in the ecology of the watershed. The ephemeral washes (both vegetated and unvegetated) provide unique habitat that is distinct from the surrounding uplands, providing more continuous vegetation cover and microtopographic diversity than the surrounding uplands, migration corridors, and refuge, for a variety of wildlife. Both the wash-dependent and upland vegetation along these washes drive food webs, and provide seeds for regeneration, habitat for wildlife, access to water when present, and create cooler, more hospitable microclimatic conditions essential for a number of plant and animal species. The vegetation—whether dominated by woodland trees or shrubs and perennial herbs—contributes channel roughness that reduces the velocity of floodwaters, and provides organic matter for soil development and nutrient cycling.

The desert dry wash woodland provides additional structural elements of food, cover, nesting and breeding habitat, and movement/migration corridors for wildlife that are quite distinct from the surrounding uplands of sparse creosote bush scrub and sandy plains. Functional services of these communities include moderating soil and air temperatures, stabilizing channel banks and interfluves, seed banking and trapping of silt and fine sediment favorable to the establishment of

diverse floral and faunal species, and dissipating stream energy which aids in flood control (USEPA, 2008 as cited in the CEC RSA, 2010).

During seasonal dry periods, plant species diversity levels along ephemeral stream channels typically are low. Following seasonal wet periods, however, diversity levels along some ephemeral stream channels can equal that along perennial stream channels (Lichvar and McColley, 2008 as cited in the CEC RSA, 2010) with ephemeral desert annuals.

Because ephemeral and intermittent stream channels have a higher moisture content and more abundant vegetation than the surrounding areas, they are very important to wildlife. Frequently, these streams may retain the only available water in the area, with permanent pools interposed wherever hydrogeological conditions allow (USEPA, 2008 as cited in the CEC RSA, 2010). The short duration and episodic flood pulses of surface and overbank flow is important as it allows some species to complete important life-history developmental stages. The habitat provided by desert streams contracts and expands dramatically in size due to the extreme variations in flow, which can range from high-discharge floods to periods when surface flow is absent. This spatial variation in habitat or ecosystem size is a fundamental, defining feature of these streams (Smith et al., 1995 as cited in the CEC RSA, 2010; USEPA, 2008 as cited in the CEC RSA, 2010).

Within the survey area there was ample evidence of the presence of wildlife use of the ephemeral washes (e.g., tracks and scat) as a movement corridor (Solar Millennium, 2010a as cited in the CEC RSA, 2010). In addition to Sonoran creosote bush scrub, the desert dry wash woodland and unvegetated ephemeral dry wash communities within the Survey Area are considered suitable burrowing owl foraging and nesting habitat. Desert tortoise will be present in higher densities associated with drainages, swales, mountainous areas and alluvial fans. Annual and perennial plant production is higher in these areas and is longer lasting. Ephemeral streams also contain rich assemblages of both invertebrates and macro-invertebrates (USEPA, 2008 as cited in the CEC RSA, 2010).

3.18.6 Sand Dune Transport System

This subsection provides a brief explanation of wind transport of sand relative to the creation, preservation and destruction of sand dunes in the project area. Soil & Water Appendix A of the CEC RSA provides a more detailed explanation (CEC RSA, 2010), as does the Applicant's Preliminary Geomorphic Aeolian and Ancient Lake Shoreline Report (Solar Millennium, 2010b as cited in the CEC RSA, 2010) and Biological Resources Appendix B in the RSA (CEC RSA, 2010, Appendix B).

The proposed footprint of the project covers several different land units that vary along a southwest to northeast gradient in the degree of aeolian sand transport they experience. The least sandy land unit is within the project's western solar array, which is almost entirely a stable, coarse gravel alluvial fan surface (referred to as Zone IV in Solar Millennium, 2010b as cited in the CEC RSA, 2010). The sand dunes in the southern and western sector of the site are a mixture of degraded vegetated dunes with thin coarse sand, and patches of alluvial gravel lag and desert varnish. This surface has been formed primarily by deposition of sand and gravel from alluvial

fans (fluvial action) over hundreds of thousands of years, overlain with patches of vegetated sand dunes that formed from wind action during periods of greater sand availability. The sand dunes on the mid fan have subsequently degraded due to wind erosion and deflation (sand is being removed by the wind but not replaced). Deflation of the relict dunes is leaving behind the more resistant alluvial deposits as a protective lag of gravel. In many places the lag has formed desert varnish (a black coloration on the exposed surface of gravel particles). The presence of desert varnish suggests that parts of this surface have been stable and exposed in its current condition for many hundreds to thousands of years. There is little available sand for either transport to dunes down wind, and the sand that is present is coarse (1-2 mm) with abundant fine gravel (2 mm and larger). The vegetation cover is largely sparse creosote bushes with ironwood trees in the larger washes.

The northeast dune area is a more active wind-blown sand area with relatively shallow sand deposits (Zone III) on the lower alluvial fan. This is an area of shallow vegetated sand dunes with a transition from creosote bushes to grasses. The dunes are in relative equilibrium – losses of sand due to wind erosion are matched by deposition of sand from upwind.

At the northeastern portion of the project site within the lower alluvial fan is an area of deeper and more active vegetated sand dunes (Zone II). This area is characterized by hummocky vegetated dunes with greater topographic expression than the zone to the west, implying that they are more actively supplied by sand. This zone lies within the Palen Dry Lake – Chuckwalla sand transport corridor, a regionally significant geomorphic feature that provides sand build and support sand dune habitat. This sand corridor stretches down the Chuckwalla Valley to Blythe and the Colorado River.

The most active area of sand transport is Zone 1, northeast of the project boundary. Two sand transport corridors come together just to the east of the project: the Palen Valley corridor which runs from north to south along the eastern edge of the project and the Palen Dry Lake – Chuckwalla Valley corridor which runs northwest to southeast through the northeastern half of the project.

3.18.7 Invasive and Noxious Weeds

Noxious and invasive weeds are species of non-native (exotic) plants included on the weed lists of the California Department of Food and Agriculture (CDFA) (CDFA, 2007 as cited in the CEC RSA, 2010), the California Invasive Plant Council (Cal-IPC), or those weeds of special concern identified by the BLM. They are of particular concern in wild lands because of their potential to degrade habitat and disrupt the ecological functions of an area (Cal-IPC, 2006 as cited in the CEC RSA, 2010). Specifically, can alter habitat structure, increase fire frequency and intensity, decrease forage (including for special-status species, such as desert tortoise), exclude native plants, and decrease water availability for both naive plants and wildlife. Soil disturbance and channeling water create conditions favorable to the introduction of new invasive weeds or the spread of existing populations. Construction equipment, fill material, and mulch can act as vectors in introducing invasive exotic plant seeds and propagules into an area.

Non-native plant species recorded as a part of project surveys are located especially in the southern portion of the Study Area, they are: Sahara mustard, Russian thistle, Saltcedar, and Mediterranean grass. Each of these species is identified on a list of the region's worst weeds compiled by the Natural Resource Conservation Service for the Low Desert Weed Management Area (NRCS, 2005 as cited in the CEC RSA, 2010).

Sahara Mustard

Sahara mustard (*Brassica tournefortii*), also called African mustard, was found in disturbed areas throughout Sonoran creosote bush scrub habitat (Solar Millennium 2009a, Appendix F). This species is a BLM weed of special concern, Cal-IPC has declared this plant highly invasive (Cal-IPC, 2006 as cited in the CEC RSA, 2010) and recommends that it should be eradicated whenever encountered. This species is associated with impacts to habitat for native wildlife as well as for native plants. It promotes the spread of fire by increasing fuel load and competes with native plants for moisture and nutrients. In addition, it increases cover and works to stabilize sand, thereby affecting wildlife species dependent on open sandy habitat (Brossard et al., 2000 as cited in the CEC RSA, 2010; Barrows and Allen, 2007 as cited in the CEC RSA, 2010).

Russian Thistle

Russian thistle (*Salsola* sp.), also called tumbleweed, was found in several habitat types in the Project Disturbance Area, including dune, desert scrub, desert dry wash woodland, and Sonoran creosote bush scrub (Solar Millennium, 2009a, Appendix F). Although all invasive plants share the trait of being adapted to disturbed habitat, Russian thistle particularly tends to be restricted to roadway shoulders and other sites where the soil has been recently disturbed (CEC RSA, 2010). However, once an area is disturbed this species competes readily and can affect native plant ecosystems and increase fire hazard (Orloff et al., 2008 as cited in the CEC RSA, 2010; Lovich, 1999 as cited in the CEC RSA, 2010). Dune habitat is particularly vulnerable to non-native species, which can stabilize sand or block sand movement, and Russian thistle is considered an invasive species of primary concern in this habitat (CDFG, 2007 as cited in the CEC RSA, 2010). There is a high potential that Russian thistle could become established in the construction area and should be eradicated if observed. Cal-IPC has determined that this plant has a limited invasiveness rating in California (Cal-IPC, 2006 as cited in the CEC RSA, 2010) and the California Department of Food and Agriculture (CDFA) has given it a "C" rating. A C rating means that the pest is of known economic or environmental detriment and, if present in California, it is usually widespread. If found in the State, C-rated species are subject to regulations designed to retard spread or to suppress at the discretion of the individual county agricultural commissioner. There is no State-enforced action other than providing for pest cleanliness.

Tamarisk or Saltcedar

Tamarisk or Saltcedar (*Tamarix ramosissima*) is restricted to habitats where there is perennial saturation such as springs and seeps, or runoff from poorly maintained water pipelines or well pumps. It was observed interspersed throughout desert dry wash woodland within the Study Area. Cal-IPC has declared this plant highly invasive (Cal-IPC, 2006 as cited in the CEC RSA, 2010)

and it is a CDFA “B” rated species, meaning it is a pest of known economic or environmental detriment and, if present in California, it is of limited distribution. If found in the State, B-rated species are subject to State-endorsed holding action and eradication only to provide for containment, as when found in a nursery. At the discretion of the individual county agricultural commissioner they are subject to eradication, containment, suppression, control, or other holding action. Saltcedar is associated with many ecological impacts including impacts to channel geomorphology, groundwater availability, plant species diversity, and fire frequency (Lovich, 1999 as cited in the CEC RSA, 2010). Saltcedar also can affect sand dunes by blocking sand movement, a vital part of the natural function of these habitats (CDFG, 2007 as cited in the CEC RSA, 2010).

Mediterranean grass

Mediterranean grass (*Schismus* spp.) is prevalent throughout Sonoran creosote bush scrub within the Study Area. Mediterranean grass is an annual that reproduces by seed, and is widespread in arid and semi-arid California landscapes. This species competes effectively with native plants for nutrients and water and can provide cover that prevents native annuals from sprouting (VanDevender et al., 1997 as cited in the CEC RSA, 2010; Brossard et al., 2000 as cited in the CEC RSA, 2010) and contributes to dune stabilization (CDFG, 2007 as cited in the CEC RSA, 2010). Fire, historically, was rare in the Colorado Desert. The presence of Mediterranean grass and other annual non-native grasses has provided a continuous and increased fuel load, influencing the extent, frequency, and intensity of fire in these ecosystems (Brooks and Pyke, 2001 as cited in the CEC RSA, 2010; Brooks et al., 2004 as cited in the CEC RSA, 2010). BLM and other agencies recognize that because of the widespread distribution of Mediterranean grass, this species is not considered feasible to eradicate. The USDA has not approved any fungi or invertebrate species to control *Schismus* spp.

Cacti, Yucca, and Native Trees

The 2009 and 2010 surveys also included an inventory of native cacti, succulents and native trees that are not considered rare (e.g., they are not tracked by CNDDDB or included on the CNPS special-status plant lists) but the harvesting of these native plants is regulated under the California Native Plant Protection Act (Fish and Game Codes 1900-1913) and the California Desert Native Plant Act of 1981 (Food and Agricultural Code § 80001 et. seq.; Fish & Game Code §§ 1925-1926), which prohibit unlawful harvesting of non-listed native desert plants of the state (see, CEC RSA, 2010; Biological Resources Table 1).

During 2009 and at the request of the BLM, the Applicant conducted sampling plots for cacti, yucca, and native trees in the study area primarily to search for and map any locations of California barrel cactus, cottontop cactus, or hedgehog cactus for future salvage when construction begins (Solar Millennium 2009a, Appendix F Biological Resources Technical Report as cited in the CEC RSA, 2010). None of these species were observed in the study area during spring 2009; however, a total of four species in the Cactaceae family were observed during 2009 field surveys, including teddybear cholla (*Cylindropuntia bigelovii*), silver cholla (*C. echinocarpa*), pencil cholla (*C. ramosissima*), and common fishhook cactus (*Mammillaria tetrancistra*). Additionally, native

trees that were found during 2009 field surveys including smoke tree (*Psorothamnus spinosus*), ironwood (*Olneya tesota*), blue palo verde (*Parkinsonia florida*), ocotillo (*Fouquieria splendens ssp. splendens*), and honey mesquite (*Prosopis glandulosa var. torreyana*). Additional mapping of cacti species was performed during 2010, and California barrel cacti (*Ferocactus cylindraceus*), cottontop cactus (*Echinocactus polycephalus*), and hedgehog cactus, (*Echinocactus engelmannii*) were found. A single location with five barrel cacti was observed within the buffer study area and south of I-10, and a single location of cottontop cactus was found in the eastern portion of the Project Disturbance Area (Solar Millennium 2010m, Table 3 and Figure 7 as cited in the CEC RSA, 2010).

3.19 Visual Resources

This chapter describes the project study area in terms of its existing value as a visual resource, and describes the applicable regulatory framework for managing and protecting scenic values. Following a brief description of the characteristics and extent of the study area, this section focuses on determining the extent and quality of visual resources in the study area by referencing existing inventory efforts that use the methodology outlined in BLM's Visual Resource Management (VRM) Program.

3.19.1 Project Study Area

The project site is located in the Mojave Desert geomorphic province of California, also referred to as the Sonoran Desert section of the Basin and Range physiographic region of the United States.¹ This region is characterized as a broad interior region of isolated mountain ranges separated by expanses of internally-drained desert plains. The plains are mantled by scattered patchworks of Sonoran creosote bush and dissected by dry desert washes which terminate at dry lakes. Figure 3.19-1 provides a view of the project area, as seen from a dirt road immediately north of I-10. In the photo, the project would be located in the immediate foreground, and would extend into the middleground of the photo occupied by the dry lake bed. Figure 3.19-2 provides a number of context photographs illustrating common visual features of the desert environment, and the characteristic landscape of the Chuckwalla Valley area.

The project study area is defined as all land areas from which any element of the project would be visible (i.e., the project's viewshed). The project viewshed is shown in Figure 3.19-3, and was generated via computer-generated viewshed tools. Distance zones in the figure provide a reference to approximate the prominence of the project in views. Based on BLM guidance (BLM Handbook H-8410), the outer extent of the background visibility zone is a radius 15 miles away from the outer edges of the project footprint. Beyond 15 miles is considered the "seldom seen" zone. Beyond this distance the project may be visible, although it would constitute a distant and minor element in views and would likely disappear into the horizon line, or be hidden by atmospheric conditions (e.g., haze or dust) and intervening topography. The 15-mile viewshed of the project would occupy 17,149 acres of the Chuckwalla Mountains Wilderness (or about 19 percent of the wilderness area), 5,938 acres of the Little Chuckwalla Mountains Wilderness (or about 20 percent of the wilderness area), 46,619 acres of the Palen/McCoy Wilderness (or about 21 percent of the wilderness area), and 6,707 acres of the Joshua Tree National Park (JTNP) (or less than one percent of the park area).

Some of the more distinct visual features located within the project study area include:

1. Several prominent mountain ranges to the northwest, northeast, and southwest, including the Palen, Chuckwalla, and Coxcomb Mountains, respectively.

¹ California's geomorphic provinces and the physiographic regions of the U.S. are naturally defined geologic regions that display a distinct landscape or landform. These divisions are based on unique, defining features such as geology, topographic relief, climate, and vegetation. The distinction between California's geomorphic provinces and the physiographic regions of the U.S. is in the scale at which they are defined.

2. Palen Dry Lake and Sand Dunes, immediately west, north, and northeast of the project site.
3. Transmission lines paralleling both the north and south sides of I-10, and several unpaved 4WD/OHV roads.
4. The Community of Desert Center (visual features are increased signage, landscaped trees, and scattered buildings/structures).

The project is likely to be visible from isolated residences in Desert Center, which is the only residential community within viewing distance of the project area. The primary user groups that could have views of the project would be motorists along I-10 and SR 177; visitors to the Desert Lily Preserve and the Palen Dry Lake area, which are located north of the project site; motorists accessing the Corn Springs Campground and Chuckwalla Mountains Wilderness via Chuckwalla Valley and Corn Springs Roads; and dispersed recreational users in the surrounding wilderness areas. The Palen McCoy Wilderness is immediately northeast of the project, but the area with views of the project is not used for recreation and features neither trails nor trailheads (CEC Genesis RSA, 2010). However, since the wilderness area is physically accessible, it may also be visited on rare occasions by backcountry hikers. The portion of Joshua Tree National Park where the project could be visible does not contain visitor-serving facilities such as hiking trails, campgrounds or picnic areas—these occur in the central and western portions of the park, in areas located over 15 miles east of the project site that are unlikely to have views of project. However, the project could be visible from elevated vantage points within the Coxcomb Mountains, which is the eastern-most part of the park.

3.19.2 BLM Visual Resource Management (VRM) Policy

BLM's Visual Resource Management Policy is the agency's implementation of legal requirements for managing scenic resources, established through NEPA (1969) and FLPMA (1976). Under FLPMA, BLM has developed and applied a standard visual assessment methodology to inventory and manage scenic values on lands under its jurisdiction. The BLM manual M-8400-Visual Resource Management, Handbook H-8410-Visual Resource Inventory, and Handbook H-8431-Visual Resource Contrast Rating, set forth the policies and procedures for determining visual resource values, establishing management objectives, and evaluating proposed actions for conformance to the established objectives for BLM administered public lands. The following describes the three primary elements of the BLM's VRM Policy.

Determining Visual Resource Values

The primary means to establish visual resource values are to conduct a Visual Resource Inventory (VRI), as described in BLM Handbook H-8410. There are four VRI Classes (I to IV) assigned as a representation of the relative visual value. VRI Class I has the highest value and VRI Class IV has the lowest. VRI Class I is reserved for special congressional designations or administrative decisions such as Wilderness Areas, visually sensitive ACECs, or Wild and Scenic Rivers, etc. VRI Classes II through IV are determined through a systematic process that documents the landscape's scenic quality, public sensitivity and visibility. Rating units for each of the three

factors are mapped individually, evaluated, and then combined through an over-layering analysis. The three considerations are briefly described below.

Scenic Quality: Scenic Quality Rating Units (SQRUs) are delineated based on common characteristics of the landscape. There are seven criteria used for inventorying the landscape’s scenic quality within each SQRU: landform, vegetation, water, color, influence of adjacent scenery, scarcity, and degree of cultural modification. Each factor is scored for its respective contribution to the scenic quality, the scores are summed, and the unit is given a rating of A (highest), B, or C (lowest) based on the final score.

Sensitivity Level: Sensitivity Level Rating Units (SLRU) are delineated and evaluated for public sensitivity to landscape change. Criteria used for determining level of sensitivity within each unit includes types of use, amount of use, public interest, adjacent land uses, special areas, and other factors. Each criterion is ranked high, medium, or low and an overall sensitivity level rating then is assigned to the unit.

Distance Zones (visibility): The third factor is visibility of the landscape evaluated from where people commonly view the landscape. The distance zones are divided into foreground/middleground (three to five miles); background (five to 15 miles); and seldom seen (beyond 15 miles or topographically concealed areas within the closer range distance zones).

The relationships between the rated values of scenic quality, sensitivity level, and visibility are cross-referenced with the Visual Resource Inventory Matrix to determine the Visual Resource Inventory (VRI) Class, as shown in Table 3.19-1. Visual resource inventory classes are informational in nature and provide the basis for considering visual values in the Resource Management Planning (RMP) process. They do not establish management direction and should not be used as a basis for constraining or encouraging surface disturbing activities. They are considered the baseline data for existing conditions.

**TABLE 3.19-1
DETERMINING VISUAL RESOURCE INVENTORY CLASSES**

		Sensitivity Level								
		High			Medium			Low		
Special Areas		I	I	I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II	II	II
	B	II	III	III/IV ^a	III	IV	IV	IV	IV	IV
	C	III	IV	IV	IV	IV	IV	IV	IV	IV
		Fg/mg	Bg	Ss	Fg/mg	Bg	Ss	Fg/mg	Bg	Ss
		Distance Zones								

^a If adjacent area is Class III or lower assign Class III, if higher assign Class IV

Fg/mg=Foreground/Middleground
Bg=Background
Ss=Seldom seen

SOURCE: BLM Manual H-8410-1

Establishing Management Objectives

VRM Classes (defined in Table 3.19-2) are determined by considering both VRI Class designations (visual values) along with resource allocations or special management decisions made in the applicable RMP. Management objectives for each VRM Class set the level of visual change to the landscape that may be permitted for any surface-disturbing activity. The objective of VRM Class I is to preserve the character of the landscape, whereas VRM Class IV provides for activities that require major modification to the landscape. Thus, the allowable levels of visual change for VRM Classes I through IV are decreasingly restrictive.

**TABLE 3.19-2
 VISUAL RESOURCE MANAGEMENT CLASSES**

VRM Class	Objective
Class I	The objective of this class is 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
Class II	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape
Class III	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape
Class IV	The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

VRI Classes are not intended to automatically become VRM class designations. Management classes are determined through careful analyses of other land uses and demands. The VRM classes are considered a land use plan decision that guides future land management actions and subsequent site-specific implementation decisions. VRM class designations are to be assigned to all BLM public land. VRM class designations may be different than the VRI classes assigned in the inventory and should reflect a balance between protection of visual values while meeting energy and other land use, or commodity needs. For example, an area with a VRI Class II designation may be assigned a VRM Class IV designation, based on its overriding value for mineral resource extraction or its designation as a utility corridor.

While the applicable RMP for the study area is the CDCA Plan, it does not contain a visual resource element, and has not established VRM Classes. When a project is proposed and there are no RMP-approved VRM objectives, Interim Visual Resource Management (IVRM) Classes must be established. These classes are developed using the process just described, but may be restricted in geographic scope to areas affected by the proposed action. If the area is also without a VRI, then one must be conducted in order to provide a baseline of data by which to analyze impacts and to inform appropriate designation of interim VRM Classes.

Evaluating Proposed Actions

Proposed plans of development are evaluated for conformance to the VRM Class objectives through the use of the Visual Resource Contrast Rating process set forth within BLM Handbook H-8431-1. Because this concerns the environmental consequences of the proposed action, this process is further described and applied in Chapter 4.18.

3.19.3 Visual Resource Inventory

The baseline mapping of landscape units in this assessment is derived from the visual resource inventory and subsequent Interim Visual Resource Management (IVRM) Classes developed in connection with the Devers-Palo Verde No. 2 Transmission Line EIR/EIS (DPV 2 EIR/EIS). In the baseline setting for that document, landscape units were delineated, assessed and rated following the BLM's Visual Resource Inventory (VRI) process. The applicable portions of that document, which include photographs and an evaluation of scenic quality factors is provided in Appendix J. The visual resource inventory mapping and evaluation reflects an assessment of the landscape's *scenic quality*, *viewer sensitivity*, and *distance zone* of observers. Based on these factors, the project site was assigned to VRI Class III, which represents a moderate visual value. The DPV 2 EIR/EIS inventory mapping and analysis of the area affected by the proposed action is incorporated herein by reference, and summarized briefly below.

Scenic Quality Rating

The project is located partly in Scenic Quality Rating Unit (SQRU) 10 and partly in SQRU 12, both of which represent the flat desert floor along the Chuckwalla Valley. The landform of the Chuckwalla Valley SQRU is flat and non-descript with grass and low-growing shrubs of subdued color. Though distant mountain ranges (e.g., the Palen Mountains to the north and the Chuckwalla Mountains to the south) provide backdrops of visual interest (not part of this unit), SQRU 10 and 12 are primarily influenced by the presence of existing utility infrastructure and I-10.

These landscape units are rated as C-Quality scenery, based on the combination of scores for landform, vegetation, water, color, adjacent scenery, scarcity and cultural modifications. The most influential factor in these units' low rating for scenic quality was the abundance of cultural modification along I-10 (roads, transmission lines, 4-wheel drive tracks, etc.) and the flatness and lack of visual variety in landform (although relatively high scores were assigned for adjacent scenery).

Sensitivity-Level Rating

The CDCA was designated by Congress in large part for its visual values and uniqueness in terms of being a fairly undisturbed portion of the California Desert close to large population centers. In recognition of this, VRM inventories within the California Desert Conservation Area (CDCA) have historically regarded the entire CDCA as having a high viewer sensitivity level (BLM, 1980). Thus, the project area is assigned a high visual sensitivity. This rating is a conservative assessment because public interest and special areas are only two of the five factors that influence

the sensitivity level of a landscape unit. Types and amounts of use are typically also considered in the assessment of sensitivity which is generally low for the project area.

Distance Zone

The distance zone for all portions of the project is assigned to foreground/middleground (under five miles) due to the distance of I-10 and other local roads to the project (see Figure 3.19-3).

3.19.4 Interim Visual Resource Management Classes

As discussed above, VRM classes typically are assigned by the BLM through its RMPs; but in the case of the project, VRM classes were not established in the CDCA Plan. Instead, BLM land managers must establish “Interim VRM Classes” for each project on a case-by-case basis. The DPV 2 EIR/EIS determined Interim VRM Classes, which were mapped by the consultants and approved by the BLM. Therefore, those Interim VRM Classes will be used for the project. Figure 3.19-4 shows the Interim VRM Classes from the DPV2 EIR/EIS. The entire project site, including the areas encompassing the solar troughs, power blocks, and transmission line corridor, is classified as Interim VRM Class III. In the specific case of the Devers-Palo Verde No. 2 EIR/EIS, the Visual Resource Inventory (VRI) and Interim Visual Resource Management (IVRM) Class mapping were equivalent.

Thus, the project shall be managed in accordance with Interim VRM Class III objectives. The Interim VRM Class III management objective is reasonable because the project area is also under Multiple-Use Class M (Moderate Use), which is based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. The objective of Interim VRM Class III is to partially retain the existing character of the landscape (see Table 3.19-2).

3.20 Water Resources

The project site is located between the communities of Blythe, California (approximately 35 miles southeast) and Desert Center, California (approximately 9 miles west). It is located in the Mojave Desert Geomorphic Province. The Mojave Desert is a broad interior region of isolated mountain ranges separated by expanses of desert plains. It has an interior enclosed drainage (i.e., there is no outlet to the ocean) and many dry lake beds known as *playas*. Physiographically, the site lies near the toe of alluvial fans emanating from the Chuckwalla Mountains to the south, the Coxcomb Mountains to the north, and the Palen Mountains to the northeast; it is bisected by a broad valley-axial drainage that extends southward between these mountains and drains to the Palen Lake playa located a short distance north of the site (Figure 3.20-1) (CEC/BLM, 2010). The elevation of Chuckwalla Valley ranges from under 400 feet above mean sea level (amsl) at Ford Dry Lake to approximately 1,800 feet amsl west of Desert Center and along the upper portions of the alluvial fans that ring the valley flanks. The surrounding mountains rise to approximately 3,000 and 5,000 feet amsl.

The ground surface in the vicinity of the site generally slopes gently downward to the northeast at an average gradient of 1.33 percent. Ground surface elevations at the site itself range from approximately 680 feet amsl in the southwest to 425 feet amsl in the northeast. Steeper grades are present at isolated sand dunes along the northern portion of the site. Toward the north and central portions of the site, the ground becomes hummocky as it transitions to the flat playa located along the northern portion of the site. On-site drainage is generally to the north (toward the Palen Dry Lake), and occurs in a number of alluvial channels and as unconfined flow (sheetflow) during larger storm events.

3.20.1 Climate and Precipitation

The climate in the Chuckwalla Valley is characterized by high aridity and low precipitation. The region experiences a wide variation in temperature, with very hot summer months with an average maximum temperature of 108 degrees Fahrenheit (°F) in July and cold dry winters with an average minimum temperature of 66.7 °F in December.

Average annual precipitation in the project area, based on the gauging station at Blythe Airport, is approximately 3.6 inches, with August recording the highest monthly average of 0.64 inches and June recording the lowest monthly average of 0.02 inches. Most rainfall occurs during the winter months or in association with summer tropical storms (which tend to be of shorter duration and higher intensity than winter storms). Tables 3.20-1 and 3.20-2 display the average monthly and annual minimum and maximum temperatures and precipitation from 1913 to 2008 collected from the Blythe Airport, located approximately 35 miles southeast of the project site. Per the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 for the Southern California area, 3.51 inches of rain fall in the 100-year, 24-hour storm event.

**TABLE 3.20-1
CLIMATE TEMPERATURE DATA FOR BLYTHE AIRPORT, CALIFORNIA (1913-2008)**

Month	Temperatures °F					Mean Number of Days			
	Monthly Averages			Record Extremes		Max. Temp.		Min. Temp.	
	Daily Max.	Daily Min.	Monthly	Record High	Record Low	90°F & Above	32°F & Below	32°F & Below	0°F & Below
Jan	66.7	41.5	54.1	89	20	0	0	2.7	0
Feb	72	45.4	58.7	93	22	0.2	0	0.8	0
Mar	78.4	50.2	64.3	100	30	3.1	0	0.1	0
Apr	86.4	56.5	71.5	107	38	11.6	0	0	0
May	95.2	64.4	79.8	114	43	23.8	0	0	0
Jun	104.5	72.7	88.6	123	46	29	0	0	0
Jul	108.4	81	94.7	123	62	30.9	0	0	0
Aug	106.6	80.2	93.4	120	62	30.6	0	0	0
Sep	101.3	73	87.2	121	51	28.4	0	0	0
Oct	89.8	60.9	75.3	111	27	17.6	0	0	0
Nov	75.8	48.6	62.2	95	27	0.8	0	0.1	0
Dec	66.7	41.2	53.9	87	24	0	0	1.8	0
Year	87.7	59.6	73.6	123	20	175.9	0	5.5	0

SOURCE: CEC RSA, 2010

**TABLE 3.20-2
PRECIPITATION DATA FOR BLYTHE AIRPORT, CALIFORNIA (1913-2008)**

Month	Rainfall (inches) [1913-2008]			
	Mean	Highest Month	Lowest Month	Highest Daily
Jan	0.47	2.48	0	1.64
Feb	0.44	3.03	0	1.66
Mar	0.36	2.15	0	1.52
Apr	0.16	3	0	2.67
May	0.02	0.22	0	0.22
Jun	0.02	0.91	0	0.91
Jul	0.24	2.44	0	1.4
Aug	0.64	5.92	0	3
Sep	0.37	2.14	0	1.9
Oct	0.27	1.89	0	1.61
Nov	0.2	1.84	0	1.04
Dec	0.39	3.33	0	1.42
Year ^a	3.59	—	—	3

NOTES:

^a Totals may not match the data in specific columns due to rounding.

SOURCE: CEC RSA, 2010

Table 3.20-3 presents average monthly evapotranspiration rates for various stations located in the region.

**TABLE 3.20-3
MONTHLY AVERAGE EVAPOTRANSPIRATION (ETO) RATES**

Month	CIMIS Station #127	CIMIS Station #128	CIMIS Station #135	CIMIS Station #151	CIMIS Station #162	CIMIS Station #175	Regional
	Station: Salton Sea West	Station: Salton Sea East	Station: Blythe NE	Station: Ripley	Station: Indio	Station: Palo Verde II	
Jan (in/mo)	2.40	2.40	2.32	2.44	2.44	2.41	1.55
Feb (in/mo)	3.20	3.20	3.09	3.31	3.31	3.23	2.52
Mar (in/mo)	5.13	5.13	5.00	5.25	5.25	5.59	4.03
Apr (in/mo)	6.78	6.78	6.61	6.85	6.85	7.22	5.70
May (in/mo)	8.62	8.62	8.54	8.67	8.67	8.78	7.75
Jun (in/mo)	9.18	9.18	9.69	9.57	9.57	9.42	8.70
Jul (in/mo)	9.19	9.19	10.13	9.64	9.64	9.58	9.30
Aug (in/mo)	8.63	8.63	8.91	8.67	8.67	8.61	8.37
Sep (in/mo)	6.97	6.97	6.85	6.85	6.85	6.58	6.30
Oct (in/mo)	5.22	5.22	4.64	5.00	5.00	4.74	4.34
Nov (in/mo)	3.08	3.08	2.95	2.95	2.95	2.94	2.40
Dec (in/mo)	2.25	2.25	2.07	2.20	2.20	2.25	1.55
Year (in/yr)	70.65	70.65	70.8	71.4	71.4	71.35	62.50

NOTES: CIMIS monitoring station closest to project site are listed.
Regional evapotranspiration values correspond to CIMIS Reference ETo Zone 16, which includes Westside of San Joaquin Valley and Mountains East & West of Imperial Valley.

SOURCE: CEC RSA, 2010

3.20.2 Groundwater

The site is located within the Chuckwalla Valley Groundwater basin (CVGB; DWR Basin 7-5), which has a surface area of 940 mi² (2,435 km²). The CVGB is bounded upgradient by two other groundwater basins that include the eastern part of the Orocopia Valley (DWR Basin No. 731) and Pinto Valley (DWR Basin No. 7-6) groundwater basins, and downgradient by the Palo Verde Mesa (DWR Basin No. 7-39) groundwater basin (PVMGB). The CVGB also connects to the southern tip of the Ward Valley groundwater basin (DWR Basin No. 7-03). The site location in relation to these features is shown on Figure 3.20-1 (CEC/BLM, 2010). The CVGB is bounded by the consolidated rocks of the surrounding mountains. Three water-bearing Quaternary- and Tertiary-age sedimentary units overlay non-water bearing bedrock in the CVGB (CEC RSA, 2010). DWR reports the maximum thickness of these deposits as about 1,200 feet (CEC RSA, 2010); however, modeling of Bouguer gravity data obtained from USGS suggest greater depths to bedrock exist in some parts of the basin (Figure 3.20-2) (CEC/BLM, 2010).

Groundwater Inflow/Outflow

Natural groundwater recharge to the CVGB includes recharge from precipitation and subsurface inflow from the Pinto Valley Groundwater Basin to the northwest and the Orocopia Valley Groundwater Basin to the Southwest (CEC RSA, 2010). Underflow from the Cadiz Valley Groundwater Basin has also been hypothesized by DWR; however, previous work has reportedly confirmed that the Cadiz Valley Groundwater Basin does not contribute inflow to the CVGB (CEC RSA, 2010). CVGB also shares a boundary with the Ward Valley Groundwater Basin, but groundwater is not reported to flow across this boundary (CEC RSA, 2010). Other sources of recharge to the basin include agricultural return flow and return flow from treated wastewater disposal.

In this part of California, almost all moisture from rain is lost through evaporation or evapotranspiration and runoff occurs principally during intense thunderstorms (CEC RSA, 2010). Most recharge from precipitation occurs when runoff from the surrounding mountains exits bedrock canyons and flows across the coarse sediments deposited in the proximal portions of the alluvial fans that ring Chuckwalla Valley. To a lesser extent, recharge occurs from infrequent precipitation or runoff on the valley floor (CEC RSA, 2010). The area of the Chuckwalla Valley watershed encompasses Chuckwalla Valley (601,543 acres) and the surrounding bedrock mountains (258,825 acres), for a total area of approximately 860,368 acres.

Available estimates of recharge in CVGB are variable and in some cases based on incomplete or incorrect data. DWR has not published an estimated recharge rate for the basin (CEC RSA, 2010). In 1986, Woodward Clyde calculated recharge from precipitation for the Chuckwalla Valley watershed to be 29,530 afy (CEC RSA, 2010). This equates to an average recharge rate of approximately 0.036 feet per year (0.4 inches). Woodward Clyde reported this number as approximately 12.8 percent of an average annual precipitation of 3.39 inches per year across the watershed; however, this was the average annual precipitation in Blythe at the time, and does not consider that the orographic effect of the surrounding mountains which results in precipitation rates of over 6 inches per year in the higher elevation portions of the watershed (CEC RSA, 2010).

In 1992, the average recharge to CVGB was reportedly estimated by BLM and the County of Riverside to be 5,540 to 5,600 afy based upon an assumed 10 percent infiltration of precipitation (CEC RSA, 2010); however, this number evidently considered only a portion of the watershed as it would equate to an average annual precipitation depth of only about 1 inch per year across the watershed. Previous studies have demonstrated recharge rates for nearby desert basins ranging from approximately 3 to 5 percent of the total incident precipitation on the basin catchment area (CEC RSA, 2010). A review of recharge studies in the arid southwest performed by USGS (2007b) cited a wide range of recharge rates, but rates in similar basins ranged from about 3 to 7 percent (CEC RSA, 2010).

For this study, recharge from precipitation was estimated by overlaying isohyetal maps prepared by Hely and Peck on the Chuckwalla watershed boundaries and calculating the volume of average annual precipitation for each of four precipitation zones for the valley and bedrock portions of the

watershed. Recharge was then estimated as 2, 3, 5 and 10 percent of total incident precipitation and a reasonable lower bound recharge estimate was adopted. Overlays were performed separately for the western watershed, which encompasses the Palen Detailed Analysis Unit (DAU) designated by DWR, and the eastern watershed, which encompasses the Ford DAU designated by DWR. These sub-watersheds drain to Palen and Ford Dry Lakes, respectively. The calculated average annual precipitation volume for the Palen sub-watershed is 156,000 acre-feet based on an area-weighted average precipitation of 4.462 inches and an area of 419,659 acres. The calculated average annual precipitation volume for the Ford sub-watershed is 159,000 acre-feet based on an area-weighted average precipitation of 4.316 inches and an area of 440,709 acres. Recharge from precipitation for the CVGB is estimated as 3, 5, and 7 percent of total incident precipitation and is therefore calculated to be 8,588, 14,313, and 20,038 afy, respectively. An analysis of infiltration and runoff rates for the CVGB is provided in Table 3.20-4.

Based on the above analysis, approximately 36 percent of precipitation in the watershed falls on the bedrock areas that ring the watershed. This is significant because precipitation that falls on the valley floor is not expected to contribute consistently to recharge. Studies published by USGS report approximately 7 to 8 percent of precipitation falling on mountains in other arid basins goes to mountain front recharge (CEC RSA, 2010).

This would amount to approximately 3 percent of the total precipitation that falls on the watershed. In the absence of more detailed study, 3 percent of total precipitation falling on the Chuckwalla Valley watershed (8,588 afy) is used as a reasonable lower bound estimate of recharge from precipitation to the CVGB.

Subsurface Inflow

Subsurface inflow occurs from the Pinto Valley and Orocopia Valley Groundwater Basins. Inflow from the Colorado River is not expected to occur under natural conditions – under natural conditions the CVGB is upgradient from the Palo Verde Mesa Groundwater Basin (PVMGB), and groundwater flows from the CVGB through the PVMGB, towards the Colorado River. Inflow from the Pinto Valley Groundwater Basin has been calculated to be 3,173 afy (CEC RSA, 2010). Inflow from the Orocopia Valley Groundwater Basin has been estimated to be 1,700 afy (CEC RSA, 2010). CH2M Hill estimated the combined subsurface inflow from both basins to be 6,700 afy. However, recent studies by GeoPentech reportedly indicate that subsurface inflow from Orocopia Valley Groundwater Basin may be as low as several hundred afy. Therefore, a combined subsurface inflow rate of 3,500 afy was assumed for both basins, in support of water budget calculations for the project.

Wastewater Return Flow

Water balance in the CVGB is affected by operation of a State prison complex and residential use including a man-made lake associated with the Lake Tamarisk development, near Desert Center. Chuckwalla State Prison was constructed in 1988, and Ironwood State Prison became operational in 1994. The prisons use an unlined pond to dispose of treated wastewater, and a large percentage of this discharge is reported to infiltrate into the subsurface and recharge the CVGB. For the years

**TABLE 3.20-4
ESTIMATED RUNOFF AND INFILTRATION IN CHUCKWALLA VALLEY GROUNDWATER BASIN**

Layer ^a	Area (acres)	Mean Annual Precipitation (inches) ²	Total Volume of Rainwater from Mean Annual Precipitation (af)	Runoff Curve Classification ^b	Runoff Curve Number ^b	Runoff (%of Precipitation)	Total Annual Volume of Infiltration – Hely & Peck (af)	Total Annual Volume of Infiltration (af) based on 3% ^c	Total Annual Volume of Infiltration (af) based on 5% ^c	Total Annual Volume of Infiltration (af) based on 7% ^c
unit1-cw	30,303	5	12,626	Alluvium, Steep Slope	74	3.50%	442	379	631	884
	211,498	4	70,499	Alluvium, Flat Slope	69	2.00%	1,410	2,115	3,525	4,935
	41,073	3.5	11,980	Alluvium, Steep Slope	74	3.50%	419	359	599	839
	12,077	4	4,026	Alluvium, Steep Slope	74	3.50%	141	121	201	282
	910	4	303	Alluvium, Steep Slope	74	3.50%	11	9	15	21
	194	4	65	Alluvium, Steep Slope	74	3.50%	2	2	3	5
	81,233	5	33,847	Alluvium, Steep Slope	74	3.50%	1,185	1,015	1,692	2,369
bedrock chuckwalla	32,001	5	13,334	Mountains	93	29.10%	3,880	400	667	933
	21,456	5	8,940	Mountains	93	29.10%	2,602	268	447	626
	11,050	5	4,604	Mountains	93	29.10%	1,340	138	230	322
	109	5	46	Mountains	93	29.10%	13	1	2	3
	9,246	4	3,082	Mountains	93	29.10%	897	92	154	216
	10,042	4	3,347	Mountains	93	29.10%	974	100	167	234
	282	4	94	Mountains	93	29.10%	27	3	5	7
	3,480	4	1,160	Mountains	93	29.10%	338	35	58	81
	275	4	92	Mountains	93	29.10%	27	3	5	6
	90	4	30	Mountains	93	29.10%	9	1	2	2
	398	4	133	Mountains	93	29.10%	39	4	7	9
	316	4	105	Mountains	93	29.10%	31	3	5	7
	39,340	5	16,392	Mountains	93	29.10%	4,770	492	820	1,147
194	5	81	Mountains	93	29.10%	24	2	4	6	
unit3-cw	28,973	3	7,243	Alluvium, Flat Slope	69	2.00%	145	217	362	507
unit2-cw	198,558	3	49,640	Alluvium, Steep Slope	74	3.50%	1,737	1,489	2,482	3,475
bedrock chuckwalla	89,161	6	44,581	Mountains	93	29.10%	12,973	1,337	2,229	3,121
TOTALS	822,259	---	286,250		---	---	33,436	8,588	14,313	20,038

NOTES:

^a See Figure DR-S&W-179-1 in Solar Millennium 2010a.

^b From Hely & Peck 1964. Based on a percent of Total Volume of Rainwater from Mean Annual Precipitation (Column 4).

SOURCE: CEC RSA, 2010

1998 through 2001, the California Department of Water Resources – Department of Planning and Local Assistance (CDWR-DPLA) reported that deep percolation of applied urban water in the Chuckwalla Planning Area (assumed to be wastewater return flow) was 500 to 800 afy (CEC RSA, 2010). According to authorities at the State prison complex (CEC RSA, 2010), approximately 600 afy of treated effluent recharges the basin. Water budget information for the proposed Eagle Crest Pumped Storage Project (CEC RSA, 2010) indicates 795 afy of treated effluent are recharged by the prisons. An additional source of wastewater return flow in the basin is approximately 36 afy from the Lake Tamarisk development near Desert Center (CEC RSA, 2010).

Irrigation Return Flow

The amount of applied irrigation water that returns to recharge a groundwater basin depends on the soil, crop type, amount and method of irrigation, and climatic factors. Woodward Clyde reported an irrigation efficiency of 60 percent (return flow of 40 percent) for jojoba crops in Chuckwalla Valley (CEC RSA, 2010). DWR-DPLA reported an irrigation efficiency of 72 percent (return flow of 28 percent) for subtropical crops in the Palen Detailed Analysis Unit (DAU) of the Chuckwalla Planning Area (CEC RSA, 2010). In its water budget calculations for the Chuckwalla Planning Area in support of California Water Plan updates, DWR-DPLA calculated an irrigation return flow of approximately 9 to 11 percent for 1998, 2000 and 2001, respectively. A 10 percent return flow is a reasonable factor for deep percolation from irrigation in the basin, and was applied to the assumed agricultural and landscape water demand in the basin for the purposes of a water budget. Current pumpage associated with activities associated with irrigation return flow is estimated to be approximately 7,700 afy in the CVGB that includes 6,400 afy for agriculture, 215 afy for aquaculture pumping, and 1,090 afy for Tamarisk Lake (CEC RSA, 2010). Return flows are calculated using the mean of DWR-DPLA calculated values, equaling 10 percent (approximately 800 afy) and included in Table 3.20-5.

Groundwater Demand/Outflow

Groundwater provides the only readily available natural water resource in Chuckwalla Valley. While the Colorado River Aqueduct traverses the northern portion of the basin, it does not contribute significant water to the basin (other than leaks and maintenance activities). Designated and potential beneficial uses of groundwater in the basin include domestic, municipal, agricultural and industrial use (CEC RSA, 2010). As such, groundwater demand is a significant contributor to basin outflow. Other sources of basin outflow include subsurface discharge to the Palo Verde Mesa Groundwater Basin, and evapotranspiration at Palen Lake.

Groundwater Extraction

Current and historical groundwater pumping in CVGB includes agricultural water demand, pumping for Chuckwalla and Ironwood State prisons, pumping for the Tamarisk Lake development and golf course, domestic pumping, and a minor amount of pumping by Southern California Gas Company. In addition, historical groundwater pumping included water supply for the Kaiser Corporation Eagle Mountain Mine. With the exception of pumping for Chuckwalla Valley and

Ironwood State Prisons, most of the current groundwater pumping in the basin occurs in the western portion of the basin, near the town of Desert Center. Current groundwater pumping rates are estimated to be approximately 7,900 afy in the western CVGB and 2,605 afy in the eastern basin. Agricultural production is limited to the western portion of the basin (CEC RSA, 2010), with the exception of a relatively limited amount of acreage that is associated with the State prisons.

Subsurface Outflow

Subsurface outflow to Palo Verde Mesa Groundwater Basin was estimated by Metzger in 1973 to be 400 afy (CEC RSA, 2010). This calculation was based on a cross sectional profile of the boundary between the two basins derived using geophysical methods and regional data regarding groundwater gradients and hydraulic conductivity. Woodward Clyde revised this estimate based on the results of pump testing in 1986 at Chuckwalla State Prison and calculated the basin outflow to be 870 afy. Engineering Science updated this estimate to 1,162 afy in 1990, presumably as a result of return flow from prison wastewater disposal; however, the rationale for this adjustment was not provided. Using gravity data, Wilson and Owens-Joyce more recently (1994) found that the area through which discharge occurs is significantly more limited than previously thought due to the presence of a buried bedrock ridge. As a result, the most recent available water budget for the basin has adopted an outflow rate of 400 afy (CEC RSA, 2010).

Palen Lake Evapotranspiration

Regional groundwater flow and discharge mapping performed by USGS (CEC RSA, 2010) did not identify Palen Lake as an area where groundwater discharges at the ground surface. Nevertheless, groundwater elevation contour mapping suggests that groundwater may occur near the ground surface beneath approximately the northwestern 25 percent of Palen Lake. It is therefore possible that a portion of Palen Lake is operating as a wet playa. Groundwater levels beneath the southeastern portions of Palen Lake, and a small ancillary playa located approximately one mile southeast of Palen Lake, were reported by Steinemann as being 20 to 30 feet below ground surface (bgs) in 1979, suggesting that Palen Lake would be a dry playa at various times (CEC RSA, 2010).

Review of aerial photography indicates what appears to be a relatively small area of dissected salt pan near the northern and western sides of the playa. Because the salt pan is dissected, it is not clear whether salt deposition is actively occurring or whether this material is residual deposition from surface water evaporation. Immediately northwest of Palen Lake, between Palen Lake and Desert Center-Rice Road, Pleistocene lake bed deposits crop out at the ground surface in the form of dissected, mesa-like prominences that are 5 to 10 feet high (CEC RSA, 2010). These deposits are capped with a layer of caliche and locally support scattered mesquite trees, and alkali sink scrub and honey mesquite are also located between the project site and Palen Dry Lake. For additional discussion of these biological resources, please refer to the Biological Resources section. There does not appear to be any further evidence of shallow groundwater or evapotranspiration visible in aerial photography.

A well located approximately two miles north of Palen Lake, is reported to be completed to a depth of 501 feet bgs and has a ground surface elevation of 500 feet amsl (CEC RSA, 2010). A

screened interval for the well is not reported. Groundwater levels in this well were reported to be approximately 20 to 25 feet bgs between 1932 and 1984. Given that the surface elevation at Palen Lake two miles to the south is approximately 460 feet amsl, or 40 feet lower, it appears possible that groundwater levels are very close to the ground surface beneath the northern portion of the playa. In addition, DWR identified the presence of mesquite trees on low mesa-like promontories of Pleistocene lacustrine sediments at the northwest margin of Palen Lake playa in 1963, also suggesting the possible presence of relatively shallow groundwater (CEC RSA, 2010). These data suggest it is possible that an area in the northern portion of Palen Lake is discharging groundwater by evaporation as a wet playa. Groundwater levels beneath the southeastern portions of Palen Lake, and a small ancillary playa located approximately one mile southeast of Palen Lake, are 20 to 30 feet bgs (CEC RSA, 2010), indicating these are dry playa areas.

Review of aerial photography indicates an approximately 700-acre area of dissected salt pan in the northwest portion of the playa (CEC RSA, 2010). This feature is surrounded by an additional approximately 1,300 acres that show evidence of more limited surface salt accumulation. The extent of this area is visible in aerial imagery from November 2005, and was generally confirmed by a reconnaissance performed on December 10 and 30, 2009. Review of the historical progression aerial imagery (CEC RSA, 2010) indicates no or limited salt accumulation in this area from 1996 through 2002, light salt accumulation in March of 2005, and the currently observed salt pan area in November 2005. This suggests that salt pan accumulation in the playa is episodic; however, seasonal, intermittent accumulation cannot be ruled out. Historical precipitation records indicate that 2005 rainfall in Blythe was approximately twice the long term annual average, with 5.10 inches occurring in January and February 2005 (CEC RSA, 2010), just before the March 2005 aerial photograph was taken. These storm events would be expected to have resulted in the accumulation of runoff in Palen Lake, and consequently in dissolution and re-crystallization of salt deposits during evaporation of surface water, and by wetting and subsequent drying of salt containing playa sediments. As such, these rainfall events are likely responsible for at least a portion of the observed salt accumulation; however, groundwater discharge by evaporation at the ground surface also could be responsible.

During a December 10, 2009 site visit by Worley-Parsons, conditions at the northwestern edge of the playa were investigated. Intermittent salt deposits were observed to be located both in low lying areas and on the tops of low, dissected, mesa-like promontories of Pleistocene lacustrine sediments approximately three feet high that extend into the playa (CEC RSA, 2010). Deposition of salt by groundwater evaporation at the surface would be expected to occur on the sides as well as the top of these promontories. The occurrence of salt deposits on the top, but not on the sides, suggests that these deposits are the result of salt dissolution from layers with elevated salt content and redeposition as soil moisture evaporates at the ground surface. The shallow soil beneath the salt deposits was observed to be wetted to a depth of approximately three inches from a recent rain event, but underlying soil to depths of approximately one foot were observed to be generally dry. As such, evidence of salt deposition by evapotranspiration at the playa surface was not observed in this area during Worley-Parsons' reconnaissance (CEC RSA, 2010).

Groundwater dependent vegetation communities observed at or in the vicinity of the project site include mesquite tree groves along the margins of Palen Dry Lake, woodland habitat along dry

desert washes, stands of jackass clover, and desert/alkali sink scrub habitats along the margins of Palen Dry Lake. These and other plant species associated with groundwater dependent vegetation communities are dominated or defined by phreatophytes, deep-rooted plants that obtain a significant portion of their water needs from groundwater. The phreatophytes known to occur in the Project area are mostly “facultative phreatophytes”, or deep rooted plant species that tap into groundwater to satisfy at least some portion of their environmental water requirement, but will also inhabit areas where their water requirements can be met by soil moisture reserves alone. Therefore the presence of mesquite and other groundwater dependent vegetation communities is not necessarily indicative of discharging playas.

In December 2009, Worley-Parsons advanced two hand auger borings to approximately 10 feet bgs beneath the salt pan area in the northwest portion of the playa. The moisture content of the soil was observed to increase with depth in both borings, and free groundwater was encountered at a depth of approximately 8 feet bgs in one of the borings. Subsurface soil encountered consisted of alternating layers clay/silt mixtures and sandy sediments. A depth of 2 to 3 meters is generally the maximum depth of free water documented beneath discharging playas. This suggests that groundwater could be shallow enough to discharge at the surface by capillary rise and evaporation to occur at least some of the time (CEC RSA, 2010).

Based on the above data, salt accumulation at Palen Lake is likely the result of dissolution and recrystallization of existing salt deposits during times of surface water inflow, as well as limited episodic and possibly seasonal or intermittent groundwater discharge. The rate of groundwater discharge in a wet playa depends on the depth to groundwater and magnitude of upward vertical gradients, the ability of subsurface materials to facilitate capillary rise, climatic conditions, and the presence and extent of free water, wetlands and salt pans on the playa surface (CEC RSA, 2010). In general, groundwater discharge rates are highest when groundwater is shallow, temperatures are high, and when open water or wetlands are exposed at the playa surface.

Increased depth to groundwater, lower temperatures, the presence of coarse grained material that inhibits capillary rise, and the presence of salt pan (which increases albedo) tends to decrease groundwater discharge rates. Based on these factors, discharge of groundwater at Palen Lake appears to be limited based on the depth to groundwater (including absence of vegetation that indicates consistent shallow groundwater), the presence of coarse grained layers that limit capillary rise and the apparent intermittent or episodic nature of discharge.

Groundwater discharge rates were estimated based on reported groundwater discharge rates at other playas, the area of identified salt accumulation, and the evident episodic or intermittent nature of salt accumulation. Measured evapotranspiration rates at Franklin Lake Playa were used to form a basis for this estimate (CEC RSA, 2010). Franklin Lake Playa is a well developed and extensively characterized wet playa in the Death Valley area (CEC RSA, 2010). Evapotranspiration rates at Franklin Lake Playa are calculated to be 38 to 41 cm/year (1.3 to 1.4 feet/year) based on the Energy-Balance Eddy-Correlation method, which is reported to be the most reliable method by the USGS. These rates would be a conservative measure of evapotranspiration for active wet playa areas at Palen Lake for the following reasons:

1. Franklin Lake Playa is a terminal playa, which is the terminal discharge point of the local groundwater flow system; whereas, Palen Lake is a bypass playa, with most groundwater flowing laterally past the playa.
2. Franklin Lake Playa includes extensive groundwater discharge features (e.g., saltpan, puffy ground and halophyte wetlands) that are generally less developed or lacking at Palen Lake, indicating less groundwater discharge would be expected at Palen Lake.
3. Evapotranspiration rates at wet playas are temperature dependant, with maximum rates occurring during the summer months. Franklin Lake Playa occurs in Death Valley, where mean annual and summer high temperatures typically exceed those at Palen Lake.
4. The available data suggest that groundwater discharge, if it is occurring at Palen Lake, is episodic or intermittent; whereas groundwater discharge at Franklin Lake Playa occurs throughout the year.

The total area of potential groundwater discharge at Palen Lake is estimated to be approximately 2,000 acres, with salt pan occupying approximately 700 acres of this total. Given the differences between Palen Lake and Franklin Lake Playa previously discussed, a groundwater discharge rate that is approximately half that at Franklin Lake Playa was adopted (approximately 0.0583 feet/acre/month of water) and was believed to occur. Over an area of 2,000 acres for three months of the year, this equates to approximately 350 afy.

Groundwater Budget

The perennial yield (the maximum quantity of water that can be annually withdrawn from a groundwater basin over a long period of time without developing an overdraft condition of CVGB) was estimated to be between 10,000 and 20,000 afy (CEC RSA, 2010). A perennial yield of 12,200 afy was adopted in the EIS for the Eagle Crest Landfill project in 1992 (CEC RSA, 2010); however, the amount of recharge from precipitation used to derive this number appears to be based on recharge to only a portion of the basin, so the perennial yield may be underestimated.

A comprehensive water budget was compiled based on published literature, water budget information collected by the DWR for updates to the California Water Plan, information obtained from the California State Prison Authority, and the analysis of basin inflow and outflow discussed in the previous two sections. This information is summarized in Table 3.20-5, and is presented in greater detail in the Staff Assessment for the PSPP (CEC RSA, 2010).

The analysis suggests that the CVGB is in positive balance (inflow exceeds outflow) by approximately 2,600 afy under average conditions.

Water Bearing Units

The following water-bearing formations have been identified in the CVGB. The extent and relationship of these formations is presented in hydrostratigraphic cross sections A-A' included as Figure 3.20-3. The location of the cross section is shown on Figure 3.20-4 (CEC/BLM, 2009).

**TABLE 3.20-5
 GROUNDWATER BUDGET (AFY)**

Budget Components	Totals
Inflow	
Recharge from precipitation	8,588
Underflow from Pinto Valley and Orocopia Valley Groundwater Basins	3,500
Irrigation return flow	800
Wastewater return flow	831
Total inflow	13,719
Outflow	
Groundwater extraction	-10,361
Underflow to Palo Verde Mesa Groundwater Basin	-400
Evapotranspiration at Palen dry lake	-350
Total outflow	-11,111
Budget balance (net Inflow)	2,608

Quaternary Alluvium

Quaternary alluvial fill in the basin consists of Holocene to Pleistocene alluvial fan and fluvial (stream) deposits, as well as lacustrine (lake) and playa (ephemeral lake) deposits (CEC RSA, 2010). These deposits consist of gravel, sand, silt and clay (CEC RSA, 2010). In general, coarser alluvial fan deposits are expected near the valley edges and grade into finer distal fan deposits that interfinger with fine grained lacustrine and playa deposits near the center of the basin. These deposits are typically heterogeneous. Valley axial drainages tend to be more uniform and continuous, and contain a greater proportion of sand and fine gravel. Portions of the basin are also occupied by aeolian (wind-blown) sand deposits, but the identified aeolian deposits occur at the ground surface and are of limited thickness. Therefore, they are not believed to be an important water bearing unit.

The Quaternary sediments include the Pleistocene-age Pinto Formation, which consists of coarse fanglomerate (cemented, consolidated or semi-consolidated alluvial fan gravels) containing boulders and lacustrine clay with some interbedded basalt (CEC RSA, 2010). The fanglomerate would likely yield water freely to wells, but the basalt would likely yield only small amounts of water (CEC RSA, 2010). AECOM (2010 as cited in the CEC RSA, 2010) did not report the estimated thickness of the Quaternary Alluvium but suggested the thickness of saturated sediments beneath the site is at least 560 feet and that saturated sediments to a depth of 758 feet consisted of a mixture of fine-grained sands with interbedded silt and clay layers. AECOM suggested that these sediments are likely to be the older alluvium/Bouse Formation sediments described in Bulletin 91-7 (CEC RSA, 2010).

Pliocene Bouse Formation

The Pliocene Bouse Formation underlies the Quaternary sediments. The Bouse Formation includes a marine to brackish-water estuarine sequence deposited in an arm of the proto-Gulf of

California (CEC RSA, 2010). This formation has alternatively been interpreted as, or may include, lacustrine sediments deposited in a closed, brackish basin (CEC RSA, 2010). The Bouse Formation is reported widely in the Colorado Valley and tributary basins in southeastern California and descriptions of this formation come from occurrences outside of Chuckwalla Valley. It is reported to be composed of a basal limestone (marl) overlain by interbedded clay, silt, sand, and tufa. The top of the Bouse Formation is relatively flat lying with a reported dip of approximately 2 degrees south of Cibola (CEC RSA, 2010). The Bouse Formation in the CVGB is estimated to extend to approximately 1,900 feet bgs (approximately -1,500 feet msl) beneath the site based on geophysical modeling (Figure 3.20-2) (CEC/BLM, 2010). These unconsolidated to semi-consolidated sediments are reported to yield several hundred gallons per minute (gpm) to wells perforated in coarse grained units (CEC RSA, 2010).

Miocene Fanglomerate

The Bouse Formation is unconformably underlain by a fanglomerate composed chiefly of angular to subrounded and poorly sorted partially to fully cemented pebbles with a sandy matrix (CEC RSA, 2010). The Fanglomerate is likely Miocene-age; however, it may in part be Pliocene-age (CEC RSA, 2010). The Fanglomerate represents composite alluvial fans built from the mountains towards the valley and the debris of the Fanglomerate likely represent a stage in the wearing down of the mountains following the pronounced structural activity that produced the basin and range topography in the area (CEC RSA, 2010). Bedding surfaces generally dip from the mountains towards the basin. The Fanglomerate reportedly dips between 2 and 17 degrees near the mountains due to structural warping (CEC RSA, 2010). The amount of tilting indicates a general decrease in structural movements since its deposition (CEC RSA, 2010). The Fanglomerate is estimated to extend to approximately 2,600 feet bgs (-2,000 feet msl) beneath the site based on geophysical modeling by Worley-Parsons in 2009 (CEC RSA, 2010).

Bedrock

Bedrock beneath the site consists of metamorphic and igneous intrusive rocks of pre-Tertiary age that form the basement complex (CEC RSA, 2010). In some areas of the basin, volcanic rocks of Tertiary age overlie the basement complex (CEC RSA, 2010). These rocks are considered nonwater bearing. The bedrock topography in the study area as interpreted by modeling of Bouguer gravity data obtained from USGS is illustrated in Figure 3.20-2 (CEC/BLM, 2010).

Groundwater Occurrence and Movement

In general, groundwater flow in the basin is south-southeastward (Figure 3.20-5) (CEC/BLM, 2010). Groundwater flow is directed southward from the basin's boundary with the Cadiz Valley Basin and east-southeastward from its boundary with the Pinto Valley Basin, toward the eastern basin boundary where it flows into the adjacent Palo Verde Mesa Basin (CEC RSA, 2010). The groundwater gradient is steepest in the western half of the basin and is nearly flat in the central portion of the basin (CEC RSA, 2010). Near Ford Dry Lake and east of Ford Dry Lake the gradient becomes steeper as groundwater approaches the narrows in the southeast portion of the basin (CEC RSA, 2010).

Groundwater levels exceed 500 feet amsl in the western portions of the basin and fall to less than 275 feet amsl near the eastern end of the basin in the narrows between the Mule and McCoy Mountains (CEC RSA, 2010). Near Palen Lake, groundwater occurs near the ground surface, resulting in groundwater discharge by evapotranspiration at the land surface. Near Ford Dry Lake, groundwater is reported at depths of 50 feet bgs. Beneath the project site, groundwater occurs at depths of approximately 180-200 feet bgs (approximately 400 feet amsl) based on site-specific investigation (Solar Millennium 2009a).

The DWR reports that groundwater levels in the basin are generally stable (CDWR, 2004). Figure 3.20-6 shows hydrographs for selected wells within the Chuckwalla Valley from 1958 to 2009 (CEC/BLM, 2010). The wells selected to present the hydrograph data were chosen to present the most complete set of historic water level elevation data across the Chuckwalla Valley. The hydrographs show that the water level has been generally stable over the last 40 years in the central and eastern parts of the basin. This area includes the project site. The hydrograph for well 7/20-18H1 in the eastern part of the basin shows a decrease in water level elevation occurred between 1985 and 1990. This well is associated with the Chuckwalla and Ironwood State prisons and the decline in water level is likely due to increased water use at the prisons. The hydrograph for well Township7S Range 18E-14H1 shows a slight (approximately 20 foot) increase in the water level between 1983 and 1992. This well and the three other wells at this location are associated with agriculture activities and the water level increase is likely due to the fallowing of the land.

The hydrographs for wells in the Desert Center area along Highway 177 show local effects of water level decline, attributable to increased agricultural pumping beginning in the early 1980s and ending in the mid 1980s. GEI estimated groundwater pumping in 1986 was about 20,000 afy, significantly up from the 1963 DWR estimate of 9,100 afy. Basin wide pumping declined rapidly since 1986 with recent estimates placing it at about 6,000 afy.

The inconsistency in groundwater level measurements makes it difficult to establish a specific year for the groundwater decline to have started. However, the hydrograph for well 4/16-32M1 suggests the decline started in 1980 and the water level had dropped approximately 50 feet at the time of the last water level measurement. The hydrograph for well 5/15-12N1, located approximately four miles to the southwest of well 4/16-32M1, shows only a small decline (approximately five feet) in the water table elevation. The water level readings in well 5/15-12N1 suggest the water level, at this well, has recovered to pre-pumping levels. The data presented in the hydrographs suggest that pumping around Desert Center induced a local cone of depression in that area that did not extend eastward into the area of the project site. The differential response and recovery to pumping in this area would suggest some compartmentalization of the aquifer system, which is expected since it is comprised of both interconnected and isolated alluvial fan deposits.

Aquifer Characteristics

The basin fill sediments within the CVGB include three aquifers: the alluvium, the Bouse Formation, and the Fanglerate. Groundwater in the alluvium likely occurs under unconfined conditions but could locally be semi-confined. Groundwater in the Bouse Formation and the Fanglerate was reported to be under semi-confined to confined conditions based on

stratigraphic data and storativity values derived from aquifer pumping tests approximately 17 miles southeast of the project site (CEC RSA, 2010). Table 3.20-6 summarizes the reported and estimated aquifer properties for these aquifers based on data from specific capacity tests and aquifer pumping tests performed on wells in the CVGB.

Groundwater Quality

Groundwater quality varies markedly in the basin. Groundwater in the western portion of the basin near Desert Center generally contains lower concentrations of total dissolved solids (TDS) than groundwater in the eastern, downgradient portion of the basin near Ford Dry Lake (CEC RSA, 2010). Groundwater to the south and west of Palen Lake is typically sodium chloride to sodium sulfate-chloride in character (CEC RSA, 2010). The detected concentrations of TDS in the basin range from 274 mg/L to 8,150 mg/L with an average concentration of 2,100 mg/L (CEC RSA, 2010). In general, the groundwater in the basin has concentrations of sulfate, chloride, fluoride, and dissolved solids too high for domestic use and concentrations of sodium, boron and dissolved solids too high for irrigation use (CEC RSA, 2010). Several of the wells sampled in the basin contain high levels of fluoride and boron.

Groundwater Wells in Proximity to the Project

A total of 88 water supply wells were identified in online databases in the CVGB (Appendix J of Solar Millennium 2009a). A field survey was conducted by AECOM (Solar Millennium 2009a) in July 2009 to identify well locations, confirm operational status, and estimate uses within the basin. The wells were categorized as either domestic, industrial, agricultural or municipal wells based on land use or information provided by the property owner.

A total of 15 wells were identified, most of which supported historic agricultural operations and many of which have been discontinued. Available information for water supply wells located within a one-mile radius of the project site is summarized in Table 3.20-7 and shown in Figure 3.20-7 (CEC/BLM, 2010).

3.20.3 Surface Water Hydrology

The project site is located within the Chuckwalla Valley Drainage Basin. There are no perennial streams in this drainage basin. Chuckwalla Valley is an internally drained basin, and all surface water flows to Palen Dry Lake in the western portion of the valley and Ford Dry Lake in the eastern portion of the valley. Palen Dry Lake is a “wet playa” with possibly significant shallow groundwater discharge at the ground surface by evaporation; whereas, Ford Dry Lake is a “dry playa,” with groundwater occurring well below the ground surface. Palen Dry Lake is located in the central portion of Chuckwalla Valley about 1 mile north of the project site.

Off-site stormwater flows impacting the site are from a large watershed area to the west and north which covers approximately 44 square miles. FEMA flood insurance rate maps have not been prepared for the project site or surrounding lands and the site does not lie within a federally mapped floodplain. The upstream extents of the contributing watersheds extend into the Chuckwalla

**TABLE 3.20-6
AQUIFER CHARACTERISTICS**

Geologic Unit	Well ID	Well Depth	Specific Capacity (gpm/ft)	Transmissivity (gpd/ft)	Hydraulic Conductivity (ft day)	Storativity	Basis
Alluvium (Western Basin)	OW-2	---		224,400	100	0.05	Aquifer test near Desert Center (Eagle Crest Energy Company 2009)
	CW-1 to CW-4			56,000	50	0.05	Aquifer test of Eagle Mountain Iron Mine wells (Eagle Crest Energy Company 2009)
				1,100-16,000	19.6-42	10 ² -10 ⁴	Aquifer test conducted for the project
	Average			74,000	53	0.05	---
Bouse Formation (Eastern Basin)	TW-1	50		21,542	3 to 16		Aquifer test and lab analysis conducted for the Genesis Solar project
	3	957	5	10,000	4		Specific Capacity Test
	26	1,000	1.5	3,000	1		Specific Capacity Test
	29	985	1.6	3,200	1		Specific Capacity Test
	43	830	35	70,000			Specific Capacity Test
	Average			21,500	12 to 14		—
Bouse Formation/ Fanglomerate (Eastern Basin)	33	1,200	14.8	29,600	8	---	Specific Capacity Test
	34	1,200	26.7	53,400	14	---	Specific Capacity Test
	35	1,200	51.6	103,200	28	---	Specific Capacity Test
	36	1,200	15.6	31,200	8	---	Specific Capacity Test
	37	1,050	12.9	25,806	11	0.0002	Aquifer test conducted at State prison
	39	1,139	11.1	22,222	13	---	Specific Capacity Test
	40	1,200	10.3	20,600	5	---	Specific Capacity Test
	42	1,100	19.7	39,444	15	---	Specific Capacity Test
	Average			40,684	13	0.0002	---
Fanglomerate	14	982	2.6	5,200	14		Specific Capacity Test

NOTES: Source: CEC RSA, 2010

Transmissivity from Specific Capacity Tests calculation by multiplying value by 2,000 for confined aquifers and by 1,500 for unconfined aquifers (Driscoll 1986).

**TABLE 3.20-7
SUMMARY OF GROUNDWATER QUALITY DATA^{a,b}
(ALL VALUES REPORTED IN MG/L UNLESS OTHERWISE INDICATED)^c**

Analyte	Well 5/17-33N1 (2009)	Well 5/17-20F1 (May 1957)	Well 5/17-30F1 (January 1960)	Well 5/17-30P1 (October 1958)	All Chuckwalla Valley Wells ^a
Arsenic	0.0157	—	—	—	—
Bicarbonate (HCO ₃)	122	104	90	420	21–1,950
Boron	1.82	0.0001	0.0006	0.0004	—
Calcium	31	50	30	12	5–585
Carbonates (CO ₃)	ND ^c	ND	ND	ND	0–129
Fluoride	6.1	1.8	—	0.3	0–12
Chloride	200	203	225	150	8–2,780
Iron	ND<0.1	—	—	—	—
Magnesium	4.72	6	—	2	0–208
Manganese	0.0127	—	—	—	—
Nitrate (NO ₃)	0.17 ^d	—	—	—	—
Selenium	ND<0.015	—	—	—	—
Sodium	352	225	240	240	2–6,720
Sulfate	380	241	155	89	9–1,110
Total Hardness (CaCO ₃)	830	150	75	38	3–2,300
TDS	1,010	803	695	783	274–12,300
pH (units)	—	7.4	8.1	8	7–8.7

NOTES:

- ^a Geochemical data for all wells within the Chuckwalla Groundwater Basin from available information in online databases and historic reports is provided in Solar Millennium 2009.
- ^b Metals data reported from the unfiltered (“total”) sample
- ^c mg/L = milligrams per liter; ND – not detected at the practical quantitation limit
- ^d Nitrate as Nitrogen.

Mountains to the southwest. The approximate extent of sub-basin boundaries within the overall watershed impacting the project were delineated utilizing a combination of USGS 7.5 minute quadrangle sheets and site specific aerial topography.

The overall watershed boundaries and sub-basin delineations, as well as the 100-year peak discharges for each sub-basin, are shown on Figure 3.20-8. Peak discharges for each sub-basin were calculated using the HEC-HMS model and generally followed the guidelines presented in the *Riverside County Flood Control and Water Conservation District Hydrology Manual*, and are summarized in Table 3.20-8. There is a potential issue of concern related to the watershed delineation of the Corn Springs Wash: A portion of the flow which reaches the Corn Spring Wash crossing at I-10 is diverted to that location by a berm and adjacent incised channel which extends from that crossing to the southeast for a distance of 2500 feet. It has been assumed this berm is not an engineered or routinely maintained structure. Failure of this berm could result in significant increase in flow coming under I-10 and into the Central Channel.

**TABLE 3.20-8
 SUMMARY OF OFFSITE PEAK DISCHARGES**

Sub-basin ID	Sub-basin Area	Q100 (cfs) (HEC-HMS)	Q100 (cfs) (Regression) ^a
OA	31.24	13,705	12,435
OB	6.31	2,108	3,994
OC	3.61	1,491	2,686
OD	1.04	287	1,110
OE	0.59	173	742
OF	0.95	172	1,041

NOTES:

^a The regional regression equation used in the analysis above was taken from the U.S. Geological Survey Water-Resources Investigations Report 94 4002: Nationwide Summary of U.S. Geological Survey regional Regression Equations for Estimating Magnitude and Frequency of Floods for Ungaged Sites, 1993. The equation provided was $Q100=1080A0.71$ for the South Lahontan-Cororado Desert Region.

A comparison was made between the discharge data provided as part of the Drainage Report and discharges obtained using the USGS Regional Regression Equation for the region. The purpose of the comparison was to provide some insight into the reasonableness of the calculated discharges when compared to some other regionally accepted methodology. In general, it appears that the HEC-HMS model and regional regression equations are well-correlated for the largest watershed but are significantly higher in the regional regression equation for the smaller watersheds. The subject area is likely flatter with more dispersed flow than the “average” watershed used in the derivation of the regional regression equation, which could account for lower discharges for the larger watersheds. Overall, the reported discharges appear to be reasonable for the purpose of design, with the exception of the potential for breakout from Corn Springs Wash watershed, which may increase flows in the adjacent watershed.

Dry Washes

There are no perennial streams in the Palen Dry Lake or Ford Dry Lake watersheds which could impact the project site. The vast majority of the time, the area is dry and devoid of any surface flow. Water runoff occurs only in response to infrequent intense rain storms. There are approximately 100 minor washes that cross the site from southwest to northeast, draining the area downstream of I-10 towards Palen Dry Lake. Many of these channels do not reach the dry lake but fade out on the vegetated sand dune surface. These channels are typically very subtle, with a width of 2-10 feet and a depth of 3-9 inches. They are found approximately every 100 feet when traversing across the project site perpendicular to the predominant flow direction, which is to the northeast.

Two significant ephemeral wash complexes cross the site from southwest to northeast, draining the area downstream of I-10 towards Palen Dry Lake. Both washes were traceable from the western project boundary to Palen Dry Lake. These major washes are observed as complexes of braided channels, with each channel being approximately 10-50 feet wide. The wash complexes widen out from their constriction at I-10 and are approximately 1,500 feet wide after

approximately a mile, after which they become very dispersed, lose definition and resemble minor washes. Within a mile of I-10, the major washes have created sandy zones approximately 1,500 feet wide on the less sandy alluvial gravel or thin sand sheets.

Springs, Seeps and Playa Lakes

One spring is listed in the CVGB in the vicinity of the project site, according to the National Water Information System (NWIS) database of Water Resources of the United States, which is maintained by the USGS. “Corn Spring” is shown on a geologic map of the area (CEC RSA, 2010). Corn Spring is approximately five to six miles southwest of the project site in the center of the Chuckwalla Mountains, at an elevation of approximately 1,600 ft. The spring discharges into Corn Spring Wash, an ephemeral dry wash where surface water flows towards the northeast and onto the project site. Corn Spring appears to derive its water from precipitation falling onto the Chuckwalla Mountains, and movement of groundwater under pressure along a historically active fault that bisects the mountains.

Two perennial springs are located in the eastern portion of Chuckwalla Valley, but are at a greater distance from the project site. These are McCoy Spring, located at the foot of the McCoy Mountains approximately 19 miles northeast of the site at an elevation of approximately 980 ft, and Chuckwalla Spring, located approximately 16 miles south of the site near the foot of the Chuckwalla Mountains, at an elevation of approximately 1,950 ft.

According to the NWIS database, seeps and surface discharge/outfall (along with streams, lakes, wetlands, and diversions) are categorized as “surface water sites” and four sites are located in the CVGB. One of the four locations is the aforementioned Corn Spring Wash. Two other sites are located near the northern edge of the Chuckwalla Mountains approximately eight and 13 miles west of the project site. Water in these three sites appears to originate from infiltration of precipitation that falls on the Chuckwalla Mountains as all three sites are located either within the Chuckwalla Mountains or are less than one mile downslope from the Chuckwalla Mountains.

The fourth surface water site listed in the NWIS database for the CVGB is Coxcomb Wash, located approximately eight miles northwest of the project site. Coxcomb Wash is an ephemeral dry wash that flows southeastward from the Coxcomb Mountains. As a result, groundwater extracted from the project site would not affect the flow of water in Coxcomb Wash. The locations of Corn Spring and other surface water sites identified in the NWIS database and through the several other data sources are shown on Figure 3.20-9 (CEC/BLM, 2010). The sites are listed on Table 3.20-9.

Tenajas are defined as seasonal precipitation-fed or ephemeral stream basins which can hold significant quantities of water. By definition (CEC RSA, 2010), ephemeral streams are a stream or reach of a stream that “flows briefly only in direct response to precipitation in the immediate locality and whose channel is at all times above the water table.” Tenajas act as natural cisterns along an ephemeral stream, and are by definition perched at all times above the groundwater table. Two tenaja locations were located in the study area and are noted, but will not be affected by groundwater extraction because they are not sustained by shallow groundwater. Similarly,

**TABLE 3.20-9
 SPRINGS AND SURFACE WATER SITES IN
 CHUCKWALLA VALLEY IN THE VICINITY OF THE SITE**

Site No.	Location Number	Location Name	Type	Distance from Project Site (miles)
1	USGS 10253750	Monument Wash near Desert Center, CA	Stream	7.2
2	USGS 10253540	Corn Springs Wash near Desert Center, CA	Stream	6.2
3	USGS 333731115193001	006S016E28DS01S (Corn Spring)	Spring	6.3
4	USGS 10253700	Palen Dry Lake near Desert Center, CA	Stream	13.8
5	USGS 10253800	Coxcomb Wash near Desert, Center CA	Stream	7.1
6	WHIPs ID S-376	Spring Tank	Spring	8.1
7	N/A	Tenaja	Pond	6.8
8	WHIPs ID S-375	Long Tank Tenaja	Pond	8.9
9	N/A	Desert Center Sewer Pond	Pond	8.5

SOURCE: CEC RSA, 2010

numerous wildlife water guzzlers (devices used to collect and store water derived from snow and/or rainwater for later use by wildlife in the area) for small and large game are identified, but these man-made structures are designed to store precipitation and would not be affected by groundwater pumping.

Playas are shallow, centrally located basins in which water gathers after a rain and quickly evaporates. Two playas in the form of Palen Dry Lake and Ford Dry Lake are present in the CVGB. Palen Dry Lake, which is three miles wide and about four miles long, is one mile north of the project site. Ford Dry Lake is about two miles wide and seven miles long and is located about seven miles southeast of the project site.

Stormwater Flow

Stormwater flow across and adjacent to the project site occurs in a network of generally shallow and moderately expressed alluvial channels, and during larger events, as more widespread sheetflow. In general, the channels become shallower and less defined the further they are from the Chuckwalla Mountains. I-10 is an important local control on drainage across the project site, as it intercepts a large number of ephemeral washes draining towards the site from upstream (southwest) of the interstate. These channels are captured by a series of berms and interceptor channels that run parallel with I-10, periodically passing the collected water under I-10 at bridges and creating larger washes that pass under the interstate. There are three distinct locations where this occurs upstream of the project. These flows are relatively concentrated near the southern project boundary, but quickly disperse into a network of smaller and less defined channels under existing conditions.

The Applicant provided graphical results of FLO-2D modeling for existing conditions that confirm the presence of some more defined drainages across the project site as well the occurrence of widespread and shallow sheet flooding across and adjacent to it.

Surface and Groundwater Beneficial Uses

The water quality control plan (or “Basin Plan”) of the Colorado River Basin Regional Water Quality Control Board (CRBRWQCB) establishes water quality objectives, including narrative and numerical standards that protect the beneficial uses of surface and ground waters in the region. The Basin Plan describes implementation plans and other control measures designed to ensure compliance with Statewide plans and policies and documents comprehensive water quality planning.

Beneficial water uses are of two types—consumptive and non-consumptive. Consumptive uses are those normally associated with people’s activities, primarily municipal, industrial and irrigation uses that consume water and cause corresponding reduction and/or depletion of water supply. Non-consumptive uses include swimming, boating, waterskiing, fishing, hydropower generation, and other uses that do not significantly deplete water supplies.

1. Past or Historical Beneficial Uses
 - a. Historical beneficial uses of water within the Colorado River Basin Region have largely been associated with irrigated agriculture and mining. Industrial use of water has become increasingly important in the Region, particularly in the agricultural areas.
2. Present Beneficial Uses
 - a. Agricultural use is the predominant beneficial use of water in the Colorado River Basin Region, with the major irrigated acreage being located in the Coachella, Imperial and Palo Verde Valleys. The second in quantity of usage is the use of water for municipal and industrial purposes. The third major category of beneficial use, recreational use of surface waters, represents another important segment of the Region’s economy.
3. Sources of Drinking Water Policy
 - a. All surface and ground waters are considered to be suitable, or potentially suitable, for municipal or domestic water supply with the exception of:
 - i. Surface and ground waters where: the total dissolved solids (TDS) exceed 3,000 mg/L, and it is not reasonably expected by the Regional Board to supply a public water system, or
 - ii. There is contamination, either by natural process or by human activity, that cannot be treated for domestic use using either Management Practices or best economically achievable treatment practices, or
 - iii. The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day.

Existing uses of waters from springs in the Colorado River Basin include the Box Spring, Crystal Spring, Old Woman Spring, Cove Spring, Mitchell Caverns Spring, Bonanza Spring, Agua

Caliente Spring, Kleinfelter Spring, Von Trigger Spring, Malpais Spring, and Sunflower Spring. Based on a review of available information include the USGS NWIS database, USGS quadrangle maps and data provided by the BLM, none of these springs are within the area that would be influenced by the project. Existing uses of water from springs in the Colorado River Basin include Bousic Spring, Veale Spring, Nett Spring, Gordon Spring, and Arctic Canyon Spring. None of these springs are within the area that would be influenced by the project.

Water quality objectives are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

1. General Surface Water Objectives (CRBRWQCB)

- a. *Aesthetic Qualities* – All waters shall be free from substance attributable to wastewater of domestic or industrial origin or other discharges which adversely affect beneficial uses not limited to: setting to form objectionable deposits; floating as debris, scum, grease, oil, wax, or other matter that may cause nuisances; and producing objectionable color, odor, taste, or turbidity.
- b. *Tainting Substances* – Waters shall be free of unnatural materials which individually or in combination produce undesirable flavors in the edible portions of aquatic organisms.
- c. *Toxicity* – All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in human, plant, animal, or indigenous aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, 96-hour bioassay or bioassays of appropriate duration or other appropriate methods as specified by the CRBRWQCB. Effluent limits based upon bioassays of effluent will be prescribed where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data to become available, and source control of toxic substances will be encouraged. The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or other control water which is consistent with the requirements for “experimental water” as described in Standards Methods for the Examination of Water and Wastewater.
- d. *Temperature* – temperature shall not be altered.
- e. *pH* – shall range from 6.0 to 9.0
- f. *Dissolved Oxygen* – shall not be reduced below the following minimum levels at any time: warm – 5.0 mg/L, cold – 8.0 mg/L, and warm and cold – 8.0mg/L
- g. *Total Dissolved Solids* – discharges of wastes or wastewater shall not increase the total dissolved solids content of receiving waters, unless it can be demonstrated to the satisfaction of the Regional Board that such an increase in total dissolved solids does not adversely affect beneficial uses.
- h. *Bacteria* – The geometric mean of the indicated bacterial densities should not exceed one or the other of the following: E. coli – 630 colonies (col) per 100 ml and enterococci – 165 col per 100 ml. Nor shall any sample exceed one other following maximum allowable: E. coli 2000 col per 100 ml and enterococci 500 col per 100 ml.

Any discharge, except from agricultural, shall not cause concentration of total dissolved solids in surface waters to exceed the following limits:

TDS (mg/L)	Annual Average	Maximum
Coachella Valley Drains	2,000	2,500
Palo Verde Valley Drains	2,000	2,500

2. General Groundwater Objectives: Establishment of numerical objectives for groundwater involves complex considerations and it is acknowledged that the quality of groundwater varies significantly throughout the CVGB and varies with depth. It is the CRBRWQCB's goal to maintain the existing quality of non-degraded groundwater basins and to minimize the quantities of contaminants reaching any groundwater basin.
 - a. Groundwater designated for domestic or municipal supply shall not contain taste or odor producing substances
 - b. Groundwater designated for domestic or municipal supply shall not contain coliform organisms in excess of limits specified in the regulations.
 - c. Groundwater designated for domestic or municipal supply shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, Title 22 regulations.
 - d. Discharges of water softeners regeneration brines, other mineralized wastes, and toxic wastes to disposal facilities which ultimately discharge in areas where such waste can percolate to ground waters useable for domestic and municipal purposes, are prohibited.

Wastewater reclamation and reuse is encouraged, however, such use must meet applicable water quality standards.

3.21 Wild Horse and Burros

As shown on Map 2-26 of the approved Northern and Eastern Colorado Desert Coordinated Management Plan (BLM CDD, 2002), there are no Wild Horse and Burro Herd Areas or Herd Management Areas within or adjacent to the project area or right-of-way application area.

3.22 Wildland Fire Ecology

The Biological Resources Study Area (Study Area) is located within the boundaries of BLM's NECO Plan. The NECO Plan boundary is shown in Figure 3.18-1. Compared to other parts of the State, there are relatively few fires in the planning area and most are small. In the 15 years between 1980 and 1995, a handful of fires burned a total of about 6,000 acres, all outside the project study area. Of this amount, about 900 acres in the Chemehuevi Critical Habitat Unit and about 11 acres in the Chuckwalla Critical Habitat Unit burned. Most fires in the desert are caused by lightning or vehicles.

The BLM and National Park Service (NPS) have collaborated in the development of the Fire Management Activity Plan (FMAP) 1996 for the California Desert. The FMAP brings together fire management goals for biological resources, wilderness, and other sources and establishes fire management standards and prevention and protection programs. The FMAP includes limitations on fire suppression methods in critical habitat and other tortoise habitat; the limitations are designed to limit habitat disturbance while keeping fires small.

The vegetation-fuel types in the project study area, Sonoran creosote bush scrub, desert dry wash woodland, unvegetated ephemeral dry wash, desert sink scrub, and desert dunes, are not fire-adapted. Fire, particularly repeated wildfire, is deleterious to these plant communities and tends to deplete the native woody shrubs that characterize and dominate these communities in favor of exotic weedy annuals (see Figure 3.18-1).

Exotic and invasive weedy annual plants such as Mediterranean splitgrass and red brome form a complete ground cover in some places, where they have displaced native annual and perennial grasses and forbs. There are indications that the increase in exotic annual grasses might be enhanced by nitrogen deposition from air pollution originating outside of the planning area (e.g., Los Angeles Basin, Coachella Valley) (BLM CDD, 2002). There is some evidence that disturbances such as livestock grazing, OHV use, and fire have contributed to the spread of exotic annuals (BLM CDD, 2002).

Disturbed areas are more likely to support exotic annual weeds. There are two of these cover types in the project study area: Developed and Agricultural land, totaling 900 acres (see Section 3.18, *Vegetation Resources*). These areas are most likely to support or carry wildfires in the project study area. The amount and extent of vehicle use and the amount and extent of disturbed areas are the primary variables in predicting changes to wildfire size and frequency.

Sonoran Desert Scrub is the dominant community type within the NECO Planning Area, covering 3.8 million acres, or 69 percent of the total area. The large majority of its distribution (86 percent) is on public lands. Major threats to this community type include fire, grazing, off-road vehicles, and invasions of alien species. Sonoran creosote bush scrub occupies approximately 74 percent of the project study area.

Wildfire suppression occurs with the minimum surface disturbance practical in all habitats. Wildfires are suppressed using a mix of only the following methods in order to minimize habitat disturbance:

1. Aerial attack,
2. Crews using hand tools to create fire breaks,
3. Mobile attack engines limited to public roads, designated open routes, and routes authorized for limited-use,
4. Use of foam and/or fire retardant, and
5. Use of earth-moving equipment or tracked vehicles (such as bulldozers) in critical situations to protect life, property, or high-value resource.

Post fire-suppression mitigation includes rehabilitation of firebreaks and other ground disturbances and obliteration of vehicle tracks sufficient to discourage future casual use. Hand tools are used for rehabilitation activities whenever feasible.

3.23 Wildlife Resources

This section is based on, and draws heavily from, the CEC's Staff Assessment and Revised Staff Assessment for the Palen Solar Power Project (PSPP) (CEC/BLM, 2010; CEC RSA, 2010). The PSPP would be located in the Chuckwalla Valley between the Chuckwalla and Palen mountains in eastern Riverside County (DTPC, 2006 as cited in the CEC RSA, 2010). The Biological Resources Study Area (Study Area) consists of a 14,771-acre area that encompasses the Project Disturbance Area (including the transmission Disturbance Area) and a surrounding buffer area. The project site would be located within the central portion of Chuckwalla Valley, an area east of Palm Springs in the remote Colorado Desert, a subsection of the Sonoran Desert.

The project site is located within two areas designated in the NECO plan as wildlife habitat management areas (WHMA): Palen-Ford WHMA and Desert Wildlife Management Area (DWMA) Connectivity WHMA. Management emphasis for the Palen-Ford WHMA is on the management of the dunes and playas within the Palen-Ford dune system. Management emphasis for the DWMA Connectivity WHMA is on the geographic connectivity for the desert tortoise for the conservation areas east of Desert Center (i.e., connectivity between the Chuckwalla DWMA and the wilderness area north of I-10). The Palen-McCoy Wilderness is approximately 3 miles to the northeast of the project site, the Chuckwalla Desert Wildlife Habitat Management Area (DWMA) is located approximately 2 miles to the south, and the Palen Dry Lake ACEC borders the project site to the east.

Examples of common animal species observed or detected in the Study Area included house finch (*Carpodacus mexicanus*), white-crowned sparrow (*Zonotrichia leucophrys*), northern flicker (*Colaptes auratus*), Say's phoebe (*Sayornis saya*), kangaroo rat (*Dipodomys sp.*), round-tailed ground squirrel and antelope ground squirrel (*Spermophilus tereticaudus*, *Ammospermophilus leucurus*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), desert kit fox (*Vulpes macrotis arsipus*), and coyote (*Canis latrans*) (HELIX, 2010 as cited in the CEC RSA, 2010).

3.23.1 Special Status Wildlife

Special-status wildlife are species that have been afforded special recognition by Federal, State, or local resource agencies or organizations. Listed and special-status species are often of relatively limited distribution and typically require unique habitat conditions. Special-status wildlife are defined as meeting one or more of the following criteria:

1. Listed as threatened or endangered or candidates for future listing as threatened or endangered under FESA or CESA;
2. Protected under other statutes or regulations (e.g., Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, etc.);
3. Listed as species of concern by CDFG;

4. Considered a locally significant species. That is, a species that is not rare from a State-wide perspective, but is rare or uncommon in a local context such as within a county or region, or is so designated in local or regional plans, policies, or ordinances; or
5. For consistency with the SA/DEIS, any other species receiving consideration during environmental review under CEQA.

The BLM designates Sensitive species as those requiring special management considerations to promote their conservation and reduce the likelihood and need for future listing under FESA. BLM Sensitive species include all Federal Candidate and Federally Delisted species which were so designated within the last 5 years, and CNPS List 1B species that occur on BLM lands. For the purposes of this document, all BLM Sensitive species are analyzed as special-status species.

Wildlife Resources Table 3.23-1 lists all special-status wildlife species evaluated during the analysis that are known to occur, or could potentially occur in the study area and vicinity. Special-status wildlife species detected, considered possible, or likely to occur based on known occurrences in the vicinity and suitable habitat present within the Study Area, are discussed in more detail below. Special-status species observed during the 2009 field surveys are indicated by **bold-face type** (Solar Millennium, 2009a; AECOM, 2010a as cited in the CEC RSA, 2010).

3.23.2 Desert Tortoise

The desert tortoise was State-listed in California as threatened on August 3, 1989. The Mojave population was listed as threatened under FESA on April 2, 1990, and critical habitat was designated on February 8, 1994. The Mojave population of the desert tortoise includes those animals living north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran (Colorado) Desert in California (USFWS, 1990; USFWS, 1994a as cited in the CEC RSA, 2010). The desert tortoise's range, outside the listed Mojave population, extends into the Sonoran Desert, where tortoises occur in the lower Colorado River Valley, Arizona uplands, plains of Sonora, and Sonora's central Gulf Coast; the species has not been documented in northeastern Baja California (Germano et al., 1994 as cited in the CEC RSA, 2010) (Figures 3.23-1 and 3.23-2).

Desert tortoises are well adapted to living in a highly variable and often harsh desert environment. They spend much of their lives in burrows, even during their seasons of activity, which generally coincides with the greatest annual forage availability. In late winter or early spring, they emerge from over-wintering burrows and typically remain active through fall. Activity does decrease in summer, but tortoises often emerge after summer rain storms to drink (Henen et al., 1998 as cited in the CEC RSA, 2010).

During activity periods, desert tortoises eat a wide variety of herbaceous vegetation, particularly grasses and the flowers of annual plants (Berry, 1974; Luckenbach, 1982; Esque, 1994 as cited in the CEC RSA, 2010). During periods of inactivity, they consume very little food and their metabolism and water loss are reduced. Adult desert tortoises lose water at such a slow rate that they can survive for more than a year without access to free water of any kind and can apparently

**TABLE 3.23-1
SPECIAL-STATUS WILDLIFE KNOWN OR WITH POTENTIAL TO OCCUR IN THE
BIOLOGICAL RESOURCES STUDY AREA**

WILDLIFE		
Common Name	Scientific Name	Status State/Federal
Reptiles/Amphibians		
Desert tortoise	<i>Gopherus agassizii</i>	ST/FT/_
Couch's spadefoot toad	<i>Scaphiopus couchii</i>	CSC/_/_/BLM Sensitive
Mojave fringe-toed lizard	<i>Uma scoparia</i>	CSC/_/BLM Sensitive
Birds		
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	CSC/BCC/BLM Sensitive
Golden eagle	<i>Aquila chrysaetos</i>	CFP/_/_/BLM Sensitive
Short-eared owl	<i>Asio flammeus</i>	CSC/_/_
Ferruginous hawk	<i>Buteo regalis</i>	WL/_/_/BLM Sensitive
Swainson's hawk	<i>Buteo swainsoni</i>	ST/_/_
Prairie falcon	<i>Falco mexicanus</i>	WL/_/_
American peregrine falcon	<i>Falco peregrinus anatum</i>	CFP/_/_
Vaux's swift	<i>Chaetura vauxi</i>	CSC/_/_
Mountain plover	<i>Charadrius montanus</i>	CSC/_/_/BLM Sensitive
Northern harrier	<i>Circus cyaneus</i>	CSC/_/_
Gilded flicker	<i>Colaptes chrysoides</i>	SE/_/_
Yellow warbler	<i>Dendroica petechia sonorana</i>	CSC/_/_
California horned lark	<i>Eremophila alpestris actia</i>	WL/_/_
Yellow-breasted chat	<i>Icteria virens</i>	CSC/_/_
Loggerhead shrike	<i>Lanius ludovicianus</i>	CSC/BCC/_
Gila woodpecker	<i>Melanerpes uropygialis</i>	SE/_/_
Black-tailed gnatcatcher	<i>Poliophtila melanura</i>	_/_/_
Purple martin	<i>Progne subis</i>	CSC/_/_
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	CSC/_/_
Bendire's thrasher	<i>Toxostoma bendirei</i>	CSC/_/_/BLM Sensitive
Crissal thrasher	<i>Toxostoma crissale</i>	CSC/_/_
Le Conte's thrasher	<i>Toxostoma lecontei</i>	WL/BCC/BLM Sensitive
Mammals		
Pallid bat	<i>Antrozous pallidus</i>	CSC/_/_/BLM Sensitive
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	CSC/_/_/BLM Sensitive
Spotted bat	<i>Euderma maculatum</i>	CSC/_/_/BLM Sensitive
Western mastiff bat	<i>Eumops perotis californicus</i>	CSC/_/_/BLM Sensitive
Hoary bat	<i>Lasiurus cinereus</i>	_/_
California leaf-nosed bat	<i>Macrotus californicus</i>	CSC/_/_/BLM Sensitive
Arizona myotis	<i>Myotis occultus</i>	CSC/_/_
Cave myotis	<i>Myotis velifer</i>	CSC/_/_/BLM Sensitive
Yuma myotis	<i>Myotis yumanensis</i>	_/_/_/BLM Sensitive
Colorado Valley woodrat	<i>Neotoma albigula venusta</i>	_/_

**TABLE 3.23-1 (Continued)
SPECIAL-STATUS WILDLIFE KNOWN OR WITH POTENTIAL TO OCCUR IN THE
BIOLOGICAL RESOURCES STUDY AREA**

WILDLIFE		
Common Name	Scientific Name	Status State/Federal
Mammals (cont.)		
Pocket free-tailed bat	<i>Nyctinomops femorosaccus</i>	CSC/_/_
Big free-tailed bat	<i>Nyctinomops macrotis</i>	CSC/_/_
Burro deer	<i>Odocoileus hemionus eremicus</i>	CPGS _/_/_
Nelson's bighorn sheep	<i>Ovis canadensis nelson</i>	_/_/BLM Sensitive
Yuma mountain lion	<i>Puma concolor browni</i>	CSC/_/_
American badger	<i>Taxidea taxus</i>	CSC/_/_
Desert kit fox	<i>Vulpes macrotis arsipus</i>	CPF/_/_

Status Codes:

- Federal** FE = Federally listed endangered: species in danger of extinction throughout a significant portion of its range
 FT = Federally listed, threatened: species likely to become endangered within the foreseeable future
 BCC = Fish and Wildlife Service: Birds of Conservation Concern: Identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities, www.fws.gov/migratorybirds/reports/BCC2002.pdf
- State** CSC = California Species of Special Concern Species of concern to CDFG because of declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.
 CFP = California Fully Protected
 SE = State listed as endangered
 ST = State listed as threatened
 WL = State watch list
 CPF = California Protected Furbearing Mammal
 CPGS = California Protected Game Species
- Bureau of Land Management**
 BLM Sensitive = Species that require special management consideration to avoid potential future listing under the FESA and that have been identified in accordance with procedures set forth in BLM Manual 6840, the Special Status Species Management Manual for the Bureau of Land Management (Dec. 12, 2008).

SOURCE: CNDDDB, 2010 as cited in the CEC RSA, 2010

tolerate large imbalances in their water and energy budgets (Nagy and Medica, 1986; Peterson, 1996a,b; Henen et al., 1998 as cited in the CEC RSA, 2010).

The size of desert tortoise home ranges varies with respect to location and year (Berry, 1986a as cited in the CEC RSA, 2010), and also serves as an indicator of resource availability and opportunity for reproduction and social interactions (O'Connor et al., 1994 as cited in the CEC RSA, 2010). Females have long-term home ranges that may be as little as or less than half that of the average male, which can range to up to 200 acres (Burge, 1977; Berry, 1986a; Duda et al., 1999; Harless et al., 2009 as cited in the CEC RSA, 2010). Core areas used within tortoises' larger home ranges depend on the number of burrows used within those areas (Harless et al., 2009 as cited in the CEC RSA, 2010). Over its lifetime, each desert tortoise may use more than 1.5 square miles of habitat and may make periodic forays of more than 7 miles at a time (Berry, 1986a as cited in the CEC RSA, 2010).

Tortoises are long-lived and grow slowly, requiring 13 to 20 years to reach sexual maturity. They have low reproductive rates during a long period of reproductive potential (Turner et al., 1984a; Bury, 1987; Germano, 1994 as cited in the CEC RSA, 2010). Mating occurs both during spring and fall (Black, 1976; Rostal et al., 1994 as cited in the CEC RSA, 2010), and the number of eggs as well as the number of clutches (set of eggs laid at a single time) that a female desert tortoise can produce in a season is dependent on a variety of factors including environment, habitat, availability of forage and drinking water, and physiological condition (Turner et al., 1986, 1987; Henen, 1997; McLuckie and Fridell, 2002 as cited in the CEC RSA, 2010). Egg-laying occurs primarily from April to July (Rostal et al., 1994; USFWS, 1994a as cited in the CEC RSA, 2010); the female typically lays 2-14 eggs (average 5-6) eggs in an earthen chamber excavated near the mouth of a burrow or under a bush (Woodbury and Hardy, 1948; USFWS, 1994a as cited in the CEC RSA, 2010). The eggs typically hatch 90 to 120 days later, between August and October. The success rate of clutches has proven difficult to measure, but predation, while highly variable (Bjurlin and Bissonette, 2004 as cited in the CEC RSA, 2010), appears to play an important role in clutch failure (Germano, 1994 as cited in the CEC RSA, 2010).

The majority of threats to the desert tortoise and its habitat are associated with human land uses. Many of those identified in the Desert Tortoise (Mojave Population) Recovery Plan (1994 as cited in the CEC RSA, 2010), and that formed the basis for listing the species as threatened, continue to affect the tortoise today (USFWS, 2008a as cited in the CEC RSA, 2010). Some of the threats identified at the time of listing include urbanization, upper respiratory tract disease and possibly other diseases, predation by common ravens and domestic and feral dogs, unauthorized off-road vehicle activity, authorized vehicular activity, illegal collecting, mortality on paved roads, vandalism, drought, livestock grazing, feral burros, non-native plants, changes to natural fire regimes, and environmental contaminants (USFWS, 1994a as cited in the CEC RSA, 2010).

Even though a wide range of threats are known to affect desert tortoises and their habitat, very little is known about their demographic impacts on tortoise populations or the relative contributions each threat makes to tortoise mortality (Boarman, 2002a as cited in the CEC RSA, 2010). Extensive research shows that all of these threats can directly kill or indirectly affect tortoises; research has also clarified many mechanisms by which these threats act on individuals. While current research results can lead to predictions about how local tortoise abundance should be affected by the presence of threats, quantitative estimates of the magnitude of these threats, or of their relative importance, have not yet been developed. Thus, the revised recovery plan focuses on expanding the knowledge of individual threats and places emphasis on understanding their multiple and combined effects on tortoise populations (USFWS, 2008a as cited in the CEC RSA, 2010).

The original Desert Tortoise (Mojave Population) Recovery Plan identified 6 recovery units (Upper Virgin River, Northeastern Mojave, Eastern Mojave, Eastern Colorado, Northern Colorado, and Western Mojave) and recommended the establishment of 14 DWMA's throughout the recovery units (USFWS, 1994a as cited in the CEC RSA, 2010)(Figure 3.23-1). Since 1994, greater insight into patterns of both ecological and genetic variation within the Mojave tortoise population has been gained. While the revised recovery plan has not yet been finalized, based on

this new information, the revision redefines the recovery units to balance both distinctiveness and variability within the population. Given the generally continuous variation in genetic structure and biomes across the Mojave desert tortoise's range, the approach in delineating revised recovery units stresses identification of geographic discontinuities or barriers that coincide with any observed variation among tortoise populations. Several potential barriers are evident from topographic maps, the U.S. Geological Survey habitat model (Nussear et al., 2009 as cited in the CEC RSA, 2010), and landscape genetic analyses (Hagerty, 2008 as cited in the CEC RSA, 2010). Differences in genetic, ecological, and physiological characteristics to help highlight boundaries or other differences between units were used in the delineation. In doing this, the USFWS considered demographic, ecological, and behavioral considerations to be of greater importance than genetic issues alone, as have been suggested by researchers providing recommendations on the formulation of conservation plans for threatened or endangered species (Awise, 2004, pp. 486, 487; Mace and Purvis, 2008 as cited in the CEC RSA, 2010). The draft revised recovery plan reduces the number of recovery units from six to five, which reflects the newly obtained information and ensures that local adaptations and critical genetic diversity are maintained (USFWS, 2008a as cited in the CEC RSA, 2010).

According to the 1994 Recovery Plan, the project would be located within Eastern Colorado Recovery Unit, which was merged with the Northern Colorado Recovery Unit in the draft revised recovery plan and referred to simply as the Colorado Desert Recovery Unit (USFWS, 2008a as cited in the CEC RSA, 2010). Within this recovery unit, desert tortoise are found primarily in "well-developed washes, desert pavements, piedmonts, and rocky slopes characterized by relatively species-rich succulent scrub, creosote bush scrub, and blue palo verde-ironwood-smoke tree communities" (USFWS, 1994a as cited in the CEC RSA, 2010). Habitat within this recovery unit has been described as being in excellent condition despite declines in tortoise densities over the past several decades; disturbance was estimated at less than 1.3 percent throughout (USFWS, 2005 as cited in the CEC RSA, 2010). The highest desert tortoise densities within this recovery unit occur in Chemehuevi and Ward valleys (approximately 60 miles north of the project site), on the Chuckwalla Bench within the Chuckwalla Desert Wildlife Management Area (DWMA and associated Critical Habitat Unit are shown in Figure 3.23-1) and in Joshua Tree National Park (approximately 40 miles northwest of the project site). Desert tortoise densities at the Chuckwalla Bench in 1992 were estimated between 22 and 49 adults per square kilometer (approximately 57–127 adults per square mile) but have shown declining trends (Berry, 1997; Tracey et al., 2004 as cited in the CEC RSA, 2010). According to the 1994 Recovery Plan, tortoise densities in the Eastern Colorado Recovery Unit were estimated between 5 and 175 adult tortoises per square mile and the area was given a threat level of 4 out of 5 (5 = extremely high) (USFWS, 1994a as cited in the CEC RSA, 2010). Density estimates based on range-wide line distance sampling monitoring from 2001–2005 (USFWS, 2006 as cited in the CEC RSA, 2010) are lower than estimates from earlier studies (Luckenbach, 1982; Berry, 1984 as cited in the CEC RSA, 2010), but these simple comparisons cannot be taken at face value when the historical monitoring efforts were conducted using different techniques and with different goals. Differences may also reflect a difference in scale between methods, with relatively large historical tortoise densities estimated in small, local areas being smoothed over larger areas with range-wide sampling. However, low tortoise densities across recovery units from 2001-2005 also may represent continued decline of

populations throughout the Mojave Desert since the species was listed (USFWS, 2006 as cited in the CEC RSA, 2010).

Protocol-level surveys of the Study Area were conducted between March 17 and May 22, 2009 (Study Area except substation) and October 24 to 25, 2009 (substation site and buffer). Survey results of the Project Disturbance Area include 17 burrows (Class 3–5), 15 pellets (Class 4 or 5), and 19 tortoise shell remains (Class 5) (AECOM, 2010a as cited in the CEC RSA, 2010). Preliminary spring survey results identified seven tortoises (adult and juvenile) in the project area; four along the generation tie line and three other tortoises south of I-10, the latter being outside of the Project Disturbance Area and buffer area. Only one of these occurrences was within the Project Disturbance Area along the gen-tie line (Solar Millennium, 2010k, Table 1). Additional observations from project area buffers are included in the Applicant's Revised Desert Tortoise Technical Report (Galati & Blek, 2010b as cited in the CEC RSA, 2010). In addition, resource agency staff located a possible desert tortoise burrow near the bridge associated with the large wash that flows into the center of the Project Disturbance Area (LaPre, pers. comm. as cited in the CEC RSA, 2010).

The Applicant has indicated that the Project Disturbance Area north of I-10 (including the Chuckwalla Critical Habitat Unit [CHU]) supports lower quality desert tortoise habitat and the only moderate quality habitat within the Project Disturbance Area is south of I-10 (Galati & Blek, 2010b; Solar Millennium, 2010m, Table 5 as cited in the CEC RSA, 2010). The Applicant has indicated that approximately 3,738 acres of suitable habitat occurs in the Project Disturbance Area, which encompasses all habitats excluding developed, agriculture, and stabilized and partially stabilized desert dunes (Solar Millennium 2010m, Table 5 as cited in the CEC RSA, 2010). Aside from developed areas and sand dunes, the entire Project Disturbance Area contains suitable habitat of this species. Higher value habitat is found south of I-10 corresponding with higher elevation alluvial fan plant communities.

3.23.3 Mojave Fringe-toed Lizard

The Mojave fringe-toed lizard is endemic to southern California and a small area of western Arizona, where it is restricted to aeolian sand habitats in the deserts of Los Angeles, Riverside, and San Bernardino Counties in California and La Paz County in Arizona (Hollingsworth and Beaman, 1999; Stebbins, 1985 as cited in the CEC RSA, 2010)(Figures 3.23-3 and 3.23-4). Nearly all records for this species are associated with present-day and historical drainages and associated sand dune complexes of the Mojave and Amargosa Rivers (Norris, 1958 as cited in the CEC RSA, 2010).

The distribution of Mojave fringe-toed lizards is naturally fragmented because of its obligate habitat specificity to loose sand, a patchy habitat type (Murphy et al., 2007 as cited in the CEC RSA, 2010). Many local populations of this species are quite small, with small patches of sand supporting small populations of lizards. This fragmented pattern of distribution leaves the species vulnerable to local extirpation from additional habitat disturbance and fragmentation (Murphy et al., 2007 as cited in the CEC RSA, 2010). The loose wind-blown sand habitat, upon which the species is dependent, is a fragile ecosystem requiring the protection against both direct and

indirect disturbances (Weaver, 1981; Barrows, 1996 as cited in the CEC RSA, 2010). Environmental changes that stabilize sand, affect sand sources, or block sand movement corridors will affect this species (Turner et al., 1984; Jennings and Hayes, 1994 as cited in the CEC RSA, 2010). Additional threats to this species include habitat loss or damage from urban development, off-highway vehicles (OHV), and agriculture. Aside from the direct loss of land, development can also increase predators, such as the common raven or coyote, to occupied habitat.

Murphy et al. (2006 as cited in the CEC RSA, 2010) identified two maternal lineages of this species; the northern lineage is associated with the Amargosa River drainage system, and the southern with the Mojave River drainage system, Bristol Trough, Clark's Pass (including Palen Lake and Pinto Wash), and the Colorado River sand transport systems.

The Mojave fringe-toed lizard is found in arid, sandy, sparsely vegetated habitats and is associated with creosote scrub throughout much of its range (Norris, 1958; Jennings and Hayes, 1994 as cited in the CEC RSA, 2010). This species is totally restricted to habitats of fine, loose, aeolian sand, typically with sand grain size no coarser than 0.375 mm in diameter (Turner et al., 1984; Jennings and Hayes, 1994; Stebbins, 1944 as cited in the CEC RSA, 2010). It burrows in the sand for both cover from predators and protection from undesirable temperatures (Stebbins, 1944 as cited in the CEC RSA, 2010), though it also will seek shelter in rodent burrows. They are primarily insectivorous, but also eat plant food including leaves, seeds and buds (Stebbins, 1944 as cited in the CEC RSA, 2010).

Mojave fringe-toed lizards normally hibernate from November to February, emerging from hibernation sites from March to April. The breeding season is April to July. Adult Mojave fringe-toed lizards reach sexual maturity two summers after hatching. Females deposit 2-5 eggs in sandy hills or hummocks in May through July (Mayhew, 1964, Jennings and Hayes, 1994 as cited in the CEC RSA, 2010). April to May, while temperatures are relatively cool, this species is active during mid-day. From May to September, they are active in mornings and late afternoon, but seek cover during the hottest parts of the day. Common predators of the Mojave fringe-toed lizard include burrowing owls, leopard lizards, badgers, loggerhead shrikes, roadrunners, various snakes, and coyotes (Jennings and Hayes, 1994 as cited in the CEC RSA, 2010).

Nearly half of the Project Disturbance Area, or approximately 1,781 acres (Solar Millennium, 2009m), contains suitable Mojave fringe-toed lizard habitat, including stabilized and partially stabilized sand dunes, some wash habitat, and other areas within Sonoran creosote bush scrub habitat with appropriate soils (Solar Millennium, 2009a-AFC Volume II, Appendix F as cited in the CEC RSA, 2010). Numerous Mojave fringe-toed lizards were found in the northeastern half of the Study Area during spring 2009 and 2010 surveys, including 112 within the Project Disturbance Area during 2009 (Solar Millennium, 2009a-AFC Volume II, Appendix F as cited in the CEC RSA, 2010). During 2010 spring surveys, five Mojave fringe-toed lizards were observed within the project Study Area for a total of 117 observations of this species within the Project Disturbance Area from 2009 and 2010 (Solar Millennium, 2010m, Table 6; Solar Millennium, 2010k, Table 3 as cited in the CEC RSA, 2010). An additional 62 Mojave fringe-toed lizards

were observed within the buffer area according to preliminary spring 2010 survey results (Solar Millennium 2010k, Table 3 as cited in the CEC RSA, 2010).

3.23.4 Couch's Spadefoot Toad

Couch's spadefoot toad is found in southeastern California east through Arizona, New Mexico, Texas, and Oklahoma, south to San Luis Potosi, Nayarit, Mexico, at the southern tip of Baja California, Mexico, and an isolated population in Colorado. In California, it is found in the extreme southeast, including southeastern San Bernardino County and eastern Riverside and Imperial Counties (Jennings and Hayes, 1994 as cited in the CEC RSA, 2010). The project area is west of the range for this species as the range is described in the NECO plan (BLM CDD, 2002 as cited in the CEC RSA, 2010) and Amphibian and Reptile Species of Special Concern in California (Jennings and Hayes, 1994 as cited in the CEC RSA, 2010) (Figure 3.23-5); however, Dimmitt (1977 as cited in the CEC RSA, 2010) identifies the Palen Dry Lake area as a place of interest for further surveys.

Couch's spadefoot toad is found in a variety of plant communities, including desert dry wash woodland, shortgrass plains, creosote bush scrub, and alkali sink scrub. The species requires habitat with substrate capable of sustaining temporary pools for breeding, and loose enough to permit burial in subterranean burrows (Jennings and Hayes, 1994; BLM CDD, 2002 as cited in the CEC RSA, 2010). Breeding habitat includes temporary impoundments at the base of dunes as well as road or railroad embankments, temporary pools in washes or channels, pools that form at the downstream end of culverts, and playas (Morey, 2005; Morey, pers. comm.; Mayhew, 1965 as cited in the CEC RSA, 2010). Natural scour sites in washes with breeding toads (included in Dimmitt 1977 as cited in the CEC RSA, 2010) can wash down to a hardpan, enabling ponding (Dimmitt, pers. comm. as cited in the CEC RSA, 2010). The majority of known breeding ponds are artificial possibly because of the difficulty of locating natural ponds within the limited amount of time ponds may retain water. Couch's spadefoot toads primarily eat termites, but they also eat beetles, ants, grasshoppers, solpugids, scorpions, and centipedes.

This species is dormant from 8-10 months of the year, emerging from burrows at the onset of warm summer rains. Emergence appears to be triggered by the low frequency sound caused by falling rain, though it appears to be inhibited by low soil temperatures (CEC RSA, 2010 as cited in the CEC RSA, 2010).

Threats to Couch's spadefoot include loss of habitat from urbanization, agriculture, and impacts from off-highway vehicles, which can destroy potential pool habitat. There are also indications that the low-frequency sound created by off-highway vehicles may create emergence cues, and result in emergence during poor environmental conditions (Jennings and Hayes, 1994 as cited in the CEC RSA, 2010). Emergence also may be triggered by construction vehicle noise (Dimmitt, pers. comm. as cited in the CEC RSA, 2010).

No Couch's spadefoot toads were observed during surveys; however, because of the short time this species is above ground, and because the surveys were not conducted during the proper season (i.e., after summer rains), the lack of observations does not suggest the species is absent

from the project site. The closest known record for this species is from Dimmitt (1977 as cited in the CEC RSA, 2010) from a breeding pond in a borrow pit near the east end of Chuckwalla Road, south of I-10 (about 15 miles east of the project site). The project area is west of the range for this species as described in the NECO plan and Jennings and Hayes (1994) as cited in the CEC RSA, 2010; however, Dimmitt (1977 as cited in the CEC RSA, 2010) indicates that the Palen Mountains and surrounding bajadas could support marginal populations and should be surveyed. Couch's spadefoot toads could potentially occur wherever friable soils occur in the project site, and breeding habitat could occur wherever there is the potential for sustained ponding.

Couch's spadefoot toads require substrates capable of sustaining ponding for at least nine days (Morey, 2005), but the general characterization of soils at the project (?) site as permeable is insufficient to eliminate the possibility of suitable habitat occurring onsite. Micro-site characteristics within the landscape, that may not be detectable other than by specific surveys, may allow for ponding and provide suitable breeding habitat. Review of aerial photographs of the project area did not identify any areas of obvious ponding. In comparing site aerials to aerial photographs of a known historical location (i.e., the intersection of Wiley Well Road and I-10) and from limited reconnaissance surveys, it appears that there is limited potential for breeding habitat at the project site. Adult dispersal distance is largely unknown (Dimmitt, pers. comm.); if breeding ponds occur off-site (such as the Palen Lake area) within adult dispersal distance, adults could occur on the project site wherever there are friable soils suitable for burrowing. Based on review of an analysis of the ponding potential on the project site, it appears that the site does not have the potential due to the permeability of site soils or show evidence of sustained ponding, and that the species is not expected to occur on the project site (AECOM, 2010t as cited in the CEC RSA, 2010). Consequently, it appears that there is limited potential for Couch's spadefoot toad breeding habitat on the project site.

3.23.5 Western Burrowing Owl

The western burrowing owl inhabits arid lands throughout much of the western United States and southern interior of western Canada (Haug et al., 1993 as cited in the CEC RSA, 2010) and is typically a year-round resident in much of California (Gervais et al., 2008 as cited in the CEC RSA, 2010).

Burrowing owls are unique among the North American owls in that they nest and roost in abandoned burrows, especially those created by California ground squirrels, kit fox, desert tortoise, and other wildlife. Burrowing owls have a strong affinity for previously occupied nesting and wintering habitats. They often return to burrows used in previous years, especially if they were successful at reproducing there in previous years (Gervais et al., 2008 as cited in the CEC RSA, 2010) (Figure 3.23-6). The southern California breeding season (defined as from pair bonding to fledging) generally occurs from February to August with peak breeding activity from April through July (Haug et al., 1993 as cited in the CEC RSA, 2010).

In the Colorado Desert, western burrowing owls generally occur at low densities in scattered populations, but they can be found in much higher densities near agricultural lands, including along the lower Colorado River, where rodent and insect prey tend to be more abundant (Gervais

et al., 2008 as cited in the CEC RSA, 2010). Western burrowing owls tend to be opportunistic feeders. Large arthropods, mainly beetles and grasshoppers, comprise a large portion of their diet. Small mammals, especially mice and voles (*Microtus*, *Peromyscus* and *Mus spp.*), also are important food items for this species. Other prey animals include small reptiles and amphibians, young cottontail rabbits, bats, and birds such as sparrows and horned larks. Consumption of insects increases during the breeding season (Haug et al., 1993 as cited in the CEC RSA, 2010).

Threats to burrowing owls include habitat modification and destruction of ground squirrel burrows. Other threats include pesticide accumulation, burrow destruction from farming practices and canal and road maintenance, roadside shooting, and direct mortality from squirrel poisons (BLM CDD, 2002; Gervais et al., 2008).

Phase I through III protocol-level surveys of part of the Project Disturbance Area (except the substation) were conducted in spring and summer 2009. A habitat assessment was completed for this site in fall 2009. Part of the northern end of the Project Disturbance Area is densely covered in Sahara mustard; other than this area, the entire Project Disturbance Area is suitable western burrowing owl habitat. Two pairs with juveniles and four active burrows with sign were identified during 2009 protocol surveys (Solar Millennium, 2009b, Appendix F, Attachment J as cited in the CEC RSA, 2010). Survey results from 2010 indicate that a total of 4 burrowing owls with active burrows have been observed within the Project Disturbance Area to date (Solar Millennium, 2010m, Table 6 as cited in the CEC RSA, 2010).

3.23.6 Golden Eagle

Golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668a - d, as amended), and are typically year-round residents throughout most of their western United States range. They breed from late January through August with peak activity March through July (Kochert et al., 2002 as cited in the CEC RSA, 2010). Migratory patterns are usually fairly local in California where adults are relatively sedentary, but dispersing juveniles sometimes migrate south in the fall. This species is generally considered to be more common in southern California than in the northern part of the state (USFS, 2008 as cited in the CEC RSA, 2010).

Habitats for this species typically include rolling foothills, mountain areas, and deserts. Golden eagles need open terrain for hunting and prefer grasslands, deserts, savanna, and early successional stages of forest and shrub habitats. Golden eagles primarily prey on lagomorphs and rodents but will also take other mammals, birds, reptiles, and some carrion (Kochert et al., 2002 as cited in the CEC RSA, 2010). This species prefers to nest in rugged, open habitats with canyons and escarpments, often with overhanging ledges and cliffs or large trees used as cover. (Figures 3.23-7 and 3.23-8)

The status of golden eagle populations in the United States is not well known, although there are indications that populations may be in decline (USFWS, 2009b, Kochert et al., 2002 as cited in the CEC RSA, 2010). Accidental death from collision with man-made structures, electrocution, gunshot, and poisoning are the leading causes of mortality for this species, and loss and

degradation of habitat from agriculture, development, and wildfire continues to put pressure on golden eagle populations (Kochert et al., 2002; USFWS, 2009b as cited in the CEC RSA, 2010).

In the absence of interference from humans, breeding density is determined by either prey density or nest site availability, depending upon which is more limiting (USFWS, 2009b as cited in the CEC RSA, 2010). A compilation in Kochert (2002 as cited in the CEC RSA, 2010) of breeding season home ranges from several western United States studies showed an average home range of 20–33 square kilometers (7.7 to 12.7 square miles) that ranged from 1.9 to 83.3 square kilometers (0.7 to 32.2 square miles). In San Diego, a study of 27 nesting pairs found breeding ranges to be an average of 36 square miles with a range from 19 to 59 square miles (Dixon, 1937 as cited in the CEC RSA, 2010). Other studies from within and outside the United States include ranges from 9 to 74.2 square miles (McGahan, 1968; Watson et al., 1992 as cited in the CEC RSA, 2010 [range of 14.7 to 26.1 pairs per 1,000 square kilometers, or 386 square miles]). The USFWS issued an Environmental Assessment (EA) and Implementation Guidance for take permits under the Bald Eagle and Golden Eagle Protection Act in November 2009 (USFWS, 2009b as cited in the CEC RSA, 2010).

In spring 2010, golden eagle helicopter surveys were conducted to cover the project area, as well as a 10-mile radius from the PPSP boundaries. Three other proposed solar projects (Solar Millennium, 2010u; TTEC, 2010a as cited in the CEC RSA, 2010) were also surveyed at this time. The surveys covered 11 mountain ranges between and around Blythe and Desert Center (TTEC, 2010a as cited in the CEC RSA, 2010) and were conducted following the USFWS's February 2010 Interim Golden Eagle Inventory and Monitoring Protocols (Pagel et al., 2010 as cited in the CEC RSA, 2010). The surveys found two active golden eagle nests within one territory, approximately 7 miles southwest of the project site in the Chuckwalla Mountains. Additionally, three inactive nests were located approximately 6 miles southwest of the site in the Chuckwalla Mountains; two of these nests were associated with the territory discussed above, the other is likely associated with a territory located further south of the project site (Solar Millennium, 2010u as cited in the CEC RSA, 2010).

3.23.7 Loggerhead Shrike

Loggerhead shrikes are small predatory birds that are uncommon residents throughout most of the southern portion of their range, including southern California. In southern California, they are generally much more common in interior desert regions than along the coast (Humble, 2008 as cited in the CEC RSA, 2010). Loggerhead shrikes initiate their breeding season in February and may continue with raising a second brood as late as July; they often re-nest if their first nest fails or to raise a second brood (Yosef, 1996 as cited in the CEC RSA, 2010).

This species can be found within lowland, open habitat types, including creosote scrub and other desert habitats, sage scrub, non-native grasslands, chaparral, riparian, croplands, and areas characterized by open scattered trees and shrubs. Fences, posts, or other potential perches are typically present. In general, loggerhead shrikes prey upon large insects, small birds, amphibians, reptiles, and small rodents over open ground within areas of short vegetation, usually impaling prey on thorns, wire barbs, or sharp twigs to cache for later feeding (Yosef, 1996). Loss of habitat

to agriculture, development, and invasive species is a major threat; this species has shown a significant decline in the Sonoran Desert (Humple, 2008 as cited in the CEC RSA, 2010).

The entire Project Disturbance Area contains suitable habitat for loggerhead shrike. This species, including an adult with fledglings, was observed on the project site, though it appeared less common on the project site than in surrounding areas (Solar Millennium, 2009a-AFC Volume II, Appendix F, Attachment H as cited in the CEC RSA, 2010). Loggerhead shrikes also were observed within the project area during spring 2010 surveys (Solar Millennium, 2010k as cited in the CEC RSA, 2010).

3.23.8 Le Conte's Thrasher

In California, Le Conte's thrasher is a resident in the San Joaquin Valley and the Mojave and Colorado Deserts (Figure 3.23-9). This pale gray bird occurs in desert flats, washes and alluvial fans with sandy and/or alkaline soil and scattered shrubs. It rarely occurs in monotypic creosote scrub habitat, because creosote bush is unable to support a nest, or in massive Sonoran Desert woodlands (Prescott, 2005 as cited in the CEC RSA, 2010). Preferred nest substrate includes thorny shrubs and small desert trees. Breeding activity occurs from January to early June, with a peak from mid-March to mid-April (BLM CDD, 2002 as cited in the CEC RSA, 2010). Le Conte's thrashers forage for food by digging and probing in the soil. They eat arthropods, small lizards and snakes, and seeds and fruit; the bulk of their diet consists of beetles, caterpillars, scorpions, and spiders.

This species was observed during project surveys, including avian surveys conducted over a period of four weeks in the spring of 2009. Because the Sonoran creosote bush scrub in this area is fairly monotypic, suitable habitat for this species in the Project Disturbance Area is confined to the 141 acres of desert dry wash woodland. The closest CNDDDB record for this species is about 3 miles south of the project site (CNDDDB, 2010 as cited in the CEC RSA, 2010).

3.23.9 California horned lark

The California horned lark is found throughout California except the north coast, and is less common in mountainous areas. This species prefers open areas that are barren or with short vegetation including deserts, brushy flats, and agricultural areas. Eggs are laid March to early June, and this species frequently lays a second clutch.

The project site contains suitable habitat for this species, especially in creosote bush scrub. This species was observed frequently in the Project Disturbance Area during surveys. There are numerous CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species in western Riverside County.

3.23.10 Prairie Falcon

The prairie falcon inhabits dry environments in the North American west from southern Canada to central Mexico. It is found in open habitat from annual grasslands to alpine meadows at all elevations up to 3,350 m, but is associated primarily with perennial grasslands, savannahs,

rangeland, some agricultural fields, and desert scrub areas. They require cliffs or bluffs for nesting though will sometimes nest in trees, on power line structures, on buildings, or inside caves or stone quarries. Ground squirrels and horned larks are the primary food source, but prairie falcon will also prey on lizards, other small birds, and small rodents.

Prairie falcons were observed several times during project surveys both as flyovers and perched in the Project Disturbance Area. The entire Project Disturbance Area (approximately 4,024 acres) contains suitable foraging habitat for this species. The project site does not contain suitable nesting habitat, although adjacent mountains may. There are numerous CNDDDB (2010 as cited in the CEC RSA, 2010) records in the region for this species, including eight records from Little Maria Mountains to the northeast (1977 as cited in the CEC RSA, 2010) and the Chuckwalla Mountains to the southwest (1978 as cited in the CEC RSA, 2010). During golden eagle Phase 2 nest surveys performed jointly for neighboring proposed energy projects, a pair of prairie falcons was documented to be nesting on the same cliff on which the golden eagle nest was located in the Palen Mountains (TTEC, 2010a as cited in the CEC RSA, 2010).

3.23.11 American Badger

American badgers once were fairly widespread throughout open grassland habitats of California. Badgers are an uncommon permanent resident with a wide distribution across California, except in the North Coast area. The American badger is a resident species and is most abundant in the drier open stages of most shrub, forest, and herbaceous habitats with friable soils. Badgers generally are associated with treeless regions, prairies, parklands, and cold desert areas (Zeiner et al., 1990). Badgers inhabit burrows and often predate and forage on other small mammals that inhabit burrows, as evidenced by claw marks along the edges of existing burrows. Most of the CNDDDB records from the Palo Verde Valley area of Riverside County are prior to 1960; the closest to the project site is northwest of Palo Verde approximately 12 miles southeast of the project site (CNDDDB, 2010 as cited in the CEC RSA, 2010).

The entire Study Area is considered suitable habitat for badgers (Figure 3.23-10). Badger sign was found during spring 2009 field surveys; burrow predation evidence by badgers was found throughout the Project Disturbance Area habitats and Study Area. Surveyors observed five badger dens and over 10 small mammal burrows showing evidence of predation by badgers (Solar Millennium, 2009b as cited in the CEC RSA, 2010). In addition, a badger skull was observed within the Study Area, south of I-10 (Solar Millennium, 2009b as cited in the CEC RSA, 2010). The entire Study Area is considered suitable habitat for badgers.

3.23.12 Desert Kit Fox

Desert kit fox is an uncommon to rare permanent resident of arid regions of the southern California deserts. Kit fox occur in annual grasslands, or grassy open, arid stages of vegetation dominated by scattered herbaceous species. Kit fox occur in association with their prey base which is primarily cottontail rabbits, ground squirrels, kangaroo rats and various species of insects, lizards, or birds (Zeiner et al., 1990 as cited in the CEC RSA, 2010). Title 14 of the California Code of Regulations, Section 460, stipulates that desert kit fox may not be taken at any

time. Kit fox dens are used as shelter, escape, cover, and reproduction and are vital to the survival of the species.

Desert kit fox burrows, burrow complexes and scat were observed throughout the Study Area within desert wash and upland scrub habitats during spring 2009. The entire Study Area is suitable habitat (Figure 3.23-10). Approximately 71 kit fox burrows and burrow complexes were recorded within the Study Area, most of which occur in the Project Disturbance Area (Solar Millennium, 2009a as cited in the CEC RSA, 2010). Kit fox scat was observed within the transmission line Disturbance Area in Fall 2009, and a kit fox burrow was observed there in spring 2009 (Solar Millennium, 2009b as cited in the CEC RSA, 2010). During spring 2010 field surveys, two kit fox complexes were found in the Project Disturbance Area and four burrow complexes were found in the buffer area (Solar Millennium, 2010k as cited in the CEC RSA, 2010). The entire Study Area is suitable habitat for desert kit fox.

3.23.13 Nelson's Bighorn Sheep

Nelson's bighorn sheep includes bighorns from the Transverse Ranges through most of the desert mountain ranges of California, Nevada, northern Arizona to Utah. Essential habitat for bighorn sheep includes steep, rocky slopes of desert mountains, termed "escape terrain." Their agility on steep rocky terrain is an adaptation used to escape predators such as coyotes, eagles, and cougars (Wehausen, 1992 as cited in the CEC RSA, 2010). Surface water is another element of desert bighorn habitat considered essential to population health. Male and female bighorn sheep inhabiting desert ecosystems can survive without consuming surface water (Krausman et al., 1985 as cited in the CEC RSA, 2010) although males appear to drink infrequently in many situations; however, there are no known large populations of bighorn sheep in the desert region that lack access to surface water. In the spring, when annual plants are available, bighorn tend to disperse downhill to bajadas and alluvial fans to forage. Desert bighorn have a long lambing season that can begin in December and end in June in the Mojave Desert, and a small percentage of births commonly occur in summer as well (Wehausen, 1992 as cited in the CEC RSA, 2010). Lambing season dates for this part of the Colorado Desert would be similar to those reported above.

Over the past 140 years, bighorn sheep have suffered considerable population declines throughout their range and meta-populations have been fragmented by roads and other barriers, with a resulting decline in genetic diversity (Bleich et al., 1996, Epps et al., 2005 as cited in the CEC RSA, 2010). Disease, sometimes brought about by contacts with domestic sheep, drought and predation, interacting with other anthropogenic factors also may have contributed to declines in bighorn sheep populations (Wehausen, 2005 as cited in the CEC RSA, 2010). Loss of surface water sources also may diminish the viability of existing populations (Wehausen, 2005 as cited in the CEC RSA, 2010).

Two metapopulations of bighorn sheep occur within the NECO planning area, the Southern Mojave and Sonoran. Within these metapopulations, there are smaller, isolated subpopulations of bighorn sheep known as demes. Nine demes occur in the Sonoran metapopulation (BLM CDD, 2002 as cited in the CEC RSA, 2010). The NECO Plan addresses the conservation of the bighorn sheep through the designation of Bighorn Sheep Wildlife Habitat Management Areas (WHMAs),

which overlay the entire range of their occurrence and movement corridors. See Figure 3.23-11. Bighorn sheep metapopulations have been fragmented by highways, roads, railroads, and aqueducts primarily by the construction of I-10 and Interstate 40 which are major barriers to bighorn sheep movements. Transportation corridors of Highways 66, 62, 177, 95, and 78, the AT&SF Railroad (parallel to Old Highway 66) and the Eagle Mountain Railroad (scheduled for reactivation) inhibit bighorn sheep movements between demes. Nevertheless, bighorn sheep are known to cross these and other linear features such as transmission lines and fences.

The project site is located south of occupied Bighorn sheep WHMAs in the Palen, Granite, and Coxcomb Mountains (BLM CDD, 2002 as cited in the CEC RSA, 2010). Recent surveys also suggest bighorn sheep may occur in the Little Maria Mountains, farther northeast of the Project area (Wehausen, 2009 as cited in the CEC RSA, 2010). The CNDDDB records for this species from the Project area indicate that bighorn sheep disperse through these mountain ranges typically whenever forage and water conditions are suitable.

No sign or evidence of Nelson's bighorn sheep were found during field surveys performed within the Study Area; however, bighorn sheep have been documented in the Chuckwalla Mountains southwest of the project site and the Palen, Granite, Coxcomb, and Eagle mountain ranges to the north, west, and east. Six rams were observed in the Coxcomb Mountains during Phase 2 golden eagle surveys performed jointly for various energy projects during 2010 (Tetra Tech, 2010a as cited in the CEC RSA, 2010). The Study Area does not occur in a known movement corridor as identified in the NECO. All vegetation communities within the Study Area are considered suitable for bighorn sheep.

3.23.14 Burro Deer

Burro deer is a subspecies of mule deer (*Odocoileus hemionus*) found in Colorado region of the Sonoran Desert near the Colorado River and within desert dry wash woodland communities (Figure 3.23-12). Some burro deer are resident along the Colorado River, but a significant portion move into desert areas in response to increases in water and forage. During hot summers, water is critical, and burro deer concentrate along the Colorado River or the Coachella Canal where water developments have been installed and where microphyll woodland is dense and provides good forage and cover. With late summer thundershowers and cooler temperatures, deer move away from the Colorado River and Coachella Canal into larger washes or wash complexes in the foothills and nearby mountains (BLM CDD, 2002 as cited in the CEC RSA, 2010).

During spring 2009 and December 2009 field surveys, deer scat and tracks were observed in rocky substrate and deep washes including the western, central, and eastern desert washes that transect the project site. Deer sign was found within the washes and 150 foot-wide box culverts that convey the washes underneath I-10 (Solar Millennium, 2009a; AECOM, 2009a as cited in the CEC RSA, 2010). Burro deer are known to use a culvert associated with the western-most project area wash to access a water source at a nearby orchard. Other species sign observed in these washes include coyote (*Canis latrans*), cottontail rabbit (*Sylvilagus audubonii*), bobcat (*Lynx rufus*), badger, and kit fox. The entire project site supports suitable habitat for burro deer.

3.23.15 Other Special Status Wildlife

Table 3.23-2 lists the other special status wildlife that were not detected and not expected in the Study Area. These additional species were considered to have a lower potential for occurrence on the project site than the species discussed above because the general or micro-habitats known to support them were not found on the site, and/or because there are no known occurrences in the project vicinity.

**TABLE 3.23-2
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA**

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Birds		
<p>Bendire's thrasher <i>Toxostoma bendirei</i></p>	<p>Bendire's thrashers are known in California from scattered locations in Kern, Inyo, San Bernardino, and Riverside Counties. This species is a summer resident in southeastern California, and arrives at breeding grounds from mid-March through May, and departs by late August. This species favors open grassland, shrubland, or woodland with scattered shrubs, primarily in areas that contain large cholla, Joshua tree, Spanish bayonet, Mojave yucca, palo verde, mesquite, catclaw, desert-thorn, or agave. The status of populations of this species is poorly understood, but threats are believed to be loss of habitat due to urbanization, harvesting of yucca and Joshua trees, overgrazing, and off-road vehicle activity. In parts of the range, grazing may increase habitat suitability by increasing the area with scattered junipers.</p>	<p>The desert dry wash vegetation community provides potential habitat for this species (141 acres), although this species was not observed during surveys. There are CNDDDB (2010 as cited in the CEC RSA, 2010) records from near Desert Center, approximately 8 miles west of the project site, from 2004.</p>
<p>Black-tailed gnatcatcher <i>Poliophtila melanura</i></p>	<p>A year round resident in southwestern United States and central and northern Mexico, in California the black-tailed gnatcatcher is found in the southeast desert wash habitat from Palm Springs and Joshua Tree National Park south, and along the Colorado River. It is now rare in eastern Mojave Desert north to the Amargosa River, Inyo County. This species nests primarily in wooded desert wash habitat, but also occurs in creosote scrub habitat during the non-breeding season.</p>	<p>Based on a review of the vegetation community descriptions provided by the Applicant, the project site contains little, if any, of the dense scrub habitat preferred by this species. They are known from the area, including from McCoy Spring, Palen Valley, and Chuckwalla Well (Fitton, 2008 as cited in the CEC RSA, 2010). The closest occurrence based on the CNDDDB (2010 as cited in the CEC RSA, 2010) is from 1977 and is approximately 16.5 miles east of the project site.</p>
<p>Crissal thrasher <i>Toxostoma crissale</i></p>	<p>Crissal thrashers are non-migratory residents ranging from southern Nevada and southeastern California to western Texas and central Mexico. This species prefers habitats characterized by dense, low scrubby vegetation, which, at lower elevations, includes desert and foothill scrub and riparian brush. Nests of this species typically consist of an open cup of twigs, lined with finer vegetation, and are placed in the middle of a dense shrub.</p>	<p>Based on a review of the vegetation community descriptions provided by the Applicant, the project site contains little, if any, of the dense scrub habitat preferred by this species. They are known from the area, including from McCoy Spring, Palen Valley, and Chuckwalla Well (Fitton, 2008 as cited in the CEC RSA, 2010). The closest occurrence based on the CNDDDB (2010 as cited in the CEC RSA, 2010) is from 1977 and is approximately 16.5 miles east of the project site.</p>
<p>Ferruginous hawk <i>Buteo regalis</i></p>	<p>Ferruginous hawks do not breed in California, but are winter residents and in California are most common in grassland and agricultural areas in the southwest. Ferruginous hawks are found in open terrain from grasslands to deserts, and are usually associated with concentrations of small mammals. Threats to this species include loss of wintering habitat from urbanization and cultivation.</p>	<p>The project site contains suitable wintering habitat for this species. There are nine CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species in western Riverside County.</p>
<p>Gila woodpecker <i>Melanerpes uropygialis</i></p>	<p>The Gila woodpecker's range is limited to a small area of southwestern United States and northwestern Mexico. In California, this species is found only along the Colorado River and in small numbers in Imperial County. In southeastern California, Gila woodpeckers formerly were associated with desert washes extending up to 1 mile from the Colorado River. Currently, they are found only in riparian areas along the Colorado River.</p>	<p>In California, this species is currently known only from the Colorado River; therefore this species is not expected in the project site. The project site does not contain suitable nesting habitat for this species. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) record for this species is a 1986 record east of the project site at the Colorado River.</p>

TABLE 3.23-2 (Continued)
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Birds (cont.)		
Gilded flicker <i>Colaptes chrysoides</i>	In California, the gilded flicker is known from the southeast; habitat includes stands of giant cactus, Joshua tree, and riparian groves of cottonwoods and tree willows in warm desert lowlands and foothills. Until the mid-1990's, this species was considered a subspecies of northern flicker (<i>C. atratus</i>). This species nests primarily in cactus, but also will use cottonwoods and willows of riparian woodlands. This species may be nearly extinct in California.	This species is not expected to regularly use the project site due to lack of suitable habitat. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species are along the Colorado River.
Mountain plover <i>Charadrius montanus</i>	Mountain plovers do not breed in California, but are winter visitors primarily from September to mid-March. In California they are found in the Central Valley, Antelope Valley, San Jacinto Valley, Imperial Valley, and Palo Verde Valley. Mountain plover habitat includes short-grass prairie or their equivalents, and in southern California deserts are associated primarily with agricultural areas, though use of these areas is suspected to be because of loss of native grassland and playa habitats.	This species may use the dry lakebed and nearby agricultural areas as winter habitat. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) record for this species is in Imperial County at the southern end of the Salton Sea.
Northern harrier <i>Circus cyaneus</i>	In western North America, the northern harrier breeds from northern Alaska south to Baja California, Mexico. This species does not commonly breed in desert regions of California, where suitable habitat is limited, but winters broadly throughout California in areas with suitable habitat. Northern harriers forage in open habitats including deserts, pasturelands, grasslands, and old fields.	The project site contains suitable wintering habitat for the northern harrier, and this species was observed during project site surveys (Solar Millennium, 2009a as cited in the CEC RSA, 2010). There are CNDDDB (2010 as cited in the CEC RSA, 2010) nesting records for this species in eastern Riverside County.
Peregrine falcon <i>Falco peregrines</i>	The Peregrine falcon's year-round range includes coastal and northwestern California and the Sierra Nevada and other California mountains. Additionally, this species winters inland throughout the Central Valley and in northeastern California. They are rare in the arid southeast, but they occur and are suspected to breed in the lower Colorado River Valley. Peregrine falcons require open habitat for foraging, and prefer breeding sites near water. Nesting habitat includes cliffs, steep banks, dunes, mounds, and some human-made structures.	This species may forage on the project site and nest in nearby mountains, but was not observed on the project site during project surveys. There are no CNDDDB (2010 as cited in the CEC RSA, 2010) records for Riverside County.
Purple martin <i>Progne subis</i>	The historical breeding range of the purple martin includes southern California, though populations have shrunk dramatically. Neither the historical or current breeding range, however, includes the Colorado Desert. Purple martins habitat requirements include adequate nest sites and availability of large aerial insects, and therefore are most abundant near wetlands and other water sources. Threats to this species include loss of large tree and snags and competition from European starlings.	This species was observed migrating through the project site, but is not expected to extensively use the project site. There are six CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species from western Riverside County, the most recent of which include nesting records from 1983 and 1993.
Short-eared owl <i>Asio flammeus</i>	Short-eared owls breed through much of northern North America, and are year-round residents in some areas of California. Historically, this species occurred throughout much of California, west of the southern deserts, in low numbers. Currently, small populations breed in regularly in the Great Basin and in the Sacramento/San Joaquin River Delta area, but sporadically in other parts of its former range. Short-eared owls require open country that supports small mammal	The project site contains suitable wintering habitat for the short-eared owl. Although this species was not observed during surveys for the project, it was observed during surveys for a nearby proposed energy facility immediately west of the McCoy Mountains. There are no Riverside County CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species.

TABLE 3.23-2 (Continued)
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Birds (cont.)		
Short-eared owl <i>Asio flammeus</i> (cont.)	populations, and that also provides adequate vegetation to provide cover for nests. This includes salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures.	
Swainson's hawk <i>Buteo swainsoni</i>	Swainson's hawks require large areas of open landscape for foraging, including grasslands and agricultural lands that provide low-growing vegetation for hunting and high rodent prey populations. Swainson's hawks typically nest in large native trees such as valley oak, cottonwood, walnut, and willow, and occasionally in nonnative trees, such as eucalyptus within riparian woodlands, roadside trees, trees along field borders, isolated trees, small groves, and on the edges of remnant oak woodlands. While there are historical breeding records of this species from the Colorado Desert, this species now is known from southern California only as a spring and fall migrant. This reduction in breeding range is believed to be from loss of nesting habitat.	The project site may provide foraging habitat for migrating individuals, and this species was observed in the project site during surveys. There are no CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species in Riverside County.
Vaux's swift <i>Chaetura vauxi</i>	This species is not known to breed in Riverside County or elsewhere in southern California. Very few nests have been found so their breeding range has been inferred from sightings of birds flying over potential nesting areas during their nesting season, in June and July. Vaux's swifts prefer to nest in the hollows formed naturally inside of large old conifer trees, especially snags, which are entirely lacking from the project site.	This species was observed during surveys, but occurrences are expected to be of migrants, only.
Vermilion flycatcher <i>Pyrocephalus rubinus</i>	Vermilion flycatchers are rare breeders or residents in localized areas of southern California, including along the Colorado River. They are usually found near water in arid scrub, farmlands, parks, golf courses, desert, savanna, cultivated lands, and riparian woodlands; nesting substrate includes cottonwood, willow, and mesquite.	Within the project vicinity, occurrences of this species are limited to the Colorado River. This species is not expected in the project site. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) records include a 1983 record from the Blythe golf course.
Yellow warbler <i>Dendroica petechia</i>	Yellow warblers historically bred throughout much of California except for high elevations, the Colorado Desert, and most of the Mojave Desert. Breeding abundance for this species has declined in much of California, as has the breeding range, especially in the Central Valley and parts of Owens Valley. In southeastern California, this species is known only from the lower Colorado River Valley from the middle of San Bernardino County through Riverside and Imperial Counties. Currently, this species no longer breeds in much of the Riverside County segment of the lower Colorado River Valley. This species commonly uses wet, deciduous thickets for breeding, and seeks a variety of wooded, scrubby habitats in winter.	This species was not observed during surveys, and is not expected to nest in the project site due to lack of suitable habitat. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) records for this species are two 1986 records east of the project site at the Colorado River.
Yellow-breasted chat <i>Icteria virens</i>	The yellow-breasted chat occurs as a summer resident and migrant in California. In the southeastern California, the yellow-breasted chat breeds primarily in scattered locations in Owen's Valley and the Mojave, from the Salton Sea, and from the lower Colorado River Valley. This species occupies shrubby riparian habitat with an open canopy, and will nest in non-native species, including tamarisk. Threats to this species include loss of riparian habitat, and, it is suspected, pressure from cowbird parasitism.	In this region, this species is associated with the Colorado River only. The project site does not contain suitable habitat for this species. CNDDDB (2010 as cited in the CEC RSA, 2010) records in the region are associated with the Salton Sea or the Colorado River. The closest CNDDDB records for this species are two 1986 records east of the project site at the Colorado River.

TABLE 3.23-2 (Continued)
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Mammals		
<i>Arizona myotis</i> <i>Myotis occultus</i>	This species has been found from southeastern California through Arizona, New Mexico, and south into Chihuahua, Mexico. Arizona myotis is most commonly known from conifer forests from 6,000 to 9,000 feet in elevation, although maternity roosts are known from much lower elevations including areas along the Colorado River in California.	This species is not expected to occur due to lack of coniferous forests and low elevation of the Study Area. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) record is a historical occurrence from 1945 approximately 10 miles south of the Study Area near the town of Ripley.
<i>Big-free tailed bat</i> <i>Nyctinomops macrotis</i>	This species ranges from most of South America northward to include Mexico, Arizona, New Mexico, southern and western Texas, southern California, southeastern Nevada, southern Utah, and north and western Colorado from generally sea level to 8,000 feet in elevation. This species occurs in desert shrub, woodlands, and coniferous forests. It roosts mostly in the crevices of rocks although big free-tailed bats may roosts in buildings, caves, and tree cavities	This species has the potential to roost and forage within the project area. The nearest occurrences for this species in Riverside County are from the vicinity of Palm Springs and Joshua Tree National Park (CNDDDB 2010 as cited in the CEC RSA, 2010). A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010).
<i>California leaf-nosed bat</i> <i>Macrotus californicus</i>	California leaf-nosed bat is a species of concern and a BLM Sensitive species; it is covered under the NECO plan. California leaf-nosed bats occur in the deserts of California, southern Nevada, Arizona and south to northwestern Mexico. In California, they now are found primarily in the mountain ranges bordering the Colorado River Basin. In California, the two largest roosts (each sheltering 1,500 bats during winter months) are in mines in extreme southeastern California. This species depends on either caves or mines for roosting habitat. All major maternity, mating, and overwintering sites are in mines or caves (BLM CDD, 2002 as cited in the CEC RSA, 2010). Radio-telemetry studies of <i>Macrotus</i> in the California desert show that the California leaf-nosed bat forage almost exclusively among desert wash vegetation within 10 km of their roost (WBWG, 2005-2009 as cited in the CEC RSA, 2010).	All habitats within the Project Disturbance Area are suitable habitats for this species. A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010). There are several CNDDDB records in the vicinity of the Study Area. The nearest record is from 1993 near the McCoy Mountains area in creosote bush scrub habitat approximately where approximately 300 adults were observed roosting (CNDDDB, 2010 as cited in the CEC RSA, 2010).
<i>Cave myotis</i> <i>Myotis velifer</i>	The cave myotis occurs from western Texas, to southern Nevada, southeastern California (only along the Colorado River), southward into Mexico, and is also widely distributed in Arizona. This species is found primarily at lower elevations (the Sonoran and Transition life zones) of the arid southwest in areas dominated by creosote bush, palo verde, and cactus. This species is a "cave dweller" and caves are the main roosts although this species may also use mines, buildings, and bridges for roosts.	This species has a potential to occur within the Study Area, more likely as a foraging species than a roosting bat species. The nearest CNDDDB record for this species is from 2002 near the I-15 bridge over the Colorado River in Blythe where individual bats of this species were detected acoustically during April 2002 (CNDDDB, 2010 as cited in the CEC RSA, 2010).
<i>Colorado Valley woodrat</i> <i>Neotoma albigula venusta</i>	This species occurs from southern Nevada, southeastern California, northeastern Baja California, to western Arizona. Colorado Valley woodrats are found in a variety of habitats including low desert, pinyon-juniper woodlands, and desert-transition chaparral. Suitable habitat elements for this species include washes where organic debris gathers, areas of prickly pear cactus and mesquite, rocky areas, and crevices in boulders which are used for cover and nest sites.	This species is not expected to occur at the project site due to coarse soils and disturbance of the site from past agricultural activities. The nearest CNDDDB record is from 1934 near Blythe (CNDDDB, 2010 as cited in the CEC RSA, 2010).

TABLE 3.23-2 (Continued)
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Mammals (cont.)		
Hoary bat <i>Lasiurus cinereus</i>	Hoary bat is the most widespread of North American bats and is highly associated with forested habitats in the west. Hoary bat roosts usually are located at the edge of a clearing, although more unusual roosting sites have been reported in caves, beneath rock ledges, woodpecker holes, squirrel nests, and building sides.	This species may occur in the area as a forage and roost habitat occurs within the project area. The closest CNDDDB (2010 as cited in the CEC RSA, 2010) record is a historical occurrence approximately from the town of Neighbors during 1919. A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010).
Pallid bat <i>Antrozous pallidus</i>	The pallid bat is a California species of concern and a BLM Sensitive species that is covered under the NECO plan. Pallid bats inhabit low elevation (less than 6,000 feet) rocky, arid deserts and canyonlands, shrub/steppe grasslands, but also occur in higher elevation coniferous forests, greater than 7,000 feet in elevation. This species is most abundant in xeric landscapes including the Great Basin, Sonoran, and Mojave deserts (WBWG, 2005-2009 as cited in the CEC RSA, 2010). Pallid bats are known from Cuba, Mexico, and throughout the southwestern and western United States. Population trends are not well known, but there are indications of decline. Pallid bats roost alone, in small groups (2 to 20 bats), or gregariously (100s of individuals). Day and night roosts include crevices in rocky outcrops and cliffs, caves, mines, trees with exfoliating bark, and various human structures such as bridges, barns, porches, bat boxes, and human-occupied as well as vacant buildings (WBWG, 2005-2009 as cited in the CEC RSA, 2010).	This species has a potential to roost and forage within the project area. A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010). Anabat/Sonobat surveys were not conducted in conjunction of these surveys which allows for more precise identification of bat species based on the recording of echolocation frequencies. The nearest CNDDDB record is approximately 5 miles southeast of the project site (CNDDDB, 2010 as cited in the CEC RSA, 2010).
Pocketed free-tailed bat <i>Nyctinomops femorosaccus</i>	Pocketed free-tailed bat is a California species of concern. This species occurs in western North America, from southern California, central Arizona, southern New Mexico, western Texas, south into Mexico and Baja, California (WBWG, 2005-2009). Despite only a limited number of records, pocketed free-tailed bats are known to occur in the desert from March through August, when they then migrate out of the area. In California, they are found primarily in creosote bush and chaparral habitats in proximity to granite boulders, cliffs, or rocky canyons.	This species has a potential to roost and forage within the project site based on what is understood of its habitat requirements and roosting habits. The nearest CNDDDB record for this species is from 2002 near the I-15 bridge over the Colorado River in Blythe. Individual bats of this species were detected acoustically during April 2002 (CNDDDB, 2010). A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a).
Spotted bat <i>Euderma maculatum</i>	This species is known from all the states west of and including Montana, Wyoming, Colorado, New Mexico and Texas. Although broadly distributed, this species is rarely common, but may occur locally from southern British Columbia, northern Arizona, Arizona/Utah border, and western Texas from below sea level to 8,100 feet above mean sea level. Spotted bats occur in arid, low desert habitats to high elevation conifer forests and prominent rock features appear to be a necessary feature for roosting.	This species has a potential to roost and forage within the project site based on what is understood of its habitat requirements and roosting habits. The nearest CNDDDB record is a historical occurrence from 1907 in the Colorado Desert near Mecca (CNDDDB, 2010 as cited in the CEC RSA, 2010). A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010).

TABLE 3.23-2 (Continued)
SPECIAL-STATUS WILDLIFE WITH LOW TO MODERATE POTENTIAL TO OCCUR IN THE PROJECT STUDY AREA

Species	Habitat Requirements and Geographic Range	Potential to Occur or Presence On Site
Mammals (cont.)		
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	This species has been reported in a wide variety of habitat types ranging from sea level to approximately 9,000 feet above MSL. Habitat associations include coniferous forests, deserts, native prairies, riparian communities, active agricultural areas, and coastal habitat types. Foraging associations include edge habitats along streams, adjacent to and within a variety of wooded habitats.	This species has a potential to forage within the Study Area, although roosting is unlikely to occur since cave and abandoned buildings do not occur within the Study Area. A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010).
Western mastiff bat <i>Eumops perotis</i>	The subspecies that occurs in North America, <i>E. p. californicus</i> , ranges from central Mexico across the southwestern United States including parts of California, southern Nevada, Arizona, southern New Mexico and western Texas. Recent surveys have extended the previously known range to the north in both Arizona with several localities near the Utah border and California. It is found in a variety of habitats, from desert scrub to chaparral to oak woodland and into the ponderosa pine belt and high elevation meadows of mixed conifer forests. Surveys in northern Arizona have documented roosts at approximately 3,600 feet elevation and foraging bat species at 7,500 feet above MSL (WBWG, 2005-2009 as cited in the CEC RSA, 2010).	The project site does not support suitable roosting habitat for western mastiff bat but this species may utilize the Study Area for foraging. The nearest CNDDDB record is approximately 5 miles southwest of the Study Area (CDFG, 2010). A single bat of an unidentified species was observed roosting beneath a bridge near Corn Springs Road near the location of the proposed substation during December 2009 surveys (AECOM, 2010a as cited in the CEC RSA, 2010).
Yuma myotis <i>Myotis yumanensis</i>	This species ranges across the western third of North America from British Columbia, Canada, to Baja California and southern Mexico. Yuma myotis is usually associated with permanent sources of water, typically rivers and streams, feeding primarily on aquatic emergent insects, but Yuma myotis also use tinajas in the arid west. It occurs in a variety of habitats including riparian, arid scrublands and deserts, and forests. The species roosts in bridges, buildings, cliff crevices, caves, mines, and trees.	This species has a potential to roost and forage within the project site. The nearest CNDDDB record is from 2002 near the Blythe bridge over the Colorado River where individual bats of this species were detected acoustically during April 2002 (CNDDDB, 2010 as cited in the CEC RSA, 2010).
Yuma mountain lion <i>Puma concolor browni</i>	In the NECO planning area, mountain lions primarily inhabit the low mountains and extensive wash systems in and around Chuckwalla Bench, Chuckwalla Mountains, Chocolate Mountains, Picacho Mountains, Milpitas Wash, Vinagre Wash, and other washes in that area. Mountain lions typically occur in habitat areas with extensive, well-developed riparian or shrubby vegetation interspersed with irregular terrain, rocky outcrops, and community edges. Mountain lions are restricted to the southern Colorado Desert from Joshua Tree National Park south and east to the Colorado River. Burro deer, the primary prey item, are known to spend the hot summer and fall in riparian areas along the Colorado River and in dense microphyll woodlands near the Coachella Canal.	Mountain lion likely use the Study Area, but no definitive sign for this species was observed during 2009 spring surveys.

CHAPTER 4

Environmental Consequences

4.1 Introduction

This chapter assesses environmental consequences or impacts that would result from the implementation of the proposed action or the alternatives described in Chapter 2, *Proposed Action and Alternatives*. This analysis considers both short-term impacts during construction and decommissioning, and long-term impacts during operation and maintenance. The scope of the impact analysis presented in this chapter is commensurate with the level of detail for the proposed action and alternatives provided in Chapter 2 and the availability and/or quality of data necessary to assess impacts. Baseline conditions for assessing the potential environmental impacts are described in Chapter 3, *Affected Environment*.

The impact assessment that follows focuses on the general impacts that could occur as a result of implementing each of the alternatives. The methodology for this assessment conforms with the guidance found in the BLM's NEPA Handbook H-1790-1 (January 2008) as well as the following sections of the CEQ regulations for implementing NEPA: 40 CFR Section 1502.24, *Methodology and Scientific Accuracy*; 40 CFR Section 1508.7, *Cumulative Impacts*; and 40 CFR Section 1508.8, *Effects*. The CEQ regulations require agencies to “rigorously explore and objectively evaluate” the impacts of the alternatives. This chapter discusses short- and long-term direct, indirect and cumulative impacts of the proposed action and alternatives; identifies mitigation measures to address adverse impacts; and summarizes the residual and unavoidable adverse impacts on an issue-by-issue basis. Where used in this analysis, the word “significantly” is intended strictly to mean the legal term of art defined in NEPA (40 CFR 1508.27; BLM NEPA Handbook Section 7.3).

This Section 4.1, *Introduction*, describes the analytical assumptions relied upon in analyzing the environmental consequences of the proposed action and alternatives (Section 4.1.1), defines the types of effects that may result (Section 4.1.2), and identifies the resources and issue areas that either are not present or are not affected by the proposed action and alternatives (Section 4.1.3). It also describes the projects and approach used for the cumulative scenario (Section 4.1.4), the mitigation measures identified to address adverse impacts on the resources and issue areas analyzed (Section 4.1.5), and the general terms and conditions required for all public land ROWs.

Finally, Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*, summarizes those portions of the *Desert Sunlight Solar Farm Project California Desert Conservation Area Plan Amendment and Final Environmental Impact Statement prepared by the BLM* (April 2011) (Desert Sunlight EIS) that are relevant to the Red Bluff

Substation Project. Southern California Edison's proposed Red Bluff Substation Project is identified in Chapter 2, *Proposed Action and Alternatives*, as a connected action for the proposed action. Incorporation of the analysis of the Red Bluff Substation Project by reference in this PA/FEIS provides an opportunity to reduce paperwork and redundant analysis in the NEPA process. The Desert Sunlight EIS is available on the BLM's website and covers the same issues, effects and/or resources affected by the Red Bluff Substation Project that otherwise would be considered independently in the PA/FEIS for the PSPP (see, http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Desert_Sunlight.html).

4.1.1 Analytical Assumptions

The following impacts analysis was conducted with the following assumptions:

1. The laws, regulations, and policies applicable to BLM authorizing ROW grants for renewable energy development facilities would be applied consistently for all action alternatives.
2. The proposed facility would be constructed, operated, maintained and decommissioned as described in each action alternative.
3. Short-term impacts are those expected to occur during the construction phase and the first five years of the operation and maintenance phase, as well as the end-of-project-life decommissioning phase. Long-term impacts are those that would occur after the first five years of operation.

4.1.2 Types of Effects

The potential impacts from those actions that would have direct, indirect, residual and cumulative effects were considered for each resource. Effects and impacts as used in this document are synonymous and could be beneficial or detrimental (40 CFR 1508.7, 1508.8; BLM NEPA Handbook Section 6.8).

Direct effects are caused by the action and occur at the same time and place as the action; indirect effects are caused by the action and occur later in time or further in distance, but are still reasonably foreseeable. Residual effects are effects that remain after mitigation measure have been applied. Cumulative impacts are those effects resulting from the incremental impacts of an action when combined with other past, present, and reasonably foreseeable future actions (regardless of which agency or person undertakes such actions). Cumulative impacts could result from individually insignificant but collectively significant actions taking place over a period of time. Short-term impacts occur only for a short time after implementation of a management action; for example, construction noise impacts from construction activities would be considered short-term. By contrast, long-term effects occur for an extended period after implementation of a management action; for example, operational noise during power plant operations would be a long-term impact, as it would last for as long as the solar energy plant is in operation.

Section 1502.16 of the CEQ regulations establishes the scientific and analytic basis for the comparison of alternatives (including the proposed action) as described in Section 1502.14 of Title 40 of the Code of Federal Regulations. PA/FEIS Chapter 4, *Environmental Consequences*,

consolidates the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of this EIS and as much of Section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion includes the environmental impacts of the alternatives, including any adverse environmental effects which cannot be avoided, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented.

4.1.3 Resources and Resource Uses Not Affected or Present in the Action Area

Resources, resource uses, and BLM program areas that are not affected by the proposed action or present within the impacts assessment area include: environmental justice; wild and scenic rivers; national monuments; recreation areas, or conservation areas; cooperative management and protection areas; outstanding natural areas; forest reserves; back country byways; wetlands; livestock grazing; and wild horse and burros.

4.1.4 Cumulative Scenario Approach

This PA/FEIS analyzes the cumulative impact of the construction, operation and maintenance, closure and decommissioning of the project within the ROW application area and all other elements of the proposed action, taking into account the effects in combination with past, present and reasonably foreseeable future actions. The cumulative effects analysis highlights past actions that are closely-related either in time or space (i.e., temporally or in geographic proximity) to the proposed action that could have ongoing impacts that could interact with those of other projects, present actions the review of which is in progress at the same time this EIS was being prepared; and reasonably foreseeable future actions, including those for which there are existing decisions, funding, formal proposals, or which are highly probable, based on known opportunities or trends.

The intensity, or severity, of the cumulative impacts analysis considers the magnitude, geographic extent, duration and frequency of the effects (CEQ, 1997). The magnitude of the effect reflects the relative size or amount of the effect; the geographic extent considers how widespread the effect may be; and the duration and frequency refer to whether the effect is a one-time event, intermittent or chronic (CEQ, 1997). Varying degrees of information exist about projects within the cumulative scenario. Therefore, for resource areas where quantitative information is available, a quantitative analysis is provided. By contrast, where quantitative information is not available, a qualitative analysis is provided. Consistent with BLM Handbook Section 6.8.3.1, if the proposed action and alternatives would have no direct or indirect effects on a resource, resource use or program area, the PA/FEIS does not analyze potential cumulative effects related to that issue. See, for example, Section 4.1.3, *Resources and Resource Uses Not Affected or Present in the Action Area*.

The cumulative scenario includes projects identified in Table 4.1-1, *Cumulative Scenario*, and shown in Figure 4.1-1. Table 4.1-1 identifies the following for each resource, resource use or BLM program area: the cumulative assessment impact area (i.e., the geographic scope for the

**TABLE 4.1-1
CUMULATIVE SCENARIO**

Resource or BLM Program	Cumulative Analysis Impact Area	Elements to Consider	BLM Renewable Energy Projects	Other BLM Authorized Actions	Other Known Actions/Activities
Air Resources	Mojave Desert Air Basin	PM2.5, PM10, ozone	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, enXco McCoy Soleil, NextEra McCoy, enXco Desert Harvest Solar, enXco Mule Mountain Soleil, Associated Gen-tie Trans Lines, etc.	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs, etc.	I-10, Blythe Airport Solar 1, Chuckwalla Valley Raceway, various commercial and residential projects, etc.
Global Climate Change	International, national and regional	CO2e	All		
Cultural Resources	Cultural sites, traditional use areas, and cultural landscapes on the plant site, along the linear facilities corridor and in the general vicinity of the site, including along the I 10 corridor	Ground-disturbing activities and the cultural character of the site and its vicinity Cultural resources, including archaeological (prehistoric and historic), and ethnographic resources	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines, etc.	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs, etc.	Blythe Airport Solar 1, Chuckwalla Valley Raceway, various commercial and residential projects, etc.
Lands and Realty	Eastern Riverside County	Designated utility corridors (e.g., transmission lines, cellular telephone towers, poles), existing ROWs, I-10	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines, etc.	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs, etc.	Blythe Airport Solar 1, Chuckwalla Valley Raceway, various commercial and residential projects, etc.
Multiple Use Classes	CDCA Plan areas bearing the multiple use class designation "Moderate"	Restriction or preclusion of otherwise allowable use opportunities	Desert Quartzite, Mule Mountain Solar, Mule Mountain Soleil, Genesis, Chuckwalla Solar, etc.		
Noise	See Figure 4.9-1 Noise Measurement Locations and Noise Contours	Equipment, motor vehicles, high pressure steam blow	None	None	None
Paleontological Resources	Eastern Riverside County	Ground-disturbing activities; rock units with potential high sensitivity or known paleontological resources	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Public Health and Safety					
Hazardous materials/ hazardous waste	Mojave Desert Air Basin, watershed, groundwater basin, with focus on and in the vicinity of the site	Releases, spills, emissions, bacteria; ground disturbance that exposes existing subsurface conditions; engineering and administrative controls; health risks	See Air Resources, above; see also, Water Resources, below, in this Table 4.1-1.		

TABLE 4.1-1 (Continued)
CUMULATIVE SCENARIO

Resource or BLM Program	Cumulative Analysis Impact Area	Elements to Consider	BLM Renewable Energy Projects	Other BLM Authorized Actions	Other Known Actions/Activities
Public Health and Safety (cont.)					
Waste management	California Desert, with emphasis on Riverside County	Solid and liquid wastes	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Transmission line safety and nuisance	Immediate vicinity of the proposed line	Interference with radio-frequency communication; noise; fire hazards; hazardous shocks; nuisance shocks; and electric and magnetic field (EMF) exposure	Blythe Energy Project Transmission Line, Colorado River Substation and Expansion, Desert Quartzite, Palen, Chuckwalla Solar I	West-wide Section 368 Energy Corridors, Devers-Palo Verde Transmission Line, Blythe Energy Project	Interstate 10
Aviation safety	Air space governed by the Blythe Airport Land Use Compatibility Plan	Navigable airspace; reflectivity and temporary flash occurrences; radio frequency emissions and potential interference; thermal plumes; height and location of structures; clear space within Compatibility Zone D; bird strike and avian-aviation incompatibilities	All		
Traffic and transportation safety	I-10 corridor	Equipment that exceeds roadway load or size limits; hazardous materials transport	Same as Cultural Resources, above.		
Worker safety and fire protection	Project site and linear facilities corridor; jurisdictional boundary of the Riverside County Fire Department (RCFD) plus mutual aid agencies	Site access; fire response; hazardous materials response; advanced life support/paramedic services; disaster preparedness	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Geologic hazards	Project site and linear facilities corridor	Accelerated and/or environmentally harmful soil erosion; corrosive soils; earthquake fault ruptures; earthquake induced ground deformations (e.g. lateral spreading, subsidence, liquefaction, or collapse), or otherwise unstable soils; landslides	Blythe Energy Project Transmission Line, Colorado River Substation and Expansion, Desert Quartzite, Palen, Chuckwalla Solar I	West-wide Section 368 Energy Corridors, Devers-Palo Verde Transmission Line, Blythe Energy Project	Interstate 10

**TABLE 4.1-1 (Continued)
CUMULATIVE SCENARIO**

Resource or BLM Program	Cumulative Analysis Impact Area	Elements to Consider	BLM Renewable Energy Projects	Other BLM Authorized Actions	Other Known Actions/Activities
Public Health and Safety (cont.)					
Recreation	California Desert, with emphasis on eastern Riverside County	Dispersed recreational opportunities and experiences, ACECs, LTVAs	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Social Economics	Social: Eastern Riverside County Economic: Riverside County	Flow of goods and services; impacts to local infrastructure and services; ability to meet housing demand; employment/labor demand; possible positive impacts to regional economic sectors and/or adverse community impacts; severance or other tax benefits; ability of communities to absorb impacts	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Soil Resources	Mojave Desert Air Basin and watershed	Erosion	See Air Resources, above; see also, Water Resources, below, in this Table 4.1-1.		
Special Designations	Wilderness Areas within sight or hearing distance of the site (i.e., Palen/McCoy, Big Maria Mountains and Little Chuckwalla Mountains Wilderness Areas); more generally, the I-10 corridor	Views, glint, glare, noise, recreation	See related resource sections in this Table 4.1-1.		
Transportation and Public Access	Transportation: Eastern Riverside County, focusing on the I-10 corridor. Public Access: NECO Plan area.	Construction traffic – materials and workers OHV recreation opportunities, changes in viewscape, unauthorized routes	I-10 Corridor: Same as Cultural Resources, above. NECO Plan Area: including Genesis, Chuckwalla, First Solar/Desert Sunlight, etc.; see also cumulative projects identified for Vegetation Resources, below.		
Vegetation Resources	NECO Plan area.	Ephemeral drainages and natural communities; special status plants; stabilized and partially stabilized dunes and sand transport corridors; invasive plants	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Visual Resources	I-10 corridor.	Proposed Action appearance; construction-related dust, light, glint and glare; views from key observation points	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway

**TABLE 4.1-1 (Continued)
CUMULATIVE SCENARIO**

Resource or BLM Program	Cumulative Analysis Impact Area	Elements to Consider	BLM Renewable Energy Projects	Other BLM Authorized Actions	Other Known Actions/Activities
Public Health and Safety (cont.)					
Surface water	Watershed	Hydrology and quality	Blythe, Nextera McCoy, Desert Quartzite, Mule Mountain Solar, Associated Gen-tie Trans Lines	D-PV2, Colorado River Substation, DSW Trans Line, OHV, LTVAs	First Solar Blythe, Blythe Airport Solar 1
Groundwater	Palo Verde Mesa Groundwater Basin	Basin balance, levels and quality	Blythe, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil	Colorado River Substation, DSW Trans Line, OHV, LTVAs	First Solar Blythe, Blythe Airport Solar 1
Wildland and Fire Ecology	Eastern Riverside County	Mortality of plants and wildlife, loss of forage and cover; changes to the vegetation communities; spread of invasive plants; consequences of subsequent extreme weather events; air quality	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway
Wildlife Resources	Recovery Plan Area defined by NECO; Critical Habitat Unit defined by USFWS/CDFG; existing range or eastern Riverside County	Desert Tortoise, Mojave fringe-toed lizard, Couch's spadefoot toad, migratory birds, golden eagle, western burrowing owl, American badger, kit fox, Nelson's big horn sheep. Also, mortality and injury; special status wildlife; wildlife movement and connectivity; indirect impacts, including from lighting, collisions and climate change.	Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, Mule Mountain Soleil, Associated Gen-tie Trans Lines	Eagle Mtn Landfill, D-PV2, Colorado River Substation, Red Bluff Substation, DSW Trans Line, OHV, LTVAs	Blythe Airport Solar 1, Chuckwalla Valley Raceway

corresponding resource, resource use, or BLM program area); elements to consider; BLM renewable energy projects; other BLM authorized actions; and other known actions or activities within the geographic scope that are not under BLM’s jurisdiction. Most of the actions and projects listed have undergone, are undergoing, or would be required to undergo their own independent environmental review under NEPA or CEQA or both, as applicable. Table 4.1-2 identifies projects in the immediate vicinity of the I-10 corridor; these projects are shown in Figure 4.1-1.

**TABLE 4.1-2
 RENEWABLE ENERGY PROJECTS IN THE CALIFORNIA DESERT DISTRICT**

BLM Field Office	Number of Projects & Acres	Total MW
Solar Energy		
Barstow Field Office	18 projects 132,560 acres	12,875 MW
El Centro Field Office	7 projects 50,707 acres	3,950 MW
Needles Field Office	17 projects 230,480 acres	15,700 MW
Palm Springs Field Office	17 projects 123,592 acres	11,873 MW
Ridgecrest Field Office	4 projects 30,543 acres	2,835 MW
TOTAL – CA Desert District	63 projects 567,882 acres	47,233 MW
Wind Energy		
Barstow Field Office	25 projects 171,560 acres	n/a
El Centro Field Office	9 projects (acreage not given for 3 of the projects) 48,001 acres	n/a
Needles Field Office	8 projects 115,233 acres	n/a
Palm Springs Field Office	4 projects 5,851 acres	n/a
Ridgecrest Field Office	16 projects 123,379 acres	n/a
TOTAL – CA Desert District	62 projects 433,721 acres	n/a

SOURCE: CEC RSA, 2010 Section B.3.4, Table 1A; BLM, 2011

With the exception of climate change, which is a global issue, the BLM has identified the California desert as the largest area within which cumulative effects should be assessed for all disciplines. However, within the desert region, the specific area of cumulative effect varies by resource. For each resource, the geographic scope of analysis is based on the topography surrounding the project site and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects often extends beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the proposed action and alternatives.

In addition, each project in a region would have its own implementation schedule, which may or may not coincide or overlap with the proposed action's schedule. This is a consideration for short-term impacts from the project. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the proposed action.

Renewable Energy Projects Included in the Cumulative Scenario

A large number of renewable projects have been proposed on BLM-administered land, State land, and private land in California. As of January 2010, there were 244 renewable projects proposed in California in various stages of the environmental review process or under construction. As of December 2009, 49 of these projects, representing approximately 10,500 MW, were planning on requesting American Recovery and Reinvestment Act funds from the Federal government. Solar, wind, and geothermal development applications have requested use of BLM land, including approximately one million acres of the California desert. State and private lands have also been targeted for renewable solar and wind projects. In addition, nearly 80 applications for solar and wind projects are being considered on BLM land in Nevada and Arizona. (CEC RSA, 2010) Renewable energy projects in BLM's California Desert District are identified in Table 4.1-2.

Large renewable projects now described in applications to the BLM and on private land are competing for utility Power Purchase Agreements, which will allow utilities to meet State-required Renewable Portfolio Standards. Not all of the projects listed will complete the environmental review process, and not all projects will be funded and constructed. It is unlikely that all of these projects will be constructed for the following reasons:

1. Not all developers will develop the detailed information necessary to meet BLM and Energy Commission standards. Most of the solar projects with pending applications are proposing generation technologies that have not been implemented at large scales. As a result, preparing complete and detailed plans of development (PODs) is difficult, and completing the required NEPA and CEQA documents is especially time-consuming and costly.
2. As part of approval by the appropriate Lead Agency under NEPA and/or CEQA (generally the BLM and/or Energy Commission), all regulatory permits must be obtained by the applicant or the prescriptions required by the regulatory authorities incorporated into the Lead Agency's license, permit or ROW grant. The large size of these projects may result in permitting challenges related to endangered species, mitigation measures or requirements, and other issues.
3. Also after project approval, construction financing must be obtained (if it has not been obtained earlier in the process). The availability of financing will be dependent on the status of competing projects, the laws and regulations related to renewable project investment, and the time required for obtaining permits.

The BLM reviewed the list of renewable energy projects on State and private lands that the Energy Commission evaluated (CEC RSA, 2010, Table 1B) and determined that several among them do not meet the standard for consideration within the NEPA Cumulative Analysis. Reasons include: (i) BLM's NEPA Handbook H-1790-1 states, "Analyzing future actions, such as

speculative developments, is not required;”(ii) where information about the status of a potential upcoming project is not available, it is impossible to determine what impacts would result from its construction, operation, maintenance or ultimate decommissioning and, without this data, there can be no reasoned analysis of additive, countervailing or synergistic effects; and (iii) a cumulative impact analysis appropriately is concerned with impacts that are sufficiently likely to occur and not with guesswork about possible projects that can be conceived of or imagined. Accordingly, two of the renewable energy projects in Kern County that were considered by the Energy Commission are not considered by the BLM in this PA/FEIS: T, squared, Inc. (19 MW solar PV) and Man-Wei Solar (MW information is not available for this solar PV project).

Solar, wind and geothermal energy projects identified and analyzed by the Energy Commission as being on State and private lands that also are considered by the BLM are identified in Table 4.1-3. As shown on Table 4.1-3, the 60 solar projects total 5,979.4 MW; the 31 new wind projects total 6,361.5 MW; the six repowering projects total 702.2 MW; and the 17 geothermal projects total 757.3 MW. Proposed solar energy projects within BLM’s cumulative scenario also are shown on Figure 4.1-1.

**TABLE 4.1-3
RENEWABLE ENERGY PROJECTS ON STATE AND PRIVATE LANDS**

Project Name	Location	Status
Solar Projects – 60 Projects (5979.4 MW)		
Solargen Panoche Valley Solar Farm (420 MW Solar PV)	San Benito County	Under environmental review
San Joaquin Solar 1 and 2 (107 MW Solar hybrid)	Fresno	Under environmental review
Palmdale Hybrid Power Project Unit 1 (50 MW solar thermal, part of a hybrid project)	City of Palmdale	Under environmental review
Lucerne Valley Solar (50 MW solar PV)	San Bernardino	Under environmental review
Abengoa Mojave Solar Project (250 MW solar thermal)	San Bernardino County, Harper Lake	Under environmental review
Rice Solar Energy Project (150 MW solar thermal)	Riverside County, north of Blythe	Under environmental review
Sun City (20 MW solar PV)	Avenal, Kings County	Approved
Sand Drag (19 MW solar PV)	Avenal, Kings County	Approved
Avenal Park (9 MW solar PV)	Avenal, Kings County	Approved
Corcoran I (20 MW solar PV)	Avenal, Kings County	Under environmental review
Corcoran II (20 MW solar PV)	Avenal, Kings County	Under environmental review
GWF (125 MW solar PV)	Avenal, Kings County	Under environmental review
Maricopa Sun Solar Complex (700 MW Solar PV)	Kern County	Under environmental review
Monte Vista (126 MW Solar PV)	Kern County	Under environmental review
Lost Hills (32.5 solar PV)	Kern County	Under environmental review
Tehachapi Photovoltaic Project (20 MW solar PV)	Kern County	Under environmental review
Ridge Rider Solar Park by Global Real Estate Investment Partners, LLC (38 MW solar PV)	Kern County	Under environmental review
Rio Grande by Recurrent Energy (5 MW solar PV);	Kern County	Under environmental review
Rosamond 1 by Recurrent Energy (20 MW solar PV)	Kern County	Under environmental review

TABLE 4.1-3 (Continued)
RENEWABLE ENERGY PROJECTS ON STATE AND PRIVATE LANDS

Project Name	Location	Status
Solar Projects – 60 Projects (5979.4 MW) (cont.)		
Rosamond 2 by Recurrent Energy (20 MW solar PV)	Kern County	Under environmental review
Old River I by Recurrent Energy (16 MW solar PV)	Kern County	Under environmental review
Old River II by Recurrent Energy (17 MW solar PV)	Kern County	Under environmental review
Columbia II by Recurrent Energy (20 MW solar PV)	Kern County	Under environmental review
Columbia III by Recurrent Energy (10 MW solar PV)	Kern County	Under environmental review
Great Lakes II Solar by Recurrent Energy (5 MW solar PV)	Kern County	Under environmental review
North Muroc Solar Project by Nautilus (9 MW solar PV)	Kern County	Under environmental review
Regenes Power for Kern County Airports Dept (0.9 MW PV)	Kern County	Complete
LADWP (10 MW)	Jawbone Canyon Rd, Kern County	Approved
GE Energy LLC (40 MW)	Chantico Rd, Kern County	Approved
Rosamond Solar Array by First Solar (155 MW)	Kern County	Under environmental review
Willow Springs Solar Array by First Solar (160 MW)	Kern County	Under environmental review
Elk Hills Solar by Enxco (7 MW)	Kern County	Under environmental review
Goose Lake Solar by Enxco (15 MW)	Kern County	Under environmental review
San Bernard Solar by Enxco (6 MW)	Kern County	Under environmental review
Smyrna Solar by Enxco (20 MW)	Kern County	Under environmental review
Antelope Valley Solar Project by Renewable Resources (650 MW)	Kern County	Under environmental review
Rosamond Solar Project by SGS Antelope Valley, LLC (120 MW)	Kern County	Under environmental review
Weldon Solar Project by Renewable Resources (60 MW)	Kern County	Under environmental review
Cantil Solar Project by Nautilus (9 MW)	Kern County	Under environmental review
Sunshine Solar by Congentrix (40 MW)	Kern County	Under environmental review
Kramer Junction Solar Energy Center by Boulevard Associates (20 MW solar PV)	U.S. Highway 395 and Highway 58, San Bernardino County	Under environmental review
Gray Butte Solar PV (139 MW Solar PV)	Los Angeles County	Under environmental review
NRG Alpine Suntower (66 MW solar PV)	Lancaster, Los Angeles County	Under environmental review
Rancho Seco Solar Thermal (200 MW)	Sacramento County	Under environmental review
Stanislaus Solar Project I (20 MW PV)	Stanislaus County	Under environmental review
Stanislaus Solar Project II (20 MW PV)	Stanislaus County	Under environmental review
3 MW solar PV energy generating facility	San Bernardino County, Newberry Springs	MND published for public review
Blythe Airport Solar 1 Project (100 MW solar PV)	Blythe, California	MND published for public review
First Solar's Blythe (21 MW solar PV)	Blythe, California	Under construction
California Valley Solar Ranch (SunPower) (250 MW solar PV)	Carrizo Valley, San Luis Obispo County	Under environmental review

TABLE 4.1-3 (Continued)
RENEWABLE ENERGY PROJECTS ON STATE AND PRIVATE LANDS

Project Name	Location	Status
Solar Projects – 60 Projects (5979.4 MW) (cont.)		
Topaz Solar Farm (First Solar) (550 MW solar PV)	Carrizo Valley, San Luis Obispo County	Under environmental review
AV Solar Ranch One (230 MW solar PV)	Antelope Valley, Los Angeles County	Under environmental review
Imperial Solar Energy Center West (200 MW)	Imperial County	Under environmental review
Imperial Solar Energy Center South (250 MW)	Imperial County	Under environmental review
Bethel Solar X Hybrid (30 MW solar, 30 MW biomass)	Imperial County	Under environmental review
Centinela Solar (170 MW solar PV)	Imperial County	Under environmental review
Keystone Solar (6.1 MW)	Imperial County	Under environmental review
Frank Road Solar (30 MW)	Imperial County	Under environmental review
Chocolate Mountain Solar Farm (49.9 MW solar PV)	Imperial County	Approved
IV Solar (23 MW)	Imperial County	Under environmental review
Wind Projects – 31 Projects (6,361.5 MW) Plus 6 Repowering Projects (702.2 MW)		
NextEra Energy Resources (135.7 MW repowering project)	Alameda County, Altamont Pass Wind Resource Area	Under environmental review
Summit Wind Project (95 MW repowering project)	Alameda County, Altamont Pass Wind Resource Area	Under environmental review
Tres Vaqueros Windfarm Repowering Project (41 MW repowering project)	Contra Costa County, Altamont Pass Wind Resource Area	Under environmental review
Vasco Winds Repowering Project (80.5 MW repowering project)	Contra Costa County, Altamont Pass Wind Resource Area	Under environmental review
Bear River Ridge Wind Power Project (50 MW)	Humboldt County	Under Environmental Review
Padoma Wind Energy (175 MW)	Shasta County, South of Highway 299	Under Environmental Review
Alta-Oak Creek Mojave Project (up to 800 MW)	Kern County, west of Mojave	Under environmental review
PdV Wind Energy Project (up to 300 MW)	Kern County, Tehachapi Mountains	Approved
Iberdrola Tule Wind (200 MW)	San Diego County, McCain Valley	EIR/EIS in progress
Pine Tree Wind Project by LADWP (120 MW)	Kern County	Complete
Pine Canyon Wind Project by LADWP (150 MW)	Kern County	Under environmental review
Manzana Wind Project (300 MW)	Kern County	Approved (2008)
Aero Tehachapi (65 MW)	Kern County	Under environmental review
Alta by Terra-Gen (800 MW)	Kern County	Approved (2009)
Alta II by Terra-Gen (330 MW)	Kern County	Under environmental review
Windstar by Western Wind (65 MW)	Kern County	Approved (2009)
Coram, Inc. (3 MW)	Kern County	Approved (2008)
Coram, Inc. (3 MW)	Kern County	Approved (2009)
Pacific Wind by Enxco (151 MW)	Kern County	Under environmental review
North Sky River Project by Nextera (292 MW)	Kern County	Under environmental review
Windswept Energy by Western Wind (72 MW)	Kern County	Under environmental review
Avalon by Enxco (610 MW)	Kern County	Under environmental review

TABLE 4.1-3 (Continued)
RENEWABLE ENERGY PROJECTS ON STATE AND PRIVATE LANDS

Project Name	Location	Status
Wind Projects – 31 Projects (6,361.5 MW) Plus 6 Repowering Projects (702.2 MW) (cont.)		
Bent Tree by Horizon Wind (350 MW)	Kern County	Under environmental review
Sun Creek by Terra-Gen (300 MW)	Kern County	Under environmental review
CHiPs Southwest by Terra-Gen (200 MW)	Kern County	Under environmental review
Shiloh II (150 MW repower) by Shiloh Wind Partners LLC (enXco)	Montezuma Hills, Solano County	Completed (12/08)
Shiloh III (200 MW repower) by Shiloh Wind Partners LLC (enXco)	Montezuma Hills, Solano County	Under environmental review
Montezuma Hills (37 MW)	Montezuma Hills, Solano County	Under environmental review
Montezuma Hills Wind II (60 MW)	Montezuma Hills, Solano County	Under environmental review
SMUD-Solano Phase 2B (63 MW)	Montezuma Hills, Solano County	Completed (12/07)
AES Daggett Ridge (84 MW)	San Bernardino	EIS in progress
Granite Wind, LLC (81 MW)	San Bernardino	EIR/EIS in progress
Solano Wind Project Phase 3 (up to 128 MW)	Montezuma Hills, Solano County	Under environmental review
Hatchet Ridge Wind Project (100 MW)	Shasta County, Burney	Under construction
Lompoc Wind Energy Project (97.5 MW)	Lompoc, Santa Barbara County	Approved
Pacific Wind (Iberdrola) Tule Wind (200 MW)	McCain Valley, San Diego County	Under environmental review
City of Vernon Wind Energy Project (175 MW)	Kern County	Under environmental review
Geothermal Projects – 17 Projects (757.3 MW)		
Buckeye Development Project by Calpine (30 MW)	Geyserville, Sonoma	Under environmental review
Casa Diablo #1-3 (37 MW)	Mono County	Completed
Casa Diablo #4 (30 MW)	Mono County	Under environmental review
Surprise Valley (38 MW)	Modoc County	Under environmental review
Truckhaven I (49 MW)	Imperial County	Under environmental review
The Geysers Field (22 power plants, 35 MW)	Sonoma County	Completed
Hudson Ranch I, Char, LLC (49.9 MW)	Calipatria, Imperial County	Under Construction
Wildhorse North Geysers, Calpine (30 MW)	Sonoma County	Under environmental review
Telephone Flat-Glass Mountain (49.9 MW)	Siskiyou County	Under environmental review
Fourmile Hill-Glass Mountain (49.9 MW)	Siskiyou County	Under environmental review
Black Rock Geothermal 1 (53 MW)	Brawley, Imperial County	Under environmental review
Black Rock Geothermal 2 (53 MW)	Brawley, Imperial County	Under environmental review
Black Rock Geothermal 3 (53 MW)	Brawley, Imperial County	Under environmental review
Orni 18, LLC Geothermal Power Plant (49.9 MW)	Brawley, Imperial County	Approved
Orni 19, LLC Geothermal Power Plant (49.9 MW)	Brawley, Imperial County	Under environmental review
Hudson Ranch 1 (49.9 MW)	Imperial County	Approved
Hudson Ranch 2 (49.9 MW)	Imperial County	Under environmental review

SOURCE: CEC RSA, 2010 Section B.3.4, Table 1B. The CEC compiled this list from the projects on CEQAnet as of November 2009 and the projects located on private or State lands that are listed on the Energy Commission Renewable Action Team website as requesting ARRA funding. Additional renewable projects proposed on private and State lands but not requesting ARRA funds are listed on the website. The CEC RSA's Table 1B has been modified to remove projects not considered by the BLM, identified above. This list was supplemented by these additional sources: Humboldt County 2010; Kinney 2010; Kopp 2010; Kern County 2010; Cabanilla 2010; Solano County 2010; Public Utilities Commission 2010; Geothermal Energy Association 2009; Geothermal Magazine 2010.

Other BLM-Authorized Actions and Known Actions/Activities in the Cumulative Scenario

Other existing BLM authorized actions and other known actions/activities along the I-10 corridor in Eastern Riverside County are identified in Table 4.1-4.

Other future foreseeable projects along the I-10 corridor in Eastern Riverside County are identified in Table 4.1-5.

4.1.5 Mitigation Measures Included in the Analysis

For impacts identified in the following resource sections, mitigation measures have been developed that would be implemented during all appropriate phases of the project from initial ground breaking to operations, and through closure and decommissioning. The mitigation measures include a combination of the following:

1. Measures that have been proposed by the applicant;
2. Conditions of Certification (COCs) proposed by the California Energy Commission;
3. Regulatory requirements of other Federal, State, and local agencies;
4. USFWS terms and conditions identified in the Biological Opinion;
5. Terms and conditions identified in the Programmatic Agreement reached pursuant to National Historic Preservation Act Section 106; and
6. Additional BLM-proposed mitigation measures, standard right-of-way (ROW) grant terms and conditions, and best management practices.

These requirements are generically referred to as “Mitigation Measures” throughout this PA/FEIS. Because these Mitigation Measures are derived from a variety of sources, they also may be required, and their implementation regulated, by other agencies. For example, the project description included in Chapter 2 has been presented to the USFWS for consultation and is the basis upon which the terms and conditions of the Biological Opinion will be based. The Applicant would be required to comply with the terms and conditions of the Biological Opinion. Similarly, compliance with the terms and conditions of the National Historic Preservation Act Section 106 Programmatic Agreement will be required as a mitigation measure. The Applicant would be required by the ROD and the ROW grant to comply with the applicable requirements of other agencies; for example, see 43 CFR 2805.12(a) (Federal and state laws and regulations) and (i)(6) (more stringent state standards for public health and safety, environmental protection and siting, constructing, operating, and maintaining any facilities and improvements on the ROW). Any non-compliance with implementation of these other Federal or State requirements could affect the approval status of the ROD and ROW grant.

As noted above, the BLM recognizes that the Energy Commission conditions of certification are not generally within the enforcement authority of the BLM since these conditions are requirements originating in State law and regulation. While the Applicant must comply with such conditions, they

**TABLE 4.1-4
EXISTING PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)**

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
1	Interstate 10	Linear interstate highway running from Santa Monica to Blythe (in California)	Caltrans	Existing	N/A	Interstate 10 (I-10) is a major east-west route for trucks delivering goods to and from California. It is a four-lane divided highway in the project region.
2	Chuckwalla Valley State Prison	19025 Wiley's Well Rd. Blythe, CA	CA Dept. of Corrections & Rehabilitation	Existing	1,080	State prison providing long-term housing and services for male felons classified as medium and low-medium custody inmates jointly located on 1,720 acres of state-owned property. APN 879040006, 008, 012, 027, 028, 029, 030
3	Ironwood State Prison	19005 Wiley's Well Rd. Blythe, CA	CA Dept. of Corrections & Rehabilitation	Existing	640	ISP jointly occupies with Chuckwalla Valley State Prison 1,720 acres of state-owned property, of which ISP encompasses 640 acres. The prison complex occupies approximately 350 acres with the remaining acreage used for erosion control, drainage ditches, and catch basins. APNs 879-040-001, 004, 009, 010, 011, 015, 016, 017, 018, 019, 020
4	Devers-Palo Verde 1 Transmission Line	From Palo Verde (Arizona) to Devers Substation	SCE	Existing	N/A	Existing 500 kV transmission line parallel to I-10 from Arizona to the SCE Devers Substation, near Palm Springs. DPV1 will loop into the approved Midpoint Substation (now called Colorado River Substation), which will be located 10 miles southwest of Blythe. See D and E in Table 3.18-3.
5	Blythe Energy Project	City of Blythe, north of I-10, 7 miles west of the CA /AZ border	Blythe Energy, LLC	Existing	76	520 MW combined-cycle natural gas-fired electric-generating facility. Project is connected to the Buck Substation owned by WAPA.
6	West-wide Section 368 Energy Corridors	Riverside County, parallel to DPV corridor	BLM, DOE, US Forest Service	Approved by BLM and US Forest Service	N/A	Designation of corridors on federal land in the 11 western states, including California, for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities (energy corridors). One of the corridors runs along the southern portion of Riverside County.
7	Eagle Mountain Pumping Plant	Eagle Mountain Road, west of Desert Center	Metropolitan Water District of Southern California	Existing		144-foot pumping plant that is part of the Metropolitan Water District of Southern California's facilities. APNs 807-150-007, 807-150-009, 807-150-010

TABLE 4.1-4 (Continued)
EXISTING PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
8	Recreational Opportunities	Eastern Riverside County	BLM	Existing	N/A	BLM has numerous recreational opportunities on lands in eastern Riverside County along the I-10 corridor including the Wiley's Well Campground, Coon Hollow Campground, and Midland Long-Term Visitor Area.
9	Kaiser Mine	Eagle Mountain, north of Desert Center	Kaiser Ventures, Inc.	Existing		Kaiser Steel mined iron ore at Kaiser Mine in Eagle Mountain and provided much of the Pacific Coast steel in the 1950s. Mining project also included the Eagle Mountain Railroad, 51 miles long. Imported steel captured market share in the 1960s and 1970s and primary steelmaking closed in the 1980s. 701380031
10	Blythe Energy Project Trans-mission Line	From the Blythe Energy Project (Blythe, CA) to Julian Hinds Substation	Blythe Energy, LLC	Existing	N/A	Transmission line modifications including upgrades to Buck Substation, approximately 67.4 miles of new 230 kV transmission line between Buck Substation and Julian Hinds Substation, upgrades to the Julian Hinds Substation, installation of 6.7 miles of new 230 kV transmission line between Buck Substation and SCE's DPV 500 kV transmission line.
11	Blythe PV Project	Blythe	First Solar	CPUC approved project terms of a 20 year power purchase agreement for sale of 7.5 MW, Under construction in fourth quarter, 2009	200	7.5 MW solar photovoltaic project located on 200 acres. Project was constructed by First Solar and sold to NRG Energy.
12	Chuckwalla Valley Raceway	Desert Center Airport (no longer a community airport)	Developer Matt Johnson	Existing	400	Proposed 500-mile race track located on 400 acres of land that used to belong to Riverside County and was used as the Desert Center Airport. APNs 811-142-016, 811-142-006. Small private airstrip kept as part of project. Construction completed in March 2010.

SOURCE: CEC RSA, 2010 Section B.3.4, Table 2; BLM, 2011

**TABLE 4.1-5
FUTURE FORESEEABLE PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)**

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
A	Four Commercial Projects	Blythe, CA	Various	Approved	N/A	Four commercial projects have been approved by the Blythe Planning Department including the Agate Road Boat & RV Storage, Riverway Ranch Specific Plan, Subway Restaurant and Motel, and Agate Senior Housing Development.
B	Intake Shell	Blythe, CA		Under Construction	N/A	Reconstruction of a Shell facility located at Intake & Hobson Way. Demolition occurred in 2008, reconstruction planned for 2009-2010.
C	Fifteen residential developments	Blythe, CA	Various	Approved or Under Construction	N/A	<p>Twelve residential development projects have been approved by the Blythe Planning Department including: Vista Palo Verde (83 Single Family Residential [SFR]), Van Weelden (184 SFR), Sonora South (43 SFR), Ranchette Estates (20 SFR), Irvine Assets (107 SFR), Chanslor Village (79 SFR), St. Joseph's Investments (69 SFR), Edgewater Lane (SFR), The Chanslor Place Phase IV (57 SFR), Cottonwood Meadows (103 Attached SFR), Palo Verde Oasis Phase IV (29 SFR).</p> <p>Three residential development projects have been approved and are under construction including: The Chanslor Phase II & III (78 SFR), River Estate at Hidden Beaches, Mesa Bluffs Villas (26 Attached SFR).</p>
D	Devers-Palo Verde 2 Trans-mission Line Project	From the Midpoint Substation to Devers Substation (CA-only portion)	SCE	CPUC Petition to Modify Request to construct CA-only portion was approved by CPUC 11/2009. DPV2 to Arizona was originally approved by CPUC in 6/2007. BLM ROD not yet issued.	N/A	New 500 kV transmission line parallel to the existing Devers-Palo Verde Transmission Line from Midpoint Substation, approximately 10 miles southwest of Blythe, to the SCE Devers Substation, near Palm Springs. The ROW for the 500 kV transmission line would be adjacent to the existing DPV ROW and would require an additional 130 feet of ROW on federal and State land and at least 130 feet of ROW on private land and Indian Reservation land.
E	Colorado River Substation Expansion	10 miles southwest of Blythe	SCE	Approved by CPUC 11/2009. Application for expansion filed with CPUC in 11/2010. Expansion currently under environmental review.	44	The substation was approved by the CPUC (as the "Midpoint Substation") but is proposed to be expanded as a 500/230 kV substation and would be constructed in an area approximately 1,000 feet by 1,900 feet, permanently disturbing approximately 90 acres. The 500 kV switching station would include buses, circuit breakers, and disconnect switches. The switchyard would be equipped with 108-foot-high dead-end structures. Outdoor night lighting would be designed to illuminate the switchrack when manually switched on. The Draft Supplemental EIR was published by the CPUC in February 2011.
F	Desert Southwest Trans-mission Line	118 miles primarily parallel to DPV	Imperial Irrigation District	Final EIR/EIS prepared in 2005. Approved by the BLM in 2006.	N/A	New, approximately 118-mile 500 kV transmission line from a new substation/switching station near the Blythe Energy Project to the existing Devers Substation located approximately 10 miles north of Palm Springs, California.

TABLE 4.1-5 (Continued)
FUTURE FORESEEABLE PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
G	Blythe Energy Project II	Blythe, CA. Near the Blythe Airport and I-10	Blythe Energy, LLC	Approved by CEC in December 2005	30 acres (located on Blythe Energy Project land)	520 MW combined-cycle power plant located entirely within the Blythe Energy Project site boundary. Blythe Energy Project II will interconnect with the Buck Substation constructed by WAPA as part of the Blythe Energy Project. Project is designed on 30 acres of a 76-acre site.
H	Eagle Mountain Pumped Storage Project	Eagle Mountain iron ore mine, north of Desert Center	Eagle Crest Energy Company	License application filed with FERC in June 2009. EIR published in mid-2010; FERC Draft EIS published in December 2010.	1,524	1,300 MW pumped storage project designed to store off-peak energy to use during peak hours. The captured off-peak energy would be used to pump water to an upper reservoir. When the water is released to a lower reservoir through an underground electrical generating facility the stored energy would be added into the Southwestern grid during "high demand peak" times, primarily weekdays. Estimated water use is 8,100 AFY for the first four-year start-up period and replacement water is 1,763 AFY thereafter.
I	Palen Solar Energy Project	North of I-10, 10 miles east of Desert Center	Solar Millennium LLC/ Chevron Energy	Approved by CEC in December 2010. Undergoing environmental review by BLM. Proposed to have one unit online in 2012 and one unit online in 2013.	5,200	500 MW solar trough project on 5,200 acres. Facility would consist of two 250 MW plants disturbing approximately 3,870 acres. Project would include interconnection to the SCE Red Bluff Substation. Project would use an estimated 300 AFY of water.
J	Blythe Solar Power Project	North of I-10, immediately north of the Blythe Airport	Solar Millennium LLC/Chevron Energy	Approved by CEC and BLM in 2010; under construction.	9,400	1,000 MW solar trough facility on 9,400 acres.
K	NextEra (FPL) McCoy	Northwest of Blythe, CA, immediately north of Blythe Solar Power Project	NextEra (FPL)	Plan of Development in to Palm Springs BLM	20,608	250 MW solar trough project. ROW in process for monitoring water well drilling.
L	McCoy Soleil Project	10 miles northwest of Blythe	enXco	Plan of Development in to Palm Springs BLM	1,959	300 MW solar power tower project located on 1,959 acres. Project would require a 14-mile transmission line to proposed SCE Colorado Substation south of I-10. Would use 575-600 AFY of water.
M	Genesis Solar Energy Project	North of I-10, 25 miles west of Blythe and 27 miles east of Desert Center	NextEra (FPL)	Approved by CEC and BLM in 2010; under construction		250 MW solar trough project on 4,640 acres north of the Ford Dry Lake. Project includes six-mile natural gas pipeline and a 5.5-mile gen-tie line to the Blythe Energy Center to Julian Hinds Transmission Line, then travel east on shared transmission poles to the Colorado River Substation.

TABLE 4.1-5 (Continued)
FUTURE FORESEEABLE PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
N	Chuckwalla Solar I	1 mile north of Desert Center	Chuckwalla Solar I, LLC	Plan of Development submitted to BLM	4,083	200 MW solar photovoltaic project on 4,083 acres. Project would be developed in several phases and would tap into an existing SCE 161-kV transmission line crossing the site.
O	Rice Solar Energy Project	Rice Valley, Eastern Riverside County	Rice Solar Energy, LLC (Solar Reserve, LLC)	Approved by CEC; construction to begin in 2011	1,410	150 MW solar power tower project with liquid salt storage. Project is located on approximately 1,410 acres and includes a power tower approximately 650 feet tall and a 10-mile long interconnection with the WAPA Parker-Blythe transmission line.
P	Blythe Airport Solar I Project	Blythe Airport	U.S. Solar	City of Blythe approved the project in November, 2009	640	100 MW solar photovoltaic project located on 640 acres of Blythe airport land.
Q	Desert Quartzite	South of I-10, 8 miles southwest of Blythe	First Solar (previously OptiSolar)	POD in to BLM	7,724	600 MW solar photovoltaic project located on 7,724 acres. Adjacent to DPV transmission line and SCE Colorado Substation. Approximately 27 AF of water would be used during construction and 3.8 AFY during operation.
R	Desert Harvest Project	6 miles north of Desert Center	enXco	POD submitted to BLM	1,057	100 MW photovoltaic plant on 1,057 acres of BLM land. Would require a 5- to 8-mile transmission line to planned SCE Red Bluff Substation.
S	Eagle Mountain Landfill Project	Eagle Mountain, North of Desert Center	Mine Reclamation Corporation and Kaiser Eagle Mountain, Inc.	US Court of Appeals for the Ninth Circuit issued its opinion regarding the EIS for the project in 11/09 and ruled that the land exchange for the project was not properly approved by the administrative agency. Kaiser's Mine and Reclamation is considering all available options.	~ 3,500	The project proposed to be developed on a portion of the Kaiser Eagle Mountain Mine in Riverside County, California. The proposed project comprises a Class III nonhazardous municipal solid waste landfill and the renovation and repopulation of Eagle Mountain Townsite. The proposal by the proponent includes a land exchange and application for rights-of-way with the Bureau of Land Management and a Specific Plan, General Plan Amendment, Change of Zone, Development Agreement, Revised Permit to Reclamation Plan, and Tentative Tract Map with the County. The Eagle Mountain landfill project proposes to accept up to 20,000 tons of non-hazardous solid waste per day for 50 years.
T	Wiley's Well Communication Tower (part of the Public Safety Enterprise Communication System)	East of Wiley's Well Road, just south of I-10	Riverside County	Final EIR for the Public Safety Enterprise Communication System published in August 2008.	N/A	The Public Safety Enterprise Communication project is the expansion of Riverside County's fire and law enforcement agencies approximately 20 communication sites to provide voice and data transmission capabilities to personnel in the field.

TABLE 4.1-5 (Continued)
FUTURE FORESEEABLE PROJECTS ALONG THE I-10 CORRIDOR (Eastern Riverside County)

ID #	Project Name; Agency ID	Location	Ownership	Status	Acres	Project Description
U	Paradise Valley "New Town" Development	Approximately 30 miles west of Desert Center (7 miles east of the city of Coachella)	Glorious Land Company	Notice of Preparation (NOP) of an EIR published in December 2005. Still under environmental review.	6,397	Company proposes to develop a planned community as an international resort destination with residential, recreational, commercial, and institutional uses and facilities. The project is planned as a self-contained community with all public and quasi-public services provided. The project is located outside the Coachella Valley Water District (CVWD) boundaries and the applicant has entered into an agreement with the CVWD to manage artificial recharge of the Shaver's Valley groundwater. The proponent has purchased a firm water supply from Rosedale-Rio Bravo Water District in Kern County. In-kind water would be transferred to the MWD that would release water from the Colorado River Aqueduct to a 38-acre percolation pond on the project site. MWD would deliver approximately 10,000 AFY to the percolation pond and over the long term, no net loss of groundwater in storage is anticipated.
V	Mecca Specific Plan	North of Salton Sea, east of community of Mecca, southeast of City of Coachella.	Mecca Group LLC	NOP of an EIR published in June 2008. Still under environmental review.	2,934	The proposed project includes 19,476 units with a mix of low-, medium- and high-density residential development. Non-residential uses include retail/commercial, mixed use, a golf course, and open space with civic uses and agricultural buffers. The Specific Plan incorporates existing residential, commercial, industrial, and civic uses with a blend of proposed low-, medium- and high-density residential and commercial land uses. The proposed General Plan Amendment and Change of Zone would be changed to Specific Plan and Specific Plan zoning.
W	Proposed National Monument (former Catellus Lands)	Between Joshua Tree National Park and Mojave National Preserve		In December 2009, Senator Feinstein introduced Senate Bill 2921 that would designate two new national monuments including the Mojave Trails National Monument.	941,000	The proposed Mojave Trails National Monument would protect approximately 941,000 acres of federal land, including approximately 266,000 acres of the former railroad lands along historic Route 66. The BLM would be given the authority to conserve the monument lands and also to maintain existing recreational uses, including hunting, vehicular travel on open roads and trails, camping, horseback riding and rockhounding.
X	BLM Solar Energy Zones (SEZs)	Along the I-10 corridor between Desert Center and Blythe	BLM	Proposed	202,896 (eastern Riverside County only)	The DOE and the BLM identified 24 tracts of land as Solar Energy Study Areas in the BLM and DOE Solar Programmatic Draft EIS, published in December 2010. These areas have been identified for in-depth study of solar development and may be found appropriate for designation as solar energy zones in the future.

SOURCE: CEC RSA, 2010 Section B.3.4, Table 3; BLM, 2011.

are not directly enforceable by the BLM except in the general sense referred to above. For those Energy Commission conditions that are also within the enforcement authority of the BLM because of overlapping authorities, the BLM has recommended them as mitigation measures in the PA/FEIS and thereby made them subject to the BLM's enforcement authority. Appendix B, *Conditions of Certification*, contains a complete list of the CEC's conditions of certification for the project.

In some instances, the BLM has identified potential impacts to public land resources that should be mitigated. In these instances, individual mitigation measures have been developed by the BLM and are recommended in the PA/FEIS. Compliance with these mitigation measures would be monitored and enforced solely by the BLM. In addition, standard terms and conditions for approval of the use of public land would be identified in the ROD and incorporated into any ROW grant authorized for the project and thereafter would be enforced by the BLM.

4.1.6 Terms and Conditions found in FLPMA and BLM ROW Regulations

Title V of FLPMA addresses the issuance of ROW authorizations on public land. The BLM has identified all the lands that would be occupied by facilities associated with the project that are needed for its construction, operation, and maintenance. The general terms and conditions for all public land rights of way are described in FLPMA section 505, and include measures to minimize damage and otherwise protect the environment, require compliance with air and water quality standards, and compliance with more stringent state standards for public health and safety, environmental protection, siting, construction, operation, and maintenance of ROWs. The Secretary may prescribe additional terms and conditions as he deems necessary to protect Federal property, provide for efficient management, and among other things, generally protect the public interest. For this project, terms and conditions would be incorporated into the ROW grant as necessary to protect public safety, including security fencing and on-site personnel. The environmental consequences analysis in the PA/FEIS identifies impacts and mitigation measures to reduce or eliminate impacts. The mitigation measures identified by the BLM in Chapter 4, *Environmental Consequences*, which would be incorporated as terms and conditions of the ROW grant, recommend actions necessary to prevent unnecessary or undue degradation of the public lands as required by FLPMA section 302. The additional mitigation measures that are identified and described in the EIS and that would be enforced by the other agencies, as noted above, provide additional protection to public land resources.

Specifically, the PA/FEIS identifies recommended mitigation measures that would:

1. Require compliance with Mojave Desert Air Quality Management District State regulations, reduce carbon emissions, and minimize dust;
2. Require planning and compliance with Federal, State and local agency requirements for drainage, erosion and sediment control, wastewater management, groundwater use and monitoring, and stormwater control and monitoring;
3. Require measures to protect public health and safety including traffic control, transmission line standards, and worker safety plans; and

4. Require biological resource mitigation and cultural resources mitigation to protect sensitive environmental resources and cause the least damage to the environment and protect the public interest, while allowing the project to be constructed.

Finally, all BLM ROW grants are approved subject to the regulations set forth in 43 CFR Part 2800, which specify that the BLM may, at any time, change the terms and conditions of a ROW grant “as a result of changes in legislation, regulations, or as otherwise necessary to protect public health or safety or the environment.” 43 CFR 2805.15(e). The BLM will monitor conditions and review any ROW grant issued for the PSPP to evaluate if future changes to the grant terms and conditions are necessary or justified under this provision of the regulations to further minimize or reduce impacts resulting from the project.

If approved, the solar energy ROW authorization would include diligent development terms and conditions, consistent with the requirements of 43 CFR 2805.12(i)(5). Failure of the holder to comply with the diligent development terms and conditions would provide the BLM authorized officer the authority to suspend or terminate the authorization (43 CFR 2807.17).

If approved, the solar energy ROW authorization also would include a required “Performance and Reclamation” bond to ensure compliance with the terms and conditions of the ROW authorization, which is consistent with the requirements of 43 CFR 2805.12(g). The “Performance and Reclamation” bond would consist of three components. The first component would be hazardous materials, the second component would be the decommissioning and removal of improvements and facilities, and the third component would address reclamation, revegetation, restoration and soil stabilization.

4.1.7 Incorporation of the Analysis of the Red Bluff Substation Project by Reference

Section 1502.21 of the CEQ regulations state, “Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action.” See also, BLM NEPA Handbook Section 5.2.1, *Incorporation by Reference*. The BLM is incorporating by reference each of the portions of the Desert Sunlight EIS cited and summarized in Appendix E, *Analysis of the Red Bluff Substation Project, Incorporated by Reference from the Desert Sunlight EIS*. For all Resource/Issue areas, construction, operation and maintenance of the Red Bluff Substation project would cause or contribute to the same direct, indirect and cumulative impacts regardless of whether it were constructed as part of the Desert Sunlight project, the project, or another of the projects proposed for interconnection.

4.2 Impacts on Air Resources

4.2.1 Impact Assessment Methodology

Construction, operation and maintenance, and closure and decommissioning of the proposed action would emit criteria air pollutants, including fugitive dust and combustion products. This section analyzes potential impacts related to air resources from the emissions of criteria air pollutants from the proposed action and alternatives. Criteria air pollutants are defined as air contaminants for which the State and/or Federal government has established ambient air quality standards to protect public health.

The criteria pollutants analyzed within this section are nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), and particulate matter (PM). There are two subsets of particulate matter: inhalable particulate matter (less than 10 microns in diameter, or PM₁₀) and fine particulate matter (less than 2.5 microns in diameter, or PM_{2.5}). Nitrogen oxides (NO_x, consisting primarily of nitric oxide [NO] and NO₂) and volatile organic compound (VOC) emissions readily react in the atmosphere as precursors to ozone and, to a lesser extent, particulate matter. Sulfur oxides (SO_x) readily react in the atmosphere to form particulate matter and are major contributors to acid rain. Global climate change and greenhouse gas (GHG) emissions are analyzed in Section 3.3, *Impacts on Global Climate Change*.

Dispersion Modeling Assessment

The Applicant used the U.S. Environmental Protection Agency (U.S. EPA) guideline American Meteorological Society/EPA Regulatory Model (AERMOD) to estimate ambient impacts from construction and operation of the proposed action. Construction emission sources for the site were grouped into two categories: equipment (off-road equipment) and vehicles (on-road equipment), where the exhaust and fugitive dust emissions for each type were calculated for particulate matter modeling. Emissions from onsite equipment engines and fugitive dust emission sources were modeled as area sources. Similar modeling procedures were used by the Applicant to determine impacts from the operating maintenance vehicle exhaust and fugitive dust emissions, while the stationary sources (boilers, engines, cooling towers) were modeled as point sources.

This air dispersion model analysis provides a means of predicting the location and ground level magnitude of the impacts of a new emissions source. AERMOD consist of several complex series of mathematical equations, which are repeatedly calculated by a computer for many ambient conditions to provide theoretical maximum offsite pollutant concentrations short-term (one-hour, three-hour, eight-hour, and 24-hour) and annual periods. Model results generally are described as maximum concentrations, often as a unit of mass per volume of air, such as micrograms per cubic meter (µg/m³).

The inputs for the air dispersion model include two power blocks with stack information (exhaust flow rate, temperature, and stack dimensions); specific engine and vehicle emission data; and meteorological data, such as wind speed, atmospheric conditions, and site elevation. For the

proposed action, the meteorological data used as inputs to the model included hourly wind speeds and directions measured approximately 27 miles to the east of the Project site at the Blythe Airport meteorological station during 2002 through 2004.

For the determination of one-hour average and annual average construction NO_x concentrations the Ozone Limiting Method (OLM) was used to determine highest possible near field NO₂ impacts. The NO_x emissions from internal combustion sources, such as diesel engines, are primarily in the form of nitric oxide (NO) rather than NO₂. The NO converts into NO₂ in the atmosphere, primarily through the reaction with ambient ozone, and NO_x OLM assumes full conversion of stack NO emission with the available ambient ozone. The NO_x OLM method was used assuming an initial NO₂/NO_x ratio of 0.1 for all NO_x emission sources. Actual monitored hourly background ozone concentration data from Niland, California were used for all of 2002 and January through April of 2003, and Blythe monitoring data were used from May 2003 through 2004, based on data availability and proximity to the project site, to provide ozone data that corresponds with the years of meteorological data that were used to calculate maximum potential NO to NO₂ conversion to determine the maximum hourly NO₂ impacts.

Background concentrations provided by the Applicant were replaced where appropriate¹ with the available highest ambient background concentrations from the last three years at the most representative monitoring stations as shown in Table 4.2-1. The information presented in this table has been updated since the publication of the SA/DEIS to use peak values from 2007 to 2009 background data for gaseous pollutants (2009 data were not yet available); the updated information shows an improvement in highest possible background concentrations for many of the criteria pollutants included in the air dispersion modeling analysis. Modeled impacts to these background concentrations were added, and then compared with the ambient air quality standards for each respective air contaminant to determine whether the proposed action's emission impacts would cause a new exceedance of an ambient air quality standard or would contribute to an existing exceedance.

Construction Modeling Analysis

The total duration of project construction for the proposed action is estimated to be 39 months. Construction primarily would include construction of two solar fields and two power blocks. Different areas within the project site and the construction laydown areas would be disturbed at different times over the period. Total construction disturbance area would be approximately 5,200 acres; the permanent disturbance area of the project operations would be approximately 2,970 acres. Construction elements of the proposed action would include the two solar power plants (power block and solar array, as well as other ancillary facilities such as the administration buildings, warehouse, and parking lot), an electric transmission line to a substation located to the west, access roads, and rerouted drainage channels.

¹ This does not include the background for the federal one-hour NO₂ standard since the Applicant's modeling analysis uses actual monitored NO₂ concentrations to determine the combined PSPP plus background average 98th percentile 1-hour NO₂ impacts.

**TABLE 4.2-1
BACKGROUND CONCENTRATIONS ($\mu\text{G}/\text{M}^3$)**

Pollutant	Averaging Time	Recommended Background	Limiting AAQS ^a	Percent of Standard
NO ₂	1 hour	119	339	35%
	Annual	19	57	33%
CO	1 hour	2,645	23,000	12%
	8 hour	878	10,000	9%
PM10	24 hour	83	50	166%
	Annual	30.5	20	153%
PM2.5	24 hour ^b	20.5	35	59%
	Annual	8.7	12	73%
SO ₂	1 hour	23.6	655	4%
	3 hour	15.6	1,300	1%
	24 hour	13.1	105	12%
	Annual	3.5	80	4%

^a The limiting AAQS is the most stringent of the CAAQS or NAAQS for that pollutant and averaging period.

^b PM2.5 24-hour data shown are the 98th percentile values which is the basis of the ambient air quality standard and the basis for determination of the recommended background concentration.

SOURCE: CEC RSA, 2010 (Table 5)

Combustion emissions would result from the off-road construction equipment, including diesel construction equipment used for site grading, excavation, and construction of onsite structures, and water and soil binder spray trucks used to control construction dust emissions; and off-road construction equipment used at the onsite batch plant. Fuel combustion emissions also would result from exhaust from on-road construction vehicles, including heavy duty diesel trucks used to deliver materials, other diesel trucks used during construction, and worker personal vehicles and pickup trucks used to transport workers to and from and around the construction site. Fugitive dust emissions would result from site grading/excavation activities, installation of a temporary 12 kV construction power transmission line and the new project power transmission lines, completion of onsite wells and water pipelines, construction of power plant facilities, roads, and substation, the use of an onsite batch plant, and vehicle travel on paved and unpaved roads. There also would be emissions associated with the use of an onsite fuel depot.

The annual emissions for the shorter duration offsite construction activities are based on the following construction durations: one month for access road construction, and seven months for transmission line construction.

Using estimated peak hourly, daily, and annual construction equipment exhaust emissions, the Applicant modeled the proposed action's construction emissions to determine impacts (CEC RSA, 2010). To determine the construction impacts on ambient standards (i.e., one-hour through annual) it was assumed that the emissions would occur during a daily construction schedule of 10-hour days from March through September (7 a.m. to 5 p.m.) and 8-hour days from October through February (8 a.m. to 4 p.m.). The Applicant's modeling results indicate that 1 hour NO₂

concentrations above the State standard only occur within 200 meters of the north fence line at night. The results are conservative and contribute impacts to project construction higher than expected for the following reasons:

- The modeling analysis included the very conservative input assumptions of using area sources to model all of the construction NO_x emissions, except for the stationary concrete batch plant generator which was modeled as a point source and consequently found to have minimal NO₂ impacts (less than 3 µg/m³).
- Impacts exceeding the State standard only occurred for five out of the 26,304 hours modeled and were found to only occur at night when construction activities would normally be winding down or at much lower level of emissions than during mid-day.
- The modeling, which did incorporate the ozone limiting method (OLM), did not undergo further refinement to determine the actual expected maximum conversion of NO to NO₂ in the very short time period the emissions plume would take to get to and just past the fence line. OLM assumes immediate 100 percent conversion based on the available concentration of ozone. Such an analysis would show that the maximum NO₂ concentrations from construction would not exceed the state standard.

The predicted proposed action pollutant concentration levels were added to a conservatively estimated background of existing emission concentration levels (Table 4.2-1) to determine the cumulative effect. Table 4.2-2 presents the results of the Applicant’s modeling analysis. The construction-related maximum daily emissions modeling analysis for the proposed action, including both the onsite fugitive dust and vehicle tailpipe emission sources, is summarized in Table 4.2-3, and maximum annual emissions are summarized in Table 4.2-4.

**TABLE 4.2-2
 MAXIMUM PROPOSED ACTION CONSTRUCTION IMPACTS**

Pollutants	Avg. Period	Project Impact (µg/m ³)	Background (µg/m ³)	Total Impact (µg/m ³)	Standard (µg/m ³)	Percent of Standard
NO ₂	1-hr.	351.9	45.1 ^a	397.0	339	117%
	Annual	4.9	19.0	23.9	57	42%
CO	1-hr	575	2,645	3,220	23,000	14%
	8-hr	282	878	1,160	10,000	12%
PM10	24	51.9	83	134.9	50	270%
	Annual	3.9	30.5	34.1	20	171%
PM2.5	24	14.5	20.5	35.0	35	100%
	Annual	1.32	8.7	10.0	12	83%
SO ₂	1-hr	1.71	23.6	25.3	665	4%
	3-hr	1.33	15.6	16.9	1,300	1%
	24-hr	0.42	13.1	13.5	105	13%
	Annual	0.01	3.5	3.5	80	4%

^a This is the background concentration that corresponds the hour with the highest combined matched hourly project impact and hourly monitored NO₂ background concentration.

SOURCE: CEC Commission Decision, 2010 (Air Quality Table 4)

**TABLE 4.2-3
PROPOSED ACTION CONSTRUCTION – MAXIMUM DAILY EMISSIONS (lbs/day)**

	NOx	VOC	CO	PM10	PM2.5	SOx
Onsite Construction Emissions						
Main Power Block (entire project)						
Off-road Equipment Exhaust	1,412.15	165.52	670.28	60.83	55.96	3.09
On-road Vehicles	36.74	2.69	17.22	1.21	1.11	0.05
Asphaltic Paving	—	0.00	—	—	—	—
Fugitive Dust from Paved Roads	—	—	—	5.24	0.89	—
Fugitive Dust from Unpaved Roads	—	—	—	585.25	124.09	—
Fugitive Dust from Construction Activities	—	—	—	691.68	143.87	—
Batch Plant Emissions	17.86	1.3	9.84	17.48	17.48	0.03
Fuel Depot	—	6.17	—	—	—	—
Subtotal – Power Block Onsite Emissions	1,466.75	175.68	697.34	1,361.7	343.4	3.16
Power Block On-road Equipment (offsite)	330.06	78.79	852.08	149.72	36.18	1.37
Access Road Construction (offsite)	73.42	6.76	35.86	25.95	7.57	0.14
Transmission Line Construction (offsite)	19.30	2.91	30.21	12.01	3.21	0.06

SOURCE: CEC RSA, 2010 (Table 6)

**TABLE 4.2-4
PROPOSED ACTION CONSTRUCTION – MAXIMUM ANNUAL EMISSIONS (tons/year)**

	NOx	VOC	CO	PM10	PM2.5	SOx
Construction Emissions						
Main Power Block (entire project)						
Off-road Equipment Exhaust	164.32	19.53	82.28	7.53	7.01	0.36
On-road Vehicles	4.90	0.31	2.05	0.16	0.15	0.01
Asphaltic Paving	—	0.03	—	—	—	—
Fugitive Dust from Paved Roads	—	—	—	0.64	0.11	—
Fugitive Dust from Unpaved Roads	—	—	—	71.14	15.17	—
Fugitive Dust from Construction Activities	—	—	—	73.33	15.08	—
Batch Plant Emissions	2.14	0.16	1.18	2.3	2.3	0.00
Fuel Depot	—	1.13	—	—	—	—
Subtotal – Power Block Onsite Emissions	171.37	21.16	85.51	155.1	39.83	0.37
Power Block On-road Equipment (offsite)	36.82	9.00	95.73	16.9	4.19	0.16
Access Road Construction (offsite)	0.81	0.07	0.39	0.29	0.08	0.00
Transmission Line Construction (offsite)	0.90	0.17	1.84	0.60	0.23	0.16

NOTE: Emissions that were not added may not be additive due to occurring at different times during the construction schedule, and all emissions include fugitive dust as appropriate.

SOURCE: CEC, Commission Decision (Air Quality Table 3)

Operation Modeling Analysis

Using estimated peak hourly, daily, and annual operating emissions, the Applicant modeled the proposed action's operation emissions to determine impacts (CEC RSA, 2010). The predicted proposed action pollutant concentration levels were added to conservatively-estimated maximum background concentration levels (Table 4.2-1) to determine the cumulative effect. Table 4.2-5 presents the results of the Applicant's modeling analysis of operations-phase emissions. This analysis includes emissions from the stationary sources for both power blocks and the onsite fugitive dust and vehicle tailpipe emission sources estimated by the Applicant. Table 4.2-6 presents operation-related maximum daily emissions modeling analysis for the proposed action. Table 4.2-7 presents operation-related maximum annual emissions modeling analysis for the proposed action. The following are the stationary and mobile emission source operating assumptions that were used to develop the operation emissions estimates for the proposed action:

Stationary Emission Sources

The proposed action would consist of two power plant units, each of which would consist of the following basis for equipment and emission estimates:

- a. One 35-MMBtu/hr propane or liquefied petroleum gas (LPG) fired auxiliary boiler used for startup and HTF freeze protection; daily emissions based on 5 hours per day at 25% load and 12 hours per day at full load. Annual emissions based on 5,100 hours per year with duty cycle of 12% (600 hours per year) at full load and 88% (4,500 hours per year) at 25% load.
- b. One 300 hp diesel-fired emergency fire water pump engine; testing one hour test per week, not to exceed 50 hours per year.
- c. One 2,922 hp diesel-fired emergency generator engine; testing one hour test per week, not to exceed 50 hours per year.
- d. One two-cell cooling tower; circulation rate of 6,034 gallons per minute, 2,000 milligrams per liter Total Dissolved Solids (TDS), drift eliminator with drift losses of less than or equal to 0.0005%, maximum run time of 16 hours per day and 3,700 hours per year.
- e. One HTF expansion/ullage system; VOC control efficiency of 98%, limited to 0.75 pounds per hour or 1.5 pounds per day, operation is estimated at 2 hours per day and 400 hours per year.
- f. HTF piping system. Assumes 3,050 valves, 4 pump seals, 7,594 connectors, and 10 pressure relief valves for each unit. The HTF piping system fugitive emissions were recalculated to consider the properties of the HTF during the daily operation cycle, where it is assumed that for 16 hours per day the HTF in the piping system is consistent with the properties of a light liquid and for 8 hours per day the HTF in the piping system is consistent with the properties of a heavy liquid. The specific emission factors used are set forth in Table 4.2-8.

**TABLE 4.2-5
PROPOSED ACTION OPERATION EMISSION IMPACTS**

	Avg. Period	Project Impact (µg/m ³)	Background (µg/m ³)	Total Impact (µg/m ³)	Standard (µg/m ³)	Percent of Standard
NO₂	1-hr CAAQS	139.7	119	258.7	339	76%
	1-hr NAAQS	171.6	NA	171.6	188	91%
	Annual	0.03	19.0	19.0	57	33%
CO	1-hr	183.5	2,645	2,829	23,000	12%
	8-hr	73.9	878	952	10,000	10%
PM10	24	14.1	83	97.1	50	194%
	Annual	1.8	30.5	32.3	20	162%
PM2.5	24	2.5	20.5	23.0	35	66%
	Annual	0.39	8.7	9.1	12	76%
SO₂	1-hr	3.1	23.6	26.7	665	4%
	3-hr	2.1	15.6	17.7	1,300	1%
	24-hr	0.23	13.1	13.3	105	13%
	Annual	0.008	3.5	3.5	80	4%

SOURCE: CEC Commission Decision, 2010 (Air Quality Table 6)

**TABLE 4.2-6
PROPOSED ACTION OPERATIONS – MAXIMUM DAILY EMISSIONS (LBS/DAY)**

	NOx	VOC	CO	PM10	PM2.5	SOx
Onsite Operation Emissions						
Auxiliary Boilers	10.30	4.64	34.84	9.28	9.28	10.48
Emergency Fire Pump Engines	3.77	0.20	3.44	0.20	0.20	0.01
Emergency Generators	58.70	3.09	33.47	1.93	1.93	0.06
Auxiliary Cooling Towers	---	---	---	1.45	1.45	--
HTF Vents	---	3.00	---	---	--	---
HTF Fugitives	---	92.89	--	--	--	--
Onsite Maintenance Vehicles	0.86	0.09	0.56	310.06	65.76	0.01
Fuel Depot	--	0.45	--	--	--	--
Subtotal of Onsite Emissions	73.63	104.36	72.31	322.92	78.61	10.56
Offsite Emissions						
Delivery Vehicles	39.16	2.89	11.02	2.95	2.11	0.04
Employee Vehicles	9.06	9.49	90.28	18.70	8.75	0.14
Subtotal of Offsite Emissions	48.22	12.38	101.30	21.65	10.86	0.18
Total Maximum Daily Emissions	121.85	116.74	173.61	344.57	89.47	10.74

SOURCE: CEC RSA, 2010 (Table 8)

**TABLE 4.2-7
 PROPOSED ACTION OPERATIONS – MAXIMUM ANNUAL EMISSIONS (TONS/YR)**

	NOx	VOC	CO	PM10	PM2.5	SOx
Onsite Operation Emissions						
Auxiliary Boilers	0.67	0.30	2.27	0.60	0.60	0.68
Emergency Fire Pump Engines	0.09	0.00	0.09	0.00	0.00	0.00
Emergency Generators	1.47	0.08	0.84	0.05	0.05	0.00
Auxiliary Cooling Towers	---	---	---	0.26	0.26	---
HTF Vents	---	0.30	---	---	---	---
HTF Fugitives	---	16.95	---	---	---	---
Onsite Maintenance Vehicles	0.10	0.01	0.07	31.32	6.64	0.00
Fuel Depot	--	0.004	--	--	--	--
Subtotal of Onsite Emissions	2.33	17.74	3.27	32.23	7.55	0.68
Offsite Emissions						
Delivery Vehicles	1.46	0.11	0.41	0.11	0.08	0.00
Employee Vehicles	1.65	1.73	16.48	3.41	1.60	0.02
Subtotal of Offsite Emissions	3.11	1.84	16.89	3.52	1.68	0.022
Total Maximum Annual Emissions	5.44	19.48	20.16	35.75	9.23	0.70

SOURCE: CEC RSA, 2010 (Table 9)

**TABLE 4.2-8
 EMISSION FACTORS**

Piping Component	Light Liquid Emission Factor (lb/hr/source)	U.S.EPA Reference Table	Heavy Liquid Emission Factor (lb/hr/source)	U.S.EPA Reference Table
Valves	5.55E-04	Table 2-9 (100 ppm)	1.90E-05	Table 2-4 (Heavy Oil)
Pump Seals	1.86E-03	Table 2-9 (100 ppm)	5.30E-05	Table 2-12 (Zero Factor)
Flanges/Connectors	1.65E-05	Table 2-12 (Zero Factor)	1.65E-05	Table 2-12 (Zero Factor)
Pressure Relief Valves	9.85E-02	Table 2-5 (<10,000 ppm)	1.90E-05	Table 2-4 (Heavy Oil)

NOTE: for pressure relief valves the in service emission factors are for gas service, rather than light liquid service.

SOURCE: CEC RSA, 2010 (AP-42)

These emission factors may not assume appropriate control efficiencies for the inspection and maintenance program required by the South Coast Air Quality Management District (SCAQMD). This emission estimate will be revised as determined necessary and appropriate pursuant to adaptive management principles, after further consideration of the effectiveness of the inspection and maintenance program.

Mobile Emissions Sources

- a. Emissions for employee trips were estimated assuming 134 employees per day averaging 95 miles round trip per employee.
- b. Mobile emissions sources required for operation and maintenance were estimated by the Applicant based on vehicle miles traveled (VMT) and operating hours. For example, a mirror washing cycle or event can be completed in three days, which would allow for approximately 78 washing events per year, but it was assumed that washing would only be required once per week during October through March and twice a week during April through September, for a total of 78 washing events per year (CEC RSA, 2010). Each mobile source type has a different basis for emissions estimates as provided in the Applicant's revised emission estimate spreadsheets (CEC RSA, 2010).

Closure and Decommissioning

The anticipated lifespan of the proposed action is estimated to be 30 years. Eventually the facility would close, either at the end of its useful life or due to some unexpected situation such as a natural disaster or catastrophic facility breakdown. When the facility closes, all sources of air emissions would cease to operate and impacts associated with those emissions no longer would occur. The only other expected emissions would be equipment exhaust and fugitive particulate emissions from the dismantling activities. However, emissions from these activities would be less than the emissions associated with construction of the proposed action due to a much shorter duration of equipment use, equipment technology advancement, and fugitive dust emissions would be required to be controlled in a manner at least equivalent to that required during construction.

4.2.2 Discussion of Direct and Indirect Impacts

Proposed Action

The modeling analysis for the construction and operation phases indicate that, with the exception of PM₁₀ and 1-hour NO₂, that the proposed action would not create new exceedances or contribute to existing exceedances for any of the modeled air pollutants. The conditions that would create the highest possible project modeled impacts (low wind speeds) are not the same conditions that occur for the PM₁₀ and PM_{2.5} maximum background concentration levels. Additionally, the highest possible PM_{2.5}, PM₁₀, and NO₂ impacts occur at the fence line and drop off quickly with distance. Therefore, the impacts, when including mitigation measures, would not contribute substantially to exceedances of the PM₁₀ or NO₂ CAAQS in downwind areas.

Ozone

Air dispersion models can be used to quantify ozone impacts; however, such models are used for regional planning efforts where hundreds or even thousands of sources are input into the model to determine ozone impacts. No regulatory agency models have been approved for assessing single source ozone impacts. However, because of the known relationship of NO_x and VOC emissions

to ozone formation, it can be said that the emissions of NO_x and VOC from the proposed action do have the potential (if left unmitigated) to contribute to higher ozone levels in the region.

PM_{2.5} Impacts

Secondary particulate formation is the process of conversion from gaseous reactants to particulate products. For the purposes of this analysis, it is assumed that 100 percent of PM_{2.5} exhaust emissions occur due to secondary particulate formation. The process of gas-to-particulate conversion, which occurs downwind from the point of emission, is complex and depends on many factors, including local humidity and the presence of air pollutants. The basic process assumes that the SO_x and NO_x emissions are converted into sulfuric acid and nitric acid first and then react with ambient ammonia to form sulfate and nitrate. The sulfuric acid reacts with ammonia much faster than nitric acid and converts completely and irreversibly to particulate form. Nitric acid reacts with ammonia to form both a particulate and a gas phase of ammonium nitrate. The particulate phase would tend to fall out; however, the gas phase can revert back to ammonia and nitric acid. Thus, under the right conditions, ammonium nitrate and nitric acid establish a balance of concentrations in the ambient air.

Emissions of NO_x and SO_x from the proposed action (if left unmitigated) could contribute to higher PM_{2.5} levels in the region; however, the region is attainment for PM_{2.5} standards and the low level of NO_x and SO_x emissions from the proposed action would not significantly affect that status.

Alternatives

Reconfigured Alternative 1

Reconfigured Alternative 1 would require approximately the same amount of construction and would have the same operating equipment and nearly identical operating maintenance requirements as the proposed action. The Applicant did not provide criteria pollutant emission estimates for the construction and operation of this alternative, but it is assumed that the construction and operation emissions would be approximately the same, or just slightly higher due to a less efficient site layout, as those for the proposed action. Therefore, the construction and operation emissions of Reconfigured Alternative 1 would be similar to those shown in Tables 4.2-3 and 4.2-4, and Tables 4.2-6 and 4.2-7, respectively.

The maximum daily and maximum annual construction and operation emissions and emission impacts for Reconfigured Alternative 1 would likely to be similar to those found for the proposed action, assuming the same maximum daily and annual construction activities. However, the amount of increase or reduction in impacts is uncertain as the impacts are based on factors such as proximity to receptors and terrain as well as total emissions. Additionally, it is possible that the revised fence line shape would reduce the distance from the primary operating emission sources to public areas outside of the fence line.

Implementation of Reconfigured Alternative 1 would likely result in the following:

- a. The construction emissions and ground level pollutant concentration impacts would be the same as the proposed action and would require the same level of mitigation. The total construction period and total construction emissions and long-term ground level pollutant concentration impacts would be similar to those required to construct the proposed action.
- b. The operation emissions and ground level pollutant concentration impacts of Reconfigured Alternative 1 could be higher than those for the proposed action if the distance from the emergency generator to the fence line is reduced, which would likely require additional mitigation in order to reduce NO_x emission impacts and ensure impacts from this alternative do not cause new ambient air quality standard exceedances. Otherwise, this alternative is essentially identical to the proposed action from an air resources perspective, and would require the same level of mitigation as the proposed action to mitigate other potential impacts. This alternative would provide the same benefits of the proposed action in displacing fossil fuel-fired generation and reducing associated, but mainly out-of-air-basin, criteria pollutant emissions.

Reconfigured Alternative 2

Option 1

Reconfigured Alternative 2 Option 1 would require approximately the same amount of construction and would have the same operating equipment and nearly identical operating maintenance requirements as the proposed action. The Applicant did not provide criteria pollutant emission estimates for the construction and operation of this alternative, but it is assumed that the construction and operation emissions would be approximately the same as, or just slightly higher than the proposed action due to a less efficient site layout. Therefore, the construction and operation emissions of Option 1 would be similar to those shown in Tables 4.2-3 and 4.2-4, and Tables 4.2-6 and 4.2-7, respectively.

The maximum daily and maximum annual construction and operation emissions and emission impacts for Option 1 would likely to be as high as that estimated for the proposed action, assuming the same maximum daily and annual construction activities. The Option 1 Unit 1 power block would be located approximately 2,700 feet (0.5 mile) south of the location for the proposed action. This revised location would move more of the solar field closer to the I-10, increasing concerns regarding any visible fugitive dust plumes; however, appropriate measures would mitigate the potential for adverse dust plumes that could impact the I-10 during construction and operation.

Additionally, the revised fence line shape would reduce the distance from the primary operating emission sources to public areas outside of the fence line. The layout of Reconfigured Alternative 2 Option 1 would not require revised modeling for SCAQMD permitting purposes because SCAQMD does not require ambient impact analysis modeling for the proposed action and it would not cause substantially different impacts related to the pollutants of concern relative to the proposed action because the impacts of this alternative would be caused predominately by the modeled maintenance equipment, with the exception of the 1-hour NO₂ impacts that would be caused mainly by the large emergency engines. Considering the significantly shortened distance to the fence line (from 3,914 to 2,388 feet) under this alternative and the potential increase in 1-hour NO₂ impacts from the engines, additional NO₂ emissions mitigation measures should be

imposed for this alternative that would require the Applicant to prove that it would not cause exceedances of the short term 1-hour NO₂ standards. Such proof could be provided, for example, through modeling analysis or through the proposed use of Tier 4 Emergency Generator Engines (an approximate 90 percent reduction in proposed emissions from the dominant NO₂ impact source). With this additional recommended NO_x emission mitigation measure, the short-term and annual construction and operation pollutant concentration impacts for Reconfigured Alternative 2 Option 1 would be no different than those shown for the proposed action in Tables 4.2-2 and 4.2-5, respectively.

Implementation of Reconfigured Alternative 2 Option 1 would likely result in the following:

- a. The short-term construction emissions and ground level pollutant concentration impacts would be the same as the proposed action and would require the same level of mitigation. The total construction period and total construction emissions and long-term ground level pollutant concentration impacts would be similar to those required to construct the proposed action.
- b. The operation-related emissions and ground level pollutant concentration impacts would be higher than those for the proposed action due to a change in the distance from the emergency generator to the fence line, which would require additional mitigation in order to reduce NO_x emission impacts to ensure that impacts from this alternative would not cause new ambient air quality standard exceedances. Otherwise, Reconfigured Alternative 2 Option 1 would be nearly identical to the proposed action from an air resources perspective, and would require the same level of mitigation as the proposed action to mitigate potential impacts to air quality.
- c. This alternative would provide the same benefits of the proposed action in displacing fossil fuel-fired generation and reducing associated, but mainly out-of-air-basin, criteria pollutant emissions.

Option 2

Reconfigured Alternative 2 Option 2 would require approximately the same amount of construction and would have the same operating equipment and nearly identical operation and maintenance requirements as the proposed action. It is assumed that the construction and operation emissions are approximately the same as, or just slightly higher than the proposed action due to the alternative's less efficient site layout. Therefore, the construction and operation emissions would be similar to those shown Tables 4.2-3 and 4.2-4, and Tables 4.2-6 and 4.2-7, respectively.

The maximum daily and maximum annual construction and operation emissions and emission impacts for Reconfigured Alternative 2 Option 2 would likely to be as high as that estimated for the proposed action, assuming the same maximum daily and annual construction activities. The Reconfigured Alternative 2 Option 2 Unit 1 power block would be located approximately 2,700 feet (0.5 mile) south of the location for the proposed action. This revised location, like Reconfigured Alternative 2 Option 1, would move more of the solar field closer to the I-10, increasing concerns regarding any visible fugitive dust plumes; however, appropriate measures would mitigate the potential for significant dust plumes that could impact the I-10 during construction and operation.

Additionally, the revised fence line shape would reduce the distance from the primary operating emission sources to public areas outside of the fence line. The layout of Reconfigured Alternative 2 Option 2 would not require revised modeling for SCAQMD permitting purposes because SCAQMD would not require ambient impact analysis modeling for this project. Additionally, the impacts of this alternative are not expected to be substantially different than those of the proposed action because impacts of the alternative would result predominately from the modeled maintenance equipment except for the 1-hour NO₂ impacts, which would be caused mainly by the large emergency engines. Considering the significantly shortened distance to the fence line (from 3,914 to 1,384 feet) under this alternative and the potential increase in 1-hour NO₂ impacts from the engines, staff recommends an additional an NO₂ emissions mitigation measure for this alternative that would require the Applicant to prove that it would not cause exceedances of the short term 1-hour NO₂ standards. Such proof could be provided, for example, through modeling analysis or through the proposed use of Tier 4 Emergency Generator Engines (an approximate 90 percent reduction in proposed emissions from the dominant NO₂ impact source). With this additional recommended NO_x emission mitigation measure, the short-term and annual construction and operation pollutant concentration impacts for this alternative would be no worse than those shown for the proposed action in Tables 4.2-2 and 4.2-5, respectively.

Implementation of Reconfigured Alternative 2 Option 2 would likely result in the following:

- a. The short-term construction emissions and ground level pollutant concentration impacts would be the same as the proposed action and would require the same level of mitigation. The total construction period and total construction emissions and long-term ground level pollutant concentration impacts would be similar to those required to construct the proposed action.
- b. The operation emissions and ground level pollutant concentration impacts would be higher than those for the proposed action due to shorter distance between the emergency generator and the fence line, which merits additional mitigation to reduce NO_x emission impacts and ensure impacts from this alternative would not cause new ambient air quality standard exceedances. Otherwise, this alternative is nearly identical to the proposed action from an air resources perspective and would require the same level of mitigation as the proposed action to mitigate potential impacts on air quality.
- c. This alternative would provide the same benefits of the proposed action in displacing fossil fuel-fired generation and reducing associated, but mainly out-of-air-basin, criteria pollutant emissions.

Reduced Acreage Alternative

The Reduced Acreage Alternative would reduce the total operation emissions compared to the proposed action by approximately 25 percent (see Tables 4.2-6 and 4.2-7) due to reduced requirements of the smaller project. However, the maximum daily and annual construction emissions are assumed to be similar to the proposed action assuming the same level of maximum daily and annual activity with a reduction in the overall construction schedule. Therefore, the maximum construction emissions would be approximately the same as the emissions shown in Tables 4.2-3 and 4.2-4.

The maximum short-term and maximum annual construction pollutant concentration impacts for the Reduced Acreage Alternative are assumed to be essentially the same as that estimated for the proposed action, assuming the same maximum daily and annual construction activities. Thus, the short-term and annual construction pollutant concentration impacts for this alternative are assumed to be essentially the same as those shown for the proposed action in Table 4.2-2.

The maximum annual operation pollutant concentration impacts for the Reduced Acreage Alternative would likely to be 25 percent less than those found for the proposed action as shown in Table 4.2-5. However, the exact amount of reduction in impacts is uncertain as the impacts are based on factors such as proximity to receptors and terrain as well as total emissions.

Implementation of the Reduced Acreage Alternative would likely result in the following:

- a. The short-term construction emissions and ground level pollutant concentration impacts would be similar to the proposed action and would require the same level of mitigation. While the daily and annual construction activity would likely be similar to the proposed action, the total construction period and total construction emissions would be reduced from those required to construct the proposed action.
- b. The operation emissions and ground level pollutant concentration impacts would likely be approximately 25 percent less than those for the proposed action.
- c. The Reduced Acreage Alternative would displace approximately 25 percent less fossil fuel-fired generation and associated criteria pollutants, but mainly out of the air basin, compared to the proposed action.

No Action Alternative A

Implementation of No Action Alternative A would likely result in the following:

- a. The impacts of the PSPP would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another renewable energy project. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.
- b. The benefits of the PSPP in reducing fossil fuel use and greenhouse gas emissions from gas-fired generation would not occur. Both State and Federal law support the increased use of renewable power generation. Implementation of this alternative would not support those efforts.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the ROW application would be denied, and the CDCA Plan would be amended to identify the project site as unsuitable for any type of solar energy development. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis of impacts of this alternative related to air resources in this PA/FEIS. Appropriate NEPA analysis would need to be conducted on any new ROW application to determine the specific impacts.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the ROW application would be denied, and the CDCA Plan would be amended to identify the PSPP application area as suitable for any type of solar energy development. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted on any new ROW application to determine the specific impacts.

4.2.3 Discussion of Cumulative Impacts

Cumulative air quality impacts would occur when multiple projects affect the same geographic areas at the same time or when sequential projects extend the duration of air quality impacts on a given area over a longer period of time. The factors of geographic extent and time frame for ambient air quality impacts and climate change impacts are discussed below.

Air quality impacts of the project would stem from temporary construction and long-term operational activities. Ozone precursor emissions associated with engine exhaust from construction equipment and construction-related traffic would contribute to area-wide and regional air quality conditions. Direct particulate matter emissions, such as fugitive dust emissions, generally would have a more localized impact, with the most noticeable impacts occurring within one-half mile or less of the site. Secondary particulate matter, formed by atmospheric chemical reactions involving precursor emissions of organic compounds, nitrogen oxides, and sulfur oxides, would have an area-wide and regional extent similar to ozone.

Criteria pollutant emissions associated with construction or operational activities would not persist in the atmosphere for long periods of time. Ozone precursor emissions are chemically reactive, and have typical atmospheric lifetimes measured in hours, days, or weeks. The atmospheric lifetime of suspended particulate matter depends on particle size and composition. Most fugitive dust particles have typical atmospheric lifetimes measured in hours or days, while small particles can remain in the atmosphere for a few days to a few weeks. Emissions from large industrial facilities can be injected high into the atmosphere, resulting in longer atmospheric residence times for some pollutants from these sources. Actual changes in ambient air quality generally are determined by pollutants that have been emitted within recent days or weeks. Most emissions that were released earlier than that would no longer be affecting actual ambient air quality conditions for criteria pollutants.

Ambient air quality standards are set for time frames that include 1-hour, 3-hour, 8-hour, 24-hour, 30-day averages, calendar quarter averages, and yearly averages. Violations of some ambient air quality standards are based on statistical analyses of data compiled over a period of three consecutive years. Thus, there is a regulatory context in terms of attainment or nonattainment designations that is generally no more than three years beyond the time frame for emissions release.

Construction activities for the project would be limited to second half of 2011, 2012, 2013, and the first half of 2014. Criteria pollutant emissions from construction activity during those years

would not persist in the atmosphere beyond the middle of 2014, and air quality conditions resulting from those emissions would not be considered in attainment or nonattainment designations after 2016.

Current ambient air quality conditions represent the cumulative effect of pollutant emissions on a local and regional geographic scale for recent time periods. Eastern Riverside County meets all federal ambient air quality standards, but occasionally exceeds state ambient air quality standards for ozone and PM10. The limited amount of ozone monitoring data from Blythe does not show any distinct trends in ozone levels or the frequency with which state ozone standards are exceeded. In a more general context, most Southern California monitoring stations show a trend of gradually improving air quality in terms of ozone, with a trend toward lower peak ozone levels and fewer days exceeding federal and state ozone standards. Historical data for PM10 levels often shows little distinct trend toward improving or declining air quality.

Existing projects and facilities listed in Section 4.1.4, *Cumulative Scenario Approach*, are too far from the project area to create cumulative fugitive dust impacts in combination with any of the alternatives. The proposed gen-tie line would cross I-10 to reach the Red Bluff Substation. Traffic on I-10, however, does not generate enough fugitive dust to lead to significant cumulative fugitive dust problems in combination with transmission line or substation construction activities. The region of interest for precursor emissions that can react to form ozone and secondary particulate matter extends for perhaps 30 to 40 miles from the project area. Thus, most of the projects listed in Section 4.1.4, *Cumulative Scenario Approach*, can be considered close enough to the project to have the potential for cumulative impacts related to ozone and secondary particulate matter. But traffic on I-10, the Genesis Solar Energy Project and Chuckwalla Solar I project are the only projects in Table 4.1-5 that are meaningful emission sources for precursors of ozone and secondary particulate matter. The other projects listed in Table 4.1-5 do not generate sufficient emissions of ozone or particulate matter precursors to result in the potential for adverse cumulative air quality impacts in combination with the various project alternatives. Additional considerations regarding cumulative air quality impacts for the various project alternatives in combination with existing conditions are presented below.

The region of interest for precursor emissions that can react to form ozone and secondary particulate matter extends for perhaps 30 to 40 miles from the project area. Thus, most of the projects listed in Section 4.1.4, *Cumulative Scenario Approach* can be considered close enough to the project to have the potential for cumulative impacts related to ozone and secondary particulate matter. But many of the smaller projects listed in Section 4.1.4, *Cumulative Scenario Approach*, especially urban development projects in the Blythe area, are unlikely to generate enough precursor emissions for ozone and secondary particulate matter to create actual cumulative impacts in combination with the project. The same consideration would hold true for most of the smaller renewable energy projects listed in Section 4.1.4, *Cumulative Scenario Approach*. The project would result in precursor emissions for ozone or secondary particulate matter during the construction phase and during its operational lifetime. Thus, the time frame for potential cumulative air quality impacts related to precursors of ozone and secondary particulate matter for the project is during the construction period as well as long-term operations.

The timing for approval and construction of the Chuckwalla Solar I project is not known, but could overlap with part of the construction period for the project. Consequently, there is the potential for short-term significant cumulative fugitive dust impacts from the project in combination with this or other solar energy projects. Because the timing for construction of at least some of the projects listed in Section 4.1.4, *Cumulative Scenario Approach*, would overlap with construction of the project, there also would be short term cumulative air quality impacts in terms of precursor emissions for ozone and secondary particulate matter.

The timing for construction of most projects listed in Section 4.1.4, *Cumulative Scenario Approach*, is not known. The Genesis and Desert Sunlight solar energy projects are planned with construction time frames that overlap that of the project. In addition, the transmission line projects (Devers-Palo Verde 2, Desert Southwest, and Green Energy transmission lines) could have construction periods that partially overlap with the project. It is unclear whether or not other projects listed in Section 4.1.4, *Cumulative Scenario Approach*, would have construction periods that overlap with the project.

With regard to operations, operation of the projects listed in Section 4.1.4, *Cumulative Scenario Approach*, would clearly overlap with operations of the project, potentially resulting in an adverse cumulative impact.

The action alternatives (i.e., Reconfigured Alternatives 1 and 2 and the Reduced Acreage Alternative) would have short term adverse air quality impacts associated with facility construction and long-term adverse impacts associated with operations. The air quality impacts from construction would not last long enough to alter current federal or state attainment status designations for the project area. Existing air quality conditions in the project area meet all federal ambient air quality standards, but occasionally exceed state air quality standards for ozone and PM10. These conditions would not be changed by the emissions associated with project construction. Thus, there would be no significant cumulative air quality impacts from the action alternatives in combination with existing cumulative air quality conditions.

There would be no cumulative air quality impacts under No Action Alternative A, CDCA Plan Amendment/No Project Alternative B or CDCA Plan Amendment/No Project Alternative C because there would be no right-of-way grant for development of the project and associated facilities. Any future proposals for use of the site would be subject to separate environmental analysis.

4.2.4 Summary of Mitigation Measures

The BLM has determined that implementation of mitigation measures jointly developed by the BLM and CEC, which were imposed by the Energy Commission as Conditions of Certification for the project, would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B and, as related to impacts on air resources, are summarized below.

If left unmitigated, the proposed construction activities would contribute to adverse PM10 and ozone impacts. Implementation of Mitigation Measures AQ-SC1 to AQ-SC5 would reduce these impacts: AQ-SC1 would require the Applicant to designate and retain an on-site Air Quality Construction Mitigation Manager (AQCMM) to direct and document compliance with specified mitigation measures. AQ-SC2 would require the Applicant to provide an Air Quality Construction Mitigation Plan (AQCMP) that details the steps that will be taken and the reporting requirements necessary to ensure compliance with applicable the mitigation measures. AQ-SC3 would require a demonstration of compliance with the AQCMP measures related to minimizing fugitive dust from construction and preventing all fugitive dust plumes from leaving the project site. AQ-SC4 would establish a dust plume response requirement in the event that visible dust plumes are observed. AQ-SC5 would require a demonstration of compliance with diesel-fueled engine control measures.

If unmitigated, the project's direct and indirect, or secondary emissions would contribute to existing violations of the ozone and PM10 ambient air quality standards. Implementation of Mitigation Measures AQ-SC6 and AQ-SC7 would reduce the effect of the project-specific emissions by establishing a standard for onsite maintenance vehicle emissions and requiring the preparation of a site Operations Dust Control Plan, respectively.

AQ-SC-8 would require the Applicant to provide the CPM with copies of all SCAQMD-issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility.

Implementation of Mitigation Measure AQ-SC9 would ensure that the VOC emission reduction credit information would be provided to Staff for review.

Implementation of Mitigation Measure AQ-SC10 would ensure that the two auxiliary cooling towers emissions would be controlled adequately through the use of a high efficiency mist eliminator and control of the recirculating water total dissolved solids content.

Implementation of Mitigation Measure AQ-SC11 would assure that the operation of the emergency engines will not cause an exceedance of the state or federal 1-hour NO2 ambient air quality standards.

The SCAQMD issued a Final Determination of Compliance on December 1, 2010, imposing conditions of compliance on project construction and operation to ensure compliance with District Rules and Regulations. The SCAQMD's conditions are incorporated into the CEC's Conditions of Certification; compliance with SCAQMD conditions would result from the implementation of the following Mitigation Measures: AQ-1 (Operation of Equipment), AQ-2 (Equipment Maintenance), AQ-3 (Propane-fired Equipment), AQ-4 (Source Test(s) for Criteria Pollutant(s)), AQ-5 (Fuel Usage Limit), AQ-6 (Flow Meter Use), AQ-7 (AQMD Source Test Report), AQ-8 (NOx Emission Limits Exception), AQ-9 (CO Emission Limits Exception), AQ-10 (Equipment Emission Limit), AQ-11 (Equipment Operation Hour Limitation), AQ-12 (Fuel Usage Limit), AQ-13 (Operating Time Limit), AQ-14 (Boiler Operating Emission Rates) AQ-15 (Annual Operations Limit), AQ-16 (Boiler Operation Load Limits), AQ-17 (Non-Resettable Totalizing Fuel Meter), AQ-18 (Diesel Fuel Content), AQ-19 (Engine Emissions

Limits), AQ-20 (Non-Resettable Totalizing Fuel Meter), AQ-21 (Engine Operations Limit), AQ-22 (Engine Operations Log), AQ-23 (BACT emission limits).

4.2.5 Residual Impacts after Mitigation Measures were Implemented

Residual Air Quality impacts are the emissions associated with construction and operation as outlined in Tables 4.2-4 and 4.2-5.

4.2.6 Unavoidable Adverse Impacts

Unavoidable Adverse Air Quality impacts from the emissions associated with construction and operation as outlined in Tables 4.2-4 and 4.2-5.

4.3 Impacts on Global Climate Change

4.3.1 Impact Assessment Methodology

The methodology to assess impacts to climate change under NEPA continues to evolve as consensus forms as to how best to evaluate such effects on proposed action-specific and cumulative levels. The CEQ published draft guidance on February 18, 2010, for Federal agencies to improve their consideration of the effects of greenhouse gas (GHG) emissions and climate change in their evaluation of proposals for Federal actions under NEPA. For example, the CEQ proposes that agencies should consider the direct and indirect GHG emissions from the action and to quantify and disclose those emissions in the environmental document (40 CFR 1508.25). The CEQ further proposes that agencies should evaluate the relationship of climate change effects to a proposed action or alternatives, including the relationship to project design, environmental impacts, mitigation, and adaptation measures. Agencies should also consider mitigation measures to reduce proposed action-related GHG emissions from all phases and elements of the proposed action and alternatives over its/their expected life, subject to reasonable limits based on feasibility and practicality (CEQ, 2010).

For the proposed action and alternatives, this section analyzes the potential for construction-, operation-, maintenance- and decommissioning-related activities to emit GHGs and, thereby, contribute meaningfully to global warming in light of the combined emissions of other broad-scale causes of climate change. GHG emissions are quantified and set forth in Tables 4.3-1 and 4.3-2. Although it is doubtful that this individual project, standing alone, could result in significant climate change effects, this analysis considers the “incremental impact” of project emissions as a possible contributor, together with the incremental impacts of other past, present, and reasonably foreseeable actions, to cause global climate change, which intrinsically is a cumulative issue. Mitigation measures are considered. Additionally, as discussed in Section 3.3, *Global Climate Change*, agencies under the U.S. Department of the Interior are required to consider potential impact areas associated with climate change, including potential changes in flood risk, water supply, sea level rise, wildlife habitat and migratory patterns, invasion of exotic species, and potential increases in wildfires.

Analysis of Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the proposed action and its alternatives would result in the emission of GHGs that, together with past, present, and reasonably foreseeable future actions, could contribute to climate change. Project-specific GHG emissions are considered in the context of this cumulative impacts analysis. Although the cumulative scenario described in Section 4.1 generally includes activities in the California desert and highlights projects along the I-10 corridor, the geographic scope of the cumulative effects analysis for climate change is much broader: it is both regional and global. Potential cumulative effects, whether adverse or beneficial, on climate change could be short-term (i.e., limited to the Project’s proposed 39-month construction period) or long-term (i.e., occur during the projected 30-40 year lifespan of the proposed action).

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions. Recent years have seen record-high average global surface temperatures; in fact, the past 20 years include the 18 warmest years on record since 1850 (Pew, 2008). This warming trend could result from several factors that influence the earth's climate, including natural factors, such as changes in solar radiation and volcanic activity, and anthropogenic (or human-caused) factors, such as the release of GHGs to the atmosphere and land-cover changes (Pew, 2008). Although climate science is complex and uncertainties remain, the evidence is compelling: human activities associated with fossil fuel burning and land use are primarily responsible for the changing (warming) global climate.

In response, the EPA issued a final rule on May 13, 2010, to apply Prevention of Significant Deterioration (PSD) requirements to new facilities whose carbon dioxide-equivalent emissions exceed 100,000 tons per year (EPA, 2010). Additionally, several states have enacted legislation establishing reduction targets for GHG emissions. For example, the California legislature adopted Assembly Bill 32, the Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board to develop regulations that will reduce greenhouse gas emissions to 1990 levels by 2020 (Health and Safety Code Section 38500 et seq., 17 CCR 95100 et seq.). Moreover, State regulations prohibit utilities from entering into long-term contracts with any base load facility that does not meet a greenhouse gas emission standard of 0.5 metric tonnes carbon dioxide per megawatt-hour (0.5 MTCO₂/MWh) or 1,100 pounds carbon dioxide per megawatt-hour (1,100 lbs CO₂/MWh) (20 CCR 2900 et seq.). California's state-specific policies, including GHG goals, are discouraging or prohibiting new contracts and new investments in high GHG-emitting facilities such as coal-fired generation, generation that relies on water for once-through cooling, and aging power plants (CEC RSA, 2010). Some existing plants are likely to require substantial capital investments in order to continue operating in light of these policies and may instead be retired or be replaced. For additional discussion of relevant federal level regulations and requirements for assessing the potential impacts of climate change, please refer to Section 3.3, *Global Climate Change*. The project could provide 500 MW of renewable energy generation capacity to support renewable energy goals and policies in California.

4.3.2 Direct and Indirect Impacts of the Proposed Action on Climate Change

The power production and delivery system for electricity supply in California and the United States is complex and variable. At any one moment, the amount of power being generated must equal the amount of power being consumed. Therefore, the power production and delivery system operates as an integrated whole to meet demand, such that the dispatch of a new source of generation generally curtails or displaces one or more less efficient or less competitive existing sources. The project would provide a new, utility-scale source of solar energy to complement existing and proposed sources of renewable energy. When the sun shines and electricity is generated by the project, the real-time output required from fossil fuel plants would be reduced by the amount of renewable generation going into the electrical grid. As a result, operation of the project would cause a measurable decrease in GHG emissions from fossil fuel plants.

As analyzed below, construction of the project would involve the use of construction equipment and operation of motor vehicles. Operation of the project would involve the combustion of fossil fuels, to the extent required to operate auxiliary heating and to provide other services at the thermal solar plant. Thus, construction and operation of the project would produce GHGs.

Construction of the Project

Construction of industrial facilities such as power plants requires coordination of numerous equipment and personnel. The estimated 39-month construction period for the project would require on-site construction activities that would result in short-term, unavoidable increases in vehicle and equipment emissions, including GHGs. The GHG emissions estimate, for the entire construction period, is provided in Table 4.3-1.

**TABLE 4.3-1
 PROJECT CONSTRUCTION-RELATED GREENHOUSE GAS EMISSIONS**

Construction Element	CO₂-Equivalent (MT CO₂E)^{a,b,c}
On-Site Construction Equipment	70,200
On-Site Motor Vehicles	1,500
Off-Site Motor Vehicles	29,300
Construction Total	101,000

NOTES:

- ^a One metric tonne (MT) equals 1.1 short tons or 2,204.6 pounds or 1,000 kilograms
- ^b The vast majority of the CO₂E emissions, over 99 percent, is CO₂ from these combustion sources.
- ^c This does not include the revised construction description that now includes an onsite concrete batch plant and on-site fuel depot. On balance staff believes that these changes will not significantly impact the totals, which might be estimated to be higher or lower depending on the balance of how concrete and fuel deliveries would have been handled versus the deliveries of the materials to make concrete (sand, aggregate, cement, water) and daily fueling of equipment by fuel/lube truck(s).

SOURCE: CEC RSA, 2010), C.1, Air Quality, Greenhouse Gas Table 2.

In addition to direct emission of GHGs, construction of the project also would cause the clearing of land and complete removal of vegetation over most of the project site. This would reduce the ongoing natural carbon uptake by vegetation. As discussed in Section 3.3, a study of the Mojave Desert indicated that the desert may uptake carbon in amounts as high as 100 grams per square meter per year (CEC RSA, 2010). This would equate to a maximum reduction in carbon uptake, calculated as CO₂, of 1.48 MT of CO₂ per acre per year for areas with complete vegetation removal. The maximum equivalent loss in carbon uptake for the project would be about 4,598 MT of CO₂ per year, which would correspond to 0.004 MT of CO₂ per MWh generated (based on 1,000,000 MWh generated per year). Compared to the CO₂ emissions that would be associated with the generation of fossil fuel in amounts comparable to energy to be supplied by the proposed action (fossil fuel energy generation-related GHG emissions can range from 0.35 to 1.0 MT of CO₂ per MWh depending on the fuel and technology), the natural carbon uptake loss caused by construction of the project would be negligible.

Operation and Maintenance of the Project

Electricity generation GHG emissions are generally dominated by CO₂ emissions from the carbon-based fuels; other sources of GHG are typically small and also are more likely to be easily controlled or reused/recycled. For this solar project, the primary fuel (solar energy) is GHG-free; however, natural gas would be used in the two auxiliary boilers used for HTF freeze protection, and gasoline and diesel fuel would be used in the maintenance vehicles, offsite delivery vehicles, staff and employee vehicles, and the diesel emergency fire water pump engine. Sulfur hexafluoride emissions also could result from electrical equipment leakage. Anticipated annual operations-related GHG emissions of the project are shown in Table 4.3-2. All emissions are converted to CO₂-equivalent and totaled.

**TABLE 4.3-2
 OPERATIONAL GREENHOUSE GAS EMISSIONS**

	Annual CO ₂ -Equivalent (MTCO ₂ E) ^a
Auxiliary Boilers ^b	7,710
Emergency Generators ^b	144
Fire Pumps ^b	16
Maintenance Vehicles ^b	109
Delivery Vehicles ^b	4,507
Employee Vehicles ^b	2,320
Equipment Leakage (SF ₆)	12
Total Project GHG Emissions – MTCO₂E^b	14,818
Facility MWh per year	1,000,000
Facility GHG Emission Rate (MTCO ₂ E/MWh)	0.015

NOTES:

^a One metric tonne (MT) equals 1.1 short tons or 2,204.6 pounds or 1,000 kilograms.

^b The vast majority of the CO₂E emissions, over 99 percent, is CO₂ from these emission sources.

SOURCE: CEC RSA, 2010, C.1, Air Quality, Greenhouse Gas Table 3.

The proposed action is estimated to emit, directly from primary and secondary emission sources approximately 14,818 metric tons of CO₂-equivalent GHG emissions per year. The project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). Regardless, the project has an estimated GHG emission rate of 0.015 MTCO₂E/MWh, which is well-below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh.

The beneficial energy and GHG impacts of the project also could be measured in terms of the time required to produce an amount of energy as great as what was consumed during production, which, in the context of a solar power plant, includes all of the energy required during construction and operation. Within the realm of life cycle analysis, this amount of time is called the “energy payback time.” Tables 4.3-1 and 4.3-2 provide an estimate of the onsite construction and operation

emissions, employee transportation emissions, and the final segment of offsite materials and consumables transportation. However, there are additional direct transportation and indirect manufacturing GHG emissions associated with the construction and operation of the proposed action, all of which are considered in the determination of the energy payback time. A document sponsored by Greenpeace estimates that the energy payback time for concentrating solar power plants, such as the project, to be on the order of five months (CEC Genesis RSA, 2010); the project life for the proposed project is on the order of 30 years. Therefore, the proposed action's GHG emissions reduction potential from energy displacement would be substantial. The GHG displacement for the project would be similar to, but not exactly the same as, the amount of energy produced after energy payback is achieved multiplied by the average GHG emissions per unit of energy displaced.¹

Closure and Decommissioning of the Project

Closure and decommissioning-related activities would emit GHGs when the facility is dismantled and the site is restored. It is anticipated that such emissions would be caused by the operation of construction equipment and motor vehicles; related impacts would be a one-time, limited-duration event. Project-specific contributions to global climate change during the closure and decommissioning phase are evaluated using the same methods as initial construction emissions, and are anticipated to be comparable in type and magnitude, but likely to be lower than, the construction emissions as discussed above.

Mitigation Potential of the Project on Climate Change

As discussed previously, the project would generate approximately 1,000,000 MWh of power per year, with a GHG emission rate of less than 0.02 MT of CO₂ per MWh. The power produced by the project would offset power production by fossil-based power plants, which can range from 0.35 to 1.0 MT CO₂ per MWh. The electric power produced from the project would be imported onto California's power grid, and would be used preferentially to conventional fossil fuel based power generation, including natural gas combined cycle plants, natural gas single cycle peaking plants, and power imported from other states, which may include power from coal-fired plants. Therefore, the Project would provide a direct benefit to climate change – namely the offset of up to approximately 1,000,000 MWh/yr of carbon dioxide-emitting power derived from existing/conventional fossil fuel power plants. Additionally, assuming that reductions in demand for existing fossil power would reduce demands for the natural gas and coal feedstocks used for those power plants, some degree of offset of upstream carbon dioxide, methane, nitrous oxide, and other GHG emissions associated with natural gas and coal extraction and transport, will also be realized. Therefore, implementation of the Project will provide direct and indirect benefits that counter the potential effects of climate change. The Project supports and is part of a transition towards increased in-State, national, and global renewable power production, which is a key component towards the mitigation of climate change.

¹ The average GHG emissions for the displaced energy over the project life is not known, but currently fossil fuel fired power plants have GHG emissions that range from 0.35 MT/MWh CO₂E for the most efficient combined cycle gas turbine power plants to over 1.0 MT/MWh for coal fired power plants.

4.3.3 Cumulative Impacts of the Proposed Action on Climate Change

In addition to simple warming, climate change also is expected to result in a suite of additional potential changes that could affect the natural environment, in a manner that is relevant to the project. The potential for climate change effects on the proposed action is discussed below.

Hydrologic Resource

In California and much of the U.S. West, climate change is expected to result in several potential effects related to water resources. These include potential sea level rise, potential changes in the frequency of flooding and droughts, and potential reductions in surface water supply.

Sea Level Rise

Sea level rise is expected to occur as a result of increased global temperatures. Increased global temperatures include increases in ocean temperature, as well as air temperature. As water temperature increases, the water contained in the world's oceans would undergo thermal expansion. Increased temperatures could also result in a net melting/reduction in the extent of polar ice sheets. These effects could result in an increase in the level of the world's oceans, and some degree of sea level increase has already been established over the last century. However, these potential effects are not expected to affect the project, which would be located approximately 130 miles from the ocean, and at an elevation of at least 420 feet mean sea level (msl). The proposed action would not be affected by sea level rise.

Snowpack and Snowmelt Period

Changes in snowpack and snowmelt period are anticipated in California, as a result of climate change. Similar effects are anticipated in the Colorado River system, which includes the Chuckwalla Valley Basin and the action area (see Section 3.20, *Water Resources*, and 4.19, *Impacts on Water Resources*, for additional discussion). Specifically, climate change is expected to result in generally warmer temperatures, which, in turn, would result in a greater proportion of total annual precipitation falling as rain. Snowpack in California and the Colorado River watershed serves as a temporary means of water storage, wherein water is released slowly and into the early summer during snowmelt. If a greater proportion of precipitation falls as rain, the snowpack would be lessened, and the potential for water storage within the snowpack also would be lessened. Also, warmer temperatures would cause earlier snowmelt events, potentially reducing the ability of water managers to capture snow melt in reservoirs. However, there is no snowpack in the vicinity of the proposed action, and the project is not dependent on snowmelt water for water supply. Therefore, the project would not affect snowpack, and would not be deleteriously affected by potential changes in snowpack characteristics.

Dilution

Dilution refers to the amount of water that is available in a receiving water body into which wastewater is discharged. Under some circumstances, climate change could result in a change in the volume or timing of water flows that are available in stream for dilution of wastewater. However, the project would not discharge wastewater to surface waters (a septic system is included for on-site wastewater, and process water is controlled on site via an evaporation pond system). Therefore, potential climate-related changes in dilution capacity would not affect the proposed action.

Water Temperature

Water temperature can be critical to fisheries resources in parts of California, in particular, along those waterways that support cold water fisheries. However, the site and its vicinity do not contain any perennial surface waterways that could support fisheries. During rain events, surface water from the site drains into Palen Dry Lake, which does not support any fisheries resources. The project would rely on groundwater for a water supply, and the temperature of the groundwater would not be critical to project operation. Furthermore, the project would not result in any water discharge or other activity that would affect water temperature along nearby waterways, including the Colorado River or other rivers or waterways that support fisheries. No component of the proposed project would alter reservoir flows or otherwise change water management operations, such that water temperature would be altered. Therefore, potential changes in water temperature would not affect the project.

Flooding, Drainage, and Erosion

Climate change is anticipated to affect the frequency and intensity of extreme weather events, including large storm events and droughts, in western watersheds including the Colorado River basin and the closed basin into which runoff from the project site drains. Although the degree of change is a subject of substantial debate, most investigations concur that the Colorado River watershed, including the project site and its vicinity, would experience an increase in the frequency and intensity of high rainfall/flood events. This could result in an increase in potential stormwater runoff and flooding, and an increase in erosion and sedimentation on site and downstream from the site. Increases in the intensity or frequency of droughts are discussed in terms of water resources availability, below.

As discussed in Section 4.19, *Water Resources*, the project would include a series of engineered facilities, including rerouted drainage/flood channels, berms, and on-site drainage facilities that would channel, retain, and otherwise manage stormwater and flood flows on site and in the areas immediately surrounding the site. Also discussed in Section 4.19, the project would be designed to account for stormwater drainage and flood flows, and CEC Conditions of Certification (Appendix B) SOIL&WATER-8 through SOIL&WATER-12 would require revisions to the project's drainage report and plans, completion of a detailed FLO-2D analysis, implementation of drainage channel design and channel erosion protection measures, and implementation of a channel maintenance program. Additionally, these Conditions of Certification have been updated

and incorporated into the PA/FEIS as mitigation measures WATER-10, WATER-11, and WATER-13 to include assessment of potential climate change effects on water resources, and incorporation of project design feature recommendations that would serve to offset potential drainage and flooding effects associated with climate change.

Water Resources Availability

As discussed in Section 3.20, *Water Resources*, and Section 4.19, *Impacts on Water Resources*, the site is located within the Chuckwalla-Palen Dry Lake watershed, which contains only ephemeral drainages and washes. Surface waters in the project area and its immediate vicinity occur only during substantial precipitation events, where surface runoff occurs. There are no perennial streams or other perennial waterways located on site or hydrologically connected to the project via surface waters. The project would not rely on surface water for water supply during construction or operation. Instead, the project would rely on groundwater for water supply during both construction and operation.

Estimates of the potential effects of climate change on the frequency and amount of rainfall in the west vary; however, most studies concur that in the desert southwest, some degree of reduction of precipitation would occur. Seager et al (2007) and Christensen et al (2004) completed extensive reviews and modeling of potential climate change effects on the Colorado River watershed and other southwestern watersheds, including several climate change scenarios. The authors conclude that precipitation and runoff within the watershed could generally decrease, while periods of drought could increase, resulting in an overall reduction in the availability of water along the Colorado River. These scenarios could result in moderate to substantial effects on water supply availability, and could affect the ability of water rights holders along the Colorado River to divert their full entitlements.

In the event that climate change results in reduced precipitation within the project area and its vicinity, some degree of associated reduction in groundwater recharge from rainfall could occur. This situation would not result in increased water requirements by the proposed action, and would not result in additional groundwater pumping during project construction or operations. Therefore, even with potential reductions in total precipitation volume associated with future climate change, no increase in pumping would be required as a result of the effects of climate change.

If climate change does result in reduced recharge to the underlying groundwater basin, the potential cumulative effects on groundwater levels identified in Section 4.19 could be exacerbated. Mitigation measures SOIL&WATER-2 through SOIL&WATER-5 and SOIL&WATER-15 would offset these effects in part. However, as discussed in the cumulative effects analysis discussion of Section 4.19, the combined operation of all of the foreseeable projects would have an impact on groundwater levels, and this effect could be exacerbated by anticipated reductions in groundwater recharge due to climate change.

Biological Resources

Biological resources could be affected as a result of climate change in California. Distribution patterns of species are generally expected to shift according to regional changes in temperature and precipitation, while the location of wildlife migration corridors and the extent of invasive species also could be altered.

Fisheries

The project does not contain any perennial or other surface waters that contain fisheries resources, and would not affect or be affected by changes in fisheries characteristics. Therefore, there would be no impact related to fisheries resources or characteristics.

Habitat Values of Mitigation Lands

As discussed in Section 4.17, *Impacts on Vegetation Resources*, and Section 4.21, *Impacts on Wildlife Resources*, implementation of the project would require mitigation for biological resources values that would be lost as a result of implementation of the project. As discussed in these sections, the proposed mitigation lands would be required to be equivalent in terms of habitat value, and at a replacement ratio of at least 1:1 (typically greater than 1:1, as specified in Sections 4.17 and 4.21) for direct impacts. Unfortunately, climate change could result in adverse effects on biological resources located on these mitigation lands. However, given that mitigation lands must be similar in biological resources value as compared to lost resources on site, it is anticipated that climate-related effects for the mitigation lands would be similar to those located at the project site, if the project were never built. Therefore, potential reductions in the biological resources values of mitigation land values resulting from climate change are expected to be similar to on-site conditions in the absence of the project.

Hazards

Heat related hazards, including potential increases in wildfire and heat waves, could be exacerbated by climate change.

Wildfire Risks

Potential risks associated with fire are discussed in Section 3.12, *Public Health and Safety*. Section 4.11, *Impacts on Public Health and Safety*, provides a discussion of potential fire-related risks, and also ensures that adequate fire control personnel, infrastructure, and associated planning would be completed and/or available to the project, to ensure compliance with federal, State, and local regulations, and to ensure worker safety.

Climate change would result in a small but general increase in temperature, and could also result in an increase in the frequency of extreme weather events that could generate wildfires, such as increased frequency of drought and heat waves, during operation of the project. In compliance with applicable regulations and mitigation proposed in Section 4.11, the Applicant would be required install a fire protection/control system on site including a fire water supply system and associated infrastructure, and to comply with State and federal regulations regarding worker

safety and training. Additionally, under CEC Condition of Certification WORKER SAFETY-7 (see Appendix B), the Applicant would be required to provide funding to the Riverside County Fire Department (RCFD) to ensure available resources to fight potential fires on site, while Condition of Certification WORKER SAFETY-10 would provide for joint training exercises with the RCFD. Although the risk of wildfire that could affect the site could increase as a result of climate change, these potential increases in risk are expected to be offset by ongoing compliance with the worker safety and fire protection regulations and mitigation measures specified in Section 4.11. Therefore, no additional mitigation is warranted.

Heat Waves

The frequency of occurrence and the severity of heat waves could increase as a result of climate change. Heat waves could result in increased potential risk to project employees. However, Mitigation Measure WORKER SAFETY-2 (see Appendix B) would require implementation of an operation period heat stress protection plan that is based on and expands on Cal OSHA requirements. This plan would provide measures to protect workers against the effect of heat-related hazards, whether or not those hazards are caused by climate change. Although the frequency and/or intensity of heat wave events could increase as a result of future climate change, the heat stress protection plan would meet state requirements for worker safety.

Other Issues

In addition to the issues discussed above, potential climate change-related impacts associated with soil moisture and fugitive dust concentrations also warrant discussion.

Soil Moisture

As discussed in Section 3.15, *Soils Resources*, and 4.14, *Impacts on Soil Resources*, almost all rainfall that occurs in this region of California is lost through evaporation and evapotranspiration, and soil moisture at the project site is characteristically low. As discussed previously, although precise changes are impossible to predict, climate change could result in increases in extreme weather events, including droughts and heat waves, and an overall reduction in precipitation. These conditions could result in a concurrent reduction in soil moisture content at the site and regionally. However, reductions in soil moisture content would not affect project-related operations, and would not require any change in water resources usage. Additionally, the proposed facilities would in no way support additional drying of soils on site, or otherwise exacerbate potential changes in soil moisture associated with climate change. Therefore, no additional change would occur.

Fugitive Dust

As discussed in Section 3.02, *Air Resources*, and Section 4.02, *Impacts on Air Resources*, fugitive dust emissions would require mitigation during operation of the project. CEC Condition of Certification AQ-SC7 (see Appendix B) would mitigate operation period fugitive dust emissions to ensure compliance with State and local regulations and requirements. Although climate change could result in some degree of reduction of soil moisture, as discussed above, soil moisture is

already very low under current conditions. Any further reductions in soil moisture would be minimal in terms of the absolute amount of water contained in on-site soils. Therefore, any potential further reductions in soil moisture associated with climate change are not anticipated to result in a substantial increase in fugitive dust emissions, and the proposed Mitigation Measure would be sufficient to meet federal, State, and local requirements regarding fugitive dust.

Alternatives

Three action alternatives were assessed for potential impacts associated with global climate change. These included the proposed project (discussed above), Reconfigured Alternative 1, Reconfigured Alternative 2 (Option 1 and Option 2), and the Reduced Acreage Alternative. Reconfigured Alternative 2 and the Reduced Acreage were developed primarily to minimize potential impacts of the project on biological resources.

Reconfigured Alternative 1

Reconfigured Alternative 1 would result in implementation of a project that would be similar to the project, except that the shapes of Units 1 and 2 would be modified, and would use approximately 180 acres more land than the proposed Units 1 and 2. Under Reconfigured Alternative 1, the total output would be 500 MW. This alternative would be expected to result in the same annual power generation rate as compared to the proposed Action: 1,000,000 MWH/yr. Also, because Reconfigured Alternative 1 would result in the installation of the same facilities as the proposed action, it is expected that this alternative would result in similar construction and operation period GHG emissions as the project. Because Reconfigured Alternative 1 would use an additional 180 acres of land area, as compared to the proposed action, land use-related GHG emissions would be slightly higher for this alternative, at 4,864 MT of CO₂ per year, for an effective land use emission rate of 0.005 MT CO₂e/MWh. All other potential climate change impacts and benefits, including GHG emissions, mitigation potential of the power generated by the project, and effects associated with hydrologic resources, biological resources mitigation lands, and other potential effects would be the same as the project.

Reconfigured Alternative 2

Option 1

Reconfigured Alternative 2 Option 1 would be similar to the project, except that the shape of Unit 1 would be modified in order to avoid sensitive biological resources. The locations of various other facilities, including the warehouse and laydown yard, also would be shifted slightly, in order to avoid sensitive resources. Also, this alternative would include installation drainage facilities that would be similar in nature but would be increased in length, as compared to the project. However, construction and operation of this alternative otherwise would be nearly the same as the project, and would result in approximately the same rate of annual GHG emissions and the same rate of power production, as the project. All other potential climate change impacts and benefits, and effects associated with biological resources, hydrologic resources, and other potential effects would be the same as the project.

Option 2

Reconfigured Alternative 2 Option 2 would be similar to the project, except that the shape of Units 1 and 2 would be modified in order to avoid sensitive biological resources, avoid use of private land not currently controlled by the Applicant, and reduce impacts to the sand transport corridor. The locations of Units 1 and 2, and shared facilities, would be repositioned, but would not be re-sized. Drainage and flood protection facilities would be re-sized and re-located in order to provide sufficient protection at this location. However, construction and operation of this alternative otherwise would be nearly the same as the project, and would result in approximately the same rate of annual GHG emissions and the same rate of power production, as the project. All other potential climate change impacts and benefits, and effects associated with biological resources, hydrologic resources, and other potential effects would be the same as the project.

Reduced Acreage Alternative

The Reduced Acreage Alternative would reduce the total construction-, operation- and decommissioning-related GHG emissions of the proposed action by approximately 25 percent, due to a reduction in size in comparison to the project. This alternative would have a generation capacity of approximately 375 MW, as compared to 500 MW for the proposed action. Therefore, the total GHG emissions could be approximated by multiplying the proposed action's GHG emissions provided in Tables 4.3-1 and 4.3-2 by 0.75. The benefits of the proposed action in displacing fossil fuel fired generation and reducing associated GHG emissions from gas-fired generation would be reduced accordingly. The extent of effects to biological resources and hydrologic resources also would be reduced, due to the reduced intensity of construction activities and reduced water requirements. However, the Reduced Acreage Alternative would not alter the potential effects of climate change on mitigation lands, drainage and flooding, or water resources availability. All other potential climate change related impacts would be the same as for the project.

If the Reduced Acreage Alternative were selected, other renewable projects could be developed that would compensate for the loss of generation compared to the proposed action on other sites in Riverside County, the Colorado Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and Federal and State mandates.

No Action Alternative A

None of the anticipated impacts, beneficial or adverse, of the proposed action would occur. Instead, the project site would become available to other uses consistent with the CDCA Plan, potentially including another renewable energy project. If the PSPP is not approved, renewable projects would likely be developed on other sites in Riverside County, the Colorado Desert, or in adjacent states as developers strive to provide renewable power that complies with utility requirements and Federal and State mandates. In terms of potential impacts due to climate change under No Action Alternative A, the proposed action would not be implemented, and, therefore, would not be affected by climate change. Insufficient information is available at this time about what use would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Because the CDCA Plan would be amended under this alternative to make the site unavailable for future solar development, GHG emissions associated with the development of renewable energy projects would occur elsewhere and the carbon uptake potential of the site would not be expected to change noticeably from existing conditions. Consequently, this alternative would not result in the GHG benefits associated with the project on this site, but such benefits could occur in connection with other renewable energy projects developed elsewhere to meet State and Federal mandates. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Because the CDCA Plan would be amended under this alternative, it is possible that the site would be developed with the same or a different solar technology. As a result, GHG emissions and GHG emissions offset potential similar to that of the proposed action could result. Different solar technologies require different amounts of construction and operation-related maintenance, and different volumes of water during operation; however, it is expected that all the technologies would provide the more significant benefit, like the proposed action, of displacing fossil fuel fired generation and reducing associated GHG emissions. As such, No Project Alternative C could result in GHG benefits similar to those of the proposed action. In terms of potential climate change impacts on No Project Alternative C, these impacts would likely be similar to the proposed action, although metrics related to project size and water use could vary somewhat based on the selected power generation technology.

4.3.4 GHG Emissions Associated with Past, Present and Reasonably Foreseeable Future Actions

GHG Emissions from Past, Present and Reasonably Foreseeable Actions

As stated above, human activities are widely-recognized as being primarily responsible for the changing (warming) global climate. Such activities result in emissions of carbon dioxide and other GHGs from industrial processes, fossil fuel combustion, and changes in land use, such as deforestation. For example, in 1990, industrial processes and electric power generation caused the majority of human-generated global GHG emissions, contributing 32 percent and 20 percent, respectively (Pew, 2010a). Within the United States, which emitted over seven billion metric tons of CO₂e in 2004; in that year, industry emitted 30 percent of the total, transportation emitted 28 percent, the commercial sector emitted 17 percent, the residential sector emitted 17 percent, and agriculture emitted 8 percent (Pew, 2010b). Industrial processes, power generation, land use changes and other actions contributing to climate change are expected to continue in the foreseeable future, subject to increasingly stringent requirements.

The project and other present and reasonably foreseeable future actions, including those identified in Section 4.1, would contribute construction-, operation and maintenance-, and closure and decommissioning-related GHG emissions impacts and benefits in the existing international, national, State-wide and regional context. Internationally, this context includes, among many other efforts, the Bali Roadmap, the Copenhagen Accord, and ongoing urbanization, deforestation, and development-related conversion of agricultural lands, as discussed in PA/FEIS Section 3.3. Nationally, context includes GHG-related activity by all branches of government, including the GHG Emissions Reduction Target for Federal Operations set by President Obama, enacted and proposed congressional legislation, and recent court actions, as discussed in Section 3.3.

Recent State-level GHG-related actions include the California Air Resources Board's February 25, 2010, adoption of a regulation to limit and monitor sulfur hexafluoride (SF6) emissions from electric power sector equipment; the California Building Standards Commission's January 14, 2010, approval of the most environmentally stringent building code in the United States, which went into effect in January 2011 and which the California Air Resources Board (CARB) anticipates will reduce GHG emissions by 3 million metric tons in 2020; and CARB's September 24, 2009, adoption of a revised Forest Project Protocol that allows private landowners, public lands, and out-of-state projects to participate in the State's voluntary forestry offsets market – it is the first state-approved carbon accounting standard that is applicable to projects nationwide. Additionally, the adoption of Senate Bill 375 (SB 375) in 2008 enhances California's ability to reach its AB 32 goals by providing regional planning-related GHG emissions-reduction goals.

Regionally, based on SB 375, the Southern California Association of Governments' six-county area (including Riverside, San Bernardino, Orange, Los Angeles, Imperial and Ventura counties) must reduce its annual GHG emissions by 2.5 million metric tons by 2020. Local governments are considering GHG and related emissions reductions in their planning efforts. For example, the Riverside County Transportation Demand Management Program (Riverside County Code Ch. 10.36) is intended in part to reduce motor vehicle emissions, which include GHGs. In turn, San Bernardino County, which has been a focal point in conflicts over local climate regulation, has updated its General Plan and otherwise incorporates GHG emissions reduction considerations into its local planning decision-making process (OPR, 2010).

Overall, it is expected that the project would enhance the attainment of international, national, Statewide and regional GHG reduction efforts.

Environmental Consequences of Climate Change

Climate change, by its nature, is a cumulative problem that has resulted from global GHG emissions. No sufficient data or scientific method is currently available to precisely evaluate how the emissions from an individual project, such as the project, would contribute to global climate change. Therefore, based on available regional and global information, the following discussion evaluates the overall cumulative environmental consequences of climate change, as relevant to the project.

Beneficial and adverse impacts of GHG emissions caused by the proposed action, together with GHG emissions-related impacts of past, present and reasonably foreseeable future actions, would contribute to cumulative global climate change impacts on the various elements of human society and the environment that are sensitive to climate variability. For example, human health, agriculture, natural ecosystems, coastal areas, and heating and cooling requirements are examples of climate-sensitive systems. Globally, rising average temperatures are believed to have caused glaciers to shrink, permafrost to thaw, ice on rivers and lakes to freeze later and break up earlier, growing seasons to lengthen, and animal and wildlife ranges to shift. In North America, warming in western mountains is expected to cause decreased snowpack, more winter flooding, and reduced summer flows, thereby exacerbating competition for over-allocated water resources. Extended periods of high fire risk and large increases in areas burned – each a risk of global warming – would increase impacts on forests from pests, diseases and wildfire. Areas that currently experience periods of extreme heat are expected to be further challenged by an increased number, intensity and duration of heat waves during the course of the century, with potential for adverse health impacts particularly for elderly populations. (IPCC, 2007). For a review of how climate change could affect the proposed action and alternatives, please see the previous subsection, “Direct and Indirect Impacts of Climate Change on the Proposed Action.”

Summary of the Project-Specific Mitigation Measures

The implementation of mitigation measures developed jointly by the BLM and CEC, and imposed by the CEC as Conditions of Certification for the project, would avoid or reduce impacts on the quality of the human environment. These Conditions of Certification are set forth in Appendix B and summarized here:

AQ-SC2, AQ-SC5, AQ-SC6: These mitigation measures require the Applicant to complete an air quality construction mitigation plan and controls on diesel fueled engines; vehicles used during operations also are required to meet minimum air quality emissions standards.

AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7, AQ-9, AQ-10, AQ-11, AQ-12, AQ-13, AQ-14, AQ-15, AQ-16, AQ-17, AQ-19, AQ-20, AQ-21, AQ-22, AQ-23, AQ-24, AQ-25, AQ-26, AQ-27, AQ-33, AQ-34, AQ-39, AQ-40: These mitigation measures place constraints on the operation and maintenance of equipment in support of air quality, require that low-emitting fuels are used for specific functions, implement source tests for criteria pollutants, implement monthly and annual fuel usage limits, require air quality reporting, implement air emissions limits, require annual equipment time limits, enforce boiler operational loads and limitations, require use of low sulfur fuel, require equipment regulatory compliance, require use of fuel meters, require documentation engine operation logs, require compliance with best available control technology (BACT) emissions limits, require implementation of an inspection and maintenance program, require maintaining of heat transfer fluid (HTF) records, and enforce limits on expansion tank ventilation.

4.3.5 Residual Incremental, Project-specific Impacts after Mitigation Measures Were Implemented

The residual GHGs emitted from the project were estimated to be 101,000 metric tons of CO₂ equivalent for construction, and 14,818 metric tons/year CO₂ equivalent during the project operation period, for a total of 545,540 tons CO₂ equivalent over the life of the project.

4.3.6 Unavoidable Adverse Impacts

The residual CO₂ equivalent emissions identified in Section 4.3.5 would be unavoidable.

4.4 Impacts on Cultural Resources

4.4.1 Impact Assessment Methodology

This section analyzes potential impacts of the construction, operation and maintenance and closure and decommissioning of the project related to cultural resources. The potential for impacts to cultural resources depends on whether such resources are present and whether they actually would be encountered during project activities. Cultural resources include materials (e.g., artifacts, structures, or land modifications) that reflect the history of human development as well as places that are valued by Native Americans or local national/ethnic groups.

This analysis evaluates the structural and cultural evidence of human development in the vicinity of the project site and recommends appropriate mitigation measures to avoid or reduce impacts to significant historic properties (cultural resources listed on or eligible to the National Register) in the event of project-related disturbance. Prehistoric, ethnographic and historic resources are considered in this assessment.

The basic regulatory process for assessing impacts related to cultural resources consists of five steps:

1. Determining the appropriate geographic extent of the analysis for the proposed action and for each alternative action under consideration;
2. Identifying cultural resources inventory within each such geographic area;
3. Determining the historical significance of the cultural resources in the inventory for each geographic area, unless the construction, operation and maintenance, and decommissioning and closure of the proposed or alternative actions would avoid particular resources;
4. Assessing the character and the severity of the effects of the proposed and alternative actions on the significant historic properties in each respective inventory that cannot be avoided; and
5. Developing measures that would address those effects.

Further details of each of these phases follow below and help provide the parameters of the present analysis.

Area of Potential Effects

The regulations implementing National Historic Preservation Act (NHPA) Section 106 define the Area of Potential Effects (APE) as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The APE is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR 800.16(d)). In addition, the APE may be buffered for purposes of cultural resource inventory to facilitate the identification of resources that may be located in proximity to the APE and indirectly affected by a proposed

project or to allow the redesign of project components to avoid direct effects to cultural resources. For purposes of complying with Section 106, the APE for the project consists of the following:

1. For archaeological resources, the APE is defined as the area included within the ROW grant for the solar energy generating plant and associated facilities, roads and transmission lines. For proposed linear facilities routes, the cultural resource survey corridor included a buffer of 50 feet on either side of the ROW for these routes and the maximum depth that would be reached by all foundation excavations and by all pipeline installation trenches as discussed in Section 4.4.2, below.
2. For ethnographic resources, the APE is expanded to take into account historic properties to which Indian Tribes may attach religious or cultural significance that may be further afield than the project site footprint or ROW, including the visual setting that may contribute to the historical integrity of the resources. Ethnographic resources often are identified in consultation with Native Americans and other ethnic groups, and issues that are raised by these communities may define the APE. For the project, the ethnographic APE is the geographic area around and including the project site where the project could directly or indirectly alter the character or use of ethnographic resources that are historic properties.
3. For built-environment resources, the APE is the proposed project footprint (plant site and linear facilities corridor) plus a 0.5-mile buffer from the plant site, and from any above-ground linear facilities, to take into consideration resources whose settings could be adversely affected by industrial development.

Cultural Resources Inventory

The records search for the project included collecting information about all known cultural resources within the APE. In addition to archival and online research, sources checked included:

1. The Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS);
2. Previously documented cultural resources or archaeological studies in the project area;
3. National Register of Historic Places (NHRP);
4. California Register of Historical Resources (CRHR);
5. California State Historical Landmarks;
6. California Points of Historical Interest; and
7. California Inventory of Historic Resources;
8. BLM Field Office files
9. Local historical societies, museums and research institutions,
10. Information on file at University of California, Davis, University of California, Riverside; California State University, Chico; University of Alabama; Museum of Man in San Diego, and
11. BLM Cultural Areas of Critical Environmental Concern (ACEC) files.

Pedestrian and “windshield” surveys also were conducted. Results of the cultural records search and inventory work are provided in Section 3.4, *Cultural Resources*.

Assessing Effects

The core of a cultural resources analysis under NEPA and Section 106 is the assessment of the character of the effects that a proposed or alternative action may have on significant historical properties (cultural resources listed on or eligible to the National Register). The analysis takes into account direct, indirect and cumulative effects.

In accordance with 36 CFR 800.5 of the Advisory Council on Historic Preservation's implementing regulations which describe criteria for adverse effects. Impacts on cultural resources are considered significant if one or more of the following conditions would result from implementation of the proposed action:

- a. An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register of Historic Places (NRHP). For the purpose of determining the type of effect, alteration to features of a property's location, setting, or use may be relevant, depending on the property's significant characteristics, and should be considered.
- b. An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to:
 1. Physical destruction, damage, or alteration of all or part of the property;
 2. Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the NRHP;
 3. Introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting;
 4. Neglect of the property, resulting in its deterioration or destruction; and
 5. Transfer, lease, or sale of the property.

Consideration is given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. A formal finding of effect under Section 106 is made for the proposed undertaking as a whole rather than for individual resources affected by the undertaking.

4.4.2 Direct and Indirect Impacts

Proposed Action

Under NEPA, direct and indirect effects are those that are more clearly and immediately attributable to the implementation of proposed or alternative actions. Direct effects are those "which are caused by the [proposed or alternative] action and [which] occur at the same time and place" (40 CFR 1508.8(a)). Direct impacts to cultural resources are caused by project development, construction, and co-existence. Indirect effects are those "which are caused by the

[proposed or alternative] action and are later in time or farther removed in distance, but are still reasonably foreseeable” (40 CFR 1508.8(b)).

The NHPA Section 106 regulations narrow the range of direct effects and broaden the range of indirect effects relative to the definitions of the same terms under NEPA. Under the NHPA, the term “effect” “means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register” (36 CFR 800.16(i)). In practice, a “direct effect” under Section 106 is limited to the direct physical disturbance of a historic property. Effects that are immediate but not physical in character, such as visual intrusion, and reasonably foreseeable effects that may occur at some point subsequent to the implementation of the proposed undertaking are referred to in the Section 106 process as “indirect effects.”

Ground-disturbing construction activities associated with the project could have a direct impact on cultural resources by damaging and displacing artifacts, diminishing site integrity and altering the characteristics that make the resources significant. In addition, in the case of historic architectural resources and places of traditional cultural importance, impacts can occur to the setting of a resource even if the resource is not physically damaged.

Based on graphical representations showing the anticipated disturbance below ground and the anticipated above-ground intrusion into the flat landscape, impacts associated with the project potentially affecting cultural resources include:

1. General cutting and filling would disturb the overall project site to a maximum depth of 2 feet.
2. In the solar array fields, the project collector foundation excavations would cause ground disturbance, and the collectors would intrude into the flat landscape to a maximum height of 25 feet.
3. In the power blocks, the project equipment foundation excavations would cause ground disturbance down to a maximum depth of 25 feet, and the equipment would intrude into the flat landscape to a maximum height of 75 feet.
4. Along the linear facilities corridor, project trench excavations would cause ground disturbance down to a maximum depth of 10 feet. The transmission line supports would cause ground disturbance down to a depth of 15 feet and create an intrusion into the flat landscape to a maximum height of 75 feet.

The area disturbed for construction and operation of the project, including drainage channels, would be approximately 2,970 acres. An additional 137.34 acres would be used for linear facilities (i.e., the final transmission line, temporary construction power line, telecommunications line, and site access road). The total area within the ROW that would be disturbed would be approximately 3,107.34 acres.

Based on this information, significant historic properties consisting of a total of 49 of the 64 sites recorded during cultural resource surveys for the project sites would be adversely affected by the project. Of the 49 sites that would be impacted, 9 are prehistoric. These nine sites may contribute

to a potential Prehistoric Trails Network Cultural Landscape. Forty historic-period sites would be impacted, some of which may contribute to a potential Desert Training Center Cultural Landscape. Procedures for evaluating and treating sites discovered during construction will be addressed in the PA.

No additional impacts to cultural resources are anticipated from project operation or from project closure and decommissioning.

Alternatives

Reconfigured Alternative 1

The Reconfigured Alternative would change the shapes of both Units 1 and 2 as illustrated in Figure 2-2. Unit 1 would be a 250 MW solar generating facility on about 1,490 acres and Unit 2 would be a 250 MW solar generating facility, on approximately 1,450 acres. The reconfigured units would use approximately 180 acres more land than the proposed Units 1 and 2 which were located on 1,380 acres each. In addition to reconfiguring the Unit 1 and 2 solar fields, it also would modify the power block, water treatment system, water storage tanks, and the administration, control, warehouse, maintenance, and lab buildings.

Similar to the proposed action, the Reconfigured Alternative would transmit power to the grid through the Red Bluff Substation. It would require the same infrastructure as the proposed action, including on-site wells, transmission line, road access, gas pipeline, main office and warehouse buildings, and central internal switchyard. The transmission line, road access would remain approximately the same length as for the proposed action. The required linear facility routes would require minor adjustments to accommodate the changed solar field configurations.

Impacts to cultural resources under this alternative would be similar to those of the proposed action because Reconfigured Alternative 1 would be developed generally within the same ROW as the proposed action. This alternative would impact 41 sites consisting of 38 historic-period sites, 2 prehistoric sites, and 1 multi-component site.

Reconfigured Alternative 2

Option 1

Reconfigured Alternative 2 Option 1 would be a 500-MW solar facility, like the proposed action. Solar Unit 2 would remain as for the proposed action, but Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northeastern third of the proposed field. This change would result in a triangular-shaped solar trough field trending southeast, as illustrated in Figure 2-3. This reconfigured eastern solar field would be located partially on public land managed by BLM, partially on a 40-acre private parcel on which the Applicant has a purchase option, and partially on two privately owned parcels not currently controlled by the Applicant. The overall disturbance area for Reconfigured Alternative 2 Option 1 would be approximately 4,360 acres. Because this alternative would be developed in the same general location as the project, the cultural resources setting would be the same as for the proposed action.

Reconfigured Alternative 2 Option 1 would have an adverse impact on the same cultural resources as the proposed action in addition to 12 others, including nine historic-period refuse scatters, two placer mining claim markers (one with associated refuse), and a temporary military camp (SMP-H-1012; JR-104, JR-107, JR-108; DS-5, DS-7, DS-14, DS-17, DS-24, DS-41, DS-44, and DS-45).

Option 2

Reconfigured Alternative 2 Option 2 would be a 500-MW solar facility, like the proposed action. Solar Unit 2 would remain as for the proposed action, but Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northeastern third of the proposed field. This change would result in a triangular-shaped solar trough field trending southeast, as illustrated in Figure 2-4. This reconfigured eastern solar field would be located primarily on public land managed by BLM; however, as with the proposed action, it would include a 40-acre private parcel on which the Applicant has a purchase option. The overall disturbance area for Reconfigured Alternative 2 Option 2 would be approximately 4,324 acres. Because this alternative would be developed in the same general location as the project, the cultural resources setting would be the same as for the proposed action.

Reconfigured Alternative 2 Option 2 would have an adverse impact on the same cultural resources as the proposed action in addition to 12 others, including nine historic-period refuse scatters, one placer mining claim marker, a temporary military camp, and a prehistoric ceramic scatter (SMP-H-1012; JR-104; DS-5, DS-7, DS-14, DS-17, DS-24, DS-28, DS-41, DS-44, DS-45, and DS-P53).

Reduced Acreage Alternative

The Reduced Acreage Alternative would follow boundaries similar to those of Reconfigured Alternative 1, but it would be about 25 percent smaller, occupying about 2,080 acres as compared with 2,740 acres required for Units 1 and 2 of the proposed action. The boundaries of the Reduced Acreage Alternative are shown in Figure 2-5.

Impacts to cultural resources under this alternative would be less than those of the proposed action. The Reduced Acreage Alternative would impact 34 sites consisting of 33 historic-period sites and one multi-component site.

No Action Alternative A

Under this alternative, the PSPP would not be approved by the BLM, and BLM would not amend the CDCA Plan. As a result, no solar energy project would be constructed on the site, and BLM would continue to manage the site in a manner consistent with the existing land use designation in the CDCA Plan. It is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site and no new ground disturbance. As a result, no loss or degradation to cultural resources from construction, operation or decommissioning of the PSPP would occur. However, the project site would become available to other uses consistent with BLM's land use plan, including another solar project requiring a land

use plan amendment. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the project would not be approved by the BLM, and the BLM would amend the CDCA Plan to make the proposed site unavailable for future solar development. The BLM would continue to manage the site in a manner consistent with the existing land use designation in the CDCA Plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the project would not be approved by the BLM, and BLM would amend the CDCA Plan to allow for other solar projects on the site. As a result, it is possible that another solar energy project could be constructed on the project site.

Because the CDCA Plan would be amended, it is possible that the site would be developed with a different solar technology. As a result, ground disturbance would result from the construction and operation of the solar technology and would likely result in a loss or degradation to cultural resources. Different solar technologies require different amounts of grading and maintenance; however, it is expected that all solar technologies require some grading and ground disturbance. As such, this alternative could result in impacts to cultural resources greater than, similar to or reduced relative to the impacts expected to occur under the proposed action.

4.4.3 Cumulative Impacts

The regulations implementing Section 106 of the NHPA contemplate close coordination between the NEPA and NHPA processes (36 CFR 800.8), and expressly integrate consideration of cumulative concerns within the analysis of a proposed action's potential direct and indirect effects by defining "adverse effect" to include "reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative" (36 CFR 800.5(a)(1)).

For the cultural resources cumulative analysis, the relevant geographic scope was defined at two levels: local and regional. At the local level, the geographic area considered for cumulative impacts on cultural resources is an area on either side of I-10 referred to here as the I-10 Corridor. The area is broadly equivalent to a 4-mile-wide strip (2 miles to either side of I-10) 48 miles long, between Blythe and Desert Center, with an area of 192 square miles (122,440 acres). Although the total number of cultural resources present in this area is unknown, an estimate can be derived based on recent surveys related to three solar power projects (PSPP, Genesis Solar Energy Project and Blythe

Solar Power Project), which surveyed a total of 19,184 acres. These projects recorded 329 sites, indicating that the I-10 Corridor has an average site density of 0.017 cultural resources per acre. This suggests that the I-10 Corridor originally contained approximately 2,081 cultural resources.

At the regional level, the geographic area considered for cumulative impacts on cultural resources includes the 25-million-acre California Desert Conservation Area (see Figure 1-1).

Approximately 20 percent of Riverside and San Bernardino counties have been surveyed for cultural resources. These surveys have identified and documented more than 20,000 cultural resources. These results suggest that there is a high potential to discover previously unknown resources within the cumulative study region.

Past, present and reasonably foreseeable future actions would cause impacts that could combine with the impacts of the project to cause an adverse cumulative impact related to cultural resources. The impacts of these other actions are summarized in Table 4.4-1.

**TABLE 4.4-1
 CUMULATIVE IMPACTS TO CULTURAL RESOURCES:
 ESTIMATED NUMBERS OF CULTURAL RESOURCES**

Location	Acres	Number of Known or Estimated Cultural Resources
Genesis APE	19,184	329
Blythe APE		(Average density of 0.017 sites per acre)
Palen APEs		
I-10 Corridor	122,440	2,081
Southern California Desert Region	11,000,000	187,000
Existing Actions: I-10 Corridor		
Chuckwalla Valley Prison and Ironwood Prison	1,720	29
I-10 Freeway	2,328	40
Devers-Palo Verde 1 Transmission Line	350	6
Kaiser Eagle Mountain Mine	3,500	59
Subtotal	7,898	133
Present and Reasonably Foreseeable Future Actions: I-10 Corridor		
13 Solar Projects and Chuckwalla Raceway	47,591	809
4 New Transmission Lines	465	17
Subtotal	48,056	826
Present and Reasonably Foreseeable Future Actions: Southern California Desert Region		
Solar Projects	567,882	9,654
Wind Projects	433,721	7,371
Subtotal	1,001,606	17,027

SOURCE: CEC Commission Decision (Cultural Resources Table 4)

Past ground-disturbing actions along the I-10 Corridor that caused impacts to cultural resources include construction of Chuckwalla Valley and Ironwood State Prisons, I-10, the Devers-Palo Verde 1 Transmission Line, and mining activities at the Kaiser Eagle Mountain Mine. Construction of the Chuckwalla Valley and Ironwood State Prisons disturbed approximately 1,720 acres,

suggesting that 29 cultural sites were destroyed pursuant to this work. Interstate-10 is a four-lane divided highway with associated bridges, off-ramps and a berm system. Assuming a minimum width of 200 feet and length of 48 miles, this project disturbed approximately 2,328 acres, suggesting that 40 cultural sites were destroyed during its construction. The Devers-Palo Verde Transmission Line, a 500-kV transmission line, parallels I-10. Based on the construction of the access road and excluding the transmission tower pads, a width of 20 feet and a length of 48 miles were assumed for this analysis, resulting in approximately 350 acres of disturbance and the destruction of approximately 6 cultural sites. Finally, mining activities at the Kaiser Eagle Mountain Mine may have disturbed about 3,500 acres, destroying an estimated 59 cultural resources. Together, these past actions within the I-10 Corridor disturbed an estimated 7,898 acres, or 6.4 percent of the I-10 Corridor, and may have destroyed 133 of the estimated 2,081 cultural resources.

Cultural resources in the BLM California Desert District primarily have been impacted by past and currently approved projects through the ground disturbance that is required for construction of buildings, facilities, roads, and other infrastructure. The most intensive past use of the desert and concomitant disturbance of cultural resources has been on designated military installations (e.g., Edwards Air Force Base, Fort Irwin, Twentynine Palms Marine Corps Base, Chocolate Mountain Naval Aerial Gunnery Range), particularly at bombing ranges. General Patton conducted military training operations from 1942 to 1944; later training maneuvers were conducted throughout the I-10 Corridor in May 1964. In the case of military installations and maneuvers, however, avoidance of substantial adverse changes to NRHP-eligible cultural resources has been accomplished through deliberate project planning. Likewise, the severity of impacts to previously unknown cultural resources have been reduced by implementing mitigation measures requiring construction monitoring, evaluation of resources discovered during monitoring, and avoidance or data recovery for significant resources.

Present and reasonably foreseeable actions along the I-10 Corridor include 13 solar projects, development of the Chuckwalla Raceway, four new transmission lines and other activities identified as part of the cumulative scenario. Although some of these projects may not be built, this analysis conservatively assumes the maximum number of cultural resources would be destroyed. For example, development of the 13 proposed solar projects and Chuckwalla Raceway would disturb 47,591 acres, resulting in the destruction of 809 cultural resources; the four new transmission lines would disturb 465 acres and destroy 17 cultural resources. Together these present and reasonably foreseeable actions along the I-10 Corridor would disturb 48,056 acres, or 39 percent of the total I-10 Corridor, and destroy 826 cultural resources.

Present and reasonably foreseeable actions within the BLM California Desert District include numerous solar and wind projects. Although the cultural resources density per acre is unknown for this entire region, the density proposed for the I-10 Corridor serves as a reasonable approximation. Within the District, solar projects would occupy 567,882 acres and wind 433,721 acres, collectively consisting of approximately 4 percent of the CDCA. Together, these renewable energy projects would cause changes in the setting, feeling and association of the areas in which they are constructed. Potential impacts would include direct impacts in the form of physical disturbance or alteration as a result of construction activity or indirect impacts in the form of diminished access to

and visual character of traditional use areas due to the presence of industrial structures. Based on density of sites per acre along the I-10 Corridor, the development of the renewable energy projects in the California Desert District would destroy 17,027 cultural sites.

Development of the project would directly impact 49 significant archaeological resources and indirectly impact two potential cultural landscapes. When combined with the impacts to cultural resources from past, present and reasonably foreseeable future actions (see Table 4.4-1, and discussion, below), the project would contribute approximately 6 percent of the cumulative impacts at the local level (49 of an estimated 826 cultural sites destroyed) and approximately .3 percent of the cumulative impacts at the regional level (49 of an estimated 17,027 cultural sites destroyed). Cumulative impacts would vary by alternative to the project only to the degree to which their direct and indirect impacts would vary. In any event, each of the “build” alternatives would contribute to the cumulative impacts.

4.4.4 Summary of Mitigation Measures

Adverse effects that the proposed action or an alternative could have on cultural resources would be resolved through compliance with the terms and conditions of the Programmatic Agreement (PA¹) prepared and entered into for the project consistent with NHPA Section 106. In accordance with 36 CFR Section 800.14(b), PAs are used for the resolution of adverse effects for complex project situations and when effects on historic properties, resources eligible for or listed in the NRHP, cannot be fully determined prior to approval of an undertaking. The BLM prepared a PA in consultation with the State Historic Preservation Officer, Indian tribes, and other interested parties. Treatment plans containing measures to mitigate impacts on historic properties that cannot be avoided by project construction would be developed in consultation with stakeholders as stipulated in the PA. Analysis of impacts in this document and implementation of the PA will evidence BLM’s compliance with Section 106 and NEPA. The PA is included in Appendix H.

4.4.5 Residual Impacts after Mitigation Measures were Implemented

Residual impacts on cultural resources would exist after the PA is implemented. Cultural resources damaged or destroyed by project construction, even if subjected to mitigation measures, permanently would be lost from the archaeological record. This would make the cultural resources unavailable for future study to address future research needs when more advanced investigative techniques and methods of analysis might be available.

4.4.6 Unavoidable Adverse Impacts

Ground disturbance caused by the project would result in unavoidable adverse impacts on cultural resources through damage, displacement and destruction of sites, features, and artifacts, loss of integrity of cultural resources, and changes in the settings of cultural resources inconsistent with their historic or traditional cultural values.

¹ The PA is the required mitigation for impacts to cultural resources.

4.5 Impacts on Environmental Justice

4.5.1 Impact Assessment Methodology

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” directs Federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The Presidential memorandum accompanying the Executive Order states that “each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA.”

This analysis of whether construction, operation and maintenance, and closure and decommissioning of the project would cause a disproportionate impact on low-income and/or minority populations within the potentially affected area relies on a demographic screening analysis to first determine whether there are environmental justice communities of concern that could be potentially impacted by the project. For the purposes of this study, the potentially affected area for the project consists of the area within a six-mile radius of the site. Beyond that distance, most direct physical effects would typically be expected to be relatively diminished and residents’ daily interaction with the project would likely be relatively limited.

The environmental justice reviews the resource specific analyses to identify adverse health and environmental effects that would potentially impact the identified communities of concern. In accordance with CEQ Guidance, the review evaluates the resource impacts to determine if there are “significant (as defined by NEPA) and are or may be having an adverse impact” to a minority population, low-income population, or Indian tribe (CEQ, 1997).

Finally, any such identified significant (as defined by NEPA) impacts were then examined to determine whether the project impacts are disproportionately borne by the communities of concern or are distributed more widely and evenly amongst the local and regional population. In the absence of a high and adverse resource impact, no disproportionately high or adverse impact to a community of concern (i.e., environmental justice impact) would occur.

The demographic screening to determine the present of minority or low income populations is presented in the Affected Environment (Section 3.5, *Environmental Justice*). The screening analysis determined that the minority population, within both Census Block 458.00.6 and the City of Blythe as a whole, is more than 50 percent and, therefore, both qualify as communities of concern for the purpose of environmental justice analysis. In addition, Census Block 458.00.6 has a proportion of low-income residents living below the poverty level (28.3 percent) nearly twice that for Riverside County as a whole. Consequently, it is conservatively adjudged that Census Block Group 458.00.6 also is a low income community of concern for the environmental justice analysis.

However, it is noteworthy that the census blocks surrounding the project site are extremely large and also represent populations that live far outside the six-mile radius. The proposed site is located

in a sparsely populated area about 100 miles east of the City of Riverside. The small, local communities nearest the site include the City of Blythe, California (approximately 25 miles east of the site) and the Cities of Ehrenburg and Quartzsite, Arizona (approximately 30 miles and 45 miles east of the site). The same census blocks used to determine minority population would have only counted zero persons in the low-income population category. Therefore, the census data used to determine low-income population included all census blocks intersected by the six-mile radius, even if only a minor proportion of the blocks' geographic area was located within the project's six mile radius area.

The estimated total residential population within a six-mile radius of the site is 17 people; the total minority population is 10 people or 58.8 percent of the local residents. The below poverty-level population reported in the 2000 U.S. Census block group data was 1,440 people; the total low-income population was 407 people, or 28.3 percent of its total population.

4.5.2 Discussion of Direct and Indirect Impacts

Proposed Action

To evaluate the potential for environmental justice concerns the findings and analysis for the following sections in the PA/FEIS were reviewed: Section 4.2, *Impacts on Air Quality*; Section 4.9, *Impacts on Noise*; Section 4.12, *Impacts on Public Health and Safety*; Section 4.13, *Social and Economic Impacts*; Section 4.14, *Impacts on Soil Resources*; Section 4.16, *Impacts on Transportation and Public Access – Off Highway Vehicle Resources* (specifically concerning traffic); Section 4.18, *Impacts on Visual Resources*; and Section 4.19, *Impacts on Water Resources*.¹ The PA/FEIS findings of the project's expected resource impacts are summarized in the Section ES, *Executive Summary*.

In its review of these PA/FEIS sections, the BLM analyzed their findings (i.e., potential impacts and mitigation measures) for environmental justice considerations whether any adverse impacts would occur to the communities of concern. In addition, if warranted the analysis then evaluates whether a "disproportionately high and adverse impact" on these communities would occur that would represent an environmental justice impact. If no significant and adverse resource impact is determined then no disproportionate disproportionately high or adverse impact to a community of concern (i.e. environmental justice impact) will occur.

The environmental justice review determined that construction, operation and maintenance, and closure and decommissioning of the project would not result in an environmental justice issue for any of the specified resource areas. For example, as analyzed in Section 4.2, *Impacts to Air Quality*, the project would not result in direct or cumulative air quality impacts, thereby resulting in no environmental justice issue for air quality. Similarly, with regard to Water Resources, the proposed action would not involve wastewater discharges that could affect drinking water supplies or other water bodies. No considerable noise impacts from the project are expected as a

¹ Other sections (such as Cultural, Mineral and Land and Realty Resources) were determined to have no potential health or environmental effects on the local populations and therefore were not reviewed further for potential Environmental Justice impacts.

result of the project design, mitigation measures, and the absence of sensitive receptors nearby. The proposed action would not displace any homes or businesses nor would any significant adverse traffic impacts result during project construction or its subsequent operation. Moreover, no significant and adverse public health and safety impacts are anticipated associated with the proposed action.

For these reasons, and also given the rural and remote character of the area, and the low population concentration near the site, the project would not result in any disproportionate adverse impacts on low-income or minority populations. Therefore, no environmental justice impacts would be associated with the proposed action.

Alternatives

The potential for environmental justice issues to result from Reconfigured Alternative 1, Reconfigured Alternative 2 and the Reduced Acreage Alternative would be substantially the same as for the project. Slight distinctions could be made among the “build” alternatives with regard to the direct and indirect impacts associated with the total acreage of land disturbed on the project site under each build alternative. Generally, resource impacts relating to any potential environmental justice impact would decrease as the acreage disturbed is reduced. As with the project, none of the “build” alternatives would result in an environmental justice impact.

The “no project” alternatives also would not result in direct or indirect resource impacts from the project relating to potential environmental justice considerations. Therefore, no environmental justice impact from the project would be associated with No Action Alternative A, CDCA Plan Amendment/No Project Alternative B, or CDCA Plan Amendment/No Project Alternative C.

4.5.3 Discussion of Cumulative Impacts

No direct or indirect environmental justice impact would result from the proposed action or any of the alternatives. Therefore, no cumulative environmental justice impacts would result.

4.5.4 Summary of Mitigation Measures

No environmental justice mitigation measures are proposed.

4.5.5 Residual Impacts after Mitigation Measures were Implemented

No residual environmental justice impacts would occur.

4.5.6 Unavoidable Adverse Impacts

No unavoidable adverse environmental justice impacts would occur.

4.6 Impacts on Lands and Realty

4.6.1 Impact Assessment Methodology

The BLM Master Title Plats (MTPs) and automated Lands and Minerals Legacy Rehost 2000 System (LR2000) were reviewed to obtain information related to pending and authorized uses on the BLM-administered lands potentially affected by the project. The BLM's Washington Office and California State Office web sites provided additional information relating to corridor designations and solar study areas potentially affected by the project.

Impact assessment was based on known impacts relative to construction, operation, maintenance and decommissioning of rights-of-way and land use permits of all types on BLM-administered land.

4.6.2 Discussion of Direct and Indirect Impacts

Proposed Action

The project would consist of two adjacent, independent, identical power block units (Units) of 250 MW nominal capacity each for a total nominal capacity of 500 MW (Figure 2-2). The gen-tie line would interconnect with the power grid at Southern California Edison's (SCE) proposed Red Bluff Substation.

Although there are numerous existing rights-of-way of record within and adjacent to designated Corridors K and 30-52, only a few would be directly affected by the project. Any existing authorized use that would be affected by the project has "priority rights" in the sense that any new authorization(s) would be issued "subject to" the previously existing rights-of-way or other uses. Therefore, the Applicant would be required to mitigate any potential impacts to the existing authorized users at the Applicant's expense. This would mean bearing all costs for relocating or modifying any facilities such as power poles or conductor that might be necessary to accommodate the new use.

Impacts to Designated Corridors

Potential impacts to the designated corridors could occur as a result of the overhead gen-tie transmission line crossing all or portions of the designated corridors. Impacts to the corridors from the redundant telecommunications and fiber optic lines would be similar to the power line, depending on whether the cables are buried (as would be the case in crossing under I-10) or strung on existing or new power lines. However, with current technology, the potential impacts would be expected to be minimal, easily mitigated and would not preclude continued and future use of either designated corridor. Future use of the corridors would be slightly constrained by placement of additional facilities within, and following along the path of, the corridors.

Impacts from the access road exiting the frontage road and heading east to the project site and the emergency access road exiting the southern boundary of the site would be minimal because future

transmission lines, both gas and electric, could easily bore under or span across the roads, respectively. Future use of the corridors would be slightly constrained by placement of additional facilities within the corridors.

The largest impact to the designated corridors would come from the proposed solar generating facility. Once constructed, the land encompassed by the project would not be available for placement of future site or linear facilities. Any future use would have to be constructed around the outermost perimeter of the Project rather than spanning across. Given that both corridors are 2 miles wide, with I-10 being the approximate center line of both, virtually all of the north halves of both corridors would be rendered unusable for future site and linear projects at the project site. However, the land south of the project site and south of both corridors is vacant desert land and would potentially be available for expanding the width of the corridors to the south along this segment. The CDCA Plan provides for a 5-mile standard width “in those cases where there are so many facilities or merging corridors that a five-mile width is needed to ensure sufficient space for system integrity and flexibility.”

Impacts to Interstate 10

Potential impacts to I-10 from the overhead gen-tie line and the overhead and buried portions of the redundant telecommunications and fiber optic lines would be mitigated by following requirements of the Federal Highway Administration (FHWA) and/or California Department of Transportation (CalTrans), and industry standards (SOPs) and best management practices (BMPs) for aerial and buried crossings of federal highways.

Potential impacts from the new access road that would exit Corn Springs Road and head east to project boundary and the emergency access road abutting the northern edge of the I-10 right-of-way boundary and extending into the project site would be mitigated by following requirements of the FHWA, CalTrans and industry SOPs and BMPs for encroachment of federal/State highways.

Impacts to Other Authorized Uses

As proposed, potential impacts could occur from the aerial gen-tie line and the overhead and buried redundant telecommunications line and fiber optic cable crossing existing uses both north and south I-10. Once across the highway, the gen-tie line would turn to the east (or west depending on final site selection) and parallel the highway and existing power lines to the point of interconnection with the planned Red Bluff substation. However, construction and operation of these new linear facilities using industry SOPs and BMPs for crossing over or boring under existing authorized uses would effectively mitigate potential negative impacts to existing authorized users.

As proposed, the southwestern part of the project site could not be constructed due to the existence of SCE's Eagle Mountain-Blythe 161-kV transmission line. However, the Applicant and SCE are working together to try to accommodate both the solar facilities and SCE's 161-kV line within the project area which, if agreed to, would require moving approximately 5,900 feet of the Eagle Mountain-Blythe power line to skirt around the southwest corner of the Project area. If

an agreement cannot be reached, the Applicant would have to reconfigure the southwest portion of the generating facilities to avoid impacts to the existing transmission line. SCE has submitted an application to move the 161-kV to the BLM to accommodate the project.

Reconfigured Alternative 1

The Reconfigured Alternative 1 would be a 500 MW solar facility, like the proposed project, but it would reconfigure the proposed solar Units 1 and 2 by changing their shapes (Solar Millennium, 2009).

Under this alternative, the proposed Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northern third of the proposed field, resulting in separating Unit 1 into two separate polygons trending southeast. Approximately 240 acres of this reconfigured eastern solar field would be outside of the Applicant's right-of-way application area, requiring adjustment of the boundaries of the BLM right-of-way application, but the alternative would remain entirely within BLM-administered lands. This alternative includes use of the proposed Unit 2 (the western solar field) in the same approximate location, but it would be reconfigured into a stair-step shape trending northeast to avoid the primary and secondary washes crossing the site. The setting for Unit 2 would be similar to that for the proposed project.

Overall, impacts of this alternative would be basically the same as with the project. On-site access roads would be configured differently, but would be approximately the same length. The length of transmission lines for collecting and carrying power to the on-site substation and the fiber optic cable for operation of the data collection system would remain basically the same. The off-site transmission line, redundant telecommunications line, fiber optics cable and access road would require relatively minor route adjustments to accommodate the changed solar field configurations.

Reconfigured Alternative 2

Option 1

Reconfigured Alternative 2, Option would be a 500 MW solar facility like the project, but it would change the shape of Unit 1. Solar Unit 2 would be the same as the project. The overall disturbance area for Reconfigured Alternative 2, Option 1 would be approximately 4,365 acres (CEC RSA, 2010).

Proposed Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northeastern third of the proposed field. This alternative would reconfigure Unit 1 into a triangular shape trending southeast. This reconfigured eastern solar field would be located on BLM-administered public land, on a 40-acre private parcel on which the Applicant has a purchase option, and on two privately-owned parcels (approximately 120 acres each) not currently controlled by the Applicant.

Reconfigured Alternative 2, Option 1 assumes that the Applicant can acquire the 240 acres of private land that would be required for the implementation of this redesign effort. Reconfigured Alternative 2, Option 1 also would require adjustment of the boundaries of the right-of-way

application because the alternative includes land not currently included in the proposed right-of-way application.

Overall, impacts of this alternative would be basically the same as with the project. The number of on-site access roads would be configured differently but would be approximately the same length. The length of transmission lines for collecting and carrying power to the on-site substation and the fiber optic cable for operation of the data collection system would remain basically the same. The off-site transmission line, redundant telecommunications line, fiber optics cable and access road would require relatively minor route adjustments.

Option 2

Reconfigured Alternative 2, Option 2 would generate 500 MW -- the same amount as the project; however, it would reconfigure Units 1 and 2. The total area of disturbance for Reconfigured Alternative 2, Option 2 would be about 4,330 acres (CEC RSA, 2010).

Proposed Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northeastern third of the proposed field. It would reconfigure Unit 1 so that it is triangular in shape trending southeast. As reconfigured, Unit 1 would avoid the use of the private land along its southern border and so would not retain a straight southern border. This reconfigured eastern solar field would be located primarily on BLM-administered public land; however, as with the proposed project, it includes a 40-acre private parcel on which the Applicant has a purchase option. This alternative would require adjustment of the boundaries of the right-of-way grant application because it would include land that is not included in the proposed right-of-way.

Proposed Unit 2 (the western solar field) would remain the same as for the project.

Overall, impacts of this alternative would be basically the same as with the project. The number of on-site access roads would be configured differently but would be approximately the same length. The length of transmission lines for collecting and carrying power to the on-site substation and the fiber optic cable for operation of the data collection system would remain basically the same or be slightly reduced. The off-site transmission line, redundant telecommunications line, fiber optics cable and access road would require relatively minor route adjustments.

Reduced Acreage Alternative

The Reduced Acreage Alternative would follow boundaries similar to those of the Reconfigured Alternative 1, but it would be about 25 percent smaller, occupying about 2,080 acres of land (as compared with 2,740 acres required for the Units 1 and 2 of the project). The Reduced Acreage Alternative would have a net generating capacity of approximately 375 MW (as compared with the 500 MW of the proposed project). This alternative would retain 75 percent of the proposed project's generating capacity (Solar Millennium, 2009).

The off-site transmission, fiber optics cable and access road would require relatively minor route adjustments. The number of on-site access roads would be configured differently and slightly

reduced in length. The length of transmission lines for collecting and carrying power to the on-site substation and the fiber optic cable for operation the data collection system would be reduced slightly.

This alternative would eliminate about 25 percent of the proposed project site. The impacts associated with all linear facilities would be essentially the same as the proposed project or may be slightly reduced. The amount of power generated would be reduced by 25 percent.

Overall, the impacts of this alternative would be slightly reduced from those expected with the project. The on-site access roads would be configured differently but would be approximately the same length or slightly reduced. The length of transmission lines for collecting and carrying power to the on-site substation and the fiber optic cable for operation of the data collection system would remain basically the same or be slightly reduced. The off-site transmission line, redundant telecommunications line, fiber optics cable and access road would require relatively minor route adjustments.

No Action Alternative A

Impacts associated with the project would likely only be delayed by selecting No Action Alternative A, since this region of the United States has extremely positive characteristics for solar power generation. If this project were not approved, another application for a different solar generating facility or a different type of solar generating facility would likely be filed at some time in the near future. However, an application also could be filed for a wind energy facility or any other use allowed consistent with the CDCA Plan Multiple Use Class M area. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Impacts resulting from the project would not occur under this alternative; however, the land would remain open to other types of rights-of-way and/or land use authorizations, including wind energy facilities. Depending on the type of facility, the amount of acreage needed could be less than, approximately the same as, or larger than the project resulting in impacts specific to a future use other than solar energy development. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Impacts associated with the project would likely only be delayed by selecting this alternative, since this region of the United States has extremely positive characteristics for solar power generation. If the project were not approved, another application for a different solar generating

facility or a different type of facility would likely be filed at some time in the near future. The various solar energy technologies require the use of different amounts of land. Depending on the type of facility, the amount of acreage needed could be less, approximately the same as, or larger than the project. The land also would remain open to other types of rights-of-way and/or land use authorizations, including wind energy facilities. Resulting impacts would vary according to the specific future non-solar energy use or development.

4.6.3 Discussion of Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect on Lands and Realty with other past, present, or reasonably foreseeable future actions. The geographic scope of the cumulative effects analysis for Lands and Realty consists of eastern Riverside County, based on the jurisdictional boundaries within which the impacts of land use decisions of the proposed action and other projects could be additive, countervailing or synergistic. Potential cumulative effects on Lands and Realty could occur during the project's proposed 39-month construction period if, for example, it would be necessary to relocate or modify existing facilities within a right-of-way; during the projected 30-40 year lifespan of the proposed action if, for example, future projects were constrained by the placement of project-related facilities located within designated corridors; or pursuant to closure and decommissioning activities.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in PA/FEIS Chapter 3. Direct and indirect effects of the construction, operation and maintenance, and closure and decommissioning of the project on Lands and Realty are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1. Among them, other right-of-way applications for linear and non-linear projects that could be developed in eastern Riverside County include other utility-scale solar projects and the proposed Eagle Crest Pump Storage project and associated gen-tie transmission lines and other related ancillary facilities.

Additional actions that could have cumulative impacts include, among others, additional right-of-way grant applications for other renewable energy projects, substation projects and other linear facilities such as fiber optics, gas or electric transmission lines. Right-of-way grants and other land use decisions associated with these actions and projects would affect the nature, type, and intensity of uses authorized on the lands potentially affected by the project and its ancillary facilities. Permitting the project and other projects within the cumulative impact area could affect the amount of land that would be available for permitting by the BLM for other uses consistent with the CDCA Plan. Permitting the project and other projects for the single use proposed (e.g., solar energy development, pump storage, etc.) would restrict the use of the lands during the life of those projects reducing the number of acres of lands available to be administered by the BLM for other uses. Upon decommissioning of the project and other single use projects, affected acreage would become available for multiple use management by the BLM.

Multiple right-of-way grant applications recently have been approved or are pending in the vicinity of the project. ROW grants recently were approved for the Solar Millennium's Blythe

Solar Power Project (with associated 500-kV gen-tie line to carry 1,000 MW from the project) and NextEra's Genesis Solar Energy Project (with associated 230-kV gen-tie line to carry 250 MW from the project).

In addition to the project, other proposed solar generation projects in eastern Riverside County currently are undergoing review by the BLM: the Rice Solar Energy project proposed by Solar Reserve (a double-circuit 230 kV line to carry NextEra's proposed Genesis-McCoy 250 MW project on one circuit and Solar Reserve's proposed 150 MW on the second circuit); and Desert Sunlight Solar Farm (First Solar).

Figure 4.1-1 identifies these proposed projects by letter, as follows: the proposed action (K), Blythe (L), Genesis (O), Rice (R) and Desert Sunlight (V). The combined total number of acres identified for consideration in these applications, including the project, is approximately 32,700 acres. Each of these proposed actions has identified an "action area" that includes more acreage than what would be needed for construction, operation and maintenance to allow for flexibility in final design. Should one or more of these projects be authorized, the acreage included in the right-of-way grant(s) would be only that which is actually needed for a project(s), not the total number of acres identified in the application(s).

Cumulative impacts associated with approval of one or more of the pending solar energy applications would help diversify the domestic energy portfolio. Approval of one or more of the pending applications would help meet the goals of Section 211 of the Energy Policy Act of 2005 (Public Law 109-58, August 8, 2005), which encourages approval of at least 10,000 MW of non-hydropower renewable energy projects on public lands within 10 years of enactment.

Several transmission line projects and other past, present and reasonably foreseeable future activities are expected to occur within the cumulative impacts assessment area. For example, the Devers-Palo Verde No. 1 (DPV1) is an existing 500-kV transmission line which spans approximately 128 miles of land within California paralleling I 10 (see Figure 4.1-1, Number 3). The transmission line is within Corridors K and 30-52. DPV1 was approved by the California Public Utilities Commission (CPUC) in 1979 and constructed in 1982.

The Blythe 230-kV Transmission Line Project (Figure 4.1-1, Letter F) involves building two 230-kV transmission lines spanning approximately 70 miles between the Julian Hinds and Bucks substations, and construction of a new midpoint substation. Construction on the transmission lines began in February 2009, was completed in 2010, and the line has since been energized. The transmission line lies within the existing federally-designated utility corridors along I-10.

The Devers-Palo Verde 2 Transmission Line Project, approved by the CPUC in January 2007, involves the construction of two 500-kV transmission lines (Figure 4.1-1, Letter D). The proposed route for the Devers-Palo Verde 2 (DPV2) Transmission Line Project is along the south side of I-10, parallel to the existing DPV1 transmission line route. BLM anticipates issuance of a ROD in mid-2011 for the California-only portion of DPV2 to address the request for a right-of-way grant from SCE to construct, operate, and maintain DPV2 across BLM-administered land.

The Desert Southwest Transmission Line project consists of construction of an approximate 118-mile 500-kV transmission line and two new substation/switching stations. The BLM has approved a right-of-way grant for the construction of the transmission line which crosses public lands between Blythe and the western end of the Coachella Valley. This transmission line work would be constructed within an existing federal utility corridor. BLM has issued a ROW grant for the project. Upon completion of plans for development and finalization of the Programmatic Agreement, BLM would issue a notice to proceed for this project.

Two substations are identified as part of the solar generating facilities in the area - the Colorado River Substation and the Red Bluff Substation. The location of the Colorado River Substation is shown in Figure 4.1-1, Letter E; the proposed location of the Red Bluff Substation is designated "Y," but the location is not yet finalized.

Cumulative impacts would vary by alternative only to the degree to which direct and indirect impacts vary by alternative.

4.6.4 Summary of Mitigation Measures

The design features of the project, as well as compliance with applicable laws, ordinances, regulations, and standards; the use of industry SOPs (e.g., NERC, WECC, etc.); BMPs; and conditions of certification imposed by the CEC would avoid or reduce impacts associated with construction and operation of the project. Moreover, utility corridors have been designated by the BLM to accommodate such uses and to reduce overall environmental impacts that would result from the construction and operation of multiple linear facilities in multiple locations. Accordingly, additional mitigation measures are not recommended.

4.6.5 Residual Impacts after Mitigation Measures were Implemented

There would be no known residual impacts to existing authorized uses.

4.6.6 Unavoidable Adverse Impacts

Approval of the PSPP would result in land not being available for other uses during the life of the project; however, once the project is no longer viable and is decommissioned, the land once again would be available for other uses consistent with the CDCA Plan and applicable LORS.

4.7 Impacts on Mineral Resources

4.7.1 Impact Assessment Methodology

Applicable geologic maps and reports for this area were reviewed and geoarchaeological monitoring of a geotechnical investigation within the archaeological project area of analysis (PAA) took place July 20–28, 2009. Stratigraphic samples were collected for sedimentological and mineralogical data.

4.7.2 Direct and Indirect Impacts

Proposed Action

Construction of the project would include grading, foundation excavation, utility trenching and possibly drilled shafts. Neither operation nor decommissioning of the project would involve ground disturbance of a type that could cause an adverse impact on mineral resources or their availability. The proposed project site currently is not used for mineral production, nor is it under claim, lease, or permit for the production of locatable, leasable, or salable minerals. As discussed in Section 3.8, *Mineral Resources*, there is little to no potential oil, gas or geothermal resources to be present on the project site. Only limited exploration for oil and gas resources has been performed in the area and no active oil or gas operations are located in the immediate vicinity of the project. Further, due to the geologic environment, mineral resources other than sand and gravel are not present on the site.

Sand and gravel resources are present at the site and could be a source of salable resources. However, use of the site as a solar energy facility would not appreciably reduce or restrict the availability of sand and gravel resources because nearly all alluvial fans and broad desert basins in the region are potential sand and gravel sources. In addition, the project could use sand and gravel resources on or near the site for its own construction needs after proper permitting for use of the material, and any potential on-site sand and gravel resources would become available again following decommissioning of the project. As a result, the proposed action would have a negligible and temporary effect on the availability of sand and gravel resources, and no impact on the availability of other mineral or gas resources.

Alternatives

Reconfigured Alternative 1

The geologic units that would be disturbed by Reconfigured Alternative 1 are the same as those that would be disturbed by the proposed action, and ground disturbance would occur in roughly comparable amounts. Consequently, potential impacts to mineralogic resources would be the same as for the proposed action.

Reconfigured Alternative 2

The geologic units that would be disturbed by Reconfigured Alternative 2 are the same as those that would be disturbed by the proposed action, and ground disturbance would occur in roughly comparable amounts. Consequently, potential impacts to mineralogic resources would be the same as for the proposed action.

Reduced Acreage Alternative

The geologic units that would be disturbed by the reduce Acreage Alternative are the same as those that would be disturbed by the proposed action. However, ground disturbance from the Reduced Acreage Alternative would be less than required for the project. Potential impacts to mineralogic resources associated with the Reduced Acreage Alternative would be reduced in direct proportion to the reduction in ground disturbance.

No Action Alternative A

If the project were not constructed, no impacts on mineral resources would occur. However, under this alternative, any use consistent with the CDCA Plan Multiple Use Class M could be developed on the project site. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment /No Project Alternative B

Because the CDCA Plan would be amended to identify the project site as suitable for solar energy development, the site would be developed with the same or a different solar technology. However, other uses consistent with the CDCA Plan also could be developed. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment /No Project Alternative C

Because the CDCA Plan would be amended to make the proposed project site unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated there. As a result, the geologic conditions of the site are not expected to change noticeably from existing conditions and, as such, this alternative would result in no impact to mineral resources.

4.7.3 Cumulative Impacts

Because the proposed action and alternatives would have no direct or indirect effect on mineral resources, no cumulative effect would result.

4.7.4 Summary of Mitigation Measures

No mitigation measures are recommended.

4.7.5 Residual Impacts after Mitigation Measures were Implemented

There would be no known residual impacts to mineral resources.

4.7.6 Unavoidable Adverse Impacts

Approval of the project would result in no unavoidable adverse impacts on mineral resources.

4.8 Impacts on Multiple Use Classes

4.8.1 Impact Assessment Methodology

All but 40 acres of the proposed action would be developed on BLM-administered land that is classified in the CDCA Plan of 1980, as amended, as Multiple Use Class M (MUC-M). Accordingly, this analysis focuses on the project's potential impacts related to multiple use classes. The analysis was prepared by reviewing the applicable CDCA Plan requirements and concepts (including multiple use, sustained yield and maintenance of environmental quality) on MUC-M land and evaluating the proposal to determine whether it would be consistent with them.

One privately-owned 40-acre parcel (APN 810-110-007) is under the County of Riverside's jurisdiction rather than the BLM's. The County has designated this parcel for "Open Space Rural" land uses in its General Plan, and has zoned it as a controlled development area (W-2). The Multiple Use Class (MUC) Guidelines in Table 1 of the CDCA Plan provide that solar electricity generation facilities may be allowed in MUC-M areas in accordance with Federal, State and local laws subject to approval of a CDCA Plan amendment by the BLM. Because the proposed solar electrical generation facilities must be "in accordance with. . . local laws," this analysis also evaluates consistency with County requirements applicable to APN 810-110-007.

A variety of resources were reviewed and relied upon in preparing this analysis, including but not limited to BLM's Land Use Planning Handbook (BLM, 2005); other BLM manuals, including BLM Manual 6840 concerning Special Status Species Management (BLM, 2001); BLM Instruction Memorandum No. 2008-014, concerning the Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning (BLM, 2007); CDCA Plan of 1980 (BLM, 1980), as amended; Riverside County General Plan; Eastern Riverside County Land Use Plan; Riverside County Zoning Ordinance; and documents that were part of the California Energy Commission proceedings.

4.8.2 Discussion of Direct and Indirect Impacts

Proposed Action

The proposed solar plant site would disturb approximately 2,970 acres. Development of the linear facilities (i.e., the final transmission line, temporary construction power line, telecommunications line, and site access road) would disturb approximately 137.34 acres. All but 40 acres of the total would be on MUC-M classified lands.

Proposals to develop a solar energy generation facility on a site not expressly identified in the CDCA Plan for this specific use are considered through the CDCA Plan amendment process. Requests for amendment are submitted to the California Desert District Manager. For the PSPP, the Applicant submitted an application to the BLM requesting a project-specific CDCA Plan amendment and ROW grant. No changes in the MUC classification would be required prior to approving the ROW grant. Nonetheless, approval of the ROW grant would restrict multiple use

opportunities on the PSPP site to a single dominant use for the anticipated 30-40 year lifespan of the proposed action. This restriction would be lifted upon closure and decommissioning of the project. Thereafter, use opportunities on the site would return to the pre-PSPP conditions described in Chapter 3, *Affected Environment*.

According to the Riverside County Transportation and Land Management Agency's Planning Department's Regional Office Manager, the proposed action would be consistent with Riverside County's "Open Space-Rural" designation on the 40-acre parcel. In addition, Riverside County is in the process of updating its General Plan specifically to allow solar energy generation facilities with respect to the project site. The Energy Commission found, and the BLM agrees, that the proposed action would be a permitted use under the local General Plan and zoning designation. Accordingly, the PSPP would be consistent with County land use policies, and so in accordance with local laws.

Alternatives

Reconfigured Alternative 1

All of the Federal lands that would be affected by this alternative are classified MUC M. Reconfigured Alternative 1 would disturb approximately 1,450 acres as compared to 2,970 acres for the proposed action. MUC-M classified lands required for the linear facilities would be substantially similar to the proposed action.

Reconfigured Alternative 2

Option 1

All of the Federal lands that would be affected by Option 1 are classified MUC M. Reconfigured Alternative 2 Option 1 would disturb approximately 4,360 acres as compared to 2,970 acres for the proposed action. MUC-M classified lands required for the linear facilities would be substantially similar to the proposed action.

Option 2

All of the Federal lands that would be affected by Option 2 are classified MUC M. Reconfigured Alternative 2 Option 2 would disturb approximately 4,324 acres as compared to 2,970 acres for the proposed action. MUC-M classified lands required for the linear facilities would be substantially similar to the proposed action.

Reduced Acreage Alternative

All of the Federal lands that would be affected by this alternative are classified MUC M. The Reduced Acreage Alternative would disturb approximately 2,080 acres as compared to 2,970 acres for the proposed action. MUC-M classified lands required for the linear facilities would be substantially similar to the proposed action.

No Action Alternative A

Under No Action Alternative A, no ROW would be granted and no CDCA Plan amendment would be approved: existing conditions, activities and multiple use opportunities on the site would remain unaffected. Such opportunities could include a different proposal for utility-scale solar power facilities, fossil-fuel based energy development, or livestock grazing. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under CDCA Plan Amendment/No Project Alternative B, the PSPP would not be approved by the BLM, and the site would be made unavailable for solar development. The BLM would continue to manage the site consistent with the existing MUC-M classification. No use opportunities, such as energy development (except solar), agriculture or livestock grazing, recreation, maintaining habitat for wildlife, or any other allowable use on MUC-M designated land, would be foreclosed. Accordingly, a utility scale wind project, geothermal, nuclear, or fossil fuel project could be developed if allowed by applicable laws, ordinances, regulations, and standards. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under CDCA Plan Amendment/No Project Alternative C, the proposed PSPP would not be approved by the BLM, and BLM would amend the CDCA Plan to allow for other solar projects on the site. The development of another solar energy project on the site could result in the same foreclosure of use opportunities as would the proposed action.

4.8.3 Discussion of Cumulative Impacts

The geographic scope of the cumulative effects analysis for multiple use classes would include the approximately 1.5 million acres of the overall 25 million-acre CDCA Plan area that are designated MUC-M. Potential cumulative impacts could result from construction of the proposed action and, to the extent they exist, would continue until closure and decommissioning is complete, because this is the period of time during which the existence of the proposed action would preclude the development of other uses on the site and, thereby, affect the type of use opportunities on MUC-M lands throughout the CDCA Plan area.

Existing conditions within the cumulative impacts area reflect the MUC-M use opportunities presently being exercised; and, where such opportunities are not currently being exercised, the flexibility to elect to pursue one or more among them at some point in the future. Effects of the PSPP on MUCs, as analyzed above, essentially relate to opportunity cost: if the PSPP or one of

the build alternatives is developed on the site, the site cannot be used for use opportunities that otherwise would be available on the site.

Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1. Among them, any projects that have been or would be developed on MUC-M classified land also would restrict available use opportunities within that classification for the duration of those projects. For example, six utility-scale solar energy generation projects were approved by the BLM in 2010: Ivanpah Solar Electric Generating Project (ISEGS), Blythe Solar Power Project (BSPP), Imperial Valley Solar Project (IVSP), Chevron Energy Solutions Lucerne Valley Solar Project (Chevron-Lucerne), Calico Solar Project (Calico), and the Genesis Solar Energy Project (GSEP). Three among them would be developed on MUC-M classified land: Chevron-Lucerne (approximately 516 acres), Calico (approximately 6,215 acres) and GSEP (approximately 1,800 acres). Together with the PSPP, approximately 11,500 acres of the 1.5 million acre total would be dedicated to utility scale solar energy generation for the duration of the projects. Other types of projects, if approved for development on MUC-M lands would similarly dedicate MUC-M classified lands for the uses approved and, thereby, preclude their use for multiple uses envisioned under the CDCA Plan, e.g., mining, livestock grazing and recreation. Cumulatively, this would be a considerable commitment of MUC-M classified lands.

Any contribution to the cumulative impact on multiple uses classes that would be caused by the “build” alternatives would vary in direct proportion to the acreage disturbed. This also would be true for No Action Alternative A and CDCA Plan Amendment/No Project Alternative C: each would contribute to a cumulative impact on MUC-M lands in direct proportion to the amount of land dedicated to an approved use, whether that use ultimately is energy-related or not. By contrast, because CDCA Plan Amendment/No Project Alternative B would not limit the multiple use opportunities that presently are available on the site, CDCA Plan Amendment/No Project Alternative B would not contribute to any cumulative impact on MUC-M lands.

4.8.4 Summary of Mitigation Measures

No mitigation measures are recommended.

4.8.5 Residual Impacts after Mitigation Measures were Implemented

There would be no known residual impacts to existing multiple use classes.

4.8.6 Unavoidable Adverse Impacts

Approval of the ROW grant would have the effect of limiting current multiple use opportunities of the facility footprint area to a single dominate use for the life of the project.

4.8.7 Land Use Plan Amendment Consistency Analysis

The project site is located in the CDCA planning area. The CDCA Plan governs BLM's land management practices and site-specific implementation decisions in the vicinity of the proposed action in accordance with the intent of Congress as stated in FLPMA under the principles of multiple use and sustained yield. The CDCA Plan of 1980 (BLM, 1980), as amended, is a comprehensive, long-range plan with goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA. Land uses that are not in conformance with the CDCA Plan would require a plan amendment. As noted above, the proposed site is not expressly identified in the CDCA Plan as a solar energy generation site. Consequently, a CDCA Plan amendment would be required.

The process for considering amendments to BLM land use plans is described in the agency's *Land Use Planning Handbook* (BLM, 2005). The general process for amending a BLM LUP is as follows:

1. The plan amendment process would be completed in compliance with FLPMA, NEPA, and all other relevant federal law, executive orders, and BLM management policies.
2. The plan amendment process would include an EIS to comply with NEPA.
3. Where existing planning decisions remain valid, those decisions may remain unchanged and would be incorporated into the new plan amendment.
4. The plan amendment would recognize valid existing rights.
5. Native American tribal consultations would be conducted in accordance with policy, and tribal concerns would be given due consideration.
6. Consultation with other agencies with jurisdiction would be conducted throughout the plan amendment process.

Chapter 7 of the CDCA Plan details the plan amendment process. The PSPP proposes a Category 3 amendment because it requests a specific use or activity, which is not currently authorized by an existing plan element—specifically, the Energy Production and Utility Corridors Element. In analyzing the Applicant's request to amend the CDCA Plan, the analysis of the proposed amendment will:

1. Determine whether the request has been properly submitted and whether any law or regulation prohibits granting the requested amendment.
2. Determine whether alternative locations within the CDCA are available that would meet the Applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.
3. Determine the environmental effects of granting and/or implementing the Applicant's request.
4. Consider the economic and social impacts of granting and/or implementing the Applicant's request.

5. Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies.
6. Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

Details concerning the proposed amendment for the PSPP or an alternative are provided in Chapter 2, *Proposed Action and Alternatives*. This PA/FEIS document acts as the mechanism for satisfying NEPA requirements for the CDCA Plan Amendment process, and provides the analysis required to support a CDCA Plan amendment to identify the proposed site as suitable or unsuitable for solar development within the Plan.

As analyzed above, all of the BLM-administered lands proposed for use by the PSPP and alternatives are classified in the CDCA Plan as MUC-M. Multiple use class designations govern the type and degree of land uses allowed within the classification area. All land use actions and resource-management activities on BLM-administered lands within a MUC delineation must meet the guidelines for that class. These guidelines are provided in Table 1, *Multiple Use Class Guidelines*, of the CDCA Plan (at page 15).

MUC-M allows electric generation plants for solar facilities to be developed in accordance with Federal, State and local regulations after NEPA requirements are met. The specific application of the Multiple Use Class designations and resource management guidelines for a specific resource or activity are further discussed in the plan elements section of the CDCA Plan. In MUC-M designations, the authorized officer is directed to use judgment in allowing for consumptive uses by taking into consideration the sensitive natural and cultural values that might be degraded.

The site of the proposed action and alternatives analyzed above meets the Multiple Use Class Guidelines as noted in the CDCA Plan for the resources listed below. See Section 3.9 *Multiple Use Class*, Table 3.9-2 Multiple-Use Class-M Land Use and Resource Management Guidelines.

For purposes of this discussion, No Action Alternative A, as well as CDCA Plan Amendment/No Project Alternatives B and C, are considered herein as being one and the same and are therefore referred to as "No Action Alternatives" since none precludes development on the site. (Although CDCA Plan Amendment/No Action Alternative B would make the land unavailable for a solar development facility, it would not preclude other types of development). Additionally, the terminology "proposed action and alternatives" is used herein since the classification of the BLM-administered portion of the site of the proposed action, Reconfigured Alternative 1, Reconfigured Alternative 2, the Reduced Acreage Alternative, and the No Action Alternatives would be the same -- MUC-M.

1. *Agriculture*: Agricultural uses of Class M lands are not allowed, with the exception of livestock grazing. The BLM-administered portion of the proposed site is not currently used for agriculture, and the proposed action and alternatives would not involve use of the site for agriculture.

2. *Air Quality*: Class M lands are to be managed to protect air quality and visibility in accordance with Class II objectives of Part C of the Federal Clean Air Act as amended. The anticipated maximum emissions that would be associated with the proposed action are provided in Table 4.2-2 for construction and Table 4.2-3 for operation and maintenance activities (see Section 4.2, *Impacts on Air Resources*). The analysis indicates, with implementation of the mitigation measures identified in Section 4.2.4, *Summary of Mitigation Measures*, construction activities would not be expected to contribute to adverse PM10 and ozone impacts; the PSPP would not cause new violations of any NO₂, SO₂, PM_{2.5} or CO ambient air quality standards. The emissions associated with the Reduced Acreage would be lower than those of the proposed action. The emissions associated with Reconfigured Alternative 1 and Reconfigured Alternative 2 would be comparable to those of the PSPP. Emissions associated with the CDCA Plan Amendment/No Project Alternatives B and C also could be comparable to those of the proposed action if another development project were to be proposed. Therefore, all of the alternatives would conform to the Class II objectives referenced in the CDCA Plan guidelines.
3. *Water Quality*: Class M designations will be managed to minimize degradation of water resources, and best management practices (BMPs) will be used to avoid degradation and to comply with Executive Order (EO) 12088. Section 4.19 of this PA/FEIS, *Impacts on Water Resources*, evaluated the proposed action and alternatives for groundwater use conflicts, the potential to impact groundwater quality, and the potential to impact surface water resources including drainage and water quality. The BLM has reviewed, and agrees with, the implementation of the BMPs that would be associated with the proposed action and its alternatives. These BMPs have been derived from a variety of sources, including those proposed by the Applicant, those required by the California Energy Commission through its Conditions of Certification, and those required for compliance with Federal and State laws designed to protect water resources. Implementation of these BMPs, and BLM's standard term and condition requiring compliance with other Federal, State, and local regulations, would constitute compliance with Executive Order 12088. The measures would be applicable to all project alternatives, and would therefore conform to the guidelines in Table 1 of the CDCA Plan.
4. *Cultural and Paleontological Resources*: Cultural and paleontological resources will be preserved and protected. Procedures described in 36 CFR 800 will be observed where applicable. As analyzed in Section 4.4, *Impacts on Cultural Resources*, Section 4.10, *Impacts on Paleontological Resources*, impacts of the proposed action and alternatives would be mitigated, and therefore all alternatives would conform to the MUC Guidelines. Adverse effects on cultural resources listed on or determined eligible for the National Register of Historic Places will be resolved in accordance with the Programmatic Agreement prepared for the project in consultation with the California State Historic Preservation Officer, Indian tribes and other interested parties in accordance with National Historic Preservation Act Section 106 (the Programmatic Agreement is included in Appendix H. Identification of the site location for the proposed action or any of the alternatives is subject to the MUC Guidelines for cultural and paleontological resource protection as is evidenced by the applicability of the guidelines to the specific facility proposal. As such, all of the site locations and the site location alternatives are within the MUC Guidelines for cultural and paleontological resource protection established by the CDCA Plan.

5. *Native American Values:* Native American cultural and religious values will be protected and preserved with appropriate Native American groups consulted. Consultation with Indian tribes was initiated at the earliest stages of project planning and will continue during the NEPA compliance process. Opportunities have been provided to allow Indian tribes to identify places and resources of importance to them and to express concerns regarding cultural and religious values that could be impacted by the proposed action and alternatives. Adverse effects on any places of traditional cultural or religious importance that are identified by tribes will be resolved in accordance with the Programmatic Agreement included in Appendix H. Therefore, cultural guidelines with respect to requirements for consultation have been met. In addition, the protection of cultural resources as discussed in Section 4.4 ensures that preservation and protection of Native American cultural and religious values associated with cultural resources is accomplished in accordance with the CDCA Plan MUC Guidelines.
6. *Electrical Generation Facilities:* Solar generation may be allowed on Class M lands after NEPA requirements are met. The analysis contained in this PA/FEIS, which addresses the proposed action and its alternatives, comprise the NEPA compliance required for this MUC guideline.
7. *Transmission Facilities:* New electric and water transmission facilities and cable for interstate communication may be allowed only within designated corridors. NEPA requirements will be met. The proposed action and alternatives described for the PSPP meet this guideline by locating the gen-tie connection to the interstate transmission system within an existing designated ROW corridor.
8. *Communication Sites:* Communication sites may be allowed on Class M lands after NEPA requirements are met. As described in Section 2.3, *Connected Actions*, operation and maintenance of the PSPP would require the installation of a new twisted-pair telecommunications cable to provide voice and data communications between the PSPP and the proposed Red Bluff Substation. The microwave repeating tower that would be used to transmit related communications data is an existing feature; no new communications site would be required for the PSPP. Accordingly, the proposed action and alternatives would not involve installation of communication sites. Nonetheless, the analysis contained in this PA/FEIS, which addresses the proposed action and its alternatives, satisfies NEPA; therefore this use may be allowed.
9. *Fire Management:* Fire suppression measures in Class M areas will be taken in accordance with specific fire management plans, subject to such conditions as the authorized officer deems necessary. The project area is within the area covered by the Fire Management Activity Plan (FMAP) 1996 for the California Desert developed by the National Park Service and BLM. The FMAP brings together fire management goals for biological resources, wilderness, and other sources and establishes fire management standards and prevention and protection programs. The FMAP includes limitations on fire suppression methods in critical habitat and other tortoise habitat; the limitations are designed to limit habitat disturbance while keeping fires small. While the FMAP addresses management and suppression of wildfires, it does not address incidents on specific facilities such as power plants. During operation and maintenance of the PSPP, the project would meet the fire protection and suppression requirements of all applicable NFPA standards (including Standard 850 addressing fire protection at electric generating plants), the California Fire Code, and all Cal-OSHA requirements. These fire standards require the on-site fire suppression components to include both fixed and portable fire extinguishing systems

located throughout the site. The Worker Environmental Awareness Program (WEAP) required by Mitigation Measure BIO-6 would include a discussion of fire prevention measures to be implemented by workers during project activities and recommend that workers dispose of cigarettes and cigars appropriately and not leave them on the ground or buried. The Weed Management Plan required by Mitigation Measure BIO-14 also would preclude the use of mechanical trimmers during periods of high fire risk and allow their use only with the implementation of fire prevention measures. Should a fire occur in the area that is not specific to the facility, it would be addressed by BLM, not by the Applicant, and it would be addressed in conformance with the Fire Management Plan, and therefore, would conform to the guideline for Fire Management for this multiple use class.

10. *Vegetation*: Table 1 of the CDCA Plan includes a variety of guidelines associated with vegetation as follows:

Native Plants – Commercial or non-commercial removal of native plants in Class M areas may be allowed only by permit after NEPA requirements are met, and after development of necessary stipulation. Approval of a ROW grant for the proposed action and alternatives would constitute the permit for such removal. The BMPs in the PA/FEIS and conditions of approval that would be required in a Record of Decision would constitute the stipulations to avoid or minimize impacts from removal of native plants.

Harvesting of plants by mechanical means – Harvesting by mechanical means is also allowed by permit only. Although the proposed action and its alternatives would include the collection of seeds (see Mitigation Measure BIO-19), the removal of these items would not be done for distribution to the public. Also, the guidelines for vegetation harvesting include encouragement of such harvesting in areas where the vegetation would be destroyed by other actions, which would be the case with the proposed action and alternatives. Therefore, the proposed action and alternatives would be in conformance with this MUC guideline.

Rare, Threatened, and Endangered Species, State and Federal – In all MUC areas, all State- and federally-listed species will be fully protected. In addition, actions which may adversely affect the continued existence of federally listed species will require formal consultation with the U.S. Fish and Wildlife Service. As evaluated in Section 4.17, *Impacts on Vegetation Resources*, no listed plants would be impacted by the proposed action and alternatives.

Sensitive Plant Species – Identified sensitive plant species would be given protection in management decisions consistent with BLM's policy for sensitive species management, BLM Manual 6840. The objective of this policy is to conserve and/or recover listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. As analyzed in Section 4.17, *Impacts on Vegetation Resources*, construction, operation and decommissioning of the PSPP, Reconfigured Alternative 1, Reconfigured Alternative 2, or the Reduced Acreage Alternative would have an adverse impact sensitive plant communities (including groundwater dependent ecosystems) and other native vegetation. In an effort to protect this species, BLM worked with the Applicant and the California Energy Commission to develop mitigation measures to avoid or reduce impacts to sensitive plant species (see, e.g., BIO-19, Special-Status Plant Impact Avoidance, Minimization and Compensation).

Because the requirements of this mitigation measure are intended to avoid or reduce threats to sensitive species to minimize the likelihood of listing, the PSPP and alternatives are in conformance with the MUC guidance in the CDCA Plan.

Unusual Plant Assemblages (UPAs) – No UPAs have been identified on the site of the proposed action and alternatives.

Vegetation Manipulation – Mechanical control may be allowed after consideration of possible impacts. Vegetation manipulation is defined in the CDCA Plan as removing noxious or poisonous plants from rangelands; increasing forage production; creating open areas within dense brush communities to favor certain wildlife species; or eliminating introduced plant species. For the proposed action or an alternative, BIO-14 would require the implementation of a Weed Management Plan that conforms to Federal, State, and local regulations. Therefore, each alternative would conform to the guidelines.

11. *Land Tenure Adjustment:* Class M land may be sold in accordance with FLPMA and other applicable Federal laws and regulations. The proposed action and alternatives would not involve sale of any BLM-administered lands.
12. *Livestock Grazing:* Livestock grazing is allowed subject to the protection of sensitive resources. The proposed action and alternatives would not involve livestock grazing on Class M lands.
13. *Minerals:* The proposed action and alternatives would not involve the development of minerals on Class M lands.
14. *Motorized Vehicle Access/Transportation:* Pursuant to the CDCA Plan guidelines for Class M areas, motorized-vehicle use is allowed on “existing” routes of travel unless closed or limited by the authorized officer, and new routes may be allowed upon approval of the authorized officer. Issuance of a ROW grant would constitute approval of the authorized officer. In areas designated as limited use area for OHV use, changes to the transportation network (new routes, re-routes, or closures) in MUC-M areas may be made through activity-level planning or with site-specific NEPA analysis, pursuant to BLM Instruction Memorandum No. 2008-014 concerning the *Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into the Land Use Planning* (BLM, 2007). Modifications to area OHV designations (open, closed, or limited) would require amendment to the applicable Resource Management Plan. There are no area OHV designations that are being made or modified through the proposed action or any of the alternatives. With the proposed action and/or its alternatives, approximately nine miles of designated open routes within the solar plant site would be closed to OHV use; however, the closure of only one route (ending in the center of the north boundary of the project) would block direct motorized access to lands that currently are accessible via designated routes. Nonetheless, it appears that the area’s open washes could provide access to those currently accessible lands. This activity falls within the CDCA Plan guideline noted above.
15. *Recreation:* The proposed action and alternatives would not involve use of its proposed site for recreational uses.
16. *Waste Disposal:* The proposed action and alternatives would not involve the development of waste disposal sites.

17. *Wildlife Species and Habitat*: Table 1 of the CDCA Plan includes a variety of guidelines associated with wildlife as follows:

Rare, Threatened, and Endangered Species, State and Federal – In all MUC areas, all State and federally listed species and their critical habitat will be fully protected. In addition, actions which may adversely affect the continued existence of federally listed species will require formal consultation with the U.S. Fish and Wildlife Service. As discussed in Section 4-21, *Impacts on Wildlife Resources*, the desert tortoise, which is federally- and State-listed as threatened, would be affected by the proposed action and alternatives. As specified in the guideline, BLM has initiated formal consultation with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. BLM has worked with the Energy Commission, USFWS, CDFG, and the Applicant to develop protection and compensation measures for the desert tortoise, which include stringent impact avoidance measures, the full level of compensation required by USFWS for this category of tortoise habitat, and enhancement and protection measures in other areas (see, e.g., BIO-8, BIO-9, BIO-10, BIO-11, BIO-12, and others). Therefore, the proposed action and its alternatives would comply with the guideline to provide full protection to the species.

Sensitive Species – Identified species would be given protection in management decisions consistent with BLM's policy for sensitive species management, BLM Manual 6840. The objective of this policy is to conserve and/or recover listed species, and to initiate conservation measures to reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing. Several BLM sensitive wildlife species (other than the desert tortoise, identified and discussed in the previous paragraph) present or likely to occur on habitat associated with the proposed action and alternatives include, but are not limited to, Mojave fringe-toed lizard and western burrowing owl. Those species that are likely to occur on the site of the proposed action and alternatives would be protected under a number of mitigating measures meant to avoid, minimize, or compensate for impacts from the proposed action or alternatives. See, e.g., BIO-20 (Mojave Fringe-toed Lizard), BIO-18 (Western Burrowing Owl).

The proposed action and alternatives, including the recommended mitigation measures associated with these actions, would involve habitat manipulation to improve habitat (such as tortoise fencing along roads and project) and introduction of native species (through the translocation of tortoises). Introduction of native species is permitted in Class M areas, and habitat manipulation is allowed subject to environmental assessment, as is done within this PA/FEIS. Therefore, the proposed action and its alternatives would be in conformance with these guidelines.

The proposed action and alternatives may involve the control of depredation of ravens (see, e.g., BIO-13). Therefore, this guideline is applicable to these actions, subject to conformance with State and Federal laws in MUC-M areas.

18. *Wetland/Riparian Areas*: No wetlands or riparian areas are present on the site of the proposed action and alternatives.
19. *Wild Horses and Burros*: No wild and free-roaming horses or burros are present on the site of the proposed action and alternatives.

4.9 Impacts on Noise

4.9.1 Impact Assessment Methodology

The severity of noise related to the construction, operation and decommissioning of the project depend on its character and loudness, the times of day or night during which it would be produced, and the proximity of the project to sensitive receptors. To evaluate potential noise impacts, the BLM reviewed the results of an ambient noise survey for the proposed action, as presented in the CEC RSA, in light of BLM Manual 7300 (concerning the analysis of noise as part of the agency's January 2009 Air Resource Management Program); BLM Handbook H-1112-2, the agency's Safety and Occupational Health Program, which is responsible for assessing employees' exposure to potentially high noise- and vibration-producing work operations and activities; and other information and analysis generated by the California Energy Commission.

For purposes of this analysis, the BLM is relying on the Energy Commission's threshold of a 5 dBA increase in existing ambient noise levels at the nearest sensitive receptor, as well as operations-related compliance with the County of Riverside exterior noise limits for stationary sources, to determine whether project-related noise emissions are considerable. Other relevant factors include the duration and frequency of noise generated by the project, and the number of people who could be affected by it. Construction-related noise is not considered an adverse impact when it is temporary, limited to day-time hours, and industry-standard abatement measures are employed. For the purposes of this analysis, day-time hours are considered to be the same as those defined by the County of Riverside municipal code, between the hours of six a.m. and six p.m. during the months of June through September and between the hours of seven a.m. and six p.m. during the months of October through May.

Ambient noise levels were measured near the western boundary of the project site on May 18 to May 19, 2009, using standard noise measurement equipment and techniques (see Table 3.10-1). The power block would be the major source of the project's noise during the facility's operation.

1. *Location LT1* (closest residence to the project site): This home is located approximately 25 feet from the northwest corner of the proposed ROW, but over one mile from the nearest power block. A location near this residence was monitored continuously between 6:51 p.m., May 18, and 7:51 p.m., May 19, 2009.
2. *Location LT2* (second closest residence to the project site): This home is located approximately 3,500 feet northwest of the site boundary and well over a mile from the nearest power block. A location near this residence was monitored continuously between 6:51 p.m., May 18, and 7:51 p.m., May 19, 2009.

4.9.2 Direct and Indirect Impacts

Proposed Action

Noise impacts associated with the proposed action could be created by short-term although relatively long-term (39 months) construction activities, long-term operation of the project, and short-term closure and decommissioning activities. For noise-related impacts on wildlife, such as Nelson’s bighorn sheep and nesting birds, refer to Section 4.21, *Impacts on Wildlife Resources*.

Construction

Construction noise typically varies with time; accordingly, it is most appropriately measured by, and compared with, the L_{eq} (energy average) metric. Typical Environmental and Industry Sound Levels are provided in Table 4.9-1. For the project, construction noise would elevate the existing ambient noise level at the nearest receptor (LT1) by 16 dBA and at the second nearest receptor (LT2) by 5 dBA (see Table 4.9-2). Even though the overall construction period for the project is expected to require 39 months, the duration of the construction activities in the area that could have a considerable impact at LT1 and LT2 would be limited to several months. Construction within a particular area would not last long, meaning that maximum construction noise would affect the sensitive receptor nearest to the construction activities for a period of only a few months. Construction of related facilities such as the proposed transmission line also would proceed rapidly, thus subjecting nearby receptors to increased noise levels for relatively short periods of time.

**TABLE 4.9-1
 TYPICAL ENVIRONMENTAL AND INDUSTRY SOUND LEVELS**

Noise Source (at distance)	A-Weighted Sound Level in Decibels (dBA)	Noise Environment	Subjective Impression
Civil Defense Siren (100')	140-130		Pain Threshold
Jet Takeoff (200')	120		Very Loud
Very Loud Music	110	Rock Music Concert	
Pile Driver (50')	100		
Ambulance Siren (100')	90	Boiler Room	
Freight Cars (50')	85		
Pneumatic Drill (50')	80	Printing Press Kitchen with Garbage Disposal Running	Loud
Freeway (100')	70		Moderately Loud
Vacuum Cleaner (100')	60	Data Processing Center Department Store/Office	
Light Traffic (100')	50	Private Business Office	
Large Transformer (200')	40		Quiet
Soft Whisper (5')	30	Quiet Bedroom	
	20	Recording Studio	
	10		Threshold of Hearing

SOURCE: CEC RSA, 2010 (Table A2)

**TABLE 4.9-2
PREDICTED CONSTRUCTION NOISE LEVELS**

Receptor	Highest Construction Noise Level L_{eq} (dBA)	Measured Existing Ambient, Average Daytime L_{eq} (dBA)	Cumulative, Using Highest Noise Level of 48 dBA	Change (dBA)
LT1	59	43	59	+16
LT2	46	43	48	+5

SOURCE: CEC RSA, 2010 (Table 3)

Typically, “high pressure steam blow” is the loudest noise encountered during construction of a project incorporating a steam turbine. Steam blows are used to expunge debris from piping and tubing. After erection and assembly of the feed water and steam systems, the piping and tubing that comprise the steam path have accumulated dirt, rust, scale, and construction debris such as weld spatter, dropped welding rods, and the like. If the plant were started up without thoroughly cleaning out these systems, all this debris would find its way into the steam turbine, quickly destroying the machine. In order to prevent this, before the steam system is connected to the turbine, the steam line temporarily is routed to the atmosphere.

Traditionally, high pressure steam then is raised in the boiler or a temporary boiler and allowed to escape to the atmosphere through the steam piping. This flushing action, referred to as a *high pressure steam blow*, is quite effective at cleaning out the steam system. A series of short steam blows, lasting two or three minutes each, are performed several times daily over a period of two or three weeks. At the end of this procedure, the steam lines are connected to the steam turbine, which is then ready for operation. Alternatively, high pressure compressed air can be substituted for steam. High pressure steam blows, if unsilenced, can produce noise levels as high as 129 dBA at a distance of 50 feet; this would amount to roughly 88 dBA at LT1 and 84 dBA at LT2. Unsilenced steam blows could be disturbing at the nearest noise-sensitive receptors, depending on the frequency, duration, and noise intensity of venting. With a silencer installed on the steam blow piping, noise levels are commonly attenuated to 86 dBA at 50 feet; this would amount to roughly 45 dBA at LT1 and 41 dBA at LT2.

Operation and Maintenance

The noise emanating from a power plant is unique. It is generally broadband, steady state in nature. This noise contributes to, and becomes part of, the background noise level when most intermittent noises cease. The project’s primary noise sources include the two power blocks where the steam turbine generators, air-cooled condensers, electric transformers, and various pumps and fans would be located. The two power blocks of the project (one for each 250 MW unit) would be centrally located in the middle of each 1,380-acre solar unit; these blocks would be surrounded by the solar reflector fields. In addition, there would be diesel-powered emergency generators, which would be enclosed by a noise-reducing structure that would reduce noise levels

to approximately 70 dBA at 50 feet. All water pipes and gas pipes would be underground and therefore silent during plant operation.

Some additional operation-related noise would be associated with the transmission lines. Audible transmission line noise (also called “corona”) typically is perceived as a characteristic crackling, hissing, or frying sound or hum, especially in wet weather. In fair weather, audible noise from modern transmission lines generally is indistinguishable from background noise at the edge of a right-of-way 100 or more feet wide. Noise levels depend on the strength of a line’s electric field, and is a concern mainly from lines of 345-kV or higher. It can be limited through design, construction and maintenance practices. The 230-kV line proposed for the project would embody a low corona design to minimize field strengths. The BLM does not expect this line to add considerably to the current background noise levels.

Figure 4.9-1 illustrates the estimated noise contours that would be associated with the proposed two power blocks and Table 4.9-3 shows the predicted operational noise levels at the closest sensitive receptor locations. As shown in Table 4.9-3, daytime operational noise levels are predicted to be 42 dBA Leq at the nearest sensitive receptor and would result in only inaudible (+3 dBA) daytime increases above the ambient level. Operations would not result in any increase at the other sensitive receptor. In addition, noise levels at the nearest sensitive receptors would be substantially less than the County of Riverside daytime exterior limit of 65 dBA for stationary sources.

**TABLE 4.9-3
 PREDICTED OPERATIONAL NOISE LEVELS AT THE
 IDENTIFIED SENSITIVE RESIDENTIAL RECEPTORS**

Receptor	Project Alone Operational Noise Level (dBA)	Measured Existing Ambient, Daytime Leq (dBA)	Cumulative Leq (dBA)	Increase in Existing Ambient (dBA)
LT1	42	43	46	+3
LT2	33 ³	43	43	0

SOURCE: CEC RSA, 2010 (Table 4)

Adverse impacts on residential receptors also can be identified by comparing predicted power plant noise levels with the nighttime ambient background noise levels at the nearest sensitive residential receptors. The project would result in virtually no nighttime operations-related noise levels; however, the project would have limited nighttime activities related to maintenance. The projected noise level from these maintenance activities at LT1 is 22 dBA (CEC RSA, 2010). This is considerably lower than the average nighttime ambient noise level of 34 at LT1 (see Table 3.10-1). Therefore, these maintenance activities would not be expected to increase ambient noise levels at LT1 and there would be no associated impact. Additionally, these activities would have no impact on LT2, due to its further distance from the project site than LT1. Noise levels at

the nearest sensitive receptors would also be substantially less than the County of Riverside nighttime exterior limit of 45 dBA for stationary sources.

The Applicant acknowledges the need to protect plant operating and maintenance workers from noise hazards and commits to compliance with all applicable LORS (CEC RSA, 2010). Signs would be posted in areas of the plant with noise levels exceeding 85 dBA (the level that OSHA recognizes as a threat to workers' hearing), and hearing protection would be required and provided.

Vibration from an operating power plant could be transmitted through two primary means: ground (ground-borne vibration) and air (airborne vibration). The operating components of the proposed plant would consist of high-speed steam turbine generators and various pumps and fans. All of these pieces of equipment must be carefully balanced in order to operate; permanent vibration sensors would be attached to the turbines and generators. As discussed in the CEC RSA, ground-borne vibration from equipment proposed to be used by the project would be undetectable at nearby sensitive receptors. Airborne vibration (low frequency noise) can rattle windows and objects on shelves and can rattle the walls of lightweight structures. However, none of the project equipment is likely to produce noticeable low frequency noise beyond the site boundary. Vibration levels associated with construction equipment would attenuate rapidly from the source, and would also not be noticeable beyond the site boundary. This makes it highly unlikely that the project would cause perceptible airborne vibration effects at any offsite noise-sensitive receptor.

Closure and Decommissioning Impacts

The anticipated lifespan of the project is estimated to be 30 years. All operational noise from the project would cease when the project closes, and no further adverse noise impact from its operation would be possible. The remaining potential temporary noise source would be the dismantling of the project structures and equipment, as well as any site restoration work that may be performed. Since this noise would be similar to that caused by the original construction, it could be similarly treated. Any noise LORS in existence at that time would apply. Unless modified, applicable mitigation measures identified in Section 4.9.4, *Summary of Mitigation Measures*, also would apply.

Alternatives

Reconfigured Alternative 1

Because the major sources of project noise, including the power blocks, would be located in approximately the same general area under Reconfigured Alternative 1 as for the proposed action, the noise impacts of this alternative would likely be comparable to the project. The same mitigation measures would apply.

Reconfigured Alternative 2

The major sources of project noise, including the power blocks, would be located in approximately the same general area for either Reconfigured Alternative 2 Option 1 or Reconfigured Alternative 2 Option 2 as for the proposed action. Therefore, the noise impacts of

Reconfigured Alternative 2 would likely be comparable to the proposed action, and the same mitigation measures would apply.

Reduced Acreage Alternative

With the Reduced Acreage Alternative, the major sources of noise, including the power blocks, would be located approximately in the same general area as they would be for the proposed action. Thus, the Reduced Acreage Alternative would result in construction-related noise impacts that would be comparable to the action. However, as a result of being 25 percent smaller a project than would result from the proposed action, this alternative would generate approximately 25 percent less noise at the plant site. Noise associated with the transmission line during wet weather would be indistinguishable between the proposed action and the Reduced Acreage Alternative.

No Action Alternative A

If No Action Alternative A were selected, the construction, operation and decommissioning-related noise impacts of the project would not occur. If No Action Alternative A were chosen, another utility-scale solar power facilities or any other use compatible with the CDCA Plan Multiple Use Class M could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

If the project site were identified in the CDCA Plan as unsuitable for any type of solar energy development, another renewable energy technologies (e.g., wind), other electrical generation facilities (e.g., fossil fuel), transmission facilities (e.g., new gas, electric or water transmission facilities), or communications sites could be allowed in accordance with the CDCA Plan MUC-M land use and resource management guidelines. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

If the project application area were identified in the CDCA Plan as suitable for any type of solar energy development, then the absence of the proposed action would likely result in the construction of another solar power plant project. Noise impacts associated with construction, operation and decommissioning of such a project would depend on the proposed proximity of noise sources to sensitive receptors, the timing of construction and other factors. Similar LORS would likely apply. Consequently, noise related impacts of CDCA Plan Amendment/No Project Alternative C would likely be comparable to the proposed action.

4.9.3 Discussion of Cumulative Impacts

Noise and vibration impacts resulting from construction, operation, maintenance and decommissioning of the proposed action and alternatives could result in a cumulative effect with other past, present, or reasonably foreseeable future actions. The geographic scope of the cumulative effects analysis for noise and vibration is limited to the distance over which sounds generated by the proposed action could be heard, i.e., within approximately 1 mile of the site. Potential cumulative effects could occur during the project's proposed 39-month construction period, during the projected 30-40 year lifespan of the proposed action, or result from closure and decommissioning, i.e., if other noise-generating activities were to occur within these timeframes and within the cumulative impacts area.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in PA/FEIS Chapter 3. Anticipated effects of the proposed action are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. Cumulative projects are identified in Table 4.1-1, *Cumulative Scenario*, and shown in Figure 4.1-1, *BLM Rights of Way with Existing and Future/Foreseeable Projects*. However, no existing or foreseeable projects close to the project site exist that could create cumulative noise impacts. Consequently, the incremental noise impacts of the proposed action and alternatives would not combine with impacts of other projects in a way that would be additive, countervailing or synergistic. Consequently, the PSPP or alternatives would not result in significant adverse cumulative impacts relating to noise or vibration.

4.9.4 Summary of Mitigation Measures

The mitigation measures imposed by the Energy Commission as Conditions of Certification for the PSPP would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. As summarized below, NOISE-1, NOISE-2, NOISE-3, NOISE-6 and NOISE-7 would avoid or reduce construction-related noise impacts on the nearest sensitive receptors and workers; in turn, NOISE-4 and NOISE-5 would address operation and maintenance-related noise impacts.

NOISE-1 and NOISE-2: To ensure construction noise levels would not disrupt the nearest receptors, these two mitigation measures establish a notification and complaint process to resolve issues arising from any excessive construction noise.

NOISE-3: This mitigation measure would protect construction workers from injury due to excessive noise by requiring the project owner to implement a noise control program consistent with OSHA and Cal/OSHA requirements.

NOISE-4: To avoid or reduce the potential for strong tonal noises to cause annoyance, NOISE-4 would require that no single piece of equipment be allowed to stand out as a source of noise that draws legitimate complaints.

NOISE-5: This mitigation measure would require the project owner to conduct an occupational noise survey to identify the magnitude of employee noise exposure and, if

necessary, identify ways to comply with the applicable Federal and State regulations governing noise-hazard areas in the facility.

NOISE-6: This mitigation measure generally limits construction to the periods specified in the Riverside County Noise Ordinance and, thereby would reduce the potential for construction activities to disrupt the nearest receptors.

NOISE-7 would reduce potential annoyance related to steam blows.

4.9.5 Residual Impacts after Mitigation Measures were Implemented

No residual impact would result from construction, operation or decommissioning of the proposed action or alternatives because implementation of the mitigation measures would ensure that project-related noise complied with applicable limits.

4.9.6 Unavoidable Adverse Impacts

The proposed action or alternatives would not result in any unavoidable adverse impacts.

4.10 Impacts on Paleontological Resources

4.10.1 Impact Assessment Methodology

A paleontological resources assessment (CEC RSA, 2010) was prepared. Correspondence from the Natural History Museum of Los Angeles County (CEC RSA, 2010); the University of California at Berkeley Museum of Paleontology (UCMP); and the Riverside County Land Information System (CEC RSA, 2010) also was reviewed for information regarding known fossil localities and stratigraphic unit sensitivity within the proposed action area. All research was conducted in accordance with the Society for Vertebrate Paleontology's accepted assessment protocol (CEC RSA, 2010) to determine whether any known paleontological resources exist in the general area and how they might be impacted by the proposed action and alternatives.

4.10.2 Discussion of Direct and Indirect Impacts

Proposed Action

There is a high probability that paleontological resources would be encountered during grading and excavation in the older Quaternary age alluvial and lacustrine sediments of the project site. Further, deeper excavations in the younger alluvium that would encounter the underlying older Quaternary age alluvial soils also would have a high probability to encounter paleontological resources.

The paleontological resource sensitivity of undisturbed Quaternary alluvium and lacustrine sediments varies from low at shallow depths to high at deeper depths. Since the depth to Pleistocene age sediments beneath Holocene deposits is unknown, all sediments beneath disturbed ground initially would be treated as highly sensitive. Where these units are mapped at the surface or may be present near the surface adjacent to these mapped areas, specifically along the northern and southern borders of the proposed site, paleontological monitoring would be conducted during any excavation activity. Since the depth to Pleistocene age alluvial and lacustrine deposits is undetermined at present for the remainder of the site, any excavations that penetrate below 1.5 feet of the existing ground surface would be treated as having a high potential for impacting significant paleontological resources and would require paleontological monitoring. This depth is based on observations of possible older alluvium encountered in excavations advanced for the geomorphic reconnaissance report (Solar Millennium, 2009). This depth would likely increase from the northern and southern boundaries towards the center of the proposed project site. After monitoring of grading and trenching activities during construction of the site, a qualified professional paleontologist may determine the appropriate depth above which the coarse and fine grained soils are Holocene in age, have a low sensitivity, and low potential for adverse impacts on paleontological resources.

Significant paleontological resources have been documented in the same or similar older alluvium deposits that are present in the vicinity of the project: although no recorded fossil collection sites exist within the proposed site boundaries or within a one-mile radius of it, three vertebrate fossil

collection areas have been documented in the proposed project area within the same or similar sedimentary units that underlie the site. One location east-southeast of the site between I-10 and Ford Dry Lake contained fossil remains of a pocket mouse. Another site northwest of the proposed project site in the northern Chuckwalla Valley yielded fossil remains of tortoise, horse, camel, and llama.

Construction of the project would include grading, foundation excavation, utility trenching and possibly drilled shafts. These activities could damage or destroy paleontological resources. The probability of encountering paleontological resources is considered to be generally high on portions of the site based on the soils profile, SVP assessment criteria, and the near-surface occurrence of the sensitive geologic units. The potential for encountering fossils hosted in Quaternary alluvium would increase with the depth of cut. Excavations for ancillary facilities and new pipelines and on-site excavations that penetrate surficial Holocene age alluvium would have a higher probability of encountering potentially high sensitivity materials, although sensitive materials could occur nearer the surface. Mitigation measures could not avoid or reduce fossil disturbance associated with drilled shaft foundations; however, the volume of disturbance and probability of encountering fossil resources would be low in comparison to the grading and excavation activities.

As the value of paleontological resources is predicated on their discovery within a specific geological host unit, construction of the project could result in a net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved.

Operation, future decommissioning and closure of the project would not adversely impact paleontological resources because the ground disturbed during these activities would have been disturbed already, and impacts mitigated as required, during construction of the project.

Alternatives

Reconfigured Alternative 1

Because the geologic units that would be disturbed by Reconfigured Alternative 1 are the same as those that would be disturbed by the proposed action, potential impacts to paleontological resources would be the same as for the proposed action.

Reconfigured Alternative 2

Because the geologic units that would be disturbed by Reconfigured Alternative 2 (under either option) are the same as those that would be disturbed by the proposed action, potential impacts to paleontological resources would be the same as for the proposed action.

Reduced Acreage Alternative

Because the ground disturbance from the Reduced Acreage Alternative would be less than that associated with the proposed action, potential impacts to paleontological resources would be correspondingly reduced.

No Action Alternative A

If No Action Alternative A were selected, it is expected that the site would remain at least for the short-term in its existing condition, with no grading of the site, no installation of power generation and transmission equipment, no new structures or facilities constructed or operated on the site, and none of the potential impacts to paleontological resources that would be associated with constructing, operating or decommissioning the PSPP.

In the absence of the project, however, the site could become available to other uses that are consistent with BLM's land use plan, including new power plants, whether renewable or non-renewable, which would be needed to serve the demand for electricity and to meet Renewable Portfolio Standards (RPS). Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

Paleontological resources have been documented in the general area of the project. As the value of paleontological resources is predicated on their discovery within a specific geologic host unit, construction of the project could result in a net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved. No Action Alternative A would preclude this potential net gain.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed site would be unavailable for solar development and BLM would continue to manage it consistent with the existing land use designation in the CDCA Plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, it is possible that a different solar energy project would be constructed on the site using the same or a different solar technology. As a result, impacts related to paleontology that would result from the construction, operation and decommissioning of the other solar project would likely be similar to the impacts of the proposed action. Different solar technologies require different amounts of grading and maintenance; however, it is expected that all the technologies would require some grading and maintenance. As such, CDCA Plan Amendment/No Project Alternative C could result in impacts and benefits related to paleontology similar to the impacts under the proposed action.

4.10.3 Discussion of Cumulative Impacts

Paleontological resources have been documented in older Quaternary alluvium similar to that located on the project site. Beneficial and adverse impacts on paleontological resources resulting

from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect with other past, present or reasonably foreseeable future actions. See Section 4.1.4, *Cumulative Scenario Approach*. Cumulative projects are identified in Table 4.1-1, *Cumulative Scenario*, and shown in Figure 4.1-1, *BLM Rights of Way with Existing and Future/Foreseeable Projects*. The geographic scope of the cumulative effects analysis for paleontological resources consists of eastern Riverside County, in locations where ground-disturbing activities, rock units with potential high sensitivity or known paleontological resources exist or would occur. This geographic scope of cumulative impacts analysis was established based on a conservative estimate of the natural boundaries of the affected resource. It is expected that potential cumulative effects on these resources would be limited to ground disturbing activities associated with construction, and with closure and decommissioning. Operation and maintenance of the project and action alternatives would not be expected to cause impacts to paleontological resources.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in PA/FEIS Chapter 3. Direct and indirect effects of the project and alternatives are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1 and include, for example, the Blythe Solar Power Project, Genesis Solar Energy Project, Desert Sunlight Solar Energy Project, and others. As the value of paleontological resources is associated with their discovery within a specific geologic host unit, the potential impacts to paleontological resources due to construction activities would be addressed as required by the mitigation measures summarized in Section 4.10.4, *Summary of Mitigation Measures*. Implementation of these mitigation measures should result in a net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved. Consequently, incremental impacts of the project, in combination with the impacts of other projects in the cumulative scenario within the paleontological cumulative impacts area, should be neutral (no fossils encountered) or positive (fossils encountered, preserved, and identified). Construction and other ground-disturbing activities associated with past and present projects could add to fossil discoveries which would enhance our understanding of the prehistoric climate, geology, and geographic setting of the region for the benefit of current and future generations. Cumulative impacts would vary by alternative only to the degree to which direct and indirect impacts would vary by alternative.

4.10.4 Summary of Mitigation Measures

The mitigation measures imposed by the Energy Commission as Conditions of Certification for the project would address impacts on the quality of the human environment. These mitigation measures are set forth in full in Appendix B. Specifically, PAL-1 to PAL-7 would reduce potential impacts to paleontological resources by requiring a worker education program in conjunction with the monitoring of earthwork activities by a qualified professional paleontologist (paleontological resource specialist [PRS]). Earthwork would be halted any time potential fossils are recognized by either the paleontologist or the worker. For finds deemed significant by the

PRS, earthwork cannot restart until all fossils in that strata, including those below the design depth of excavation, are collected.

4.10.5 Residual Impacts after Mitigation Measures were Implemented

No residual adverse impacts on paleontological resources would exist after mitigation measures were implemented. Implementation of mitigation measures is expected to result in a net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved.

4.10.6 Unavoidable Adverse Impacts

No unavoidable adverse impacts would be expected to occur. Construction-related ground disturbance could add to fossil discoveries which would enhance understanding of the prehistoric climate, geology, and geographic setting of the region for the benefit of current and future generations. Activities associated with operation of the project and with closure and decommissioning of the site, including site restoration, are not expected to have an impact related to paleontological resources because such resources mostly likely would have been discovered during construction.

4.11 Public Health and Safety

4.11.1 Impact Assessment Methodology

To complete this analysis of environmental consequences associated with impacts on public health and safety, the BLM considered potential impacts on the following issue areas: hazardous materials/hazardous waste, waste management, unexploded ordnance (UXO), undocumented immigrants (UDI), transmission line safety and nuisance, traffic and transportation safety, worker safety and fire protection, and geologic hazards. The approach for each of these issues is described below.

4.11.2 Hazardous Materials

4.11.2.1 Impact Assessment Methodology

This section considers whether the construction and operation of the project could affect public health and safety as a result of the use, handling, transportation, or storage of hazardous materials. The analysis considers plausible potential spills for the hazardous materials to be used at the proposed facility. To be conservative, and weight the analysis in favor of public safety, BLM considered as “plausible” a spill otherwise considered highly unlikely. BLM analyzed this highly unlikely spill to assess the risk to local populations. Hazardous material handling and usage procedures are incorporated to reduce the likelihood of a spill, to reduce its potential size, and to prevent or reduce the potential migration of a spill off site to avoid significant off-site impacts. The analysis considers potential direct contact from runoff of spills, air-borne plume concentrations, and the potential for spills to mix with runoff water and be carried off-site. The Applicant has proposed secondary containment basins for containing liquids, and determined that volatile chemicals would have a restricted exposure to the atmosphere after capture.

Risk of Accidents and Spills

This analysis includes a review and assessment of the potential for the transportation, handling, and use of hazardous materials to impact the surrounding community. All chemicals were evaluated. This analysis addresses the potential impacts on all members of the population including the young, the elderly, and people with existing medical conditions that may make them more sensitive to the adverse effects of hazardous materials. In order to accomplish this goal, analysis uses the most current public health exposure levels (both acute and chronic) that are established to protect the public from the effects of an accidental chemical release.

In order to assess the potential for released hazardous materials to travel off site and affect the public, this analysis includes several aspects of the proposed use of these materials at the facility. It is recognized that some hazardous materials must be used at power plants. Therefore, this analysis was conducted by examining the choice and amount of chemicals to be used, the manner in which the Applicant would use the chemicals, the manner by which they would be transported to the facility and transferred to facility storage tanks, and the way in which the Applicant plans to store the materials on site.

Engineering and administrative controls concerning hazardous materials use are included as part of the proposed action. Engineering controls are the physical or mechanical systems, such as storage tanks or automatic shut-off valves, that can prevent the spill of hazardous material from occurring, or that can either limit the spill to a small amount or confine it to a small area. Administrative controls are the rules and procedures that workers at the facility must follow that would help to prevent accidents or to keep them small if they do occur. Both engineering and administrative controls can act as methods of prevention or as methods of response and minimization. In both cases, the goal is to prevent a spill from moving off-site and causing harm to the public.

The engineered safety features which would be used include:

1. Secondary containment areas, surrounding each of the hazardous materials storage areas, designed to contain accidental releases that might happen during storage; and
2. Physical separation of stored chemicals in isolated containment areas with a non-combustible partition in order to prevent accidental mixing of incompatible materials which could result in the formation and release of toxic gases or fumes.
3. Storage of small quantity hazardous materials in original, properly labeled containers; installation of a fire protection system for hazardous materials storage areas;
4. Continuous monitoring of HTF piping system by plant staff and by automatic pressure sensors designed to trigger isolation valves if a leak is detected; and
5. Designing the propane storage tanks with continuous tank level monitors, temperature and pressure monitors and alarms, and excess flow and emergency isolation valves.

Administrative controls would include having trained plant personnel as the hazardous materials response team which would be the first responder to hazardous materials incidents. In the event of a large incident involving hazardous materials, backup support would be provided by the Riverside County Fire Department, which has a hazmat response unit capable of handling any incident at the PPSP and would respond in about 1.5-2 hours. While the response time is not adequate given the remote location, the on-site team would be adequately trained to respond to any emergency. This analysis includes a review and evaluation of the Applicant's proposed use of hazardous materials as described by the Applicant (CEC RSA, 2010). To conduct this analysis, the BLM followed these five steps:

Step 1: Review of the chemicals and the amounts proposed for on-site use and determine the need for and appropriateness of their use.

Step 2: Removed from further assessment those chemicals proposed for use in small amounts or whose physical state is such that there is virtually no chance that a spill would migrate off-site and impact the public.

Step 3: Review and evaluate measures proposed by the Applicant to prevent spills, including engineering controls, such as automatic shut-off valves and different-sized transfer-hose couplings, and administrative controls, such as worker training and safety management programs.

Step 4: Review and evaluate measures proposed by the Applicant to respond to accidents. These measures also included engineering controls such as catchment basins and methods

to keep vapors from spreading and administrative controls such as training emergency response crews.

Step 5: Analyze the theoretical impacts on the public of a highly unlikely spill of hazardous materials, as reduced by the mitigation measures proposed by the Applicant. When mitigation methods proposed by the Applicant would be sufficient, no further mitigation is recommended. If additional mitigation measures would improve the proposed action, additional prevention and response controls are proposed.

Health Risk Assessment

A screening level risk assessment has been performed using simplified assumptions that are intentionally biased toward protection of public health. That is, an analysis was designed that overestimated public health impacts from exposure to the emissions of the proposed action. In reality, it is likely that the actual risks from the proposed action would be much lower than the risks as estimated by the screening level assessment. The risks for screening purposes are based on examining conditions that would lead to the highest, despite their actual probability, and then using those conditions in the study. The evidence shows that this risk analysis overstates actual health risks. Such conditions include:

1. using the highest levels of pollutants that could be emitted from the power plant;
2. assuming weather conditions that would lead to the maximum ambient concentration of pollutants;
3. using the type of air quality computer model that predicts the greatest plausible impacts;
4. calculating health risks at the location where the pollutant concentrations are estimated to be the highest;
5. assuming that an individual's exposure to cancer-causing agents occurs continuously for 70 years; and
6. using health-based standards designed to protect the most sensitive members of the population (i.e., the young, elderly, and those with respiratory illnesses).

A screening level risk assessment, at a minimum, would include the potential health effects from inhaling hazardous substances. Some facilities may also emit certain substances that could present a health hazard from non-inhalation pathways of exposure. When these substances are present in facility emissions, the screening level analysis includes the following additional exposure pathways: soil ingestion, dermal exposure, and mother's milk (CEC RSA, 2010). The risk assessment process for the project addresses two categories of health impacts: chronic (long-term) non-cancer effects and cancer risk (also long-term).

Chronic Non-cancer Health Effects

Chronic health effects are those that arise as a result of long-term exposure to lower concentrations of pollutants. The exposure period is considered to be approximately from 12 percent to 100 percent of a lifetime, or from eight to 70 years (CEC RSA, 2010). Chronic health effects include diseases such as reduced lung function and heart disease.

The analysis for non-cancer health effects compares the maximum project contaminant levels to safe levels called *Reference Exposure Levels*, or RELs. These are amounts of toxic substances to which even sensitive people can be exposed and suffer no adverse health effects. These exposure levels are designed to protect the most sensitive individuals in the population, such as infants, the aged, and people suffering from illness or disease which makes them more sensitive to the effects of toxic substance exposure. The RELs are based on the most sensitive adverse health effect reported in the medical and toxicological literature and include margins of safety. The margin of safety addresses uncertainties associated with inconclusive scientific and technical information available at the time of standard setting and is meant to provide a reasonable degree of protection against hazards that research has not yet identified. The margin of safety is designed to prevent pollution levels that have been demonstrated to be harmful, as well as to prevent lower pollutant levels that may pose an unacceptable risk of harm, even if the risk is not precisely identified as to nature or degree. Health protection is achieved if the estimated worst-case exposure is below the relevant REL. In such a case, an adequate margin of safety exists between the predicted exposure and the estimated threshold dose for toxicity.

Exposure to multiple toxic substances may result in health effects that are equal to, less than, or greater than effects resulting from exposure to the individual chemicals. Only a small fraction of the thousands of potential combinations of chemicals have been tested for the health effects of combined exposures. In conformity with the California Air Pollution Control Officers Association (CAPCOA) guidelines, the health risk assessment assumes that the effects of each substance are additive for a given organ system (CEC RSA, 2010). Other possible mechanisms due to multiple exposures include those cases where the actions may be synergistic or antagonistic (where the effects are greater or less than the sum, respectively). For these types of substances, the health risk assessment could underestimate or overestimate the risks.

The assessment of non-cancer health effects is calculated using a *hazard index*. A hazard index is a ratio comparing exposure from facility emissions to the reference (safe) exposure level. A ratio of less than 1.0 signifies that the conservatively estimated maximum exposure is below the safe level. The hazard index for every toxic substance that has the same type of health effect is added to yield a Total Hazard Index. A Total Hazard Index of less than 1.0 indicates that cumulative maximum exposures are less than the RELs. Under these conditions, health protection from the proposed action is likely to be achieved, even for sensitive members of the population. In such a case, it is presumed that there would be no significant non-cancer project-related public health impacts.

Cancer Health Risks

For carcinogenic substances, the health assessment considers the risk of developing cancer and assumes that continuous exposure to the cancer-causing substance occurs over a 70-year lifetime. The risk that is calculated is not meant to predict the actual expected incidence of cancer, but rather a theoretical upper-bound number based on overly conservative adverse exposure assumptions.

Cancer risk is expressed in chances per million and is a function of the maximum expected pollutant concentration, the probability that a particular pollutant will cause cancer (called *potency factors* and established by OEHHA), and the length of the exposure period. Cancer risks

for each carcinogen are added to yield total cancer risk. The conservative nature of the screening assumptions used means that actual cancer risks due to emissions from the proposed action would likely be considerably lower than those estimated.

Regulations implementing the provisions of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code Section 25249.5 et seq.) were used for guidance to determine a cancer risk significance level. Title 22, California Code of Regulations Section 12703(b) states that “the risk level which represents no significant risk shall be one which is calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime exposure.” This level of risk is equivalent to a cancer risk of 10 in one million, which is also written as 10×10^{-6} . An important distinction is that the Proposition 65 significance level applies separately to each cancer-causing substance, whereas this analysis bases significance on the total risk from all cancer-causing chemicals. Thus, the manner in which the significance level is applied in this analysis is more conservative (health-protective) than that applied by Proposition 65.

The screening analysis is performed to assess higher than likely risks to public health associated with the proposed action. The analysis also addresses potential impacts on all members of the population including the young, the elderly, people with existing medical conditions that may make them more sensitive to the adverse effects of toxic air contaminants, and any minority or low-income populations that are likely to be disproportionately affected by impacts. To accomplish this goal, this analysis uses the most current acceptable public health exposure levels set to protect the public from the effects of airborne toxics. If the screening analysis predicts no significant risks, then no further analysis is required. However, if risks are above the significance level, then further analysis, using more realistic site-specific assumptions, would be performed to obtain a more accurate assessment of potential public health risks. When a screening analysis shows cancer risks to be above the significance level, refined assumptions would likely result in a lower, more realistic risk estimate. Based on refined assumptions, if risk posed by the facility exceeds the significance level of 10 in one million, appropriate measures would be required to reduce the risk to less than significant. If, after all risk reduction measures had been considered, a refined analysis identifies a cancer risk greater than 10 in one million, the risk would be deemed to be significant.

4.11.2.2 Discussion of Direct and Indirect Impacts

Impact Assessment Methodology

Accidents and Spills

The types of hazardous materials that would be stored onsite for the operation and maintenance of the project are identified in Table 4.11-1, including the material name, the Chemical Abstracts Service (CAS) Number, the application/use of the chemical, the hazard characteristics, the maximum quantity proposed for use on site, and the CERCLA/SARA reportable quantity (RQ). The purpose of this hazardous materials management analysis is to identify the hazardous materials that would be used at the project site and to determine the effects of their transportation to the site, the use, handling, storage, and disposal on the environment.

**TABLE 4.11-1
 HAZARDOUS MATERIALS PROPOSED FOR STORAGE ONSITE DURING OPERATIONS**

Material	CAS No.	Application	Hazardous Characteristics	Maximum Quantity On Site	CERCLA SARA RQ^a
Acetic Acid 60%	64-19-7		Health: Moderate toxicity Hazard Class: corrosive, irritant	50 lbs	5,000 lbs
Acetylene	74-86-2	Welding gas	Health: moderate toxicity Physical: combustible, flammable	800 cubic feet total	10,000 pounds
Activated Carbon	7440-44-0	Control of VOCs from HTF expansion tank	Health: non-toxic (when unsaturated), low to moderate toxicity when saturated, depending on the absorbed material Physical: combustible solid	4,000 pounds	N/A
Argon	7440-37-1	Welding gas	Health: low toxicity Physical: non-flammable gas	800 cubic feet	N/A
Calcium Hypochlorite 100 percent	7778-54-3	Water treatment	Health: moderate toxicity Physical: corrosive, irritant	Minimal onsite storage for water treatment, not expected to exceed 50 pounds	10 pounds
Carbon Dioxide	124-38-9		Health: low toxicity Physical: nonflammable gas	15 tons	N/A
Diesel Fuel	68476-34-6		Health: low toxicity Physical: combustible liquid	300 gallons	N/A
Herbicide Roundup® or equivalent	38641-94-0		Health: low toxicity Physical: irritant	No onsite storage, brought on site by licensed contractor, used immediately	N/A
Hydraulic Fluid	64741-89-5		Health: low to moderate toxicity Physical: Class IIIB combustible liquid	500 gallons in equipment, maintenance inventory of 110 gallons in 55-gallon steel drums	N/A
Liquefied Petroleum Gas	68476-85-7		Low toxicity; Hazard class – Flammable Gas	Up to 36,000 gallons in storage tanks and piping; pressurized carbon steel tanks and pipelines for delivery to equipment	10,000 pounds
Lube Oil	64742-65-0		Health: low toxicity Physical: N/A	10,000 gallons in equipment and piping, additional maintenance inventory of up to 550 gallons in 55-gallons steel drums	N/A

TABLE 4.11-1 (Continued)
HAZARDOUS MATERIALS PROPOSED FOR STORAGE ONSITE DURING OPERATIONS

Material	CAS No.	Application	Hazardous Characteristics	Maximum Quantity On Site	CERCLA SARA RQ^a
Mineral Insulating Oil	8042-47-5		Health: low toxicity Physical: N/A	32,000 gallons	N/A
Nitrogen	7727-37-9		Health: low toxicity Physical: non-flammable gas	7,500 pounds	N/A
Oxygen	7782-44-7	Welding gas	Health: low toxicity Physical: oxidizer	800 cubic feet	NA
Oxygen Scavenger Reagent Acetic Acid (60 percent) Iodine (20 percent) De-ionized Water (20 percent)	64-19-7 7553-56-2 7732-18-5	Water treatment	Health: moderate toxicity Physical: corrosive, irritant	Minimal onsite storage for water treatment, not expected to exceed 50 pounds	5,000 pounds
Soil Stabilizer Active Ingredient: acrylic or vinyl acetate polymer or equivalent	N/A		Health: non-toxic Physical: N/A	No onsite storage, supplied in 55 gallon drums or 400-gallon totes, used immediately	N/A
Sulfuric Acid (29.5 percent)	7664-93-9	Contained in batteries	Health: high toxicity Physical: corrosive and water reactive	Contained in batteries; 2,000 gallons	1,000 pounds
Therminol VP-1 Biphenyl (26.5 percent) Diphenyl Ether (73.5 percent)	92-52-4 101-84-8	Heat transfer fluid in solar array	Health: moderate toxicity Physical: irritant; combustible liquid (Class III-B)	1.3 million gallons	100 pounds N/A

NOTE:

^a Reportable quantities for a pure chemical, per the Comprehensive Environmental Response, Compensation, and Liability Act.

SOURCE: Solar Millennium, 2009

The effects are determined by the following:

1. identifying the types and amounts of hazardous substances that the project could emit to the environment;
2. estimating amounts of pollutants that people could be exposed to through inhalation, ingestion, and dermal contact; and
3. characterizing potential health risks by comparing higher than likely exposure to safe standards based on known health effects.

Small Quantity Hazardous Materials

During the construction phase of the proposed action, hazardous materials proposed for use include paint, solvents, gasoline, diesel fuel, motor oil, lubricants, and welding gases (CEC RSA, 2010). A concrete batch plant for the construction phase would require the use of some additional hazardous materials, such as fly ash and calcium chloride. In addition, a fuel depot is proposed for the construction phase that would include two 2,000-gallon on-road vehicle diesel tanks, two 8,000-gallon off-road vehicle diesel tanks, and one 500-gallon gasoline tank. The fuel depot would be constructed with secondary containment areas surrounding each tank and the covered maintenance area, and a concrete pad in the vehicle washing area (CEC RSA, 2010).

No acutely toxic hazardous materials would be used on site during construction, and none of these materials would pose a significant potential for off-site impacts as a result of the quantities on site, their relative toxicity, their physical state, and/or their environmental mobility. Any impact of spills or other releases of these materials would be limited to the site because of the small quantities involved, their infrequent use (and therefore reduced chances of release), and/or the temporary containment berms used by contractors. Petroleum hydrocarbon-based motor fuels, mineral oil, lube oil, and diesel fuel are all very low volatility and represent limited off-site hazards even in larger quantities. During operations, hazardous chemicals such as cleaning agents, water treatment chemicals, welding gasses, oils, activated carbon, and other various chemicals would be used and stored in relatively small amounts and represent limited off-site hazards because of their small quantities, low volatility, and/or low toxicity.

Large Quantity Hazardous Materials

The proposed action would require the use of large quantities of Liquefied Petroleum Gas (LPG) and Therminol VP1. Following are discussions relative to the proposed action's use of these hazardous materials and any associated effects.

Liquefied Petroleum Gas (LPG) or propane would be used at the project site to fuel the auxiliary boilers. LPG is composed mostly of propane and butane and poses a fire and explosion risk (not a risk of toxicity) because of its flammability. Up to 72,000 gallons (152,000 lbs) of LPG would be stored in 18,000-gallon carbon steel tanks equipped with secondary containment structures. Despite the large amounts of LPG (propane) stored at the project site, a Risk Management Plan including an Off Site Consequence Analysis is not required due to its use as a

fuel on the project site (CEC RSA, 2010).¹ The project would be located very close to I-10 and along a main east-west natural gas line owned by Southern California Edison. The predominant safety risk from storing and using large amounts of LPG at a power plant is that of fire and explosion. Accordingly, these risks are discussed in the Worker Safety and Fire Protection portion of this analysis and appropriate mitigation is proposed and would reduce the risk associated with the use of LPG.

Therminol VP1™ (a biphenyl) is the heat transfer fluid (HTF) that would be heated in the loop and enter the header, which would return hot HTF from all loops to the power block where steam turbines would generate power. Therminol is a mixture of 73.5 percent diphenyl ether and 26.5 percent biphenyl, and is a solid at temperatures below 54 °F. Therminol therefore can be expected to remain liquid if a spill occurs during the late spring, summer, and early fall months when day-time and night-time temperature do not drop below 54 °F. At cooler temperatures Therminol will crystallize into a waxy solid. Therminol breaks down when heated to the temperatures required to generate steam and thus volatile organic compounds (VOC) emissions occur, which include the toxic HTF decomposition products.

Approximately 2,600,000 gallons of HTF would be stored at the project site contained in the pipes, heat exchanger, ullage tanks, expansion tank, and thermal troughs. Isolation valves would be placed throughout the HTF piping system designed to automatically block off sections of the piping in the event that a loss of pressure is detected (CEC RSA, 2010). While the risk of off-site migration is low, Therminol is highly combustible and even flammable at the normal operating temperature of 750 °F and fires have occurred at other solar generating stations that use it.

Construction-related Risks to Public Health

Potential risks to public health during construction could be associated with exposure to toxic substances in contaminated soil disturbed during site preparation, diesel exhaust from heavy equipment operation and emissions from the concrete batch plant and fuel depot. Criteria pollutants associated with the operation of heavy equipment and particulate matter from earth moving are discussed in Section 4.2, *Impacts on Air Resources*.

The operation of construction equipment would result in air emissions from diesel-fueled engines. Diesel emissions would be generated from sources such as trucks, graders, cranes, welding machines, electric generators, air compressors, and water pumps. Although diesel exhaust contains criteria pollutants such as nitrogen oxides, carbon monoxide, and sulfur oxides, it also includes a complex mixture of thousands of gases and fine particles. These particles are primarily composed of aggregates of spherical carbon particles coated with organic and inorganic substances. Diesel exhaust contains over 40 substances that are listed by the U.S. Environmental Protection Agency (USEPA) as hazardous air pollutants and by the California Air Resources Board (ARB) as toxic air contaminants.

¹ If a facility has more than 10,000 pounds of propane stored in a single tank, compliance with the U.S. EPA's Chemical Accident Prevention rule (40 CFR Part 68) generally is required. However, there is an exception to the rule: if the propane is stored for use as a fuel at the facility, Part 68 does not apply (U.S. EPA, 2000).

Exposure to diesel exhaust may cause both short- and long-term adverse health effects. Short-term effects can include increased cough, labored breathing, chest tightness, wheezing, and eye and nasal irritation. Long-term effects can include increased coughing, chronic bronchitis, reductions in lung function, and inflammation of the lung. Epidemiological studies also strongly suggest a causal relationship between occupational diesel exhaust exposure and lung cancer.

Based on a number of health effects studies, the Scientific Review Panel (SRP)² on Toxic Air Contaminants recommended a chronic REL for diesel exhaust particulate matter of five micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and a cancer unit risk factor of 3×10^{-4} ($\mu\text{g}/\text{m}^3$) (CEC RSA, 2010). The SRP did not recommend a value for an acute REL, since available data in support of a value was deemed insufficient. On August 27, 1998, ARB listed particulate emissions from diesel-fueled engines as a toxic air contaminant and approved SRP's recommendations regarding health effect levels.

Construction of the project, including site preparation, is anticipated to take place over a period of 39 months. As noted earlier, assessment of chronic (long-term) health effects assumes continuous exposure to toxic substances over a significantly longer time period, typically from eight to 70 years. The Applicant estimated that 33,058 pounds of diesel particulate matter (DPM) would be emitted during the entire construction period of about 3.3 years. In order to model the cancer risk from construction emissions, the Applicant divided the total amount of DPM by the exposure period of 70 years which is typically used to assess health risks. The Applicant's modeling of highest possible construction emissions (using a 100-meter spacing receptor grid) found that the cancer risk was estimates to be 3.3 in 1 million at the point of maximum impact (PMI), below the level of significance of 10 in 1 million. The chronic hazard index was found to be 0.0021 at the PMI, below the level of significance of 1.0. The PMI was located along the northern site boundary in a remote area that is part of the project right-of-way and not frequently accessed by the public (CEC RSA, 2010).

Since preparing the construction HRA discussed above, the Applicant modified the project to include a concrete batch plant and a fuel depot during the construction phase of the project, and changes were also made to the construction schedule. The operation of the concrete batch plant would result in increased diesel exhaust and fugitive dust emissions during construction. The diesel storage tanks at the proposed fuel depot would also contribute TAC emissions (CEC RSA, 2010). The Applicant has revised the air quality modeling for construction criteria emissions to reflect these changes; however, the construction HRA, which assesses health risks from non-criteria pollutants, has not been revised. The increased construction emissions associated with the proposed changes would not significantly contribute to public health impacts.

² The SRP, established pursuant to California Health and Safety Code Section 39670, evaluates the risk assessments of substances proposed for identification as Toxic Air Contaminants by ARB and the Department of Pesticide Regulation (DPR). The SRP reviews the exposure and health assessment reports and the underlying scientific data upon which the reports are based.

Emissions Sources

The emissions sources at the proposed project site include two propane-fired auxiliary boilers, two small wet cooling towers used for ancillary equipment, two diesel-fueled emergency generators, two diesel-fueled emergency fire pumps, two HTF expansion/ullage systems, and DPM from maintenance vehicles.

As noted earlier, the first step in a health risk assessment is to identify potentially toxic compounds that may be emitted from the facility. Toxicity values include RELs, which are used to calculate short-term and long-term non-cancer health effects, and cancer unit risks, which are used to calculate the lifetime risk of developing cancer, as published in the OEHHA Guidelines.

Table 4.11-2 lists toxic emissions and shows how each contributes to the health risk analysis. For example, the first row shows that oral exposure to benzene is not of concern, but if inhaled, benzene could have cancer, chronic (long-term) non-cancer health effects, and acute (short-term) effects.

**TABLE 4.11-2
TYPES OF HEALTH IMPACTS AND EXPOSURE ROUTES ATTRIBUTED TO TOXIC EMISSIONS^a**

Substance	Oral Cancer	Oral Non-cancer	Inhalation Cancer	Non-cancer (Chronic)	Non-cancer (Acute)
Arsenic	X	X	X	X	X
Benzene			X	X	X
Biphenyl ^a					
Chloroform		X	X	X	
Chromium (Hexavalent)			X	X	X
Dichlorobenzene			X	X	
Diesel Exhaust			X	X	
Formaldehyde			X	X	X
Hexane				X	
Manganese				X	
Naphthalene		X	X	X	
Polycyclic Aromatic Hydrocarbons (PAHs)	X	X	X	X	
Toluene				X	X
Zinc ^a				X	X

NOTE:

^a No cancer risk factors or RELs have been established for biphenyl or zinc.

SOURCE: CEC RSA, 2010.

Emission factors for most plant components were obtained from the USEPA emission factors database (AP-42) and the California Air Toxics Emission Factors (CATEF II) database. Data from existing solar plants were used to estimate emissions from the HTF expansion tanks, which consist of benzene (calculated as 99.99 percent) and biphenyl (calculated as 0.01 percent). Since biphenyl has not been assigned a health risk factor, it was not included in the HRA calculations (CEC RSA, 2010).

In response to Data Request 176, the Applicant stated that VOC emissions from the HTF expansion tank are estimated to be 137 pounds per MW per year, based on comparable thermal solar projects and on an operational mass balance for the ullage system developed by the Applicant's solar design engineer. In regards to the composition of VOC emissions from the HTF expansion tank, the Applicant notes that HTF breakdown products may include benzene, toluene, xylene, phenol, naphthalene, methane, ethane, benzenol, and biphenyl. In the revised health risk assessment conducted for this project in response to Data Request 174, the Applicant modeled the entire amount of HTF emissions as benzene since it is the compound with the highest risk factors for cancer and non-cancer effects (CEC RSA, 2010).

In response to Data Requests 173 and 175, the Applicant provided total daily and annual DPM emissions from maintenance vehicles and total cumulative daily and annual PM2.5 emissions including both fugitive dust and DPM. The total DPM emissions from maintenance vehicles were estimated to be 3.8 pounds per year and the total PM2.5 emissions were estimated to be 7,767 pounds per year. DPM emissions are therefore negligible when compared to non-exhaust emissions, the majority of which (over 80 percent) is attributed to mirror washing trucks (CEC RSA, 2010). The estimated DPM emissions from maintenance vehicles were added to the Applicant's revised health risk assessment.

Since the project intends to use groundwater for cooling, the potential exists for TACs present in the water to disperse into the air via cooling tower drift (these cooling towers are used for ancillary equipment only). In response to Data request 178, the Applicant conducted water sampling and analysis of the on-site well water for VOCs, petroleum hydrocarbons, pesticides, herbicides, minerals, metals, and other chemicals of concern. The results are presented in Table DR-PH-178-1, showing that four metals considered as TACs are present in the well water (arsenic, hexavalent chromium, manganese, and zinc). Emissions calculations for the project's health risk assessment were revised to include the metals detected in the groundwater samples (CEC RSA, 2010).

The Applicant has modified the project to replace the two originally proposed HTF heaters with heat exchangers that would provide freeze protection for the circulating HTF at night. The HTF heat exchangers would use hot steam from the STGs to warm the HTF, which would require the auxiliary boilers to operate more often than originally proposed (up to 100 hours per year for each boiler). The increased boiler operational hours would only slightly increase the annual TAC emissions and would not add significantly to health and safety risks. Therefore the HRA was not revised (CEC RSA, 2010).

Other changes that have been proposed since the SA/DEIS and which may impact the health and safety analysis includes the following:

1. Reconfiguration of the power blocks' layout,
2. Addition of a fuel depot on-site during construction and operation

The BLM has reviewed the reconfigured power block layouts and the reconfigured alternative site layouts and determined that they do not add significantly to health and safety risks; therefore, the HRA was not revised.

Emissions Levels

Once potential emissions are identified, the next step is to quantify them by analyzing the maximum possible emissions in the context of maximum exposure to the most sensitive public groups. Maximum hourly emissions are required to calculate acute (one-hour) non-cancer health effects, while estimates of maximum emissions on an annual basis are required to calculate cancer and chronic (long-term) non-cancer health effects.

The next step in the health risk assessment process is to estimate the ambient concentrations of toxic substances that may result from the proposed action. This is accomplished by using a screening air dispersion model and assuming conditions that result in maximum impacts. The Applicant’s screening analysis was performed using the ARB/OEHHA Hotspots Analysis and Reporting Program (HARP) modeling program. Finally, ambient concentrations were used in conjunction with RELs and cancer unit risk factors to estimate health effects which might occur from exposure to facility emissions. Exposure pathways, or ways in which people might come into contact with toxic substances, include inhalation, dermal (through the skin) absorption, soil ingestion, consumption of locally grown plant foods, and mother’s milk.

The above method of assessing health effects is consistent with OEHHA’s Air Toxics Hot Spots Program Risk Assessment Guidelines referred to earlier, and results in the following health risk estimates.

Proposed Action

The Applicant’s revised screening health risk assessment resulted in a maximum acute hazard index of 0.11 and a maximum chronic hazard index of 0.00076 at the point of maximum impact (PMI) (CEC RSA, 2010 Part 1, p. C.5-15). The maximum remotely possible cancer risk was found to be 1.35 at the PMI. As Table 4.11-3 shows, both acute and chronic hazard indices are under the significance level of 1.0, and cancer risk is below the significance level of 10 in 1,000,000, indicating that no short- or long-term adverse health effects are expected.

**TABLE 4.11-3
 OPERATION HAZARD/RISK AT POINT OF MAXIMUM IMPACT**

Type of Hazard/Risk	Hazard Index/Risk	Significance Level	Significant?
Acute Noncancer	0.11	1.0	No
Chronic Noncancer	0.00076	1.0	No
Individual Cancer	1.35 in 1 million	10 in 1 million	No

SOURCE: CEC RSA, 2010 Part 1, 2010, Public Health Table 3

Thorough evaluation of the risk assessment was conducted to determine if the Applicant’s modeling results are transparent, verifiable, and accurate, and the results are presented in the Application for Certification (Aug. 2009) submitted by the Applicant to the CEC and in its “Responses to CEC Staff Public Health Data Requests 172-179” (January 2010). Modeling files provided by the Applicant also independently were reviewed. The BLM has been determined that

standard procedures were followed and appropriate assumptions made in the Applicant's analysis of potential health risks and, therefore, that the conclusions of impacts on public health are based on a verifiable and appropriate Human Health Risk Assessment.

Construction Phase Analysis

For the construction phase analysis, atmospheric dispersion modeling of DPM emissions from construction equipment and vehicles was conducted by the Applicant using the OFFROAD2007 Model. Total estimated on-site PM emissions from diesel construction equipment exhaust over the estimated six-year construction period was provided in the January 2010 data responses and is 33,058 pounds. The corresponding annual DPM emission rate for exhaust emissions from onsite construction equipment and vehicles is expected to be 472 pounds per year (lb/yr) for residential exposure over a 70-year lifetime.

The maximum predicted offsite concentration of diesel particulate matter, on a 70-year basis, was reported by the Applicant to be 0.0104 ug/m³ (CEC RSA, 2010). Cancer risk due to diesel exhaust emissions was determined by multiplying the DPM concentration by the diesel cancer inhalation unit risk of 0.0003 (ug/m³)⁻¹. Cancer risk at the location of the maximum offsite concentration was determined to be 3.1 in a million and chronic HI to be 0.0021 (noncancer chronic REL is 5 ug/m³).

Operations-related Risks to Public Health

For the operations-phase analysis, atmospheric dispersion modeling of facility emissions was conducted by the Applicant using AERMOD. Local meteorological data were used, building downwash effects were included for 27 buildings, and 1,837 grid receptors were modeled.

A total of 18 emitting units were modeled by the Applicant for facility operations including:

1. 2 auxiliary boilers
2. 4 cooling tower stacks (used for ancillary equipment only)
3. 2 HTF (heat transfer fluid) heaters (no longer proposed for this project)
4. 2 ullage system vents
5. 2 diesel emergency generators
6. 2 diesel firewater pumps
7. 4 mobile sources involved in routine operations (mirror washing trucks, trucks used in weed abatement, trucks used in application of soil stabilizer, water trucks); 4 on-site points modeled for emissions

The HTF (heat transfer fluid) would be circulated through the solar field where it would be heated by sunlight concentrated on the receiver tube elements of the solar collectors. HTF is comprised biphenyl/diphenyl oxide. Thermal decomposition of HTF results in decomposition products that can include benzene, phenol, and toluene. In modeling HTF fugitive loss emissions, the Applicant assumed that 99 percent of the emissions would be comprised of benzene.

The HARP On-Ramp program was used to load the Applicant’s AERMOD results into the CARB/OEHHA Hotspots Analysis and Reporting Program (HARP), Version 1.4a for the risk analysis. Exposure pathways assessed include inhalation, ingestion of home-grown produce, dermal absorption, soil ingestion and mother’s milk. Emission factors obtained from the Applicant’s modeling files and used in this analysis are listed in Table 4.11-4. For risk calculations using the HARP model, the “Derived (Adjusted) Method” was used for cancer risk and the “Derived (OEHHA) Method” was used for chronic non-cancer hazard.

**TABLE 4.11-4
OPERATION-PHASE EMISSION RATES**

Substance	Annual Average Emissions (lbs/year)	Maximum 1-Hour Emissions (lbs/hour)
Emission Rates from Each of 2 Auxiliary Boilers		
Benzene	1.10E-01	7.21E-05
Formaldehyde	4.18E+00	2.57E-03
Hexane	1.00E+02	6.00E-02
Naphthalene	3.00E-02	2.09E-05
PAHs-w/o	3.32E-03	2.05E-06
p-DiClBenzene	6.00E-02	4.12E-05
Toluene	1.80E-01	1.17E-04
Emission Rates from Each of 4 Cooling Tower Cells		
Chloroform	6.94E+01	1.88E-02
Arsenic	4.34E-04	1.17E-07
Cr(VI)	1.02E-02	-
Manganese	3.51E-04	-
Emission Rates from Each of 2 HTF Heaters		
Benzene	3.00E-02	7.21E-05
Formaldehyde	1.28E+00	2.57E-03
Hexane	3.09E+01	6.00E-02
Naphthalene	1.00E-02	2.09E-05
PAHs-w/o	1.02E-03	2.05E-06
p-DiClBenzene	2.00E-02	4.12E-05
Toluene	5.00E-02	1.17E-04
Emission Rates from Each of 2 Ullage System Vents		
Benzene	3.00E+02	7.40E-01
Emission Rates from Operation of each of 2 Emergency Generators		
Diesel PM	4.95E+00	9.00E-02
Emission Rates from Operation of Each of 2 Emergency Fire Pumps		
Diesel PM	4.95E+00	9.00E-02
Emission Rates from On-Site Maintenance Vehicles		
Diesel PM	2.50E+02	-

SOURCE: CEC RSA, 2010.

Cancer risk and chronic and acute hazard index values are compared to results reported by the Applicant in the January 2010 response to CEC data requests in Table 4.11-5. Risk and hazard were determined at the point of maximum impact, PMI, under the 70-year residential scenario, located on the northern fenceline. The nearest residential receptor is located at the northwest corner of the project site (at the edge of a solar array). No sensitive receptors were identified within three miles of the project site.

**TABLE 4.11-5
 CANCER RISK AND CHRONIC HAZARD DUE TO OPERATION PHASE EMISSIONS**

	EIS Analysis			Applicant's Analysis		
	Cancer Risk (per million)	Acute HI	Chronic HI	Cancer Risk (per million)	Acute HI	Chronic HI
PMI (for cancer risk and chronic HI, Rec #372)	7.8	0.11	0.0042	1.35	0.11*	0.00076
MEIR (Rec. #1)	1.9	0.026	0.011	0.11	0.026	0.000056

*Cancer PMI (point of maximum impact, Rec. #372) is located on the northern fenceline.

SOURCE: CEC RSA, 2010

Table 4.11-6 presents substance- and source-specific cancer risks at the PMI. Analysis of this table indicates that 99 percent of the cancer risk at the PMI is attributed to emissions from two sources: 83 percent due to emissions from on-site mobile sources of DPM and 16 percent due to emissions from the HTF from the auxiliary boiler, the HTF heater and ullage system.

Cooling Towers

One small wet cooling tower for each power block is proposed by the Applicant to cool ancillary equipment. In addition to being a source of potential TACs, the possibility exists for bacterial growth to occur in the cooling towers, including Legionella. Legionella is a bacterium that is ubiquitous in natural aquatic environments and is also widely distributed in man-made water systems. It is the principal cause of legionellosis, otherwise known as Legionnaires' Disease, which is similar to pneumonia. Transmission to people results mainly from inhalation or aspiration of aerosolized contaminated water. Untreated or inadequately treated cooling systems, such as industrial cooling towers and building heating, ventilating, and air conditioning systems, have been correlated with outbreaks of legionellosis.

Legionella can grow symbiotically with other bacteria and can infect protozoan hosts. This provides Legionella with protection from adverse environmental conditions, including making it more resistant to water treatment with chlorine, biocides, and other disinfectants. Thus, if not properly maintained, cooling water systems and their components can amplify and disseminate aerosols containing Legionella.

**TABLE 4.11-6
RESULTS OF ANALYSIS: CONTRIBUTION TO TOTAL CANCER RISK BY INDIVIDUAL SUBSTANCES
FROM ALL SOURCES AT THE POINT OF MAXIMUM IMPACT (PMI)**

Substance	Auxiliary Boilers (2 units)	Cooling Tower (4 stacks)	Diesel Generator (2 units)	Diesel Firewater Pump (2 units)
Benzene	2.20E-11			
Chloroform		6.73E-09		
DieselExhPM			3.26E-08	1.62E-08
Formaldehyde	1.75E-10			
Naphthalene	7.17E-12			
PAHs-w/o	3.72E-09			
p-DiClBenzene	4.78E-12			
Arsenic		4.06E-10		
Cr(VI)		2.66E-08		
TOTAL	3.93E-09	3.37E-08	3.26E-08	1.62E-08

Substance	HTF Heater (2 units)	Ullage System (2 sources))	On-site Mobile Sources (4 sources)	Total Cancer Risk
Benzene	3.66E-12	1.27E-06		1.27E-06
Chloroform				6.73E-09
DieselExhPM			6.46E-06	6.51E-06
Formaldehyde	3.28E-11			2.08E-10
Naphthalene	1.47E-12			8.64E-12
PAHs-w/o	7.01E-10			4.42E-09
p-DiClBenzene	9.77E-13			5.76E-12
Arsenic				4.06E-10
Cr(VI)				2.66E-08
TOTAL	7.40E-10	1.27E-06	6.46E-06	7.82E-06

SOURCE: CEC RSA, 2010.

The State of California regulates recycled water for use in cooling towers in Title 22, Section 60303 of the California Code of Regulations. This section requires that, in order to protect workers and the public who may come into contact with cooling tower mists, chlorine or another biocide must be used to treat the cooling system water to minimize the growth of Legionella and other microorganisms. This regulation does not apply to the project since the proposed action would use groundwater supplied from on-site wells; however, the potential remains for Legionella growth in cooling water at the project due to nutrients found in groundwater.

The USEPA published an extensive review of Legionella in a human health criteria document (CEC RSA, 2010). The USEPA noted that Legionella may propagate in biofilms (collections of microorganisms surrounded by slime they secrete, attached to either inert or living surfaces) and that aerosol-generating systems such as cooling towers can aid in the transmission of Legionella from water to air. The USEPA has inadequate quantitative data on the infectivity of Legionella in

humans to prepare a dose-response evaluation. Therefore, sufficient information is not available to support a quantitative characterization of the threshold infective dose of Legionella. Thus, the presence of even small numbers of Legionella bacteria presents a risk - however small - of disease in humans.

In February of 2000, the Cooling Technology Institute (CTI) issued its own report and guidelines for the best practices for control of Legionella (CEC RSA, 2010). The CTI found that 40-60 percent of industrial cooling towers tested were found to contain Legionella. More recently, a 2005 report of testing in cooling towers in Australia that found the rate of Legionella presence in cooling tower waters to be extremely low, approximately three to six percent. The cooling towers all had implemented aggressive water treatment and biocide application programs.

To minimize the risk from Legionella, the CTI noted that consensus recommendations included minimization of water stagnation, minimization of process leads into the cooling system that provide nutrients for bacteria, maintenance of overall system cleanliness, the application of scale and corrosion inhibitors as appropriate, the use of high-efficiency mist eliminators on cooling towers, and the overall general control of microbiological populations.

Good preventive maintenance is very important in the efficient operation of cooling towers and other evaporative equipment (ASHRAE, 1998). Preventive maintenance includes having effective drift eliminators, periodically cleaning the system if appropriate, maintaining mechanical components in working order, and maintaining an effective water treatment program with appropriate biocide concentrations. Most water treatment programs are designed to minimize scale, corrosion, and biofouling and not to control Legionella.

The efficacy of any biocide in ensuring that bacterial and in particular Legionella growth, is kept to a minimum is contingent upon a number of factors including but not limited to proper dosage amounts, appropriate application procedures, and effective monitoring.

Alternatives

Reconfigured Alternatives 1 and 2

If one of the Reconfigured Alternatives were selected, a utility-scale solar energy generating facility would be developed on the site that would have the same generating capacity as the proposed action. Types and amounts of hazardous materials would be substantially similar to the proposed action. Compliance with applicable laws, ordinances, rules, and standards as well as implementation of standard engineering and administrative controls to prevent and control accidental releases of hazardous materials would be expected. Consequently, public health and safety risks would be comparable to those of the proposed action.

Reduced Acreage Alternative

If the Reduced Acreage Alternative were selected, a utility-scale solar energy generating facility would be developed on the site that would have approximately 25 percent less generating capacity as the proposed action. The types of hazardous materials would be substantially similar

to the proposed action, although the amounts required would be less. As a result, public health and safety risks would be slightly reduced as compared to the proposed action.

No Action Alternative A

If No Action Alternative A were selected, there would be no direct or indirect impacts on public health and safety relating to hazardous materials, because the requested ROW application would be denied and no amendment of the CDCA Plan would be approved to associate the site with solar energy development at this time. In this case, no cumulative impacts presently would be caused or contributed to under this alternative.

However, No Action Alternative A would allow future applications for development of a renewable energy facility or any other use consistent with the CDCA Plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

If the CDCA Plan Amendment/No Project Alternative B were selected, there would be no direct or indirect impacts on public health and safety relating to hazardous materials, because the requested ROW application would be denied and the CDCA Plan would be amended to identify the site as unsuitable for any type of solar energy development. Any non-solar energy use consistent with the CDCA Plan could be proposed. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

If the CDCA Plan Amendment/No Project Alternative C were selected, there would be no direct or indirect impacts on public health and safety relating to hazardous materials, because the requested ROW application would be denied, and no ROW grant authorized. In this case, no cumulative impacts presently would be caused or contributed to under this alternative.

However, under this alternative, the CDCA Plan would be amended to identify the site as suitable for any type of solar energy development. Accordingly, hazardous materials impacts associated with this alternative would depend on if a different solar project would be proposed, the solar technology proposed, size of the project, and other variables. Impacts similar in nature to those of the proposed action could be expected to result from risks and hazards relating to accidents and spills, human health, small quantity hazardous materials, large quantity hazardous materials, construction and emissions. Such impacts could be similar to, greater or less than those of the proposed action.

4.11.2.3 Discussion of Cumulative Impacts

Impacts resulting from construction, operation, maintenance, and decommissioning of the project could result in a cumulative impact relating to hazardous materials, including the use, storage, and transport of hazardous materials, with other past, present, or reasonably foreseeable future actions. For example, cumulative impacts would exist or could result from the interaction of one or more controlled or uncontrolled release of hazardous materials, e.g., airborne or subsurface plumes, within the same geographic area, and during the same timeframe. The geographic area of the cumulative impacts analysis area for hazardous materials management includes the Mojave Desert Air Basin for airborne hazards and, for waterborne hazards, the watershed and groundwater basin. BLM has identified this geographic area to be large enough to provide a reasonable basis for evaluating cumulative hazardous materials-related impacts. The relevant timeframe within which incremental impacts could be additive, synergistic or otherwise combine includes the construction period for the proposed action, its anticipated 30-40 year lifespan, and the period of time required for closure and decommissioning of the project and alternatives.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in the Chapter 3. Direct and indirect effects of the project are analyzed above. Past, present, and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. The only nearby existing source of emissions is Interstate 10, a major route for trucks delivering goods to and from California, located about 0.5 mile south of the project site. This source is located close enough to the project site for public health cumulative impacts to be feasible. However, due to the low emissions of TACs modeled for this project and the resulting minimal health risks, the potential for cumulative impacts is extremely low. In addition, the point of maximum impact modeled by the Applicant was located near the northern facility fence line, about 2 miles north of I-10. Furthermore, emissions from I-10 would be predominantly DPM from truck traffic, which has been demonstrated to have very localized impacts, with the highest concentration of DPM occurring in the immediate vicinity of the source (CEC RSA, 2010). The cumulative impacts of the proposed project combined with I-10 emissions would not be substantial.

A considerable amount of future development is planned in the general area of the project, including over 10 other solar power plants. However, no foreseeable projects are planned in the immediate vicinity of the project. The nearest planned project is the Chuckwalla Solar I project whose eastern boundary would be about 2 miles northwest of the project's western boundary. Given the distance between the projects, there is little to no potential for cumulative impacts to occur during construction. Cumulative impacts resulting from the operations phase of project could occur if future facilities emitting TACs were located within 0.5 mile of the project site. None of the future foreseeable projects are close enough to meet this criterion, and so none is likely to cause or contribute to a cumulative impact. Decommissioning of the project is not expected to result in adverse impacts related to public health. It is unlikely that the construction or decommissioning of any of the cumulative projects would occur concurrently with the project, because the decommissioning is not expected to occur for approximately 30-40 years. As a result,

it is not expected that significant impacts related to public health during decommissioning of the project generated by the cumulative projects will occur.

4.11.2.4 Summary of Mitigation Measures

The implementation of the mitigation measures imposed by the CEC as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized below and provided in full in Appendix B. The following address impacts on public health and safety:

HAZ-1: Use of Approved Hazardous Materials places a limitation on the use and storage of hazardous materials and their strength and volume.

HAZ-2: Hazardous Materials Management Plans shall be developed and implemented, including a Hazardous Materials Business Plan (HMBP), and Spill Prevention, Control, and Countermeasure Plan (SPCC), and a Process Safety Management Plan (PSMP).

HAZ-3: Safety Management Plan. Specific to the delivery of liquid hazardous materials, the plan will include procedures, protective equipment requirements, training and a checklist, as well as a section describing all measures to be implemented to prevent mixing of incompatible hazardous materials.

HAZ-4: Installation of Isolation Valves for Heat Transfer Fluid. The placement of additional isolation valves in the HTF pipe loops throughout the solar array would add significantly to the safety and operational integrity of the entire system by allowing a loop to be closed if a leak develops in a ball joint, flex-hose, or pipe, instead of closing off the entire HTF system and shutting down the plant. The Applicant would be required to install a sufficient number of isolation valves that could be either manually, remotely, or automatically activated to limit the maximum amount of spilled HTF to the entire contents of a single solar array "loop," which would be equal to 1,250 gallons. Most leaks in existing solar power plants release very small amounts of HTF. This amount is a maximum amount that could be lost if there were a catastrophic break in a HTF pipe in the solar field. Other shut-off valves would be placed in areas of the power block to isolate a leak.

Public Health-1: Cooling Water Management Plan. The Cooling Tower Institute has issued guidelines for the best practices for control of Legionella. Preventive maintenance includes effective drift eliminators, periodically cleaning the system as appropriate, maintaining mechanical components, and maintaining an effective water treatment program with appropriate biocide concentrations. This condition specifically requires the project owner to prepare and implement a biocide and anti-biofilm agent monitoring program to ensure that proper levels of biocide and other agents are maintained within the four wet cooling towers at all times, that periodic measurements of Legionella levels are conducted, and that periodic cleaning is conducted to remove biofilm build up.

SOIL&WATER-18: Groundwater Quality Monitoring and Reporting Plan. This plan will describe and require the monitoring of background and on-site groundwater quality in the shallow and deep regional aquifer in areas that will be affected by pumping related to the proposed project. This monitoring data will be used, among other things, to determine if a release from the waste management units or septic systems (if required) has adversely affected sensitive receptors.

The BLM supplements CEC Condition of Certification HAZ-2 to require BLM review and input regarding the development of hazardous materials management plans for

BLM-HAZ-2: Hazardous Materials Business Plan (HMBP). The project owner shall concurrently provide a Hazardous Materials Business Plan (HMBP), and Spill Prevention, Control, and Countermeasure Plan (SPCC), and a Process Safety Management Plan (PSMP) to the Riverside County Environmental Health Department (RCEHD), the CPM, and the BLM for review. After receiving comments from the RCEHD, CPM, and the BLM, the project owner shall reflect all recommendations in the final documents. Copies of the final HMBP, SPCC Plan, and PSMP shall then be provided to the RCEHD and BLM for information and to the CPM for approval.

4.11.2.5 Residual Impacts after Mitigation Measures were Implemented

Although unlikely, it is possible that even after the implementation of the Mitigation Measures identified above, an accidental release could occur and could cause an airborne or waterborne risk to the human environment.

4.11.2.6 Unavoidable Adverse Impacts

Unavoidable adverse impacts would be the same as the residual impacts described above.

4.11.3 Waste Management

This section presents an analysis of issues associated with wastes generated from the construction, operation, and closure/decommissioning of the proposed action. The technical scope of this analysis encompasses solid wastes existing on site and wastes that would likely be generated during facility construction, operation, and closure/decommissioning. Management and discharge of non-hazardous liquid wastes generated during construction are addressed in the *Water Resources* section of this document. Information related to hazardous waste management may also be covered in the *Worker Safety* and *Hazardous Materials Management* sections of this document.

4.11.3.1 Impact Assessment Methodology

Projected wastes were evaluated in terms of landfill capacity and compliance with waste management regulations. The applicable laws listed in PA/FEIS Appendix C have been established to ensure the safe and proper management of both solid and hazardous wastes in order to protect human health and the environment.

4.11.3.2 Discussion of Direct and Indirect Impacts

Proposed Action

Site preparation and construction of the two phases of the project would last approximately 39 months and generate non-hazardous, universal, and hazardous wastes in solid and liquid forms. Construction activities would generate an estimated 70 cubic yards per week of non-hazardous

waste (i.e., scrap wood, concrete, steel, glass, plastic, paper, insulating materials, aluminum, and food waste) and operation would generate 33.5 cubic yards per week of non-hazardous waste. The total amount of non-hazardous solid waste generated from project construction is estimated to be 11,830 cubic yards (70 cubic yards per week for 39 months), and the total amount from lifetime operations is estimated to be 52,260 cubic yards or more (33.5 cubic yards per week for 30 years or more; see Table 4.11-7). These quantities include both recyclable and non-recyclable wastes, and the operations waste stream amount includes a substantial amount of HTF-contaminated soil, with concentrations less than 10,000 milligrams of HTF per kilogram of soil, that would be treated and reused on site.

Construction activities would generate an estimated one cubic yard of empty containers per week; 175 gallons of solvents, used oil, paint, and oily rags every 90 days; 1,000 gallons of heat exchanger cleaning waste once per power plant field; as well as variable amounts of flushing and cleaning wash water. Approximately 190 cubic yards of recyclable and non-recyclable hazardous waste would be generated over the 39-month construction period, and approximately 1,590 cubic yards of non-recyclable hazardous waste would be generated over the 30-year operating lifetime. Hazardous wastes would be collected in hazardous waste accumulation containers and stored in a laydown area, warehouse area, or storage tank on equipment skids for less than 90 days (or less than 180 days in the case of lead acid batteries). The accumulated wastes would then be properly manifested, transported, and disposed of at a permitted hazardous waste management facility by licensed hazardous waste collection and disposal firms. All wastes would be disposed in accordance with applicable LORS.

Operation of the project would generate an estimated 33.5 cubic yards of non-hazardous solid waste per week. Non-hazardous solid wastes generated during project operations would consist of dirty shop rags, Heat Transfer Fluid-contaminated soil with concentrations of less than 10,000 milligram of HTF per kilogram, spent demineralizer resin, auxiliary cooling tower basin sludge, spent softener resin, damaged parabolic mirrors, used air filters, office paper, newsprint, aluminum cans, plastic and glass containers, and other miscellaneous domestic and office waste. Dirty shop rags would be sent to a commercial laundry for cleaning and recycling; spent demineralizer resin would be recycled; auxiliary cooling tower basin sludge would be disposed of at a permitted waste management facility; spent softener resin would be recycled; and damaged parabolic mirrors would be recycled to the extent possible, and the remainder disposed of at a Class III facility.

Anticipated universal waste generated during construction would include an estimated 40 spent batteries (e.g., alkaline dry cell, nickel-cadmium, and lithium ion) over the 3-year construction period, fewer than 100 spent florescent light bulbs (per year), and about eight drums of empty or nonempty aerosol cans. Universal wastes would be recycled by licensed universal waste handlers.

Operation of the project would generate an estimated 190 cubic yards of hazardous solid waste per year and 106,000 gallons of hazardous liquid waste per year. Hazardous wastes generated during operations would include used hydraulic fluid, oils, and grease associated with the HTF system, turbine, and other hydraulic equipment; effluent from the oily water separation system resulting from plant wash down; oil adsorbent and oil filters; spent carbon from air pollution control of the

**TABLE 4.11-7
SUMMARY OF OPERATIONS-GENERATED NON-HAZARDOUS WASTE STREAMS AND
MANAGEMENT METHODS**

Waste Stream	Origin and Composition	Estimated Amount	Estimated Frequency of Generation	Waste Management Method	
				Onsite	Offsite
Non-Hazardous^a					
Dirty shop rags	Maintenance cleaning operations	100 pounds per month	Routine	None	Send to commercial laundry for cleaning and recycling
Soil contaminated with HTF (< 10,000 mg/kg)	Solar array	1,500 cy/year	Intermittent	Bioremediation or land farming at LTU	Disposal at permitted waste management facility
Reverse Osmosis (RO) Membrane Cleaning Waste	Acidic and/or caustic chemicals	6,000 to 12,000 gallons per cleaning	Up to four times per year	Evaporation ponds	Evaporation Pond solids disposal at permitted waste management facility
RO system concentrate – Inert or liquid designated waste	Auxiliary cooling tower and boiler blowdown	TBD	Routine	Evaporation ponds	Evaporation Pond solids disposal at permitted waste management facility
Auxiliary cooling tower basin sludge	Auxiliary cooling tower	2,000 pounds/year	Annually	Evaporation ponds	Evaporation Pond solids disposal at permitted waste management facility
Spent softener resin	Softener	1,000 ft ³	Once every 3 years	None	Recycle
Damaged parabolic mirrors	Metals and other materials	TBD	Variable	None	Recycle for metal content and/or other materials or send for landfill disposal
Sanitary wastewater	Toilets, washrooms	5,500 gallons/day	Continuous	Septic leach field	None
Universal Waste^a					
Spent batteries	Batteries containing heavy metals such as alkaline dry cell, nickel-cadmium, or lithium ion.	<20/month	Continuous	Accumulate for <one year	Recycle
Spent fluorescent bulbs or high-intensity discharge lamps	Facility lighting	< 100 per year	Intermittent	Accumulate for <one year	Recycle
Hazardous^a					
Used hydraulic fluid, oils and grease	HTF system, turbine, and other hydraulic equipment	100,000 gallons/year	Intermittent	Accumulated for <90 days	Recycle
Effluent from oily water separation system	Plant wash down area/oily water separation system	6,000 gallons/year	Intermittent	None	Recycle
Oil absorbent, and oil filters	Various	Ten 55-gallon drums per month	Intermittent	Accumulated for <90 days	Sent off site for recovery or disposal at Class I landfill.
Soil contaminated with HTF (>10,000 milligrams per kilogram [mg/kg])	Solar array equipment leaks	20 cy/year	Intermittent	Accumulated for <90 days	Sent off site for disposal at a Class I landfill or to soil thermal treatment facility.
Spent carbon	Spent activated carbon from air pollution control of HTF vent	90,000 pounds/year	Intermittent	Contained in engineered process vessel, no accumulation outside of process	Sent off site for regeneration at a permitted management facility.
Spent batteries	Lead acid	40 every 2 years	Intermittent	Accumulated for <180 days	Recycle

NOTE:

^a Classification under Title 22 CCR Division 4.5, Chapters 11, 12, and 23.

SOURCE: CEC RSA, 2010

HTF vent; soil contaminated with HTF as a result of solar array equipment leaks; and spent lead acid batteries. Used hydraulic fluid, oils, and grease would be recycled; effluent from the oily water separation system would be recycled; oil adsorbent and oil filters would be sent offsite for recovery or disposal at a Class I landfill; spent activated carbon would be sent off site for regeneration at a permitted management facility; HTF-contaminated soil (concentration greater than 10,000 milligram per kilogram) would be sent off site for disposal at a Class I landfill or to a soil thermal treatment facility; and spent lead acid batteries would be recycled (CEC RSA, 2010).

For all construction waste, recyclable materials would be separated and removed to recycling facilities; non-recyclable materials would be disposed of at a Class III landfill. There are at least seven Class III landfill facilities located in the project vicinity, including the Oasis Sanitary Landfill (in Oasis), Desert Center Landfill (in Desert Center), Blythe Sanitary Landfill (in Blythe), El Sobrante Landfill (in Corona), Badlands Sanitary Landfill (in Moreno Valley), Lamb Canyon Sanitary Landfill (in Beaumont), and Chiquita Canyon Sanitary Landfill (in Valencia). With the exception of Oasis and Desert Center, there is sufficient capacity at these facilities to handle the project's construction and operation non-hazardous wastes over the life of the project, amounting to less than 1.0 percent of total landfill capacity. Disposal of the non-hazardous solid wastes generated by the proposed action would occur without substantially impacting the capacity or remaining life of the other Class III facilities in Riverside County.

Hazardous wastes generated during construction, operation and closure/decommissioning would be recycled to the extent possible and practical. Those wastes that cannot be recycled would be transported off site to a permitted treatment, storage, or disposal facility. Hazardous wastes would be transported to one of two available Class I waste facilities: Clean Harbors Buttonwillow Landfill in Kern County and Chemical Waste Management Kettleman Hills Landfill in Kings County. The Kettleman Hills facility also accepts Class II and III waste. The quantity of hazardous wastes from the proposed project requiring off-site disposal would be up to approximately 0.1 percent of the combined remaining capacity of the two Class I waste facilities. There is sufficient remaining capacity at these facilities to handle the project's hazardous wastes during its operating lifetime. In addition to the Class I landfills, there are several commercial liquid hazardous waste treatment and recycling facilities in California that can process project-related hazardous wastes.

Alternatives

Reconfigured Alternatives 1 and 2

If Reconfigured Alternatives 1 or 2 (Option 1 or 2) were selected, a utility-scale solar energy generating facility would be developed in the vicinity of proposed site and it would have the same generating capacity as the proposed action. The types and amounts of non-hazardous, universal and hazardous wastes would be similar to the proposed action. Compliance with applicable LORS would be required. Consequently, risks to public health and safety would be comparable to the proposed action.

Reduced Acreage Alternative

If the Reduced Acreage Alternative were selected, a solar energy generating facility would be developed on the site that is approximately 25 percent smaller than that of the proposed action and would generate 25 percent less energy than the proposed action. The non-hazardous, universal and hazardous wastes generated under this alternative would be similar to those of the proposed action. However, the volume of wastes would be reduced by approximately 25 percent compared to the proposed action. Consequently, public health and safety risks would be similar to, but slightly less than, the proposed action.

No Action Alternative A

If No Action Alternative A were selected, there would be no direct or indirect impacts on public health and safety related to non-hazardous, universal and hazardous waste, because the requested ROW application would be denied and no amendment of the CDCA Plan would be approved. In this case, no cumulative impacts would presently be caused or contributed to under this alternative.

However, No Action Alternative A leaves open the possibility that any use allowable in an MUC-M area could be proposed on the site. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

If No Project Alternative B were selected, there would be no direct or indirect impacts on public health and safety relating to non-hazardous, universal and hazardous wastes, because the requested ROW application would be denied and the CDCA Plan would be amended to identify the site as unsuitable for any type of solar energy development. Other uses consistent with CDCA Plan MUC-M could be proposed. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

If No Project Alternative C were selected, there would be no direct or indirect impacts on public health and safety relating to non-hazardous, universal and hazardous wastes. No cumulative impacts presently would be caused or contributed to under this alternative. However, under No Project Alternative C, the CDCA Plan would be amended to identify the site as suitable for any type of solar energy development. Accordingly, non-hazardous, universal and hazardous waste-related impacts could occur under No Project Alternative C if a solar energy project, or other type of renewable energy project would be developed on the site. Resulting impacts could be similar to, greater, or less than those of the proposed action.

4.11.3.3 Discussion of Cumulative Impacts

Existing waste management-related conditions within the cumulative impacts area reflect a combination of the natural condition as well as the effects of past actions and are described in Chapter 3. Additionally, existing projects along the I-10 Corridor (Eastern Riverside County) including existing renewable energy project also generate waste that is generally disposed of within Riverside County. Most of the reasonably foreseeable projects along the I-10 corridor identified Table 4.1-4 would generate smaller volumes of non-hazardous, universal and hazardous waste than the project. Direct and indirect effects of the project, including those associated with the generation of non-hazardous, universal and hazardous wastes that would add to the total waste generated in Kern, Kings and Riverside Counties, are analyzed above. Past, present, and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. The geographic extent for the analysis of the cumulative impacts associated with the project is the location of the closest large Class I landfills in Kern and Kings counties and Class III landfills in Riverside County. This geographic scope is appropriate because waste disposal facilities in these counties are the ones most likely to be used for disposal of waste generated by the project considering regulatory acceptability and transport costs.

Cumulative waste impacts could also occur as a result of development of some of the many proposed solar and wind development projects and other non-energy projects that have been or are expected to be under consideration by the BLM, the CEC and Riverside County during the life of the proposed action, from construction to decommissioning. Many of these projects are located within the California Desert Conservation Area, as well as on BLM land. Since each project would be constructed in similar time frames, large quantities of waste could require disposal at a small number of facilities simultaneously, resulting in negative impacts to landfill capacity.

Cumulative Impacts in the Project Area

A value of 100 cubic yards per MW was used as a rough guide for determining total volume of non-hazardous solid wastes that could result from implementation of all the solar energy projects listed in Table 4.1-2. Solar projects represent approximately half of the projects on the list, so it is assumed that they would generate approximately half the volume of non-hazardous waste generated by all the cumulative renewable energy projects. The 100 cubic yards per MW value is based on the 500 MW project total lifetime value of 52,260 cubic yards of non-hazardous solid waste and factors in the lesser amounts of waste likely to be generated by solar photovoltaic projects. Similar to the project, these quantities for the cumulative solar projects do not include closure or decommissioning wastes; disposal at landfills with adequate capacity would be a condition in facility closure plans. The approximately 4,723,300 cubic yards generated by the solar energy projects in the cumulative scenario list indicates that all of the renewable power projects on the list, including wind energy, would generate approximately 9,447,000 cubic yards within the cumulative impacts area. When compared to the almost 200,000,000 cubic yards of Riverside County Class III landfill capacity available to these generators as identified in Table 3.12-1, *Solid Waste Disposal Facilities*, it is apparent that the non-hazardous waste generated by the project would not result in

substantial cumulative effects related to waste management. Moreover, the Mesquite Regional Class III Landfill in Imperial County with a capacity of 600 million tons is scheduled to be fully operational in 2011/2012, providing a substantial increase in capacity for waste removal in the desert region.

4.11.3.4 Summary of Mitigation Measures

Implementation of the mitigation measures imposed by the CEC as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following address impacts on waste:

WASTE-2: Construction Supervision of Professional Engineer or Professional Geologist to oversee any earth-moving activities that have the potential to disturb contaminated soil and impact public health, safety, and the environment.

WASTE-3: Soil Inspection by Professional Engineer or Professional Geologist of any contaminated soils identified during earth-moving activities to determine extent of contamination, provide a written report to the applicant, DTSC or RWQCB and Compliance Project Manager (CMP) with recommendations.

WASTE-4: Construction Waste Management Plan ensures compliance with applicable LORS.

WASTE-5: Hazardous Waste Generator Identification: required to be obtained from the U.S. Environmental Protection Agency (USEPA) before generating any hazardous wastes during project construction and operation.

WASTE-6: Notification of Waste-Management Violation: to the CPM whenever any waste management related enforcement action is initiated by a local, state, or Federal authority concerning the project or its waste disposal contractors.

WASTE-7: Operation Waste Management Plan identifies all hazardous and non-hazardous wastes and the methods of managing the wastes.

WASTE-8: Document Releases and Spill of HTF requires the compliance with regulatory requirements for managing accidental discharges of HTF and to ensure that hazardous concentrations of HTF-contaminated soils are not treated in the project's Land Treatment Unit (LTU), which is designed to only handle HTF soils that do not exceed hazardous threshold levels.

WASTE-9: Documentation and Remediation of Accidental or Unauthorized Spills: report, clean up, and remediate any hazardous materials spills or releases.

WASTE-10: Appropriate Landfill Use requires that none of the project's non-hazardous, non-recyclable and non-reusable construction and operation waste be diverted or deposited at Desert Center or Oasis Sanitary Landfills.

4.11.3.5 Residual Impacts after Mitigation Measures were Implemented

None are expected.

4.11.3.6 Unavoidable Adverse Impacts

None are expected.

4.11.4 Unexploded Ordnance (UXO)

UXO presents an immediate risk of acute physical injury from fire or explosion resulting from accidental or unintentional detonation. As discussed in Section 3.12.4, *Unexploded Ordnance (UXO)* unidentified UXO could be present on the site or along the access routes or the existing or proposed corridors of the power lines.

4.11.4.1 Impact Assessment Methodology

Review of historical uses of the site, generally-accepted risk information that is widely-available from a multitude of internet sources, and analysis included in the CEC's Revised Staff Assessment all contributed to the analysis of potential UXO-related impacts associated with development of the project.

4.11.4.2 Discussion of Direct and Indirect Impacts

Proposed Action

During construction, maintenance, and closure and decommissioning activities associated with the proposed action, land disturbance activities could unearth unexploded World War II-era and more recent vintage munitions, including conventional and unconventional land mines, personnel mines, and bullets, the detonation of which would pose a safety risk to the construction workers. For example, surface and shallow sub-surface UXO could be disturbed by vehicles, walkers, and excavation using shovels or similar hand tools, and deeper sub-surface UXO could be disturbed by the earth movement and excavation processes that would be required for development of the proposed action.

Due to the proximity of the project site to Palen Pass and the historic World War II training camps, and the potential for UXO to be present in the study area, the Applicant plans to conduct pre-construction UXO surveys with qualified technicians (that meet Department of Defense requirements) and/or employ UXO experts during ground disturbances in areas that may contain UXO. Implementation of Mitigation Measures WASTE-1, would formalize UXO training, investigation, removal, and disposal.

Alternatives

Action Alternatives, No Action Alternative A and CDCA Plan Amendment/No Project Alternative B

Risks associated with accidental or unintentional detonation of UXO would be equal to those of the proposed action for all of the alternatives pursuant to which ground disturbance could occur consistent with the CDCA Plan (including No Action Alternative A, CDCA Plan Amendment/No Project Alternative B, and CDCA Plan Amendment/No Project Alternative C) regardless of

whether such disturbance is related to the development of a renewable energy project. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.4.3 Discussion of Cumulative Impacts

The accidental or unintentional detonation of UXO in the vicinity of the project constitutes a continuing risk of immediate, acute physical injury from fire or explosion. However, the incremental UXO-related risks of projects in the cumulative scenario could not combine in a way that would be additive, countervailing, or synergistic. Consequently, there would be no significant UXO-related cumulative impacts associated with the project.

4.11.4.4 Summary of Mitigation Measures

Implementation of the mitigation measures imposed by the CEC as Conditions of Certification for the project also would avoid or reduce impacts of unexploded ordnance on health and human safety. These mitigation measures are set forth in Appendix B. The following address impacts for UXO:

WASTE-1: Training and Reporting Plan. This mitigation measure requires the project owner to prepare a UXO Identification, Training and Reporting Plan to train site workers to recognize, avoid, and report military waste debris and ordnance before the start of construction.

4.11.4.5 Residual Impacts after Mitigation Measures were Implemented

Even with the implementation of the Mitigation Measure identified above, a risk of accidental or unintentional detonation of UXO would remain, resulting in a continuing risk of immediate, acute physical injury from fire or explosion.

4.11.4.6 Unavoidable Adverse Impacts

Unavoidable adverse impacts would be the same as the residual impacts discussed above.

4.11.5 Undocumented Immigrants (UDI)

There are no known incidents with UDI at or near the project site. Thus, no UDI-related direct or indirect impacts would result from the proposed action or alternatives, no mitigation measures are recommended, and no cumulative impacts, residual impacts, or unavoidable adverse impacts on UDI would result.

4.11.6 Transmission Line Safety and Nuisance

4.11.6.1 Impact Assessment Methodology

The potential magnitude of the line impacts of concern depends on compliance with the listed design-related laws, ordinances, regulations, and standards as well as industry practices (Table 1-1), which have been established to maintain impacts below hazard thresholds. Thus, if the proposed action would comply with applicable laws, ordinances, regulations and standards, then it would remain below such thresholds.

4.11.6.2 Discussion of Direct and Indirect Impacts

Proposed Action

This analysis focuses on the transmission line required to serve the generation facility, and addresses the following issues taking into account both the physical presence of the line and the physical interactions of its electric and magnetic fields:

1. aviation safety;
2. interference with radio-frequency communication;
3. audible noise;
4. fire hazards;
5. hazardous shocks;
6. nuisance shocks; and
7. electrical and magnetic field (EMF) exposure.

The transmission line for the proposed action, Reconfigured Alternatives 1 and 2, as well as the Reduced Acreage Alternative would follow the same route. The line would (a) be constructed, operated, and maintained according to SCE's guidelines for line safety and field management which conform to applicable law, ordinances, regulations, and standards and (b) would traverse undisturbed desert land with no nearby residents, thereby eliminating the potential for residential electric and magnetic field exposures.

Since the line for the proposed action and the action alternatives would be designed and operated according to the applicable SCE guidelines, there would be no difference in the magnitude of the field and nonfield impacts of concern in this analysis. This lack of difference would manifest itself regarding radio frequency communication, audible noise, hazardous and nuisance shocks, electric and magnetic field levels, fire hazards, and aviation safety.

Aviation Safety

The overhead 230 kV single circuit transmission line would likely range from 90 feet to a maximum of 145 feet in height and would span approximately five miles from the project power block westward to SCE's proposed Red Bluff Substation. The closest airports are the Desert Center Airport (2 miles from the transmission line) and the Blythe Airport (approximately 30 miles east of the site). Since the 145 foot maximum height of the proposed transmission line's

support structures is well below the 200-foot height threshold of concern for the FAA, it is unlikely that the proposed transmission line would affect navigable airspace.

Interference with Radio-Frequency Communication

The proposed action line would be designed, built, and maintained in keeping with standard SCE practices that minimize surface irregularities, surface discontinuities, and related corona noise. Such corona effects would further be minimized by the specific low-corona designs proposed by the Applicant. No radar transmission or receiving facilities or other NAVAIDS are located at the Desert Center Airport. Since the line would traverse an uninhabited open space and would not interfere with modern digital airport-related communications, no interference with radio-frequency communication would occur.

Audible Noise

Since the noise level depends on the strength of the line electric field, the potential for perception could be assessed from estimates of the field strengths expected during operation. Such noise is usually generated during rainfall, mainly from overhead lines of 345 kV or higher, unlike the proposed transmission line. Research by the Electric Power Research Institute has validated this by showing the fair-weather audible noise from modern transmission lines to be generally indistinguishable from background noise at the edge of a right-of-way of 100 feet or more (CEC RSA, 2010). Since the low-corona designs are also aimed at minimizing field strengths, operation of the proposed line would not significantly contribute to current background noise levels in the project area. For an assessment of the noise from the proposed line and related facilities, please refer to Section 4.9, *Impacts on Noise*.

Fire Hazards

Potential fire hazards would be caused by sparks from conductors of overhead lines, or could result from direct contact between the line and nearby trees and other combustible objects. Standard fire prevention and suppression measures for similar SCE lines would be implemented for the proposed line (CEC RSA, 2010). Additionally, potential fire hazards would be addressed through compliance with applicable laws, ordinances, regulations, and standards (Table 1-1).

Hazardous and Nuisance Shocks

Operation of the proposed transmission line could result in hazardous and/or nuisance shocks. For the proposed line, the Applicant would be responsible in all cases for ensuring compliance with standard industry practices within the right-of-way (ROW) including minimum national safe operating clearances and grounding procedures for metallic objects.

Electric and Magnetic Field Exposure

While health hazards related to EMF exposure have not been established from the available evidence, the absence of such evidence does not serve as proof of a definite lack of a hazard. Therefore, it is appropriate, in light of present uncertainty, to recommend feasible reduction of such fields without affecting safety, efficiency, reliability, and maintainability of the proposed line.

The California Public Utilities Commission (CPUC) requires each utility within its jurisdiction to establish EMF-reducing measures and incorporate such measures into the designs for all new or upgraded power lines and related facilities within their respective service areas. The EMF fields for newly designed transmission lines are required to be similar to other lines in that service area. In the utility industry, the present focus is on reducing the impacts of magnetic fields because unlike electric fields, they can penetrate the soil, buildings, and other materials to produce the types of human exposures at the root of the health concern of recent years.

As with similar SCE lines, specific field strength-reducing measures would be incorporated into the proposed line's design to ensure the field strength minimization currently required by the CPUC in light of the concern over EMF exposure and health.

The field reduction measures to be applied include the following:

1. increasing the distance between the conductors and the ground to an optimal level;
2. reducing the spacing between the conductors to an optimal level;
3. minimizing the current in the line; and
4. arranging current flow to maximize the cancellation effects from interacting of conductor fields.

Solar panels do not emit electromagnetic waves over distances that could interfere with radar signal transmissions, and any electrical facilities that do carry concentrated current would be buried beneath the ground and away from any signal transmission. Setbacks of 500 and 250 feet have been determined to be adequate protective buffers of solar fields from major on-airport radar equipment at Oakland and Bakersfield, respectively (FAA, 2010b), and the greater setback between aviation facilities and the project is expected to adequately address aviation safety-related concerns. Similarly, because there are no residences in the immediate vicinity of the route for the proposed line, there would not be the long-term residential EMF exposures that generally lead to health-related EMF concerns. The only project-related EMF exposures would be the short-term exposures of plant workers, regulatory inspectors, maintenance personnel, visitors, or individuals in the vicinity of the line. Short term exposures are well understood as not significantly related to the health concern.

Alternatives

Action Alternatives

Construction and operation of Reconfigured Alternatives 1 and 2, and the Reduced Acreage Alternative would have the same transmission line safety and nuisance impacts to those analyzed for the project since the transmission line under these alternatives would follow the same route.

No Action Alternative A

Under this alternative, the PSPP would not be implemented and the CDCA Plan would not be amended. The project site could become available to other uses that are consistent with Multiple Use Class-M. However, insufficient information is available at this time about what other uses

would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed action would not be implemented and BLM would make the area unavailable for future solar development. Under this scenario, any non-solar energy use consistent with the CDCA Plan MUC-M classification could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the PSPP would not be implemented, but BLM would allow for other solar projects on the site. Under this alternative, other renewable energy projects, including solar projects, may be constructed to meet state and federal mandates, and those projects would require transmission lines that could have similar transmission line safety and nuisance impacts as those that would occur under the proposed action. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.6.3 Discussion of Cumulative Impacts

Incremental impacts of construction, operation, maintenance, and decommissioning of the project could contribute to a cumulative effect on transmission line safety and nuisance when considered in combination with additional transmission lines that would be associated with the cumulative projects (see Section 4.1.4, *Cumulative Scenario Approach*). The cumulative impacts area for potential cumulative transmission line safety and nuisance impacts would be limited to the immediate vicinity of the proposed transmission line. The relevant timeframe within which incremental impacts could interact to cause or contribute to cumulative impacts would begin when the proposed transmission line is erected and would last for as long as the line remains in place. This time period very likely could extend past the point of site closure and decommissioning of the project.

Existing conditions within the cumulative impacts area reflect a combination of the existing conditions and the effects of past actions and are described in FEIS Chapter 3. Direct and indirect effects of the proposed action and alternatives are analyzed above. Past, present, and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. It is unlikely that transmission lines associated with the cumulative projects would be sited in the immediate vicinity of the transmission line of the proposed action. Therefore, cumulative impacts are not anticipated to result from the proposed action. None of the alternatives is expected to cause or contribute to any cumulative transmission

line safety and nuisance impacts, because, if a line is built pursuant to the alternative, incremental impacts would be the same as those of the proposed action and, if no line is built, no line-related impacts would result.

Regarding EMF exposure, when field intensities are measured or calculated for a specific location, they reflect the interactive, and therefore, cumulative effects of fields from all contributing conductors. This interaction could be additive or countervailing, depending on prevailing conditions. Since the proposed action's transmission line would be designed, built, and operated according to applicable SCE field-reducing guidelines (as currently required by the CPUC for effective field management), any contribution to cumulative area exposures should be at levels expected for SCE lines of similar voltage and current-carrying capacity. The action alternatives would contribute to cumulative EMF conditions, as could the no project alternative scenarios that could include a transmission line. If no transmission line were developed, the alternative would not generate EMF.

4.11.6.4 Summary of Mitigation Measures

The implementation of the mitigation measures imposed by the CEC as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following mitigation measures address impacts on transmission line safety and nuisance:

TLSN-1: EMF Reduction Guidelines. This mitigation measure requires the project owner to construct the proposed transmission line according to applicable State requirements, including requirements of the California Public Utility Commission's General Orders, regulatory High Voltage Electrical Safety Orders, and Southern California Edison's EMF reduction guidelines.

TLSN-2: Measurements of Electric and Magnetic Fields. This mitigation measure requires the project owner to use a qualified individual to measure the strengths of the electric and magnetic fields before and within 6 months after energization according to specified standard procedures.

TLSN-3: Transmission Line Distance from Combustible Material. This mitigation measure requires the project owner to ensure that the proposed transmission line ROWs are kept free of combustible material in accordance with State law.

TLSN-4: Grounding Permanent Metallic Objects. This mitigation measure requires the project owner to ensure that all project-related permanent metallic objects within the transmission line ROWs are grounded according to industry standards regardless of ownership.

4.11.6.5 Residual Impacts after Mitigation Measures were Implemented

None are expected.

4.11.6.6 Unavoidable Adverse Impacts

None are expected.

4.11.7 Traffic and Transportation Safety

4.11.7.1 Impact Assessment Methodology

The Traffic and Transportation Safety analysis focuses on:

1. Whether construction or operation of the project would result in traffic and transportation safety impacts, including aviation safety.
2. Whether the project would comply with applicable laws, ordinances, regulations and standards (see Table 1-1).

In this analysis, potential impacts are identified related to the construction and operation of project on the surrounding transportation systems and roadways and, when applicable, mitigation measures are proposed.

4.11.7.2 Direct and Indirect Impacts

Proposed Action

Aviation Safety

The Desert Center Airport is located approximately 5 miles northwest of the main project site; it is used an average of approximately 12 times a month. Construction, operation and decommissioning of the project could have a limited affect on airport operation. The project includes two dry-cooling systems, including two 120-foot air-cooled condensers, one for each system. Under certain ambient air conditions, the two air-cooled condensers could create upward plumes exceeding 14.1 feet per second (f/s), which is equivalent to 4.3 meters per second (m/s), at heights as much as approximately 1,670 feet above ground level (AGL)³ (CEC RSA, 2010b). For the purposes of this analysis, it has been determined that a plume of 14.1 f/s velocity has the potential to affect aircraft operations when flying at low levels (CEC RSA, 2010b). Given the rare use of the Desert Center Airport and distance between the project site and the Blythe Airport, it is not anticipated that industrial plumes would impact aviation safety.

Solar facilities generally use one of three technologies designed to concentrate the sun's rays to generate heat, thereby creating electricity. The project would consist of parabolic trough solar collector arrays. A parabolic trough, a type of a solar thermal energy collector, is constructed as a long parabolic mirror with a Dewar tube running its length at the focal point. Sunlight is reflected by the mirror and focused on the Dewar tube. This technology has the potential for creating glint and glare. *Glint* is defined as a momentary flash of light; *glare*, as a more continuous source of

³ These calculations were completed by an aviation consultancy firm to assess the impacts of proposed Blythe Solar Power Project in order to determine potential impacts on aviation safety and the general operations of Blythe Airport. Given the similarities of the proposed infrastructure for the Blythe and Palen facilities, it was extrapolated that the facilities would generate industrial plumes of similar types and size.

excessive brightness relative to the ambient lighting. Hazards from glint and glare from concentrating solar plants can range from permanent eye injury or retinal burn to temporary disability or distractions (flash blindness). These hazards could affect pilots using or flying to the airport. However, reducing the potential for project-related glint and glare impacts, the windows of air traffic control towers and airplane cockpits are coated with anti-reflective glazing and operators generally wear polarized eye wear (FAA, 2010a).

The Applicant has proposed two, four-acre evaporation ponds (i.e., artificial bodies of water) to be located next to each power block. The evaporation ponds will result in 8 acres of evaporation ponds within the project site. Evaporation ponds could attract birds, especially where natural water sources are scarce. This could affect nearby airport operations because flying birds could become a hazard to aircraft, particularly during take-offs and landings, the most critical times of flight. During take-offs and landings, the presence of birds could obscure pilots' vision or result in other dangers or distractions that could cause pilots to lose control of their aircraft. Mitigation of this impact would be appropriate.

Roadway Safety

The direct and indirect traffic and transportation safety-related impacts of the project on the transportation system are examined in this section. Several pieces of equipment that exceed roadway load or size limits would need to be transported to the project site via I-10 during construction, potentially resulting in a roadway hazard. This equipment includes the steam turbine generators and main transformers. The equipment would be transported using multi-axle trucks. To transport the equipment, the Applicant must obtain special ministerial permits from Caltrans to move oversized or overweight materials. In addition, the Applicant must ensure proper routes are followed; proper time is scheduled for the delivery; and proper escorts, including advanced warning and trailing vehicles as well as law enforcement control are available, if necessary.

Hazardous materials to be used by the project consist of Liquefied Petroleum Gas (LPG) and heat transfer fluid (Therminol VP-1™) as well as diesel fuel, mineral insulating oil, and lube oil. Five thousand gallon tanker trucks that would meet the appropriate US Department of Transportation (DOT) requirements would use I-10 two times a week to make deliveries of LPG to the site (a total of approximately 104 deliveries per year). Transportation of hazardous materials could result in leaks or spills and cause a hazard to public health and safety. Trucks would travel on I-10, exit at Corn Springs Road and continue to the project site via a new access road. The transport vehicles would be required to follow federal and state regulations governing proper containment vessels and vehicles, including appropriate identification of the nature of the contents. Additionally, the Applicant would be required to develop and implement a Safety Management Plan for the delivery of hazardous materials. See Table 1-1 for information about applicable laws, ordinances, regulations, and standards.

Emergency Services Vehicle Access

A decrease in public safety could occur if emergency vehicles do not have proper access to the site during construction and operations. Emergency vehicles would have adequate access to the Project site directly from I-10 at Corn Springs Road (CEC RSA, 2010). On-site circulation of

emergency vehicles would be subject to site plan review by the Riverside County Fire Department. Additionally, the Applicant would be required to provide a secondary access to the site for emergency purposes, subject to review by the Riverside County Fire Department.

Water and Rail Obstructions

The project is not adjacent to a navigable body of water and therefore would not alter water-related transportation. Also, the proposed action would not alter rail transportation since no rail tracks exist on or near the project site.

Alternatives

Action Alternatives

Construction and operation of Reconfigured Alternatives 1 and 2 and the Reduced Acreage Alternative would have similar roadway safety impacts as those described for the project since the facilities under these alternatives would generally be the same, with only a minor reconfiguration of one or both solar units or a 25 percent reduction in the overall acreage. Therefore, there would be no substantial change in impacts from a roadway safety perspective under these alternatives.

No Action Alternative A

Under this alternative, the PSPP would not be implemented and the CDCA Plan would not be amended. The project site could become available to other uses that are consistent with Multiple Use Class-M. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed action would not be implemented and BLM would make the area unavailable for future solar development. Under this scenario, any non-solar energy use consistent with the CDCA Plan MUC-M classification could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the PSPP would not be implemented, but BLM would allow for other solar projects on the site. Under this alternative, other renewable energy projects, including solar projects, may be constructed to meet state and federal mandates, and those projects would require transmission lines that could have similar transmission line safety and nuisance impacts as those that would occur under the proposed action. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or

conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.7.3 Discussion of Cumulative Impacts

Incremental traffic and transportation-related safety impacts⁴ resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect in combination with past, present, and/or reasonably foreseeable future actions. The cumulative impacts area for transportation safety consists of the I-10 corridor and areas in the vicinity of the Desert Center Airport and Blythe Airport. This geographic scope of cumulative impacts analysis is limited to the area where project-related transportation impacts could cause hazards. Potential cumulative effects on transportation safety could begin (for aviation) with the installation-related testing of the proposed air-cooled condensers, the installation of facilities that could cause glint or glare, or the occurrence of water within the evaporation ponds, and (for roadways) with the onset of over-sized construction vehicles. These beginning points may not coincide precisely with the initiation of the construction period. The potential for cumulative impacts would persist for as long as these features are present, and could extend to the conclusion of the closure and decommissioning phase of the project.

Existing conditions within the cumulative impacts area reflect a combination of the existing condition and the effects of past actions and are described in Chapter 3. Direct and indirect effects of the proposed action and alternatives are analyzed above. Past, present, and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. Within the cumulative impacts area for transportation safety, there are 13 solar projects (including the Genesis Solar Energy Project and the Blythe Solar Power Project) proposed along the I-10 corridor predominantly between Desert Center and Blythe. Based on the currently available data for these various projects (information obtained from Plans of Development and other project documents), and assuming all projects move forward, these projects would be under construction in the same general time frame as the project (2010 to 2013). Construction traffic could affect area roadways at the same time, thereby increasing the potential safety risks associated with accidents, hazardous materials spills, and potential incompatibility with other types of vehicles. Projects other than renewable projects also could proceed during this timeframe and, thereby, contribute construction traffic-related risks elsewhere along the I-10 corridor. The increased risk of safety hazards associated with construction traffic could be substantial.

Aviation-related risks could increase as a result of the construction and operation of water features that could attract birds as part of other developments, such as the evaporation ponds associated with the Blythe Solar Power Project, thermal plumes caused by condensers and other equipment, and new sources of glint or glare, such as the solar troughs associated with utility scale solar thermal projects (e.g., the Blythe Solar Power Project, Genesis Solar Energy Project and the PSPP) and, to a lesser extent (FAA, 2010a), solar panels associated with photovoltaic projects (e.g., Desert Sunlight). Together, these contributions to an aviation-related hazard could be

⁴ Traffic impacts, as contrasted with safety impacts, are analyzed in PA/FEIS Section 4.16.

substantial. However, given the low level of use at the Desert Center Airport and the distance between the project site and the Blythe Airport, the project's contribution to aviation safety hazards is expected to be insubstantial.

4.11.7.4 Summary of Mitigation Measures

The implementation of the mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following mitigation measures address impacts on transportation safety:

TRANS-1: Regulation Compliance. This mitigation measure would require the project owner to comply with State of California and local regulations related to vehicle sizes and weights and driver licensing as well as transportation permits for roadway use.

TRANS-2: Transport of Hazardous Materials. This mitigation measure would require the project owner to ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.

BIO-26: Evaporation Pond Netting and Monitoring. This mitigation measure would require the project owner to cover the evaporation ponds with netting of a specified size before any discharge to exclude birds and other wildlife from drinking or landing on the water of the ponds; it also would require regular monitoring of the netted ponds to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife.

4.11.7.5 Residual Impacts after Mitigation Measures were Implemented

The implementation of Mitigation Measure BIO-26 to address aviation-related bird-attractant hazards associated with the planned evaporation ponds may not be enough to preclude the ponds from serving as an attractant to birds. Thus, some residual impact would remain.

4.11.7.6 Unavoidable Adverse Impacts

None are expected.

4.11.8 Worker Safety and Fire Protection

4.11.8.1 Impact Assessment Methodology

Two issues are assessed in Worker Safety-Fire Protection:

1. The potential for impacts on the safety of workers during demolition, construction, and operations activities, and
2. Fire prevention/protection, emergency medical response, and hazardous materials spill response during demolition, construction, and operations.

Worker safety issues are thoroughly addressed by Cal/OSHA regulations. If all LORS are followed, workers would be adequately protected.

Regarding fire prevention matters, the on-site fire-fighting systems proposed by the Applicant have been analyzed and the time needed for off-site local fire departments to respond to a fire, medical, or hazardous material emergency at the project site has been determined. If on-site systems do not follow established codes and industry standards, additional measures would be recommended. The local fire department capabilities and response times in each area have been reviewed and interviews have been conducted with local fire officials to determine if they feel adequately trained, manned, and equipped to respond to the needs of a power plant.

4.11.8.2 Direct and Indirect Impacts

Proposed Action

Worker Safety

Industrial environments are potentially dangerous during construction and operation and maintenance, and closure and decommissioning of facilities. Workers at the project site would be exposed to excessive heat, loud noises, moving equipment, trenches, and confined space entry and egress. The workers could experience falls, trips, burns, lacerations, and numerous other injuries. They could be exposed to falling equipment or structures, chemical spills, hazardous waste, fires, explosions, or electrical sparks and electrocution.

Other workplace hazards that could be associated with the proposed action are less traditionally industrial, and more specific to the nature of a utility-scale solar energy generation plant. This solar power plant would provide a work environment that includes a solar field located in the high desert. The solar field features thousands of mirrors that heat a heat transfer fluid (HTF) to approximately 750 °F. At the mirror focal point, the pipe containing the HTF would reach temperatures as high as 1,100 °F. Experience at existing solar generating stations shows that these mirrors break, the pipes age, and HTF can leak and catch fire from ball joints or frayed flex hoses. The area under the solar arrays must be kept free from weeds and thus herbicides would be applied as necessary. Exposure to workers via inhalation and ingestion of dust containing herbicides poses a health risk. Finally, workers would inspect the solar array for HTF leaks and broken mirrors at least once each day by driving up and down dirt paths between the rows of mirrors and even under the mirrors. Cleaning the mirrors would also be conducted on a routine schedule. All these activities would take place year-round and especially during the summer months of peak solar power generation, when outside ambient temperatures routinely reach 115 °F and above.

Consequently, it would be particularly important for the Applicant to have well-defined policies and procedures, training, and hazard recognition and control at project facilities to minimize such hazards and protect workers. If the project complies with all applicable laws, ordinances, regulations, and standards (Table 1-1), workers would be adequately protected from health and safety hazards.

Construction Safety and Health Program

Workers at the project site would be exposed to hazards typical of construction, operation, and decommissioning of a solar thermal electric power generating facility.

Construction Safety Orders are published at Title 8 California Code of Regulations sections 1502, et seq. These requirements have been promulgated by Cal/OSHA and would apply to the construction phase of the proposed action, and would require the development of a Construction Safety and Health Program. Such a program would include the following:

1. Construction Injury and Illness Prevention Program (8 CCR 1509);
2. Construction Fire Prevention Plan (8 CCR 1920);
3. Personal Protective Equipment Program (8 CCR 1514 - 1522); and
4. Emergency Action Program and Plan.

Additional programs under General Industry Safety Orders (8 CCR 3200-6184), Electrical Safety Orders (8 CCR 2299-2974), and Unfired Pressure Vessel Safety Orders (8 CCR 450-544) would include:

1. Electrical Safety Program;
2. Motor Vehicle and Heavy Equipment Safety Program;
3. Forklift Operation Program;
4. Excavation/Trenching Program;
5. Fall Protection Program;
6. Scaffolding/Ladder Safety Program;
7. Articulating Boom Platforms Program;
8. Crane and Material Handling Program;
9. Housekeeping and Material Handling and Storage Program;
10. Respiratory Protection Program;
11. Employee Exposure Monitoring Program;
12. Hand and Portable Power Tool Safety Program;
13. Hearing Conservation Program;
14. Back Injury Prevention Program;
15. Ergonomics Program;
16. Heat and Cold Stress Monitoring and Control Program;
17. Hazard Communication Program;
18. Lock Out/Tag Out Safety Program;
19. Pressure Vessel and Pipeline Safety Program; and
20. Solar Components Safe Handling Program.

Operations and Maintenance Safety and Health Program

Prior to the start of operations of the project, the Operations and Maintenance Safety and Health Program would be prepared. This operational safety program would include the following programs and plans:

1. Injury and Illness Prevention Program (8 CCR 3203);
2. Fire Protection and Prevention Program (8 CCR 3221);
3. Personal Protective Equipment Program (8 CCR 3401-3411); and
4. Emergency Action Plan (8 CCR 3220).

In addition, the requirements under General Industry Safety Orders (8 CCR 3200-6184), Electrical Safety Orders (8 CCR 2299-2974), and Unfired Pressure Vessel Safety Orders (8 CCR 450-544) would apply to the proposed action. Written safety programs for the project, which the Applicant would develop, would ensure compliance with the above-mentioned requirements and would assure that the impacts that otherwise could occur would be avoided or sufficiently minimized.

Safety and Health Program Elements

As mentioned above, the Applicant provided the proposed outlines for both a Construction Safety and Health Program and an Operations Safety and Health Program. The measures in these plans are derived from applicable sections of state and federal law. Both safety and health programs would be comprised of six more specific programs and would require major items detailed in the following paragraphs.

Injury and Illness Prevention Program

The Injury and Illness Prevention Program would include the following components as presented in the AFC (CEC RSA, 2010):

1. Identity of person(s) with authority and responsibility for implementing the program;
2. Safety and health policy of the plan;
3. Definition of work rules and safe work practices for construction activities;
4. System for ensuring that employees comply with safe and healthy work practices;
5. System for facilitating employer-employee communications;
6. Procedures for identifying and evaluating workplace hazards and developing necessary program(s);
7. Methods for correcting unhealthy/unsafe conditions in a timely manner;
8. Safety procedures; and
9. Training and instruction.

Fire Protection

Although the need for fire department response to the project is not expected to be frequent, there is a significant chance that response needs could arise (CEC RSA, 2010). Development of the proposed action would be subject to requirements of the Riverside County Fire Department (RCFD), including access requirements. Further, implementation of the proposed action could require response or assistance from the RCFD's hazardous materials response team; advanced life support/ paramedic services; disaster preparedness and response during construction, operation and maintenance; or closure and decommissioning. The two closest RCFD stations that would respond to an incident at the project are located off of I-10 approximately 10 miles west. The Lake Tamarisk Station (#49) is located at 43880 Lake Tamarisk in Desert Center and the Terra Lago Station (#87) is located at 42900 Golf Center Parkway in Indio. The nearest hazardous materials response team is located at the North Bermuda Dunes Station (#81) located at 37-955 Washington Street in Palm Desert. Units from the two closest RCFD stations would arrive

at the project site within 14 minutes after dispatch when responding to incidences of fire and within approximately 1.5-2 hours when responding to hazardous material spills.

The types of hazards that could trigger the need for an RCFD response are discussed above. The Applicant would develop and implement a fire prevention program for the project and would be required to fund capital improvements and staffing for the RCFD. The Applicant also has coordinated with the RCFD to establish the level of fire-related risk that would be associated with the project and to determine the appropriate level of response capability commensurate with that risk and consistent with applicable safety regulations. Based on this planning and coordination, the proposed action would not be expected to cause access-related difficulties for the RCFD or adversely affect its response capability.

Further, compliance with applicable laws, ordinances, regulations, and standards would avoid or reduce the potential for workplace accidents that otherwise would require emergency responders. For example, California regulations applicable to the proposed action would require the Applicant to prepare an Operations Fire Prevention Plan (8 CCR 3221) to determine general program requirements (scope, purpose, and applicability) and potential fire hazards; to develop good housekeeping practices, proper handling and materials storage, potential ignition sources and control measures for these sources, and the persons who would be responsible for equipment and system maintenance; to locate portable and fixed fire-fighting equipment in suitable areas; to establish and determine training and instruction requirements; and to define recordkeeping requirements. Additionally, the 2007 California Fire Code, 2007 California Building Code and Riverside County Ordinance No. 787 would safeguard life and property from fire and explosion hazards. The Applicant would also have to prepare a complete chemical classification inventory for submission to the Riverside County Planning and Engineering Bureau.

Applicable regulations also would require preparation of a Personal Protective Equipment (PPE) Program and require first aid supplies be on-site whenever hazards are present that, due to process, environment, chemicals or mechanical irritants, can cause injury or impair bodily function as a result of absorption, inhalation, or physical contact (8 CCR 3380-3400). All safety equipment would have to meet National Institute of Safety and Health (NIOSH) or American National Standards Institute (ANSI) standards, and would carry markings, numbers, or certificates of approval. Respirators would meet NIOSH and Cal/OSHA standards. Each employee would be provided with the following information pertaining to the protective clothing and equipment: proper use, maintenance, and storage; when to use the protective clothing and equipment; benefits and limitations; and when and how to replace the protective clothing and equipment.

Compliance with the PPE Program would ensure that the Applicant complies with applicable PPE requirements and provides employees with the information and training necessary to protect them from potential workplace hazards. Further, applicable regulations would require an Emergency Action Plan (8 CCR 3220). It is expected that the Emergency Action Plan would identify roles and responsibilities; determine emergency incident response training; develop emergency response protocols; specify evacuation protocols; define post emergency response protocols; and determine notification and incident reporting. Additional LORS called *safe work practices* would apply to the

proposed action. Both the Construction and the Operations Safety Programs would address safe work practices under a variety of programs. The components of these programs would include, but not be limited to, the programs discussed above. Employee safety training would include safe work practices. Implementation of these measures and programs would serve as the primary mechanism for fire prevention and protection for the project. Services provided by the RCFD would be secondary and for emergency purposes.

Alternatives

Action Alternatives

Construction and operation of Reconfigured Alternatives 1 and 2 and the Reduced Acreage Alternative would have similar worker safety impacts as those described for the proposed action since the facilities under these alternatives would generally be the same, with only a reconfiguration of one or both solar units or a 25 percent reduction in the overall acreage. Therefore, there would be no substantial change in impacts associated with worker safety under these alternatives as compared to the proposed action.

No Action Alternative A

Under this alternative, the PSPP would not be implemented and the CDCA Plan would not be amended. The project site could become available to other uses that are consistent with Multiple Use Class-M. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed action would not be implemented and BLM would make the area unavailable for future solar development. Under this scenario, any non-solar energy use consistent with the CDCA Plan MUC-M classification could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the PSPP would not be implemented, but BLM would allow for other solar projects on the site. Under this alternative, other renewable energy projects, including solar projects, may be constructed to meet state and federal mandates, and those projects would require transmission lines that could have similar transmission line safety and nuisance impacts as those that would occur under the proposed action. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.8.3 Discussion of Cumulative Impacts

Incremental worker safety-related impacts of the project would result in a risk level that would remain below thresholds of concern and, therefore, would not cause or contribute to any cumulative effect on worker safety. Regardless of the level of solar development or acreage developed under any of the action alternatives, the utility-scale solar energy development that would result would be subject to the same worker safety requirements as the proposed action and, therefore, also would not result in a risk level that could cause or contribute to any cumulative effect on such safety. The no project alternatives are not expected to require workers, and so would not be expected to affect worker safety.

For purposes of this analysis, the cumulative impacts area for fire safety-related resources consists of the RCFD's service area. Potential cumulative fire safety-related effects could occur over the course of 40 or more years, encompassing the entire lifespan of the project, from construction, operation, and maintenance, through closure and decommissioning. For the fire safety-related issues of emergency medical and hazardous materials spill response, the incremental impacts of the project could result in a cumulative effect when combined with the impacts of other projects in the cumulative scenario. More specifically, a cumulative Worker Safety/Fire Protection impact would occur in the event of a simultaneous need for a fire department to respond to multiple locations such that its resources and those of the mutual aid fire departments (which routinely respond in every-day situations to emergencies at residences, commercial buildings, and heavy industry) would be over-whelmed and could not effectively respond. The RCFD has indicated that the project would result in a cumulative adverse impact to its effectiveness for timely responses. Implementation of Mitigation Measure WORKER SAFETY-7 would address such an impact by enhancing the ability of RCFD to respond to fire safety-related issues of emergency medical and hazardous materials spill response.

4.11.8.4 Summary of Mitigation Measures

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized below and set forth in Appendix B. The following would address impacts on worker safety / fire safety:

WORKER SAFETY-1: Project Construction Safety and Health Program. This mitigation measure would require the project owner to submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing various plans and programs to benefit worker safety.

WORKER SAFETY-2: Project Operations and Maintenance Safety and Health Program. This mitigation measure would require the project owner to submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing an Operation Injury and Illness Prevention Plan; an Operation heat stress protection plan; a Best Management Practices (BMP) for the storage and application of herbicides; an Emergency Action Plan; a Hazardous Materials Management Program; a Fire Prevention Plan; and a Personal Protective Equipment Program.

WORKER SAFETY-3: Construction Safety Supervisor. This mitigation measure would require the project owner to provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards.

WORKER SAFETY-4: Safety Monitor. This mitigation measure would require the project owner to make payments to the Chief Building Official (CBO) for the services of a Safety Monitor who will be responsible for verifying that the CSS implements all appropriate safety requirements.

WORKER SAFETY-5: Automatic External Defibrillator (AED). This mitigation measure would require the project owner to ensure that a portable automatic external defibrillator (AED) is located on site during construction and operations and shall implement a program to ensure that workers are properly trained in its use and that the equipment is properly maintained and functioning at all times.

WORKER SAFETY-6: Emergency Access Point. This mitigation measure would require the project owner to provide a secondary site access gate for emergency personnel and a second access road which provides entry to the site.

WORKER SAFETY-7: Fire Protection/Response Infrastructure. This mitigation measure would require the project owner to provide funding to offset project impacts to the RCFD.

WORKER SAFETY-8: Water Spray System. This mitigation measure would require the project owner to place a water spray system on the two liquefied petroleum gas storage tanks.

WORKER SAFETY-9: Dust Control Plan. This mitigation measure would require the project owner to develop and implement an enhanced Dust Control Plan that requires site worker use of dust masks whenever visible dust is present; and the implementation of local air pollution control district rules and other requirements relating to visible dust.

4.11.8.5 Residual Impacts after Mitigation Measures were Implemented

None are expected.

4.11.8.6 Unavoidable Adverse Impacts

None are expected.

4.11.9 Geologic Hazards

This analysis evaluates whether project-related activities could result in exposure to geological hazards, as well as whether the facility can be designed and constructed to avoid any such hazard which could impair its proper functioning. These hazards include faulting and seismicity, liquefaction, lateral spreading, dynamic compaction, hydrocompaction, subsidence, expansive and corrosive soils, landslides, flooding, volcanic hazards, tsunamis, and seiches.

4.11.9.1 Impact Assessment Methodology

The proposed action and alternatives are evaluated qualitatively in terms of their susceptibility to geologic and seismic hazards. Potential effects are assessed based upon existing publications and maps completed by regulatory agencies, such as the United State Geological Survey, California Geologic Survey, California Division of Mines and Geology and geotechnical engineers who have evaluated the site. The potential for damage to proposed structures or increased risk of injury due to geologic hazards is analyzed using available data from the aforementioned sources. In addition, the conclusions and recommendations provided in the geotechnical investigation are evaluated, and, where appropriate, incorporated into the analysis.

The following issues were considered in the analysis of impacts related to geology and soils for the proposed action and each alternative:

1. Accelerated and/or environmentally harmful soil erosion;
2. Damage to project elements or increased exposure of the public to risks from rupture of a known earthquake fault;
3. Injury, death, or property damage as a result of earthquake induced ground deformations (e.g. lateral spreading, subsidence, liquefaction, or collapse), or otherwise unstable soils;
4. Injury, death, or property damage as a result of an onsite or offsite landslide;

4.11.9.2 Discussion of Direct and Indirect Impacts

Proposed Action

Groundshaking

The occurrence of relatively large earthquakes in the Mojave region demonstrates that the site is likely to be subject to moderately intense earthquake-related ground shaking in the future (Modified Mercalli Intensity Level VII) over the life of the project. The anticipated level of shaking, based on the estimated peak ground acceleration (PGA) value at the site (discussed under Seismic Hazards) could result in slight damage to older structures and would not likely result in damage to newer structures built according to current design standards. Several laws and policies impose stringent seismic safety requirements on the design and construction of new structures (see Table 1-1). It is possible that groundshaking could cause the failure of hazardous materials storage tanks; solar field piping; the secondary containment system (berms and dikes); and the failure of electrically controlled valves and pumps. The failure of any of these components could result in leaks of chemicals that may cause fires or impact the environment. The solar array would be constructed to be flexible and the piping would be attached with ball joints and would not be fixed to a rigid structure; therefore failure of the piping during an earthquake is unlikely (CEC RSA, 2010). While ground-shaking at the site would not constitute a major effect, mitigation should be implemented to the extent practical through structural designs consistent with the California Building Code and the site-specific geotechnical report that would be required for the project to minimize risks associated with severe ground-shaking.

Secondary Earthquake Hazards

The site is located in an area with low to moderate level of liquefaction potential (CEC RSA, 2010). However, the medium dense to very dense nature of course grain soils encountered in the project borings, coupled with a groundwater table depth of greater than 60 feet below the ground surface, indicates that there is no liquefaction potential at the site (CEC RSA, 2010). Consequently, the potential for lateral spreading during seismic events would be negligible.

The site generally is underlain by dense to very dense granular soils. However, there is a potential that loose sand layers occur both at the surface and as buried layers between the borings since the site is situated on alluvial fan and alluvial valley deposits. These layers create potential for earthquake-induced settlement. The potential for and mitigation of the effects of earthquake-induced settlement of site soils during an earthquake would be addressed in a project-specific geotechnical report. Common mitigation methods include deep foundations (driven piles; drilled shafts) for severe conditions, geogrid-reinforced fill pads for moderate severity and over-excavation and replacement for areas of minimal hazard.

Subsidence and Settlement

No regional subsidence due to the historic groundwater withdrawal has been reported in the vicinity of the project (CEC RSA, 2010). Further, no localized or regional subsidence was recorded even during the 1980's and 1990's when regional groundwater extraction was at its historic maximum of approximately 48,000 acre-feet per year in the general area. In addition, no petroleum or natural gas withdrawals are taking place in the proposed site vicinity. Therefore, the potential for local or regional ground subsidence resulting from petroleum, natural gas, or groundwater extraction is considered to be very low. Shallow foundations would not be subjected to settlement in the study area because the clay layers are deep enough to resist consolidation resulting from the additional weight of the foundations and solar panel structures.

Hydrocompaction

The geotechnical report prepared for the project indicates a low to moderate risk of hydrocompaction based on the geotechnical data and the observation of soil profile in the test pits (CEC RSA, 2010). The potential for and mitigation of the effects of hydrocompaction of site soils should be addressed in a project-specific geotechnical report. Typical mitigation measures would include over-excavation/replacement, mat foundations or deep foundations depending on severity and foundation loads.

Corrosive Soils

Fine grain, moist soils containing sulfides are present at the site and would be corrosive to buried structures. If a buried structure were to corrode as a result of contact with these soils, it could crack or prematurely fail. However, on site soil conditions are neither unique nor particularly hazardous and methods to address corrosive and expansive soils are common engineering practices. Consequently, the effects of corrosive soils could be mitigated effectively through final design by incorporating the recommendations of a site-specific geotechnical report. Typical mitigation measures would include backfilling pipeline excavations with suitable clean engineered fill.

Erosion

The preliminary stages of construction, especially site grading, excavation, and soil stockpiling would leave loose soil exposed to the erosive forces of rainfall and high winds. Should substantial erosion occur, the foundations of project components could become unstable and collapse creating a potential hazard to public health and safety. However, soil erosion could be mitigated effectively through final design by incorporating the recommendations of a site-specific geotechnical report and compliance with applicable law, ordinances, rules and standards.

Volcanic Hazards

The project site is located approximately 40 miles west of the Lavic Lake volcanic hazard area. The intervals at which eruptions occur have not been determined, but it is likely to be in the range of one thousand years or more. However, the PSSP would be a sufficient distance to be out of the range of volcanic hazards.

Alternatives

Action Alternatives

The geologic units that would be disturbed by the Reconfigured Alternatives or Reduced Acreage Alternative are the same as those that would be disturbed by the proposed action. Each of the action alternatives would have similar geographic and physical relationship to regional faults and major geologic features. The main geologic hazards for each of the action alternatives would include ground shaking, hydrocompaction, earthquake induced settlement, corrosive soils, and erosion. Therefore, no changes to the levels of impact, beyond those discussed for the proposed action, would be anticipated for either the Reconfigured Alternatives or Reduced Acreage Alternative.

No Action Alternative A

Under this alternative, the PSPP would not be implemented and the CDCA Plan would not be amended. The project site could become available to other uses that are consistent with Multiple Use Class-M. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed action would not be implemented and BLM would make the area unavailable for future solar development. Under this scenario, any non-solar energy use consistent with the CDCA Plan MUC-M classification could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the PSPP would not be implemented, but BLM would allow for other solar projects on the site. Under this alternative, other renewable energy projects, including solar projects, may be constructed to meet state and federal mandates, and those projects would require transmission lines that could have similar transmission line safety and nuisance impacts as those that would occur under the proposed action. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.9.3 Discussion of Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect in connection with geologic hazards with other past, present, or reasonably foreseeable future actions. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. This geographic scope of cumulative impacts analysis was established because potential cumulative effects, as they pertain to geologic hazards, generally are limited to regional subsidence due to groundwater withdrawal in the Chuckwalla Valley groundwater basin. The geographic scope of the cumulative impacts analysis for such resources is limited generally to the project site and transmission line route overlaying the Chuckwalla Valley groundwater basin. Several projects identified in the cumulative scenario (Section 4.1.4, *Cumulative Scenario Approach*) are located within the Chuckwalla Valley groundwater basin. Such projects could include groundwater pumping of similar magnitude to the project; however, the combined effect of these projects would still result in much less than the historic rate of 48,000 ac-ft/yr. Impacts associated with strong ground shaking and earthquake-induced settlement, hydrocompaction, and corrosive soils are not cumulative in nature and would not add to potential cumulative impacts to the facility.

Potential cumulative effects on geologic hazards could occur at any time during the lifespan of the project, from construction to decommissioning. Existing conditions within the cumulative impacts assessment area of geologic resources and hazards reflect a combination of the natural condition and the effects of past actions and are described in FEIS Chapter 3. Historic groundwater withdrawals have not resulted in any documented subsidence in the vicinity of the project. The proposed action would result in increased annual groundwater pumping, from the current 2,000 aft/yr to approximately 2,300 aft/yr (a 15 percent increase). Since this level of pumping did not result in any documented regional subsidence, significant impacts to regional subsidence would not be expected. Therefore, there would be no significant cumulative contribution to regional subsidence from foreseeable renewable projects, including the project, in the Chuckwalla Valley groundwater basin. Additional information on groundwater withdrawal is contained in Section 4.19, *Water Resources*. Finally, decommissioning of the project is not expected to require any significant amount of groundwater pumping; impacts to regional subsidence are not expected. Consequently, the project would not cumulatively contribute to adverse impacts to public health and safety resulting from geologic hazards.

4.11.9.4 Summary of Mitigation Measures

Implementation of the mitigation measures imposed by the Energy Commission as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following address impacts associated with geologic hazards:

GEO-1: Soils Engineering Report. This mitigation measure would require the inclusion in a Soils Engineering Report of laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of potential hydrocompaction or dynamic compaction; the presence of expansive clay soils; and the presence of corrosive soils as well as recommendations for mitigating these potential geologic hazards, if present.

SOIL&WATER-1: Drainage Erosion and Sedimentation Control Plan (DESCP). This mitigation measure would require the project owner to obtain approval of the Drainage Erosion and Sedimentation Control Plan (DESCP) for managing stormwater during project construction and operations.

CIVIL-1: Submittals to the CBO. This mitigation measure would require the project owner to submit to the CBO the design of the proposed drainage structures and the grading plan; an erosion and sedimentation control plan; related calculations and specifications; and requisite soils, geotechnical, or foundation investigations reports.

CIVIL-2: Unforeseen adverse soil or geologic conditions. This mitigation measure would require the resident engineer, if appropriate, to stop all earthwork and construction in the affected areas when unforeseen adverse soil or geologic conditions are identified. Modified plans, specifications, and calculations may be required based on the new conditions.

CIVIL-3: Inspections and Discrepancy Reports. This mitigation measure would require the project owner to perform inspections in accordance with the 2007 California Building Code. If work is not being performed in accordance with the approved plans, the discrepancies must be reported immediately along with the proposed corrective action.

CIVIL-4: Final Grading Plan Approval. This mitigation measure would require the project owner to obtain the CBO's approval of the final grading plans (including final changes) for the erosion and sedimentation control work and a statement from the civil engineer that the work within his/her area of responsibility was done in accordance with the final approved plans.

STRUC-1: Structure Approval. This mitigation measure would require the project owner to submit to the CBO for design review and approval the proposed lateral force procedures for project structures and the applicable designs, plans and drawings for project structures.

4.11.9.5 Residual Impacts after Mitigation Measures were Implemented

None are expected.

4.11.9.6 Unavoidable Adverse Impacts

None are expected.

4.11.10 Site Security

4.11.10.1 Impact Assessment Methodology

The energy generation sector is one of 14 areas of Critical Infrastructure listed by the U.S. Department of Homeland Security (DHS). The level of security needed for any particular facility depends on the threat imposed, the likelihood of an adversarial attack, the likelihood of success in causing a catastrophic event, and the severity of consequences of that event. The U.S. Department of Homeland Security's Chemical Facility Anti-Terrorism Standards require facilities that use or store certain hazardous materials to conduct vulnerability assessments and implement certain specified security measures. These standards were implemented with the publication of a list of chemicals of interest.

4.11.10.2 Discussion of Direct and Indirect Impacts

Proposed Action

The project would include the use of hazardous materials in sufficient quantities that special site security measures should be developed and implemented to prevent unauthorized access. Neither the chemical constituents of Therminol VP-1 (diphenyl ether and biphenyl) nor chemicals other than Liquefied Petroleum Gas, including propane, proposed to be used and stored at the project site are on the chemicals of interest list. Propane is listed by the DHS as a Chemical of Interest with a threshold level of 60,000 pounds. The project would store a maximum of 152,000 pounds of propane/LPG and therefore the Chemical Facility Anti-Terrorism Standards would apply and the Applicant would need to submit a "Top Screen" assessment to the DHS. Regardless of whether the DHS decides to regulate the project, BLM believes that all power plants under the jurisdiction of the CEC should implement a minimum level of security. Action is appropriate to ensure that this facility (or a related shipment of a hazardous material) is not the target of unauthorized access.

The level of security needed for a particular power plant depends on the threat imposed, the likelihood of an adversarial attack, the likelihood of success in causing a catastrophic event, and the severity of consequences of that event. To determine an appropriate level of security for the project, this analysis evaluates an internal vulnerability assessment decision matrix that the CEC modeled after the U.S. Department of Justice Chemical Vulnerability Assessment Methodology (July 2002), the NERC 2002 guidelines, the U.S. Department of Energy VAM-CF model, and DHS regulations published in the Federal Register (Interim Final Rule 6 CFR Part 27). Based on this analysis, the project would fall into the "low vulnerability" category (CEC RSA, 2010). Accordingly, certain security measures would be appropriate to protect the proposed infrastructure from malicious mischief, vandalism, or terrorist attack.

These security measures include perimeter fencing and breach detectors, possibly guards, alarms, site access procedures for employees and vendors, site personnel background checks, and law enforcement contact in the event of a security breach. Site access for vendors would be strictly controlled. Consistent with current state and federal regulations governing the transport of

hazardous materials, hazardous materials vendors would have to maintain their transport vehicle fleets and employ only drivers who are properly licensed and trained. The Applicant would be required, through its contractual language with vendors, to ensure that vendors supplying hazardous materials strictly adhere to the U.S. Department Of Transportation requirements that hazardous materials vendors prepare and implement security plans per 49 CFR 172.802 and ensure that all hazardous materials drivers are in compliance with personnel background security checks per 49 CFR Part 1572, Subparts A and B. The CEC compliance project manager (CPM) may authorize modifications to these measures, or may require additional measures in response to additional guidance provided by the DHS, the U.S. Department of Energy, or NERC, after consultation with appropriate law enforcement agencies and the Applicant.

Alternatives

Action Alternatives

If an energy generation facility were constructed on the proposed site, the level of security needed would be facility-specific and depend on the threat imposed, the likelihood of an adversarial attack, the likelihood of success in causing a catastrophic event, and the severity of consequences of that event. Similar to the proposed action, Reconfigured Alternatives 1 and 2, and the Reduced Acreage Alternative would have a low vulnerability to site security hazards.

No Action Alternative A

Under this alternative, the PSPP would not be implemented and the CDCA Plan would not be amended. The project site could become available to other uses that are consistent with Multiple Use Class-M. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the proposed action would not be implemented and BLM would make the area unavailable for future solar development. Under this scenario, any non-solar energy use consistent with the CDCA Plan MUC-M classification could be proposed for the site. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the PSPP would not be implemented, but BLM would allow for other solar projects on the site. Under this alternative, other renewable energy projects, including solar projects, may be constructed to meet state and federal mandates, and those projects would require transmission lines that could have similar transmission line safety and nuisance impacts as those that would occur under the proposed action. However, insufficient information is available at this

time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.11.10.3 Discussion of Cumulative Impacts

The development and operation of the project would contribute an incremental “low vulnerability” site security threat to a cumulative effect relative to site security with other past, present, or reasonably foreseeable future energy generation actions. The geographic scope of the cumulative impacts analysis for such threat would be the California Desert area. Potential cumulative site security effects could occur at any time during the lifespan of the project, from construction to decommissioning, and would not persist past closure and decommissioning.

Other past, present, and reasonably foreseeable future energy generation projects are identified in Section 4.1.4, *Cumulative Scenario Approach*. As of January 2010, there were 244 renewable projects proposed in California in various stages of the environmental review process or under construction. Solar, wind, and geothermal development applications have requested use of BLM land, including approximately one million acres of the California desert. State and private lands have also been targeted for renewable solar and wind projects. In addition, nearly 80 applications for solar and wind projects are being considered on BLM land in Nevada and Arizona (CEC RSA, 2010). Renewable energy projects in BLM’s California Desert District are identified in Table 4.1-2. Renewable energy projects on state and private lands are identified in Table 4.1-3. The BLM has not received threat determinations for specific facilities, such as the proposed PSPP; however, given the utility-scale nature of the proposed action and similarities with other proposed utility scale solar proposals, such as Blythe, Genesis, and Desert Sunlight, the BLM assumes that threat levels among the facilities would be comparable. Smaller projects could have an even lower vulnerability. Although the threat imposed and likelihood of an adversarial attack may be comparable regardless of facility size, the likelihood of a smaller (lower energy output) facility’s success in causing a catastrophic event and the severity of consequences of that event would seem reduced.

The presence of other DHS “Critical Infrastructure and Key Resources” sectors in the cumulative impacts analysis area, if present, also could contribute incrementally to the overall threat level. Such other sectors include National Monuments and Icons, Agriculture and Food, Banking and Finance, Chemical, Commercial Facilities, Critical Manufacturing, Dams, Defense Industrial Base, Emergency Services, Government Facilities, Healthcare and Public Health, Information Technology, Nuclear Reactors, Materials and Waste, Postal and Shipping, Water, Communications, and Transportation Systems (including aviation and highway). Thus, the Wileys Well Communication Tower, Blythe Municipal Airport, and I-10 each could contribute incrementally to the overall security threat.

4.11.10.4 Summary of Mitigation Measures

Mitigation measures imposed by the Energy Commission as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in full in Appendix B. With respect to site security-related impacts, implementation of the following two mitigation measures would address the possibility that the proposed action or an alternative (including a project-related shipment of a hazardous material) could be the target of unauthorized access: HAZ-5 (Construction Site Security Plan) and HAZ-6 (Operational Site Security Plan) would require the implementation of site security measures that are consistent with applicable requirements and agency guidance.

4.11.10.5 Residual Impacts after Mitigation Measures were Implemented

No residual site security-related impacts are expected to remain after the implementation of HAZ-5 and HAZ-6.

4.11.10.6 Unavoidable Adverse Impacts

No unavoidable adverse impacts are expected.

4.11.11 Military Overflights

To determine if there is any possible conflict with military overflights and military aviation training and operations, an analysis is required from the Department of Defense Regional Environmental Coordination office. Southern California falls within Region IX; the office is in San Diego under the jurisdiction of the Navy. The Department of Defense has advised the BLM that this project would not have a significant impact on military testing or training.

4.12 Impacts on Recreation

4.12.1 Impact Assessment Methodology

The effects of the project on the recreation environment were assessed based on the following considerations, including whether its construction, operation or decommissioning would directly or indirectly impact recreational opportunities including hiking, backpacking and long term camping in established Federal, State, or local recreation areas and/or wilderness areas.

This Section 4.12 focuses on non-transportation-related recreational opportunities. For impacts to OHV users, see Section 4.16, *Impacts on Transportation and Public Access - Off-Highway Vehicle Resources*.

4.12.2 Discussion of Direct and Indirect Impacts

Proposed Action

On-Site Recreational Users

According to the Recreation Element of the CDCA Plan, “lands managed by the Bureau [BLM] are especially significant to recreationists.” The conversion of public land to support the project could disrupt dispersed recreational activities. Construction activities associated with the proposed action could cause direct and indirect impacts from noise, fugitive dust, and truck and other vehicle ingress and egress to the construction site; visual intrusions also could impact visitors seeking experiences from a natural setting. (see Section 4.18, *Impacts on Visual Resources*). During operations, the site would not be available for recreational use. Decommissioning-related impacts on recreation would likely be similar to those that may occur during construction.

While camping has not been observed in the project area by BLM Rangers, day users, hikers and RV campers would no longer be able to use the area if such recreation were desired. Recreationists may compensate by substituting other desert lands in the vicinity for their recreational experiences and benefits. This could lead to higher user levels on adjacent public lands open for recreation use. This could result in more concentrated use of those areas, leading to loss of some native vegetation, wildlife habitat fragmentation or loss, elevated soil loss, increases in noise, and possible temporary declines in air quality from more concentrated vehicle use in a smaller available area. Given the low recreation use on adjacent lands with similar resources or opportunities, however, additional impacts from displacement would be minimal.

Off-Site Recreational Users

Effects to recreational users of specially-designated lands (including wilderness areas and Areas of Critical Environmental Concern (ACECs) could occur. For a discussion of potential impacts to OHV route access to wilderness areas, see Section 4.16, *Impacts on Transportation and Public Access - Off Highway Vehicle Resources*. For a discussion of the potential impacts to visual quality from wilderness areas and ACECs, see Section 4.18, *Impacts on Visual Resources*.

Special Designations

Four wilderness areas and two ACEC's are located in the vicinity of the site: Palen/McCoy, Chuckwalla Mountains, Joshua Tree, and Little Chuckwalla Mountains Wilderness Areas; and Chuckwalla DWMA and Palen Dry Lake ACEC's. As shown in Table 3.13-1, the Chuckwalla DWMA (ACEC) would be crossed by linear features (e.g., redundant telecom line and gen-tie line) associated with the proposed action south of the project site. The Palen Dry Lake ACEC and Palen/McCoy Wilderness are closest to the project site boundary at 0.5 and 1.5 miles respectively.

While these wilderness areas and ACEC's do not have maintained trails or trail heads, and are scarcely visited by the public (CEC Genesis RSA, 2010), recreational users could be impacted by construction, operation and decommissioning activities such as construction noise, fugitive dust, vehicle movement, and other "non-natural" construction activities and structures caused by the proposed action. These impacts could affect users' perception of solitude, naturalness and unconfined recreation.

As discussed in Section 4.9, *Impacts on Noise*, typically, "high pressure steam blow" is the loudest noise encountered during construction of a project incorporating a steam turbine. With a silencer installed on the steam blow piping, as required under NOISE-7, noise levels commonly are attenuated to 86 dBA at 50 feet from the steam blow site and is expected to attenuate to 59 dBA at the nearest resident measurement site LT1 (LT1), 25 feet from the project boundary. During operation, the primary noise source of the proposed action would be the power block. The Applicant predicts the proposed action's operational noise level at receptor LT1 to be 42 dBA Leq; the operational noise level at the second nearest resident measurement site LT2, 3,500 feet from the project boundary, would be 33 dBA Leq. Closure and decommissioning-related noise would be less than expected for construction, since no high pressure steam blows would be required, but in other respects are anticipated to be comparable to construction noise levels. Considering the fact that the nearest special designation where recreational use would occur is approximately 1.25 miles from the project power block, noise would attenuate such that the sound from the loudest noise associated with construction, the steam blow, would be barely audible (approximately 53 dBA Leq at 1.25 miles); noise associated with operational activities would be virtually inaudible (approximately 40 dBA Leq at 1.25 miles) and noise associated with decommissioning would be less than construction. Therefore, impacts to recreational users would be minimal.

As discussed in Section 4.2, *Impacts on Air Resources*, construction, operation and decommissioning activities could generate dust in the form of PM10/PM2.5. However, the worst-case PM2.5 and PM10 impacts occur at the fence line and drop off quickly with distance. Dust could also be generated by construction equipment during installation of the gen-tie and redundant telecommunication lines; however, these areas and OHV route would be closed to recreational users during the construction period. Therefore, there would be no impacts to recreational users within special designation areas.

For an extended discussion of impacts on special designations, see Section 4.15, *Impacts on Special Designations*.

Joshua Tree National Park

Joshua Tree National Park is located approximately three miles west of the project site. Since the national park is further from the site than the Palen/McCoy Wilderness, as discussed above, impacts to recreational users during construction, operation and decommissioning activities would also be minimal in relation to noise and result in no impact in relation to dust.

Developed Recreation Sites

Corn Springs is the closest BLM campground to the project site, located about 7.5 miles southwest of the project. The location of the fee campground within the Chuckwalla Mountains prevents the project from creating air or noise impacts on the visitors to the campground.

Cottonwood Springs is the closest NPS campground to the project site, located about 36 miles west of the project. The distance of this campground from the site would prevent construction, operation, or decommissioning of the project from creating air or noise impacts on campground visitors.

The closest developed recreation sites where long term camping can occur is within the two LTVAs to the east of the project. The Mule Mountains LTVA is approximately 25 miles east; the Midland LTVA is approximately 36 miles east. Visitors camping at LTVAs seek opportunities for socialization with similar users in a semi-primitive environment. As discussed in Section 3.13, *Recreation*, there are no LTVAs within 20 miles of the project site. Due to the great distance between the project and the closest LTVAs, there would be no impacts to LTVA visitors from noise and/or dust created by construction, operations and decommissioning activities.

It is anticipated, however, that some construction workers would reside in RV campers at the Mule Mountains and Midland LTVAs, or possibly camp on public lands in the vicinity of the proposed site during the construction phase of the project. Although the BLM offers developed campgrounds within commuting distance of the project, only LTVAs allow long-term camping. The Midland and Mule Mountains LTVAs allow camping for up to seven months (September 14 to April 16) with a special use permit. Outside of these dates, the camping limit is 14 days. Depending on the number of authorized workers using the LTVA, use could impact the social setting or the physical infrastructure of the LTVAs. However, the LTVAs are designed with minimal facilities given that campers must use self-contained RVs and there are no assigned or designated sites, except for the Wiley's Well and Coon Hollow Campgrounds within the Mule Mountains LTVA. Midland LTVA is 135 acres and averages 41 permits per year. Mule Mountains LTVA is 2,805 acres with an average of 135 permits per year. Except for the designated campsites at Wiley's Well and Coon Hollow, each LTVA can accommodate several hundred RV units with a minimum distance of 15 feet between units, which is well in excess of current use levels.

Use of LTVAs by construction workers to a level that spacing and relative solitude is reduced, could cause seasonal long-term visitors to move to other LTVAs in Arizona or Imperial County, which could compound crowding at already popular sites. However, it is unlikely that any displacement of recreational users to other LTVAs would be noticed due to the number, distance, and unstructured camping patterns of the other LTVAs in the system.

Although it is theoretically possible that unauthorized use of these LTVAs could occur when they are closed from April 16 to September 14, such use would be subject to law enforcement and, in any event, would be unlikely since it is extremely hot during the closed season.

The pattern of recreational camping in dispersed areas is unlikely to change. As stated in Section 3.13, *Recreation*, dispersed camping has not been noted in the immediate area, and the nature of those who participate in dispersed camping in the general vicinity is such that they would have nearly unlimited choices in site selection. Construction workers may choose to camp in dispersed areas, but as noted above, they would be limited to 14 days.

Conclusion

Impacts associated with construction and operation of the project to on-site and off-site recreational users would be minimal. Impacts associated with closure and decommissioning would likely benefit recreational values, since additional acres would be reclaimed and potentially made available for recreational use.

Alternatives

Reconfigured Alternative 1

Reconfigured Alternative 1 would require approximately 180 additional acres relative to the project. Impacts to on-site and off-site recreational users associated with the operation, maintenance and closure would be substantially similar to the proposed action.

Reconfigured Alternative 2

Option 1

Reconfigured Alternative 2 Option 1 would disturb approximately 4,360 acres as compared to 2,970 acres for the proposed action. Impacts to on-site and off-site recreational users associated with the operation, maintenance and closure would be substantially similar to the proposed action.

Option 2

Reconfigured Alternative 2 Option 2 would disturb approximately 4,324 acres as compared to 2,970 acres for the proposed action. Impacts to on-site and off-site recreational users associated with the operation, maintenance and closure would be substantially similar to the proposed action.

Reduced Acreage Alternative

If this alternative were selected, the only difference with regard to direct and indirect effects relative to the proposed action would correlate directly to the reduction of disturbance from 2,970 acres to 2,080 acres of surface disturbance. Other impacts to on-site and off-site recreational users associated with the operation, maintenance and closure would be substantially similar to the proposed action.

No Action Alternative A

Under No Action Alternative A, existing conditions, activities and recreation opportunities on and off the site would remain unaffected. The land on which the project is proposed would become available to other uses consistent with CDCA Plan multiple use opportunities, potentially including another solar thermal renewable energy project. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under CDCA Plan Amendment/No Project Alternative B, the site would be designated as unsuitable for any type of solar development and the BLM would continue to manage the site consistent with the existing multiple use class designation in the CDCA Plan (MUC-M). Thus, recreation-related-impacts of this alternative would vary from no impacts (e.g., if the site were left in its existing condition and no uses were developed that could affect the recreational opportunities or experiences available from adjacent properties) to substantial impacts (e.g., if a more intense or intrusive use was implemented, such as a different type of energy facility that would cause additional acres of disturbance). Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Selection of CDCA Plan Amendment/No Project Alternative C would likely result in the development of another solar energy project on the site, which could result in the same foreclosure of use opportunities and on- and off-site impacts as the proposed action while the amount of acreage needed could be less, approximately the same as, or larger than the project depending on the solar technology subsequently proposed.

4.12.3 Discussion of Cumulative Impacts

The geographic scope of the cumulative effects analysis for recreation consists generally of the California Desert, with emphasis on eastern Riverside County, and specifically of specially-designated recreation or wilderness areas (including wilderness areas, ACECs and LTVAs).

Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. Existing conditions within the cumulative impacts area reflect a combination of the natural condition, including related recreational opportunities, and the effects of past actions. See, e.g., Table 4.1-4, *Existing Projects along the I-10 Corridor Eastern Riverside County*. Present and reasonably foreseeable future actions, including other renewable energy projects, making up the cumulative scenario also are identified in Section 4.1. See Table 4.1-2, *Renewable Energy Projects in the California Desert District*, and Table 4.1-3, *Renewable Energy Projects on State and Private Lands*.

Individually and collectively, these projects would add large- and small-scale industrial, utility-related and other uses in the region, resulting in direct preclusion of access to recreational lands that would be dedicated to other, non-recreational uses. Within the California Desert District, approximately 567,882 acres potentially available for recreational use (e.g., hiking, biking, back country driving, hunting, bird watching, OHV use, and camping) could be lost to solar development, and an additional 433,721 acres could be lost to wind development (see Table 4.1-2). Indirect effects on recreation use of lands in the cumulative impacts area also could result from the change in the overall character of undeveloped BLM-administered lands resulting from development of the cumulative projects, as well as from changes to the visual landscape, impacts on vegetation, development of roads, and related effects on wildlife. On the basis of the amount of land required for comparably rated solar energy facilities, power tower, dish engine, and PV technologies require about 80 percent more land area than parabolic trough technologies, resulting in larger areas dedicated to these technologies being excluded from recreation use.

However, most of the projects in the cumulative scenario are in areas with low recreation use or potential future opportunities. In some cases, the solar facilities themselves may become local or regional attractions for travelers or sightseers, and transmission line projects may provide additional opportunities for backcountry driving and/or provide new or better access to some areas. These types of changes could result in a net gain for recreation opportunities.

To the extent that No Action Alternative A would not result in development of the site, no cumulative impact on recreation would occur. Although the proposed action's effects on recreation individually would be low for the project area, this incremental contribution to cumulative conditions, in combination with the impacts of past, present and reasonably foreseeable projects in eastern Riverside County, could have a sizeable, perhaps significant, impact on future recreation opportunities and experiences of users, communities, and regional populations in the California Desert, particularly on the "dispersed, undeveloped" recreation that the CDCA Plan emphasizes.

4.12.4 Summary of Mitigation Measures

None proposed. Relevant, reasonable measures that could improve the project by further reducing its contribution to cumulative impacts have been incorporated into the project: all alternatives except for No Action Alternative A would result in some preclusion of access within the site boundary; thus, an incremental impact to recreation resources cannot be entirely avoided. However, the magnitude of the project-specific impact has been limited as much as possible by recommending that the project be placed in an area that is not of unique or important recreation resources and by retaining public access to other public lands in the project area to allow for their continued recreation use. Accordingly, no mitigation measures are proposed.

4.12.5 Residual Impacts after Mitigation Measures were Implemented

The conversion of public land to support the project would result in a loss of up to approximately 5,200 acres within the site boundary that otherwise could support dispersed recreational activities, opportunities and experiences.

4.12.6 Unavoidable Adverse Impacts

The preclusion of the public from access to the site (as a result of security fencing) and surface disturbance that would occur from the project would result in unavoidable adverse impacts on recreation resources by permanent removal of vegetation, landforms, and other natural features of the characteristic landscape for the life of the project or until post-decommissioning restoration occurs.

4.13 Social and Economic Impacts

4.13.1 Impact Assessment Methodology

This analysis of direct, indirect and cumulative social and economic impacts of the proposed action and alternatives complies with the National Environmental Policy Act (NEPA) requirements for licensing the power plant and land use under BLM jurisdiction. This analysis evaluates project-related changes to the existing local population and economy, including employment and the relationship to local housing conditions. The economic impacts of project-related construction and operation spending and other related socioeconomic impacts also are evaluated. The proposed action's projected peak employment is used to analyze the maximum extent of construction employment impacts to the communities in the vicinity of the proposed site, their social character and their economies. Potential effects to the local area's social character are evaluated based on the findings of the economic impact analysis.

Impacts on public services related to health and safety (e.g., police protection, fire protection and emergency medical services) are analyzed in Section 4.11, *Impacts on Public Health and Safety*. Effects on parks and recreational opportunities are considered in Section 4.12, *Impacts on Recreation*.

Regulations of the Council on Environmental Quality implementing the procedural provisions of NEPA (40 CFR Part 1500 - 1508) provide no specific thresholds of significance for socioeconomic impact assessments. Significance varies, depending, among other things, on the setting of the proposed action (40 CFR 1508.27[a]), but 40 CFR 1508.8 states that indirect effects may include those that are growth-inducing and others related to induced changes in the pattern of land use, population density, or growth rate.

Input-output economic modeling software (IMPLAN) was used to estimate the indirect economic impacts associated with construction, operation, closure and decommissioning-related expenditures resulting from the project that would benefit the eastern Riverside County region.

The cumulative impact analysis in Section 4.17.3 evaluates the combined socioeconomic impacts of the proposed action and projects identified in the cumulative scenario (see Section 4.1.4, *Cumulative Scenario Approach*).

4.13.2 Discussion of Direct and Indirect Impacts

Proposed Action

Construction

Construction employment and spending for the proposed action would be the primary direct economic impact associated with the project. As such, the construction employment and related spending effects would be a temporary impact lasting for the anticipated 39-month duration of the construction period. Given the absence of any significant current economic use of the site, the

construction activities associated with the proposed action would represent a beneficial economic impact adding new employment and spending to the local economy.

Economic

As discussed in greater detail in Section 3.14, *Social and Economic Setting*, the origin of project construction workers is a central factor determining the magnitude and extent of potential socioeconomic impacts to the local economy and communities associated with the proposed action. The direct benefits of employment and higher personal incomes primarily would benefit the communities from which construction workers and their families reside, since construction workers would likely spend the majority of their earnings in these communities. The workers' spending for goods and services would have an indirect socioeconomic impact on the communities and economies where that spending occurs. In addition, if there are insufficient suitable local workers to staff the project facilities, then the project could attract individuals to relocate to the area either temporarily or permanently, which could result in an increased demand for housing and local services. If there is insufficient housing or service capacity, then adverse indirect social and economic impacts could result. People permanently (or in some cases even only temporarily) moving into the area for work could encourage the construction of new homes, extension of roads and/or other infrastructure development and/or could increase the existing demand for public services. Informal worker lodging or camping in the local area would likely be a particular concern. Given the relatively long commute distances that some workers could face, some could seek to save travel-related time and costs by choosing to camp at existing public camp sites or, informally, on nearby public or private lands.

Construction Labor Needs. The availability of the local and regional workforce to meet the project's construction labor needs is analyzed to determine whether the project would induce population growth. Consistent with the geographic demarcations for the local and regional study areas, the "local workforce" consists of employable residents living in relatively close proximity to the site (i.e., the cities of Blythe, California or Quartzite, Arizona; or the community of Ehrenburg, Arizona).¹ The "regional workforce" consists of all potential employable adults currently living up to a two-hour commute (one-way) to the site. As discussed in Section 3.14, *Social and Economic Setting*, and shown in Figure 3.14-1, the regional labor force consists of the employable adults living in the cities west of the site along I-10 as far as, and including, the City of Banning.

The Applicant expects that construction would last 39 months, with an average of about 566 daily construction workers with a peak employment of 1,145 workers during month 17 of construction (CEC RSA, 2010). Generally, increased employment represents a beneficial economic impact on local communities from the new job opportunities and increased income generated for the local economy. However, in rural areas such as Blythe and/or for projects with more skilled/specialized job requirements, increased labor demand can have adverse indirect socioeconomic impacts on the local communities if it causes significant in-migration that the existing local housing,

¹ In addition, residents living in the unincorporated areas near these communities or within an hour's commute of the project would also be considered local labor force. However, given the very limited data on the unincorporated residents, it is conservatively assumed that all the unincorporated population identified in Section 3.14 are regional but not local residents.

infrastructure and/or other public services cannot support. The estimated peak employment of 1,145 workers is used to analyze the maximum extent of construction employment-related impacts from potential in-migration.

Labor Force Supply. Table 4.13-1 shows Year 2006-2016 occupational employment projections for the Riverside/ San Bernardino/Ontario MSA² by construction labor skill as compared to the estimated number of total construction workers by craft needed during the peak month (month 17) as presented in the Revised Staff Assessment for the project (CEC RSA, 2010). The primary trades required for construction of the proposed action will include pipefitters, skilled and unskilled laborers, electricians, carpenters, equipment operators, ironworkers, and truck drivers.

**TABLE 4.13-1
TOTAL LABOR BY SKILL IN RIVERSIDE/SAN BERNARDINO/ONTARIO MSA (2006 and 2016 Estimate)
AND PROJECT REQUIRED CONSTRUCTION BY CRAFT PEAK MONTH**

Trade	Total # of Workers for Project Construction by Craft – Peak Month	Riverside/ San Bernardino/Ontario MSA 2006	Riverside/ San Bernardino/Ontario MSA 2016
Operator	90	4,790	5,460
Oiler	4	27,930 ^a	32,080 ^a
Laborer	185		
Truck Driver	35		
Tradesman	10		
Carpenter	100	28,850	32,390
Pipe Fitter	337	4,630 ^b	5,330 ^b
Electrician	150	6,740	7,600
Cement Finisher	100	4,110	4,690
Ironworker	59	19,460	20,800
Millwright	25	2,630 ^c	2,960 ^c
Construction Staff	50	10,990 ^d	12,380 ^d
Total	1,145	111,550	125,360

NOTES:

- a "Construction Laborers" category was used.
- b "Plumbers, Pipefitters, and Steamfitters" category was used.
- c "Machinists" category was used.
- d "Supervisors, Construction and Extraction Workers" category was used.

SOURCE: CEC RSA, 2010; ESA, 2010.

Table 4.13-1 shows that there is a very large population of suitably skilled construction workforce for the proposed action currently living within Riverside and San Bernardino Counties.³

² Metropolitan Statistical Areas (MSA) are geographic entities defined by the U.S. Office of Management and Budget (OMB) for use by Federal and State statistical agencies in collecting, tabulating, and publishing socioeconomic statistics. The Riverside/San Bernardino/Ontario MSA consists of Riverside and San Bernardino Counties combined. As such, the MSA population and labor force estimates include a major portion of individuals residing outside the likely daily commuting range from the site.

³ Given its more rural character and the far smaller size of its labor force, only a very minor proportion of future construction workers would be expected to originate from La Paz County in Arizona. For this analysis, it is conservatively assumed that all construction workers for the PSPP would be California residents.

However, only a portion of these workers could be expected to be currently living within the region. Based on the regional study area's estimated 2010 population of 559,968 residents, compared to a corresponding Riverside and San Bernardino population of 4,212,684, the regional study area's skilled labor force would total approximately 13.3 percent of the skilled workforce shown in Table 4.13-1. Overall, that would suggest a total skilled labor force of approximately 15,755 workers (13.3 percent of approximately 118,455 total skilled construction workers)⁴ living within the regional study area.

Applying the current local unemployment levels of 13.5 percent within the regional study area would suggest that approximately 2,130 unemployed skilled workers may currently reside in the regional study area. Compared with the required average project employment need of 566 workers, the proposed action could employ up to approximately 26.6 percent of the estimated currently unemployed construction workers. During peak construction, 1,145 workers would be needed, which would employ up to nearly 53.8 percent of the estimated available unemployed skilled workforce. While this would represent a major proportion of the region's skilled workforce, there also could be individuals amongst the region's estimated approximately 30,100 unemployed (i.e. 32,240 total regional unemployed – 2,130 regional skilled unemployed construction workers) that have or could obtain the necessary training to perform the facility construction. Also, it is likely that some of the currently employed skilled local construction workers would change their jobs in order to work closer to home and their positions could be filled by other workers living outside of the regional study area.

Consequently, it is expected that most, if not all, of the construction employment for the project would consist of construction workers who live within a two-hour commute from the site. Employee ride sharing, and the relatively long duration of the work would likely encourage workers to commute considerable daily distances to work on the project.

Housing and Lodging Impacts within the Local Study Area. As shown in Table 3.14-2, published vacancy rates for the cities of Blythe, California; Ehrenberg, Arizona; and Quartzsite, Arizona are 16.1, 34.9, and 41.9 percent, respectively. These vacancy rates indicate that some currently vacant housing could be available for construction workers who choose to relocate within the local study area. Altogether, it is conservatively estimated that up to approximately 2,480 existing housing units could be available as potential housing for future construction workers (this estimate does not account for other potential available housing within the unincorporated local study area). The extent to which construction workers choose to rent local housing would depend on the rental prices and the condition of the available housing. Especially if construction workers would be willing to share rental accommodations, rental housing could be an option for workers wishing to relocate or, more likely, commute weekly to work at the site.

In addition, as discussed in Section 3.14, *Social and Economic Setting*, analysis of the current motel and hotel businesses and their occupancy rates suggests that lodging could be available to accommodate construction workers who choose to stay temporarily at a local motel or hotel to be

⁴ Using the average of 2006 and 2016 skilled labor force estimates shown in Table 3.14-1.

close to the site. There are approximately 1,000 hotel/motel rooms within the local study area (i.e., the Cities of Blythe and Quartzite and community of Ehrenburg) (CEC RSA, 2009).

Other lodging opportunities also could be available at privately-owned RV/campgrounds and public campground areas within the local study area. However, during the high season (December to March) these facilities can be popular with visitors and, therefore, could have limited availability for construction workers. In addition, most of the public campgrounds (including the BLM-administered Long Term Visitor Areas (LTVAs) are intended for recreational use; construction workers might not be permitted to use these areas. Consequently, it is unlikely that the public RV/campgrounds would be very suitable or attractive lodging options for most project construction workers who seek local accommodations.⁵ However, BLM may allow temporary LTVAs to be established on site for construction workers for the duration of project construction as temporary lodging facilities.

Furthermore, particularly during the non-winter season, it is likely that there would be considerable housing opportunities within the local area for construction workers seeking temporary accommodations. Lodging facilities within the local study area could include both rental housing for workers seeking longer term local housing and motel lodging for those looking for more occasional or shorter stay accommodations. The relatively high vacancy rates also would ensure that any project-related temporary housing needs would be met with existing housing or lodging facilities. As a result, no new housing or motel development would be expected to be induced by the proposed action and the increased use of this under-utilized housing or motel lodging would be considered beneficial for local property owners.

Construction Worker Expected Commuting Patterns. Given the major skilled labor force residing within the areas of Riverside and San Bernardino Counties, and the common construction worker commuting habits (EPRI, 1982; CEC RSA, 2010), it is reasonable to expect that project construction workers residing outside the regional study area would commute weekly to the local area rather than in-migrate with their families. Consequently, any such workers who choose to reside temporarily in the local area would have a limited service impact on local public services and infrastructure. Furthermore, given that existing housing and/or lodging facilities would be used to accommodate the few (if any) construction workers who choose to stay temporarily in the local area, the local transient occupancy tax revenues, local rental home owners' property, and/or business taxes payments should account for their limited local infrastructure and public service usage.

Therefore, it is concluded that the proposed action would not induce substantial growth or concentration of population in either the regional or local study areas. Furthermore, construction of the proposed action would not encourage people to relocate to the area and, thereby, would not result in new and unplanned growth or land use changes.

⁵ Except for construction workers that already own their own RV or camper trailers.

Construction Spending Impacts. Construction of the proposed action would create a temporary, positive impact on the local economic base and fiscal resources. Construction workers wages and salaries would provide additional income to the area, as would expenditures within the local and regional study areas for construction materials and services. An IMPLAN input-output model was used to estimate economic impacts within eastern Riverside County based on the construction-phase project-related expenditures that would be expected to occur within the regional study area.

IMPLAN is an economic impact modeling tool that uses region-specific input/output accounts by industry to estimate secondary impacts of economic changes. Secondary impacts include:

(1) indirect impacts that occur due to the purchase of goods and services by firms involved with construction and operation; and (2) induced impacts, which result from household spending by project-related employees. Secondary impacts can occur in the form of employment, income, output, and taxes.

Social Accounting Matrices (SAM) multipliers were used for the impact analysis. SAM multipliers are recommended by the writers of the IMPLAN software because an induced effect estimate using a SAM multiplier is based on information in the social account matrix, which accounts for social security and income tax leakage, institution savings, and commuting. The multipliers for the impact analyses for the proposed action were derived based on specific industry data for the Riverside County study area in the IMPLAN Professional input/output relationships to represent the direct economic impacts associated with the proposed action (e.g., estimated annual construction cost and annual operation cost). Zip code level IMPLAN data was obtained to enable both Riverside County and sub-County area analysis of the spending impacts from future project construction and operation. IMPLAN Sector 36, “Construction of other new non-residential structures,” was selected as the IMPLAN sector most closely corresponding to the North American Industry Classification System Code 21, which is used for “Power plants, new construction.” All figures are presented in 2010 dollars. Table 4.13-2 summarizes the IMPLAN analysis findings.

The proposed construction labor payroll has been estimated at approximately a total of \$218.7 million over 39 months (\$67.3 million estimated annually). Capital expenditures and local spending on construction materials, equipment, and service are estimated to total approximately \$30.0 million over 39 months (\$9.2 million estimated annually). For this analysis, it was assumed that the construction material and equipment purchases would include standard construction materials and services that would mostly be obtained from within the IMPLAN study area.⁶ These project expenditures were used to estimate the economic benefits to the local and regional economies. The IMPLAN model also assumes that all of the construction workers for the proposed action would be from within the regional study area of eastern Riverside County.

The proposed solar facility construction is expected to directly create an average of 566 annual full-time employees over 39 months, with a peak monthly employment of 1,145 full-time employees. This new employment would create both indirect and induced secondary employment

⁶ The costs for specialized solar materials and equipment (e.g., panels) that would have to be purchased from outside Riverside County are not included, since their acquisition from out-of-County or out-of-State suppliers/manufacturers would have minimal economic benefit to local or regional businesses.

**TABLE 4.13-2
PROJECT CONSTRUCTION ECONOMIC BENEFITS (2010 Dollars)**

Fiscal Benefits	
State and local sales taxes	\$5.4 million (\$1.65 million average per year)
Project Construction Spending	
Labor	\$218.7 million (\$67.3 million average per year)
Materials, equipment and services	\$30.0 million (\$9.2 million average per year)
Total	\$248.7 million (\$76.5 million average per year)
Direct, Indirect, and Induced Benefits	
Direct	
Economic Output	\$248.7 million (\$76.5 million average per year)
Jobs	566 jobs
Indirect	
Economic Output	\$51.7 million (\$15.9 million average per year)
Jobs	117 jobs
Induced	
Economic Output	\$132.6 million (\$40.8 million average per year)
Jobs	340 jobs
Total	
Economic Output	\$433.0 million (\$133.2 million average per year)
Jobs	1,023 jobs

SOURCE: CEC RSA, 2010 Part 1 Socioeconomics and Environmental Justice Table 10

in the regional study area. Indirect employment is defined as employment that would be generated by the purchase of goods and services required for the facility’s development. Induced employment is defined as employment that would be generated by the purchase of goods and services by businesses that are indirectly supported by the proposed action.

As shown in Table 4.13-2, according to the IMPLAN analysis, construction of the project could be expected to have the direct beneficial economic impact of generating an average of \$67.3 million in annual spending on construction labor within the regional study area for the duration of the construction period. In addition, an average of up to approximately \$9.2 million could be spent annually on construction materials, equipment, and services from businesses within the regional study area. Together, the construction spending is expected to generate up to an additional \$56.7 million per year in indirect and induced economic output for other businesses in eastern Riverside County.

The actual future economic impact for eastern Riverside County could be smaller than the total economic benefits shown in Table 4.13-2. Project-related spending would benefit eastern Riverside County and the local economies depending on the extent that workers live and spend their earnings at businesses locally and elsewhere in eastern Riverside County. Given the local study area’s rural character, most of the projected benefits would likely be received by the larger cities and communities located elsewhere in eastern Riverside County, outside the local study area. The

economic benefits to both local and regional businesses could be less than those estimated by the IMPLAN model if greater sales leakage occurs than that assumed by the IMPLAN model. Irrespectively, the net short-term economic impact on the local and regional economies would be considerable.

In terms of economic output impacts, the primary local industries that would benefit the most include the following: rental housing, architectural and engineering services, wholesale and retail trade businesses, real estate establishments, physicians and other medical professionals, food service, and hotel/motel businesses.

Social

The potential for project-related impacts to the local study area's social character are determined by the nature of economic impacts of the construction activity and any project-related in-migration.

As discussed above, construction of the project could be expected to generate considerable economic benefits directly for both construction workers and local businesses providing materials and services for construction. In addition, major indirect and induced spending benefits for the local and eastern Riverside County economies would be generated by subsequent spending of the construction workers and construction businesses' income within the local and regional economy. The economic benefits are expected to extend widely within the local and regional economy but would most benefit food, retail, lodging, real estate, and medical related businesses.

The additional new income for the local economy from the project would have a positive, but short-term, contribution towards supporting local business and maintaining the economic vitality of the City of Blythe and other neighboring communities. The positive effect for the local economy would be increased given the local study area's recent and on-going economic weaknesses as a result of both longer term changes and the more recent economic downturn. The continued viability of Blythe's local business community is essential for its long term well-being. Increased local employment opportunities would improve local residents' standard of living and will help retain younger residents who otherwise would be more likely to leave the community if there are insufficient local employment opportunities. The local community's positive social attitudes to the proposed action may generally be expected to increase based on the extent that local residents are employed (either directly or indirectly) or otherwise benefit from the project.

Project-related in-migration of new residents could affect the social character of the local study area. An influx of new individuals with different values, lifestyles, and/or socio-demographic backgrounds could have a positive or negative influence on the quality of life and/or community values. The existing community members' attitudes and opinions to any such changes could vary greatly among individuals. However, in general, the magnitude of the in-migration would need to be relatively substantial for the social environment to be noticeably altered. Furthermore, social changes typically require, or are most commonly associated with, permanent changes to the community's composition and/or attitudes rather than as the result of short-term influences or changes.

As discussed above, the majority of construction workers for the project would be expected to commute daily to the site. Given that most workers would likely travel to the site from their homes located in the regional area that are west of Blythe, local residents may have little daily interaction with most workers. It is possible that some construction workers could chose to commute weekly from their homes and stay within the local area at local hotels/motels or perhaps rent homes. In this case, after the workday is over, these individuals would be more likely to interact with existing residents at local businesses or community facilities. However, given the very limited number of construction workers expected to stay in the local area during the work week, the presence of these individuals would not be expected to result in substantial or long-term adverse effects to the local area's social composition and character.

Therefore, in general, given the expected new local employment opportunities and economic benefits to local business and relatively limited temporary in-migration of construction workers, most local residents and stakeholder groups would be expected to be supportive or, at a minimum, would not oppose the solar facility's construction. Consequently, the project would be expected to have a minor and largely positive impact on the social character of the local study area for the duration of facility construction.

Alternatives

Reconfigured Alternative 1

Population impacts of Reconfigured Alternative 1 would be comparable to those of the proposed action. Although it is possible that construction activities for this alternative could be increased relative to the proposed action due to the larger footprint of Unit 1, it is likely that identical construction activities would be required. Consequently, this alternative would cause identical socioeconomic impacts as the proposed action. The regional study area includes a substantial number of construction workers by type that would adequately provide all required workers for Reconfigured Alternative 1 as well. Therefore, Reconfigured Alternative 1 is not considered to result in population in-migration to the local or regional study area from construction activities.

Reconfigured Alternative 2

As only a minor change would occur to the project site, this alternative would have similar if not the identical construction-related socioeconomic regional and local study area effects as the project.

Reduced Acreage Alternative

The Reduced Acreage Alternative would also result in a smaller facility that would have approximately a 25 percent lower electrical production capacity. As a result, it may be expected that necessary construction spending and employment would be similarly reduced. The construction period for the project might be reduced as well.

As a result of its lower construction spending, the economic spending and employment benefits to the local and regional economies would be expected to be similarly reduced. In addition to

reduced direct economic benefits, the indirect and induced spending and employment gains to the local and regional economy would also be lower by a similar proportion.

Consequently, it may be projected that this alternative would result in direct economic output benefits of approximately \$187 million with additional induced and indirect spending of another \$138 million during the project's construction period. Project construction is expected to directly create an average of 425 annual full-time employees over its construction period with a peak monthly employment of approximately 860 workers. Another 343 indirect and induced employment (full time equivalent jobs) for the regional economy would also be expected during construction.

No Action Alternative A

Since there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed on the site. As a result, the socioeconomic impacts of the project would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates. However, insufficient information is available at this time about what other projects would be developed, and is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS.

CDCA Plan Amendment/No Project Alternative B

Since the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. However, insufficient information is available at this time about what other projects could be developed, and is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS.

CDCA Plan Amendment/No Project Alternative C

Since the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed on the site. As a result, this No Project Alternative would not result in the socioeconomic impacts associated with the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar impacts in other locations.

Operation

Economic

As discussed in greater detail in Section 3.14, *Social and Economic Setting*, the origin of project workers is a central factor determining the magnitude and extent of potential socioeconomic impacts to the local economy and communities from the proposed action. The direct benefits of

employment and higher personal incomes primarily would benefit the communities where the workers and their families reside, since that would likely be where they spend the majority of their earnings. Workers’ spending for goods and services would have an indirect on the communities and economies where that spending occurs. In addition, if there are an insufficient number of suitable local workers available to staff the project, then the project could attract individuals to relocate to the area, which, in turn, could result in an increased demand for housing and local services. If there is insufficient housing or service capacity to meet the new demand, then adverse indirect social and economic impacts could result.

For this analysis, the project would “induce substantial population growth” if workers permanently (or in some cases even only temporarily) move into the local area for employment at project facilities and, thereby, encourage the construction of new homes, extension of roads, other infrastructure development, and/or increase demand for public services.

Project Operations Labor Needs

The employment and spending by the proposed action’s future operations would be the primary direct long-term economic impact associated with the project. The proposed action is expected to require a total of up to 134 permanent full-time employees (CEC RSA, 2010). Table 4.13-3 shows Year 2006-2016 occupational employment projections for the Riverside/San Bernardino/Ontario MSA by operational labor skill as compared to the estimated number of total operational workers needed.

**TABLE 4.13-3
 TOTAL LABOR BY SKILL IN RIVERSIDE/SAN BERNARDINO/ONTARIO MSA (2006 and 2016 Estimate)
 AND PROJECT REQUIRED OPERATION**

Trade	Total # of Workers for Project Operation	Riverside/ San Bernardino/Ontario MSA 2006	Riverside/ San Bernardino/Ontario MSA 2016
Maintenance and Repair Workers, General	--	2,030	2,380
Plant and System Operators	--	310	370
Total	134	2,340	2,750

SOURCE: CEC RSA, 2010 Part 1 Socioeconomics and Environmental Justice Table 5

Approximately a third of the operations jobs would be lower skilled positions. All employees would be provided with necessary training. The basic job requirements for the lower skilled operations workers would likely be high school diplomas and basic mechanical equipment operating abilities. Former agricultural equipment operators, construction laborers, and many other manual labor jobs would be expected to have transferrable skills.

The other more skilled operations would generally require some secondary education and greater mechanical/electrical equipment experience than the lower skilled operation positions. Project construction workers and more experienced farm or other equipment operators would be expected to have transferrable skills suitable to those required for these positions. On-the-job training could

be expected to enable, over time, some lower skilled employees to gain the expertise necessary to staff the more skilled operations positions. In addition, local community colleges (Palo Verde College in Riverside and College of the Desert in Palm Desert) as well as University of California - Riverside have recently developed Utility Job Training Courses with federal funding support specifically designed to provide its students with the training necessary to qualify for the higher skilled operations jobs.

As shown in Table 4.13-3, data for the Riverside/San Bernardino/Ontario MSA indicates that in 2006, the “Maintenance and Repair Workers, General” and “Plant and System Operators” employment sector contained a total of 2,340 workers, with 2016 forecasts for these employment sectors to grow to a total of 2,750 employees. The existing labor force of currently qualified plant and system operators within Riverside and San Bernardino counties is relatively limited and likely reflects the current level of available employment opportunities. As discussed in the previous estimate of the proportion of construction work living in the regional study area, on a per capita basis, it may reasonably be assumed that approximately 13.3 percent of these Riverside MSA operators and general maintenance workers would live within the regional study area.

While the demand for 89 more skilled plant operators for the facility’s future operations would likely exceed the region’s existing supply of unemployed plant operators, the demand would also correspond to a third of the estimated unemployed general maintenance workers in the region. In addition, there would also be individuals amongst the region’s estimated nearly 24,077 unemployed (i.e. 24,340 total regional unemployed – 263 unemployed general maintenance / plant operators) that have or could obtain the necessary training to perform the facility operations. Also, it is likely that some of the currently employed workers would change their jobs to obtain a better paying job and/or to work closer to home. Given the region’s high unemployment levels, any currently employed worker switching jobs could expect to have their vacated position filled by other workers (possibly including others living outside of the regional study area).

According to the Applicant, at least 50 percent of workers would be expected to come from within the regional study area workforce (CEC RSA, 2010), resulting in a potential influx of up to 77 workers in communities within the proposed action’s regional and local study areas (Solar Millennium 2009a). Consequently, it is expected that most of the facility’s operations employment would be provided by workers living within the regional study area from the site. Future project-related in-migration may occur but would be expected to be very minor with at most 77 employees relocating to the local study area. Furthermore, depending on the success of local training programs and possible interest amongst project construction workers or other more skilled local residents, actual in-migration may be lower or unnecessary except for a few top plant management and supervisory positions.

Housing Impacts within the Local Study Area

There would be greater incentive for future operations workers to live closer to the site since the operations job opportunities at the solar facility would be permanent positions. These operations jobs also could encourage workers to seek permanent homes in the local area. As shown previously in Table 4.13-2, the most current published vacancy rates for the cities of Blythe,

California; Ehrenberg, Arizona; and Quartzsite, Arizona are 16.1, 34.9, and 41.9 percent, respectively. These vacancy rates indicate that there is likely currently considerable vacant housing, which could be available to future operations workers who choose to relocate to the local study area. Altogether, it is conservatively estimated that up to approximately 2,480 existing housing units could be available as potential housing for future construction workers (the estimate does not account for other potential available housing within the unincorporated local study area).

Currently, home and rental prices within the City of Blythe and the other communities within the local area are comparatively affordable and there is considerable available housing supply. These vacancy rates and the relatively minor number of project employees likely seeking local housing indicates that more than sufficient existing local housing would be available for any future operational employees choosing to relocate to the local area. Therefore, no new housing or infrastructure growth would be necessary to provide housing or public services for the project's operations workforce.

Future facility operations would encourage, at most, a small number of people to relocate to the area. The small magnitude of the potential action-related in-migration would be expected to be accommodated by the local area's existing housing and, consequently, would not result in new and unplanned growth or land use changes. Therefore, it is concluded that the proposed action would not induce substantial growth or concentration of population in the local study areas.

Consequently, the project's future operations would not be expected to result in population growth either directly or indirectly that would be major in magnitude or adverse in nature.

Operations Spending Impacts

The future facility operations would have a long-term, positive impact on the local economic base and fiscal resources. Operations workers' wages and salaries would provide additional income to the area, as would expenditures within eastern Riverside County for construction materials and services.

As discussed in the construction spending impact analysis, an IMPLAN input-output model was used to estimate the indirect and induced economic impacts for eastern Riverside County based on the operation-phase project expenditures that would be expected to occur within the regional study area.

The same IMPLAN model was used to estimate the project's operations impact on the eastern Riverside County economy although IMPLAN Sector 31, "Electric power generation, transmission, and distribution," was used to estimate spending impacts for operations labor since it most closely corresponds to the North American Industry Classification System Code 221119, which is used for, "Electric power generation: solar." For this analysis, it was assumed that the operations material and equipment purchases would be for standard construction materials and services that would mostly be obtained from within the IMPLAN study area. These project expenditures were used to estimate the economic benefits to the regional study area economy. The IMPLAN model also assumes that all of the project's operations workers would reside within the regional study area of eastern Riverside County.

Project operations would create a permanent, positive impact on the local economy and fiscal resources. Operations employees' salaries would provide additional income to the area, as would expenditures within the multi-county study area for operations and maintenance materials and services. Table 4.13-4 summarizes the IMPLAN analysis findings for the future PSPP operations.

**TABLE 4.13-4
 PROJECT OPERATIONS ANNUAL ECONOMIC BENEFITS (2010 Dollars)**

Fiscal Benefits	
State and local sales taxes	\$0.48 million
Project Operations Spending	
Labor	\$5.8 million
Operations and maintenance supplies	\$5.0 million
Total	\$10.8 million
Direct, Indirect, and Induced Benefits	
Direct	
Economic Output	\$10.8 million
Jobs	134 jobs
Indirect	
Economic Output	\$1.4 million
Jobs	10 jobs
Induced	
Economic Output	\$4.7 million
Jobs	39 jobs
Total	
Economic Output	\$16.9 million
Jobs	183 jobs

SOURCE: CEC RSA 2010.

The annual expenditures of the project were assumed to be \$5.0 million for materials, equipment, and supplies; and \$5.8 million in payroll annually. These figures were used as inputs into the model to predict economic and employment impacts.

Project operations are expected to directly employ 134 full-time employees. This employment would create both indirect and induced secondary employment in the region. Indirect employment is defined as employment that would be generated by the purchase of goods and services required by the project. Induced employment is defined as employment that would be generated by the purchase of goods and services by businesses that are indirectly supported by the project.

As shown in Table 4.13-4, according to the IMPLAN analysis, project operations could have the direct beneficial economic impact of generating a total of \$10.8 million in annual spending on labor and materials within eastern Riverside County. This operations spending could also be expected to generate up to \$6.1 million in new indirect and induced economic output and earnings for other businesses and residents within eastern Riverside County.

The actual future economic impact for eastern Riverside County could be smaller than the total economic benefits shown in Table 4.13-4. Project-related spending would benefit eastern Riverside County and the local economies depending on the extent that workers live and spend their earnings at businesses locally and elsewhere in eastern Riverside County. Given the local study area's rural character, most of the projected benefits likely would be received by the larger cities and communities located elsewhere in eastern Riverside County outside the local study area. The economic benefits to both local and regional businesses could be less than estimated if greater sales leakage occurs than that expected by the IMPLAN model. Irrespectively, the net annual economic impact would be a minor and positive benefit on the local and eastern Riverside County economies.

In terms of economic output impacts, the primary local industries that would benefit the most include: rental housing, architectural and engineering services, wholesale and retail trade businesses, real estate establishments, physicians and other medical professionals, and food service businesses.

Social

The potential for proposed action-related impacts to the local study area's social character are determined by the nature of economic impacts of the project and any related in-migration.

As discussed above, the project could generate considerable economic benefits directly for both workers and local businesses providing materials and services for the project. In addition, major indirect and induced spending benefits for the local and eastern Riverside County economies would be generated by subsequent spending by the workers and businesses income within the local and regional economy. The economic benefits are expected to extend widely within the local and regional economy but would most benefit food, retail, lodging, real estate, and medical-related businesses.

The additional new income for the local economy from the project would have a positive contribution towards supporting local business and maintaining the economic vitality of the City of Blythe and the other neighboring communities for the lifetime of the project. The positive effect for the local economy would be increased given the local study area's recent and on-going economic weaknesses as a result of both longer term changes and the more recent economic downturn. The continued viability of Blythe's local business community is important for the City's long-term well-being. Increased local employment opportunities would improve local residents' standard of living and would help retain younger residents that otherwise would be more likely to leave the community if there are insufficient local employment opportunities. The extent of the local community's positive social attitudes towards the project could be expected to increase as more local residents gain employment (either directly or indirectly) or otherwise benefit from the project.

Project-related in-migration could affect the social character of the local study area. An influx of new individuals with different values, lifestyles and/or socio-demographic backgrounds could have a positive or negative influence on the quality life and/or community values. The existing community members' attitudes and opinions to any such changes could vary greatly between individuals. However, generally, the magnitude of the in-migration would need to be relatively

substantial to noticeably alter the prevailing social environment. The majority of the facility's permanent workforce is expected to commute daily to the site from within the regional area. Given that most workers would likely travel to the site from their homes located west of Blythe, local residents would have little daily interaction with most workers. It is possible that some workers would choose to commute weekly from their homes and stay at local hotels/motels or perhaps rental homes. In the latter case, before or after the workday is over, these individuals would be more likely to interact with existing residents at local businesses or community facilities. However, given the very limited number of workers expected to stay in the local area during the work week, their presence would not be expected to result in substantial or long-term adverse effects to the local area's social composition and character.

Therefore, generally, given the expected new local employment opportunities and economic benefits to local business and relatively limited in-migration of permanent workers, most local residents and stakeholder groups would be expected to be supportive or at a minimum not opposed to project operation. Consequently, the proposed action is expected to have a minor impact and largely positive impact on the social character of the local study area's economy for the 30-40 year duration of the project.

Alternatives

Reconfigured Alternative 1

Operation of Reconfigured Alternative 1 would require the same number of employees as the proposed action. Therefore, up to 34 operational employees could choose to relocate to the local area for Reconfigured Alternative 1 from more distant regional study area locations. As discussed above, in the event any direct operational employees or indirect/induced employees were to relocate to the local study area permanently, this population would be served adequately by local area available housing. Consequently, operation of Reconfigured Alternative 1 would not induce substantial population growth in excess of available local study area housing.

Housing impacts of Reconfigured Alternative 1 would be identical to those of the proposed action. Any temporary in-migration from the required construction workforce of Reconfigured Alternative 1 seeking local housing during the work week (assumed up to 15%) would not trigger the need for new housing in the local study area. Furthermore, it is assumed all workers would be residents of the local or regional study area.

It is possible that up to 34 operational employees could choose to relocate to Reconfigured Alternative 1's local area from more distant regional study area locations. In the event any direct operational employees or indirect/induced employees were to relocate permanently to the local study area, this population would be adequately served by local area available housing. Consequently, construction and operation of Reconfigured Alternative 1 would not induce substantial population growth in excess of available local and regional study area housing.

Reconfigured Alternative 2

Operations spending and employment for the Reconfigured Alternative 2 (under either option) would be expected to be the same as that for the proposed action; consequently, the social and economic impacts would be the same.

Reduced Acreage Alternative

The Reduced Acreage Alternative would also result in a smaller facility that would have approximately a 25 percent lower electrical production capacity. As a result, it may be expected that necessary operations spending and employment would be similarly reduced.

As a result of its lower operations spending, the economic spending and employment benefits to the local and regional economies would be expected to be similarly reduced. In addition to reduced direct economic benefits, the indirect and induced spending and employment gains to the local and regional economy would also decreased a similar proportion.

Consequently, it may be projected that this alternative would result in direct economic output benefits of approximately \$8.1 million with additional induced and indirect spending of another \$4.6 million annually. The project's operations would be expected to provide 100 full-time jobs. Another 37 indirect and induced employment (full time equivalent jobs) for the regional economy would also be expected.

No Action Alternative A

Since there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed and operated on the site. As a result, the socioeconomic impacts of the project would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, potentially including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed and operated to meet State and Federal mandates. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Since the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Since the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, this No Project Alternative would not result in the socioeconomic impacts associated with the proposed project. However, in the absence of this project, other renewable energy projects may be constructed and operated to meet State and Federal mandates, and those projects would have similar socioeconomic impacts in other locations.

Closure and Decommissioning

Economic

The anticipated lifespan of the project is estimated to be 30 to 40 years. Closure- and decommissioning-related social and economic impacts would be related to both the discontinuation of the solar operations and the short-term effects of the necessary facility deconstruction and subsequent site reclamation activities.

The direct economic impact associated with discontinuation of the solar energy generation site would result in job losses for the operations workforce, which would no longer be needed to maintain the facility's daily operations and/or repair the solar power generation equipment and related infrastructure. Closure would also directly reduce future revenues to any local material, equipment, and service suppliers previously supporting the facility's daily operations.

In addition, closure would have the additional adverse economic effect of reducing the employment and revenues for other local or regional businesses that rely on spending by the project's operations staff or suppliers. As a result of the reduced income and revenues of these affected businesses, the project's staff and support businesses would make few purchases from other local businesses, which, in turn, would reduce these businesses and its employees' income and purchasing ability.

Facility deconstruction activities could, however, result in a short-term increase in local spending from the employment, equipment, and materials required to dismantle the solar facility and reclaim the site. The cost and duration for the deconstruction activities is likely to be roughly comparable to that of the construction; except that the amount of labor and materials would be less than that required for the facility development because the facility would not need to be operational. The magnitude and duration of the resulting short-term economic benefits would likely be proportional to the extent of the deconstruction activity required for the facility's removal. The economic benefits to the local and regional economy would also likely be of a similar type and magnitude as those projected for construction, unless there is significant change to the local and regional economy during the interim period.

Given a reasonable expectation of considerable increased solar-related local business development and employment, it could be expected that there would be an increased number and variety of businesses that could provide necessary solar-related services. This would, in turn,

ensure that the local and regional economies would be able to retain a greater proportion of benefit from the future decommissioning spending since a smaller proportion of the work would be performed by out-of-region businesses and, hence, be lost by the region's economy.

Consequently, the economic impacts associated with the ultimate decommissioning could be initially positive from the increased employment and business spending over the relatively brief duration of the deconstruction and site restoration activities. However, following the completion of the decommissioning process, there would be minor adverse long-term economic impacts to the local economy from the loss of the solar facility's employment and annual spending.

Social

As discussed in the economic analysis above, ultimate closure and decommissioning would result in the reduced local employment opportunities and decreased revenues for businesses supplying the materials, equipment, and services required to operate and maintain the project. In addition, there would be secondary economic losses for local residents and businesses that benefit from sales and employment by the project employees and supplier businesses.

The potential for adverse social impacts would depend on the magnitude of the facility-related economic losses. Future decommissioning the proposed action alone would be expected to have, at most, a very minor adverse social impact. Given a reasonable expectation that a considerable number of other solar developments would occur within the region as well as an increase in other solar-related local business development and employment, the loss of an individual project would have a reduced potential to result in adverse social impacts. For substantial adverse social impacts to occur, the scale of employment and/or business economic losses would need to be of a type and magnitude that worker relocation and/or business closures would occur so that the local quality of life is reduced or the local communities' social character is adversely altered. Furthermore, the potential for adverse social impacts could be significantly reduced or eliminated if proposed decommissioning is anticipated and planned appropriately. In addition, the potential for adverse social impacts would also be significantly reduced if alternative employment and business opportunities develop, thereby reducing the economic impacts to the workers and businesses affected by the closure.

Consequently, future decommissioning of the project could result at most in a very minor adverse long-term social impact from the reduced local employment and spending. It is also very possible that future decommissioning of the project would result in a negligible adverse future social impact.

4.13.3 Discussion of Cumulative Impacts

The potential for cumulative socioeconomic impacts exists where there are multiple projects proposed in an area that have overlapping construction schedules and/or project operations that could impact similar resources. Projects with overlapping construction schedules and/or operations could collectively result in a demand for labor that cannot be met by the region's labor pool, which could lead to an influx of non-local workers and possibly their dependents. This

population increase could impact social and economic resources if there are insufficient housing resources and/or infrastructure and public services to accommodate the new residents' needs.

Section 4.1.4, *Cumulative Scenario Approach*, identifies current solar and non-solar projects which could be developed in the foreseeable future within both eastern Riverside County and elsewhere in Riverside County or the surrounding counties. While a large number of projects may be planned and, therefore, considered to be possible for future development, not all of them are expected to actually be built due to construction funding constraints, schedule, and/or delays. Many of the currently proposed projects in the region anticipate participation in federal funding programs and/or assistance for project development. Given the uncertain and challenging economic circumstances facing both federal and state economies, it is far from assured that future funding and other governmental support will be sufficiently available for all the proposed projects within the projected schedules.

As shown in Table 4.1-1, currently more than a dozen BLM renewable energy projects are identified in the Cumulative Project Scenario for the social and economic analysis. In addition, six smaller BLM authorized actions are also identified. Finally, the Blythe Airport Solar 1 and Chuckwalla Valley Raceway projects are two other developments expected to occur or be completed within eastern Riverside County.⁷

There are 13 solar projects proposed along the I-10 corridor predominantly between Desert Center and Blythe. Based on the currently available data for these various projects (information obtained from Plans of Development and other project documents), and assuming all projects move forward, these projects would be constructed in the same general timeframe as the proposed action (i.e. between 2011 and 2016).

The cumulative analysis conservatively assumes that all the proposed solar projects would be completed (or at least begin major construction) within the five-year cumulative timeframe. This cumulative impacts discussion is based on available data with respect to both construction schedules and the projects' labor requirements. If construction and operating labor requirements are not known for some projects, average work force levels of other comparable projects and professional judgments have been used to develop conservative estimates of expected cumulative labor requirements for these projects.

Economic

Construction

Cumulative Construction Labor Needs

If all of the 13 major BLM Solar Projects identified in eastern Riverside County are constructed, a total of 6,108 MW of new solar power would be developed. The average solar power project would be approximately 470 MW in size and may be expected to require approximately 1,926

⁷ The Chuckwalla Valley Raceway project is scheduled for completion in late 2010 and therefore would not be expected to add any significant construction labor need during the 2011 to 2016 cumulative analysis time period.

full time equivalents (FTE) construction workers to be built.⁸ Full build-out of all 13 BLM solar projects would require approximately 25,040 FTE of construction worker employment over the cumulative analysis's five year time-frame. This labor demand would be roughly equivalent to an average of 5,000 FTE of construction workers per year (i.e., 25,040 jobs divided by five). This level of construction worker labor demand would represent the minimum employment impact on the regional study area since it assumes that all the BLM solar project construction work would be evenly performed over the five year period.

However, the solar projects' cumulative peak construction employment needs would place the highest demand on the regional construction labor supply and have the greatest potential for cumulative socioeconomic impacts. Based on their projected power generation performance and construction employment estimates, the typical peak construction labor requirements for solar projects are estimated to average 1.86 workers per MW. In which case, during its period of peak construction, a typical 470 MW solar project would employ approximately 875 construction workers. Under the extremely improbable circumstance that peak construction of all 13 planned BLM solar projects happening concurrently, a maximum of 11,360 construction workers would be required in the region.

The actual cumulative construction labor force demand within the study region would be higher than the 5,000 FTE minimum and likely considerably lower than the 11,360 FTE maximum. The average construction period for BLM solar projects is estimated to be approximately 43 months or 3.6 years. Furthermore, project developers would likely seek to minimize the construction occurring during the hottest summer months and may stagger their construction periods accordingly. Consequently, some seasonality may be expected to occur as developers favor more construction during the region's cooler winter months. Therefore, conservatively assuming that all the projects would be completed with the five-year cumulative scenario period, the regional labor need for a likely maximum cumulative labor demand conditions would be for four projects to have peak labor needs during the same year.⁹

Given an average construction period of 3.6 years, it would be expected that at least nine of the 13 BLM solar projects would be occurring at any one time and more likely, at least 11 would be ongoing during the expected peak labor demand period of 2012 to 2014. Therefore, the peak construction labor demand for the cumulative analysis is estimated to be equivalent to the total construction labor demand for seven solar projects under average construction conditions and four solar projects during peak construction. Altogether, such a rate of solar construction would be expected to require a total of 7,180 construction workers for the various BLM solar projects along the I-10 corridor during the years of major solar project development.¹⁰

In addition, there also could be demand for construction workers from the planned non-BLM solar project proposed for the Blythe Airport. This 100 MW solar project could contribute

⁸ This is based on an estimated average construction labor need of approximately 4.1 construction workers (FTE) per MW of solar power production capacity.

⁹ The peak construction requirement typically occurs during mid-construction, suggesting that 2012 – 2014 would be most likely to experience peak labor demands.

¹⁰ This assumes a typical 470 MW solar project requiring 527 workers under average construction conditions and 873 workers during the shorter periods of peak construction.

approximately 150 construction workers annually over the course of a multi-year construction period. The future construction needs of the various other non-solar projects on BLM land in the region are not known. However, for purposes of this analysis, the projects are assumed to have an annual construction labor need roughly comparable to another solar project (i.e., 530 construction workers).

Therefore, 7,880 construction workers is very conservatively estimated to represent the maximum possible future cumulative labor force demand from the region's planned solar and non-solar development. This estimate assumes all the identified projects would be developed within the five year cumulative analysis period.¹¹ The proposed action's maximum potential contribution to this cumulative effect would be approximately 13.8 percent during its peak construction period. The project's average contribution to the cumulative impact would be approximately 8.2 percent during its non-peak construction.

Regional Labor Force Supply

As discussed earlier in the social and economic analysis, the total work force of skilled construction workers currently living in eastern Riverside County is estimated to be approximately 14,665. Future demand for 7,880 construction workers would be equivalent to employment for more than half (53.7 percent) of the current skilled labor force. Such demand for construction workers far exceeds the current unemployed construction labor force. Approximately 850 skilled construction workers are expected to be added to the eastern Riverside County labor force by 2016 (based on past job projections shown in Table 4.13-1). The cumulative labor force demand would still represent more than half the region's currently forecasted future skilled construction labor force.

The current unemployed labor force within eastern Riverside County is estimated to be 32,240. The construction worker demand, if met fully by the unemployed labor pool in eastern Riverside County, would represent approximately a 24.4 percent decrease in the regional study area's unemployment level. Although many of the region's currently unemployed residents may lack transferable skills or have the physical aptitude to acquire the necessary skills required by cumulative labor demand, many residents could be adequately trained to be employable. Furthermore, some of the construction work would be more entry-level positions which may be suitable for less skilled workers.

Some of the regional workforce currently employed in other sectors also could have the capabilities to qualify for project construction work. In such cases, some job transferring may occur, especially since the construction jobs may be expected to be relatively well-paid and attractive for many local residents. The less skilled or desirable jobs vacated by individuals transferring to construction work could be filled by other less skilled unemployed residents. Finally, the cumulative labor force demand on eastern Riverside County also could be partly reduced as projects located to the west would be closer to cities and potential workers outside the

¹¹ In actuality, construction labor shortages (and related wage escalation) would also be expected to become a possible constraint reducing the pace of future development occurring.

project's regional study area. Consequently, these projects could meet some of their labor needs from residents from San Bernardino, Riverside or Moreno Valley.

Housing and Lodging Impacts within the Local Study Area

There could be demand for specialized construction trades that exceed the available labor supply for specific trades within eastern Riverside County. In which case, it is assumed that those job positions would be filled by workers relocating into the region from elsewhere.

Given the numerous factors discussed above, it is difficult to project the extent of future weekly commuting or other in-migration that would be necessary to meet the future cumulative labor needs within the region. However, as a conservative assumption, other social and economic impacts analyses for solar projects have suggested that a 15 percent rate of in-migration would be a conservative and reasonable assumption. Such a proportion of in-migration applied to the projected maximum future cumulative labor force demand would suggest that up to 1,165 construction workers could require temporary housing in the local, or possibly, regional study area.

As discussed earlier, the skilled construction labor force within Riverside County is estimated to be approximately 69,100. This suggests that there is likely to be a considerable additional potential labor force available that could be willing to commute weekly or temporarily relocate to the local area. Consequently, from a broader geographic and labor force perspective, no significant shortages of adequately skilled construction workers, is foreseen, provided adequate and/or suitable housing is available for relocating near the projects' sites.

The cumulative influx in construction labor to the area could create demand for temporary housing that is greater than the existing supply of temporary lodging. As discussed in the previous construction impact analysis, private and public RV/campgrounds are not expected to be suitable or attractive lodging options for most project construction workers seeking local accommodations. There are expected to be some suitable and available temporary lodging at local hotel/motel lodging. Although, room availability and prices could be higher during the winter months, based on County-wide vacancy rate estimates, nearly 300 rooms could be available in the local area. Given that some construction workers might be willing to share rooms and save on their lodging costs, the existing local hotel/motels could be able to satisfy up to 450 future construction workers seeking local temporary housing. If construction workers are willing to commute 1 to 1.5 hours daily to the site, the supply of potential hotel/motel increases dramatically to an estimated 8,285 rooms, which would correspond to an average of 2,420 unoccupied rooms. This would be more than sufficient temporary housing for an expected 1,165 construction workers seeking temporary housing.

In addition to the available lodging in the local area, there are also potentially considerable under-utilized homes in the local area that may be suitable for rent by construction workers seeking local housing. Within the City of Blythe, approximately 880 homes are currently estimated to be vacant and another 1,594 local housing units may be available within the cities of Ehrenburg and Quartzite in Arizona. Given that some construction workers could be willing to share homes to

reduce their lodging costs, these housing units could provide more housing for the projected cumulative local housing demand.

Some of the solar developers might also choose to develop onsite housing facilities for their construction work forces. For example, on-site worker accommodations are planned as part of the Rice Solar project by its developer.¹² The Eagle Crest Pumped Storage project near Desert Center is located at a former mine site that has housing previously used by mine workers. Project documents indicate that the possible use of the onsite housing for the pumped storage project is under consideration. In addition, BLM may allow temporary LTVAs to be established on site for construction workers for the duration of project construction as temporary lodging facilities.

Irrespective of the availability of temporary housing, it may be expected that, even under future cumulative conditions, a relatively small proportion of construction workers would choose to permanently relocate to the local communities where they are employed during construction. This is because many construction workers could choose to commute relatively long distances to their work sites and may expect to seek work within the more populated areas of Riverside and San Bernardino Counties in the future.

Furthermore, during the same time period with the greatest potential for adverse impacts resulting from the cumulative demand for construction worker housing, there also would be a major positive economic stimulus to the Blythe area and eastern Riverside County economies associated with the solar development which could likely offset any adverse impacts.

In summary, there is potential for short-term adverse cumulative social and economic impacts in the Blythe area associated with the demand for skilled construction labor for the dozen solar projects proposed for future development within eastern Riverside County. Analysis suggests that future construction labor demand would be greatest from 2012 to 2014 and may be sufficient to exceed the existing local work force within eastern Riverside County. In which case, there may be increased demand for temporary local housing from construction workers seeking to commute weekly to the local area. However, given the estimated availability of lodging and possible rental housing, it is expected that there will be adequate and suitable housing to meet any future construction worker temporary housing demand. Therefore, no major adverse social or economic impacts would be expected to result.

Operations

Based on their projected electrical generation projections and employment requirements, if all of the 13 major BLM Solar Projects identified are constructed, a total of 6,108 MW of new solar power would be developed. The average solar power project is estimated to require approximately 0.21 operations workers for each MW of solar power production. Consequently, if full build-out of the planned solar development occurs, the future cumulative operations labor employment in the

¹² Development of temporary worker housing facilities is more likely to be possible at projects (such as Rice), which are located on private property.

region would be approximately 1,280. The project's operations employment of 65 jobs represents approximately a 5.2 percent contribution to the cumulative operations labor need.

As discussed in the earlier operations analysis, there is currently only a limited population of skilled plant workers living in the eastern Riverside County. However, the transferability of construction worker skills, on-the-job and local community college training opportunities, as well as the lower skilled qualification requirements for half the operations job suggest that there would be many local and eastern Riverside County residents who would be able to meet the cumulative operations labor needs.

Even conservatively assuming that up to 25 percent of the future operations labor force could be obtained from persons living outside the region, there would be an in-migration population of 320 operations workers. There is more than sufficient available local housing to accommodate the housing needs of these workers and their families. Furthermore, the relatively limited number of new residents would not be expected to result in any noticeable change to the local communities' social composition or character. The future operations of the solar projects will also generate significant annual economic benefits in local employment, direct and indirect spending at local businesses as well as positive sales and other tax benefits for the local area. Consequently, the cumulative social and economic effect of the future operations of the solar projects would be minor and beneficial.

Closure and Decommissioning

Evaluating the proposed action's cumulative impacts when future facility decommissioning occurs is highly speculative. Ultimate decommissioning is expected to occur in 30 to 40 years time. It is not possible to project with any confidence the likely future social and economic conditions of the local and regional study area. Similarly, it is very difficult to envision the future cumulative scenario conditions that appropriately represent the context within which the project would dismantle its facilities and site reclamation would occur. Simply stated, any presumptions of the future status for the other solar projects (e.g., continued operation, replacement or decommission) would directly determine the nature of the impact that discontinuation of the proposed action would be expected to have.

In any case, the proposed action is expected to be one of many similar solar projects within the eastern Riverside County region. As such, the proposed action's contribution and influence on the region's social and economic conditions would likely be proportional to: (a) its magnitude relative to the other developments projects in the region; and (b) the collective size and relationship of the combined development projects to the region's social and economic conditions. Consequently, from the current perspective and based on the currently and foreseeable future circumstance for the project and the region, there is no evidence to suggest that future decommissioning of the project would have anything but at most a very minor adverse cumulative impact on the local and regional area's economic or social environment.

Social

Construction

The cumulative impact of the many proposed future solar and non-solar development projects in Eastern Riverside County would result in considerable short-term construction activity at many locations throughout the region. Future cumulative demand for construction workers for these projects could exceed the available supply of skilled construction workers living in the region. In this case, construction workers from elsewhere in Riverside County, Southern California, or Arizona could be attracted to the area by the construction employment opportunities. The potential for adverse social impacts would be decreased if there is a sufficient suitable supply of housing and lodging to satisfy these workers' local housing demand. Therefore, in this case, no new residential or lodging growth would be expected to occur.

The ongoing construction activity in the region, influx of construction workers both commuting daily to the site from the regional area, and the more limited number who could choose to temporarily live in the local area could noticeably alter the social character and environment within Blythe and the other communities within the local area. A construction worker population of 7,780 would be equivalent to approximately 29 percent of the estimated total local study area population and, consequently, would be cumulatively likely to be very noticeable.

The potential influx of construction workers to the local area would be accompanied by an increase in economic activity from their spending in local business establishments. In addition, the planned new development projects would make purchases from local businesses for construction materials and supplies, and would place demands on various kinds of services.

The effects of the increased activity on local attitudes and quality of life may vary amongst residents. While some residents may be displeased by increased traffic, new visitors and temporary residents, other residents (particularly those employed or otherwise benefiting economically from the construction) could welcome the development.

However, an influx of new workers also could increase the demand for certain kinds of government services and infrastructure (e.g., police and fire services and medical facilities and services). There have been other past instances of rapid growth in rural areas as a result of energy-related development, most notably the energy boom in the 1970s in states such as Wyoming. A number of communities, such as Rock Springs and Gillette, Wyoming, became known as "boomtowns," and the local economic benefits from the new energy development in the region were accompanied by some social changes that were not seen as positive by many existing residents. These included changes such as growth in number of bars, higher crime rates, and perceived (by some) aesthetic degradation due to rapid growth occurring to accommodate the sudden increase in population.

The presence of existing larger communities (such as Indio and Coachella) that are within possible commuting range for construction workers could suggest that circumstances may differ substantially from those facing the more isolated Wyoming boomtown communities 35 years ago. However, there would remain a potential for temporary impacts in the Blythe area, particularly if the possibility of such social and economic impacts are not anticipated and are not managed.

Operation and Maintenance

As discussed in the corresponding economic cumulative analysis, the proposed action's future operations would be expected to have a minor and beneficial effect on the local and eastern Riverside County economy. Even conservatively assuming that up to 25 percent of the future operations labor force could be recruited from people living outside the region, there would be an in-migration population of only 320 operations workers. There is likely to be more than sufficient available local housing to accommodate the housing needs of these workers and their families. Furthermore, the relatively limited number of new residents would not be expected to result in any noticeable change to the local communities' social composition or character. The future operations of the solar projects also would generate significant annual economic benefits in local employment, direct and indirect spending at local businesses as well as positive sales and other tax benefits for the local area. Consequently, the cumulative social and economic effect of the future operations of the solar projects would be minor and beneficial.

Closure and Decommissioning

As discussed in the corresponding economic cumulative analysis, there is insufficient information to reliably project the conditions when decommissioning of the proposed facilities would occur in 30 to 40 years in to the future. Consequently it is highly speculative to attempt to characterize the future situation and circumstances under which facility decommissioning would occur.

In any case, the proposed action is expected to be one of many similar solar projects within the eastern Riverside County region. Consequently, from the current perspective and based on the currently and foreseeable future circumstance for the project and the region, there is no evidence to suggest that the future project decommissioning would have anything but at most a very minor adverse cumulative impact on the local and regional area's social environment.

Alternatives

Reconfigured Alternative 1

Construction and operation-related spending and employment for the Reconfigured Alternative 1 would be expected to be the same as that for the proposed action; consequently, the social and economic cumulative impacts would be the same.

Reconfigured Alternative 2

Construction and operation-related spending and employment for the Reconfigured Alternative 2 would be expected to be the same under either option as that for the proposed action; consequently, the social and economic cumulative impacts would be the same.

Reduced Acreage Alternative

The Reduced Acreage Alternative would also result in a smaller facility that would have approximately a 25 percent lower electrical production capacity. As a result, the social and economic cumulative impacts would be similarly decreased in magnitude.

No Action Alternative A

Since there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed on the site. As a result, the socioeconomic impacts of the project would not occur at the proposed site. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. In addition, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates. However, insufficient information is available at this time about what other projects could be developed, and is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS.

CDCA Plan Amendment/No Project Alternative B

Since the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. However, insufficient information is available at this time about what other types of projects or technologies could be developed, and is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS.

CDCA Plan Amendment/No Project Alternative C

Since the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would continue to remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, this No Project Alternative would not result in the socioeconomic impacts associated with the proposed project. However, in the absence of this project, other renewable energy projects may be constructed to meet State and Federal mandates, and those projects would have similar socioeconomic and cumulative impacts in other locations.

4.13.4 Summary of Mitigation Measures

No mitigation measures are identified.

4.13.5 Residual Impacts after Mitigation Measures were Implemented

Because no mitigation measures would be implemented, no residual impacts would remain.

4.13.6 Unavoidable Adverse Impacts

No unavoidable adverse social or economic impacts would be expected to be associated with the proposed action or alternatives.

4.14 Impacts on Soils Resources

4.14.1 Impact Assessment Methodology

Direct and Indirect Impacts: Direct impacts of a project are caused by the project and occur at the same time and place. Indirect impacts of a project are also caused by the project but occur later in time or farther removed in distance, while still being reasonably foreseeable. The potential impacts discussed in this analysis relate to soil erosion and sand transport stemming from construction, operation and decommissioning of the project. For assessing impacts of the proposed action and alternatives on sand migration, direct impacts are considered to be impacts from the project footprint and “sand shadows” that form within the site boundary as a result of on-site wind fences. Indirect impacts would take the form of sand shadows that extend beyond the project disturbance boundary (PWA, 2010). Potential impacts of the proposed action and alternatives related to expansive and corrosive soils are analyzed in Section 4.12.9, *Geologic Hazards*.

Soil Erosion: Because soils at the site have not been previously mapped, the Applicant commissioned a general survey to characterize the soil conditions at the site. General soils data also was derived from the United States General Soil Map, as discussed in Section 3-15, Soils Resources. These data were used in conjunction with observations and laboratory testing at the site to detail soil characteristics including depth, texture, drainage, permeability, and erosion hazard of individual soil mapping units on the project site.

Sand Transport: Most sand transport (as opposed to dust transport) occurs close to the ground through the processes of rolling and saltation (bouncing of sand particles). This analysis assumes that all areas within the project boundary would be directly impacted (lost) as active sand dunes (dunes that have an active layer of mobile sand). Therefore, this assessment focuses primarily on off-site indirect impacts. The primary off-site impact would be disruption of sand transport to the sand transport corridor. The project has the potential to disrupt the Chuckwalla sand transport corridor because it includes a perimeter sand fence that would be 30 feet high and designed to stop sand from entering the solar array (PWA, 2010).

The sand fence is assumed to act as an effective barrier to sand transport, and create a sand shadow downwind. A sand shadow is an area downwind of a sand barrier where the wind removes fine sand but there is no replacement by sand from upwind. Over time, existing sand dunes in a shadow area will be deflated. They will shrink and become thinner and coarser as the fine sand is blown away by the wind. At a certain point downwind, the sand shadow disappears because diffusion is able to replace sediment into the area downwind of the fence obstruction. To quantitatively assess the area of sand shadow associated with the proposed action and alternatives, PWA (2010) developed a numerical model of sand transport. The model predicts areas of sand shadow in response to inputs of prevailing wind directions, distribution of wind around that mean, and the location of sand barriers (PWA, 2010). The percentage of sand reduction between pre-project and post-project conditions was modeled for the proposed action and alternatives. The percent sand reduction then was overlaid on the Sand Transport Zones

(Figure 3.15-3) to calculate an area of impact for the project and each alternative (PWA, 2010). Sand Transport Zone 4 (Figure 3.15-3) was not included in the assessment because wind transport is not a significant process in this zone and because the zone does not appear to be MFTL habitat (PWA, 2010).

The Applicant contested the wind shadow area estimates produced by PWA and submitted its own estimate of indirect impacts from wind transport (Kenney, 2010). The resulting sand shadows estimated by the Applicant are smaller than the areas calculated by PWA (2010). The Applicant's estimate of indirect impacts to sand transport used the same prevailing wind data as the PWA (2010) assessment, and assumed the same prevailing wind direction, primarily with a north and northwesterly direction. However, it sets the bar for impact as being lower than the PWA (2010) analysis. The following assessment of the proposed action and alternatives utilizes the results produced by PWA (2010) because they provide a more conservative analysis of impacts to sand transport from wind shadow areas within the Chuckwalla sand transport corridor.

4.14.2 Discussion of Direct and Indirect Impacts

Proposed Action

Erosion

The preliminary stages of construction, especially site grading, excavation, and soil stockpiling would leave loose soil exposed to the erosive forces of rainfall and high winds. Erosion is the displacement of solids (soil, mud, rock, and other particles) by wind, water, or ice and by downward or down-slope movement in response to gravity. Due to generally flat terrain, the Project site is not prone to significant mass wasting (gravity-driven erosion and non-fluvial sediment transport). Soil characteristics at the Project site allow for the potential for wind and water erosion.

Grading of the site would result in a less than 1% slope downward from the south to the north of the site. Earthwork associated with the project would include excavation for foundations and underground systems. The anticipated volume of total earth movement is approximately 4.5 million cubic yards. Cut and fill would be balanced on the site, and there would be no need to either import or export earthen material. The vast majority of project-related grading and excavation would occur on the site with only minor excavation needed for installation of a gas line within the linear right-of-way.

During construction, the solar plant site and those portions of the ROW supporting off-site linear facilities (i.e., the final transmission line, temporary construction power line, telecommunications line, and site access road described in Section 2.3, *Connected Actions*) would be disturbed. At that time, the surface of the disturbed areas would be devoid of vegetation and there would be the highest potential for erosion and associated effects, including soil loss and increased sediment yields downstream from disturbed areas. Development of the proposed action or one of the build alternatives would affect up to 3 acres of agricultural land (see Table 4.17-1, *Comparison of Direct and Indirect Impacts to Vegetation Communities and Special Status Plants from Proposed Action and Alternatives*).

Project grading and excavation would affect soil types present on the site, listed in Table 3.15-1. The runoff potential of these soils ranges from negligible to slow except during torrential showers, the water erosion hazard ranges slight to moderate, and the wind erosion potential is high. During construction, the area within the plant site fence line (2,970 acres) would be disturbed. During construction, soils would be exposed due to site grading, site clearing, excavation, and soil stockpiling; these activities would increase the potential for erosion by exposing loose soil to wind and water. Small, localized disturbance also would occur at the specific locations where transmission structures would be installed.

Wind Erosion

The potential for soil loss by wind erosion was estimated using the Wind Erosion Prediction System for pre-development (undisturbed), during construction, and operational conditions. The soils on the site have a high susceptibility to wind erosion. Under current conditions, soil loss is estimated to be 392 tons/acre/year (t/ac/yr; CEC RSA, 2010).

Construction activities would increase the potential for soil loss to an estimated 445 t/ac/yr for disturbed conditions without implementation of control measures. During the proposed action's operation period, soil loss is estimated to be 233 t/ac/yr (CEC RSA, 2010), which is less than natural conditions. The wind erosion values calculated exceed the loss tolerance for the soils present at the site. Soil tolerance is the rate at which soils form and is expressed as the maximum amount of a soil that can be lost and still maintain long term productivity. The predicted rates of wind-induced erosion at the site are very high due to the high sand content (95% by weight) of the soil Series (CEC RSA, 2010).

With the implementation of Best Management Practices (BMPs), changes to soil erosion, in comparison to current conditions or a condition of no action, would be minimal during project operations. Further, the proposed action would utilize soil stabilizers within the solar array area to reduce the amount of dust deposited on the solar collectors. Selected soil stabilizers would be consistent with state and local regulations regarding the application of soil stabilization products within erodible soils. Post-construction actions would include dust control through periodic watering (see to Section 4-19 for volumes and additional discussion), placement of gravel berms and detention structures to control sediment loss, and management of stormwater runoff. The power block areas would be graded to direct runoff and divert stormwater to surface swales directed to one of the three relocated washes. Diversion ditches and the dispersion area would be designed to accommodate flow from a 100-year storm event. Roads and paved areas would be kept free of dust, dirt and visible soil materials. Materials would be kept on site to implement temporary control measures during the operational life of the project. Decommissioning activities would have similar soil disturbing impacts as compared to construction activities and would increase the potential for soil loss from wind erosion. With implementation of BMPs and with application of Mitigation Measure Soil&Water-13, *Closure and Decommissioning Plan*, soil loss would be minimal during decommissioning activities for wind-related erosion.

Water Erosion

The runoff designations for the soils affected during site grading range from negligible to high and have moderately rapid to rapid permeability. Infiltration at the site is expected to be moderate to rapid. The potential for soil loss by water erosion (sheet and rill erosion) was estimated using the Universal Soil Loss Equation (USLE) for pre-development, construction, post-development, and operational conditions (CEC RSA, 2010).

Soil loss estimates are; 0.25 t/ac/yr for undisturbed conditions, 1.01 t/ac/yr during construction, and 0.46 t/ac/yr during operations (CEC RSA, 2010). Water erosion from sheet and rill erosion under the present undisturbed conditions are considered minimal. High infiltration rates, flat slopes, and low rainfall contribute to the low water erosion rates. When soils are disturbed (e.g., during construction), erosion rates could increase and thereby cause an impact. During construction, the bulk density of soils would increase due to compaction from heavy equipment, decrease soil infiltration rates, and could cause greater runoff, especially during high-intensity, rainfall events (CEC RSA, 2010). However, the implementation of proper BMPs could adequately protect the soils on site through soil stabilization and erosion control, applied so as to channel and retain such flows on site during the construction period. Additional information on the impacts of stormflow events on soils, and the BMPs and other mitigation measures to be applied, is presented in Section 4.19, *Water Resources*.

Because soil surface disturbance for the proposed action would be greater than one acre, specific erosion control measures would be identified as part of the National Pollutant Discharge Elimination System (NPDES) General Construction permit and Storm Water Pollution Prevention Plan (SWPPP) required for construction. During construction, erosion control measures would utilize Construction Water Quality BMPs to avoid or minimize soil erosion and off-site sediment transport. Examples of typical construction BMPs include scheduling or limiting activities to certain times of the year, in particular to avoid flash floods; installing sediment barriers such as silt fences and fiber rolls along the perimeter of the active construction area; maintaining equipment and vehicles used for construction in excellent working condition; and developing and implementing a spill prevention and cleanup plan consistent with state and local requirements. The SWPPP (and associated BMPs) would be prepared and implemented prior to commencing construction, and BMP effectiveness would be ensured through sampling, monitoring, reporting, and record keeping requirements contained in the construction general permit. In addition, the general construction permit required under the NPDES program would require that the topsoil be preserved in areas requiring grading to ensure proper implementation of post-construction BMPs for site restoration. Decommissioning activities would have similar soil disturbing impacts as compared to construction activities and would increase the potential for soil loss from water erosion. With implementation of BMPs and with application of Mitigation Measure Soil&Water-13, *Closure and Decommissioning Plan*, soil loss would be minimal during decommissioning activities for water-related erosion.

Sand Transport

The proposed action intrudes into the Palen Dry Lake-Ford Dry Lake sand migration corridor by more than a mile, cutting its width in half. The action would create a “sand shadow” downwind

(Figure 4.14-1; PWA, 2010). As noted above, sand shadows are areas where the upwind supply of sand is cut off by wind fences and other infrastructure, but where existing sand continues to erode downwind, resulting in the loss of the fine sand on which dune habitats are dependent. See also Section 4.17, *Impacts on Vegetation Resources*, which provides considerable analysis of impacts of the proposed action and alternatives related to sand transport corridors and related dune habitat.

Previous studies have shown that sand shadows result in dune deflation, substrate coarsening and complete loss of dune habitat within 4-17 years (PWA, 2010). The proposed action would cut off a supply of sand that otherwise would have been transported downwind to other dune areas (PWA, 2010). Dunes downwind of the site would deflate over time as sand output would not be matched by sand input. Additionally, new sand that would have been transported across the project footprint from upwind areas potentially would be cut off by drainage ditches, wind fences and above ground infrastructure related to the project.

If developed as proposed, the project would cause a total of 970 acres of direct impact to dune areas within the sand transport corridor and 1,113 acres of indirect (sand shadow) impacts downwind of the project site where deflation and dune loss within the life of the project would likely occur (PWA, 2010). Most of the indirect impacts that would be caused by the proposed action would be within the most sensitive area for sand transport -- Zone 2. This also is the same area where the greatest population of MFTL is found. For more detailed discussion about potential impacts to MFTL, see Section 4.21, *Impacts on Wildlife Resources*. The BLM considers the impacts to sand transport that would result from the proposed action to be a regionally-significant impact.

Following decommissioning of the project, all structures would be removed. Application of Mitigation Measure Soil&Water-13, *Closure and Decommissioning Plan*, as described for soil erosion, above, would, in part, ensure restoration and revegetation of disturbed areas. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed. Natural sand migration and dune habitat processes would resume.

Alternatives

In addition to impacts of the proposed action, this analysis evaluated impacts of Reconfigured Alternative 1, Reconfigured Alternative 2 (Options 1 and 2) and the Reduced Acreage Alternative, as well as No Action Alternative A, and CDCA Plan Amendment/No Project Alternatives B and C. Reconfigured Alternative 2 was developed specifically to reduce impacts of the proposed action on the sand transport corridor and its associated dune habitat (PWA, 2010). Figure 4.14-2 summarizes the direct and indirect impacts of the proposed action and alternatives on Zones 2 and 3 from intrusion into the sand migration corridor and subsequent establishment of a sand shadow down wind. For some alternatives, the indirect impact in Zone 3 increases relative to the proposed action. This is due to the alternatives generally being configured to reduce the project footprint in Zone 2 and subsequently increase the project footprint in Zones 3 and 4 (PWA, 2010). Thus, some reductions in direct impact to Zone 2 were partially offset by increases in indirect impacts in Zone 3 (PWA, 2010).

Reconfigured Alternative 1

Reconfigured Alternative 1 would change the shapes of both Units 1 and 2. The approximately 180-acre increase in footprint required for Units 1 and 2 would have only a minor impact on the analysis results. Soil erosion at the site of Reconfigured Alternative 1 would result from construction and operation activities. Impacts related to implementation of mitigation measures to minimize soil erosion from wind and surface water are anticipated to be similar to those associated with the proposed action. Reconfigured Alternative 1-related construction activities would disturb soils at the site and along the linear facilities route(s). The highest potential for erosion, as well as associated effects including soil loss and increased sediment yields downstream from disturbed areas, would occur at the time of disturbance. BMPs would be implemented to minimize the impacts of soil erosion during construction.

Quantification of impacts to sand transport corridors is provided in Table 4.17-2, *Direct Impacts to Inner and Outer Sand Corridors and the Direct and Indirect Impacts to Sand Dune Habitat*. Overall, Reconfigured Alternative 1 would cause direct impacts to 187 more acres within the sand transport corridor than the proposed action, including 90 more acres of direct impact to Zone 2 and vegetated, deep dune habitat and 60 more acres of direct impacts to Zone 3 and vegetated, shallow dune habitat. Indirect impacts of Reconfigured Alternative 1 to Zone 2 would be 100 acres fewer than the proposed action, whereas indirect impacts of this alternative to Zone 3 would be 227 acres greater.

As described for the proposed action, as part of decommissioning activities, soil loss would be minimal during for water related erosion with implementation of Mitigation Measure Soil&Water-13, *Closure and Decommissioning Plan*. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed, and natural sand migration and dune habitat processes would resume.

Reconfigured Alternative 2

Option 1

Impacts would be essentially the same as the proposed action in regards to wind and water-related soil erosion during construction, operation, and decommissioning. The grading and drainage detailed design for Option 1 would differ slightly from the proposed action; however, the drainage concept and grading approach would be the same. Soil erosion at the Reconfigured Alternative 2 Option 1 site would be affected by construction and operation. Impacts related to mitigation measures to minimize soil erosion from wind and surface water would be similar to those of the proposed action. Construction of Reconfigured Alternative 2 Option 1 would disturb site soils at the site and along the linear facilities route(s). The highest potential for erosion and associated effects (including soil loss and increased sediment yields downstream from disturbed areas) would occur at the time of disturbance. BMPs and mitigation measures (Soil&Water-13) would be implemented to minimize impacts to soil erosion during construction, operation, and decommissioning.

Reconfigured Alternative 2 Option 1 would change the shape of Unit 1 to avoid use of the northeastern third of the proposed solar field to reduce interference with part of the regional sand transport corridor. The reconfigured shape of Unit 1 would not entirely remedy the proposed action's interference with the sand transport process, but would greatly reduce direct and indirect impacts to the sand transport corridors.

Quantification of impacts to sand transport corridors is provided in Table 4.17-2, *Direct Impacts to Inner and Outer Sand Corridors and the Direct and Indirect Impacts to Sand Dune Habitat*. Option 1 would dramatically reduce direct impacts to very sensitive Zone 2 and vegetated, deep dune habitat (140 acres as compared to the proposed action's 430 acres) as well as indirect impacts to Zone 2 (130 acres as compared to the proposed action's 970 acres). Reconfigured Alternative 2 Option 1 also would reduce indirect impacts to Zone 3 by causing impacts to 14 acres rather than the proposed action's 53-acre impact on this resource. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed, and natural sand migration and dune habitat processes would resume.

Option 2

Reconfigured Alternative 2 Option 2 would change the shape of Unit 1. Unit 2 would remain unchanged from the proposed action. Impacts would be essentially the same as the proposed action in regards to wind and water related soil erosion during construction, operation, and decommissioning. The grading and drainage detailed design for Option 2 would differ slightly relative to the proposed project; however, the drainage concept and grading approach would be the same. Soil erosion at the site of Reconfigured Alternative 2 Option 2 could be impacted by the construction and operation of the alternative. Impacts related to mitigation measures to minimize soil erosion from wind and surface water are anticipated to be similar to those associated with the proposed action. Reconfigured Alternative 2 Option 2 construction activities would disturb site soils at the site and along the linear facilities route(s). At the time of this disturbance, the potential for erosion and associated effects would be highest from soil loss and increased sediment yields downstream from disturbed areas. BMPs and mitigation measures (Soil&Water-13) would be implemented to minimize impacts to soil erosion during construction, operation, and decommissioning.

Quantification of impacts to sand transport corridors is provided in Table 4.17-2, *Direct Impacts to Inner and Outer Sand Corridors and the Direct and Indirect Impacts to Sand Dune Habitat*. Option 2 would result in dramatically reduced direct and indirect impacts to Zone 2: 150 acres of direct impacts rather than the proposed action's 430 acres; and only 130 acres of indirect impacts rather than the proposed action's 970 acres. Indirect impacts of Reconfigured Alternative 2 Option 2 also would cause 37 fewer acres of indirect impacts to Zone 3. By contrast, direct impacts of Option 2 to Zone 3 would be 100 acres greater than would result from the proposed action. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed, and natural sand migration and dune habitat processes would resume.

Reduced Acreage Alternative

The Reduced Acreage Alternative would follow boundaries similar to those of the Reconfigured Alternative, but it would be about 25% smaller, occupying about 2,080 acres of land (as compared with 2,740 acres required for Units 1 and 2 of the proposed action). Impacts to soil erosion from wind and water would be the same as the proposed action for construction, operation, and decommissioning. Long-term construction impacts relating to soil erosion would be reduced since the construction period would be reduced and less land would be disturbed.

Of any of the alternatives, the Reduced Acreage Alternative would have:

1. The lowest direct impact on sand transport corridor Zone 2: 9 acres as compared to the proposed action's 430 acres of impact;
2. The lowest indirect impacts on sand transport corridor Zone 2: 55 acres as compared to the proposed action's 970 acres of impact; and
3. The lowest direct impacts to Zone 3: 290 acres of impact as compared to the proposed action's 540 acres of impact.
4. Indirect impacts of the Reduced Acreage Alternative to Zone 3 would be 184 acres greater than the proposed action.

Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed, and natural sand migration and dune habitat processes would resume.

No Action Alternative A

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site and no resulting ground-disturbance related impacts to soils or sand transport. Erosion would occur in a manner consistent with existing conditions relating to wind and stormwater runoff. However, the project site could become available to other uses that are consistent with BLM's land use plan, including another solar project requiring a land use plan amendment. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Because the CDCA plan would be amended to make the area unavailable for future solar development, it is expected that the site would remain in its existing condition, with no new solar energy-related structures or facilities constructed or operated on the site and no soil erosion or sand transport impacts. Erosion would occur in a manner consistent with existing conditions relating to wind and stormwater runoff. In the absence of the project, other renewable energy projects could be constructed to meet State and Federal mandates. However, insufficient information is available at

this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, impacts to soils from erosion and sand transport impacts within the sand migration corridor would result from the construction and operation of the solar technology and resulting ground disturbance and would likely be similar to the impacts to soils as the proposed action. Different solar technologies require different amounts of grading; however, it is expected that all solar technologies would require grading and maintenance. As such, this alternative could result in impacts to soils and sand transport similar to the impacts under the project.

4.14.3 Discussion of Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect on soils resources with other past, present, or reasonably foreseeable future actions, as discussed in Section 4.1.4, *Cumulative Scenario Approach*. The geographic scope of the cumulative effects analysis for soils is comprised of: (a) the Mojave Desert Air Basin because wind can transport soils offsite, and (b) the watershed boundary because surface flows also could carry eroded soils off-site. Potential cumulative effects on soils resources could occur at any point during the overall lifespan of the project, from pre-construction activities to the conclusion of facility closure and site restoration.

Existing conditions within the cumulative impacts analysis area reflect a combination of the natural condition and the effects of past actions and are described in this Chapter 3, *Affected Environment*. Direct and indirect effects of the proposed action are discussed above. In general, construction and decommissioning of the proposed action would result primarily in construction-related changes at the site that would increase local wind-borne soil erosion and storm water runoff-related erosion. As a result of the implementation of the mitigation measures summarized below, the proposed action and alternatives would be expected to contribute only a small amount to any possible construction –related erosion impact. Operation of the proposed action or alternatives would result in permanent changes at the project site. These changes could incrementally increase local soil erosion and storm water runoff-related erosion. Incremental contributions to air- or water-born erosion and sedimentation could combine with the incremental impacts of other past, present and reasonably foreseeable future actions making up the cumulative scenario (see Section 4.1.4, *Cumulative Scenario Approach*). Construction, operation and maintenance and closure and decommissioning activities, including grading, compaction, drilling, back-filling, driving on unpaved roadways, etc., could disturb soils at any work site, regardless of the type of project and regardless of the phase of its development. However, the combined vegetation removal anticipated as a result of the numerous proposed utility-scale renewable energy projects, including the proposed action, could expose soils to higher wind-borne erosion rates than the area otherwise would be exposed to. This also could exacerbate runoff rates,

especially during high intensity, short duration rainfall events. The Reconfigured Alternative 1, Reconfigured Alternative 2, Reconfigured Alternative 3, Reduced Acreage Alternative and No Action Alternatives could be expected to contribute to a cumulative impact on soil resources in proportion to the amount of soil disturbance that could occur pursuant to each, but also based on their respective degrees of interference within each soil zone, as discussed previously.

During operations, the proposed action and alternatives would contribute substantially to cumulative impacts to sand dunes and related features, which provide habitat for species such as MFTL and several rare plants, such as Harwood's milkvetch. These contributions would be especially serious in light of anticipated indirect effects from obstructed winds and sand transport. As summarized in Table 4.17-5, the proposed action would contribute substantially to cumulative impacts from proposed and future projects in Chuckwalla Valley and NECO Planning Area. Following decommissioning, direct and indirect impacts to sensitive dune habitat, sand migration, and sand transport processes would be removed. Natural sand migration and dune habitat processes would resume and, thereby, avoid or reduce the project's contribution to cumulative sand migration impacts within the region.

4.14.4 Summary of Mitigation Measures

Implementation of the mitigation measures imposed by the Energy Commission as Conditions of Certification for the proposed action would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following would address impacts associated with soils resources:

1. Implementation of an erosion and sedimentation control plan (CIVIL-1)
2. Implementation of an Air Quality Construction Mitigation Plan (AQCMP) that includes wind erosion control techniques such as windbreaks, water, chemical dust suppressants, and/or vegetation (AQ-SC3) and an Operations Dust Control Plan for the site that describes such techniques (AQ-SC7)
3. Implementation of standard erosion control measures near desert washes and stabilization of all disturbed soils and roads within the site to reduce erosion potential during and following construction (BIO-8)
4. Approval of the final grading plans (including final changes) for erosion and sedimentation control work (CIVIL-4)
5. Implementation of a Drainage Erosion And Sedimentation Control Plan (DESCP) (SOIL&WATER-1)
6. Revised project drainage report and plans that consider the potential failure of the earthen berm located along the Corn Spring Wash crossing under I-10, detailed analysis and documentation demonstrating that onsite swales and drainage channels have adequate capacity to ensure that overtopping will not occur, etc. (SOIL&WATER -8)
7. A detailed hydraulic analysis utilizing FLO-2D which models pre- and post-development flood conditions for the 10-, 25- and 100-year storm events (SOIL&WATER-9)

8. Drainage Channel Design (SOIL&WATER-10)
9. Channel Erosion Protection (SOIL&WATER-11)
10. Channel Maintenance Program (SOIL&WATER-12)
11. Closure and Decommissioning Plan (SOIL&WATER-13)
12. Implementation of BIO-20 designed to address impacts to sand transport corridors and related dune habitat would offset the proposed action's direct contribution to the loss of habitat. It would not reduce the associated significant indirect effects of disrupted sand transport on downwind habitat. Accordingly, even with implementation of Condition of Certification BIO-20, residual impacts to sand-dependent landforms and species contributed by the PSPP would remain considerable. By contrast, the implementation of BIO-20 in connection with Reconfigured Alternative 2 (either option) effectively would reduce all direct and indirect impacts to sand transport and related habitats and species – no residual impacts would remain.
13. In order to ensure that water quality is protected, including groundwater and surface runoff during storm events, the applicant shall avoid the use of soil stabilizers on site which contain oils or salts, such that those oils or salts could become entrained in surface or groundwater and lead to water quality degradation.

4.14.5 Residual Impacts after Mitigation Measures were Implemented

Even with the implementation of the mitigation measures identified above to address potential impacts of the proposed action and alternatives related to erosion, some residual impacts are likely to remain due to the increased soil losses from construction, operation, and decommissioning.

With respect to impacts to sand transport corridors and related dune habitat, residual impacts would remain for the proposed action even after implementation of BIO-20; no such residual impacts would remain following the implementation of this measure in connection with the development of either option under Reconfigured Alternative 2.

4.14.6 Unavoidable Adverse Impacts

Impacts to soil resources particularly in relation to sand transport corridors and local sand transport processes would be unavoidable and adverse unless the proposed action is reconfigured to avoid the obstruction of sand transport processes.

4.15 Impacts on Special Designations

4.15.1 Impact Assessment Methodology

The CDCA Plan serves as a guide for the management of all BLM-administered lands in three desert areas: the Mojave, the Sonoran, and a small portion of the Great Basin. The CDCA Plan covers approximately 25 million acres, of which 12 million are public lands. The primary goal of the CDCA Plan is to provide overall maintenance of the land while planning for multiple uses and balancing the needs of people with the protection of the natural environment (BLM, 1980).

The NECO Plan is a landscape-scale, multi-agency planning effort that protects and conserves natural resources while simultaneously balancing human uses of the California portion of the Sonoran Desert ecosystem (e.g., the Colorado Desert) (BLM CDD, 2002). The NECO Plan amended the CDCA Plan. The CDCA Plan/NECO Plan is the comprehensive Federal land use and planning document for BLM and other public lands in the project area. The NECO Plan incorporated 23 wilderness areas (totaling over a million acres) established by the 1994 California Desert Protection Act in the CDCA. Areas of Critical Environmental Concern (ACECs) were designated within the NECO Plan for further development of site-specific conservation management actions. While desert wildlife management areas (DWMAs) were designated for conservation of species and habitats. DWMA's are managed as ACECs and feature a 1 percent limit on new¹ ground disturbance². Since wilderness areas, the Chuckwalla DWMA and ACEC's are the only special designation that could be impacted by the project, this section was prepared using information from the CDCA/NECO Plans.

4.15.2 Discussion of Direct and Indirect Impacts

Proposed Action

There are no special designations on the project site and no new designations or amendments to existing designations that would include the site. However, the proposed action could cause a direct impact on the Chuckwalla DWMA/ACEC because approximately 4.5 miles of the redundant telecommunication line and 0.25 mile of the proposed gen-tie line would be constructed within the DWMA. The Chuckwalla DWMA/ACEC, which is mostly located south of I-10 in the eastern Chuckwalla Valley, consists of approximately 820,100 acres of which 465,300 acres (57%) are BLM lands, 187,800 acres (23%) are military lands, and 167,000 acres (20%) are State and private lands (Redlands Institute, 2002). In NECO, the BLM has designated the Chuckwalla DWMA as an area of "critical environmental concern" to protect Desert tortoise and other significant natural resources including special status plant and animal species and natural communities. Much of this area is within the Desert Tortoise Recovery Plan (Eastern Colorado Recovery Unit). Since the redundant telecommunications line would be hung on an existing 12.47 kV line, there would be no clearing, excavating, grading or other manipulation of the terrain; however, the gen-tie line could

¹ The Record of Decision for the NECO Plan was signed on December 12, 2002.

² New ground disturbance includes any clearing, excavating, grading or other manipulation of the terrain, whether or not a permanent use is proposed for the site.

result in 3.63³ acres of impacts within the DWMA/ACEC. Since certification of the NECO ROD, there has been approximately 7.25 acres of permanent surface disturbance within the Chuckwalla DWMA/ACEC. The addition of 3.63 acres associated with the project would not exceed the one percent limit (not more than 8,201 acres of new surface disturbance) established under the NECO Plan. Therefore, the project would not result in an adverse effect to the Chuckwalla DWMA/ACEC.

The proposed action would not impact the other five ACECs located within 20 miles of the site because these areas were established to protect biological and cultural resources; visitor use in these areas is a secondary resource benefit. The Palen Dry Lake ACEC is located approximately 0.5 mile northeast of the project; it is approximately 3,632 acres in size and is managed as Multiple Use Class-M for the protection of prehistoric resources (BLM, 1980). The approximately 2,467-acre Corn Springs ACEC is located about 5.5 miles southwest of the site. Alligator Rock ACEC consists of 7,754 acres located six miles west of the site; it was established to protect archeological values (BLM, 1980). The Desert Lily Preserve ACEC consists of about 2,055 acres located six miles northwest of the site; it was established to protect botanical values (BLM, 1980). The 2,273-acre Chuckwalla Valley Dune Thicket ACEC is located approximately 17 miles southeast of the site; it is managed as Multiple Use Class M to protect wildlife habitat, specifically that of the desert tortoise. Therefore, since no project facilities would be located within these ACECs, there would be no adverse effects from the implementation of the project.

Indirect short-term or long-term impacts could result from the project to wilderness users' opportunities for solitude, and primitive unconfined recreation due to construction, operation or decommissioning activities in any of the surrounding wilderness areas. See also, Section 4.16, *Impacts on Transportation and Public Access - Off Highway Vehicle Resources*, Section 4.18, *Impacts on Visual Resources*, and Section 4.12, *Impacts on Recreation*, which discusses and finds no indirect impacts to recreational users, including those using wilderness areas and ACECs from air quality and noise would occur through implementation of the project.

Alternatives

Reconfigured Alternative 1

The Reconfigured Alternative 1 would have the same impact on special designations as the project because the gen-tie route would be the same. Therefore, like the project, there would be no adverse effects to special designations.

Reconfigured Alternative 2

The Reconfigured Alternative 2 Options 1 and 2 would have the same impact on special designations as the project because the gen-tie route would be the same. Therefore, like the project, there would be no adverse effects to special designations.

³ For purposes of a conservative analysis, BLM assumes the permanent disturbance would include the 120 foot wide by 0.25 mile long corridor since the exact number of poles to be installed within the DWMA is not available at this time.

Reduced Acreage Alternative

The Reduced Acreage Alternative would have the same impact on special designations as the project because the gen-tie route would be the same. Therefore, like the project, there would be no adverse effects to special designations.

No Action Alternative A

For the No Action Alternative A, where the requested ROW would not be granted and no CDCA Plan amendment would occur, there generally would be no direct or indirect impacts to special designations. Instead, the project site would be available to other uses consistent with CDCA Plan use opportunities, potentially including another renewable energy project. However, insufficient information is available at this time about what other uses would be made of the site to allow for a meaningful analysis in this PA/FEIS.

CDCA Plan Amendment /No Project Alternative B

For the CDCA Plan Amendment/No Project Alternative B, where the requested ROW would not be granted and the CDCA Plan would not be amended to find the proposed site unsuitable for any type of solar energy development, impacts to special designations and associated effects could be similar to the proposed action if another type of renewable energy project were constructed. However, insufficient information is available at this time about what other uses would be made of the site to allow for a meaningful analysis in this PA/FEIS

CDCA Plan Amendment /No Project Alternative C

For the CDCA Plan Amendment/No Project Alternative C, where the ROW for the proposed action would not be granted and the CDCA would be amended to find the proposed action area suitable for any type of solar energy development, impacts to special designations and associated effects could be similar to the proposed action as other types of solar energy projects may be constructed.

4.15.3 National Park Service

The purpose of this subsection is to summarize the direct, indirect and cumulative impacts of the project on lands under the authority of the National Park Service; namely, Joshua Tree National Park (JTNP) and Joshua Tree Wilderness. The impacts are summarized below for the topics of viewshed, air quality, noise, wildlife, construction workers, and dark skies.

Viewshed

Direct Impacts

The proposed action would not result in direct physical modification to any portion of JTNP or its visual appearance for visitors. Instead, the proposed action would have a direct impact on views of the Chuckwalla Valley experienced by users of the portion of the park that would be within the project's viewshed. The Chuckwalla Valley as seen from JTNP is relatively unencumbered by

visual disturbances, although several small population centers (e.g., Desert Center and Lake Tamarisk) and utility corridors presently constitute cultural modifications that distract slightly from the valley's natural appearance. Due to the location of the project and its size and character, which would be largely industrial; it would have the potential to adversely affect the wilderness and solitude experience for backcountry hikers that access those portions of JTNP with views of the Chuckwalla Valley.

As analyzed elsewhere in this PA/FEIS, visitor use in this portion of JTNP is estimated to be low. The highly visited areas of JTNP—those with facilities that serve visitors, such as campgrounds, picnic areas, ranger stations, and developed trails—are further west and outside of the project's viewshed. There are only minor differences between alternatives in terms of the viewshed within JTNP boundaries. JTNP as a whole is approximately 800,000 acres; it is estimated that the project would be visible from a very small part of the park, i.e., less than one percent of the park's geographic area, and by a far lesser fraction of the park's visitors (see viewshed Figure 3.19-3). Further, all portions of JTNP are further than 5-miles in distance away from the project, transmission line and substation. For these reasons, the general impact to the visitor experience is expected to be low. The project's visual contrast from within park boundaries is estimated as follows:

KOPs 2 and 3 (Figures 4.18-6 and 4.18-7) provide two low-elevation views from the boundary of Joshua Tree Wilderness on the southeast side of the Coxcomb Mountains. This is the closest portion of Joshua Tree Wilderness to the project. As discussed in Section 4.18, *Impacts on Visual Resources*, simulations of the project into these views indicates a weak visual contrast within the landscape (for contrast definitions, see Table 3.16-1). This is due in large part to the effect of perspective foreshortening, which reduces the apparent size and scale of the Project due to a low elevation difference and the narrow angle of view. KOPs 2 and 3 are both over five miles away from the closest parts of the project; and the Eagle Mountains (a part of JTNP further west of the Coxcomb Mountains) are over 10 miles from the project. While elevated and mountainous portions of JTNP are further removed in distance, the increase in elevation would cause the size and shape of the Project to become increasingly apparent. As viewed from higher elevations, the level of contrast in form, line, and texture would increase substantially; but this increase in contrast would be tempered by a decreased dominance of the Project within the landscape as views become increasingly regional and expansive. From elevated portions of JTNP within the project's viewshed, the project could be visible, but it is unlikely to attract viewer attention due to the distances involved and because the more interesting and appealing elements of the scene would dominate viewer attention (i.e., sky, rugged mountain ranges and broad desert basin). There may be periods in the late afternoon when the parabolic mirrors, the viewer, and the sun are aligned, that the project would generate glint or glare (discussed in Section 4.18, *Impacts on Visual Resources*). During such periods, the project would create a greater contrast in the landscape and may attract viewer attention; however, it would not dominate the landscape due to the small portion of view that would be affected (i.e. moderate visual contrast).

During construction, dust plumes would be controlled using dust palliatives and limiting vehicle speeds, and through implementation of air quality measures AQ-SC3 and AQ-SC4, as described in

the air resources analysis in Section 4.2, *Impacts on Air Resources*. Light pollution would be minimized with the implementation of mitigation measure MM-VR-3 and BLM-VIS-2. Other mitigation measures to reduce the Project's contrast in the landscape (e.g., VIS-1, VIS-2, VIS-4, BLM-VIS-1, and TRANS-6) would result in a moderate reduction in visual contrast in color and texture of the Project as viewed from elevated vantage points, but would not reduce the overall form and line contrasts of the project (which is primarily due to the shape, size and layout of the project).

For the reasons above, impacts to views of the Chuckwalla Valley for backcountry hikers accessing the eastern ends of JTNP would be minor, but elevated to moderate levels during periods of glare.

Indirect Impacts

There are no indirect effects on the viewshed.

Cumulative Impacts

Due to the number and extent of projects in the cumulative scenario, visual disturbances would dominate views of the Chuckwalla Valley from elevated vantage points in JTNP, resulting in a strong contrast with the existing visual environment. Affected viewers (backcountry hikers) would witness industrial landscapes and activities that are out of character with the desert landscape. The potential solar development areas, in combination, would be within the 15-mile viewshed of 14 percent of JTNP (Solar PEIS, 2010). Other projects within the cumulative scenario that are adjacent or west of the project are likely to affect a similar or greater area of JTNP than the project (see Figure 3-1). Given the project would be visible from less than one percent JTNP, it would represent a minor contributor to cumulative visual impact on NPS land. As discussed in Direct Impacts, above, the project on its own would have a minor to moderate impact on views of the Chuckwalla Valley for low numbers of backcountry hikers. This is primarily because the project would not dominate the view of the valley as a whole. However, the addition of numerous other projects in the cumulative scenario would substantially alter the character of the valley and result in strong levels of visual contrast (Solar PEIS, 2010). This would lessen the feeling of solitude, isolation and wilderness that is enjoyed by backcountry users of JTNP. Mitigation measures VIS-1 through VIS-4, and BLM-VIS-1 would lessen the adverse effects of a sprawling industrialized landscape along the surface of the I-10 corridor, as a result of the development of the cumulative scenario. The cumulative visual impact, however, would remain considerable due to the number and extent of projects that would disturb the Chuckwalla Valley landscape, although the project's contribution as seen from JTNP would be minor.

Air Quality

Direct Impacts

Section 4.2, *Impacts on Air Resources*, acknowledges that fugitive dust from project-related construction activities would create a temporary visual distraction for some users of JTNP. A detailed discussion of project-related fugitive dust and mitigation measures is presented in Section 4.2, *Air Resources*. Fugitive dust emissions during construction of the solar farm would

occur primarily during daytime hours. The Applicant would implement a dust control plan that would include the use of dust suppressants during facility construction. Airborne dust generated from the site would be widely dispersed and greatly reduced in concentration by nighttime hours. Construction activity would be phased across the solar farm site over several months, limiting the amount of disturbed area that could produce fugitive dust from wind erosion at night. Therefore, project construction activities would not be expected to produce adverse changes in night sky visibility caused by fugitive dust, for users of JTNP.

Indirect Impacts

Development of the proposed action would replace natural vegetation and ground surface conditions with cleared land, solar troughs, buildings, equipment pads, gravel roads, and related features. There would be a change in wind erosion conditions associated with these land surface changes. However, it is estimated that development of the project would result in long-term reductions in fugitive dust emissions that would primarily be attributed to implementation of mitigation that would require the periodic application of dust palliatives. Therefore, development of the project would not be expected to increase the wind erosion susceptibility of the site. The net change in wind erosion would not be detectable by visual observation.

Cumulative Impacts

As discussed above, the project would not produce major dust-related changes in night sky visibility. The air quality effects from construction would not last long enough to alter current federal or state attainment status designations for particulate matter emissions for the project area. The timing for approval and construction of other cumulative projects could overlap with part of the construction period for the project. Consequently, there is the potential for short-term adverse cumulative fugitive dust effects from the project, in combination with other cumulative projects. All cumulative projects also would need to comply with local ordinances prohibiting nuisances or requiring dust control. Direct particulate matter emissions, such as fugitive dust emissions from construction activities, generally would have a more localized effect, with the most noticeable effects occurring within one-half mile or less of active construction sites. Fugitive dust emissions would be widely dispersed and greatly reduced in concentration with distance from the source. Due to the long distance between JTNP and the project and cumulative projects, and incorporation of dust control measures, the cumulative effects to night sky visibility, as a result of dust-related changes would not have an appreciable effect. Operational emissions would be minor and would not have the potential to increase regional cumulative emissions.

Noise Impacts

Direct Impacts

As indicated in Section 4.9, *Impacts on Noise*, noise from construction activity would generally be audible at locations less than 0.5 mile from the proposed site. Operational activities at the site would not generate substantial noise. During construction, the number of employees and vehicles present on the site on any given day is not expected to generate off-site adverse noise effects. It is unlikely that noise levels associated with construction or operations of the project would be

audible at JTNP. Therefore, project construction and operational activities would not result in adverse noise-related effects on users of JTNP. A detailed discussion of the noise-related effects that would be associated with the project is presented in Section 4.9, *Impacts on Noise*.

Indirect Impacts

There would be no indirect noise-related effects associated with the project.

Cumulative Impacts

Cumulative noise effects would occur if multiple projects would happen in the same geographic areas at the same time or when sequential projects extend the duration of noise effects in a given area over a longer period of time. Current ambient noise conditions represent the cumulative effect of noise generation on a local geographic scale. Except for the I-10 vicinity, existing noise levels in the project vicinity are generally low. As indicated in Table 4.1-1, *Cumulative Scenario*, none of the cumulative projects has the potential to cause noise impacts that could interact with those of the proposed action to cause cumulative noise effects for the JTNP because the geographic extent of stationary construction-related noise of the project would be limited to distances of 1,000 feet, which is considerably shorter a distance than the nearest point of the JTNP to the project site.

Wildlife

Direct Impacts

There would be no direct impacts to wildlife within the JTNP and Joshua Tree Wilderness as construction and operation of the project would occur outside of Park or Wilderness area boundaries.

Indirect Impacts

The development of the proposed site would result in a permanent conversion of desert habitat to industrial/commercial uses within the NECO planning area, which includes the JTNP and the Joshua Tree Wilderness area. The loss of intermountain and foraging habitat would have indirect impacts to the long-term viability of wildlife that are found in or use the surrounding National Parks and Wilderness areas.

Intermountain movements provide a genetic connection with a larger metapopulation and are the source of colonization of vacant habitat. Intermountain areas of the desert floor that bighorn sheep traverse between mountain ranges are as important to the long-term viability of populations as are the mountain ranges themselves. Actions that impair the ability of bighorn sheep to move between mountain ranges include fencing along highways or other boundaries, canals, and high densities of human habitation. These will limit the potential for natural colonization and gene exchange, both of which are key to metapopulation viability. As discussed in Section 4.21, *Impacts on Wildlife Resources*, impacts of the project related to wildlife movement and connectivity would be addressed by the implementation of mitigation measures BIO-9.

Cumulative Impacts

Land use in the cumulative analysis area historically has been altered by human activities, resulting in conversion of undeveloped land and habitat loss, fragmentation, and degradation. Reasonably foreseeable future projects that could impact biological resources in the cumulative impacts area characterize overall development trends in the NECO planning area. Ongoing development in the area is dominated by renewable energy development. Major renewable projects require extensive access roads and new transmission lines to interconnect with the existing electrical grid. Other projects in the cumulative study area include several transmission lines and non-renewable energy development, as well as residential and commercial development (see Table 4.1-1). In consideration of the existing and future development in the region, the project would contribute to cumulative impacts on wildlife movement between the JTNP and wilderness areas and foraging habitat potential used by wildlife within JTNP and Joshua Tree Wilderness Area.

The incremental effects to these areas would be addressed by the implementation of mitigation measures summarized in Section 4.21.4, *Summary of Mitigation Measures*, and set forth in full in Appendix B.

Dark Skies

Direct Impacts

During construction, dusk-to-dawn security lighting would be required for the construction staging areas, parking area, construction office trailer entries, and other areas site access points, and the security guard booth. Most of these areas would be concentrated on relatively small areas of the proposed 2,970-acre project site. Lighting is not planned for typical construction activities because construction activities would occur primarily during daylight; however, if required, any lighting would be limited to that needed to ensure safety and would be temporary. Security lighting during operations would be limited to shielded, down-directed, area-specific lighting for the O&M facility, power blocks, switchyard, main entrance gate, and security guard booth. Service lighting would be provided by floodlights, which would be controlled by a local switch or lighting contactor and would only be used during the course of maintenance and emergency activities. Temporary portable service lighting could be used occasionally in other portions of the solar farm for operations and maintenance activities.

As described above, the lighting footprint of the project during construction and operation would be largely confined to small areas of the site. The Project Area as a whole would never be flooded with light. While it is not feasible to totally eliminate the amount of back-reflected light from shielded, down-directed lamps, the presence and extent of nighttime operations and maintenance lighting would not be substantially out of character with other existing lighting sources found scattered throughout the Chuckwalla Valley (see Chapter 4.18, *Impacts on Visual Resources* for a description of existing light sources). As such, the project represents a minor addition to the total nighttime light environment within the Chuckwalla Valley and the project is unlikely to contribute much to sky glow given that skies remain dark in spite of the presence, extent and character of existing light sources. Further, the visitor use of the eastern end of JTNP is considered low and the project would

be visible from less than one percent of the park, as discussed in the viewshed section. Detailed information on the location, intensity and type of light sources would be specified in the lighting plan to be developed during the project's final design phase. Further, Mitigation Measure VIS-3 and BLM-VIS-2 (see Chapter 4.18, *Impacts on Visual Resources*) provides performance standards to be met in the development and implementation of a lighting plan.

Indirect Impacts

A decrease in night sky visibility via sky glow is an effect that is not limited to the project's viewshed. Light sources many miles away can decrease the visibility of the night sky for people in areas outside of the viewshed (e.g., the portion of JTNP that has developed visitor serving facility but is outside the Project's viewshed). However, as described above, the project's contribution to the existing light environment, with mitigation, would be minor.

Cumulative Impacts

Due to the number and extent of projects in the cumulative scenario, the lighting requirements of the solar facilities and other projects would have an appreciable effect on the visibility of the night sky for users of JTNP. Lighting mitigation requirements for individual projects are unlikely to reduce the cumulative effect to dark skies, and in combination, would be substantially out of character with the existing light environment. However, the project, due to its distance away from the JTNP relative to other projects in the cumulative scenario, would have a minor contribution to a cumulatively adverse visual impact.

Construction Workforce

Direct Impacts

There would be no direct impacts from project construction workers to JTNP and Joshua Tree Wilderness resources as construction and operation of the project would occur outside of JTNP and Wilderness area boundaries.

Indirect Impacts

The NPS has potential concerns that project construction workers might choose to camp within JTNP either at NPS-designated campsites or informally and commute daily to work at the proposed site.

Any impacts associated with construction workers for the project would be temporary and indirect. The majority of the project construction workforce would be Riverside County residents. project construction is expected to require an average of 566 employees over the 39-month construction period, with manpower requirements peaking at approximately 1,140 workers in Month 17 of construction.

Research shows that construction workers would commute as much as two hours each direction from their communities rather than relocate and the Applicant has indicated that the labor force

for the project would be derived from Riverside County to the extent possible. The socioeconomic information and analysis in Section 4.13, *Social and Economic Impacts*, determine that there are more than sufficient unemployed Riverside County residents to meet the project's construction workers needs. Consequently, it is expected that minimal population in-migration would occur as a result of the project construction.

Similarly, it also is unlikely that the construction workforce would require housing in excess of the existing supply. Based on the data and analysis in Section 4.13, *Social and Economic Impacts*, any in-migration by the construction workforce could be accommodated by the available hotel rooms and housing vacancies in nearby cities.

Most of the JTNP campgrounds are located in the northwest area of the park and are too great a distance for project construction workers to commute from on a daily basis. Only the Cottonwood Campground is readily accessible from I-10. The campground has 62 individual sites available on a first-come first-served basis year round. There are also three group sites that can be reserved. There is a 30-day camping limit each year for park visitors (of which at most 14 nights total may occur from October through May). The Cottonwood Campground would likely be 45 minutes to an hour's drive from the proposed site. The campground has basic camping amenities of water and a dump station for RVs but no shower facilities or utility hook-ups are available. Consequently, the campground would likely have a limited attraction as overnight accommodations for project workers.

Informal camping by construction workers could be an issue in the areas of JTNP that are closest to the project site and less visited by other park visitors or park rangers. Proposed mitigation measure MM-NPS-03 specifically identifies measures to reduce the likelihood of informal camping occurring by project workers. Given these measures and the absence of any support facilities, informal camping within JTNP would likely have a limited attraction as overnight accommodations for project workers resulting in a minor impact on the NPS camping facilities and natural resources from construction workers.

Cumulative Impacts

Depending on their locations, other solar projects near the JTNP may cause similar impacts compared to the project. However, the other solar projects are either a similar or greater distance from the JTNP and therefore would be expected to have an equal or lesser impact (on a per worker basis) on park resources. As discussed in Section 4.13, *Social and Economic Impacts*, there will be sufficient employable Riverside County residents to meet the projects' cumulative construction workers needs. It is therefore expected that minimal population in-migration would occur as a result of the construction of the currently foreseen solar construction projects in Riverside County. Furthermore, there are substantial housing and overnight accommodations available in the region to meet any demand for project workers to temporarily relocate closer to their project site. Consequently, there would be a minor cumulative impact on the NPS camping facilities and natural resources from construction workers.

Mitigation Measures

The Record of Decision or ROW grant stipulations will recognize an Interagency Agreement between the BLM and NPS. This Interagency Agreement will establish roles and responsibilities, and the agencies will work cooperatively with the Applicant to develop an Environmental and Construction Monitoring and Compliance Program (ECMCP). The NPS will significantly contribute to the development of detailed criteria in the lighting, dust control, and noise mitigation and monitoring for the Project.

MM-SD-01: The NPS shall be afforded the opportunity to review and comment on the following pre-construction plans required for the project prior to approval of the plans by the BLM and CPUC: the Weed Management Plan (BIO-14), Dust Control Plans (AQ-SC-3 and AQ-SC-7), and Construction Traffic Control Plan (TRANS-4). Review and comment by the NPS must be within time frames specified by the BLM.

MM-SD-02: The Applicant shall enter into a funding agreement or other financial mechanism, as may be specified in the ROD or ROW grant, to reimburse the NPS for reasonable costs incurred in the monitoring of the following measures (whether applicant-proposed or BLM-recommended) to address temporary indirect impacts on the Joshua Tree National Park:

1. *Fugitive dust:* AQ-SC-3 and AQ-SC-7, requiring the development and implementation of dust control plans during construction and operations, and SOIL&WATER-1(H), requiring the development and implementation of measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use.
2. *Noise:* NOISE-6, limiting most construction activity to daytime hours.
3. *Nighttime lighting:* VIS-3, requiring the design and installation of a lighting mitigation plan concerning temporary and permanent exterior lighting.

MM-SD-03: A Signage and Guidance Plan shall be developed for JTNP by the Applicant and reviewed and approved by both the NPS and the BLM prior to the start of construction of the project. The intent of this plan is to address the potential indirect effects on NPS land as a result of the influx of workers associated with the mobilization, construction, and demobilization of the project. The plan shall include the following elements:

1. Design and installation of directional and informational signage that identify areas of JTNP available for day, overnight, and long-term stays; off-limit areas; and pertinent park rules and regulations;
2. Design and installation of strategically placed gates, bollards, or the like, inside the boundary of JTNP, where deemed necessary, for the purpose of vehicular control on NPS parkland located nearest the project boundary;
3. Educational instruction for project construction workers on park rules and regulations pertinent to JTNP and Joshua Tree Wilderness Area. This instruction shall be integrated into the Worker Environmental Awareness Program;
4. Requirements for the retention and/or removal of any items installed as part of the plan following completion of construction of the project; and,
5. Funding mechanism for implementing the plan.

Items installed as part of the plan shall have a nexus to the NPS's need to address the likely impacts associated with above normal numbers of users of JTNP facilities during the mobilization, construction, and demobilization period of the project.

4.15.4 Discussion of Cumulative Impacts

Incremental impacts on areas with special designations resulting from the project could combine with the incremental impacts of past, present, or reasonably foreseeable future actions to cause or contribute to a cumulative impact. The area established for potential cumulative impacts on these specially designated areas includes the range of areas from which sights, sounds, structures and other activities or developments could affect wilderness users' opportunities for solitude, naturalness and unconfined recreation within the Palen/McCoy, Big Maria Mountains, Little Chuckwalla Mountains, and Joshua Tree Wilderness Areas as well as the Chuckwalla DWMA/ACEC. Potential cumulative impacts could occur for the entire duration of the proposed action, from the initiation of construction to the conclusion of facility closure and site restoration.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in Chapter 3, *Affected Environment*. Potential project-specific impacts are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. Numerous energy-related development projects, including the proposed action, would adversely affect the viewscape by adding structures, fences and other features that could cause glint or glare or otherwise interrupt landscape views; would cause increased noise caused by equipment required for construction and operation, motor vehicle use, voices, music or other worker-related sounds; and would add facilities and structures to the landscape that are not currently present. Any of these activities individually or in combination could cause some users to seek out other areas of the desert for their wilderness activities and experiences.

Additionally, future foreseeable projects including the Devers-Palo Verde 2 Transmission Line Project (approximately 13 acres), Desert Southwest Transmission Line (499 acres), and the Red Bluff Substation (90 acres) could result in approximately 602 acres of new surface disturbance within the Chuckwalla DWMA ACEC (BLM and IID, 2005).

These potential cumulative impacts on specially-designated wilderness areas could, in turn affect visitor attraction to other specially-designated areas along the I-10 corridor, including the ACECs mentioned above, since the myriad projects in the cumulative scenario, in combination, would add large- and small-scale industrial, utility-related and other uses in the region. Surface impacts within the Chucwalla DWMA/ACEC in combination with past, present and reasonably foreseeable future actions would not exceed the one percent threshold defined by the NECO Plan. To the extent that No Action Alternative A and No Project Alternative B would not result in development of the site, no cumulative impact on special designations would occur. The information available about what use may be made of the site under CDCA Plan Amendment/No Project Alternative C, is insufficient, and therefore too speculative or conjectural, to allow for a meaningful analysis in this PA/FEIS.

4.15.5 Summary of Mitigation Measures

None required.

4.15.6 Unavoidable Adverse Impacts

Unavoidable impacts to designated wilderness areas would result because construction and operation of the proposed action would alter the adjacent scenery to a more industrial setting, as viewed from within the wilderness. The existing landscape setting would be restored upon reclamation. Thus, the effects on wilderness experiences would continue until project facilities are dismantled and the desert vegetation and landforms of the site reclaimed.

Unavoidable impacts to designated ACECs could result because construction and operation of the project may have a permanent effect on biological resources within the Chuckwalla DWMA ACEC. The project could also affect archeological, cultural, or historical artifacts that are potentially present in the Palen Dry Lake ACEC.

4.16 Impacts on Transportation and Public Access – Off Highway Vehicle Resources

4.16.1 Impact Assessment Methodology

Public Access

The CDCA and NECO Plans, which include a detailed inventory and designation of open routes in the vicinity of the project, were reviewed to determine impacts to open routes.

Transportation

This analysis focuses on potential impacts related to the construction, operation and decommissioning of the project on the surrounding transportation systems and roadways based on the Energy Commission's Revised Staff Assessment (CEC RSA, 2010). For impacts to local transportation systems, the Energy Commission evaluated impacts based on level of service (LOS) determinations, which is a generally accepted measure used by traffic engineers, planners, and decision-makers to describe and quantify the congestion level on a particular roadway or intersection in terms of *speed*, *travel time*, and *delay*.

In addition, the Energy Commission used methodology contained in the *Highway Capacity Manual 2000* to determine potential impacts to intersections from operations of the proposed action. This methodology was used to assess delays at an unsignalized intersection for movements operating under traffic control—a stop sign, for example. For an intersection at which the only stop-sign is placed at a side street, delay would be reported for movements controlled by the stop sign. The delay then would be assigned a corresponding letter grade to represent the overall condition of the intersection or level of service. These grades range from LOS A, free-flow, to LOS F, poor progression.

The assessment of transportation-related impacts is based on evaluations and technical analyses designed to compare the pre-project conditions to the post-project conditions.

4.16.2 Discussion of Direct and Indirect Impacts

Proposed Action

Public Access

OHV Routes

The site has approximately fourteen miles of designated open routes that would be closed to off-highway vehicle (OHV) use during construction and operations. These routes would be available for use upon project decommissioning. Designated travel routes and distances within the project site boundary are described in Table 4.16-1. The locations and directions of the OHV routes are illustrated in Figure 3.17-1.

**TABLE 4.16-1
DESIGNATED ROUTES WITHIN PALEN PROJECT AREA**

NECO Designated Route Number	Distance within project site (mi)
660379	0.414
660501	4.535
660502	0.390
660505	0.005
660511	1.014
660948	2.764
660949	1.385
660950	2.304
660951	0.588
660952	0.557
660957	0.179
Total	13.784

Construction of the gen-tie line and redundant telecom line would result in a temporary disruption to motorized vehicle use along portions of route 660501, 660502, 660379, and 660511. Users of these established routes could detour onto other routes and/or open washes to access the same locations. After construction activities were complete, these routes would be open again for public use.

During operations, other OHV routes would be closed during the life of the project. While elimination of these routes would impact the ability of OHVs to travel in this area, users could detour onto other routes and/or open washes to access the same locations. According to the BLM Rangers from the Palm Springs Field Office, OHV use in and around the site is minimal with not more than, conservatively, a few hundred visits in a year during the cool months (September-May). Moreover, there are a number of other alternative routes that provide access to the washes from the I-10 corridor so overall access for recreation would not be impacted. In general, sightseeing and day use touring by locals is the predominant use pattern on the affected routes; therefore, removal of approximately 3,110 acres of open space within a natural desert environment could impact OHV users who would access the site for hiking and camping from designated OHV routes.

Construction and operation of the proposed action would introduce a new industrial feature that could attract OHV operators in the surrounding viewshed to the site boundary via designated OHV open routes or overland. This could increase the opportunities for vandalism, illegal cross-county use and other disruptive behavior.

After decommissioning of the project, these OHV routes could again be open for public use.

Washes Open Zones

This project area is located in the Moderate Multiple Use Class (MUC M) which allows OHV travel in open washes. The navigable Primary and Secondary washes that transverse the site would be transected by the project site and would result in closure of the washes to OHV users; however, users could detour onto other routes and/or open washes to access the same locations.

Transportation

Construction

Workforce. Construction of the project would be completed over an approximately 39-month period beginning in 2011. The construction workforce would peak during month 17 at approximately 1,145 workers per day and average approximately 566 workers over the course of construction. In addition, a transmission line extending from the project site to a new Southern California Edison substation west of the project site would require approximately 30 workers. The construction schedule of the power line is not expected to coincide with construction of the solar facility. In addition, construction would not encroach onto a public right-of-way or coincide with peak construction employment.

The worst-case scenario for the project, where all workers during the peak construction period commute in their individual vehicles, yields a peak trip generation of approximately 1,145 inbound trips during the morning peak period and another 1,145 outbound trips during the evening peak hour. This results in a total of 2,290 daily one-way trips during the peak construction period of Month 17. During the average, non-peak construction month, the project would generate 566 worker trips during the morning peak period and another 566 trips during the evening peak period. This would result in an average of about 1,132 daily one-way trips during the average construction month.

To accommodate the worst-case scenario, a temporary parking area of approximately 10 acres would be required for construction personnel parking (assuming 350 square feet per vehicle) with additional area required for the staging and laydown of equipment, materials, and supplies. The project would include onsite laydown and parking areas during construction. Those areas would be relocated around the site as construction progresses. Safety and efficiency concerns require on-site parking and laydown areas. That is, a traffic hazard could occur if workers were to park on public roadways or if public roadways were used for the staging and laydown of equipment, materials, and supplies. Such a hazard could adversely impact the LOS on I-10 as well as the safety of the workers and drivers.

The construction workforce would commute from the surrounding areas. Workers from regional areas would find temporary housing in Blythe or Indio or both. Workers from Palm Springs, the Los Angeles basin, and the Indio area would travel east on I-10 to the project site, while workers from Blythe and the Arizona communities of Quartzsite, Ehrenberg, and Cibola would follow I-10 west to the project site (CEC RSA, 2010).

Table 4.16-2a compares peak hour traffic volume and LOS on all study roadways during the Year 2012 without the project and the Year 2012 with the project (during peak construction). Table 4.16-2b compares peak hour delay and LOS on all study intersections during the Year 2012 without the project and the Year 2012 with the project (during peak construction).

TABLE 4.16-2a
2012 PEAK HOUR VOLUMES AND LOS ON STUDY ROADWAYS DURING PEAK CONSTRUCTION

Roadway Segment	Construction Year (2012) Volume without Project	LOS	Construction Year (2012) Volume With Project	LOS
I-10: West of the project site	3,145	A	3,716	A
I-10: East of the project site	3,145	A	3,717	A
Corn Springs Road	Negligible	A	1,141	B

NOTES: Caltrans Year 2007 traffic volumes were expanded to Year 2012 using the same rate of expansion (3.74%/year) seen during 2004-2007.

SOURCE: CEC RSA, 2010 (Table 1)

TABLE 4.16-2b
2012 PEAK HOUR DELAYS AND LOS ON STUDY INTERSECTIONS DURING PEAK CONSTRUCTION

Study Intersection	Construction Year (2012) Conditions without Project				Construction Year (2012) Conditions with Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	Delay ^a	LOS	Delay	LOS	Delay	LOS	Delay	LOS
I-10 Westbound Ramps/ Corn Springs Road	Negligible	A	Negligible	A	38.1	E	5	A
I-10 Eastbound Ramps/ Corn Springs Road	Negligible	A	Negligible	A	23.0	C	5	A

^a average delay (seconds per vehicle)

NOTES: Caltrans Year 2007 traffic volumes were expanded to Year 2012 using the same rate of expansion (3.74%/year) seen during 2004-2007.

SOURCE: CEC RSA, 2010 (Table 2)

Construction Truck Traffic

Project construction is expected to generate approximately 20 to 30 one way truck trips per day peaking at approximately 40 truck trips per day. The peak truck travel would not coincide with the peak month 17 construction timeframe.

In addition, several pieces of equipment that exceed roadway load or size limits would need to be transported to the site via I-10 during construction. This equipment includes the steam turbine generator and main transformers. The equipment would be transported using multi-axle trucks. To transport this equipment, the Applicant must obtain special ministerial permits from Caltrans to move oversized or overweight materials. In addition, the Applicant must ensure proper routes are followed; proper time is scheduled for the delivery; and proper escorts, including advanced warning and trailing vehicles as well as law enforcement control are available, if necessary. These roadways could be damaged due to project-related construction activities. Oversized or overweight trucks with unlicensed drivers could be hazardous to the general public and/or damage roadways.

Heavy equipment that would be used to construct a new transmission line from the project to a new SCE substation includes cranes, cement mixers and drilling equipment. Transmission line construction workers and delivery vehicles would be dispersed along the transmission line route. There are currently two proposed locations for the SCE substation, so the exact length (7.5 or 15 miles) and route of the transmission line would vary depending on the substation's final location. Regardless of the substation location, the transmission line would exit the northwest corner of the project and travel west and south through BLM lands, crossing I-10 and traveling south into the substation. Construction of the transmission line would not cause significant impacts to traffic volumes or LOS because it is not expected to occur at the same time as peak construction employment and the number of workers would be low.

Parking Capacity

Construction period parking demands would be accommodated by a temporary on-site parking area of approximately 10 acres, which would be relocated around the project site as needed during different stages of construction. This parking area would accommodate all construction workforce vehicles if workers commuted individually. Additional area might be required for the unloading of equipment, materials, and supplies.

During operations, employees would park on-site in a 47,500 square-foot parking area, which would accommodate about 135 parking spaces, assuming 350 square feet per vehicle is needed. This would adequately accommodate the 134-employee workforce, especially given the fact that employee shifts would be staggered. Because the project supplies an adequate amount of on-site parking, the project would not result in any parking spill-over to sensitive areas and would not create any adverse impacts.

Operation Impacts

Due to the nature and remote location of the project, a relatively minor amount of traffic would be generated to and from the site during standard operations (see Tables 4.16-3 and 4.16-4). During project operation, all study roadway segments and intersections would continue to operate at LOS A, the same LOS experienced currently at these locations prior to development of the project; therefore there would be no adverse effect to LOS.

**TABLE 4.16-3
PEAK HOUR VOLUMES AND LOS ON STUDY ROADWAYS DURING PROJECT OPERATION**

Roadway Segment or Intersection	Standard Operations Year (2014) Volume with Project	LOS
I-10: West of the project site	3,245	A
I-10: East of the project site	3,245	A
Corn Springs Road	125	A

NOTES: Caltrans Year 2007 traffic volumes were expanded to Year 2014 using the same rate of expansion (3.74%/year) seen during 2004-2007.

SOURCE: CEC RSA, 2010 (Table 3)

**TABLE 4.16-4
PEAK HOUR DELAY AND LOS ON STUDY INTERSECTIONS DURING PROJECT OPERATION**

Study Intersection	Standard Operations Year (2014) Volume with Project			
	AM Peak		PM Peak	
	Delay ^a	LOS	Delay	LOS
I-10 Westbound Ramps/Corn Springs Road	8.7	A	8.4	A
I-10 Eastbound Ramps/Corn Springs Road	9.2	A	9.4	A

a: average delay (seconds per vehicle)

NOTES: Caltrans Year 2007 traffic volumes were expanded to Year 2014 using the same rate of expansion (3.74%/year) seen during 2004-2007.

SOURCE: CEC RSA, 2010 (Table 4)

Operation of the project would require a labor force of about 134 employees to staff the facility 24 hours a day, 7 days a week. This translates to approximately 268 daily one-way trips, assuming that workers travel in their own individual vehicles. Because employees would arrive and depart at different times throughout the day, they would generate less than 100 daily peak hour trips, even if every employee commutes alone.

The operations workforce would be likely to use the same routes to access the project as would the construction crews.

Operation of the project would also generate minor truck traffic during activities such as supply delivery and off-site waste shipments. Project operation is anticipated to generate up to 6 truck trips per day, which would not affect the LOS on study roadways and intersections.

Alternatives

Reconfigured Alternative 1

The Reconfigured Alternative 1 would generally have the same impact on the traffic and transportation system including OHV designated routes and open washes as the project. This is due to the fact that the Reconfigured Alternative generally uses the same project area, access, and requires the same number of construction workers, operators, and truck deliveries. Mitigation proposed for the project, below, would be required under Reconfigured Alternative 1. Therefore, like the project, effects would not be adverse with incorporation of mitigation measures, and would not cause unacceptable LOS.

Reconfigured Alternative 2

Reconfigured Alternative 2 would generally have the same impact on the traffic and transportation system including OHV designated routes and open washes as the project. This is due to the fact that Reconfigured Alternative 2 generally uses the same project area, access, and requires a similar number of construction workers, operators, and truck deliveries. Mitigation

proposed for the project, below, would be required under Reconfigured Alternative 2. Therefore, like the project, effects would not be adverse with incorporation of mitigation measures and would not cause unacceptable LOS.

Reduced Acreage Alternative

The Reduced Acreage Alternative would have a similar impact on the traffic and transportation system including OHV designated routes and open washes as the project. This is due to the fact that the Reduced Acreage Alternative generally uses the same project area, access, and numbers of construction workers, operators, and truck deliveries. However, the Reduced Acreage Alternative may result in less physical disturbance because of its smaller size. As discussed below in Section 4.16.4, mitigation proposed for the project would be required under Reduced Acreage Alternative. Therefore, like the project, effects would not be adverse with incorporation of mitigation measures and would not cause unacceptable LOS.

No Action Alternative A

Public Access and Transportation

For the No Action Alternative A, where the ROW for the proposed action would not be granted nor would the CDCA Plan be amended, there would generally be no direct or indirect impacts to OHV routes and values. Instead, the project site could become available to other uses consistent with CDCA Plan use opportunities. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Public Access and Transportation

For the CDCA Plan Amendment/No Project Alternative B, the ROW for the proposed action would not be granted and the CDCA Plan would be amended to find the proposed action area unavailable for any type of solar energy development. Any other (non-solar energy) use could be made of the project site, consistent with the CDCA Plan. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Public Access and Transportation

For the CDCA Plan Amendment/No Project Alternative C, the ROW for the proposed action would not be granted and the CDCA Plan would be amended to find the proposed action area suitable for any type of solar energy development. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

4.16.3 Discussion of Cumulative Impacts

Public Access

In addition to the project, there are many past, present, or reasonably foreseeable future actions that contribute to impacts on OHV use. During the CDCA and NECO planning process, a detailed inventory and designation of routes was developed. This route designation system, along with other land management actions such as ACECs and the designation of national parks and wilderness, has resulted in significant changes to OHV recreation opportunities in eastern Riverside County. Since the passage of FLPMA in 1976, the changes or reduction of OHV opportunities in Riverside County likely improved the recreational experience for some users who preferred remote camping and hiking and decreased the recreational experience for some users who prefer open OHV use areas rather than designated routes. Numerous energy-related development projects (i.e., Genesis, Blythe, First Solar/Desert Sunlight, etc.) including the proposed action, would result in the closure of some OHV open routes that may result in some users seeking out, legally or illegally, other areas of the desert for their activities and experiences. Therefore, the combined effect of the overall cumulative past, present, proposed and reasonably foreseeable projects in eastern Riverside County could adversely affect OHV opportunities through closures, rerouting, and use restrictions. However, decommissioning activities would restore these OHV opportunities.

Transportation

Construction

A number of solar projects are projected to be built within approximately 100 miles of the I-10 corridor (Desert Center to Blythe). The Genesis, Blythe and Desert Sunlight projects currently are proposed to be constructed on BLM land and currently are under review by BLM. These projects, as well as other projects in the vicinity of the project, could affect the I-10 corridor between Desert Center and Blythe due to construction traffic.

Construction of the project is scheduled to overlap with the construction schedules of three other projects in the area, two solar energy generation parabolic trough projects, the Blythe Solar Power Project and Genesis Solar Energy Project as well as the Desert Sunlight Photovoltaic Project. These three projects plus the project would result in approximately 3,623 workers traveling on I-10 to their work sites at the same time. The overlapping construction schedules of these projects would result in considerable effects to I-10 as well as to local streets, highways, and intersections in the vicinity of the project site.

Operations

For the Genesis, Blythe and Desert Sunlight projects, truck travel as well as other non-employee site visits would be small and typically would occur during non-peak periods. Moreover, the operational workforce would consist of approximately 285 full time employees. During operation years, I-10 is expected to carry low traffic volumes and operate at LOS A. Therefore, the addition of operational truck travel, non-employee site visits and 134 full time employees associated with the project would not result in a considerable impact. Consequently, cumulative operational impacts would not be significant and would not require mitigation.

Decommissioning

Decommissioning of the Genesis, Blythe and Desert Sunlight projects as well as the project is not anticipated to occur during the next 40 years and is not expected to result in adverse cumulative traffic and transportation impacts. These projects are not likely to be decommissioned at the same time and, if they were, any cumulative impacts could be mitigated by staggering construction employees' work schedules to ensure acceptable LOS levels. Consequently, cumulative decommissioning impacts are not anticipated to be significant and would not require mitigation.

4.16.4 Summary of Mitigation Measures

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the proposed action would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following mitigation measures address impacts on transportation and public access – off highway vehicle resources:

Road Damage Repair (TRANS-3): Implementation of this mitigation measure would ensure that all public roads, easements, and rights-of-way damaged by implementation of the PPSP project would be restored to original or near-original condition.

Construction and Operations Traffic (TRANS-4): Implementation of this mitigation measure would ensure that a Traffic Control Plan is developed and implemented to address traffic issues related to movement of workers, vehicles, and materials, including arrival and departure schedules and designated workforce and delivery routes.

4.16.5 Residual Impacts after Mitigation Measures were Implemented

Public Access

There would be no residual impacts related to public access.

Transportation

LOS within the vicinity of the project would be at LOS C and E, greater than existing LOS A, during project construction.

4.16.6 Unavoidable Adverse Impacts

Public Access

Navigable washes and OHV routes would be transected by the project site which would result in closure to OHV users.

Transportation

There would be no unavoidable adverse impacts related to transportation.

4.17 Impacts on Vegetation Resources

4.17.1 Impact Assessment Methodology

This section analyzes potential impacts to vegetation resources from the construction, operation and decommissioning of the proposed action and alternatives. This analysis identifies and analyzes potential direct, indirect and cumulative impacts of the proposed action and alternatives (including ancillary facilities) to special-status plant species, sensitive natural communities and other significant vegetation resources and recommends mitigation measures where appropriate to address such impacts. Direct, indirect, and cumulative impacts are quantified where the data permits.

This analysis is based, in part, upon information from the following sources: the Application for Certification (AFC) (Solar Millennium 2009a) and Supplement to the AFC (Solar Millennium 2009b); additional information from the Applicant (Galati & Blek 2010i; Galati & Blek 2010j; AECOM 2010f; Solar Millennium 2010k; Solar Millennium 2010l); responses to CEC staff data requests (AECOM 2010a, Palen Solar 1 2010; Kenney 2010; Solar Millennium 2010m; AECOM 2010u); CEC staff workshops held on December 9 and 18, 2009, January 7, 10, 14 and 25, 2010, and April 28 and 29, 2010; site visits by agency staff on October 7, 2009, November 3, 2009, January 25, 2010, and April 8, 2010; communications with representatives from the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS); CEC's Revised Staff Assessment (RSA), including appendices, and final Commission Decision; as well as information contained within the BLM's Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) and March 2008 Handbook H-1740-2, Integrated Vegetation Management Handbook (BLM, 2008). The BLM was integrally involved in the preparation of this analysis with the CEC and other resource agencies.

This evaluation of potential impacts on vegetation resources considers the following areas: (1) the approximately 4,024-acre proposed action disturbance area and an associated buffer area, with a combined Biological Resources Study Area (Study Area) of 14,771 acres; (2) the approximately 4,366-acre disturbance area for Reconfigured Alternative 2 Option 1 (including a similar Study Area as noted for the proposed action); and (3) the approximately 4,330-acre disturbance area for Reconfigured Alternative 2 Option 2 (again, including the Study Area noted above).

4.17.2 Discussion of Direct and Indirect Impacts

Direct impacts are those resulting directly from project activities (e.g., excavation and grading), and occur at the same time and location as those activities. Indirect impacts also result from project activities, but can occur later in time and/or at more distant locations and are still reasonably foreseeable. The potential impacts discussed in this analysis are those most likely to be associated with construction and operation of the proposed action.

Impact analyses typically characterize effects to plant communities as temporary or permanent, with a permanent impact referring to areas that are paved or otherwise precluded from restoration to a pre-project state. In the desert ecosystems the definition of "permanent" and "temporary" must

reflect the slow recovery rates of its plant communities. Natural recovery rates from disturbance in these systems depend on the nature and severity of the impact. For example, creosote bushes can resprout a full canopy within five years after damage from heavy vehicle traffic (Gibson et al. 2004), but more severe damage involving vegetation removal and soil disturbance can take from 50 to 300 years for partial recovery; complete ecosystem recovery may require over 3,000 years (Lovich and Bainbridge 1999). Consequently, due to the slow recovery rates of plant communities in desert ecosystems, impacts of the proposed action and alternative are considered temporary only if there is evidence to indicate that pre-disturbance levels of biomass, cover, density, community structure, and soil characteristics could be achieved within five years.

Proposed Action

The 4,024-acre disturbance area of the proposed action consists almost entirely of native habitats, including 3,422 acres of Sonoran creosote bush scrub, 285 acres of stabilized and partially stabilized desert dunes, 148 acres of desert dry wash woodland, and 164 acres of unvegetated ephemeral dry wash, as well as state waters and other resources (Table 4.17-1). The loss of vegetation on this acreage would result in the loss of ecological services the plant community provides, such as soil protection, food, water, and cover for wildlife. Other temporary and permanent indirect impacts from the proposed action could occur to surrounding vegetation communities from grading activities disturbing soils and creating air-borne, fugitive dust, sedimentation, and erosion, which disruption of photosynthesis and other metabolic processes. The destruction of plants and soil crusts by windblown sand and dust also exacerbates the erosion of the soil and accelerates the loss of nutrients (Okin et al. 2001).

Sonoran Creosote Bush Scrub

Direct impacts to creosote bush scrub would include the permanent loss of, and fragmentation of, adjacent wildlife habitat and native plant communities, including ecological services such as wildlife cover, forage, microhabitat for other plants, and erosion protection.

Stabilized and Partially Stabilized Dunes

Direct impacts include permanent loss of habitat as well as potential accidental direct impacts to adjacent preserved habitat during construction and operation. Indirect impacts include disruption of sand transport corridor resulting in downwind impacts to sand dune habitat; introduction and spread of invasive plants; erosion and sedimentation of disturbed soils; fragmentation and degradation of remaining habitat.

Impacts to Sand Transport Corridor and Sand Dune Habitat

The northeastern portion of the project site lies within in the Palen Dry Lake-Chuckwalla sand transport corridor as mapped in the Preliminary Geomorphic Aeolian and Ancient Lake Shoreline Report (Geomorphic Report) (Solar Millennium 2010b). As described in RSA Soil & Water Appendix A, the project boundary appears to cover approximately 50% of the width of the corridor, though area does not correspond directly with sediment transport rates. The Geomorphic Report (page 22, Solar Millennium 2010b) divides the sand transport corridor into different zones

based on the amount of sand transported, noting that Zone I (off the project site) transports “a minimum of 80%” of the total volume of sand within the corridor, sand migration within Zone II is described as “moderately strong”, and sand transport in Zone III is “relatively low.”

The intrusion of the proposed project within an active sand transport corridor, in Zone II and to a lesser extent Zone III, would have serious on-site and off-site impacts to the creation and maintenance of sand dunes. The PDL-Chuckwalla sand corridor is a major source of sand that supports downwind sand dunes and because most sand transport takes place close the ground (within 10 feet of the ground surface), wind fences and solar arrays would be effective at blocking sand transport.

The proposed project would cause direct impacts on approximately 1,781 acres within Zone II and within Zone III (CEC, Commission Decision). The proposed project also would have offsite impacts, cutting off the supply of sand within the Project Disturbance Area (which, for purposes of this analysis includes the area that could be disturbed as a result of the construction, operation or decommissioning of the proposed action or alternatives) that otherwise would have been transported downwind to other dune areas, and would deflate downwind sand dunes, gradually diminishing their depth and extent over time as sand output exceeds sand input. New sand that would have been transported across the project footprint from upwind would potentially be cut off by drainage ditches, wind fences and above ground infrastructure. The extent of this “sand shadow” would be approximately 1,113 acres (CEC, Commission Decision).

The proposed project also could have an impact on sand transport by eliminating the network of desert washes throughout the site and replacing them with engineered channels (CEC, Commission decision). Part of the sediment-delivery system that contributes to active sand dunes northeast of the project area consists of fluvial depositional areas fed episodically by ephemeral streams. Finer fluvial sediments (typically sand size and finer) are mobilized in the sand transport corridor, which may be recharged with fine-grained sediment during large flood events. Project construction on the alluvial fans and alteration of stream channels by channelization may reduce the amount of fluvial sediment reaching the depositional areas upwind of sand dunes.

Evidence indicates that Zone II has the greatest abundance of MFTL in the project area, and the majority (970 acres) of the indirect impacts from the proposed action would occur in Zone II. The direct and indirect impacts of the proposed action on sand dunes and the processes that support them also could impact other species, including Harwood’s woolly-star, Harwood’s milkvetch and sand dune-dependent insect species from deflating sand dunes. The plant species composition would be toward more drought-tolerant species and those species more amenable to coarser textured soil. See Section 4.21, *Impacts to Wildlife Resources*. These impacts to the sand transport system and active sand dunes on and off the project site would be substantial.

Ephemeral Washes and Sensitive Plant Communities

Grading within the Project Disturbance Area and its ephemeral drainages would cause a direct impact on these communities and would eliminate the hydrological, biogeochemical, vegetation and wildlife functions of these drainages. Desert washes downstream from the project area, comprising

approximately 61 acres of State waters, also would be subject to an indirect impact as a result of changes to upstream hydrology, with downstream vegetation in washes deprived of flows or receiving lower or higher volumes and velocities of water than current conditions at discharge points along the stormwater conveyance channel. Diversions could greatly alter the hydrology and wash-dependent vegetation of any features that may occur downstream of the project area, an effect that is quite apparent below Interstate 10 (I-10) near the Corn Springs Exit. On the northern side of I-10 broad expanses of desert wash trees and shrubs have died in response to the construction of I-10 and the diversion of smaller channels into collector ditches on the southern side of I-10.

The Applicant has provided drainage plans that conceptually discuss how diffusers at the downstream end of the engineered channels would restore sheet flow downslope of the Project Disturbance Area (AECOM 2010a, Drainage Report for Pre-Development Hydrology and Post-Development Hydrology and Hydraulics). However, the drainage report alone does not provide sufficient information to establish the post-project flooding conditions or to determine potential impacts to downstream vegetation. Other potential indirect effects of the changed proposed drainage plans are erosion and resulting root exposure leading to the eventual death of vegetation. Washes upstream of the project area also could be affected by head-cutting and erosion; however, bank stabilization measures are proposed for the intake portion of the channel that would minimize or avoid this potential effect. All 61 acres of the ephemeral washes occurring downstream of the project boundaries would be adversely affected by the proposed project.

Direct impacts of the proposed project to ephemeral drainages and indirect impacts to additional drainages would be substantial. The extensive ephemeral drainage network at the site currently provides many functions and values, including landscape hydrologic connections, stream energy dissipation during high-water flows that reduces erosion and improves water quality, water supply and water-quality filtering functions, surface and subsurface water storage, groundwater recharge, sediment transport, storage, and deposition aiding in floodplain maintenance and development, nutrient cycling, wildlife habitat and movement/migration; and support for vegetation communities that help stabilize stream banks and provide wildlife habitat. The project would eliminate all of these functions and values.

Indirect impacts include permanent loss of hydrological connectivity downstream of the proposed project. Other indirect impacts include upslope head-cutting on drainages and downslope erosion/sedimentation.

Impacts to Groundwater-Dependent Vegetation

Although no direct impacts were identified, the effects of pumping may take several-to-many years to appear, depending on the degree of separation in the confining layers between the shallow aquifer (supporting plants) and deep aquifers (where pumping would occur). Groundwater levels near the project's water supply wells would decline during the project pumping (AECOM 2010a, Figures DR-ALT 207 1 & 2).

The average total annual water usage during operation of the proposed action is estimated at about 300 acre-feet per year (afy). Local decline of groundwater levels is expected within the

cone of depression surrounding the project pumping well, extending a radius of approximately 2 to 3 miles around the well. The maximum predicted water table drawdown associated with the proposed project is approximately 57 feet in the area of the pumping well (which is located in the southwest portion of the proposed site), and the area where drawdown exceeds 1 foot is limited to within approximately 2 to 3 miles of the project pumping centroid (see Soil and Water Table 12 and Figures 11 and 12, Soil and Water Resources, RSA Section C.7, and AECOM 2010a, Figures DR-ALT 207 1 & 2).

Groundwater pumping could have a substantial impact to vegetation resources if it lowers the water table in areas where deep-rooted phreatophytes occur. Groundwater dependent plant communities near Palen Dry Lake could be affected adversely by the drop in water levels, with potentially substantial impacts to sensitive plant communities like mesquite bosque. The proposed groundwater pumping is not expected to greatly affect the health or status of the creosote bush scrub, which dominates the drier portions of the valley floor and surrounding alluvial fans and pediments, hundreds of feet above the groundwater level. These drought-adapted and shallow-rooted species are supported by precipitation, not shallow or deep groundwater.

Use of Groundwater by Phreatophytes

Within the 2- to 3-mile radius drawdown zone, the groundwater dependent ecosystems (GDEs) are dominated or defined by “phreatophytes”. Phreatophytes have deep roots that extend down to, and extract water from a periodically stable water supply, including the capillary fringe, i.e., the zone just above the water table that is not completely saturated, where water is lifted up by capillary action, or surface tension (Brown et al 2007). Even though the groundwater may never be visible at the ground surface, as it is in a wetland or spring, phreatophytic ecosystems can still be groundwater-dependent (Naumberg et al 2005).

The use of groundwater may not be year-round by phreatophytes. In these instances, other water sources are used during the rainy season but groundwater is used in the dry season (Froend & Loomes 2004). In the vicinity of the proposed action, for example, phreatophytes may utilize precipitation, stormwater runoff, or temporary ponding on the playas during the rainy season, and use groundwater during the dry season. There also is growing evidence that the dimorphic shallow and deep root systems of some phreatophytes (e.g., honey mesquite) alternately act as conduits that potentially redistribute water from moist layers to dry layers, a phenomenon termed “hydraulic redistribution” (Hultine et al 2003). Mesquite may play an important role during summer drought for surrounding shallow-rooted species and perhaps for the larger ecosystem (Brown et al 2007; Caldwell et al. 1998).

Response to Water Stress

The response of these GDEs to change in these attributes is variable (SKM 2001). The phreatophytes known to occur in the project area are mostly facultative phreatophytes (Steinberg 2001; USFWS 1993; and others). Phreatophyte trees and shrubs have a range of strategies for dealing with water stress and some species are better adapted to deal with water stress than others, whether they are obligate or facultative phreatophytes. There is insufficient information available to assess whether facultative phreatophytes have a greater resistance to change in groundwater

condition than obligate phreatophytes. However, obligate phreatophytes are less resilient than facultative phreatophytes and will grow only in areas where specific groundwater conditions exist, and require uninterrupted access to the water table; all of these species are groundwater-dependent. “Facultative” phreatophytes, such as honey mesquite, however, can use groundwater if it is available but they can also occur in settings where groundwater is not available (Naiman et al. 2005).

A plant affected by competition for water displays signs of stress (e.g. Manning and Barbour 1988). Stress can be manifested as anything from diminished physiological processes to plant death. Lowering the local water table from groundwater pumping has been demonstrated to cause habitat conversions and reduce plant cover where pumping causes water levels to drop below the effective plant rooting depths, increasing wind erosion of the soil and affecting air quality, and native habitats converted to invasive exotic communities (Patten et al 2007; Lovich 1999; Manning 2006).

Secondly, declining water tables may reduce the amounts of salts and water wicked to the surface by capillary action, potentially altering the chemistry of surface soils (Patten et al. 2007) around the playa (Palen Lake) margins. If the surface salinity decreases, it could render the habitat unsuitable for the halophytes (salt-adapted plants) that make up these ecosystems, which includes several rare or special-status plants, and cause a habitat conversion to non-halophytes (Dodd & Donovan 1999). Reduced surface salinity may be an expected response of regional groundwater withdrawal for urban expansion and other uses in the Great Basin and Mojave Deserts (Patten et al. 2007), and now also in the Sonoran Desert of California for solar thermal development and other groundwater uses.

As Elmore et al. (2006) and Manning (2007) showed in an Owens Valley, California study, as pumping lowers a water table, total live plant abundance (plant cover) on a site decreases correspondingly. Shallower rooted herbs are the first affected and least adapted; deep-rooted woody phreatophytes (such as mesquite) can take decades to die. Stress in woody species such as mesquite would be detected in other measures of plant vigor, such as die-back, long before plant cover changes might be measurable in an aerial photo. Lower plant cover can also lead to increased soil erosion, due to wind or water, leading to loss of nutrients, minerals, and structure necessary for seed germination of plants adapted to prior groundwater conditions on the site. Non-native opportunistic “weed” species (e.g., Russian thistle) are better adapted to nutrient-poor soils and wider variety of soil moisture regimes or conditions, and demonstrate a competitive edge. Animals, including mammals, reptiles, birds, and invertebrates, who may require certain plant species or a certain vegetation structure, may no longer find suitable food or living space. Local extirpations are compounded if the displaced animal is an important food source for another animal. The complex below-ground systems of bacteria, algae, and fungi, which provide many valuable ecosystems services (e.g., breakdown of organic matter, nitrogen fixation, carbon storage, and recycling of nutrients) also are disrupted when water tables are lowered. Ultimately, a decline in plant cover and change in species abundance due to groundwater withdrawal from groundwater-dependent ecosystems may result in severe consequences, depending on the organism(s) involved or the prevailing ecosystem processes (Manning 2009).

If the vegetation is dependent on the groundwater aquifer, but the decline in water table depth is minor and/or temporary (i.e., a minor drawdown and restored to spring baseline levels following construction), the ecosystem effects may be correspondingly minor or temporary, depending on the time required to refill the impacted aquifer.

Impacts to Springs

Impacts to Water Resources are addressed in PA/FEIS Section 4.19, *Impacts to Water Resources*. However, because the definition of surface water sites includes streams that could be jurisdictional, impacts to streams are addressed in this section. BLM has adopted this analysis of the potential impacts of project pumping to area springs follows (AECOM 2010a, DR 181-233):

“Corn Spring appears to derive its water from precipitation falling onto the Chuckwalla Mountains, and movement of groundwater under pressure along an historic fault that bisects the mountains. Groundwater extraction from the project site would not affect Corn Spring. According to the NWIS database, seeps and surface discharge/outfall (along with streams, lakes, wetlands, and diversions) are categorized as ‘surface water sites’ and four sites are located in the Chuckwalla Valley Groundwater Basin. One of the four locations is the aforementioned Corn Spring Wash, while two other sites are located near the northern edge of the Chuckwalla Mountains approximately eight and 13 miles west of the project site. Water in these three sites appear to originate from infiltration of precipitation that falls on the Chuckwalla Mountains as all three sites are located either within the Chuckwalla Mountains or are less than one mile downslope from the Chuckwalla Mountains. At this great distance and given the source of water to the sites, groundwater extracted from the project site would not affect these three sites. The fourth ‘surface water site’ listed in the NWIS database for the Chuckwalla Valley Groundwater Basin is Coxcomb Wash, located approximately eight miles northwest of the project site. Coxcomb Wash is an ephemeral dry wash that flows southeastward from the Coxcomb Mountains. As a result, groundwater extracted from the project site would not affect the flow of water in Coxcomb Wash. The locations of Corn Spring and other ‘surface water sites’ identified in the NWIS database and through the several other data sources are shown on Figure DR-S&W-193. The sites are listed on Table DR-S&W-193-1.”

McCoy Spring is located at an elevation of 889 feet at the outlet of a bedrock canyon near the toe of the western slope of the McCoy Mountains, approximately 15 miles to the northeast of the Project. According to the groundwater investigation conducted by Worley-Parsons (2009):

“Springs may be considered surface extensions of the local groundwater system; however, springs and seeps that occur near the interface between bedrock mountains are often associated with base flow discharge or perched aquifers that are part of a separate groundwater flow system that originates in the surrounding mountains and do not have direct hydraulic connection to the adjacent basin aquifer system. Based on the close proximity of bedrock outcrops to the spring, it likely represents baseflow discharge from the McCoy Mountains. As such, it does not appear to have a direct hydraulic connection to groundwater levels in the Chuckwalla Valley Groundwater Basin, which occurs in the basin fill materials to the west of McCoy Spring. They concluded that a groundwater level drawdown of many feet would be required to cause a change in the baseflow discharge from the McCoy Mountains.”

Noxious and Invasive Weeds

Construction activities and soil disturbance could introduce new noxious weeds to lands adjacent to the proposed solar plant site and its linear facilities, and could further spread weeds already present in the project vicinity. The spread of invasive plants is a major threat to vegetation resources in the Colorado Desert because non-native plants can displace native plants, increase the threat of wildfire, and supplant wildlife foods that are important to herbivorous species.

Tamarisk, Russian thistle, Sahara mustard, and Mediterranean grass are already present in the Project area and are expected to increase as a result of construction- and operation-related disturbance. The proliferation of these and other non-native species has dramatically increased the fuel load and frequency of fire in many desert ecosystems (Lovich & Bainbridge 1999). Unlike other ecosystems in California, fire was not originally an important part of the Colorado Desert ecosystems and most perennials are poorly adapted to even low-intensity fires, and the animals that coevolved are not likely to respond favorably to fire either. The potential spread or proliferation of non-native annual grasses, combined with the proximity to ignition sources could potentially increase the risk of fire, and the effects to these poor-adapted desert communities would be harmful, particularly to cacti and most native shrubs species. Burned creosote and other native shrubs are typically replaced by short-lived perennials and non-native grasses (Brown & Minnich 1986). Indirect impacts of increased human presence relating to the likelihood of increased fire frequency synergizes with the increased presence of fine fuels from non-native invasive plants. The corridor along I-10 is core area of ignitions in the Sonoran Desert in Riverside County creating swales which collect drain water. These sites may be incubators for the westward advance of buffelgrass, an exotic fire prone grass species. An infestation of buffelgrass (which is following the I-10 corridor) would alter the fire regime in the project area further with even higher fuel loading. Burning buffelgrass is very effective at permanent removal of Sonoran Desert dry wash woodlands

To address the potential spread of existing weeds and the introduction of new ones, an active weed management strategy and control methods must be implemented. The Applicant has submitted a draft Weed Management Plan (AECOM 2010a, DR-BIO 100) to avoid and minimize the spread of noxious weeds. The Weed Management Plan would cover weeds targeted for eradication or control and a variety of weed control measures such as establishing weed wash stations for construction vehicles and revegetation of disturbed areas with native seed mix. Implementation of this plan would adequately address potential impacts from introduction and spread of noxious weeds.

Special Status Plants

Harwood's Woolly-star

A total of 13 GPS points totaling 169 Harwood's woolly-star plants were found in the dunes to the east of the proposed project and east of the eastern solar blocks in each of the options under Alternative 2. No plants were found within the Project Disturbance Area and none are in very close proximity to the proposed action or alternatives, separated by 3,000 feet or more of dunes. Based on these results, no direct impacts, or indirect impacts from hydrologic changes downstream, would occur to Harwood's woolly-star. However, concerns remain about the

potential for the spread of Sahara mustard into the dunes north of the proposed project from construction-related disturbance near the dunes, transport of seeds on vehicles during construction and operation, and transport via the engineered channels. (AECOM 2010a DR-181-253 Soil & Water, page 122 and Figure 4 [pg 775]). Construction-related soil disturbance and sedimentation from the channel discharge render habitat vulnerable to noxious weed invasion, and the potential for the spread of Sahara mustard into the sensitive dune habitats north of the proposed project is very high and the ecological consequences would be considerable. Several large infestations of this highly invasive plant occur along the area roads and the channel intake. The potential for Sahara mustard to spread quickly and aggressively, and the severe ecological consequences, are well documented (Barrows & Allen 2007; Brooks et al 2004; Pavlik 2008, and others).

Harwood's Milkvetch

Direct impacts include loss of seven plants due to removal of all vegetation (5% of the occurrence in the study area in 2010.) Harwood's milkvetch plants also are found in dune habitat just downslope of the proposed project. Construction is not expected to result in direct loss of Harwood's milkvetch since the plants were found outside of the solar fields.

Indirect impacts include introduction and spread of invasive plants and increased threat of wildfire; erosion and sedimentation of disturbed soils; potential disruption of sand transport systems that maintain habitat below the Project; alteration of drainage patterns; herbicide drift; disruption of photosynthesis and other metabolic processes from dust, storm water runoff from the constructed channel could indirectly impact Harwood's milkvetch plants and habitat that occur within the flow path.

Spring 2010 surveys identified only seven Harwood's milkvetch individuals in the Project Disturbance Area (AECOM 2010u) out of a total population of ± 146 plants (Solar Millennium 2010l). However, many of the 139 plants documented in the buffer area for the proposed action (Solar Millennium 2010m) are located in close proximity to the northern boundary of the proposed site and downstream of the proposed engineered channel.

By comparison, approximately 700 Harwood milkvetch were documented in the nearby Genesis Solar Energy Project study area, and 2,748 plants were documented in the Blythe Solar Power Project and the Colorado Substation study areas. It is important to note that, although the 2010 populations are robust, significantly fewer plants (<100) were found in the disturbance area of three projects during the 2009 surveys—a relatively dry year. The local Harwood's milkvetch population size likely expands and contracts with the normal wide variations in annual rainfall, similar to many other desert annuals.

Although the direct impacts of the proposed project to Harwood's milkvetch would be minor, concerns remain about the close proximity of the off-site populations to the Project Disturbance Area and their position just below the engineered channel (see Solar Millennium 2010m). Because of the location of many plants just below the discharge points of the proposed engineered channel, plants could be indirectly affected through changes in surface drainage patterns and sediment transport. Harwood's milkvetch may respond favorably to disturbance (loose, sparsely vegetated soils) but most weeds also quickly colonize disturbed soils.

Fragmentation disrupts gene flow and renders remaining occurrences more vulnerable to extirpation in the future. These effects are harder for a species to withstand during droughts or in the face of projected climate change.

Ribbed Cryptantha

An area of approximately 406 acres (estimated 3.6 million plants) located within the Project Disturbance Area would be directly affected by the proposed project (AECOM 2010u).

Many similarly large occurrences of ribbed cryptantha have been found in the disturbance areas for the Genesis and Blythe solar projects (TTEC 2010a, GSEP 2009a, Solar Millennium 2009a, Solar Millennium 2010b, and Solar Millennium 2010 m), totaling over 100,000 plants. Given the large number of ribbed cryptantha plants detected by all the I-10 projects, within and outside of their project areas, ribbed cryptantha is likely to occur in similar habitats nearby. Because of the local abundance of ribbed cryptantha and its apparently stable range in California, the direct impacts of the project to this species are not substantial.

California Ditaxis

One group of 11 California ditaxis plants were observed within the Project Disturbance Area along the gen-tie alignment (see PA/FEIS Section 2.3, *Connected Actions*), approximately four miles west of the project. Another group of 11 plants were found in the survey buffer area (Solar Millennium 2010m, Table 3, and Solar Millennium 2010p, Figure 7).

In addition to the direct impacts to plants within the Project Disturbance Area (50% of the local population), plants adjacent to the alignment could be indirectly affected by the spread of Sahara mustard, which out-competes these plants, degrades the habitat and increases the risk of fire. Roads and transmission corridors are common vectors for the spread of Sahara mustard. Vehicles are also common ignition sources for roadside fires, and the weeds that typically recolonize disturbed soils along roads and transmission corridors tend to increase the flammability. The loss of half of the occurrence, combined with the indirect effects of Sahara mustard, would be substantial, given that there are no other documented occurrences of this species in the valley west of Desert Center. The direct loss of plants of this species could be avoided with implementation of the mitigation measures identified below.

“Palen Lake Atriplex” (*Atriplex* sp.)

. According to the Applicant’s map of special-status plants in the preliminary 2010 botanical report (Solar Millennium 2010m, Figure 7), none of the potentially new taxon of saltbush (*Atriplex*) discovered on the saline playa margins of Palen Dry Lake in 2009 would be directly affected by the project; however, some of the 920 plants documented in the buffer occur in close proximity to the northeastern boundary of the proposed action and could be indirectly affected by construction or by saturation or discharges from the engineered channel. It is unclear how the hydrologic changes would affect them, but four-wing saltbush (if related) is reported to be intolerant of flooding late in the season (Howard 2003).

The proposed action also carries a greater risk of indirect impacts associated with the proposed groundwater pumping, which is estimated at 5,750 acre feet per day during the 39-month construction phase, with a predicted drawdown of 1 to 5 feet in the area just north of the northern project boundary.

Because the potential new taxon is reported to occur in the saline margins around dry lakes, and because a drawdown in the water table reduces salinity (Patten et al. 2007), there is a potential that the proposed action's groundwater pumping eventually could cause a habitat conversion from halophytic obligates (salt-loving plants) to non-halophytes in the affected area. This would render the habitat unsuitable for the new taxon. A detailed discussion of the impacts of groundwater pumping to dependent vegetation is provided above under *Impacts to Groundwater-Dependent Vegetation*.

Utah Vining Milkweed

One population of Utah vining milkweed was found east of the project site at least 2.5 miles east of the eastern boundary and outside of the Project Disturbance Area and buffer area (Solar Millennium 2010m). Therefore, no direct or indirect impacts would occur to this species.

Impacts to Summer- Fall Special-Status Plants

This section analyzes impacts to potentially occurring late-season special-status plants; plants that were not detected during summer-fall 2010 surveys but could still occur in the study area. Within the larger group of plants that can be identified only during late season surveys, there are two subgroups: 1) annuals that are triggered by warm summer rains of subtropical origin (typically minimum 10 mm events), and 2) perennials that bloom regardless of the summer rain, and are triggered instead by the appearance of cooler storms that originate in the Pacific northwest. Special-status summer annuals documented to occur in the California Sonoran Desert region include:

1. Abram's spurge, a CNDDDB Rank 1 and CNPS List 2 species;
2. Flat-seeded spurge, a BLM Sensitive species, CNDDDB Rank 1 and CNPS List 2,
3. Lobed ground cherry, a CNDDDB Rank 1 and CNPS List 2 species.

Several of the late-season perennials have bloom seasons that overlap the spring season, and/or can be identified vegetatively and do not require flowers or fruit for identification. These include:

1. Glandular ditaxis, a CNDDDB Rank S1/S2 and a CNPS List 2, and
2. California ditaxis, a CNDDDB Rank 2 and CNPS List 3

Abram's Spurge. If Abram's spurge occurs within or near the Project Disturbance Area, direct or impacts would be substantial unless only a minor portion of its local population, or habitat, was affected. Even if the occurrence was off-site, it could be indirectly affected if it occurs in close proximity to construction. Concerns remain about the contribution of the proposed action to the spread of Sahara mustard and other invasive species. Construction-related disturbance, roads, transmission corridors, and the transport of seed via washes are common vectors for Sahara mustard and other weeds.

All but one primary wash through the center of the site, and two washes on the western and eastern edges, already were diverted by the construction of I-10 and the diversion of all sheet flow and washes into the three primary channels. The effects of this diversion are apparent in the many dead or declining ironwood trees, stunted creosote bush, and overall low cover and low diversity over much of the site. Although the site has a history of disturbance from military training exercises during World War II, the primary cause of the site's degraded habitat function and value (outside of the primary washes) is due to the changes in surface drainage patterns from the construction of I-10. Nevertheless, the site, north of I-10, has a large enough watershed to support the development of a few smaller washes (outside of the primary washes) in the northeast portion of the project site, washes that could potentially support Abram's spurge or other summer annuals the prefer similar habitat. Potential direct impacts to Abram's spurge could be addressed through implementation of the mitigation measures recommended below. Because plants were not detected during summer-fall 2010 surveys, likelihood of impacts to the species is very small.

Flat-seeded Spurge. The closest known occurrence of flat-seeded spurge is approximately 50 miles away. By virtue of its rarity and the distance to known occurrences, its occurrence in the project area is unlikely and speculative. However, it does occur along the western edge of the California desert and in Arizona and, therefore, on both sides of the site (Silverman pers. comm; Sanders pers. comm.). The absence of known occurrences in this area may be because it is easily over-looked (Reiser 1994) or because the area is generally under-surveyed.

If present, potential indirect effects include the spread of Sahara mustard and other invasive pest plants into dune habitat; the ecological impacts of Sahara mustard and the potential for restoration are described in Barrows & Allen (2007); Barrows et al. 2009; Pavlik 2008, and others). Channel diversion and the interruption of aeolian and fluvial sediment transport could also adversely affect its persistence, if detected in the project area. Because plants were not detected during summer-fall 2010 surveys, likelihood of impacts to the species is very small.

Lobed Ground Cherry. Though no plants were found in 2010 surveys, if present, impacts to lobed ground cherry would be considerable. Such an occurrence also would represent a range extension (i.e., occur at the periphery of its range in California). Potential indirect effects to the species, if present, could include the spread of Russian thistle and other alkaline-tolerant weeds into its habitat. Russian thistle already is present in the playa margin habitats and in the northeast portion of the project area. Construction-related disturbance and vehicle use along the existing roads are common vectors for the spread of invasive pest plants. Even if found off-site in the playa margins, it could be indirectly affected by alteration of the site hydrology or sedimentation, if located directly below the engineered channel discharge points. Because plants were not detected during summer-fall 2010 surveys, likelihood of impacts to the species is very small.

Indirect Impacts to Special-Status Plants

The following indirect impacts to special-status plants, i.e., impacts outside the Project Disturbance Area or that occur following construction, were considered: introduction and spread of invasive plants; alteration of the surface hydrology and basic geomorphic processes that support rare plants and their habitat (e.g., disrupted aeolian and fluvial sand transport processes

from obstructions and diversions); population fragmentation and disruption of gene flow; potential impacts to pollinators; increased risk of fire; erosion and sedimentation of disturbed soils which render the habitat vulnerable to invasion by pest plants; disturbance of the structure and ecological functioning of biological soil crusts which affect seed germination, reduces soil nutrition, carbon sequestration, and renders the soil vulnerable to water and wind erosion (Belnap & Eldridge 2001); herbicide and other chemical drift; and disruption of photosynthesis and other metabolic processes from fugitive dust during construction and operation of the proposed action.

Changes to drainage patterns downslope of the project area could have substantial impacts to special-status plant species. The Applicant has proposed drainage diffusers that would minimize erosion downstream and potentially restore flows to the affected drainages (Solar Millennium 2010d). However, the design proposes evenly spacing the discharge points along the lateral diffuser and a fan diffuser to spread the water out across the area north of the project. This design is based on an assumption that stormwater sheet flows uniformly across the area downstream (north) of the project. The Pre-Development Drainage Conditions Report shows that the existing condition for these same areas primarily varies from 4 to 12 inches with some localized depressions carrying water at a depth of approximately 1.5 feet (Solar Millennium 2010d). Figure 3 from this report depicts a map of delineated washes downstream of the project, and Figure 2 indicates that a number of special-status plants occur in the area where flows would be discharged (Solar Millennium 2010 k). Some of these species are intolerant of flooding, while others are dependent on the natural disturbance patterns (sedimentation) within these localized depressions.

Following construction, invasive species could occupy disturbed soils within the Project Disturbance Area and diverted channels, and then spread into adjacent undisturbed habitats—naturally disturbed habitats such as dunes and washes are particularly vulnerable to colonization by weeds. The potential spread of Sahara mustard, which already is present along roads and near the freeway, is a continuing threat. The primary conduit for spread, however, is along roads and transmission corridors. The dramatic increase in vehicle use of the project vicinity roads and construction of transmission corridors and new roads is expected to increase the spread of this highly invasive wildland pest. Sahara mustard has shown a clear negative impact on native flora (Barrows et al. 2009). Sahara mustard can form dense stands and potentially crowd out native annual plants. Sahara mustard plants growing early in the season may dominate available soil moisture which may adversely affect native annuals which start growing a little later in the season (Barrows et al. 2009). Barrows et al. (2009) found that native annuals growing under a canopy of Sahara mustard were often taller and were etiolated, at the expense producing branches, flowers, and fruits. This led to a shift in the dominance of the following year's species composition from native annuals to Sahara mustard.

Tamarisk, Russian thistle, Sahara mustard and Mediterranean grass already are present in the project area and are expected to increase as a result of construction- and operation-related disturbance. The proliferation of many non-native plants has dramatically increased the fuel load and frequency of fire in many desert ecosystems (Lovich & Bainbridge 1999). Unlike other ecosystems in California, fire was not an important part of the Mojave Desert ecosystems and most perennials are poorly adapted to even low-intensity fires, and the animals that coevolved are

not likely to respond favorably to fire either. The potential spread or proliferation of non-native annual grasses, combined with the proximity to ignition sources could potentially increase the risk of fire, and the effects to these poor-adapted desert communities would be harmful, particularly to cacti and most native shrubs species. Although there are few studies of fire effects on Sonoran Desert vegetation, we do know that burned creosote and other native shrubs are typically replaced by short-lived perennials and non-native grasses (Brown & Minnich 1986). The spread of invasive plants is a major threat to biological resources in the Colorado Desert because non-native plants can displace native plants, increase the threat of wildfire, and supplant wildlife foods that are important to herbivorous species.

Wildfires (caused by construction or downed transmission lines) are rare but the increase in daily vehicle use in the area from an anticipated 200 new jobs during operation and up to 1,000 jobs during construction could significantly increase the risk of ignition. Other temporary and permanent impacts from the proposed action could occur to surrounding vegetation communities from grading activities creating airborne, fugitive dust, sedimentation and erosion, which can disrupt photosynthesis and other metabolic processes. The destruction of plants and soil crusts by windblown sand and dust also exacerbates the erosion of the soil and accelerates the loss of nutrients (Okin et al. 2001).

Construction Impacts of Dust on Plants

Disturbance of the soil's surface caused by construction traffic and other activities would result in increased wind erosion of the soil. Aeolian transport of dust and sand can result in the degradation of soil and vegetation over a widening area (Okin et al. 2001). Dust can have deleterious physiological effects on plants and may affect their productivity and nutritional qualities. The destruction of plants and soil crusts by windblown sand and dust exacerbates the erosion of the soil and accelerates the loss of nutrients (Okin et al. 2001).

Cacti, Yucca, and Native Trees

Teddybear, silver cholla, pencil cholla, common fishhook cactus, and possibly one cottontop cactus would be lost or salvaged from disturbed areas. These species provide microhabitats for other plants including special status plants, so those values would be lost. Native trees such as smoke tree, honey mesquite ironwood, blue paloverde, and ocotillo would be lost from the project disturbance area. These plants provide similar microhabitat values for other plants including special status plants and provide perching and nesting sites for wildlife. These values would be lost within the project disturbance area.

Impacts Specific to Closure and Decommissioning of the Proposed Project

Potential impacts to vegetation resources from closure and decommissioning of the proposed project would involve residual disturbance of developed areas and altered hydrologic conditions (including the engineered drainage channels), as well as similar impacts from vehicle/equipment access and employees as noted for construction of the proposed project. The Applicant has prepared a Draft Conceptual Decommissioning Plan. Replanting and revegetation activities tied to closure and decommissioning are as yet unquantified, but would provide some benefit through

reconnection populations and providing some ecosystem functions to the project disturbance area and surrounding plant communities in the long term.

Alternatives

Table 4.17-1 shows differences among alternatives in terms of direct and indirect impacts, if quantified. For the No Action and CDCA Plan Amendment/No Project Alternatives B and C, no impacts would be anticipated to vegetation communities and special status plants in the short term though impacts similar to those discussed for the proposed action, Reconfigured Alternative 1, Reconfigured Alternative 2 and Reduced Acreage Alternative could occur in the long term for CDCA Plan Amendment/No Project Alternatives A and C. Table 4.17-1 also summarizes direct and indirect impacts to ephemeral drainages (waters of the state) as a result of construction, operation and decommissioning of the proposed action and alternatives.

Table 4.17-2 compares impacts to Sand Corridors and Sand Dune habitat by alternative.

Reconfigured Alternative 1

The Reconfigured Alternative 1 site is approximately 3,097 acres in size (including the transmission line), and so smaller than the site of the proposed action. For this reason, this alternative is expected to have correspondingly smaller direct impacts to native vegetation communities. The site of Reconfigured Alternative 1 contains waters of the state including unvegetated, ephemeral dry washes (43 acres) and desert dry wash woodland (56 acres). The Reconfigured Alternative 1 site also supports stabilized and partially stabilized desert dunes (147 acres) and Sonoran creosote bush scrub (2,848 acres). The Reconfigured Alternative is partially within the sand transport Zones II and III shown in the Preliminary Geomorphic Aeolian and Ancient Lake Shoreline Report provided by the Applicant (Solar Millennium 2010b). This site provides habitat that would support similar species as the proposed action.¹

Distinctions in anticipated impacts between Reconfigured Alternative 1 and the proposed action with respect to vegetation communities are presented in Table 4.17-1.

Reconfigured Alternative 1 would have reduced impacts relative to the proposed action with respect to the following vegetation resources:

1. Direct impacts to state waters would be 213 acres less with Reconfigured Alternative 1 compared to the proposed action, including 92 fewer acres of impacts to desert dry wash woodland and 121 fewer acres of impacts to unvegetated ephemeral dry wash.
2. Impacts to upland habitat would be 712 acres less with Reconfigured Alternative 1 compared to the proposed action, including 574 fewer acres of impacts to Sonoran creosote bush scrub and 138 fewer acres of impacts to stabilized and partially stabilized desert dunes.

¹ Biological Resources Appendix A of CEC RSA Part II provides a more detailed description of resources found within this area that would be affected by Reconfigured Alternative 1 is available at <http://www.energy.ca.gov/2010publications/CEC-700-2010-007/CEC-700-2010-007-REV-PT2.PDF>. An additional study, AECOM (2010u), provides transmission line acreages, which were added to this alternative to facilitate comparison of potential impacts.

**TABLE 4.17-1
COMPARISON OF DIRECT AND INDIRECT IMPACTS TO VEGETATION COMMUNITIES AND
SPECIAL STATUS PLANTS FROM PROPOSED ACTION AND ALTERNATIVES**

Vegetation Community	Proposed Action (acres)	Reconfigured Alternative 1 (acres)	Reconfigured Alternative 2, Option 1 (acres)	Reconfigured Alternative 2, Option 2 (acres)	Reduced Acreage Alternative (acres)
Upland					
Sonoran creosote bush scrub	3,422	2,848	3,817	3,771	2,104
Stabilized and partially stabilized desert dunes	285	147	156	188	60
<i>Subtotal Upland</i>	<i>3,707</i>	<i>2,995</i>	<i>3,973</i>	<i>3,959</i>	<i>2,164</i>
Other Cover Types					
Agricultural Land	3	3	3	3	3
Developed	2	0	2	2	0
<i>Subtotal Other Cover Types</i>	<i>5</i>	<i>3</i>	<i>5</i>	<i>5</i>	<i>3</i>
Total Acres	4,024	3,097	4,366	4,330	2,242
Riparian					
<i>Ephemeral Drainages (State Waters) - Direct Impacts:</i>					
Desert dry wash woodland	148	56	208	198	20
Unvegetated, ephemeral dry wash	164	43	180	168	55
Total	312	99	388	366	75
<i>Ephemeral Drainages (State Waters) - Indirect Impacts¹:</i>					
Desert dry wash woodland	0	16	0	0	<1
Unvegetated, ephemeral dry wash	32	29	19	18	58
Total	32	45	19	18	58
Special Status Plants					
<i>Harwood's milkvetch</i>	7 individuals, minor, Potential indirect from weeds, sand transport system	Similar to proposed action	Less than proposed action	Less than proposed action	Less than proposed action
<i>Harwood's eriastrum (=Harwood's woolly-star)</i>	No direct impact, Potential indirect from weeds, sand transport system	Similar to proposed action	Less than proposed action	Less than proposed action	Less than proposed action
<i>California ditaxis</i>	Loss of 11 plants (50% of population), Potential indirect from weeds	Similar to proposed action	Similar to proposed action	Similar to proposed action	Similar to proposed action

TABLE 4.17-1 (Continued)
COMPARISON OF DIRECT AND INDIRECT IMPACTS TO VEGETATION COMMUNITIES AND SPECIAL STATUS PLANTS FROM PROPOSED ACTION AND ALTERNATIVES

Vegetation Community	Proposed Action (acres)	Reconfigured Alternative 1 (acres)	Reconfigured Alternative 2, Option 1 (acres)	Reconfigured Alternative 2, Option 2 (acres)	Reduced Acreage Alternative (acres)
Special Status Plants (cont.)					
<i>Ribbed cryptantha</i>	Loss of many individuals though millions locally abundant, potential indirect from weeds, sand transport system (406.01)	(49.60)	(52.46)	(52.46)	Less than proposed action
<i>New taxon of saltbush (=Palen Lake Atriplex)</i>	No direct impact, potential groundwater pumping impact	Similar to proposed action	Similar to proposed action	Similar to proposed action	Similar to proposed action
<i>Late season plants</i>	Low potential impacts to those not detected in earlier surveys	Similar to Proposed Action	Lower potential, fewer acres	Similar to Reconfigured Alternative 2	Lower potential, fewer acres

SOURCES: CEC Commission Decision Biological Resources Tables 1, 2, 4, 5, 6; CEC RSA Part II Biological resources Table 7a

**TABLE 4.17-2
 DIRECT IMPACTS TO INNER AND OUTER SAND CORRIDORS AND THE DIRECT AND INDIRECT IMPACTS TO SAND DUNE HABITAT**

	Proposed Action (acres)	Reconfigured Alternative 1 (acres)	Reconfigured Alternative 2, Option 1 (acres)	Reconfigured Alternative 2, Option 2 (acres)	Reduced Acreage Alternative (acres)
Direct Impacts to Zone 2 & dune habitat (vegetated, deep) ³	430	520	140	150	9
Direct Impacts to Zone 3 & dune habitat (vegetated, shallow) ³	540	600	540	640	290
Indirect Impacts to Zone 2 (25-50%, 50-75%, 75-100% [total])	310 260 490 [970]	260 230 380 [870]	80 39 11 [130]	68 10 1 [79]	38 12 5 [55]
Indirect Impacts to Zone 3 (25-50%, 50-75%, 75-100% [total])	0 0 53 [53]	0 0 280 [280]	3 6 5 [14]	6 9 1 [16]	49 48 140 [237]
Total	2,083	2,270	824	885	591

SOURCE: CEC RSA Part II Biological Resources Table 8b

3. Indirect impacts to sand transport corridor Zone 2 would be a total of 100 acres less with Reconfigured Alternative 1 compared to the proposed action, including 50 acres less impact in the 25-50% range, 30 acres less impact in the 5-75% range, and 110 acres less in the 75-100% range.

Reconfigured Alternative 1 would have greater impacts relative to the proposed action with respect to the following vegetation resources:

1. Direct impacts to sand transport corridor Zone 2 and dune habitat (vegetated, deep) would be 90 acres greater for Reconfigured Alternative 1 compared to the proposed action. This greater impact to dune habitat and intrusion into a sand transport corridor also would cause an indirect adverse impact on downwind dune habitat.
2. Direct impacts to sand transport corridor Zone 3 and dune habitat (vegetated, shallow) would be 60 acres greater for Reconfigured Alternative 1 compared to the proposed action. This impact to dune habitat and intrusion into a sand transport corridor also would cause an indirect adverse impact on downwind dune habitat.
3. Indirect impacts to sand transport corridor Zone 3 would be 227 acres greater with Reconfigured Alternative 1 compared to the proposed action, all of which would affect the 75-100% range; neither this alternative nor the proposed action would have any indirect impact to Zone 3 in the 25-50% range or the 50-75% range.

Reconfigured Alternative 1 would have comparable impacts relative to the proposed action with respect to the following vegetation resources:

1. Other cover types: the two would have the same impact on agricultural land (3 acres), and a slightly reduced impact to developed land (0 acres for this alternative; 2 acres for the proposed action).
2. Special status plants.

Reconfigured Alternative 2

Based on the nature and extent of potential impacts to a number of key biological resources from the proposed action (including sand transport corridors and related species), two alternative configurations were developed and are evaluated Reconfigured Alternative 2 Options 1 and 2. Reconfigured Alternative 2 would be developed in the same general location as the proposed action; however, the reconfiguration of the solar plant boundary would to avoid or reduce impacts to targeted biological resources.

These options, which are described in greater detail in Section 2.4.3, *Alternatives Considered*, would disturb approximately 4,366 acres (Option 1) or 4,330 acres (Option 2). This acreage consists almost entirely of native habitats, including, respectively for Option 1 and Option 2: (a) 3,817 and 3,771 acres of Sonoran creosote bush scrub, (b) 156 and 188 acres of stabilized and partially stabilized desert dunes, (c) 208 and 198 acres of desert dry wash woodland, and (d) 180 and 168 acres of unvegetated ephemeral dry wash.

The seven native vegetation communities described in Section 3.18, *Vegetation Resources*, and analyzed above occur within the proposed action Study Area (i.e., desert dry wash woodland [also known as microphyll woodland], unvegetated ephemeral dry wash, active desert dunes, stabilized and partially stabilized desert dunes, desert sink scrub, dry lake bed (playa), and Sonoran creosote bush scrub]. Four of these habitats also occur within the disturbance areas for Reconfigured Alternative 2, with Sonoran creosote bush scrub the most prevalent.

Reconfigured Alternative 2 would have similar impacts to most resources as the proposed action, with some notable exceptions. Except as distinguished below, vegetation-related impacts of Reconfigured Alternative 2 are expected to be comparable to those of the proposed action. (See also, Table 4.17-7, below, for a comparison of mitigation measures recommended for reconfigured Alternative 2 and the proposed action.)

1. Because this alternative would be approximately 340 acres larger than the proposed action, impacts to desert dry wash woodland, unvegetated ephemeral dry wash, and desert tortoise habitat would increase somewhat. Impacts to sand dunes, the sand transport corridor and related species, however, would be substantially reduced based on the reconfigured site boundaries.
2. This alternative would affect the same three washes as the proposed action, although direct impacts to desert dry wash woodland would be 60 acres (40 %) greater. This alternative also is closer to I-10, and so affects more of the central project area wash than the proposed action. Indirect impacts to desert dry wash woodland and unvegetated ephemeral dry wash woodland would be lower, but only because indirect impacts identified for the proposed action would be direct impacts under this alternative.
3. Reconfigured Alternative 2 (either option) would reduce the potential for groundwater pumping-related impacts to adversely affect groundwater dependent vegetation ecosystems north of the proposed site by shifting the location of the wells approximately 3,000 feet to the south and away from shallow groundwater area (shallow groundwater and GDEs occur between the northern site boundaries and Palen Dry Lake to the north).
4. Reconfigured Alternative 2 also would have a reduced impact on saltbush relative to the proposed action because the boundary of the alternative would be located farther from the margins of Palen Lake. Consequently, there would be a considerable buffer between the boundary of Reconfigured Alternative 2 and the location of the mapped saltbush (Solar Millennium 2010k): over 3,500 feet from the boundary of Option 1 and 2,000 feet from the boundary of Option 2.
5. Although reconfigured Alternative 2 would increase the number of acres of State waters that would be affected directly, it would reduce the number of acres of such waters that would be affected indirectly: Option 1 would have a direct impact on 388 acres of State Waters, Option 2 would have a direct impact on 366 acres, and the proposed action would have a direct impact on 312 acres. Concerning indirect impacts, Option 1 would affect 407 acres, Option 2 would affect 384 acres, and the proposed action would affect 344 acres.
6. Approximately 430 acres (10 percent) of Reconfigured Alternative 2 Option 1 were not included in the state waters survey area.

7. Botanical surveys covered this entire alternative; fall surveys were published on October 26, 2010. The results of these surveys do not present significantly new information under NEPA because this area's now-surveyed habitat type and quality are consistent with the adjacent habitat, which was unsurveyed when the SA/SEIS was issued. The studies confirm the previous assumptions that these areas do not differ in abundance or value from the adjacent intensively surveyed areas.
8. Reconfigured Alternative 2 would substantially reduce intrusion into the sand transport corridor, including the more sensitive Zone II areas, relative to the proposed action. As shown in Figure 3.15-3, *Sand Transport Zones Characterizing Varying Rates of Sand Transport*, the boundary of the proposed action covers approximately 50% of the width of the Palen Dry Lake- Chuckwalla sand transport corridor, including portions of Zones II through IV and resulting in approximately 1,781 acres of direct impacts and 1,113 acres of indirect sand shadow impacts. Based on the modification of associated site boundaries.

Reduced Acreage Alternative

The Reduced Acreage Alternative would have the lowest level of direct and indirect impacts compared to the proposed action. A comparative analysis of impacts of the Reduced Acreage Alternative is provided in Tables 4.17-1, 4.17-2 and 4.17-4, and is summarized as follows:

1. The Reduced Acreage Alternative would adversely affect 1,543 fewer acres of upland habitat than the proposed action and two fewer acres of other cover types.
2. The Reduced Acreage Alternative would cause a direct adverse affect on 237 fewer acres of state waters, including 128 fewer acres of impact on desert dry wash woodland and 109 fewer acres of impact on unvegetated ephemeral dry wash.
3. The Reduced Acreage Alternative would have substantially fewer impacts to the sand transport corridor: 9 acres of direct impacts to sand transport Zone 2 and vegetated deep dune habitat as compared to the proposed action's 430 acres of impact on this resource; 250 fewer acres of direct impacts to Zone 3 and vegetated shallow dune habitat; and 915 fewer acres of indirect total impacts to Zone 2. By contrast, the Reduced Acreage Alternative would have greater indirect impacts to Zone 3: 237 acres as compared to the proposed action's 53 acres of impact on this resource.
4. Relative to the proposed action, the Reduced Acreage Alternative also would reduce direct impacts to state waters: 384 fewer acres of impact on desert dry wash woodland and 109 fewer acres of impact on unvegetated ephemeral dry wash. Indirect impacts on these resources would be slightly increased in that the Reduced Acreage Alternative would have an adverse indirect impact on 1 acre of desert dry wash woodland (whereas the proposed action would have none) and on 30 acres of unvegetated ephemeral dry wash (relative to the proposed action's impact on 16 acres).

No Action Alternative A

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site, and no disturbance-related impacts to sensitive vegetation resources. However, the proposed site would become available to other uses that are consistent with BLM's land use plan, including another solar project requiring

a land use plan amendment. In addition, in the absence of the PSPP, other renewable energy projects could be constructed to meet State and Federal mandates, or other uses could be proposed that are consistent with the CDCA Plan MUC-M classification. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, new impacts to vegetation resources would not occur. As such, this alternative would avoid the impacts to vegetation resources that would occur under the proposed action. However, in the absence of the PSPP, other renewable energy projects or other uses could be developed. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, sensitive vegetation resources would be affected, and could be affected in like types and intensities as would occur with implementation of the proposed action. Although different solar technologies require different amounts of land, placement, grading and maintenance, it is expected that all the technologies would require a large use of land. As such, this Alternative is expected to result in impacts to vegetation that are comparable to those of the proposed action.

4.17.3 Discussion of Cumulative Impacts

Cumulative impacts associated with vegetation resources are analyzed in detail, including the full methodology behind the analysis, in Appendix I, *Biological Resource-related Cumulative Impacts*. The geographic scope of the analysis of cumulative effects on plant communities and general wildlife habitat is based primarily on a regional, quantitative (GIS-based) evaluation of past, present and future foreseeable projects encompassed by the NECO planning area. The NECO planning area is primarily in the Sonoran Desert region, but includes smaller portions of the adjacent southern Mojave Desert. This analysis uses the NECO plant communities dataset to map and quantify cumulative effects on foraging habitat. The NECO plant communities dataset is based on the 1996 California Gap Analysis Project conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division. For certain resources, a different geographic scope (i.e., other than NECO) was warranted, such as the use of watershed boundaries to analyze cumulative effects to desert washes. Additionally, a qualitative approach was used for certain indirect impact assessments, such as habitat fragmentation and effects to GDEs, as these effects are not readily subject to direct measurement from GIS data.

Construction, operation and decommissioning of the project, as proposed, would contribute incrementally to cumulative impacts in nearly every vegetation resource area analyzed. Among these, the most significant relate to the Palen Dry Lake-Chuckwalla sand transport corridor and the related loss of habitat for the MFTL and other dune dependent species. This and other incremental contributions of the proposed action and alternatives to cumulative impacts to vegetation resources are analyzed below.

A number of past, present and reasonably foreseeable probable future projects were identified for the assessment of potential cumulative impacts (see Section 4.1.4, *Cumulative Scenario Approach*). Impacts of the proposed action or an alternative could combine with the impacts of one or more of these projects, as analyzed below, to cause or contribute to adverse cumulative effects.

Sonoran Creosote Brush Scrub and Desert Dry Wash Woodland

The proposed action would contribute incrementally to the cumulative loss of Sonoran creosote bush scrub (3,422 acres, or 1.5%) and desert dry wash woodland (148 acres, or 0.3%) habitats in the NECO planning area, with impacts to desert dry wash woodland in Chuckwalla Valley representing 1.4% of the total area. See CEC RSA Part II Biological Resources Tables 17 and 19. Associated impacts of the alternatives would vary as indicated in Table 4.17-5 in accordance with the extent of habitat loss.

The contribution of the proposed action and alternatives also has been evaluated in the context of cumulative effects to plant communities and landforms within three Multi-Species WHMAs in the vicinity of the project: Big Maria Mountains WHMA; the Palen-Ford WHMA, north of I-10; and the DWMA Continuity WHMA, which provides connectivity between the Chuckwalla DWMA/ACEC south of I-10 and the Palen-Ford WHMA. In both the Palen-Ford WHMA and the DWMA Continuity WHMA, the proposed action would be a major contributor to the cumulative effects related to the loss of Sonoran creosote bush scrub. In the Palen-Ford WHMA, the proposed project would contribute a loss of 3,738 acres (68%) of the 39,366 total acres of Sonoran creosote bush scrub habitat; in the DWMA Continuity WHMA, it would contribute a loss of 637 acres (64% of cumulative impacts and 5% of the total habitat area within the WHMA). The contribution to cumulative impacts related to desert dry wash woodland also would be considerable in the Palen-Ford WHMA: the proposed project would contribute a loss of 148 acres (73.3%) of the 13,104 total acres of desert dry wash woodland habitat. The proposed action would contribute nothing to any cumulative impact on these habitat types in the Big Maria Mountains WHMA. See CEC RSA Part II Biological Resources Table 16.

Sand Dunes and Transport Corridors

The proposed action and alternatives would contribute substantially to cumulative impacts to sand dunes and related features, which provide habitat for species such as MFTL as well as several rare plants, such as Harwood's milkvetch. These contributions would be especially serious in light of anticipated indirect effects from obstructed winds and sand transport. Appendix I, Biological Resources Table 20, illustrates that the Project's contribution to direct impacts to active dune habitat would be 17.7; whereas, the contribution of impacts from all present and reasonably foreseeable

projects would be 10.3% of total habitat in the Chuckwalla Valley. Adding to this the Project's indirect effects from obstruction of the wind sand transport corridor, and the reasonably expected indirect effects of weeds, encroachment by roads and associated roadkills, and channel diversions, which impact the fluvial component of the maintenance of dunes.

Groundwater-Dependent Ecosystems

The uncertainties inherent in the discussion of potential project-specific impacts to GDEs equally affect consideration of cumulative impacts related to local groundwater tables and their relationships to biological resources. Mitigation measures are recommended to address these uncertainties (see Section 4.17.4, summarizing BIO-23 and BIO-24 and Appendix B, *Conditions of Certification*, which includes all mitigation measures set forth in full). Given the uncertainty and with the implementation of these mitigation measures, the incremental contribution of the proposed action or alternatives to cumulative impacts on GDEs is not expected to be substantial.

Waters of the State

The proposed project also would contribute incrementally to cumulative impacts on waters of the state. As reported in the CEC's Commission Decision, projects included in the cumulative scenario would affect approximately 40 miles of desert washes within the Palen watershed and 1,122 miles within the NECO planning area. See Table 4.17-3a and Table 4.17-3b.

Incremental impacts to waters of the state contributed by Reconfigured Alternative 2 would be slightly greater, due to minor increases in direct impacts (see Table 4.17-4). With the implementation of Mitigation Measures/Conditions of Certification BIO-21, BIO-7, BIO-8 and BIO-14, summarized below in Section 4.17.4, the incremental contribution of the proposed action or alternatives to cumulative impacts to waters of the state in the Palen watershed and NECO planning area would not be substantial.

Substantial cumulative effects to plant communities are expected to result from past, present and reasonably foreseeable probable future projects including in the following community types: playa (21.1%), Sonoran creosote bush scrub (5.9%), and desert dry wash woodland (7.1%). These figures do not address the indirect effects to remaining habitat from fragmentation, alteration of the surface drainage patterns that support many common and rare species, and both riparian and upland habitats.

The proposed action also is expected to contribute a substantial impact to cumulative conditions related to increased risk of fire associated with increased vehicle use of area roads and the introduction and spread of noxious weeds. Sahara mustard is of particular concern because it is already infesting many areas on and adjacent to the proposed site and has the potential to spread explosively if not carefully managed. Climate change is expected to exacerbate the effects of drought and noxious weed spread from larger and more frequent disturbances such as fire and weather events.

**TABLE 4.17-3a
DESERT WASHES IN PALEN WATERSHED – CUMULATIVE EFFECTS**

Total Desert Washes in Palen Watershed	Impacts to Habitat from Existing Projects ^a (percent of total watershed)	Impacts to Habitat from Future Projects ^a (percent of total watershed)	Contribution of Project to Cumulative Impacts (percent of total impacts from cumulative projects)
1,496 miles	34 miles (2.3%)	40 miles (2.7%)	5.3 miles (13%)

NOTE:

^a Actual habitat impacts from existing and future projects may differ from those reported here. Although these estimations also may differ slightly from acreage associated with the cumulative projects identified in Section 4.1.4, *Cumulative Scenario Approach*, they provide the best available comparison of impacts.

SOURCE: CEC RSA Part II Biological Resources Table 10

**TABLE 4.17-3b
DESERT WASHES IN THE NECO PLANNING AREA – CUMULATIVE EFFECTS**

Total Desert Washes in NECO	Impacts to Habitat from Existing Projects ^a (percent of total washes in NECO)	Impacts to Habitat from Future Projects ^a (percent of total washes in NECO)	Contribution of Project to Cumulative Impacts (percent of total impacts from cumulative projects)
18,596 miles	190 miles (1.0%)	1,122 miles (6.0%)	5.3 miles (0.5%)

NOTE:

^a Actual habitat impacts from existing and future projects may differ from those reported here. Although these estimations also may differ slightly from acreage associated with the cumulative projects identified in Section 4.1.4, *Cumulative Scenario Approach*, they provide the best available comparison of impacts.

SOURCE: CEC RSA Part II Biological Resources Table 11

The proposed action also could cause a considerable cumulative impact on groundwater-dependent ecosystems in the Palen Lake watershed as a result of the proposed construction-related groundwater pumping.

The project would contribute incrementally to the cumulative loss of Sonoran creosote bush scrub and desert dry wash woodland. Sonoran creosote bush scrub is a common and widespread community in the southeastern deserts of California; however, this broad designation does not reflect the importance of large, intact blocks of habitat to wildlife movement, or to foraging and breeding habitat for wildlife, including state and federal listed species. The NECO mapping of plant communities also does not reflect the many uncommon and even rare plant assemblages within creosote scrub that have been documented and are monitored by the CNDDDB (CDFG 2003).

Noxious and Invasive Weeds

Although the proposed action and alternatives would have no direct effect related to noxious and invasive weeds, they would contribute indirectly to the spread of Sahara mustard and other weeds within the Chuckwalla Valley and its dune habitats in concert with other nearby projects.

**TABLE 4.17-4
 COMPARISON OF COMPENSATORY MITIGATION REQUIREMENTS FOR PROPOSED ACTION AND ALTERNATIVES**

Resource	Mitigation Ratio	Proposed Project (acres)	Reconfigured Alternative 1 (acres)	Reconfigured Alternative 2 Option 1 (acres)	Reconfigured Alternative 2 Option 2 (acres)	Reduced Acreage Alternative (acres)
State Waters – Direct Impacts						
Desert dry wash woodland	3:1	444	168	624	594	60
Unvegetated, ephemeral dry wash	1:1	164	43	180	168	55
<i>State Waters Subtotal</i>		608	211	804	762	115
State Waters – Indirect Impacts						
Desert dry wash woodland	1.5:1	0	24	0	0	1
Unvegetated, ephemeral dry wash	0.5:1	16	15	10	9	29
<i>State Waters Subtotal</i>		16	39	10	9	30
State Waters Total		624	250	814	771	145

Special-Status Plants

This analysis of cumulative impacts to special-status plants is focused on Harwood's milkvetch, although impacts also would occur to Harwood's phlox, ribbed cryptantha, California ditaxis, glandular ditaxis, Palen Lake saltbush, Abram's spurge, flat-seeded spurge and lobed ground cherry (Appendix I). This is because the mitigation measures recommended to address impacts on Harwood's milkvetch would avoid or reduce impacts on these other special status plant species as well (see summaries of BIO-8, BIO-14, BIO-19, BIO-20, and BIO-21 in Section 4.17.4).

Harwood's milk-vetch habitat would be disproportionately affected (almost 9 percent of its habitat in NECO) by the push for renewable development in NECO, and the species' range in California is nearly restricted to the NECO planning area. In the Chuckwalla Valley, 12.9% of its habitat is affected by probable future projects and 8.3% has already been lost. See Table 4.17-5, which quantifies the contribution of the proposed action to cumulative impacts on plant communities, stratified by community type.

**Table 4.17-5
Project Contribution to Cumulative Impacts on Vegetation Resources**

Vegetation Resource	Cumulative Impact
Sonoran Creosote Bush Scrub	Contributes 1.5% to a cumulative loss of habitat, fragmentation, and indirect effects from future projects within the NECO Planning Area.
Stabilized and Partially Stabilized Dunes	Contributes substantially to cumulative impacts from future projects within Chuckwalla Valley and NECO Planning Area.
Ephemeral Drainages/ Sensitive Plant Communities	Contributes 0.5 % to cumulative loss of habitat from future projects within the NECO Planning Area; contributes 13% to cumulative loss from future projects within the Palen watershed
Groundwater-Dependent Plant Communities	Potential for substantial adverse effects to groundwater-dependent plant ecosystems (GDEs) near Palen Dry Lake, including loss of habitat function and value for wildlife, reduced plant cover which increases wind erosion and affects air quality, increase in weedy species, impacts to special-status species inhabiting the GDEs. Even minor incremental contributions to cumulative impacts to GDEs are considered considerable.
Harwood's milkvetch	The project would contribute 0.7% to the cumulative loss of habitat within the NECO Planning Area, or 1,136 acres of the total habitat in this area (1,555,915 acres). ^a
Other Special-status Plants	Project's contribution to spread of weeds, fragmentation, disrupted wind and fluvial transport systems, altered hydrology, and risk of fire is substantial from a cumulative perspective, avoided occurrences unless minimization measures implemented.

NOTE:

^a Using the NECO dataset for selected landforms, 1,136 acres of Harwood's milkvetch habitat were calculated; the total evaluated here, i.e., 1,555,915 acres, reflects a ground-based analysis.

SOURCES include CEC RSA Part II Biological Resources Table 14, among others

Cumulative Impacts to Existing Carbon Sequestration

Climate change-related impacts are inherently cumulative in nature. Accordingly, this section evaluates the impacts of climate change to vegetation resources only as a cumulative concern. Incremental contributions of the proposed action and alternatives to potential climate change-related impacts to plants are quantified where possible and, where quantification is not possible, are analyzed qualitatively.

In a recent study, *Climate Change and the Future of California's Endemic Flora* (Loarie et al 2009), anticipated climate change is projected to cause greater than 80 percent reductions in range size for up to 66 percent of California's endemic species within a century. These results are comparable to other studies, but projected reductions depend on the magnitude of future emissions and on the ability of species to disperse from their current locations. California's varied terrain could cause species to move in very different directions, breaking up present-day floras. However, these projections also identify regions where species undergoing severe range reductions may persist. Protecting these potential future refugia and facilitating species dispersal would be essential to maintain biodiversity in the face of climate change. These include the cooler, more mesic microclimates of the mountainous areas, which may protect significant components of biodiversity into the next century. Many of these areas are already in some degree of federal wilderness protection. However, the value of these refugia depends critically on the ability of species to disperse, underscoring the importance of landscape connectivity and potential restoration in the face of increasing urbanization, land use change and disturbance.

Numerous studies conducted over the past 40 years have attempted to identify and quantify the major pools of carbon uptake for the various components of desert ecosystems as well as desert ecosystems as a whole (Schlesinger et al. 2009). The estimates of carbon uptake vary immensely between sites and researchers. In addition to vegetation, alkaline soils and biological soil crusts (BSCs), which are composed primarily of photosynthetic cyanobacteria, algae, lichens, and mosses, play a key role in arid and semi-arid ecosystems and are able to fix carbon. Schlesinger et al. (2009) point out, however, that those pools of carbon that biological crusts fix are relatively small.

New evidence suggests alkaline desert soils may be responsible for considerable uptake of carbon, and that potential increases in precipitation may also drive increases in the uptake of carbon in desert ecosystems (Campbell et al., 2009 as cited in the CEC RSA, 2010). Whether a result of biotic crusts, vegetation, alkaline soils, or an increase in average precipitation, the rate of carbon absorption in the soil has scientists considering whether desert ecosystems play a more critical role in the carbon cycle than previously believed (Stone 2008; Campbell et al. 2009 as cited in the CEC RSA, 2010). Some scientists, however, dispute these findings and attribute them to an anomaly caused by increased rain for the study period reported (Campbell et al. 2009 as cited in the CEC RSA, 2010). A study is currently underway by the University of Oregon "to determine whether the installation and operation of solar thermal plants would impact carbon sequestration capabilities of the Mojave Desert ecosystem and ecosystem services (assessment endpoint) to the extent that more carbon is released or inhibited from being stored than saved while utilizing solar technology" (Campbell et al. 2009 as cited in the CEC RSA, 2010).

Until the dispute about the sequestration benefits of alkaline soils and other carbon sinks is resolved, the answer may vary on a case-by-case basis. For example, project sites that are very sparsely vegetated with only a minor component of soil crusts may confer less sequestration capabilities than sites with a rich cover of biological soils crusts and succulent desert scrubs.

To build the proposed project under either the proposed action or one of the build alternatives, biotic soil crusts and alkaline soils would be damaged and possibly destroyed, and a portion of the total sequestered carbon that is currently stored therein would be released back into the atmosphere. The extent to which biotic soil crusts and alkaline soil layers could potentially re-form and continue sequestering carbon during the operation of the proposed project has not been evaluated here because sufficient/reliable scientific data on the re-formation of biotic soil crusts and alkaline soil layers following disturbance are not currently available. Therefore, using a the highest estimate, the analysis below presumes that all carbon that is currently stored in biotic soil crusts and alkaline soils would be released to the atmosphere as CO₂, and that installation and operation of the proposed project would entirely halt carbon uptake into biotic soil crusts and alkaline soils on the site.

According to Campbell et al. (2009 as cited in the CEC RSA, 2010), net carbon uptake in aboveground biomass in desert ecosystems ranges from 25 to 72 g C m⁻² y⁻¹; biotic soil crusts fix (as opposed to sequester) approximately 42 g C m⁻² y⁻¹; and alkaline and saline soils may absorb 62-622 g C m⁻² y⁻¹. Taking the high end estimates for each of these ranges results in what is likely a very high overestimate of existing carbon sequestration on site: 736 g C m⁻² y⁻¹. Applied over the entire disturbed surface of the proposed project (4,366 acres), and assuming that all carbon is converted to CO₂, this is equivalent to 47,681 MT CO₂ per year. However, as discussed in Section 4.3, *Impacts on Global Climate Change*, the proposed project would generate approximately 1,000,000 MWh of electricity per year with a net GHG emissions rate of approximately 0.02 MT CO₂/MWh (not accounting for impacts to natural carbon sequestration discussed here). As discussed in Section 4.3, *Impacts on Global Climate Change*, electricity generated by the proposed project would offset GHG emissions from fossil fueled power plants, which can range from 0.35 to 1.0 MT CO₂ emissions per MWh. Assuming 0.35 MT CO₂/MWh as a conservative estimate, the proposed project would still result in an offset of 330,000 MT CO₂ per year worth of fossil power, for an overall net emission rate, including loss of natural carbon sequestration, of approximately 282,000 MT CO₂ per year. Note that based on the assumptions disclosed above, this is likely a very low underestimate of the total net GHG emissions offset that would result from proposed project implementation. Therefore, loss of carbon sequestration associated with proposed project implementation would not result in a substantial incremental impact to GHG emissions or net carbon sequestration rates. No further mitigation or analysis is warranted.

4.17.4 Summary of Mitigation Measures

Mitigation measures including avoidance, minimization, and compensation are recommended to offset direct, indirect, and cumulative impacts to vegetation resources and to assure compliance with state and federal laws such as the regulations protecting waters of the state. The mitigation

measures imposed by the Energy Commission as Conditions of Certification also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B, *Conditions of Certification*. Of them, the mitigation measures summarized in Table 4.17-6 would address impacts to some vegetation resources; others are described below.

In turn, Table 4.17-7, summarizes direct and indirect habitat impacts and identifies the recommended mitigation acreage for the proposed action (PA), Reconfigured Alternative 2 Option 1 (R2, O1) and Reconfigured Alternative 2 Option 2 (R2, O2). These habitat impacts also are summarized in Table 4.17-7 in connection with the various wildlife species of concern that depend on those habitats.

Noxious and Invasive Weeds

Contributions of the proposed action and alternatives to substantial cumulative indirect effects related to the spread of Sahara mustard and other invasive weeds into dunes and adjacent habitats would be addressed by the implementation of BIO-8 (Impact Avoidance and Minimization Measures) and BIO-14. (Weed Management Plan).

Climate Change

As discussed previously and in Section 4.3, *Impacts to Global Climate Change*, potential losses of carbon sequestration on site due to disturbance of natural processes would be minor in comparison to the operation of the proposed project, which would result in the offset of GHG emissions from fossil fueled power plants. Therefore, the proposed project, even when considering GHG emissions associated with construction and loss of naturally occurring carbon sinks, is anticipated to provide a net benefit in terms of GHG reduction. Additionally, implementation of recommended biological resources mitigation measures, which would be applied as mitigation for other biological resources impacts, would further offset GHG emissions due to the loss of naturally occurring carbon sequestration on site. These measures would compensate for loss of natural carbon sequestration potential and other impacts of climate change due to habitat loss by preventing the future development of desert lands through acquisition and permanent protection under conservation easements (BIO-12, BIO-19, BIO-20 and BIO-22), focusing the acquisitions into important linkages for species dispersal into critical refugia, restoring degraded portions of acquired lands (BIO-12 and BIO-19), minimizing the size of the disturbance area along the linears (BIO-8 and BIO-19), and requiring re-vegetation after closure and decommissioning (BIO-23).

Native Cacti, Succulents and Trees

2009 and 2010 surveys included an inventory of native cacti, succulents and trees that are not designated as special-status or rare species, but are regulated to prevent unlawful harvesting. Potential impacts to these and other applicable non-listed plant species from the proposed action and alternatives would be addressed through Mitigation Measures/Conditions of Certification BIO-8, BIO-14 and BIO-29.

**TABLE 4.17-6
SUMMARY OF SELECTED IMPACTS AND MITIGATION MEASURES**

Vegetation Resource	Impact / Mitigation Measures
Sonoran Creosote Bush Scrub	<p>Direct Impacts of the proposed action: Permanent loss of 3,422 acres; fragmentation of adjacent wildlife habitat and native plant communities.</p> <p>Indirect Impacts of the proposed action: Disturbance (noise, lights, dust) to surrounding plant and animal communities; spread of non-native invasive plants; changes in drainage patterns downslope of proposed action; erosion and sedimentation of disturbed soils.</p> <p>Cumulative Impacts: Contributes 1.5% to a cumulative loss of habitat, fragmentation, and indirect effects from future projects within the NECO planning area.</p> <p>Mitigation: Off-site habitat acquisition and enhancement (BIO-12); implement impact avoidance and minimization measures (BIO-8) and weed control plan (BIO-14).</p> <p>Alternatives: The direct, indirect and cumulative effects of the proposed action and alternatives on Sonoran creosote bush scrub habitat in the NECO planning area would vary.</p>
Stabilized and Partially Stabilized Dunes	<p>Direct Impacts: Permanent loss of 285 a acres; potential accidental direct impacts to adjacent preserved habitat during construction and operation.</p> <p>Indirect Impacts: Disruption of sand transport corridor resulting in downwind impacts to 1,113b acres of sand dune habitat; introduction and spread of non-native invasive plants; erosion and sedimentation of disturbed soils; fragmentation and degradation of remaining habitat.</p> <p>Cumulative Impacts: Contributes substantially to cumulative impacts within Chuckwalla Valley and NECO planning area.</p> <p>Mitigation: These impacts would be reduced somewhat with implementation of BIO-20 (Sand Dune Community/MFTL Mitigation), and BIO-29, although these mitigation measures could not completely remedy the proposed project's interference with a natural geomorphic process that sustains the regions sand dunes. A configuration that avoids interference with the sand transport corridor is the only means of reducing this impact to less than substantial levels.</p> <p>Alternatives: Reconfigured Alternative 2 would shift the project footprint further out of the sand transport corridor, avoiding most impacts in Zone II and substantially reducing interference with sand transport and associated downwind impacts to sand dune habitats and dependent species. Further, the remaining downwind impacts would occur primarily in less sensitive habitats. Although these impacts would be reduced relative to the proposed action, BIO-20 and the other mitigation measures summarized herein still would be recommended.</p>
Waters of the State/ Sensitive Plant Communities	<p>Direct Impacts: Permanent loss of hydrological, geomorphic, and biological functions and values of 312 acres of state waters, including:</p> <ul style="list-style-type: none"> a. 148 a acres desert dry wash woodland b. 164 a acres of unvegetated ephemeral dry wash <p>Indirect Impacts: Permanent loss of hydrological connectivity downstream of the proposed action, including 32 a acres unvegetated ephemeral wash. Other indirect impacts include:</p> <ul style="list-style-type: none"> a. head-cutting on drainages upslope and b. erosion/sedimentation downslope. <p>Cumulative Impacts: Contributes 0.5% to cumulative loss of habitat within the NECO planning area and 13% of the habitat from within the Palen watershed (see PA/FEIS Table 4.17-4). The proposed action's incremental contribution to cumulative impacts would be considerable.</p> <p>Mitigation:</p> <ul style="list-style-type: none"> a. Implementation of measures intended specifically to address impacts to state waters, including the acquisition of off-site state jurisdictional waters at a 3:1 ratio, financial assurances, implementation of a management plan, installation of culverts and Arizona crossings at stream crossings, diffusers, BMPs, and required notifications of changed conditions (BIO-21); b. Implementation of BIO-21 and other measures (BIO-29);

**TABLE 4.17-6 (Continued)
 SUMMARY OF SELECTED IMPACTS AND MITIGATION MEASURES**

Vegetation Resource	Impact / Mitigation Measures
Waters of the State/ Sensitive Plant Communities (cont.)	<p>c. Preparation and implementation of a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) that includes accurate and up-to-date maps depicting the location of sensitive biological resources that require temporary or permanent protection during construction, operation and closure (BIO-7);</p> <p>d. Implementation of impact avoidance and minimization measures to manage the site and related facilities during construction, operation and maintenance so as to avoid or minimize impacts to biological resources BIO-8 and BIO-14 would address these incremental impacts (BIO-8); and</p> <p>e. Implementation of a Weed Management Plan (BIO-14).</p>
Groundwater-dependent Plant Communities	<p>Direct Impacts: None. Substantial adverse effects of pumping are not expected to occur; however, any such impacts could, if they developed at all, take several-to many years to appear, depending on the degree of separation in the confining layers between the shallow aquifer (supporting plants) and deep aquifers (where pumping will occur). Uncertainty</p> <p>Indirect and Cumulative Impacts: In light of the uncertainties associated with local groundwater tables and their relationships to vegetation and other biological resources, there is potential for serious adverse effects to groundwater-dependent plant ecosystems (GDEs) to result near Palen Dry Lake, including loss of habitat function and value for wildlife, reduced plant cover which increases wind erosion and affects air quality, increase in weedy species, impacts to special-status species inhabiting the GDEs. Even minor incremental impacts to GDEs are considered serious from a cumulative perspective.</p> <p>Mitigation: Monitoring GDEs near the site (BIO-23) and implementation of remedial action and compensatory mitigation if adverse effects are detected (BIO-24).</p> <p>Alternatives: Reconfigured Alternative 2 would reduce potential impacts relative to the proposed action because the associated wells would be located approximately 3,000 feet farther away from the originally proposed project wells. Nonetheless, to address uncertainty, BIO-23 and BIO-24 still would be recommended.</p>
Special-status Plants	<p>Direct Impacts:</p> <p>a. Harwood's milkvetch: Direct loss of seven plants (5% of occurrence in study area in 2010) in Project Disturbance Area</p> <p>b. Harwood's eriastrum: No direct impacts</p> <p>c. California ditaxis: Loss of 11 plants (50% of local population);</p> <p>d. Ribbed cryptantha: abundant throughout the vicinity</p> <p>e. "Palen Lake saltbush" – a potentially new taxon of saltbush observed near Palen Dry Lake: No direct impacts</p> <p>f. Late-season plants, including Abram's spurge, flat-seeded spurge and lobed ground cherry: potential for serious impacts to fall-blooming plants not detected during spring surveys.</p> <p>Indirect Impacts: Minor to potentially serious indirect impacts to all plants in close proximity to the site from introduction and spread of nonnative invasive plants; increased risk of fire; disruption of sand transport systems that maintain habitat; altered drainage patterns downstream of site; erosion and sedimentation of disturbed soils; accidental chemical and herbicide drift; disruption of photosynthesis and other metabolic processes from dust; fragmentation of population and impaired gene flow and increased vulnerability to local extinctions, and accidental impacts to avoided plants during construction.</p> <p>Cumulative Impacts: PSPP's contribution to spread of weeds, fragmentation, disrupted wind and fluvial transport systems, altered hydrology, and risk of fire is substantial, avoided occurrences unless minimization measures implemented.</p> <p>Mitigation: BIO-8 (Impact Avoidance and Minimization Measures), BIO-14 (Weed Management Plan), BIO-19 (Special-Status Plant Impact Avoidance, Minimization and Compensation), BIO-20 through BIO 24, and BIO-29.</p>

SOURCES: CEC Commission Decision; CEC RSA II Biological Resources Table 5

**TABLE 4.17-7
RECOMMENDED MITIGATION ACREAGE FOR PROPOSED ACTION AND
RECONFIGURED ALTERNATIVE 2**

Resource	Acres Impacted			Mitigation Ratio			Recommended Mitigation Acreage		
	PA	R2, O1	R2, O2	PA	R2, O1	R2, O2	PA	R2, O1	R2, O2
Desert Tortoise Habitat									
Within Critical Habitat	201	228	228	5:1	(same)	(same)	1,006	1,140	1,140
Outside Critical Habitat	3,537	3,977	3,909	1:1	(same)	(same)	3,537	3,977	3,909
<i>Desert Tortoise Total</i>	3,738	4,205	4,137	<i>N/A</i>	<i>(same)</i>	<i>(same)</i>	4,542	5,117	5,049
Mojave Fringe-toed Lizard (MFTL) – Direct Impacts									
Stabilized and partially stabilized sand dunes – direct impacts	285	156	188	3:1	3:1	3:1	855	468	564
Non-dune habitats occupied by MFTL (sand fields vegetated with sparse creosote bush scrub)	1,496	1,347	1,354	1:1	1:1	1:1	1,496	1,347	1,354
Mojave Fringe-Toed Lizard – Indirect Impacts	1,113	144	94	0.5:1	0.5:1	0.5:1	557	72	47
<i>MFTL Total</i>	2,894	1,647	1,636	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	2,908	1,887	1,965
State Waters – Direct Impacts									
Desert Dry Wash Woodland	148	208	198	3:1	3:1	3:1	444	624	594
Unvegetated Ephemeral Dry Wash	164	180	168	1:1	1:1	1:1	164	180	168
<i>State Waters Subtotal</i>	312	388	366	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	608	804	762
State Waters – Indirect Impacts from Changes in Hydrology									
Desert Dry Wash Woodland	0	0	0	1.5:1	1.5:1	1.5:1	0	0	0
Unvegetated Ephemeral Dry Wash	32	19	18	0.5:1	0.5:1	0.5:1	16	10	9
<i>State Waters Subtotal</i>	32	19	18	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	16	10	9
<i>State Waters Total</i>	344	407	384	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	624	814	771
<i>Burrowing Owl Habitat – two pairs, four individuals, 19.5 acres each (per CBOC guidelines)</i>	78	78	78	N/A	N/A	N/A	78	78	78

SOURCES: CEC Commission Decision Biological Resources Tables 4, 5 and 6.

Closure and Decommissioning

Potential impacts to vegetation resources from closure and decommissioning of the proposed project or build alternatives could be addressed in part by a Conceptual Decommissioning Plan, a draft of which has been prepared by the Applicant. However, more could be done to address these impacts. Accordingly, BIO-22 would require the Applicant to prepare a Decommissioning and Reclamation Plan and cost estimate that meets all applicable LORS.

4.17.5 Residual Impacts after Mitigation Measures were Implemented

The proposed project would have substantial impacts to vegetation resources, eliminating all of the Sonoran creosote bush scrub and other native plant and wildlife communities within the disturbance area. The proposed project would have substantial, unmitigated impacts to sand dune habitat sensitive species and to a regional sand transport corridor. Although Mitigation Measure BIO-20 would address direct impacts to sand dune habitats, indirect (downwind) impacts from the proposed action would remain substantial due to related sand shadow effects to the Palen Dry Lake-Chuckwalla sand transport corridor. These indirect impacts would be reduced below a level of significance under Reconfigured Alternatives 2 or 3, with implementation of Condition of Certification BIO-20.

It also would eliminate an extensive network of desert washes comprising 344 acres on-site and downstream. The proposed action would greatly alter the hydrology of the area by re-routing ephemeral drainages through three engineered channels, and would eliminate an important wildlife movement corridor provided by the ephemeral washes.

The proposed action also would fragment and degrade adjacent native plant and wildlife communities, and could promote the spread of invasive non-native plants.

The impacts of the proposed action and Reconfigured Alternative 1 to the sand transport corridor and sand dune habitat cannot be mitigated to less than substantial levels. Accordingly, impacts to sand dunes are considered unmitigable under the proposed action and Reconfigured Alternative 1. Compensatory mitigation for sand dunes associated with the Reduced Acreage Alternative would be the same as for the proposed action, except that it would be adjusted for the difference in acreage.

4.17.6 Unavoidable Adverse Impacts

Under the technology proposed in the four build alternatives (i.e., the proposed action, Reconfigured Alternatives 1 and 2, and Reduced Acreage Alternative), natural vegetation communities and individuals and local populations of special status plants not otherwise avoided under proposed mitigating measures would be lost from the project site, totaling 4,024 acres, 3,097 acres, 4,366 acres, 4,330 acres, and 2,242 acres, respectively. Unquantified indirect losses to these communities would occur adjacent to the proposed project. Despite mitigating measures, the chance of invasion and spread of weeds and the chance of human-caused wildfires would

persist to the areas surrounding the proposed project, threatening the surrounding vegetation and special status plant species. Impacts to the sand transport system and active sand dunes on and off the project site would be substantial and unmitigable, with the exception of Reconfigured Alternative 2 and the Reduced Acreage Alternative. Compensatory mitigation could, in part, offset the loss of sand dunes by acquisition and preservation, but could not remedy the proposed action's and Reconfigured Alternative 1's interference with a natural geomorphic process that sustains the regions sand dunes.

4.18 Impacts on Visual Resources

This section discusses effects on visual resources that would occur with implementation of the proposed action and alternatives, cumulative effects, and mitigation measures to avoid or reduce visual effects. Overall, the project would result in long-term visual alteration to approximately 5,200 acres of land, nearly all of which has been classified as C-Quality¹ scenery and managed under an Interim VRM Class III designation. Issues of viewshed and visibility are discussed at length in this chapter, and the reader may find it useful to refer to the viewshed map of the project presented in Figure 3.19-3.

4.18.1 Impact Assessment Methodology

The proposed action and alternatives are analyzed for their effects on visual resources using an assessment of the visual contrast within the landscape created by components of the project. Impacts to the inventoried visual resource values (as summarized in Section 3.19.3, *Visual Resource Inventory*) and conformance with Interim VRM Class Objectives (as determined in Section 3.19.4, *Interim Visual Resource Management Classes*) are evaluated through a contrast rating process described below. The severity of adverse impacts of the project on visual values coincides with the level of visual contrast it creates in the landscape, and the degree to which it would change the inventory scores (i.e. visual quality) and outcome (overall visual value). Conformance with Interim VRM Class objectives is evaluated based on the following:

VRM Class III: The VRM objective is to “*partially retain* the existing character of the landscape. The level of change to characteristic landscape should be *moderate*. Management activities may attract attention but *should not dominate the view of the casual observer*. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.”

If the contrast rating reveals nonconformance of the proposed action with Interim VRM Class objectives, and mitigation measures are insufficient to bring the project into compliance, then either the project may not be approved or the land use plan amended. However, since the overall VRM goal is to minimize visual impacts, mitigating measures should be prepared for all adverse contrasts that can be reduced, even if the proposed action meets VRM objectives. In addition to permanent visual contrast created in the landscape, the proposed action and alternatives are analyzed for adverse effects due to lighting and glare, visible dust plumes, as well as temporary construction-related disturbances.

Visual Contrast Rating Process

The degree to which the proposed action and alternatives adversely affect the visual quality of a landscape is directly related to the amount of visual contrast between the alternative and the existing landscape character. The degree of contrast is measured by separating the landscape into major features (land/water, vegetation, structures) then assessing the contrast introduced by the

¹ Scenic quality is rated in three categories from A (most scenic) to C (least scenic). See Section 3.20 for a discussion of scenic quality ratings.

project in terms of the basic design elements of form,² line,³ color, and texture. The contrast of the project with landscape elements is then rated as none, weak, moderate or strong, as defined in Table 4.18-1. The purpose of this method is to reveal elements and features that cause the greatest visual impact, and to guide efforts to reduce the visual impact of a proposed action or activity. This process is described in detail in Handbook H-8431-1, Visual Resource Contrast Rating, and documented using BLM Form 8400-4 (see PA/FEIS Appendix J).

**TABLE 4.18-1
VISUAL CONTRAST RATINGS**

Degree of Contrast	Criteria
None	The element contrast is not visible or perceived.
Weak	The element contrast can be seen but does not attract attention.
Moderate	The element contrast begins to attract attention and begins to dominate the characteristic landscape.
Strong	The element contrast demands attention, will not be overlooked, and is dominant in the landscape.

SOURCE: BLM Manual 8431

The criteria for visual contrast are aligned with the management objectives for each Interim VRM Class. For example, if a project results in a weak visual contrast, it is likely to be in conformance with Interim VRM Class II, whereas a project that results in a moderate contrast would likely be in conformance with VRM Class III objectives but would not conform to VRM Class II objectives. Only surface disturbances resulting in a strong visual contrast would not be in conformance with VRM Class III objectives.

Selection of Key Observation Points

The contrast rating is completed from the most critical viewpoints, or Key Observation Points (KOPs). The intent of establishing KOPs is to visualize the contrast created by the proposed action from locations most representative of how the public perceives the affected landscape. The “public” may include highway travelers, travelers on local roads, off-highway vehicle users, or dispersed recreational users in surrounding wilderness areas. The sensitivity of these diverse user groups to changes in the landscape are influenced by a number of factors, including how prominent the view of the proposed project is (in terms of scale, distance and angle of observation), the frequency and duration that viewers are exposed to the view, and whether the viewer groups are aware of their surroundings or expectant of high-quality views.

Information on the types and amounts of use within the vicinity of the project is generally limited. The BLM has no traffic counters or other means to determine accurate use of open OHV routes in

² Contrast in form results from changes in the shape and mass of landforms or structures. The degree of change depends on how dissimilar the introduced forms are to those continuing to exist in the landscape.

³ Contrasts in line results from changes in edge types and interruption or introduction of edges, bands, and silhouette lines. New lines may differ in their sub-elements (boldness, complexity, and orientation) from existing lines.

the vicinity of the project site. Observations by BLM staff and Law Enforcement Rangers indicate that OHV use is relatively low on routes within the vicinity of the project site, not exceeding 200-300 visits per year. Recreation and off-highway vehicle use generally is limited to the cooler months of September through May and is nearly non-existent during the summer months. In addition, little data exists on the amounts, types, and trends of visitor use experiences (such as camping, hiking, or site seeing) within special designations. By far, I-10 is the most used travel corridor, with an estimated average annual daily traffic volume of 21,400 vehicles in 2008 (the most recent year for which Caltrans figures are available).

Based on the above factors, and in consultation with BLM staff, eleven KOPs were selected to evaluate the project site's existing conditions and potential visual contrast experienced by the public. The location and characteristics of each KOP is summarized in Table 4.18-2 and illustrated in Figure 4.18-1.

The basis of selecting these 11 KOPs was that each one displays a different location from which sensitive receptors can view the project, and represents how the project would appear when seen from different distance zones (foreground/middleground, or background). While Corn Springs Road leads to a campground, as indicated in the description for KOP-7 and KOP-11; the proposed action would not be visible from these campgrounds due to the distances involved, topographic screening, and low elevation differences.

Visual Simulations

Computer modeling and rendering techniques were used to produce the simulated images of the views of the project site as they would appear from each KOP after the completion of project construction. Existing topographic and engineering (ArcGIS and AutoCAD) data were utilized to construct 3D (eye level height [5.5 feet]) digital and photographic images of the generation and linear facilities. These images were combined with the digital photography from each KOP to produce a complete computer-aided image of the power generating facility and portions of the transmission system. Digital visual simulation images of computer renderings were combined with the digital KOP and "pre-project" photographs. The final "hardcopy" simulation images that appear in this PA/FEIS were produced from the digital image files using a color printer. Using the computerized visual simulations, predicted future visual effects of the project for each KOP are described in the section below, and contrast rating forms were completed based on the visual simulations.

4.18.2 Direct and Indirect Impacts

Proposed Action

There are no indirect impacts of the proposed action with respect to visual resources.

Project Appearance

The proposed action would convert approximately 4.85 square miles of naturally-appearing desert plain to an industrial facility characterized by complex, geometric forms and lines and industrial

**TABLE 4.18-2
 KOP LOCATION AND CHARACTERISTICS**

ID	Name	Distance to Project Site and View Direction^a	Distance Zone^b	Primary User Type	Use Levels
KOP-1	Highway 177 and Palen Pass Road	13.5 to 16 Miles South	Background	Motorists	Moderate number of viewers traveling Highway 177 and Palen Pass Road
KOP-2	Highway 177 at the edge of Joshua Tree Wilderness	8 to 11 Miles Southeast	Background	Motorists	Moderate number of viewers traveling Highway 177 and low number of viewers in the Joshua Tree Wilderness
KOP-3	Desert Lily Sanctuary entrance/parking area	7 to 10 Miles Southeast	Background	OHV users, dispersed recreational users	Moderate number of viewers traveling Highway 177 and low number of viewers in the Desert Lily Sanctuary
KOP-4	Eagle Mountain Road	13 to 16 Miles Southeast	Background	OHV users, dispersed recreational users	Low number of viewers traveling the Eagle Mountain Road
KOP-5	I-10 Interchange at Desert Center	8.5 to 11.5 Miles East	Background	Motorists	High number of viewers traveling I-10
KOP-6	Residential community entrance/exit in Desert Center	8.5 to 11.5 Miles East	Background	Residents	Experienced by residents of, and visitors to, the town of Desert Center
KOP-7	Corn Springs Road at the edge of Chuckwalla Mountains Wilderness	1.5 to 4.5 Miles North	Foreground/ Middleground	Motorists, OHV users, access to Corn Springs Campground	Viewers exiting and entering the Chuckwalla Mountains Wilderness and ACEC
KOP-8	I-10 eastbound near the southwestern corner of the Project	0.7 to 3.7 Miles East	Foreground/ Middleground	Motorists	High number of viewers traveling I-10
KOP-9	I-10 westbound near the southeastern corner of the Project	2.5 to 5.5 Miles Northwest	Middleground/ Background	Motorists	High number of viewers traveling I-10
KOP-10	Palen-McCoy Wilderness	3.5 to 7 Miles Southwest	Middleground/ Background	Dispersed recreational users	Very Low levels of use
KOP-11	Chuckwalla Mountains Wilderness	4.5 to 8 Miles Northeast	Middleground/ Background	OHV users, Dispersed recreational users, access to Corn Springs Campground	Low levels of use

^a Distance includes closest distance and furthest distance to the project site

^b Distance zones as defined by BLM convention (0 to 5 miles is foreground/middleground, and 5 to 15 miles is background)

surfaces that are dissimilar to the surrounding natural landscape character. Much of the developed area would be covered with the arrays of parabolic mirrors that would be used to collect heat energy from the sun. Figure 4.18-2 presents an image of the Kramer Junction SEGS project solar troughs, which are smaller in scale than those proposed for the project, but provide a visual example of a solar plant using parabolic mirrors. In addition, Figure 4.18-3 presents aerial views of existing solar trough energy projects. Table 4.18-3 provides a list of the major project features that would contribute to the apparent visual change of the landscape, including their height and color. The arrays of solar collector assemblies, which would be a maximum of 22 feet high, would occupy most of the disturbed area. Two identical power blocks would occupy smaller areas, but would contain various buildings and structures needed for electrical generation, several of which would be as high as 50 feet. The proposed transmission lines leading away from the main generation facility would be approximately 75 feet high. The tallest structures would be the air cooled condensers, which would be approximately 150 feet high.

PA/FEIS Chapter 2 provides a detailed description of the Power Plant Civil/Structural Features. Generally, the collector field consists of multiple single-axis parabolic trough solar collectors, aligned on a north-south axis. Each parabolic trough focuses the sun's rays on a linear, length-wise heat collection element at the parabolic focal point.

Construction-Phase Impacts

During the construction period, earth-moving activities and construction materials, equipment, trucks, and parked vehicles, all could be visible on the site and along the transmission line right-of-way. Construction would occur over a 39 month period, during which a number of activities would take place, including large-scale vegetation removal, earthwork, operation of a concrete batch plant, as well as foundation and equipment installation. From the more common viewpoints (e.g., I-10), these construction activities generally would result in a high degree of visual contrast within the landscape, which would be similar to or the same as the discussion of visual contrast ratings discussed under operation-phase impacts.

However, certain visual effects will be specific to construction activities, and could include the generation of large quantities of airborne dust and nighttime construction lighting. The affected viewers would be primarily motorists on I-10, low numbers of OHV users, Desert Center and Lake Tamarisk residents and dispersed recreational users in the surrounding designated wilderness. Although the construction period is estimated to be over 3 years, construction would be phased, so that it would not occur in any one place for the entire period. Activities that would generate dust, such as earthmoving, would occur episodically throughout the construction period, and nighttime construction lighting, if required, would not be needed on a continuous basis.

To address these potential impacts, construction activities would be conducted in a manner that minimizes (visible) dust emissions, as described in Mitigation Measure AQ-SC3 and AQ-SC4. These measures would include limiting the speed of vehicles, surfacing construction access roads, and controlling wind erosion on soil stockpiles and exposed earth. When nighttime construction activities take place, illumination would be provided that meets State and Federal worker safety regulations. To the extent possible, the nighttime construction lighting would be directed

**TABLE 4.18-3
APPROXIMATE DIMENSIONS OF PROJECT STRUCTURES**

Component	Dimensions (LxWxH) (Feet) / Capacity	Footprint (square feet)
Switch Yard	13 x 92	1,200
Overflow Vessel And Expansion Vessel	124 x 154	19,000 Ea
Ullage Coolers And Vessel	79 x 20	1,000
Nitrogen System	Incidental	800
Heat Transfer Fluid Heater	50 x 22 x 80 Stack	1,100
Steam Generators	90 x 10 x 24 Ea	900
Weather Station Building	68 x 68 x 24 (Two Level Bldg)	4,600
Parking	18 x 60	1,080
Balance Of Plant Electrical Building	67 x 67 x 24 (Two Level Bldg)	4,500
Reheaters	32 x 10 Ea	320
MCC Cooling Tower	33 x 40 x 32 High	1,320
Steam Turbine	111 x 50 x 40 High	5,500
Deaerator	125 x 57	7,100
Vacuum System	19 x 35 x 24 High	665
Compressed Air System	25 x 25 x 24 High	625
Generator Circuit Breaker	20 x 30 x 20	600
Warehouse	68 x 146 x 30	10,000
Chemical Injection Skid	46 x 47 x 24	2,000
Generator Step-Up Transformers	48 x 32 x 24	1,500
Emergency Diesel Generator	40 x 10 x 20	800
Cooling Tower	33 x 40 x 32 High	1,300
Water Tank (Ro Concentrate) (Ps1 Only)	40 Dia x 36 High / 340,000 Gal	1,590
Service Water Pumps	23' x 12' x 16'	275
Take Off Tower	30' x 35' x 50'	1,000
Blowdown Tanks	28' Dia Ea	570
Auxiliary Boiler	40' x 73' x 32'	2,900
Air Cooled Condenser	245' x 296' 150' High	73,000
Sample Panel & Lab Building	84' x 48' x 24' High	1,100
Demineralized Water Tank	16' Dia x 24' High	200
Water Treatment Area	192 x 148	28,000
Administration Building	60 x 60 x 24' High	3,600
Control Building	68 x 68 x 36' High	3,900
High Voltage Line	4 Dia x 140 High Poles	
Pipe Rack	40 High Misc.	
Treated Water Tank (Also Firewater Storage)	91 Dia x 24 High / 1 Million Gal	6,500
Propane Storage Tank	9' 4-3/4" Dia x 40' 9-3/8" Lng /18,000 Gal	400
Transmission Line	7,000 linear feet	
Wind Fence (East and West)	64,600 linear feet	

downward or toward the area to be illuminated and would incorporate fixture hooding/shielding, as described in Mitigation Measure VIS-3. Task-specific lighting would be used to the extent practical while complying with worker safety regulations. Disturbed areas that would not be needed during operation and maintenance of the proposed action would be revegetated according to Mitigation Measure BIO-8, BIO-22, as well as VIS-2, which requires that temporarily disturbed areas be recovered with soil, brush, rocks, and natural debris.

In summary, the generation of large quantities of airborne dust and nighttime construction lighting could result in temporary adverse visual impacts to motorists on I-10 and other affected viewers. The level of dispersed recreational use in the area is low, and the highway travelers would only be exposed to the adverse construction related effects briefly. However, residents of Desert Center, Lake Tamarisk, and regular visitors to the area could experience strong visual disturbances from dust plumes and nighttime lighting due to the length of time such users would be exposed to the view and their sensitivity to the scenic quality of the area. These impacts would be reduced with implementation of Mitigation Measures AQ-SC3, AQ-SC4, VIS-2, VIS-5, VIS-6 and BIO-24. These mitigation measures would effectively address the visual impacts from airborne dust generation, nighttime construction lighting, and staging area disturbances. However, these measures would not substantially reduce the general level of visual contrast in the landscape from large-scale vegetation removal, earthwork, operation of a concrete batch plant, as well as foundation and equipment installation.

Operation-Phase Impacts

During the operation of the project, visual effects would be caused by the visible elements of the project. The discussion below is divided between visual effects that are not fully captured by visual simulations (nighttime lighting and reflected sunlight/glare) and the visual contrast ratings of the project simulated in each KOP.

Light and Glare (all KOPs)

While the potential for glint or glare, as well as nighttime lighting, is a component of visual contrast, these issues are treated separately because the simulations used in the visual contrast rating process model the daytime visual change (the general reflectivity of the mirrors), and do not consider the effect of nighttime lighting, or glint and intense glare.

Operational Lighting. Project operations would require onsite nighttime lighting for safety and security. The project would be in an area with few existing structures, and the use of uncontrolled or excessive lighting could be noticed by nearby motorists, residents of Desert Center and Lake Tamarisk, and could affect the nighttime experience for dispersed recreational users in surrounding wilderness. As described in Mitigation Measure VIS-3, to reduce offsite lighting impacts, lighting at the facility would be restricted to areas required for safety, security, and operation. Exterior lights would be hooded, and lights would be directed on site so that light or glare would be minimized. Low-pressure sodium lamps and fixtures of a non-glare type would be specified. Switched lighting would be provided for areas where continuous lighting would not be required for normal operation, safety, or security. The implementation of these measures would minimize the amount of lighting potentially visible to viewers of the site at night.

However, adverse effects of facility lighting are not necessarily limited to views of the site itself. Excessive lighting can also cause an adverse affect to viewers of the night sky via sky glow, which diminishes the visibility of the nighttime sky and stars. Prevention of offsite light spillage for ground observers does not necessarily prevent back-reflected light (i.e., light reflected off the ground and/or structures from down-directed lamps) from diminishing the visibility of the night sky. Normally, the contribution of project-related lighting is negligible when in an environment

with abundant light sources; however, the area is highly valued in terms of the quality of its nighttime skies. This is attributable to the scarce and scattered nature of existing light sources in the surrounding area and the prevalence of federally administered land in the region, which limits opportunities for development. While the level of use in the surrounding wilderness is considered to be low, the high visibility of the nighttime sky and stars is an important component of the wilderness experience for many backcountry users, and is highly valued by residents of the area.

It is nonetheless estimated that the contribution of the project's lighting requirements to sky glow would be minor. Light sources currently include motorists on I-10; street lamps, residences, and other commercial/service land uses in the communities of Desert Center and Lake Tamarisk; lighting associated with the former Desert Center Airport (now a private, special-use airport); motorists on local roads; and widely scattered homesteads on private land in the region. Despite the presence of these existing light sources, the area remains highly valued for the quality of its night sky. Because permanent lighting would not be required for the arrays of parabolic mirrors, operational lighting would be confined to a small portion of the site that contains O&M facilities, power blocks and the switchyard, and is unlikely to be totally out of character with other existing lighting sources found scattered throughout the Chuckwalla Valley. Further, Mitigation Measure VIS-3 includes a standard that light intensity must be the minimum necessary to ensure worker safety and facility security, and that direct lighting does not illuminate the nighttime sky.

While these measures would not totally eliminate the light visible by surrounding user groups, facility lighting would be minimized and controlled such that it would not be a nuisance and would not detract from the ability for affected viewers to enjoy their surroundings.

Glint and Glare from Parabolic Mirrors. The large fields of parabolic mirrors could produce glint⁴ and glare⁵ at various times of the day. Potentially affected observers would be travelers along I-10 and nearby local roads, a low number of residents of Desert Center and Lake Tamarisk, and users of nearby designated wilderness and ACECs. It is possible that the back reflected light or light not absorbed by both the envelope and steel annulus of the Heat Collecting Element (HCE) could produce glare, particularly when the viewer, the project, and the sun are positioned in line. This glare is more apparent as the viewer increases in distance and elevation relative to the project. This glare could occur in any one place for several hours (e.g., a sunny afternoon) and would be similar in brightness and reflectivity as a water body or lake. This level of glare increases the color contrast of the facility in the landscape but, unlike glint or specular reflections, is not as intense as to cause discomfort or nuisance. It is generally captured in the photo simulations discussed later.

However, at the time of moving into or out of stow position or when viewed from elevated positions; the troughs have the potential to produce glint, which is the product of spread reflection of the direct image of the sun. This glint would be much more intense than the glare produced by diffused reflections, but would be momentary, and limited to periods shortly after dusk and

⁴ A flash of light, also known as a specular reflection, produced as a direct reflection of the sun in the parabolic mirror surface.

⁵ A continuous source of excessive brightness, relative to ambient lighting, also known as diffused reflections.

shortly before dawn. During such periods, the bright spot would move as the observer changes position relative to the sun and mirror, with the result that the bright spot appears to “follow” the observer. Figure 4.18-4 presents an image of the Kramer Junction SEGS project solar troughs, which are smaller in scale than the proposed action, but which provide an example of the visual impact that could occur momentarily at certain times of the day, and under very specific viewing conditions.

The glint or glare produced by the project would likely be more intense than any other natural or cultural features in the observer’s perspective. Glint from the solar arrays could be distracting or nuisance-causing, even from locations relatively distant from the project. Glare produced by diffuse reflections would increase the visual contrast of the project in the landscape, but would not be quite as intense or distracting. The project would include a 30 foot-high wind fence on the east and west borders of the solar field, substantially diminishing or eliminating glint and glare effects for viewers east and west of the project site at similar elevations, including residents of Desert Center and Lake Tamarisk, visitors to the Palen Dry Lake ACEC, and motorists on I-10 within the foreground distance zone. For viewers to the immediately north and south of the project site, the parabolic mirrors would be viewed from the side (because the mirrors face east-to-west), reducing the potential for direct reflections of the sun and associated glint.

Thus, viewers most likely to experience glint effects from the parabolic mirrors would be elevated viewers to the east and west of the proposed site, which could include distant portions of I-10 that are elevated relative to the project, and users of BLM wilderness and the JTNP. For these viewers, the reflected sunlight from the parabolic mirrors would momentarily elevate the level of visual contrast created by the project. In areas where the project otherwise is conformant with the VRM class objective (i.e., moderate contrast or less), glint or glare could briefly cause non-conformance with the VRM objective. From distant vantage points where the project otherwise would be either out of view or weakly perceived, glint and glare from the parabolic mirrors could momentarily cause an elevated level of contrast, and may also attract attention; however, given the great distance and minor dominance of the project in such views, the project is likely to remain in conformance with VRM Class objectives.

Because the design and operation of the solar arrays is integral to generating power for the project, the face of the parabolic mirrors cannot be color treated or dulled. However, several measures are available that would reduce the potential for and frequency of intense or distracting glare from the solar fields. Mitigation Measure TRAN-6 would require the mirrors to be (1) brought out of stowage before sunrise and aligned to catch the first rays of the morning sun; and (2) returned to stow position after sunset. This would prevent bright flashes due to movement in or out of stow position. The mitigation measure also requires mirror function to be continuously monitored both by operators and by system controls, and to ensure that any malfunctioning mirrors be automatically turned east in a manner that prevents reflection from the sun as it continues west. VIS-1 and BLM-VIS-1 would ensure that reflective surfaces be painted or treated so long as it would not impair proper function of the equipment or structure. This would include painting the backs of the parabolic troughs a color compatible with the surrounding landscape. Since the troughs would be continually moving to the west throughout the day, the backs of the troughs would be seen equally

as often as the fronts (assuming a fixed vantage point). Therefore, BLM-VIS-1 would effectively reduce the length of time that the project produces glare and strong color contrast by about half.

These mitigation measures would avoid bright spot reflection associated with moving in and out of stow position, and would reduce the extent of reflective surfaces within the solar fields. However, the mitigation measures would not eliminate spread reflection off the face of the parabolic mirrors when out of stow position for viewers at higher elevations than the project. The contribution of glint and glare will be considered in the contrast discussion of each KOP below.

Glare from Power Block Buildings, Administrative Buildings, and Transmission Lines.

Potential glare from power block facilities and the high-voltage transmission lines would be less intense and distracting, and would be reduced by applying mitigation measure VIS-1 and BLM-VIS-1. This would require that transmission lines be finished with non-specular and non-reflective material, and the insulators to be non-reflective and non-refractive. Building and structure paints and finishes would be selected to blend with the landscape. These measures would prevent glare or reduce glare to minimal levels that would not be noticeable or distracting to potential viewers.

Visual Contrast Ratings

To analyze the visual contrast in the landscape created by the project, the proposed action is simulated in photographs of the area for each of the KOPs described in Section 4.18.1, above. Figure 4.18-5 through Figure 4.18-15 present both the existing and simulated conditions at each of the 11 KOPs. Conclusions on the visual contrast of the project presented below do not take into consideration the nighttime contrast (lighting), which is discussed above. Documentation of the visual contrast ratings (BLM Form 8400-4, Visual Contrast Rating Worksheet) is included in Appendix J. A contrast rating worksheet is not available for KOPs 10 and 11 and thus the visual contrast rating is discussed fully in text.

For all of the KOPs, the effect of the project on the visual values as determined in the visual resource inventory of the landscape is minor. As discussed in Section 3.19.3, *Visual Resource Inventory*, the affected landscape was given a C-quality scenery rating based on the flatness and lack of visual variety in landform and presence of existing cultural modifications (i.e., presence of built structures). Because this is the lowest possible rating, the presence of the project could not lower the rating further. However, the presence of the project would likely further lower several of the scores for the seven factors that are rated in the inventory of scenic quality, such as presence of cultural modifications. The presence of the project would not lower the visual sensitivity or distance zone ratings assigned in the visual resource inventory.

KOP-1: Highway 177 and Palen Pass Road. This KOP represents the view for southbound motorists on Highway 117 (Figure 4.18-5). The project is located approximately 13 to 16 miles south of this KOP. The distance and the low angle of view greatly diminish the dominance and scale of the project in views of the landscape. This is due to perspective foreshortening, which reduces the apparent size of surfaces of areas or objects, when seen obliquely or at low viewing angles. In this background view, the prominent visible features of the Project would be the solar array and power block structures. The transmission line structures would be minimally apparent

from this background distance. The degree of contrast assigned to the project from this viewpoint is as follows (see Appendix J):

**4.18-4
 DEGREE OF CONTRAST FOR KOPS 1, 2 AND 3**

		Features											
		Land/Water Body				Vegetation				Structures			
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None
Elements	Form	X					X			X			
	Line		X				X				X		
	Color			X			X			X			
	Texture			X			X				X		

According to the visual contrast rating, the project would result in a moderate to strong contrast in form and line, a weak to strong contrast in color, and a weak to moderate contrast in texture. However, the contrast rating did not consider that the distance of the project diminishes its scale and dominance within the view and that the solar array would be seen nearly edge-on. This reduces its apparent size, conceals its strong regular geometry, and causes it to repeat the horizontal line of the plain. This viewing relationship reduces the visual contrast to weak levels which would be in conformance with Class III Interim VRM objectives (VRM Class III allows projects to be seen, and even draw the attention of the viewer, but not visually dominate the landscape). As discussed previously, at times when the solar fields generate glint or glare, the project could attract viewer attention and increase the visual contrast of the project. However, given the distance of this KOP and the minor portion of the view that the proposed project would occupy, glint and glare from the project would not visually dominate the landscape scene. Glint and glare could momentarily increase the visual contrast of the project to moderate levels, but would remain in conformance with Class III Interim VRM objectives.

The visual contrast created by the project shall be reduced by applying Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1. These mitigation measures shall reduce the degree of contrast by applying color and texture treatments to project structures to blend in with the surrounding landscape, by revegetating disturbed areas, and by strategically placing structures and linear alignments to repeat the basic visual elements in the landscape. Mitigation Measure TRANS-6 would prevent bright flashes due to movement in or out of stow position, but would not fully mitigate the effects of glint and glare. In summary, the mitigation measures would reduce the length and intensity of glint and glare, and are likely to reduce the degree of color contrast in the landscape. Although the mitigation measures certainly would be visually beneficial, the proposed action still would be visible and could be perceived from KOP-1, so the degree of contrast would remain weak.

KOP-2: Highway 177 at the edge of Joshua Tree Wilderness. This KOP represents the view for southbound motorists on Highway 117 and views from low-elevation portions of the far-eastern end of Joshua Tree National Park (JTNP) (Figure 4.18-6). In this portion of the JTNP, there are no hiking trails, picnic areas, campgrounds or other visitor-serving facilities and thus visitor use in the area is expected to be low. The project is located approximately 8 to 11 miles southeast of this KOP, and all major elements of the project are visible, including the power block, solar arrays, and transmission line. The degree of visual contrast created by the project from this location is the same as described above for KOP-1 (see Table 4.18-4). Thus, for the same reasons described above, the visual contrast would be in conformance with the Interim VRM Class III objective and would represent weak to moderate levels of contrast, depending on whether glint or glare is observed. Implementation of Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1 would reduce the length and intensity of glint and glare, and is likely to reduce the degree of color contrast in the landscape, but would not totally eliminate the contrast of the project in the landscape.

KOP-3: Desert Lily Sanctuary entrance/parking area. This KOP represents the view for low numbers of visitors to the Desert Lily ACEC and OHV users (Figure 4.18-7). The proposed action is located approximately 7 to 10 miles southeast of this KOP, and all major elements of the project would be visible, including the power block, solar arrays, and transmission line. The degree of visual contrast created by the project from this location is the same as described above for KOP-1 (see Table 4.18-4). Thus, for the same reasons described above, the visual contrast would be in conformance with the Interim VRM Class III objective and would represent weak to moderate levels of contrast, depending on whether glint or glare is observed. Implementation of Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1 would reduce the length and intensity of glint and glare, and is likely to reduce the degree of color contrast in the landscape, but would not totally eliminate the contrast of the proposed action in the landscape.

KOP-4: Eagle Mountain Road. This KOP represents the view for low numbers of OHV users, and dispersed recreational users (Figure 4.18-8). The proposed site is located approximately 13 to 16 miles southeast of this KOP, and all major elements of the project would be visible, including the power block, solar arrays, and transmission line. The degree of visual contrast created by the proposed action from this location is the same as described above for KOP-1 (see Table 4.18-4). Thus, for the same reasons described above, the visual contrast would be in conformance with the Interim VRM Class III objective and would represent weak to moderate levels of contrast, depending on whether glint or glare is observed. Implementation of Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1 would reduce the length and intensity of glint and glare, and is likely to reduce the degree of color contrast in the landscape, but would not totally eliminate the contrast of the proposed action in the landscape.

KOP-5: I-10 Interchange at Desert Center. This KOP represents the view for eastbound motorists on I-10 at Desert Center (Figure 4.18-9). The site is located approximately 8.5 to 11.5 miles east of this KOP. The visible feature of the project from this KOP is the proposed transmission line. Vegetation and shrubbery provide screening for the solar arrays and power blocks. The degree of contrast assigned to the project from this viewpoint is as follows:

**4.18-5
 DEGREE OF CONTRAST FOR KOPS 5 AND 6**

		Features											
		Land/Water Body				Vegetation				Structures			
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None
Elements	Form				X				x		X		
	Line				X				X			X	
	Color				X				X		X		
	Texture				x				X			x	

See PA/FEIS Appendix J.

The proposed action would result in a weak to moderate contrast depending on design element. The contrast is primarily a result of the vertical structures and T-lines. Because the degree of contrast is weak to moderate, the simulation for this KOP demonstrates conformance with Interim VRM Class III objectives, except during glint or glare off of the transmission line poles. During such times, the transmission line may attract the attention of a common observer and would result in a strong visual contrast; which while temporary, would not be in conformance with the VRM objective.

The visual contrast created by the proposed action would be reduced by applying Mitigation Measures VIS-1, VIS-2, and VIS-4. These mitigation measures would reduce the degree of contrast by applying color and texture treatments to project structures to blend in with the surrounding landscape and reduce glare, by revegetating disturbed areas, and by strategically placing structures and linear alignments to repeat the basic visual elements in the landscape. Because texture and color treatments on the transmission line would effectively reduce the color contrast to a moderate level or less, Interim VRM Class III objectives would be met and adverse impacts on visual resources from KOP-5 would be substantially reduced.

KOP-6: Residential community entrance/exit in Desert Center. This KOP represents the view of the transmission line for residents in the Desert Center area (Figure 4.18-10). The project site is located approximately 8.5 to 11.5 miles east of this KOP. The visible feature of the project from this KOP would be the proposed transmission line. Intervening topography and structures screen views of the solar fields and power blocks from this viewpoint. The degree of visual contrast created by the proposed action from this location is the same as described above for KOP-5 (see Table 4.18-5). Thus, for the same reasons described above, the visual contrast would be in conformance with Interim VRM Class III objective through implementation of Mitigation Measures VIS-1, VIS-2, and VIS-4.

KOP-7: Corn Springs Road at the edge of Chuckwalla Mountains Wilderness. This KOP represents the view for northbound motorists on Corn Springs Road exiting the Chuckwalla Mountains Wilderness (Figure 4.18-11). The project site is located approximately 1.5 to 4.5 miles

north of this KOP, and all major elements of the project would be visible, including the power block, solar arrays, and transmission line. The degree of contrast assigned to the proposed action from this viewpoint is as follows:

**4.18-6
 DEGREE OF CONTRAST FOR KOP 7**

		Features											
		Land/Water Body				Vegetation				Structures			
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None
Elements	Form		X				X			X			
	Line		X				X				X		
	Color	X					X			X			
	Texture		X				X				X		

See PA/FEIS Appendix J.

From this KOP, the proposed action would result in a moderate to strong contrast depending on design element and landscape feature. The strong contrast comes from the light blue color of the arrays and the form of the power block structures, which are cubed and rectilinear in a landscape that is otherwise largely absent of such forms. Because the degree of contrast is strong in form and color, the simulation for this KOP demonstrates non-conformance with Interim VRM Class III objectives, especially at times when the solar fields generate glint or glare. At all times, the proposed action would likely be a major focus of viewer attention, largely because the landscape is otherwise absent of large structures and other cultural features.

The visual contrast created by the proposed action would be reduced by applying Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1. These mitigation measures would reduce the degree of contrast by applying color and texture treatments to project structures to blend in with the surrounding landscape, by revegetating disturbed areas, and by strategically placing structures and linear alignments to repeat the basic visual elements in the landscape. Mitigation Measure TRANS-6 would prevent bright flashes due to movement in or out of stow position, but would not fully mitigate the effects of glare from diffuse reflections of the sun due to this viewpoint's elevated position. While the color and texture treatments will aid greatly in reducing the color and, due to the size and scale of the proposed project, it is unlikely that mitigation measure would be sufficient to reduce contrasts in form to moderate levels. Mitigation measures would successfully reduce the color contrast to acceptable levels, except during periods of glare. Thus, the proposed action's effect on visual resources from KOP-7 would not be brought into compliance Interim VRM Class III objectives and would remain adverse and unavoidable.

KOP 8: I-10 eastbound near the southwestern corner of the Project. This KOP represents the view for eastbound motorists on I-10 (Figure 4.18-12). The project site is located approximately 0.7 to 3.7 miles north of this KOP, and most major elements of the project would be visible,

including the power blocks, solar arrays, and a portion of the transmission line. The degree of contrast assigned to the proposed action from this viewpoint is as follows:

**4.18-7
 DEGREE OF CONTRAST FOR KOP 8 AND 9**

		Features											
		Land/Water Body				Vegetation				Structures			
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None
Elements	Form	X				X				X			
	Line		X			X				X			
	Color		X			X				X			
	Texture		X			X				X			

See PA/FEIS Appendix J.

At this close viewing distance, the proposed action would result in a strong contrast for all of the design elements for the landscape features of vegetation and structures. Further, the contrast in landform is moderate to strong depending on design element. The strong contrast comes from the light blue color, and straight line edges of the arrays; and the form and color of the power block structures, which are cubed and rectilinear in a landscape that is otherwise largely absent of such forms. Because the degree of contrast for all design elements is strong, the simulation for this KOP demonstrates non-conformance with Interim VRM Class III objectives, especially at times when the solar fields generate glint or glare. At all times, the proposed action would likely be a major focus of viewer attention, largely because the landscape is otherwise absent of large structures and other cultural features, and the project would be dominant in the landscape.

The visual contrast created by the proposed action would be reduced by applying Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1. These mitigation measures would reduce the degree of contrast by applying color and texture treatments to project structures to blend in with the surrounding landscape, by revegetating disturbed areas, and by strategically placing structures and linear alignments to repeat the basic visual elements in the landscape. Mitigation Measure TRANS-6 would prevent bright flashes due to movement in or out of stow position, but would not fully mitigate the effects of glare from diffuse reflections of the sun due to this viewpoint's elevated position. However, due to the size and scale of the project from this close distance, it is unlikely that mitigation measure would be sufficient to reduce contrasts in form, line and texture to moderate levels. Mitigation measures would successfully reduce the color contrast to acceptable levels, except during periods of glare. Thus, the proposed action's effect on visual resources from KOP-8 would not be brought into compliance Interim VRM Class III objectives and would remain adverse and unavoidable.

KOP 9: I-10 westbound near the southeastern corner of the Project. This KOP represents the view for westbound motorists on I-10 (Figure 4.18-13). The project site is located approximately

2.5 to 5.5 miles northwest of this KOP, and most major elements of the project would be visible, including the power blocks, solar arrays, and a portion of the transmission line. The degree of visual contrast created by the proposed action from this location is the same as described above for KOP-8 (see Table 4.18-7). Thus, for the same reasons described above, the visual contrast would be in non conformance with Interim VRM Class III objective and is unlikely to be reduced to acceptable levels through implementation of Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1. The proposed action's effect on visual resources from KOP-4 would remain adverse and unavoidable.

KOPs 10 and 11: Palen-McCoy Wilderness and Chuckwalla Mountains Wilderness. These KOPs represent views for low numbers of dispersed recreational users in the Chuckwalla Mountains Wilderness and the Palen-McCoy Wilderness (Desert Quartzite, Mule Mountain Soleil)(Figure 4.18-14 and Figure 4.18-15). Due to the distances involved and the flat form of the valley floor, there is only a weak contrast with respect to landform features. The grading involved to create a nearly flat site is unlikely to be noticed from this distance and the solar arrays generally appear coincident in form with the flat valley floor. The rectilinear/boxy shape of the power block structures, however, presents a moderate contrast with the surrounding landforms (somewhat diminished due to their minor dominance in the scene). From these elevated views, the scale and area occupied by the proposed action would become more apparent. There would be a strong color contrast with the vegetation features that are characteristic of the landscape. The light golds, tans, sage greens and reddish browns of the landscape would have a strong contrast with the industrial and metallic character of the solar arrays. Further, the edges of the project would be straight and sharp, and would differ in the orientation of line features in the landscape. Edge types in background views of the landscape are generally discontinuous, horizontal and dull in appearance. The proposed action would be located in a landscape that is otherwise largely absent of large-scale cultural modification. For these reasons, the simulation for this KOP demonstrates non-conformance with Interim VRM Class III objectives, especially at times when the solar fields generate glint or glare.

The visual contrast created by the proposed action would be reduced by applying Mitigation Measures TRANS-6, VIS-1, VIS-2, VIS-4, and BLM-VIS-1. These mitigation measures would reduce the degree of contrast by applying color and texture treatments to project structures to blend in with the surrounding landscape, by revegetating disturbed areas, and by strategically placing structures and linear alignments to repeat the basic visual elements in the landscape. Mitigation Measure TRANS-6 would prevent bright flashes due to movement in or out of stow position, but would not fully mitigate the effects of glare from diffuse reflections of the sun due to this viewpoint's elevated position. However, due to the size and scale of the proposed project, it is unlikely that mitigation measure would be sufficient to reduce contrasts to moderate levels. Mitigation measures would successfully reduce the color contrast to acceptable levels, except during periods of glare (i.e., when the face of the parabolic mirrors). Thus, the proposed action's effect on visual resources from KOP-10 and KOP-11 would not be brought into compliance with Interim VRM Class III objectives and would remain adverse and unavoidable.

Impacts to BLM Wilderness Areas and Joshua Tree National Park

The four wilderness areas in the vicinity of the project site have no developed trails, parking/trailheads, or other visitor use facilities. These areas are generally steep, rugged mountains, with no permanent natural water sources, thus limiting extensive hiking or backpacking opportunities. Visitor use within the wilderness areas is very light, though BLM has no visitor use counts. Observations by staff and Law Enforcement Rangers indicate only 100 to 200 hikers per year within the wilderness areas. Visitation to the desert peaks listed by the Sierra Club Angeles Chapter is discussed in Chapter 3. More popular is vehicle camping along roads that are adjacent to the wilderness areas. RV camping near wilderness areas, with associated hiking, OHV use, photography, sightseeing, etc. accounts for up to 2,000 visitors per year.

Figure 3.19-3 shows designated wilderness areas overlain on a viewshed map of the proposed action. The 15-mile viewshed of the proposed action would occupy 17,149 acres of the Chuckwalla Mountains Wilderness (or about 19 percent of the wilderness area), 5,938 acres of the Little Chuckwalla Mountains Wilderness (or about 20 percent of the wilderness area), 46,619 acres of the Palen/McCoy Wilderness (or about 21 percent of the wilderness area), and 6,707 acres of the JTNP and Wilderness (or less than one percent of the park). Views of the project from special designations would generally be in mountainous areas that offer elevated viewpoints similar to KOPs 4, 10 and 11. Users of these areas would be able to view the project, but opportunities for solitude and unconfined recreation would not be greatly impacted due to the distance of the project from the wilderness area. From the majority of wilderness areas, the project would be located in background zones or not visible at all. Where the proposed project would be readily visible in mountainous areas beyond five miles, the level of contrast would remain below “strong” because the project would not dominate the view as a whole. The open, unobstructed, and panoramic views would remain dominated by the more visually appealing elements of the scene, such as the rugged mountain ranges, the open sky, and the undisturbed portions of the valley floor. For portions of designated wilderness within five miles of the project, the level of contrast would be strong because the proposed project could begin to dominate views of the valley, and would not in compliance with VRM objectives, as discussed above for KOPs 10 and 11. The portion of JTNP where the proposed action could be visible would be within the background visibility zone and does not contain visitor-serving facilities such as hiking trails, campgrounds or picnic areas—these occur in the central and western portions of the park—area from which the proposed action would not be visible. For the reasons above, impacts to the visitor experience to BLM wilderness and JTNP would be minor.

Decommissioning

The purpose of decommissioning is to remove project -related structures and infrastructure so that affected lands could naturalize. However, until vegetative restoration is achieved, adverse visual impacts would be similar to those described in the operation-phase impacts, because large areas would be devoid of desert scrub vegetation. Visual effects from the proposed transmission lines would be likely to remain, however, since it seems likely that, once in use, such lines would remain in use regardless of whether the energy they transfer is generated by the project or another project. The impacts of decommissioning would be somewhat reduced in intensity, however, as compared to construction, because the contrast in color created by the power block structures and

solar arrays would be removed. The contrast in the design elements of form and line would remain. Implementation of VIS-2 and VIS-4 would aid greatly in reducing the visual effects of decommissioning. VIS-2, BIO-8, and BIO 22 would require the Closure, Revegetation and Rehabilitation Plan to include reclamation of the area of disturbed soils used for laydown, project construction, and siting of the other ancillary operation and support structures. Further, VIS-4 would reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. It would require replacement of soil, brush, rocks, and natural debris over disturbed areas; and would feather and thin the edges of cleared areas to reduce edge contrasts. Newly introduced plant species would be of a form, color, and texture that blends with the landscape. These measures would ensure the visual impacts of decommissioning are minor and short-term.

Alternatives

Reconfigured Alternative 1

Reconfigured Alternative 1 would not substantially reduce the visual effects of the project. In fact, the same number of solar fields would be scattered over a greater land area, thereby potentially increasing the portion of the horizon occupied by the project, especially for KOPs west and south of the project. The reconfigured units would use approximately 180 acres more land than the proposed Units 1 and 2, which were located on 1,380 acres each. Relative to the proposed action, Reconfigured Alternative 1 would result in extended visual disturbance and a greater dominance in views toward the site. However, the increased portion of the horizon line or valley floor occupied by the project would not be substantial enough to change the visual contrast determinations from the KOPs analyzed in the action alternative. Because of this, Reconfigured Alternative 1 would result in no change to the conclusions drawn in the analysis of the proposed action.

Reconfigured Alternative 2

Reconfigured Alternative 2 would have a similar effect with respect to visual resources. It may reduce some of the adverse effects related to form, line, and edge contrasts created by the perimeter of the project. Proposed Unit 1 (the eastern solar field) would be reconfigured to avoid use of the northeastern third of the proposed field and it would not retain a straight southern border. This alternative would have the beneficial effect of following landscape features. Under the proposed action, the project would have a rectangular shape, and site edges cut straight into natural landscape boundaries, as seen from many of the viewpoints analyzed. Under Reconfigured Alternative 2, site edges would more closely follow the lines in the landscape created by changes in vegetation type and the Palen Dry Lake. Due to the effect of perspective foreshortening at low elevations, this beneficial effect may not be obvious in some of the KOPs where the layout of the project is not discernable; however, within higher elevation views, such as KOPs 10 and 11, the line contrast of site edges would be reduced from strong to moderate levels. It is likely that visual resource impacts for Reconfigured Alternative 2 are diminished in intensity relative to the action alternative; however, because the color contrasts would remain strong and unchanged, visual resource impacts would remain adverse and unavoidable for this alternative.

Reduced Acreage Alternative

The Reduced Acreage alternative would have a similar effect as described for Reconfigured Alternative 2 because the northeastern third of unit two would be removed, and the site would more closely follow boundaries that naturally exist in the landscape. Further, because the overall acreage of the project would be reduced under this alternative, so too would the magnitude of the visual impact. This would be true from all of the KOPs analyzed due to a decrease of the dominance of the project in the scene, and a decrease in the contrast rating for line elements. While this alternative would reduce the contrast of certain elements and the general dominance of the project for effected viewers, the strong color contrast and glare effect would remain strong and adverse.

No Action Alternative A

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, none of the construction- or operation-related visual resources impacts from the proposed action would occur. However, the project site could become available to other uses that are consistent with BLM's land use plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Because the CDCA Plan would be amended to make the area unavailable for future solar development, it is expected that the site would remain in its existing condition, with no new solar energy-related structures or facilities constructed or operated on the site. As a result, the visual resources of the site would not be expected to change noticeably from existing conditions and, as such, CDCA Plan Amendment/No Project Alternative B would not result in visual resources impacts. However, the project site could become available to other uses that are consistent with BLM's land use plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under CDCA Plan Amendment/No Project Alternative C, future solar energy development could be expected to affect visual resources to the same degree and extent as referenced in the proposed action. For example, if the acreage of the solar energy developed is 50 percent less than the proposed action, then impacts to visual resources would be 50 percent less intense.

4.18.3 Discussion of Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect on visual resources with other past, present, or reasonably foreseeable future actions. The geographic scope of the cumulative effects analysis for visual resources consists of the I-10 corridor (where visual impacts could be synergistic), and locations from which a viewer could see the proposed action along with views of other projects (where visual impacts could be additive). This geographic scope of cumulative impacts analysis was established based on the natural boundaries of the affected resource, i.e., potential shared viewsheds, and not on jurisdictional boundaries. Potential cumulative effects on visual resources could occur during the project's proposed 39-month construction period (e.g., from cumulative construction disturbances), during the projected 30-40 year lifespan of the proposed action (e.g., project contrast with the landscape, glint and glare), or result from closure and decommissioning (e.g., until restoration efforts return the landscape to its original condition).

Existing conditions within the area of cumulative effects analysis reflect a combination of the natural condition and the effects of past actions and are described in PA/FEIS Chapter 3. Direct and indirect effects of the proposed action and alternatives are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. These include the Blythe, Genesis, Rice, Palen, Desert Sunlight, Chuckwalla, Eagle Crest Pump Storage, Nextera McCoy, Desert Quartzite, and Mule Mountain Soleil solar power project and associated generation-tie lines. These solar power projects are expected to result in synergistic visual impacts for travelers along I-10, as well as visual impacts to dispersed recreational users in the surrounding areas.

Motorists on I-10

Visual changes as a result of other projects in the cumulative scenario could be located within the line of sight for travelers along I-10 viewing the project. Other projects that could be located within the same view for motorists looking north on I-10 could include Desert Lily, NextLight Desert Center, and Chuckwalla Solar Projects. Further, the combined effect of large-scale landscape alterations that would be visible along the length of I-10 within the CDCA Plan area could substantially degrade the visual character and the general scenic appeal of the landscape.

Numerous existing cultural modifications are visible from the I-10 corridor, including transmission lines, pipelines, 4-wheel drive tracks, and widely scattered facilities and structures; however, the general character is of an unimpaired, isolated desert landscape. The cumulative scenario includes many large-scale solar plants whose scale, potential glare, and pervasiveness would have adverse cumulative effects. If all the cumulative projects included in Section 4.1.4, *Cumulative Scenario Approach*, were to be implemented (which is considered unlikely), they could convert about 123,592 acres along the I-10 corridor between roughly Desert Center and Blythe (approximately 50 miles) from an undeveloped desert viewshed to a more industrialized appearance (mostly with large solar array fields using both thermal and photovoltaic technologies).

In many cases, the apparent scale of the projects from motorists' perspective would be diminished greatly by favorable topographic relationships. The cumulative projects are at the same or similar elevation as the highway, and are reduced in prominence due to their distance from the highway and low angle of view. In many cases, the other projects in the cumulative scenario would blend in with the horizon line of the valley floor, and the rugged mountains would remain the dominant visual features in the landscape. In spite of this, because the landscape is currently undeveloped and valued by visitors for its isolated and unspoiled condition, the addition of numerous new large-scale solar projects would substantially degrade the scenic experience for many travelers along I-10, due to the projects' industrial character and visual contrast. Mitigation measures are available that reduce the color contrast of structures, or the line contrast of vegetation clearing; but the measures reduce the contrast of certain features or elements of the projects at various distances. No mitigation measure is available that would be sufficient to address features of the project that result in the most contrast in the landscape: the large-scale, color and reflectivity of the project's solar fields. Thus, the cumulative scenario would present an unavoidable and adverse impact for travelers along I-10.

Dispersed Recreational Users in Surrounding Mountains

Dispersed recreational users in the Palen-McCoy Mountains, Chuckwalla Mountains, JTNP, and Joshua Tree Wilderness surrounding the project—due to their elevated position and access to unencumbered, panoramic views of the valley below—could experience both additive and synergistic impacts in the cumulative scenario. The project, along with other projects in the cumulative scenario, would not result in direct visual alteration to BLM wilderness areas or JTNP; however, the scale and contrast created by numerous renewable energy projects would greatly alter views of the valley floor experienced by wilderness users. Existing cultural modifications on the valley floor are largely limited to linear alignments (e.g., roads and transmission lines), or other structures that are diminished in importance due to the considerable distance from which they are viewed. However, the cumulative scenario presents numerous large-scale renewable energy projects that would be readily apparent to most wilderness users.

The area that would be occupied by these projects and their cumulative viewshed has been examined in the Solar PEIS developed for the proposed BLM renewable energy zones. The potential solar development areas, in combination, would be within the 15-mile viewshed of 14 percent of JTNP, 16 percent of the Joshua Tree Wilderness, 57 percent of the Chuckwalla Mountain Wilderness, 58 percent of the Little Chuckwalla Mountains Wilderness, and 76 percent of the Palen-McCoy Wilderness (Solar PEIS, 2010). As discussed above, the project would contribute to the development visible from these areas. The project, in combination with other projects, would make the valleys surrounding the Palen-McCoy, Chuckwalla Mountains Wilderness, and Joshua Tree Wilderness appear to be increasingly industrialized, and could substantially diminish the remote and isolated character of the landscape as viewed from mountainsides facing the Chuckwalla Valley. While use levels in the mountains and wilderness surrounding the project are low, the remote and isolated character of the landscape is highly valued by its users, and could represent the primary attraction.

In addition, the cumulative scenario could have substantial adverse effects on night sky visibility for residences of the surrounding area and users of designated wilderness and JTNP. Night sky visibility is a highly valued attribute of the region, and park rangers at JTNP often conduct night sky programs for visitors. These programs are conducted in the western portion of the park outside the viewshed of the solar energy zone, but the effects from excess lighting can reach beyond the viewshed of a specific area. Due to the project's distance from the JTNP and lighting controls imposed by Mitigation Measure VIS-3, the night lighting from project alone would be minimized and controlled such that it would not be a nuisance and would not detract from the ability for affected viewers to enjoy their surroundings. However, the cumulative scenario presents many developments in the Chuckwalla Valley that could together have an adverse effect on night sky visibility. The degree to which implementation of similar measures at other facilities would reduce the cumulative impact is difficult to quantify, but the potential exists for numerous additional light sources to contribute to sky glow. As such, additional lighting standards are recommended in Mitigation Measure BLM-VIS-2, which includes coordination with the National Park Service Night Sky Program Manager, and stricter standards for the type and intensity of facility lighting, during both construction and operations.

For the general visual degradation of the Chuckwalla Valley for backcountry hikers in the mountains seeking solitude and nature, available mitigation measures could not feasibly reduce the scale and contrast created by the projects in the cumulative scenario. Thus, the cumulative scenario presents an unavoidable and adverse impact for dispersed recreational users in surrounding, higher-elevation wilderness areas.

Alternatives

Cumulative impacts would vary by alternative to the project only to the degree to which direct and indirect impacts would vary by alternative.

4.18.4 Summary of Mitigation Measures

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized above in connection with the impacts they would address, are summarized here, and are set forth in full in Appendix B.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Revegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Reduction of Glint and Glare

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

In addition, the following mitigation measure would be imposed by the BLM to avoid or reduce impacts on the quality of the human environment. The following mitigation measures would avoid or minimize impacts on visual resources:

BLM-VIS-1: In addition to the requirements imposed by CEC Condition of Certification VIS-1, the project owner shall paint power blocks structures and other vertical construction shadow gray as shown on the BLM Color Chart. The backs of solar troughs shall also be color treated to minimize color contrasts.

BLM-VIS-2: In addition to the requirements imposed by CEC Condition of Certification VIS-3, the project owner shall consult with the National Park Service Night Sky Program Manager in the development of the lighting plan, and comply with stricter standards for light intensity. All permanent light sources shall be below 3,500 Kelvin color temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. All lights, temporary and permanent, are to be fully shielded such that the emission of light above the horizontal will be prevented. Prior to construction, the Applicant and SCE shall submit to the BLM, CPUC, and NPS Joshua Tree NP for review and approval a Lighting Mitigation Plan that includes the following:

- Specification that LPS or amber LED lighting will be emphasized, and that white lighting (metal halide) would (a) only be used when necessitated by specific work tasks, (b) not be used for dusk-to-dawn lighting, and (c) would be less than 3500 Kelvin color temperature;
- Specification and map of all lamp locations, orientations, and intensities, including security, roadway, and task lighting;
- Specification of each light fixture and each light shield;
- Total estimated outdoor lighting footprint, expressed as lumens or lumens per acre;
- Definition of the threshold for substantial contribution to light pollution in JTNP, in coordination with the Night Sky Program Manager (see below);
- Specifications on the use of portable truck-mounted lighting;
- Specification of motion sensors and other controls to be used, especially for security lighting;
- Surface treatment specification that will be employed to minimize glare and skyglow;
- Results of a Lumen Analysis (based on final lighting plans), in consultation with the NPS Night Sky Program Manager (Chad Moore – (970) 491-3700), in order to determine the extent of night lighting exposures in the surrounding NPS lands. If the lighting exposure on NPS lands exceeds the allowable threshold (which is to be determined in consultation with the NPS Night Sky Program Manager), additional

control measures will be instituted to reduce the lighting exposures to levels below the action threshold; and

- Documentation that the necessary coordination with the NPS Night Sky Program Manager has occurred.

4.18.5 Residual Impacts after Mitigation Measures were Implemented

Residual impacts of the project after implementation of mitigation measures would come from effects on the size and scale of the project. While mitigation measures VIS-1 through VIS-4 and BLM-VIS-1 would be helpful in reducing the level of contrast in form, line, color and texture for individual project features; the ability of these measures to reduce visual impacts decreases as the size and scale of the project increases. Thus, very few of the identified impacts are altogether eliminated through application of the proposed measures; however, the contrast in color and texture would be substantially reduced from several of the KOPs, with application of VIS-1 and BLM-VIS-1. Further, the impact of lighting, while not eliminated, also would be reduced substantially by implementation of VIS-3. The impact of glare is not fully mitigated with implementation of measure TRANS-6, but it is effective at preventing glint in the mornings and evenings due to movement of the mirrors in and out of stow position, and reduced the most intense and distracting glare effects. Generally however, as the angle of view increases, the size and scale of the project solar arrays would become the dominant contrasting factor because the face of the parabolic mirrors could not be treated or painted to blend in with the landscape.

4.18.6 Unavoidable Adverse Impacts

The project would cause three adverse impacts that cannot be mitigated; as such, these impacts would be unavoidable. These are discussed under the analysis of the proposed action, and summarized below:

1. Visual impacts to surrounding viewer groups (all KOPs) from sunlight reflected off of the parabolic mirrors (glare).
2. Visual impacts due to the general level of visual contrast of the project in the landscape, and non-conformance with Interim VRM Class III objectives.
3. Unavoidable and adverse cumulative impacts for travelers along I-10 and dispersed recreational users in the McCoy, Big Maria, and Little Maria Mountains and wilderness.

4.19 Impacts on Water Resources

4.19.1 Impact Assessment Methodology

This section analyzes potential direct, indirect and cumulative impacts of the proposed action and alternatives on water resources, including the project's potential to adversely affect groundwater supplies, alter geomorphic features/processes, modify drainage and flooding conditions, induce erosion and sedimentation, and degrade water quality. The analysis also considers the potential for incremental impacts of the project to combine with impacts of other projects and activities to adversely affect water resources. Mitigation measures to avoid or reduce potential impacts are identified (Appendix B), and the potential for residual impacts is evaluated. No unavoidable adverse effects are anticipated.

This analysis is based, in part, upon information from the following sources: the Application for Certification (AFC) (Solar Millennium, 2009), the Staff Assessment and Draft Environmental Impact Statement (CEC/BLM, 2010), Revised Staff Assessment (CEC RSA, 2010) and the CEC's Commission Decision (CEC Commission Decision, 2010). Additionally, technical reports and studies associated with these documents were also reviewed and considered in the preparation of this analysis.

4.19.2 Discussion of Direct and Indirect Impacts

Proposed Action

The following text analyzes groundwater supply and levels as relevant to construction, operation and decommissioning of the project, followed by a discussion of groundwater drawdown concerns. An analysis of groundwater quality, including the potential project-related environmental impacts and concerns, also is discussed. Thereafter, potential impacts on surface water and surface water hydrology are evaluated.

Groundwater Supply

The average total annual water usage during operation is estimated to be about 300 acre-feet per year (afy), which corresponds to an average flow rate of about 188 gallons per minute (gpm). Usage rates would vary during the year and would be higher in the summer months when the peak maximum flow rate could be as much as about 50 percent higher (about 275 gpm). Equipment sizing would be consistent with peak daily rates to ensure adequate design margin.

The project's water needs would be met by use of groundwater pumped from wells on the plant site. Water for domestic uses by project employees also would be provided by onsite groundwater treated to potable water standards. It is expected that two new water supply wells in the power blocks of the project site would adequately serve the project on a rotating basis. The second well would provide redundancy, an inherent backup water supply in the event of outages or maintenance of the first well.

Groundwater would supply water needed during construction and operation of the project. A concern has been expressed that the project’s water demand could exceed the groundwater basin budget and lead to overdraft conditions.

A comparison was made between the average annual basin budget and the anticipated project water production requirements. Table 4.19-1 presents the project’s anticipated water requirements along with the average annual basin budget for the 39-month construction and 30-year operation periods. Currently, the Chuckwalla Valley Groundwater Basin (CVGB) balance is positive by approximately 2,608 afy, whereby total inflow (approximately 13,719 afy) to the basin is slightly greater than estimated outflow (approximately 11,111 afy). Approximately 400 afy is attributed to subsurface outflow to the adjacent Palo Verde Mesa Groundwater Basin (PVMGB).

**TABLE 4.19-1
 ESTIMATED CHANGE TO CHUCKWALLA VALLEY GROUNDWATER BASIN BUDGET
 (Average Year Conditions)**

Project Component	Years	Annual Basin Budget Balance	Project Requirements (ac-ft/yr)	Net Budget Balance (ac-ft/yr)
Construction	1-3	2,608	480	2,128
Operation	4-33	2,608	300	2,308

SOURCE: CEC RSA, 2010

Construction and operation of the project would have an impact on basin balance in the CVGB, but pumping for the project would not exceed net average recharge to the basin.

The maximum predicted water table drawdown associated with the project is approximately 57 feet in the area of the pumping well. The area where drawdown exceeds 1 foot is limited to approximately 2 to 3 miles of the project pumping area (Table 4.19-2). Figure 4.19-1, and Figure 4.19-2, present groundwater level decline contours from the proposed production wells at the end of construction and end of operations, respectively.

Given the current understanding of the hydrogeology, as well as the current understanding concerning existing wells that may be affected by project-induced drawdown, it is unlikely that groundwater pumping for the project would cause any nearby wells to go dry or be severely impaired or rendered unusable by declining groundwater levels. However, groundwater levels would decline and could affect nearby wells. Monitoring of water levels in nearby wells would identify any such impacts.

Groundwater Drawdown Concerns

Project-related groundwater drawdown could have an impact on existing water wells in the basin, lower the water table in areas where deep-rooted phreatophytes are prevalent or affect halophytes (see Section 4.17, *Impacts on Vegetation Resources*), affect surface water features including springs, and/or induce permanent ground subsidence. Concerns also have been raised concerning potential effects to Colorado River water caused by Project-related groundwater pumping.

**TABLE 4.19-2
RESULTS OF NUMERICAL MODELING FOR THE PROJECT**

Model Scenario ¹	Objective	Zone 1		Zone 2		Year	Drawdown (feet)	Distance from Production Well to 1-ft Contour (feet)	Distance from Production Well to 5-ft Contour (feet)	Storage Change (acre-feet)
		Transmissivity (ft ² /day)	Storativity	Transmissivity (ft ² /day)	Storativity					
Run 7	Project only impacts assessment using only the single well on the project site.	1,000	0.2	6,300	0.2	2013	57.3	4,704	2,128	1,440
						2029	42.2	10,303	4,046	6,279
						2043	43.6	12,446	5,132	10,513
Run 19	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	26,000	0.2			2013	3.1	2,333	0	1,422
						2029	2.4	3,523	0	6,207
						2043	2.6	10,452	0	10,341
Run 20	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	10,000	0.2			2013	2.8	963	0	1,421
						2029	2.1	732	0	6,204
						2043	2.2	1,198	0	10,385
Run 21	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	1,000	0.2			2013	57.3	4,704	2,128	1,440
						2029	42.2	10,577	4,064	6,282
						2043	43.7	14,093	5,274	10,518

SOURCE: CEC RSA 2010.

Effects on Existing Wells

Drawdown imposed by a well on another nearby well can have adverse effects. This is referred to as interference drawdown or well interference. Specific potential adverse effects evaluated in this study include the following:

1. Interference drawdown can result in the water level of an aquifer being drawn down below the screen of the well (*i.e.*, the well goes dry);
2. Interference drawdown can result in the water level of an aquifer being drawn down to a point where the affected well's capacity to pump water is decreased and the well can no longer produce the amount of water that is needed for a particular use, or the well is at risk of becoming damaged and unusable over time due to exposure of the well's screen above the water table and resulting corrosion;
3. Interference drawdown can result in the water level in the affected well being drawn down to near the intake of the well's pump, requiring lowering of the pump intake in order for the well to remain operational; and/or
4. Interference drawdown can cause a decrease in groundwater level in the affected well such that the well and pump can continue to operate and produce adequate amounts of water, but pumping must occur at either greater frequency or duration, and/or water must be lifted to a greater height, resulting in greater operational and maintenance costs.

The extent and type of well interference experienced by an affected well is dependent on hydrogeologic conditions in the aquifer as well as the characteristics of the affected well. These include the following:

1. The amount of interference drawdown that is applied (which varies with the distance of the impacted well from the project well(s));
2. The depth and screened interval of the affected well;
3. The thickness of saturated sediments penetrated by the affected well;
4. Local variations in the transmissivity of the saturated sediments in which the affected well is completed, if any;
5. The condition and efficiency of the affected well;
6. The affected well's pump specifications, including its rating curve, the depth at which the pump intake is set, and the resulting pumping water level in the well during operation; and
7. The minimum required water production rate of the well.

Effects on Phreatophytes and Halophytes

Phreatophyte trees (such as mesquite, ironwood, and palo verde) have deep root systems that can extend tens of feet below the ground surface to the underlying water table. In addition, wet playas can harbor halophyte plant communities that depend on a shallow water table for their moisture. Lowering of the water table below the root depth of these plants could result in stress or death. The

nearest potential wetland or halophyte communities would be near Palen Dry Lake, approximately 3-6 miles from the project site. The project is not anticipated to substantially alter water levels due to groundwater production beneath this area. A preliminary estimate of the groundwater level decline indicates approximately 0.2 to 0.6 feet at the end of 33 years of operation. There is additional discussion of these issues in Section 4.17, *Impacts on Vegetation Resources*.

Effects on Surface Water Features

As discussed in greater detail in Section 3.20, *Water Resources*, the nearest spring to the project is Corn Spring, which is located five to six miles southwest of the project site, in the center of the Chuckwalla Mountains, at an elevation of approximately 1,600 feet. Corn Spring appears to derive its water from precipitation falling onto the Chuckwalla Mountains, and movement of groundwater under pressure along an historic fault that bisects the mountains. Other springs, including McCoy Spring and Chuckwalla Spring, are located at a greater distance, 19 miles and 16 miles from the project, respectively. Other surface water discharge/outfall sites are located at least eight miles from the project site. As shown on Figure 4.19-2, implementation of the project at the end of operation would result in drawdown of the groundwater aquifer by a depth of approximately one foot at a distance of approximately two miles from the proposed well site. At the location of the nearest groundwater-dependent surface water feature (Corn Spring), drawdown would be negligible, and is not anticipated to affect the spring. In general, surface waters including Corn Spring and other springs in the vicinity of the project are not expected to be affected by proposed groundwater pumping, based on the distance of the project from these features, as well as the associated hydrogeologic and physiographic conditions in the vicinity of the project.

Coxcomb Wash, located approximately eight miles northwest of the project site, is an ephemeral dry wash that flows southeastward from the Coxcomb Mountains. This surface water feature is not dependent on groundwater, and therefore the extraction of groundwater from the project site would not affect the flow of water in Coxcomb Wash.

Tenajas located on site or in proximity to the project are areas that retain stormwater flows at the surface. Tenajas are not dependent on groundwater, and therefore would not be affected by any change in groundwater levels that would result from implementation of the project. Similarly, wildlife water guzzlers are man-made structures designed to retain stormwater for use by small and large game. These would not be affected by changes in groundwater levels.

The Ford Dry Lake playa is located approximately eight miles from the proposed well site, whereas the southern tip of Palen Dry Lake is located at least three miles northeast of the proposed well site. As discussed previously, one foot of groundwater drawdown would occur at a radius of approximately two miles from the proposed well site. Therefore, potential drawdown at Palen Dry Lake, a wet playa, would be on the order of several inches or less. Drawdown at Ford Dry Lake would be minor to negligible.

Ground Subsidence

Ground subsidence can occur as a result of water level decline in aquifer systems. When the fluid pressure in an aquifer is reduced as a result of changes in the groundwater level, a shift in the

balance of support for the overlying materials causes the “skeleton” of the aquifer system to deform slightly. Reversible deformation occurs in all aquifer systems as a result of the cyclical rise and fall of groundwater levels associated with short and longer term climatic cycles. Permanent ground subsidence can occur when pore water pressures in the aquifer fall below their lowest historical point, and the particles in the aquifer skeleton are permanently rearranged and compressed. Soils particularly susceptible to such consolidation and subsidence include compressible clays in a confined aquifer system. Compressible clays are not anticipated on site in a thickness sufficient to result in subsidence as a result of groundwater drawdown under the project. This type of deformation is most prevalent when confined alluvial aquifer systems having thick compressible clay layers are overdrafted.

Based on the geologic/sedimentary characteristics of the CVGB, and on a lack of measured subsidence during previous, historic drawdown events, the potential for subsidence from groundwater level declines is believed to be remote. However, it is recommended that a monitoring and mitigation program be implemented to assess long term changes that may occur as a result of groundwater pumping in the area.

Colorado River-Related Concerns

Public/agency comments from the Colorado River Board of California, Center for Biological Diversity, Defenders of Wildlife, and EPA identify a concern that project-related groundwater use could affect the adjacent PVMGB by inducing flows from the Colorado River into that basin, and that any resulting use of Colorado River water without an entitlement would be illegal. However, given the distance of the project from the Colorado River, that the pumping elevation of the project would not draw groundwater from below the Colorado River Accounting Surface, project groundwater pumping is not expected to result in direct impacts to the PVMGB. Currently, the CVGB balance is positive by approximately 2,608 afy: inflow (approximately 13,719 afy) to the basin is slightly greater than estimated outflows (approximately 11,111 afy). Approximately 400 afy is attributed to subsurface outflow to the adjacent PVMGB. It is anticipated that groundwater extraction during project construction (approximately 480 afy) and operation (approximately 300 afy) would not exceed the existing positive yearly balance of 2,608 afy. Therefore, evidence shows that wells drawing groundwater for project use would not induce flow from the Colorado River. Nonetheless, because some uncertainty remains, mitigation measures are recommended to address the possibility of impacts related to Colorado River water (see Section 4.19.4, *Summary of Mitigation Measures*).

Groundwater Quality

There is a potential that significant groundwater quality impacts could occur during construction if contaminated or hazardous materials used during construction were to be released and migrate to the groundwater table. However, given proposed implementation of a hazardous material management plan during construction, along with adherence to the conditions of an NPDES General Permit for Construction Activities, the potential for such impacts to groundwater quality appears low.

A concern was expressed that, during construction and operation, project-related extraction of groundwater could induce vertical flow of high saline groundwater from beneath Palen Dry Lake to lower aquifers (being used for water production), which are located beneath the site. At the present time, no significant differential in groundwater quality has been identified beneath the project. Given the possibility that there is shallow groundwater below the lake and the lake serves as a point of discharge of groundwater, it is reasonable to presume that there could be high concentrations of TDS below the lake (CEC RSA, 2010). A calculation was conducted by AECOM (2010a as cited in the CEC RSA, 2010) using estimates of hydraulic conductivity, effective porosity, gradient and distance and where high saline groundwater was present beneath Palen Dry Lake and that the production wells planned for the project would induce a gradient towards the production well. Using the estimated values of the variables based on site specific data, the hand calculated results indicate that it would take between about 43 years to 4,424 years for groundwater to flow from beneath Palen Dry Lake to the project well. Given that there are probably low permeability sediments present beneath Palen Dry Lake and the analysis did not take into consideration retardation (associated with low permeability sediments), dispersion or dilution and/or interference from other producers, it is unlikely that vertical migration of poor quality water would degrade higher quality portions of the aquifer.

The project would produce two primary wastewater streams:

1. Non reusable sanitary wastewater produced from administrative centers and operator stations.
2. Reusable streams including: blowdown from the small ancillary equipment cooling tower for the ancillary equipment heat rejection system; reverse osmosis (RO) reject water, and boiler blowdown.

Sanitary wastewater production would consist of domestic water use. Maximum domestic water use is expected to be less than 166,000 gallons per month (5,500 gpd; approximately 6.1 afy). It is anticipated that the wastewater would be consistent with domestic sanitary wastewater and would have biological oxygen demand and total suspended solids in the range of 150 to 250 milligrams per liter (mg/L). Sanitary wastewater would be treated via septic system. The proposed septic system would meet minimum state and local requirements for septic system design, including requirements for percolation and vertical distance from the groundwater table. Therefore, the proposed septic system is not expected to result in substantial degradation of the groundwater underlying the project site.

The CRBRWQCB's policies do not allow the surface disposal of reverse osmosis (RO) reject brines. The Applicant has proposed two alternatives (CEC RSA, 2010). The first alternative disposal option for RO reject water involves solidification of residual solids through a mechanical drying process (e.g., crystallizer), of the waste and off-site transport and disposal at an appropriately permitted facility. The second alternative would involve placing RO water in an appropriately designed and permitted surface impoundment or open-topped aboveground storage tank for evaporation. Solids remaining after evaporation would be collected and disposed off-site at an appropriately permitted facility. With regard to the operation of the Land Treatment Unit (LTU) on

the project site, the material that would be placed in the LTU consists of soil that is impacted with Therminol® VP1 HTF as a result of minor leaks or spills that could occur during the course of regular operation and maintenance activities. At ambient temperatures, HTF is a highly viscous material that is virtually insoluble in water.

The two proposed solar fields would share the same Land Treatment Unit (LTU) to bioremediate soil contaminated from releases of Heat Transfer Fluid (HTF). The bioremediation unit would be designed in accordance with CRBRWQCB requirements and is expected to comprise an area of about 800 feet by 200 feet (3.8 acres). The bioremediation facility would utilize indigenous bacteria to metabolize hydrocarbons contained in non-hazardous HTF contaminated soil. A combination of nutrients, water, and aeration facilitates the bacterial activity where microbes restore contaminated soil within two to four months.

Operation of an LTU is not expected to impact surface water or groundwater quality beneath the site. The LTU would be surrounded on all four sides by berms (minimum of 2 feet above surrounding grade) that would protect the LTU from surface water flow (up to 100-year flood event). Because of the viscous and insoluble nature of HTF (~25 mg/L [Solar Millennium 2009a]) and the proposed leak detect and valve isolation system proposed for the project (Solar Millennium 2009a), it is not likely to mobilize from the soil downward to the water table.

The LTU would be operated under the requirements of CCR Title 23, Division 3, Chapter 15 and Title 27, Section 2000 et seq. and Title 23, Section 2510 et seq. It would be constructed with a 2-foot-thick clay layer on the floor (underlain by 3-feet of native soil that has been compacted to 95% compaction) that would serve as a protective barrier to the downward movement of contaminants from the LTU. Moreover, should any contaminants escape the LTU, the water table is approximately 195 feet beneath the LTU. In summary, because of the viscosity of HTF at ambient temperatures, the insolubility of HTF, the depth of the water table, and the placement of protective berms around the LTU, it is expected that surface water and groundwater quality beneath the site would not be impacted by LTU operation.

The use and application of septic fields is an established practice as a method of wastewater treatment. The closest septic field to the privately owned parcel of land is in excess of .5 mile. The septic system would have no effect on the surface water in or around the project site. The septic system would be installed approximately 5-6 feet deep. In addition, the Riverside County Department of Environmental Health has a Technical Guidance manual for Onsite Wastewater Treatment Systems and this requires a setback of 100 feet between this type of system and the nearest groundwater well.

Individual septic systems and leach fields are planned for each of the two power blocks and the project's administrative, warehouse, and control room and facilities. The proposed septic systems and leach fields for the various facilities are hydraulically down-gradient from the nearest offsite well. Therefore, operation of the septic systems and leach fields from these areas are not expected to impact groundwater quality at the nearest offsite wells.

The septic system and leach fields for the project would be constructed in accordance with the requirements of Riverside County:

1. Ordinance 650.5 (the Riverside County that amends Ordinance 650 that regulates the discharge of sewage in unincorporated areas of the County of Riverside and incorporates by reference Ordinance 725),
2. Title 15 Section 15.24.010 (the Uniform Plumbing Code) Appendix K for Private Sewage Disposal – General and Disposal Fields, and
3. Title 8 Section 8.124.030 (Approval and Construction Permit for Sewage Discharge) and Section 8.124.050 (Operation Permit for Sewage Disposal).

Table 4.19-3 lists septic system and leach field minimum setbacks as required by the County of Riverside and the setbacks for the project site.

**TABLE 4.19-3
SANITARY FACILITY SET-BACKS REQUIREMENTS**

County of Riverside Requirement	Minimum Set-Back	Project Set-Back	Reference
Minimum distance between groundwater and leach lines	5 feet	175 feet	Riverside County Ordinance 650.5 (& OWTS Guidance Manual)
Minimum horizontal distance from water supply wells	50 feet	5,800 feet	2007 California Plumbing Code (adopted by Reference as Riverside County Title 15, Chapter 15)

SOURCE: CEC RSA, 2010

Surface Water

Erosion

Erosion is the displacement of solids (soil, mud, rock, and other particles) by wind, water, or ice, as well as by downward or down-slope movement in response to gravity. Based on the United States General Soil Map and a site-specific soil investigation conducted by the Applicant, water-related sheet and rill erosion potential under the present undisturbed conditions can be considered negligible, and the site is not currently prone to significant mass wasting (gravity-driven erosion and non-fluvial sediment transport).

Construction of the project would be completed over a 39-month period, with associated earthwork and a total cut and fill volume of approximately 4.5 million cubic yards. Cut and fill would be balanced within the site, with no net import or export of material. The vast majority of the proposed grading and excavation would occur within the PSPP ROW, with only relatively minor excavation needed for installation of gen-tie facilities (e.g., at the locations of monopoles). Earthwork would require the use of heavy machinery for vegetation grubbing, grading, and installation of roads, pipelines, generation facilities, transmission facilities, administration buildings, the solar field, and other facilities. Construction of these facilities would involve the

use of bulldozers, graders, semi-trucks, and various other types of heavy equipment, and would involve changes to on site topography. These activities could loosen existing surface soils and sediments, increasing the potential for erosion during storm events, along with associated effects such as increased downstream sediment yields from on-site disturbed areas.

Additionally, the use of equipment during construction and operation and maintenance activities would increase water-related erosion potential for most on-site soils relative to undisturbed conditions. Such activities could involve the accidental release of fuel, oils, brake dust, lubricants, antifreeze, HTF, and other potentially hazardous substances at the site. These water quality pollutants could become entrained in surface water during storm events, and/or be infiltrated into groundwater and the underlying aquifer, resulting in the degradation of water quality.

A Drainage Erosion and Sedimentation Control Plan (DESCP) is proposed to address potential project-related water erosion impacts. This plan would include applicable measures, such as best management practices (BMPs), to identify, avoid/reduce, monitor, and document potential erosion and sedimentation effects from the project. Mitigation measures imposed by the CEC as Conditions of Certification would address these potential issues and are summarized below in Section 4.19.4, *Summary of Mitigation Measures* (see, e.g., SOIL & WATER-1, SOIL & WATER-8 through SOIL & WATER-12).

Surface Water Hydrology

Compliance with the requirements of an NPDES General Permit for Construction Activities would be required during project construction, and would include implementation of best management practices (BMPs) and other measures for retaining or otherwise minimizing the release of potential water quality pollutants. Further impacts of the project on the local surface water hydrology would relate directly to the proposed construction and operation of a network of engineered collector/conveyance channels designed for the purpose of protecting the project from flooding. In short, the project would change both the extent and physical characteristics of the existing floodplain within the project site and downstream of the project site, as well as change the sediment transport and depositional characteristics of the project site.

The project Drainage Report (CEC RSA, 2010) provides a summary of discharges at the downstream property boundary which compares existing total outflow at the project boundary with post-development outflows at the project boundary. The post-development discharges are reported to be very close to the existing peak discharges as shown in Table 4.19-4. The distribution of these total flows at the downstream project boundary is substantially different for the pre- and post-development conditions. For the larger less frequent storm events these results appear to be reasonable as the onsite post-developed watersheds represents only about 9% of the total watershed area. However, for more frequent events, it appears that an increase in flows could result from the project site due to soil compaction and a more efficient drainage system.

An additional concern is that flow from the Corn Springs watershed appears to have the potential to break over into the adjacent watershed to the east, which could increase the flow entering the Center Channel. These potential breakout flows are contained by what appears to be an earthen berm that

**TABLE 4.19-4
 SUMMARY OF EXISTING AND PROPOSED PEAK FLOW RATES
 AT DOWNSTREAM PROJECT BOUNDARY**

Channel ID	Existing Flowrate at Outlet of Site (cfs)			Proposed Flowrate at Outlet of Site (cfs)		
	Q ₁₀	Q ₂₅	Q ₁₀₀	Q ₁₀	Q ₂₅	Q ₁₀₀
West	6,864	9,434	13,742	6,876	9,452	13,770
Center	642	1,287	2,699	618	1,169	2,268
East	455	921	1930	517	1,009	1,983

is likely not engineered nor maintained. There was no discussion provided in the project Drainage Report as to the stability of this berm or the potential impacts of a failure.

Engineered drainage channels would be constructed along the project boundary wherever the detailed FLO-2D analysis indicates the potential for the interception of offsite surface flows exists. These channels would intercept offsite flows and convey them around and through the project for discharge along the northern project boundary. Onsite flows would be discharged into these major channels at discreet locations. The conceptual layout of the drainage system is provided on Figure 4.19-3.

Discharge of flow along the downstream project boundary would be through the use of what the Preliminary Civil Construction Plans (CEC RSA, 2010) for the project refer to as “fan diffuser” and “lateral diffuser” structures. The intent of both of these structures is to reduce flow velocities and allow flow to spread out in a manner that mimics existing sheet flow conditions downstream of the project.

Releasing flow back to native ground in a manner similar to existing conditions is of concern for two primary reasons. The first is that flow collected from a large area and discharged in a more concentrated area may result in the potential for increased erosion. The second potential concern is that the change in flow patterns could essentially “dry up” discreet areas downstream of the project potentially resulting in an impact to the existing biological resources beyond the project boundary. The potential for impacts to groundwater-dependent vegetation is discussed in Section 4.18, *Impacts to Vegetation Resources*.

Alteration of Drainage Patterns

Onsite Drainage. All existing washes and floodplains within the project boundary would be completely eliminated by the grading of approximately 4,000 acres to provide the flat, uniform and vegetation-free topography required for the construction and operation of the solar mirror array. Potential impacts of the project to local surface water hydrology would be related directly to the proposed on-site grading and the construction and operation of a network of engineered collector/conveyance channels. These channels would be designed to protect the project from flooding and erosion related to the conveyance of runoff from off-site watersheds across the site. On-site runoff would be controlled through appropriate grading and a network of engineered

channels designed to collect and convey flow through the site for discharge to one of the larger peripheral channels which ultimately discharge off-site. The project would change both the extent and physical characteristics of the existing floodplain within and downstream of the project site, as well as the on-site sediment transport and depositional characteristics.

In addition, along the linear facilities (i.e., the transmission main), there would likely be localized grading at the drainages which cross the transmission main alignment to allow vehicular access during construction and operation of the facility. Localized grading along linear facilities can impact offsite portions of the existing drainages if not properly stabilized. Diversion and and/or channelization of existing drainages would not occur.

Offsite Drainage. The project would not impact the existing natural drainage system upstream of the project boundary as there are no plans for any diversions, basins, dams or other surface water controls beyond the upstream limits of the project. However, there is the potential for erosion of offsite areas upstream due to the formation of headcuts which could migrate laterally from the engineered channels if they are not stabilized and protected.

Physical modifications to the natural drainage system downstream of the project boundary are not proposed. However, there would be changes to both the existing drainage patterns and sediment transport characteristics as the result of the upstream diversion of flows and the subsequent release of those flows at discreet locations on the downstream side of the project. Certain downstream areas would receive more flow than under existing conditions, while other areas may no longer receive any surface flow beyond what may be the result of direct precipitation. The concentration of flows at the proposed diffuser structures may have the potential for increased erosion.

The assessment of the impacts to the existing surface flow patterns requires a detailed analysis utilizing FLO-2D or a similar model to clearly delineate the pre- and post-project conditions. Information obtained from such an analysis is critical to assess the extent and adequacy of the proposed flood control measures on the southern and western project boundaries as well as along the downstream project boundary where flow is released into the engineered channels. The applicant has provided the graphical results of a pre-development FLO-2D analysis, as well as a Technical Memorandum for the post-development FLO-2D analysis. The methodology and results of these analyses were not well documented, and as presented, did not allow for a thorough review of the changes in existing flow characteristics downstream of the project. Additionally, digital input files for independent review were not provided as requested in the project data request.

Flood Hazards

The project would be protected from flooding from offsite sources through the construction of engineered channels along upstream project boundaries. These channels would capture and convey up to the 100-year flow through and around the project and discharge it at along the northern boundary. The Drainage Report (CEC RSA, 2010) and Preliminary Civil Construction Plans (CEC RSA, 2010) for the project provide information on the design and performance of the

proposed collector and conveyance channels, including preliminary plan and profile layout and hydraulic analysis using the HEC-RAS computer program. A conceptual plan view layout of the proposed collector and conveyance channel layout is provided on Sheets 4 to Sheet 8 of the Preliminary Civil Construction Plans (CEC RSA, 2010). Preliminary channel profiles were provided in Sheets 16 to Sheet 26 of the same plan set. In general, the preliminary plans were incomplete and inconsistent between the plan view, profiles, and typical sections.

The plans as provided do not adequately demonstrate a sound conceptual drainage design based on site specific conditions. Of particular concern were the channel profiles and typical sections which did not adequately reflect how the engineered collector channels would tie into existing grade near the boundary of the facility. They also do not adequately demonstrate how the proposed berm on the outside of the western drainage channel would function and how it would be protected from erosion along its face and at the proposed openings where concentrated flows would enter the channel. The use of berms in lieu of soil cement bank protection is of concern due to the tendency of berms to fail during large events leaving unprotected channel bank at risk for serious erosion and headcutting.

A detailed analysis of the extent and hydraulic characteristics of flows along the West Channel has not been provided to allow for a complete assessment of the suitability of the diversion berms as depicted in the preliminary plans. Proper design of the berm, openings, and soil cement spillways in the channel would require an estimation of flow quantities, depths and velocities along the structure. The analysis required to provide this data has not been completed; completion of this analysis would be required under mitigation applied within this document, as discussed below. Placement of soil cement spillways in the channel at the locations of the berm openings is also of concern. These types of features are generally subject to local scour and undercutting, and tend to be damaged during large flow events. The preliminary plans provide no accommodations for toe-down or erosion protection at the spillways. Additional mitigation has been applied, below, to ensure that drainage issues on site are adequately addressed.

A summary of the proposed channel geometry and hydraulic characteristics as provided in the Preliminary Civil Construction Plans (CEC RSA, 2010) and project Drainage Report (CEC RSA, 2010) is provided in Table 4.19-5. The data provided in the report indicate that nearly all portions of channels do meet established and reasonable guidelines for allowable channel velocities. Soil cement bank protection should be utilized in sections which have erosive velocities, or additional grade controls should be utilized to reduce channel slope.

The Preliminary Civil Construction Plans (CEC RSA, 2010) provide preliminary details of the proposed soil cement bank and slope protection at several locations within the project. The details appear to indicate a “slope paving” approach to construction of the soil cement, as opposed to construction in discreet lifts, usually 8 to 12 inches. The details also show 3:1 slopes are predominant for the soil cement. Experience has shown that anything less than approximately a 4:1 slope is impractical for this type of construction, and additional mitigation is warranted, as discussed below. During operation, the proposed collector and conveyance channel along the west project boundary would be exposed to incoming side flows along most of its extent. These

**TABLE 4.19-5
 SUMMARY OF PROPOSED COLLECTOR AND CONVEYANCE CHANNEL
 HYDRAULIC CHARACTERISTICS^a**

Channel ID	Design Discharge (cfs)	Length (ft)	Bottom Width (ft)	Channel Depth (ft)	Side Slopes (H:V)	10-Year Velocity Range (ft/s)
West	6,885	11,000	175	8–25	3:1	2.6–6.5
Center	2,268	12,200	150	8–9	3:1	2.6–3.6
East	1,983	9,000	100	5–15	3:1	3.0–3.7

NOTES:

^a Does not include velocity and Froude numbers at the proposed drop structures which are not representative of general channel conditions.

inflows could include concentrated runoff at the more defined drainages, shallow sheet flow, and smaller more localized flows. All of these elements have the ability to cause erosion of unprotected channel banks as well as to create headcutting which would extend roughly perpendicular from the outer channel bank into the adjacent floodplain. These headcut features have the potential to achieve the same depth as the main collector channel and can extend upstream for several hundred feet over time due to numerous smaller flow events, or can occur very quickly from a single large event depending on the magnitude of flow at a given location. Impacts to areas beyond the project boundaries can occur due to these erosional features. Appropriate bank stabilization measures must be implemented to ensure that headcutting is prevented at all locations where flow enters the engineered channels.

On the southern project boundary flows from a large wash crossing under I-10 ($Q_{100}=2,268$ cfs) would hit the southern portion of the project and be guided through a large culvert crossing into the Center Channel. This type of transition and redirection of flow has the potential for both increased erosion and sediment deposition. The Preliminary Civil Construction Plans (CEC RSA, 2010) indicate that the southern extent of the improvements would be raised above existing grade and the resultant slope protected with soil cement. A detailed hydraulic analysis which characterizes the extents, depths and velocities of flow approaching the southern boundary of the project and showing how it would effectively be collected and conveyed in the Central Channel has not been provided by the applicant. Thus, mitigation including completion of an updated/finalized grading and drainage plan would be required, as discussed in greater detail below.

Operation of the proposed channels and erosion mitigation measures would require significant inspection and maintenance over the life of the facility to ensure that the channels are operating as intended and that potential and observed erosion issues are addressed promptly to minimize damage to the facility and areas beyond the project boundary. Relatively small problems and erosional features which develop during smaller more frequent events can become the focal point for problems during larger events.

The Applicant has prepared a Draft Channel Maintenance Plan to provide long-term guidance to implement routine channel maintenance projects in a feasible and environmentally-sensitive manner. The final Channel Maintenance Plan will be a process and policy document prepared by the Applicant and reviewed by the Compliance Project Manager (CPM). The purpose of such a plan is to maintain diversion channels to meet their original design intent to provide onsite and offsite flood protection, support the project mitigation, and maintain groundwater recharge. The draft plan addresses some of the potential issues associated with long term operation of the channels. However, it does not adequately address the issue of the collection of offsite flows or the use of soil cement along areas subject to inflows from offsite watersheds. The document also references the use of riprap for erosion mitigation which should not be allowed on the project. The implementation of mitigation measures imposed by the CEC as Conditions of Certification SOIL & WATER-1 and SOIL & WATER-8 through SOIL & WATER-12 are summarized in Section 4.19.4, *Summary of Mitigation Measures*, and would address these concerns by minimizing impacts related to flood hazards and erosion associated with construction and operation of the project and by providing basic information to assist the CPM to adequately review and assess the appropriateness of the proposed design within the context of the site-specific conditions.

Surface Water Quality

Project stormwater may encounter soil or chemicals deleterious to aquatic and terrestrial plants and wildlife. The Applicant proposes to implement BMPs for managing potentially harmful stormwater and protect water quality.

Potential water quality impacts could occur during operation and maintenance activities if contaminated or hazardous materials were to contact stormwater and drain offsite. Potential threats to surface water quality during construction include potential erosion and associated increases in sediment loads to adjacent streams and washes and accidental spills of hydrocarbon fuels and greases associated with construction equipment or of solvents, paints, and concrete. The project would alter natural stormwater drainages and use BMPs to reduce potential impacts related to concentrated drainage and ensuing soil erosion and sediment transport offsite. Recognizing these potential impacts, the Applicant has prepared a draft industrial SWPPP required by the general waste discharge requirements for industrial activity.

The use of RO reject water for dust control currently is prohibited by the CRBRWQCB. The Applicant has proposed two additional alternatives as previously discussed. Crystallization would involve on-site reduction in water volumes/drying of RO reject water, until a solid residue was formed. The crystallized solids then would be removed from the site and disposed of in a landfill. Placing RO reject water into an appropriately designed and permitted, open-topped surface impoundment or storage tank for evaporation would result in ongoing evaporation of water, combined with accumulation of solids on the bottom of the facility. Periodically, the solids would be collected and landfilled. Both of these methods for brine disposal would ensure that RO brine water would not contact surface or groundwater, thereby minimizing the potential for water quality degradation.

Potential threats to surface water quality during operation and maintenance activities include: potential increases in erosion and associated sediment loads to adjacent washes; accidental spills of hydrocarbon fuels and greases (including HTF fluid) associated with operation of equipment on site, and potential accidental releases of the LTU and evaporation ponds. Potential erosion and sedimentation impacts during operation of the project would be addressed through applicable elements of previously described mitigation measures. Potential impacts related to accidental spills and releases would be managed through: (1) appropriate design features (e.g., providing two feet of freeboard in evaporation ponds to minimize potential overtopping during larger storm events); (2) hazardous materials management requirements (see Section 4.12, *Hazardous Materials*); and (3) implementation of relevant elements of mitigation measure SOIL & WATER-6, which is summarized in Section 4.19.4, *Summary of Mitigation Measures*.

Decommissioning of the project is expected to result in adverse impacts related to water resources similar to construction impacts: Work could result in potential increases in sediment loads to adjacent streams and washes; and/or accidental spills of hydrocarbon fuels and greases and other materials associated with motorized equipment and construction work.

Alternatives

Reconfigured Alternative 1

Groundwater Basin Balance

Groundwater basin balance in the vicinity of the Reconfigured Alternative 1 site could be impacted as a result of construction and operation-related water use. The potential impact would be similar to that of the project.

Groundwater Levels

Groundwater levels in the vicinity of the Reconfigured Alternative 1 site could be impacted as a result of construction and operation-related water use. This potential impact would be similar to that of the project.

Groundwater levels near the Reconfigured Alternative 1's water supply wells would decline during the pumping. As discussed for the project, local decline of groundwater levels within the cone of depression could affect nearby wells. Implementation of mitigation (as discussed below) would be required.

Mitigation for potential impacts to groundwater-dependent vegetation is discussed in Section 4.18, *Impacts to Vegetation Resources*. Other effects associated with changes in groundwater levels would be similar to those discussed for the project.

Groundwater Quality

Similar to the proposed action, the operation of the LTU and septic fields would not be expected to result in degradation of groundwater quality below or in the vicinity of the Reconfigured Alternative 1 site. Therefore, the level of potential impact would be similar to the proposed action.

Surface Water Hydrology

The impacts and mitigation measures of Reconfigured Alternative 1 would be similar to those of the project. However, Reconfigured Alternative 1 would reduce impacts to the more defined drainages in the center of the project, which generally would be offset by the updated footprint area for the proposed solar fields. The change in impacts as they relate to the overall acreage of State Waters impacted is analyzed elsewhere in this PA/FEIS (see, e.g., Section 4.18, *Impacts on Vegetation Resources*).

All existing washes within the reconfigured portion of the site would still be eliminated by onsite grading and replaced with a system of engineered swales and channels. By splitting the project in the middle, the Central Channel could be eliminated and flow from the culvert under I-10 could pass through the project under more natural conditions for a longer distance. However, the floodplain associated with this drainage would still impact the eastern solar field, which would require protection along slopes, or a berm where the facility is at or below existing grade. A stabilized collector channel along the west project boundary still would be required. Mitigation of potential channel erosion and headcutting still would be required for all channels and slopes subject to flows.

The volume of offsite flow that would need to be collected and conveyed around the project would likely be higher along the western project boundary due to the reconfiguration of the western solar field. Drainage through the center of the solar fields could be passed through the site without the need for an engineered channel and diffuser structure. A FLO-2D analysis to examine at pre- and post-development flow extents, depths and velocities would be required to verify the viability of this option. Flows collected in the central solar field and the method for dispersion would be similar to the project. Additional flows would have to be captured along the west and south boundaries of the southeast most solar field and released on the north and east sides of that unit using flow diffusion structures. The overall changes to the floodplain downstream of Reconfigured Alternative 1 would likely be greater than the project due to the placement of the southeastern-most solar field.

Surface Water Quality

Surface water quality in the vicinity of the Reconfigured Alternative 1 site could be impacted as a result of surface grading. In addition, water quality impacts could occur during operation and maintenance activities if contaminated or hazardous materials being used were to contact stormwater and drain offsite. Moreover, Reconfigured Alternative 1 would alter natural stormwater drainages and potentially impact surface water quality. These and other potential water quality impacts associated with implementation of Reconfigured Alternative 1 would be similar to those of the project.

Reconfigured Alternative 2

Groundwater Basin Balance

Groundwater basin balance in the vicinity of the Reconfigured Alternative 2 site, Options 1 and 2, could be impacted as a result of construction and operation-related water use. The potential impact would be similar to that of the project.

Groundwater Levels

Groundwater levels in the vicinity of the Reconfigured Alternative 2 site, for Options 1 and 2, could be impacted as a result of construction and operation-related water use. The potential impact would be similar to that of the project.

Groundwater levels near the Reconfigured Alternative's water supply wells, for Options 1 and 2, would decline during the project pumping. As discussed for the project, a local decline of groundwater levels within the cone of depression could affect nearby wells, and implementation of mitigation (as discussed below) would be required.

Mitigation for potential impacts to groundwater-dependent vegetation is discussed in Section 4.18, *Impacts to Vegetation Resources*. Other effects associated with changes in groundwater levels would be similar to those analyzed for the project.

Groundwater Quality

Similar to the proposed action, the operation of the LTU and septic fields would not be expected to result in degradation of groundwater quality below or in the vicinity of the Reconfigured Alternative 2 site, for Options 1 and 2. Therefore, the level of potential impact would be similar to that of the proposed action.

Surface Water Hydrology

The impacts of and recommended mitigation measures for Reconfigured Alternative 2, Options 1 and 2, would be similar to those of the project. Reconfigured Alternative 2 would include updated project boundaries, in order to minimize impacts along the sand transport corridor and biological resources impacts, where Option 1 relies on public as well as private lands, while Option 2 relies on only public lands. However, in terms of surface water hydrology, these differences would result in only minor differences between the project and Reconfigured Alternative 2.

All existing washes within the reconfigured portion of the site, for both Option 1 and 2, still would be eliminated by onsite grading and replaced with a system of engineered swales and channels. Mitigation of potential channel erosion and headcutting still would be required for all channels and slopes subject to flows. A FLO-2D analysis to examine at pre- and post-development flow extents, depths and velocities would be required to verify the viability of this option. The overall changes to the floodplain downstream of Reconfigured Alternative 2 would be similar to those of the project, for Options 1 and 2.

Surface Water Quality

Surface water quality in the vicinity of the Reconfigured Alternative 2 site, for Options 1 and 2, could be impacted as a result of surface grading. In addition, water quality impacts could occur during operation and maintenance activities if contaminated or hazardous materials were to contact stormwater and drain offsite. Moreover, Reconfigured Alternative 2 would alter natural stormwater drainages and potentially impact surface water quality. These and other potential water quality impacts associated with implementation of Reconfigured Alternative 2 would be similar to those analyzed for the project, for Options 1 and 2.

Reduced Acreage Alternative

The Reduced Acreage Alternative would follow boundaries similar to those described for Reconfigured Alternative 1, but would be about 25 percent smaller.

Groundwater Basin Balance

Groundwater basin balance could be impacted as a result of the construction and operational water use. The potential impact would be approximately 25 percent less than the project, because the Reduced Acreage Alternative would use approximately 25 percent less water than the project. The potential impact would be similar to that of the project, except that the potential impact of the Reduced Acreage Alternative would be reduced proportionally to its reduced water demand.

Groundwater Levels

Groundwater levels in the vicinity of the Reduced Acreage Alternative could be impacted as a result of the construction and operational water use. The potential impact is expected to be approximately 25 percent less than for the project, because the Reduced Acreage Alternative would use approximately 25 percent less water.

Groundwater levels near the Reduced Acreage Alternative's water supply wells would decline during pumping, during the operation and maintenance period. As discussed for the project, local decline of groundwater levels within the cone of depression could affect nearby wells; the implementation of mitigation measures (as discussed below) would be required. Therefore, potential impacts to groundwater levels under the Reduced Acreage Alternative would be to be similar to the proposed action, but with a reduced level of intensity as compared to the proposed action. Mitigation for potential impacts to groundwater-dependent vegetation is analyzed in Section 4.18, *Impacts on Vegetation Resources*.

Groundwater Quality

Similar to the proposed action, the operation of the LTY and septic fields proposed under the Reduced Acreage Alternative would not be expected to result in degradation of groundwater quality below or in the vicinity of the Reduced Acreage Alternative site. Thus, potential groundwater quality impacts would be similar to those analyzed for the proposed action, except further reduced in intensity due to the reduced project size under the Reduced Acreage Alternative.

Surface Water Hydrology

Potential impacts to surface water quality would be similar to those of the project. In comparison to the project, the Reduced Acreage Alternative would result in some reduction of impacts to the more defined drainages in the center of the project. All existing washes within the smaller developed portion of the site still would be eliminated by onsite grading and replaced with a system of engineered swales and channels. By splitting the project in the middle, the Central Channel could be eliminated, and flow from the culvert under I-10 could pass through the project under more natural conditions for a longer distance. However, the floodplain associated with this drainage still would impact the eastern solar field, which would require protection along slopes, or a berm where the facility is at or below existing grade. A stabilized collector channel along the west project boundary still would be required. Mitigation of potential channel erosion and headcutting still would be required for all channels and slopes subject to offsite flows.

The volume of offsite flow that would need to be collected and conveyed around the site would likely be higher along the western boundary than for the project due to the additional area in the western solar field. As previously indicated, drainage through the center of the solar fields could be passed through the site without the need for an engineered channel and diffuser structure. A FLO-2D analysis to examine at pre- and post-development flow extents, depths and velocities would be required to verify the viability of this option, and would be required under applied mitigation as discussed for the proposed action and below. Flows collected in the eastern channel and the method for dispersion would be similar to those of the project. The changes to the floodplain downstream of the Reduced Acreage Alternative would be similar to those of the project.

Surface Water Quality

Surface water quality in the vicinity of the Reduced Acreage Alternative site could be impacted as a result of surface grading. In addition, potential water quality impacts could occur during operation and maintenance activities if contaminated or hazardous materials were to contact stormwater and drain offsite. Moreover, the Reduced Acreage would alter natural stormwater drainages and impact surface water quality. Other potential water quality impacts associated with implementation of the Reduced Acreage Alternative would be similar to those analyzed for the project, although reduced in intensity due to the smaller footprint of the Reduced Acreage Alternative.

No Action Alternative A

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site. As a result, potential impacts to hydrologic resources discussed for the construction and operation of the project would not occur. However, the land on which the project is proposed would become available to other uses that are consistent with BLM's land use plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to

allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

Under this alternative, the CDCA Plan would be amended to make the area unavailable for future solar development. Consequently, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site and no potential impact to hydrologic resources. In the absence of the PSPP, other renewable energy projects could be proposed at the site to meet State and Federal mandates. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Under this alternative, the CDCA Plan would be amended to allow for other solar projects on the site. Consequently, the site would likely be developed with the same or a different solar technology, and impacts to hydrologic resources related to the construction and operation of that technology could be expected to be similar to the impacts of the project, including erosion impacts and impacts to jurisdictional waters. Different solar technologies require different amounts of grading and water; however, it is expected that all solar technologies would require grading and maintenance. As such, CDCA Plan Amendment/No Project Alternative C could cause impacts to hydrologic resources that would be similar to the impacts of the project.

4.19.3 Cumulative Impacts

Impacts resulting from construction, operation, maintenance and decommissioning of the project could result in a cumulative effect on hydrologic resources with other past, present, or reasonably foreseeable future actions. The geographic scope of the cumulative effects analysis for hydrologic resources consists of the CVGB, where various project impacts to groundwater could be additive, synergistic or countervailing, and, for surface waters, the area within the watershed boundary. Potential cumulative effects on hydrologic resources could occur at any point during the construction, operation and maintenance, or decommissioning of the project. Table 4.19-6 lists projects in the cumulative scenario as well as the anticipated water use associated with each. Most of these projects have, are, or would be required to undergo their own independent environmental review under NEPA. Even if the activities described in Table 4.19-6 have not yet completed the required environmental review processes, they are considered in this cumulative impacts analysis.

Construction of the project is expected to result in short term adverse impacts. It is expected that some of the cumulative projects described above that are not yet built may be under construction the same time as the project. In addition, it is expected that others of the cumulative projects may be operational at the same time as the project. As a result, there could be substantial long term cumulative impacts during operation of these projects related to hydrologic water resources.

**TABLE 4.19-6
REASONABLY FORESEEABLE FUTURE PROJECTS AND ANTICIPATED WATER USE**

Project	Proponent	BLM Serial ID	Technology	Source	Use	Water Use – Renewable Projects (afy)										References
						2011	2012	2013	2014	2015	2016	2017	2018	2019–2043		
Chuckwalla Solar I	Chuckwalla Solar I LLC	CACA 48808	Photovoltaic (200 MW)	Chuckwalla Basin	Construction	20	20	10	—	—	—	—	—	—	Estimates	
					Operation	—	5	7	10	10	10	10	10	10		
Desert Harvest Solar	enXco	CACA 49491	Photovoltaic (100 MW)	Chuckwalla Basin	Construction	—	10	10	—	—	—	—	—	—	Estimates	
					Operation	—	—	—	5	5	5	5	5	5		
Desert Sunlight Solar Farm	First Solar	CACA 48649	Photovoltaic (550 MW)	Chuckwalla Basin	Construction	27	27	27	—	—	—	—	—	—	Estimates	
					Operation	—	—	—	4	4	4	4	4	4		
Eagle Mountain Pump Storage	Eagle Crest Energy Company, LLC	FERC 12509001	Pump – Storage (1276 MW)	Chuckwalla Basin	Construction	—	308	308	8,066	8,066	8,066	8,066	—	—	Application to FERC	
					Operation	—	—	—	—	—	—	—	2,688	1,763		
Genesis Solar Energy	Genesis Solar LLC	CACA 48880	Parabolic Trough (250 MW)	Chuckwalla Basin	Construction	1,368	616	616	—	—	—	—	—	—	Application to Energy Commission	
					Operation	—	—	—	1,644	1,644	1,644	1,644	1,644	1,644		
Mule Mountain Soleil	enXco	CACA 49488	Photovoltaic (200 MW)	Chuckwalla Basin	Construction	—	20	20	—	—	—	—	—	—	Estimates	
					Operation	—	—	—	10	10	10	10	10	10		
Palen Solar Power	Palen Solar I, LLC	CACA 48810	Parabolic Trough (500 MW)	Chuckwalla Basin	Construction	480	480	480	—	—	—	—	—	—	Application to Energy Commission	
					Operation	—	—	—	303	303	303	303	303	303		
Totals						1,915	1,526	1,518	10,048	10,048	10,048	10,048	4,670	3,745		

As a result, there may be substantial short term and long-term cumulative impacts during construction and operation of the cumulative scenario related to: soil erosion, geomorphology, basin balance, groundwater levels, groundwater quality, surface water hydrology and surface water quality.

Groundwater Basin Balance

Concerns have been expressed that the amount of groundwater used for construction and operation of the project would place the groundwater basin into overdraft and deplete the CVGB.

Groundwater overdraft is “the condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years during which water supply conditions approximate average conditions” (CDWR 1998). Any withdrawals that exceed the average natural recharge and exceed a percentage of the total amount of groundwater in storage would be an impact. The following discussion presents an analysis of the potential for overdraft and depletion of groundwater in storage to occur under the cumulative scenario.

A comparison was made between the average annual basin budget with the cumulative projects’ water production requirements. Table 4.19-7 presents the anticipated projects’ water requirements (Years 2011-2043) along with the average annual basin budget. Currently, the CVGB balance is positive by approximately 2,608 afy whereby inflow (approximately 13,719 afy) to the basin is slightly greater than estimated outflows (approximately 11,111 afy) from the basin.

**TABLE 4.19-7
ESTIMATED CHANGE TO CHUCKWALLA VALLEY GROUNDWATER BASIN BUDGET
(Average Year Conditions)**

Years	Annual Basin Budget Balance	Cumulative Project Requirements (afy)	Net Budget Balance (afy)	Cumulative Budget Balance (af)	Cumulative Positive/ Deficit as a Percent of Total Recoverable Storage ^a
2011	2,608	1,915	693	693	0.005%
2012	2,608	1,526	1,082	1,775	0.012%
2013	2,608	1,518	1,090	2,865	0.019%
2014	2,608	10,048	-7,440	-4,575	-0.031%
2015	2,608	10,048	-7,440	-12,015	-0.08%
2016	2,608	10,048	-7,440	-19,455	-0.13%
2017	2,608	10,048	-7,440	-26,895	-0.18%
2018	2,608	4,670	-2,062	-28,957	-0.19%
2019	2,608	3,745	-1,137	-30,094	-0.20%
2043	2,608	3,745	-1,137	-57,382	-0.383%

NOTES:

^a Based on a total recoverable storage of 15,000,000 af

Cumulative groundwater extraction during construction of the project would range from 1,915 afy in Year 2011 and peak at 10,048 afy for Years 2014-2017. This would place the CVGB into overdraft conditions commencing in Year 2014, as shown on Table 4.19-7. Following construction of all of the cumulative projects, for Years 2019 through 2043 it is anticipated that groundwater extraction would be approximately 3,745 afy, which would exceed the basin balance by 1,137 afy and place the basin into overdraft for an extended period of time (~30 years).

However, the amount of total recoverable water that is in storage (approximately 15,000,000 af) in the basin greatly exceeds the amount of cumulative overdraft (57,000 af). In light of these facts, the project's contribution to the cumulative impact to basin balance is considered small.

The I-10 corridor within the CVGB has been targeted for renewable energy projects that have not been identified or quantified as to quantity of water required for development. Given that perennial surface water sources are non-existent and the only available water source is groundwater development, it is likely that these as yet unidentified projects could further develop the groundwater resources and exacerbate the cumulative overdraft conditions identified above. However, given the amount of total recoverable groundwater in storage (approximately 15,000,000 af), the combined impact of these projects is expected to be minor.

Groundwater Levels

The regional model used by AECOM (2010a) is a two-dimensional superposition model developed using MODFLOW code (Harbaugh et al. 2000) for the Parker-Palo Verde-Cibola area, which includes the CVGB and the project site. The model employed a simple vertical geometry and a large grid spacing to evaluate the impacts from groundwater pumping on regional aquifers. Results from the analysis of groundwater levels for cumulative impacts are shown for end of construction (Figure 4.19-4) and the end of operation (Figure 4.19-5).

The modeling results suggest (Table 4.19-8) that during the life of the cumulative projects, groundwater level declines of five feet or more would be located at a distance of approximately 9,000 feet from the proposed production wells. The closest existing well is located at a distance of 9,000 feet from production wells; therefore, based on modeling results, nearby wells could experience limited drawdown.

Modeling conducted by the Applicant indicated that water level declines would be less than what is conservatively presented here. While preliminary studies and calculations have been made to assess the potential for impact, the quantification of the impact is considered an estimate and could not be quantified accurately until actual long-term groundwater production occurs. Implementation of mitigation measures SOIL&WATER-3 through SOIL&WATER-5 and SOIL&WATER-16 is anticipated to mitigate potential impacts to groundwater users (wells) associated with the potential lowering of the groundwater table through monitoring and avoidance, replacement of wells, payment for increased electricity usage, and other well-related mitigation measures. Impacts and proposed mitigation associated with biological resources are discussed in Section 4.17, *Impacts to Vegetation Resources*, and 4.21, *Impacts to Wildlife*.

**TABLE 4.19-8
RESULTS OF NUMERICAL MODELING FOR PROPOSED PROJECT AND ALL REASONABLY FORESEEABLE PROJECTS**

Model Scenario ^a	Objective	Zone 1		Zone 2		Year	Drawdown (feet)	Distance from Production Well to 1-ft Contour	Distance from Production Well to 5-ft Contour	Storage Change (acre-feet)
		Transmissivity	Storativity	Transmissivity	Storativity					
Run 11	Cumulative impacts assessment following the projects listed on Soil and Water Resources Table 4.19-6	6,300	0.2			2013	10.4	4,455	255	9,145
						2029	8	17,256	150	188,456
						2043	9.9	30,919	1,726	322,757
Run 15	Cumulative impacts assessment following the projects listed on Soil and Water Resources Table 4.19-6	1,000	0.2	6,300	0.2	2013	57.3	4,695	2,115	9,147
						2029	42.3	12,745	4,185	188,490
						2043	44.2	17,699	8,938	322,818
Run 19	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	26,000	0.2			2013	3.1	2,333	0	1,422
						2029	2.4	3,523	0	6,207
						2043	2.6	10,452	0	10,341
Run 20	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	10,000	0.2			2013	2.8	963	0	1,421
						2029	2.1	732	0	6,204
						2043	2.2	1,198	0	10,385
Run 21	Determine relative sensitivity of the aquifer parameters and a conservative radius of influence for Zone 1 delineation	1,000	0.2			2013	57.3	4,704	2,128	1,440
						2029	42.2	10,577	4,064	6,282
						2043	43.7	14,093	5,274	10,518

Notes

1 - The pumping schedule for the water supply well onsite and those used for the cumulative impacts analysis are provided in Table 4.19-6.

SOURCE: CEC RSA, 2010

Based on the modeling results presented above, potential cumulative impacts to the Colorado River are not expected; and no measureable drawdown or reduction in flows associated with the Colorado River is anticipated. Nonetheless, mitigation measures are recommended to address any remaining uncertainty. With the implementation of these measures, potential impacts related to Colorado River hydrology either would be avoided entirely or would be off-set by a requirement that the Applicant apply for and receive an allocation. Under either scenario (the expected no impact or potential impact avoided), the project would not contribute any impact to cumulative Colorado River water conditions.

Groundwater Quality

There is a potential that cumulative groundwater quality impacts could occur if contaminated or hazardous materials used during construction and operation of the various projects were to be released and migrate to the groundwater table.

The project would be expected to contribute only a small amount to a possible cumulative impact related to groundwater quality, given the distance to the groundwater table (>100 feet bgs) over the CVGB and the proposed implementation of hazardous material management and monitoring plans associated with operation of LTUs, surface impoundments, septic systems and other various operations. With implementation of mitigation measures SOIL&WATER-6 and 7, the project's incremental contribution to any cumulative impact to groundwater quality is expected to be small.

Surface Water Hydrology

Cumulative impacts of the various projects on the local surface water hydrology would be related directly to proposed onsite grading and the construction and operation of a network of engineered collector/ conveyance channels designed for the purpose of protecting the various projects from flooding. The cumulative projects could change both the extent and physical characteristics of the existing floodplains within and downstream of each project site. There is not enough information available at this time for the proposed sites, nor has a regional study been completed to define the potential extent of cumulative effects on surface water within the watershed. However, it is assumed that each of these projects would be required to define their impacts and mitigate where required.

The project would be expected to contribute only a small amount to any possible cumulative impact related to surface water hydrology because the implementation of the mitigation measures specified in Appendix B, *CEC Conditions of Certification*, would reduce the project-specific impacts to low levels.

Surface Water Quality

It is expected that stormwater generated on the various project sites may encounter soil or chemicals deleterious to aquatic and terrestrial plants and wildlife. All of the projects would be required to implement BMPs for managing potentially harmful storm water and protecting water quality. Potential water quality impacts could occur during operation and maintenance activities if

contaminated or hazardous materials were to contact storm water and drain offsite. It is expected that mitigation measures comparable to SOIL&WATER-1, 2, 6, and 12, which are recommended for the project, would be required.

All of the cumulative projects would alter natural storm water drainages and the expected use of BMPs would reduce potential impacts related to concentrated drainage and ensuing soil erosion and sediment transport offsite. The project would be expected to contribute only a small amount to any potential cumulative impact related to surface water quality with implementation of the mitigation measures SOIL&WATER-1, 2, 6, and 12.

4.19.4 Summary of Mitigation Measures

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in Appendix B. The following address impacts on water resources:

Water Quality (SOIL&WATER-1, SOIL&WATER-2, SOIL&WATER-6, SOIL&WATER-7, and SOIL&WATER-12): These mitigation measures provide for drainage-related erosion and sedimentation control, ensure compliance with applicable laws and other requirements related to stormwater discharges on site, design and operational requirements for the proposed septic system and leach field, and discharge requirements for the LTU system. Compliance with these measures would ensure that levels of construction-related sediment loading, erosion, and other water quality pollutants would be minimized, and that potential degradation of groundwater quality associated with the proposed septic system would be minimized.

Groundwater Level Mitigation (SOIL&WATER-3, SOIL&WATER-4, SOIL&WATER-5, SOIL&WATER-16, and SOIL&WATER-17): Implementation of these mitigation measures would ensure that wells are properly sited and installed; ensure that the water usage rates proposed in this document, during construction and operation, are not exceeded over the life of the project; ensure implementation of a groundwater level monitoring, mitigation, and reporting plan during construction and operation; provide monetary or other reimbursement for potential impacts to wells; and provide for groundwater production reporting. As discussed previously, these measures would help ensure that potential reductions in groundwater levels are minimized, and that land subsidence is minimized.

Drainage and Flooding (SOIL&WATER-1, SOIL&WATER-8, SOIL&WATER-9, SOIL&WATER-10, SOIL&WATER-11, and SOIL&WATER-13): These mitigation measures ensure that potential drainage and flooding related impacts of the project would be minimized. They include completion of a revised and updated Drainage Report that would include updated analysis and considerations for climate change related updates to the current Drainage Report; an updated hydraulic analysis; compliance with Riverside County guidelines for conveyance channels, revisions to preliminary grading and drainage plans, and implementation of a channel maintenance program during operation and maintenance of the project. These mitigation measures would ensure that potential impacts related to drainage and flooding are minimized.

Colorado River Effects (SOIL&WATER-14, SOIL&WATER-15 and SOIL&WATER-18): Evidence indicates that wells drawing groundwater for project use would not induce flow from the Colorado River. Nonetheless, some uncertainty remains. The implementation of SOIL&WATER-14, SOIL&WATER-15 and SOIL&WATER-18 would address the possibility of impacts related to Colorado River water by ensuring either that potential impacts related to Colorado River hydrology are avoided entirely or that if it ever became necessary, the Applicant applies for and receives an allocation of water from the Colorado River. Under SOIL&WATER-14, impacts to the Palo Verde Mesa Groundwater Basin would be avoided by implementing offset measures to avoid or offset changes in groundwater flow that would otherwise occur as a result of project implementation.

4.19.5 Residual Impacts after Mitigation Measures were Implemented

Implementation of the mitigation measures identified above would address potential project-related impacts on water resources. However, a small degree of residual impact could remain even following implementation of the proposed mitigation measures. The following text reviews the efficacy of the proposed mitigation measures, and discusses potential for residual impacts, including the efficacy of mitigation measures in avoiding residual impacts, for the following key impact categories.

Groundwater Level Mitigation: As discussed above, a relatively minor degree of residual groundwater level reduction would occur as a result of project implementation even with the implementation of SOIL&WATER-3, SOIL&WATER-4, SOIL&WATER-5, SOIL&WATER-16, and SOIL&WATER-17.

Colorado River Effects: Although evidence indicates that project wells would not induce flow from the Colorado River, some uncertainty remains. Implementation of the mitigation measures identified above (i.e., SOIL&WATER-14, SOIL&WATER-15 and SOIL&WATER-18) would avoid or offset potential impacts, if any, related to Colorado River water. Consequently, no residual impact would occur.

Water Quality: Even with the incorporation of SOIL&WATER-1, SOIL&WATER-2, SOIL&WATER-6, SOIL&WATER-7, and SOIL&WATER-12, a very small degree of residual surface and groundwater quality reduction is expected, primarily due to the introduction of treated leachates from the proposed septic system. Minor residual impacts also could be associated with the release of small amounts of HTF into the environment.

Drainage and Flooding: Even with the incorporation of SOIL&WATER-1, SOIL&WATER-8, SOIL&WATER-9, SOIL&WATER-10, SOIL&WATER-11, and SOIL&WATER-13, residual effects related to drainage and flooding could occur. Any such effects would be minor, and could include minor fluctuations in sediment transport along washes adjacent to and downstream of the project site.

4.19.6 Unavoidable Adverse Impacts

There would be no unavoidable adverse impacts.

4.20 Impacts on Wildland Fire Ecology

4.20.1 Impact Assessment Methodology

The potential severity of fire impacts in an area depend on three major components: (1) the natural setting, (2) the degree of human use and occupancy of the area, and (3) the ability of public services to respond to fires that do occur. The analysis in this section considers the arid ecosystem within which the project is proposed (see, Chapter 3, *Affected Environment*) and fire responders' response times relative to the project (see Section 4.12, *Impacts to Public Health and Safety*). Human use of the project area primarily is and would be related to vehicle use for construction, operation and maintenance activities and recreation (e.g., off-highway vehicles).

As described in Section 3.22, *Wildland Fire Ecology*, the primary causes of fire in the project area are lightning and vehicles. This section evaluates direct and indirect impacts of the proposed action and alternatives related to wildland fire ecology, especially as they may be caused by changes in human use of the affected area. This analysis is based, in part, upon information from the following sources: the Application for Certification (AFC) (Solar Millennium, 2009), the Staff Assessment and Draft Environmental Impact Statement (CEC/BLM, 2010), Revised Staff Assessment (CEC RSA, 2010) and the CEC's Commission Decision (CEC Commission Decision, 2010). Technical reports and studies associated with these documents also were reviewed and considered in the preparation of this analysis.

4.20.2 Direct and Indirect Impacts

Proposed Action

Wildfires are rare in the project area, but can be ignited by construction activities and downed transmission lines as well as by lightning. Increased daily vehicle use in the area from an anticipated 200 new jobs during operation and up to 1,362 jobs during construction would increase the risk of ignition.

Wildfire in arid ecosystems like the project area causes an impact on species diversity and abundance, where mortality can occur during the fire and habitat alterations result in its aftermath. Direct impacts of wildfire include mortality of plants and wildlife and loss of forage and cover. Wildfires alter nutrient levels and water absorption abilities of soil and microclimate conditions. Post-fire recovery is highly variable depending on factors such as burn location, intensity, and post-fire plant succession. Further, recolonization of burned areas may result in the establishment of different vegetation communities. Annual plants and burrowing wildlife would be less affected in the short term if seeds in the soil and animals under the soil are not consumed. Indirect impacts would result in changes to the vegetation communities and the wildlife supported by the communities.

Other temporary and permanent impacts from the project could occur to surrounding vegetation communities from grading activities creating air-borne, fugitive dust, sedimentation, and erosion, which disruption of photosynthesis and other metabolic processes. The destruction of plants and

soil crusts by windblown sand and dust also exacerbates the erosion of the soil and accelerates the loss of nutrients (Okin et al. 2001).

The spread of invasive plants, especially annual grasses, creates an increased potential for wildfires which can result in disastrous ecological change. Historically in the planning area, the occurrence of wildfires has been low. Repeated fires are known to decrease the perennial plant cover and to aid some invasive annual plants. In turn, where they gain widespread propagation, these invasive plants would provide fuel to carry flames, potentially resulting in larger fires in the future. Surface disturbing activities and vehicle use that promotes the introduction of invasive plants would increase the likelihood of larger fires in the future. Fires have not been common or large in the NECO planning area in the past, but may increase as the invasive, non-native grass cover increases.

Brooks (1998 as cited in the CEC RSA, 2010) performed the most in-depth analyses of the correlations between invasive annual plants and environmental impacts. He found that, despite comprising only 5 percent of the annual plant species in the desert, two invasive annual grasses – red brome (*Bromus madritensis ssp. rubens*) and Mediterranean split grass (*Schismus spp.*)– and one invasive forb – fileree (*Erodium cicutarium*) – accounted for 66 percent of total plant biomass during a high rainfall year. Biomasses of each were positively correlated with disturbances from off-highway vehicles and sheep grazing combined. He concluded that invasive annual grasses out-competed native species. Invasive annual grasses contributed greatly to fire fuels, and combustion of dry red brome produced flame lengths and temperatures sufficient to ignite perennial shrubs. He cited other literature (e.g., pp. 11-12) showing that around the world plant invasions are promoted by human disturbances. He also showed that soil nutrients played a significant role and that nitrogen deposition may enhance the rate of invasion.

Wildfire suppression efforts would result in reduced particulate (PM10) production and visibility impairment from smoke and wild-blown dust. Short term impacts from fire suppression potentially would increase levels of particulate from surface disturbance of firefighting equipment and operations. Fire fighting efforts would use minimal ground distributing techniques such as aerial fire suppression and ground crews with hand tools. Successful fire suppression efforts minimize the number of acres burned, and result in less vegetative loss, and thereby, less wind erosion of particulate matter.

Climate change would result in a small but general increase in temperature, and also could result in an increase in the frequency of extreme weather events that could exacerbate wildfire risks (e.g., increased frequency of drought and heat waves) during operation and maintenance of the project.

Alternatives

Although the project, Reconfigured Alternative 1, Reconfigured Alternative 2, and Reduced Acreage Alternative would involve different acreages and configurations, the generating capacity and construction and operation-related vehicle use would be similar among the alternatives. Long-term operation and maintenance phases of these action alternatives would tend to decrease

or preclude recreation-related vehicle access to and through the project site, resulting in a reduced incidence of fire compared to CDCA Plan Amendment/No Project Alternative B.

With No Action Alternative A and CDCA Plan Amendment/No Project Alternative C, vehicle access to and through the site would be similar to access under the project; consequently, fire incidence and size for these alternatives would be similar in the short and long term, because future solar development would not necessarily be precluded. CDCA Plan Amendment/No Project Alternative B would result in potentially greater recreation-related vehicle access in the long-term because solar energy development projects would be precluded from the Study Area. Such vehicle access in the long term would increase along present trends and increase the incidence of vehicle-related wildfires compared to No Action Alternative A or CDCA Plan Amendment/No Project Alternative C.

The chance for exotic annual weeds to establish and change the fire regime in the Study Area would vary with the slightly different footprint size of the alternative: project (4,024 acres), Reconfigured Alternative 1 (3,097 acres), Reconfigured Alternative 2, Option 1 (4,366 acres), Reconfigured Alternative 2, Option 2 (4,330 acres) and Reduced Acreage Alternative (2,242 acres).

4.20.3 Discussion of Cumulative Impacts

Incremental impacts of the project could result in a cumulative effect on wildland fire risk in combination with other past, present, or reasonably foreseeable future actions. For purposes of this analysis, the geographic scope of the cumulative effects analysis for fire resources consists of eastern Riverside County, which includes about 2,800 square miles (about 1,792,000 acres). Although potential fires would not be constrained by political boundaries, the natural conditions and existing fire response infrastructure are such that it would be reasonable to assume that a fire could be contained within this area. This boundary also is consistent with the California Department of Forestry and Fire Protection's Fire Hazard Severity Zone boundaries (CDF 2010; CDF 2007). The Riverside County Fire Department (RCFD) is expected to respond or assist with a response to a fire on the proposed site. The two closest RCFD stations to the proposed site are located off of I-10 approximately 10 miles west. The Lake Tamarisk Station (#49) is located at 43880 Lake Tamarisk in Desert Center and the Terra Lago Station (#87) is located at 42900 Golf Center Parkway in Indio. Units from the two closest RCFD stations would arrive at the proposed site within 14 minutes after dispatch when responding to incidences of fire. Potential cumulative wildfire effects could occur over the course of 40 or more years, encompassing the entire lifespan of the project, from construction and operation and maintenance, through closure and decommissioning.

Existing conditions within the cumulative impacts area reflect a combination of the natural condition and the effects of past actions and are described in Chapter 3, *Affected Environment*. Direct and indirect effects of the project and alternatives are analyzed above. Past, present and reasonably foreseeable future actions making up the cumulative scenario are identified in Section 4.1.4, *Cumulative Scenario Approach*. Any of the cumulative projects that would use or store liquefied petroleum gas, install and operate transmission lines, and/or use equipment (including motor vehicles) that could spark or otherwise provide an ignition source could combine to cause

or create a cumulative impact. Further, renewable energy projects that use or would use solar trough technology (such as the Blythe and Palen solar projects) are expected to use heat transfer fluid (HTF) that would be heated to a high temperature (about 750 degrees Fahrenheit). Management of this and other hazardous materials could complicate any necessary firefighting efforts. For example, in 1999, a 900,000 gallon HTF storage tank exploded at a solar power plant in the Mojave Desert, causing fire and related concerns about adjacent containers that held sulfuric acid and caustic soda. Additionally, the increased human presence and disturbance caused by the construction, operation and overall development that would occur under cumulative scenario could advance the rate of invasion by non-native vegetation and, thereby, contribute to fire fuel-loading that would burn with higher flames and hotter temperatures.

Cumulative impacts would vary by alternative only to the degree to which direct and indirect impacts would vary by alternative. In this case, the incremental impact of the action alternatives is not expected to vary materially from the proposed action, because similar types of construction, operation and maintenance and closure and decommissioning activities would occur. Development of the site for utility-scale power generation would preclude some OHV use, thereby decreasing cumulative wildfire risks associated with recreational uses. Solar energy development of the site also could occur under CDCA Plan Amendment/No Project Alternative B; therefore, the incremental contribution to cumulative conditions of this alternative is not expected to be materially different than the contribution of the proposed action. For No Action Alternative A and CDCA Plan Amendment/No Project Alternative C, wildfire risks would continue to be associated with OHV and other recreational use of the area, and so these alternatives would not contribute a beneficial impact in this respect relating to wildland fire risk.

4.20.4 Summary of Mitigation Measures

No mitigation measures would be needed because fire protection, vegetation treatment and weed management plans are incorporated into the proposed action, and also would be implemented as part of Reconfigured Alternative 1, Reconfigured Alternative 2 (both options), and the Reduced Acreage Alternative. The Applicant would be required install a fire protection/control system on site including a fire water supply system and associated infrastructure, and to comply with State and Federal regulations regarding worker safety and training. To further reduce potential impacts related to wildland fire, the Applicant shall implement the following mitigation measures, which have been imposed by the California Energy Commission as Conditions of Certification, are set forth in Appendix B, and are summarized below.

Under Mitigation Measure WORKER SAFETY-7, the Applicant would be required to provide funding to the Riverside County Fire Department to ensure available resources to fight potential fires on site. Although the risk of wildfire that could affect the project could increase as a result of climate change, these potential increases in risk are expected to be offset by ongoing compliance with the worker safety and fire protection regulations and mitigation measures.

Mitigation Measures BIO-6, Worker Environmental Awareness Program (WEAP), BIO-7, Biological Resources Mitigation Implementation and Monitoring Plan, BIO-8, Impact Avoidance And Minimization Measures, BIO-14, Weed Management Plan, BIO-19, Special-Status Plant

Impact Avoidance, Minimization and Compensation, and BIO-23, Groundwater Dependent Vegetation Monitoring, would reduce the incidence and size of wildfires and would tend to maintain the natural vegetation communities.

4.20.5 Residual Impacts after Mitigation Measures were Implemented

Despite implementation of Applicant-proposed plans and programs and BLM- and CEC-imposed mitigation measures as part of any of the “build” alternatives, the increased vehicle use required to access the area for construction, operation, and maintenance and changes in recreational vehicle use would increase the likelihood of wildfires in the vicinity of the project to a slight, but unknown degree.

4.20.6 Unavoidable Adverse Impacts

The residual impacts described above would be unavoidable consequences of development.

4.21 Impacts on Wildlife Resources

4.21.1 Impact Assessment Methodology

This section focuses on the wildlife resources associated with the proposed project, including potential direct, indirect and cumulative impacts related to construction, operation and maintenance, and closure and decommissioning of the proposed action and alternatives. As described in PA/FEIS Chapter 2, *Proposed Action and Alternatives*, the portion of the ROW area that would be disturbed as part of the proposed action encompasses approximately 4,024 acres, including the power plant site, access roads, and an associated off-site transmission line corridor. Mitigation measures are recommended where appropriate, to address impacts to wildlife resources. Residual impacts and significant unavoidable adverse impacts also are evaluated.

This analysis is based, in part, upon information from the following sources: the Application for Certification (AFC) (Solar Millennium 2009a as cited in the CEC RSA, 2010) and Supplement to the AFC (Solar Millennium 2009b) and additional information from the Applicant (Galati & Blek 2010i; Galati & Blek 2010j; AECOM 2010f; Solar Millennium 2010k; Solar Millennium 2010l as cited in the CEC RSA, 2010); responses to CEC staff data requests (AECOM 2010a, Palen Solar 1 2010; Kenney 2010; Solar Millennium 2010m; AECOM 2010u as cited in the CEC RSA, 2010); agency workshops held on December 9 and 18, 2009, January 7, 10, 14 and 25, 2010, and April 28 and 29, 2010; site visits by CEC staff on October 7, 2009, November 3, 2009, January 25, 2010, and April 8, 2010; communications with representatives from the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS); CEC's Revised Staff Assessment (RSA) and Commission Decision; and information contained within the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO).

4.21.2 Discussion of Direct and Indirect Impacts

Direct impacts result directly from project activities, and occur at the same time and place as those activities. Indirect impacts also are caused by a project, but can occur later in time or farther removed in distance while still reasonably foreseeable and related to the project. The impacts discussed in this analysis are those most likely to be associated with construction, operation, maintenance, and decommissioning of the proposed project.

Proposed Action

Desert Tortoise

Direct Impacts

Evidence from 2009 and 2010 surveys shows that few desert tortoise actually occupy the project site, as six live animals were found in the study area in spring, 2010, and other sign that indicates live animals was extremely scarce. It is likely that few, if any, desert tortoise would be detected during pre-construction/clearance surveys or related work. Nonetheless, construction, operation and decommissioning of the proposed action could have direct and/or indirect impacts on the species.

Potential direct impacts to the desert tortoise from the proposed action include:

1. Permanent loss of 3,738 acres of low to moderate quality occupied habitat, including 201 acres of designated critical habitat within the Chuckwalla Desert Tortoise Critical Habitat Unit (CHU);
2. Fragmentation/disturbance of adjacent habitat;
3. Disruption of connectivity corridors between CHUs located north and south of I-10;
4. Mortality from tortoises moving around the site and being directed towards I-10 (rather than following existing washes extending beneath the freeway corridor);
5. Mortality to individuals during construction activities, such as clearing, grading and trenching, as well as from vehicle/equipment use/access;
6. Illegal collection of desert tortoise or vandalism;
7. Disruption of desert tortoise behavior during construction and operation of facilities;
8. Disturbance of desert tortoise caused by noise or vibration;
9. Encounters with worker's or visitor's pets, particularly if pets are allowed off-leash; and
10. Effects from relocation/translocation efforts, such as injury or death from improper capture or handling techniques, as well as inherent risks and uncertainties in moving desert tortoises.

Impacts to desert tortoise habitat and critical habitat are identified in PA/FEIS Table 4.17-7, *Recommended Mitigation Acreage for Proposed Action and Reconfigured Alternative 2*. The project area overlaps with a portion of the Chuckwalla Desert Tortoise CHU (Chuckwalla CHU). The Chuckwalla CHU is 1,020,600 acres (USFWS 1994b as cited in the CEC RSA, 2010) and 201 acres of that would be directly impacted by the proposed project (AECOM 2010a as cited in the CEC RSA, 2010). Desert tortoise critical habitat includes the following six Primary Constituent Elements (PCEs):

1. Sufficient space to support viable populations within each of the six recovery units (the project Disturbance Area is in Unit #4) to provide for movement, dispersal, and gene flow;
2. Sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species;
3. Suitable substrates for burrowing, nesting, and overwintering;
4. Burrows, caliche caves, and other shelter sites;
5. Sufficient vegetation for shelter from temperature extremes and predators; and
6. Habitat protected from disturbance and human-caused mortality.

Based on the project site's characteristics relative to the six primary constituent elements of desert tortoise critical habitat, the Applicant concluded that all habitat in the Project Disturbance Area north of I-10 is considered low quality for desert tortoise, and critical habitat south of I-10 is moderate quality (Galati & Blek 2010b as cited in the CEC RSA, 2010). The functions and values as exemplified by the PCEs of desert tortoise critical habitat north of I-10, an area of approximately 183 acres, are relatively low. Three of the six primary constituent elements of critical habitat are not met north of I-10; poor quantity and quality of forage, lack of connectivity and high rates of disturbance because of I-10. South of I-10 the quality of the critical habitat (26.4 acres) is better for desert tortoise and generally increases with proximity to the Chuckwalla Mountains to the south as more PCEs are met. The Applicant considered only 1.2 acres of critical habitat within the Project Disturbance Area, south of I-10, to be of high quality. This would be the area affected by construction of the transmission line.

The Applicant also notes in their Incidental Take Permit application (Galati & Blek 2010b) that, as stated in the Determination of Critical Habitat for the Mojave Population of the Desert Tortoise; Final Rule (USFWS 1994b as cited in the CEC RSA, 2010), areas mapped as critical habitat may contain both suitable and unsuitable habitat for the species. The Applicant further states that although this CHU area is designated as critical habitat, such boundaries are often coarsely mapped and adjusted to match adjacent section lines in order to facilitate legal definitions, appearing to imply that the portion of critical habitat overlapping the project area may not be suitable as critical habitat.

Critical habitat mapping may contain suitable and unsuitable habitat for the species, as stated in the Determination of Critical Habitat for the Mojave Population of the Desert Tortoise; Final Rule (USFWS 1994b as cited in the CEC RSA, 2010). However, based on the definition of the term "suitable" as used in the critical habitat designation (59 FR 5822), the USFWS has determined that the critical habitat area overlapping the project site provides at least three of the PCEs; of these, the PCE of dispersal and gene flow is most important from a regional perspective. The critical habitat area overlapping with the project site contains at least three sizeable washes with major bridges that provide for dispersal and long term gene flow across I-10 which is needed to achieve population connectivity between the Chuckwalla and Chemehuevi critical habitat units. Given the PCE for dispersal and gene flow, the critical habitat designation was intended to include these three bridges and other culverts to maintain this biological process (USFWS file information). Based on the critical habitat designation and importance of maintaining dispersal across I-10, BLM's NECO plan established the Desert Tortoise Connectivity Wildlife Habitat Management Area on and adjacent to the project site, to provide a north-south population connectivity in the area east of Desert Center. The presence of desert tortoise sign found within and adjacent to critical habitat onsite provides further evidence that the area contains the PCEs necessary for nesting and foraging. Although I-10 has disrupted the hydrology and associated microphyll woodland components of the lesser washes, the shrub and herbaceous annual vegetative components between the washes remain hydrologically unaffected and support comparable community characteristics with areas south of I-10. Since desert tortoise forage predominantly on annual plants, the hydrologic effects on the tree canopy do not affect foraging habitat characteristics. Therefore, while the habitat in this area may be considered low quality for

some PCEs, the area is occupied (based on the presence of sign) and provides a vital role and function of the critical habitat designation, as reflected in the PCE for maintaining inter-DWMA population connectivity espoused in the species' recovery plan (USFWS 1994a as cited in the CEC RSA, 2010).

The proposed project would cause increased risk to desert tortoise from roads and traffic. Vehicle traffic would increase as a result of construction and improvement of access roads, thereby increasing the risk of injuring or killing desert tortoise. The potential for increased traffic-related tortoise mortality is greatest along paved roads where vehicle frequency and speed is greatest though tortoises on dirt roads may also be affected. Census data indicate that desert tortoise numbers decline as vehicle use increases and that tortoise sign increases with increased distance from roads (Nicholson 1978; Hoff and Marlow 2002 as cited in the CEC RSA, 2010). Additional impacts may occur from unauthorized use of the access roads in the project area, including unauthorized trail creation.

Indirect Impacts

Indirect impacts to desert tortoise from the proposed action could include:

1. Increased predation from ravens,¹ coyotes, pet/feral dogs² and/or other predators;
2. Small mammal, fox, coyote, rabbit, lizard, snake, and tortoise road kills along I-10 provides an additional attractant and subsidy for opportunistic predators/scavengers such as ravens. Road kills would likely increase as a result of project-related traffic, further exacerbating raven/predator attractions and increasing desert tortoise predation levels;
3. Disruptions to connectivity as noted above under direct impacts;
4. Impacts from the construction-related introduction or spread of invasive plants that out compete native plants, and that can form dense monospecific stands of unsuitable habitat for the desert tortoise;³
5. Accidental wildfires could result during project construction and decommissioning (e.g., from vehicle/equipment sparks) and operation (e.g., from downed transmission lines); however, the potential for this to occur is low due to the relatively small length of transmission lines proposed as part of the proposed project; and

¹ Common raven populations in some areas of the Mojave Desert have increased 1,500% from 1968 to 1988 in response to expanding human use of the desert (Boorman, 2002). Since ravens were scarce in this area prior to 1940, the current level of raven predation on juvenile desert tortoises is considered to be an unnatural occurrence (BLM 1990, USFWS 2008a as cited in the CEC RSA, 2010) and one of many anthropogenic contributors to desert tortoise population declines.

² Feral dogs have emerged as major predators of the tortoise. Dogs may range several miles into the desert and have been found digging up and killing desert tortoises (USFWS 1994a; Evans 2001 as cited in the CEC RSA, 2010). Dogs brought to the project site with visitors may harass, injure or kill desert tortoises, particularly if allowed off-leash to roam freely in occupied desert tortoise habitat.

³ Project-related spread of noxious weeds could reduce the quality of tortoise habitat, for example by replacing native plants that provide tortoise forage, increase the danger of wildfires, restrict tortoise movements, and/or produce toxic effects to tortoises if consumed (potential impacts on vegetation resources are analyzed in PA/FEIS Section 4.17).

6. Potential deposition of sediment loads as a result of construction-related sediment mobilization during heavy rain events and flooding downstream would impact existing desert tortoise burrows outside of the Project Disturbance Area.

The proposed project would cause increased risk to the desert tortoise from other indirect impacts. Construction, operation and maintenance of the proposed project also could attract tortoises to the construction area by application of water to control dust, placing them at higher risk of injury or mortality. Construction and operation and maintenance activities of the proposed project could attract tortoise predators such as the common raven, kit fox, and coyote to the project area due to the presence of water and food sources such as trash and road kill. Project structures would also provide new nesting and perching sites for ravens such as new transmission line towers and perimeter fencing. Common ravens were rarely observed within the Project Disturbance Area during surveys in 2009, although one pair was observed nesting in a desert ironwood tree in the north central portion of the Project Disturbance Area (Solar Millennium 2009a, Volume II, Appendix F as cited in the CEC RSA, 2010). Development of new elevated perching sites as a result of proposed project construction could increase raven numbers locally, including the probability that young ravens remain in the area after maturing, which, in turn, could result in increased predation on desert tortoise in the vicinity of the Project Disturbance Area.

Impacts of Relocation/Translocation

Capturing, handling, and relocating desert tortoises from the proposed site after the installation of exclusion fencing could result in harassment and possibly death or injury. Tortoises may die or become injured by capture and relocation if these methods are performed improperly, particularly during extreme temperatures, or if such handling causes them to void their bladders. Averill-Murray (2001 as cited in the CEC RSA, 2010) determined that tortoises that voided their bladders during handling had significantly lower overall survival rates (0.81-0.88) than those that did not void (0.96). Further, if multiple desert tortoises are handled by biologists without the use of appropriate protective measures, pathogens may be spread among both resident and translocated tortoises. For those tortoise near but not within the Project Disturbance Area, removal of habitat, especially the removal of known cover sites and burrows within a tortoise's home range, or segregating individuals from portions of their home range with a fence would likely result in displacement stress that could result in loss of health, increased exposure, increased risk of predation, increased intra-species competition, and possibly death. Tortoises moved outside their home ranges would likely attempt to return to the area from which they were moved, therefore making it difficult to isolate them from the potential adverse effects associated with proposed project construction.

The risks and uncertainties of translocation to the desert tortoise are well recognized in the desert tortoise scientific community. The Desert Tortoise Recovery Office (DTRO) Science Advisory Committee (SAC) has made the following observation regarding desert tortoise translocations (DTRO 2009, p. 2 as cited in the CEC RSA, 2010):

As such, consensus (if not unanimity) exists among the SAC and other meeting participants that translocation is fraught with long-term uncertainties, notwithstanding recent research showing short-term successes, and should not be considered lightly as a management

option. When considered, translocation should be part of a strategic population augmentation program, targeted toward depleted populations in areas containing “good” habitat. The SAC recognizes that quantitative measures of habitat quality relative to desert tortoise demographics or population status currently do not exist, and a specific measure of “depleted” (e.g., ratio of dead to live tortoises in surveys of the potential translocation area) was not identified. Augmentations may also be useful to increase less depleted populations if the goal is to obtain a better demographic structure for long-term population persistence. Therefore, any translocations should be accompanied by specific monitoring or research to study the effectiveness or success of the translocation relative to changes in land use, management, or environmental condition.

The Applicant has prepared a draft Desert Tortoise Relocation/Translocation Plan as part of the Incidental Take Permit application (AECOM 2010a, Attachment DR-BIO 47 as cited in the CEC RSA, 2010) which includes measures to avoid and minimize adverse impacts to resident and translocated desert tortoises. This plan would be reviewed and approved by CDFG, USFWS, BLM and CEC staff, and would be implemented to move any tortoises detected during clearance surveys. The Desert Tortoise Relocation/Translocation Plan would: analyze whether relocation or translocation is an appropriate action; would identify and prioritize potentially suitable locations for translocation; evaluate desert tortoise handling and transport considerations (including temperature) and animal health considerations; describe translocation scheduling, site preparation and management; and specify monitoring and reporting activities for evaluating success of translocation.

Movement and Habitat Connectivity of Desert Tortoise and Other Wildlife

Connectivity refers to the degree to which organisms can move among habitat patches and populations. Individuals must be able to move between patches to meet their resource needs, while populations must be connected to allow for dispersion, gene flow, and re-colonization. Surveys conducted by the Applicant (Solar Millennium 2010a as cited in the CEC RSA, 2010) and field observations by agency staff indicate that the culverts and associated major washes on and near the project site are used by a variety of wildlife, including deer, coyote, roadrunner, black-tailed jackrabbit, gray fox, Gambel’s quail, woodrats, and other small rodents. The Applicant’s biologists found both recent and old tracks indicating that culverts are important crossing points for wildlife as they move between mountain ranges and along the valley floor.

Further, the proposed project area may be especially important for desert tortoise movements between higher quality habitats available in the Palen Mountains to the northeast and the Chuckwalla Mountains to the south; the location of the project area connects these higher quality habitats (Galati & Blek 2010b as cited in the CEC RSA, 2010). Desert tortoises are known to use low-quality intermountain habitat, such as that present across most of the project area, as dispersal routes over time, providing connectivity between high-quality habitat areas in the surrounding mountains (Averill-Murray and Averill-Murray 2005 as cited in the CEC RSA, 2010). After the SA/DEIS was published, the Applicant conducted additional surveys and provided the report *Wildlife Movement and Desert Tortoise Habitat Connectivity* (AECOM 2010f). This report includes the location and photographs of 24 underpasses under I-10, along a 32-mile stretch between Desert Center and Wileys Well Road and is included in Appendix I. It

includes further details describing the five underpasses closest to the proposed project. The majority of these underpasses are suitable enough to allow wildlife movement, and many provide moderate cover as well. This includes the underpasses closest to the proposed project. With the new information provided by the Applicant (AECOM 2010f as cited in the CEC RSA, 2010), desert tortoise connectivity impacts would be greatly reduced by proposed mitigation requiring construction of desert tortoise exclusion fencing on both sides of I-10 to direct desert tortoise and other wildlife to safe passage under the freeway bridges.

Currently, three large culverts under I-10, occurring along the existing washes in the project area, provide desert tortoise and other wildlife safe passage under I-10 in a north- south direction across the project area (Galati & Blek 2010b as cited in the CEC RSA, 2010). Although these I-10 major culverts would remain open to desert tortoise movement, the proposed project would disrupt local movement patterns by forcing tortoises to walk around the Project site. The engineered channel through the center of the Project site would not provide a safe movement corridor: individuals of the species could become trapped in the 4.3-mile long central channel and die from lack of cover and forage. The Applicant has proposed placement of a permanent desert tortoise exclusion fence at inflow and outflow points of the central channel to prevent such impacts. The three new engineered channels that would reroute flows through and around the site would not provide a desert tortoise or other wildlife movement corridor because of the lack of vegetative cover and nearby disturbance (Galati and Blek 2010b as cited in the CEC RSA, 2010).

Thus, tortoises north of the project site attempting to move in a southward direction would be diverted to the east or west, and the perimeter fencing around the Project site would direct tortoises towards I-10 on the traffic surface (AECOM 2010b as cited in the CEC RSA, 2010). Tortoise-proof fencing has not been installed along this segment of I-10, so the desert tortoise moving around the project site rather than moving through washes could experience increased rates of vehicular-related mortality. Increased mortality would further reduce local population levels and increase the adverse effects of habitat fragmentation by preventing dispersal between the Chuckwalla Mountains to the southwest and Palen Mountains to the northeast, and vice versa. The potential increase in desert tortoise road fatalities is considered to be quite serious. Mitigation measures are recommended in 4.21.4, below, to address these concerns.

The three large box culverts, ranging in width from 90 to 150 feet, provide an outlet for Corn Springs Wash and other drainages that flow beneath I-10. These culverts would remain open after proposed project construction, but their utility as a wildlife movement corridor would be substantially impaired because of the loss of downstream washes that connect to the culverts. Desert tortoise traveling around the project disturbance area from the north may attempt to cross I-10 at grade level rather than using the underpass, increasing risk of mortality. Fencing on the west side of the Project Disturbance Area could guide desert tortoise directly onto I-10. This impairment to connectivity could disrupt desert tortoise population dispersal from the Chuckwalla Mountains to the southwest with the Palen Mountains to the northeast, and vice versa (Galati and Blek 2010b as cited in the CEC RSA, 2010). Although the desert tortoise is not a migratory species, opportunities for local movements within its home range and dispersal are important for maintaining viable populations (Galati and Blek 2010b as cited in the CEC RSA, 2010). To

facilitate desert tortoise movement and to connect the undercrossings south of the proposed project with open areas to the west, the Applicant has proposed installation of a large box culvert under the proposed access road leading to the project site from I-10. This, along with desert tortoise fencing along both sides of I-10 to direct desert tortoise to nearby under-crossings, would address impacts to connectivity.

Three Multi-Species WHMAs are located in the general Project vicinity: Big Maria Mountains WHMA, Palen-Ford WHMA, and the DWMA Continuity WHMA (which provides connectivity between the Chuckwalla DWMA/ACEC south of I-10 and the Palen-Ford WHMA north of I-10 in the immediate Project vicinity). The proposed action could impede wildlife movement in these corridors and obstruct connectivity for wide ranging wildlife such as burro deer, kit fox, coyotes, and badgers, and on a population level could impede gene flow for desert tortoises. Impacts relating to these areas are analyzed in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*.

Mojave Fringe-toed Lizard

As described in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, the proposed action would result in substantial encroachment into the Palen Dry Lake-Chuckwalla sand transport corridor (including portions of Zones II through IV), which is a critical component in the creation/preservation of MFTL habitat.

The proposed action would directly impact 1,781 acres of MFTL habitat in the northeastern portion of the associated disturbance area, and would result in indirect impacts to 1,113 acres of off-site MFTL habitat through the previously described interruption of a regional sand transport corridor and creation of a sand shadow (The MFTL relies on vegetated sand dunes and a regular supply of fine wind-blown sand for its habitat). Other potential indirect impacts to the MFTL from the proposed Project include:

1. Eliminating the network of desert washes throughout the site and replacing them with engineered channels;
2. Mortality from construction vehicle strikes;
3. Introduction and spread of non-native invasive plants (including Sahara mustard, which increases sand compaction and degrading active dune communities);
4. Erosion and sedimentation of disturbed soils;
5. Edge effects including fragmentation and degradation of remaining habitat;
6. Increased road kill hazard from operations traffic;
7. Harm from accidental spraying or drift of herbicides and dust suppression chemicals; and
8. An increase in access for avian predators (such as loggerhead shrikes) due to new perching structures. Both the direct loss of on-site habitat through project construction, and the indirect degradation of off-site (downwind) habitat through creation of a sand shadow (and other indirect effects) would cause considerable adverse impacts to the MFTL.

The proposed project would eliminate MFTL and other dune-dependent species' habitat in the northeastern portion of the Project Disturbance Area, an area of active wind-blown sand with relatively shallow sand deposits, as well as areas of deeper and more active vegetated sand dunes. In addition to this direct and immediate loss of habitat, the proposed project would greatly affect downwind MFTL habitat (see RSA Soil & Water Appendix A). The northeastern portion of the proposed project interrupts the regional wind-borne sand transport corridor that moves sand southeast and east along the Chuckwalla Valley and toward the Colorado River (RSA Soil & Water Appendix A, Solar Millennium 2010a as cited in the CEC RSA, 2010).

Project-related impacts on sand transport corridors and related dune habitats are analyzed in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, and also in Section 4.14, *Impacts on Soils Resources*. As described in these sections, the proposed project could have an impact on sand transport and Mojave fringe-toed lizard habitat by also eliminating the network of desert washes throughout the site and replacing them with engineered channels. Project construction on the alluvial fans and alteration of stream channels by channelization may reduce the amount of fluvial sediment reaching the depositional areas upwind of sand dunes and MFTL habitat. Similar effects have been observed in the Coachella Valley, with adverse consequences for Coachella Valley fringe-toed lizard habitat (Griffiths et al. 2002 as cited in the CEC RSA, 2010).

The distribution of MFTL is naturally fragmented because of its obligate habitat specificity to a patchy habitat type, and many local populations of this species are quite small, with small patches of sand supporting small populations of lizards. This fragmented pattern of distribution leaves the species vulnerable to local extirpations from additional habitat disturbance and fragmentation (Murphy et al. 2007 as cited in the CEC RSA, 2010). The MFTL population in the Chuckwalla Valley, along with a very small population in Joshua Tree National Park's Pinto Basin, represents the southernmost distribution of this species (Barrows pers. comm. as cited in the CEC RSA, 2010). This southern population may represent an important gene pool in light of the likely warming and drying that would occur in this region as a result of climate change; these southernmost lizards that may be already adapted to hotter and drier conditions than those further north could represent a source of genetic variation that could stave off extinction of this species in selected refugia (Barrows pers. comm. as cited in the CEC RSA, 2010).

Western Burrowing Owl

A high amount of burrowing owl sign occurs within the Project Disturbance Area, and evidence from surveys (CEC RSA 2010) indicates that at least four owls (two adults and two juvenile/fledglings) occupy the proposed site and would be impacted by development under the proposed action. Potential project-related direct impacts to burrowing owls include loss of nest sites, eggs, and/or young; the permanent loss of breeding and foraging habitat; and disturbance of nesting and foraging activities for burrowing owl pairs within or near the solar plant site or linear facilities. Burrowing owls and their active burrows within the Project Disturbance Area could be crushed or displaced during construction activities. Indirect impacts to burrowing owls during construction and operation can include increased road kill hazards, modifications to foraging and breeding activities from rearrangement or loss of habitat, and loss of prey items and food sources due to a decreased number of fossorial (burrowing or digging) small mammals from lost or degraded habitat.

Golden Eagle

The proposed action would impact approximately 3,570 acres of golden eagle foraging habitat within the NECO planning area and 3,882 acres within a 140-mile radius of the project site. The proposed project is not expected to result in direct disturbance to nesting golden eagles.

Golden eagles can be extremely susceptible to disturbance during the breeding season (Anderson et al. 1990; USFWS 2009b), and adverse effects are possible from various human activities up to (and in some cases exceeding) one mile from a nest site (Whitfield et al. 2008 as cited in the CEC RSA, 2010). Surveys documented two active nests approximately seven miles southwest of the proposed site in the Chuckwalla Mountains, three inactive nests approximately 6 miles southwest of the site in the Chuckwalla Mountains, one inactive golden eagle nest just over 10 miles southeast of the site in the Chuckwalla Mountains, and two active golden eagle nests just over 10 miles northeast of the site in the Palen Mountains (Solar Millennium 2010u as cited in the CEC RSA, 2010).

Based on guidance provided by the USFWS (74 FR 46836, September 11, 2009, “disturbance” was defined for purposes of this analysis as an activity that would result in injury to an eagle or that would substantially interfere with normal breeding, feeding, or sheltering behavior. For example, a nestling being knocked from the nest by a startled adult would be considered an injury. A nestling fed inadequately because adults were agitated in the vicinity of the nest due to construction-related noise and activity also would be considered substantial interference, as would a situation in which nestlings starve because the adults were excluded from their familiar foraging grounds and could not provide adequate food to their young.

Proposed project construction activities could potentially injure or disturb golden eagles if nests were established sufficiently close to project boundaries to be affected by the sights and sounds of construction. Such potential impacts are highly unlikely, because suitable nesting substrate (i.e., cliff ledges, rocky outcrops, or large trees) does not occur within one mile of the proposed project area. The only potential nesting substrate within one mile of project boundaries would be transmission line towers.

Special Status and Migratory Birds

Project-related impacts to avian species would include adverse effects to resident breeding birds at the site, including (among other species) loggerhead shrike, California horned lark, and Le Conte’s thrasher. These species would be directly affected by the loss of desert dry wash woodland, unvegetated ephemeral dry wash, and Sonoran creosote bush scrub. Project impacts to Sonoran creosote bush scrub and desert dry wash woodland would contribute to the loss of foraging habitat, cover, and roost sites for these species on their migratory or wintering grounds, but would not contribute to loss of breeding habitat. Please refer to Section 4.17, *Impacts on Vegetation Resources*, for a discussion of impacts and acreages related to these habitat types. Additional potential direct effects would include the loss of cover, foraging and nesting and opportunities provided by native habitats, especially desert dry wash woodland. The site of the proposed action does not provide breeding habitat for Swainson’s hawks, northern harriers, peregrine falcons, or yellow warblers, although these species could be present locally during migration or in the winter. Indirect impacts include increased road kill hazard from operations

traffic, and collision with mirrors, towers or wires; contaminants from evaporation ponds; increased predation from ravens; disturbance from operations.

Development of the proposed project would have more substantial adverse effects to resident breeding birds at the site, which include loggerhead shrike, California horned lark, and Le Conte's thrasher among others. These species would be adversely affected by the loss of desert dry wash woodland, vegetated ephemeral swales, and Sonoran creosote bush scrub. Le Conte's thrasher, loggerhead shrike and other wash-dependent species in particular would be affected by the loss of the cover, foraging and nesting opportunities provided by the structurally diverse and relatively lush desert dry wash woodland. Dry washes contain less than 5% of the Sonoran Desert's area, but are estimated to support 90% of Sonoran Desert birdlife (CalPIF, 2006 as cited in the CEC RSA, 2010). The loss of active bird nests or young is regulated by the federal Migratory Bird Treaty Act and Fish and Game Code section 3503, which protects active nests or eggs of California birds. Potential impacts to these species are considered serious, and mitigation measures were recommended to address them (see Section 4.21.4).

Desert Kit Fox and American Badger

The desert kit fox is not a special-status species, but it is protected under California law (14 CCR 460), and potential impacts to individuals of this species must be avoided. Potential impacts to the desert kit fox and American badger from the proposed action would include the loss of foraging and denning habitat, fragmentation and degradation of adjacent habitat, crushing or entombing of animals in dens, increased risk of road kill hazard from construction traffic, and disturbance/harassment of individuals. Indirect impacts include disturbance from increased noise and lighting; and the introduction and spread of invasive weeds. Direct and indirect impacts on these species within the NECO planning area are considered serious, and mitigation measures were recommended to address these concerns (see Section 4.21.4).

Burro Deer

Burro deer is a subspecies of mule deer found in the Colorado Desert of Southern California, primarily along the Colorado River and in desert wash woodland communities and was found using large culverts under I-10. Development of the proposed project within the Palen watershed would have an impact on burro deer range, as depicted by NECO; however, this impact is expected to be minor because deer density is extremely low and deer primarily use the area for movement if they use it at all. Nonetheless, mitigation measures were identified (see Section 4.21.4) to address project effects.

Bats

The project site supports foraging and roosting habitat for several special-status bat species. Roosting opportunities for bats are available in tree cavities, soil crevices and rock outcroppings primarily within dry desert wash woodland habitats. Bat roosts are known to occur in the area, including sites in the McCoy Mountains, Eagles Nest Mine (Little Maria Mountains) and Paymaster Mine. Bats likely utilize habitats throughout the study area for foraging, but forage more commonly in areas such as desert washes where water and insects are more abundant. If not

netted, evaporation ponds and their contaminants could be deleterious to bats. Mitigation Measures (see Section 4.21.4) are recommended to address potential impacts of the proposed project to bats.

Couch's Spadefoot Toad

If Couch's spadefoot toads are present in the Project Disturbance Area, impacts from construction would include loss of habitat and direct mortality during grading and construction. Construction activities that create pits or depressions during the summer rains could provide breeding habitat, which could either be vulnerable to additional construction impacts or be in substrate that is incapable of sustaining ponds for the necessary time. During proposed project construction and operation Couch's spadefoot toads could be crushed on access roads. The proposed project is near the western end of Couch's spadefoot toad range, but is not within the range for this species that has been identified by the NECO. Proposed project impacts are not included in cumulative impacts to habitat for this species in the NECO planning area.

The Palen site was assessed for evidence of ponding that could support breeding of this species (ponding that would last about nine days) and these areas were not observed. Therefore, the proposed project is not expected to impact this species or its habitat.

Nelson's Bighorn Sheep

The Project site is not within any of the bighorn sheep connectivity corridors identified in the NECO. NECO also identifies I-10 as a barrier to bighorn sheep movement (BLM CDD 2002 as cited in the CEC RSA, 2010). The Project site is not currently an important movement corridor because of the presence of I-10 and the width of the valley between suitable bighorn sheep habitat. The Society for Conservation of Bighorn Sheep has recommended a one mile buffer from the upper edge of any solar development to the base of the mountains to protect spring foraging habitat. The project site is over one mile from the base of either the Chuckwalla Mountains or Palen Mountains. Barriers between the Chuckwalla Mountains and the Project site (I-10) and the Palen Mountains and the Project site (sand dunes) further limit the availability and usefulness of the Project site for spring foraging habitat.

Also of interest are the potential impacts from proposed project groundwater extraction to seeps, springs, or other water resources that are currently available to bighorn sheep that occupy the Palen Mountains. The Applicant has provided information (AECOM 2010a DR-S&W 193 as cited in the CEC RSA, 2010) about the closest water features, and has concluded that groundwater extraction for the proposed project would not affect these features. After reviewing the data provided in the Data Responses, the proposed project is unlikely to affect springs and seeps available for use by bighorn sheep.

As discussed in the cumulative impact section the proposed project would not directly affect habitat within any NECO connectivity corridors or WHMAs, and would not conflict with Desert Bighorn Sheep Conservation goals and objectives outlined in the NECO.

Additional Impacts

Construction and Decommissioning Noise

Construction activities associated with the proposed action would result in a temporary, although relatively long-term (39-month) increase in ambient noise. Animals rely on hearing to avoid predators, obtain food, and communicate. Excessive construction noise could interfere with normal wildlife communication, potentially affecting contact between mated birds, warning and distress calls that signify predators and other threats, and feeding behavior and protection of young (CEC RSA, 2010). High noise levels also may render an otherwise suitable nesting area unsuitable or result in abandonment of active nesting sites. Behavioral and physiological responses to noise and vibration have the potential to cause injury, energy loss (from movement away from noise source), a decrease in food intake, habitat avoidance and abandonment, and reproductive losses (Hunsaker 2001; National Park Service 1994 as cited in the CEC RSA, 2010).

Studies have shown that noise levels over 60 A-weighted decibels (dBA) can result in nest abandonment by birds and intense, long-lasting noise can mask bird calls, which can reduce reproductive success (Dooling and Popper 2007; Hunsaker 2001 as cited in the CEC RSA, 2010). Sensitive bird nesting habitat occurs in adjacent creosote scrub and desert dry wash woodland.

The bighorn sheep WHMA, approximately 2.5 miles northeast of the project site, is a sensitive noise receptor due to the presence of breeding Nelson's bighorn sheep. However, distance attenuates noise. Noise impact studies on bighorn sheep have not identified numerical noise impact thresholds. Weisenberger et al. (1996 as cited in the CEC RSA, 2010) found that bighorn sheep responded to aircraft over-flights (92-112 dBA) with increased heart rates and altered behavior; however, animal response decreased with increased exposure.

Assuming average construction noise of 85 dBA at 50 feet from the noise center and noise attenuation of 6 dBA per doubling of distance (Solar Millennium 2009a as cited in the CEC RSA, 2010), normal construction noise would attenuate to about 60 dBA approximately 800 feet (0.15 mile) from the noise center. The majority of the construction activities would occur within the power blocks located approximately 3,750 feet (0.71 mile) from the project boundary. Therefore, it is anticipated that average construction noise levels would typically be less than 60 dBA in the bighorn sheep DWMA and surrounding the project site. The infrequent occasions when construction activities would occur near the project boundary and resultant noise levels would be temporarily elevated beyond 60 dBA surrounding the proposed project would not substantially impact sensitive wildlife and is not expected to impact Nelson's bighorn sheep.

Although average construction noise levels would usually attenuate to 60 dBA at the project boundary, unsilenced steam blows and pile driving produce short-term, sporadic, and loud noise that could substantially elevate noise levels in the bighorn sheep DWMA. The loudest proposed construction activity would be the steam blows required to prepare a steam turbine for startup during the final phase before operation. This process cleans the piping and tubing which carry steam to the turbines; starting the turbines without cleaning these systems would destroy the turbine. High pressure steam blows require a series of short steam blows, lasting two or three minutes each, which would be performed several times daily over a period of two or three weeks. These steam blows can

produce noise as loud as 130 dBA at a distance of 100 feet. This would attenuate to about 88 dBA at a distance of 2.5 miles from the project site, and 77 dBA at 9 miles from the project site. Silenced steam blows, however, are commonly reduced to 89 dBA at 50 feet, which would attenuate to less than 53 dBA at the project boundary. The Applicant has proposed to use a low-pressure technique for steam blows, which would release steam over a continuous period of about 36 hours and would result in noise levels of about 80 dBA at 100 feet and less than 50 dBA beyond the project boundary. Another relatively loud and short-term construction activity is pile driving. If required, noise from this activity could be expected to reach 101 dBA at a distance of 50 feet and attenuate to less than 59 dBA at a distance of 2.5 miles from the site which would not be enough to substantially impact wildlife in the WHMA.

Operation and Maintenance Noise

The majority of operational noise would originate from the power block equipment (steam turbines, cooling towers, etc) which would be roughly centered at each site and surrounded by solar fields. Other minor operational noise sources include mirror rotation and maintenance activities (e.g., mirror washing). Excessive noise cause impacts like those identified above in connection with construction noise.

Based on the distance of approximately 6,000 feet from the closest power block within the project site to the nearest residence (at the northwestern site boundary), the modeled daytime operational plant noise levels are estimated to attenuate over this distance to approximately 42 dBA at the residence. Maximum short-term ambient noise at the western project perimeter ranged from 102 dBA to 58 dBA. Operational noise, anticipated to be less than 50 dBA at the site boundary, would be more consistent and at a much lower level than during construction. The power plant would operate 24 hours a day, but noise during the non-daylight hours is anticipated to be at levels reduced by approximately 20 dBA (Solar Millennium 2009a as cited in the CEC RSA, 2010). Based on these estimates, there would be no substantial impacts to surrounding wildlife from increased operational noise and no mitigation is proposed. For a complete analysis of operation noise impacts, refer to Section 4.9, *Impacts on Noise*.

Lighting and Nocturnal Collisions

Lighting plays a substantial role in collision risk because lights can attract nocturnal migrant songbirds and other wildlife species. Major bird kill events have been reported at lighted communications towers (Manville 2001 as cited in the CEC RSA, 2010) with most kills from towers higher than 300 to 500 feet (Kerlinger 2004 as cited in the CEC RSA, 2010). Many of the avian fatalities at communications towers and other tall structures have been associated with steady-burning, red incandescent L 810 lights used at communications towers (Gehring et al. 2009 as cited in the CEC RSA, 2010). Longcore et al. (2008 as cited in the CEC RSA, 2010) concluded that use of strobe or flashing lights on towers resulted in less bird aggregation, and, by extension, lower bird mortality, than the use of steady-burning lights.

Operation of the proposed action would require onsite nighttime lighting for safety and security, and would attract bats and disturb wildlife activities in the vicinity of the site. Security lighting in the project site power block and solar fields would operate during non-operating, non-sunlight hours,

approximately 3,600 hours per year (AECOM 2010a as cited in the CEC RSA, 2010). Night lighting close to the ground at the project site also could attract bats and disturb wildlife that occur adjacent to the site (e.g., nesting birds, foraging mammals and flying insects). Because of the minimal other manmade sources of light in this remote area, when viewed from nearby offsite locations, the overall change in ambient lighting conditions at the project site may be substantial.

To reduce lighting impacts, lighting at the facility would be restricted to areas required for safety, security, and operation. Exterior lights would be hooded and lights would be directed on site so that light or glare would be minimized. Low-pressure sodium lamps and fixtures of a non-glare type would be specified. Switched lighting would be provided for areas where continuous lighting is not required for normal operation, safety, or security; this would allow these areas to remain unilluminated (dark) most of the time and thereby minimizing the amount of lighting potentially visible off site. Bird collisions with structures would have a small impact since the tallest proposed project structure would be 120 feet tall and major nocturnally migrating bird strikes occur with structures that are from 300 to 500 feet tall.

Solar Mirror Effects

The proposed solar mirrors and heat collection elements (HCEs or receiver tubes) are sources of bright light caused from the diffuse reflection of the sun. The diffuse light and reflection coming off the parabolic mirror troughs, from most visible angles during most hours of the day, would reflect the global irradiation of the sky including clouds. This leads to a lower intensity of light with respect to the sun itself. It is estimated that the diffuse reflections could vary from 200,000 candela⁴ per square meter in the morning and afternoon to as much as 700,000 depending on scattering due to cloud patterns. For a human observer, this would be in all cases less intense than staring into the sky and not directly at the sun (AECOM 2010a as cited in the CEC RSA, 2010).

It is possible that the back-reflected light or light not absorbed by both the envelope and steel annulus of Heat Collecting Element (HCE) could be seen in the reflection of the parabolic mirror at certain angles above the horizon (i.e., not viewable to a human observer on the ground, but visible by birds and bats in flight). The intensity 11 feet or farther from the front of the vertex of the collector would be fully diverged direct (not diffuse) incidence luminance of the sun, but with a worst-case intensity approximately 20% less than the direct luminance of the sun; this would be similar to a human observer viewing a body of water from the sky (AECOM 2010a as cited in the CEC RSA, 2010).

However, glint and glare studies of solar trough technology found that pedestrians standing within 20 meters (60 feet) of the perimeter fence when the mirrors rotate from the stowed position to a vertical position may see a light intensity equal or greater to levels considered safe for the human retina (URS 2008 as cited in the CEC RSA, 2010). Any wildlife on the ground at a distance of 20 meters or closer could experience similar hazards from unsafe light intensity.

⁴ “Candela” is a unit of luminous intensity: One candela is the luminous intensity, in a given direction, of a source that emits monochromatic radiation of frequency 540×10^{12} Hz and has a radiant intensity in that direction of 1/683 watt per steradian.

Solar facilities present a new and relatively un-researched risk for bird collisions and other injuries. The solar collectors would be oriented in a northern-southern fashion and would track the sun's movement across the sky focusing the sun's rays on the parabolic trough collector and thus would not produce large lighting impacts during the day. Bird response to glare from the proposed solar trough technology is not well understood. Although the proposed project facilities are significantly shorter than 350 feet (the height above which is considered a collision danger for migrating birds), there is concern that the mirrors may appear to a bird as a no-hazard flight area. The mirrors reflect light and take on the color of the image being reflected (Ho et al. 2009 as cited in the CEC RSA, 2010). When viewed from an angle near the current direction of the sun, at a distance or an elevated position, the solar field at its most reflective point will mirror the sky and may appear like a lake at hours of the day when the mirrors are oriented toward the viewer (e.g., looking from the south with the sun behind the viewer on a sunny afternoon) (Solar Millennium 2009a as cited in the CEC RSA, 2010). Diurnal birds could also be at risk of injury and fatality from burns if they flew into the reflected sunlight between parabolic troughs or landed on the collector tubes of heat transfer fluid.

Collisions

Bird collisions with structures typically result when the structures are invisible (e.g., bare power lines or guy wires at night), deceptive (e.g., glazing and reflective glare), or confusing (e.g., light refraction or reflection from mist) (Jaroslow 1979 as cited in the CEC RSA, 2010). Collision rates generally increase in low light conditions, during inclement weather (e.g., fog, which is rare in the desert), during strong winds, and during panic flushes when birds are startled by a disturbance, fleeing from danger, or diving after prey. Numerous golden eagle fatalities have been documented near transmission lines where collisions apparently occurred from striking unmarked wires while diving for prey (Kerschner pers. comm. as cited in the CEC RSA, 2010).

The risk of such impacts is probably low, although very little research has been conducted on the risks of bird collisions at solar facilities. The only such research available is the bird fatality studies at the Solar One facility near Daggett, San Bernardino County (McCrary et al. 1986). Results of that study indicated that much of the bird mortality consisted predominantly of collisions with mirrors, in large part resulting from increased numbers of birds attracted to the adjacent evaporation ponds and agricultural fields. For the proposed project, likelihood of bird collisions would be low without such a nearby attractant to increased bird numbers. The barren nature of the lands in the immediate vicinity of the mirrors would discourage bird use of the area, as would the 30 foot tall wind fence running the length of the eastern and western perimeter of each solar field.

There is insufficient information available to conclude with certainty that the proposed project would not be an ongoing source of mortality to birds for the life of the proposed project. As a mitigation measure, the Avian Protection Plan would provide the information needed to determine if operation of the proposed project posed a collision risk for birds, and would provide adaptive management measures to mitigate those impacts to lower levels.

Electrocution

Large raptors such as the golden eagle, red-tailed hawk, and great-horned owl can be electrocuted by transmission lines when a bird's wings simultaneously contact two conductors of different phases, or a conductor and a ground. This happens most frequently when a bird attempts to perch or take off from a structure with insufficient clearance between these elements. In addition, distribution lines that are less than 69 kV but greater than 1 kV pose an electrocution hazard for raptor species attempting to perch on the structure. Configurations less than 1 kV or greater than 69 kV typically do not present an electrocution potential, based on conductor placement and orientation (APLIC 1996 as cited in the CEC RSA, 2010).

The proposed transmission lines would be 230 kV and would be fitted on top of monopole structures are expected to be 120 feet in height and an average length of 1,100 feet between poles (Solar Millennium 2009a as cited in the CEC RSA, 2010). The transmission line and pole fitting would be constructed in accordance with the guidelines of Institute of Electrical and Electronics Engineers (IEEE) Guide 524, *Guide to the Installation of Overhead Transmission Line Conductors*, and also would follow the Suggested Practices for Avian Protection on Power Lines (APLIC 2006 as cited in the CEC RSA, 2010). Also, the lines would be insulated from the poles using porcelain insulators engineered for safe and reliable operation at a maximum operating voltage of 242 kV (Solar Millennium 2009a as cited in the CEC RSA, 2010). To minimize risk of electrocution, the proposed project should impose a "raptor-friendly" construction design for the transmission line with conductor wire spacing greater than the wingspans of large birds to help prevent electrocution as described in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (APLIC 2006 as cited in the CEC RSA, 2010).

Evaporation Ponds

The proposed action and Reconfigured Alternative 2 include two double-lined, 4-acre evaporation ponds to receive industrial waste streams that primarily would come from the proposed project's auxiliary cooling tower and boiler (Galati & Blek 2010i as cited in the CEC RSA, 2010). The proposed evaporation ponds would encompass contaminants including total dissolved solids (TDS) or selenium, and could pose threats to wildlife by creating a new water source that would: (1) attract ravens to the site, potentially increasing predation rates on juvenile desert tortoise in adjacent habitat; (2) attract waterfowl, shorebirds, and other resident or migratory birds that could attempt to drink, forage or nest at the ponds; and (3) attract Couch's spadefoot toads that could attempt to breed in the ponds, and thereby result in harm to toads and their eggs from selenium or the hyper-saline conditions that may result from high total-dissolved-solids concentrations (EPTC 1999; Lemly 1996; Windingstad et al. 1987 as cited in the CEC RSA, 2010). CEC Staff, CDFG and USFWS are concerned about these threats to wildlife posed by the evaporation ponds, and actions are recommended to address them.

Alternatives

Table 4.21-1 shows the differences in impacts to selected Wildlife Resources from each of the alternatives.

**TABLE 4.21-1
 COMPARISON OF IMPACTS TO SELECTED WILDLIFE RESOURCES FROM ALL PROJECT ALTERNATIVES**

Resource	Proposed Action (acres)	Reconfigured Alternative 1 (acres)	Reconfigured Alternative 2 Option 1 (acres)	Reconfigured Alternative 2 Option 2 (acres)	Reduced Acreage Alternative (acres)	No Action Alternatives A, B, C
Desert tortoise^a:						
Occupied DT habitat within CHU	201	197	228	228	27	0
Occupied DT habitat outside CHU	3,537	2,750	3,977	3,909	2,152	0
Total:	3,738	2,947	4,205	4,137	2,179	0
Mojave fringe-toed lizard – Direct Impacts^a:						
MFTL (sand dunes)	285	147	156	188	60	0
MFTL (sand fields)	1,496	1,452	1,347	1,354	524	0
Total:	1,781	1,599	1,503	1,542	584	0
Mojave fringe-toed lizard – Indirect Impacts (sand dune, sand fields)^b Total:	1,113	1,120	144	94	292	0
Burrowing Owl Habitat –19.5 acres each (per CBOC guidelines) Total:	2 pair = 78	2 pair = 78	2 pair = 78	2 pair = 78	2 pair = 78	0

^a Acreages are from Solar Millennium 2010m and 2010l, and CEC SA/DEIS, 2010 (Biological Resources Appendix A).

^b Acreages are from CEC SA/DEIS, 2010 (Biological Resources Appendix C).

Reconfigured Alternative 1

Reconfigured Alternative 1, which would be over 900 acres smaller than the proposed action, would have correspondingly smaller direct impacts to wildlife dependent on native vegetation communities. Direct impacts to ephemeral drainages would be 210 acres less than the Proposed Action with the Reconfigured 1 Alternative, including 90 acres of fewer impacts to desert dry wash woodland. This reduction in impacts includes preserving the main project area wash, which flows from the southwest to the northeast through the central portion of the site and provides many benefits including acting as an important local sand source, Mojave fringe-toed lizard habitat, and wildlife corridor.

Overall habitat loss for most wildlife species would be less than the Proposed Action with Reconfigured Alternative 1 (including 912 fewer acres of desert tortoise habitat loss). By preserving the central wash, wildlife connectivity would be impacted to a much lesser degree than under the proposed action. Impacts to Mojave fringe-toed lizard, however, would still be substantial but less (1,599 acres direct and 1,120 acres indirect as compared to 1,781 acres direct and 1,113 acres indirect for the proposed action). Impacts to Mojave fringe-toed lizard, a species dependent on fine, wind-blown sand, are intrinsically linked to impacts to dune and other sandy habitats. As with the proposed action, under Reconfigured Alternative 1, both direct and indirect impacts to MFTL habitat would be, and remain, quite serious.

Impacts to wide-ranging wildlife species that rely on desert washes as movement corridors are substantially less with the Reconfigured Alternative 1 as compared to the proposed action. By dramatically reducing impacts to the large, central wash, Reconfigured Alternative 1 would avoid the substantial direct impacts to wildlife connectivity corridors that would occur under the proposed action.

Other impacts to wildlife are also reduced under the Reconfigured Alternative 1. Impacts to migratory or resident bird species that prefer wash-dependent vegetation would be reduced. Impacts to desert tortoise habitat would be 2,947 acres including 197 acres in the Chuckwalla desert tortoise critical habitat unit (Chuckwalla CHU; compared to 3,738 acres of habitat under the proposed project, 201 of which is in the Chuckwalla CHU). Burrowing owls, American badger, and desert kit fox would be impacted by the Reconfigured Alternative 1, although less habitat and potentially fewer burrows would be affected. The Reconfigured Alternative would avoid one of the two burrowing owl pairs and three of the eight burrows that are on the Proposed Project site, but surveys were not conducted in the un-surveyed section of Unit 1, so there is no way to conclude that impacts to this species would be reduced because more burrowing owls could occur at that location.

Reconfigured Alternative 2

Reconfigured Alternative 2 would increase the number of acres of desert tortoise critical habitat affected relative to the proposed action (228 acres relative to 201 acres) as well as the number of acres of desert tortoise habitat that is not designated critical habitat (3,977 acres for Option 1 and 3,909 acres for Option 2, as compared to 3,537 acres for the proposed action).

Reconfigured Alternative 2 would dramatically reduce the number of acres of Mojave fringe-toed lizard habitat directly affected relative to the number of acres that would be affected by the proposed action: 1,647 acres for Option 1 and 1,636 acres for Option 2 as compared to 2,894 acres for the proposed action.

Option 1

Reconfigured Alternative 2 Option 1 would have similar impacts to most wildlife resources as the proposed action, with some notable exceptions. Specifically, because this alternative is approximately 340 acres larger than the proposed action, impacts to desert dry wash woodland, unvegetated ephemeral dry wash, and desert tortoise habitat would increase. Impacts to sand dunes, the sand transport corridor and related species, however, would be substantially reduced from that of the proposed action based on the reconfigured site boundaries.

This option would affect the same three washes as the proposed action, although direct impacts to desert dry wash woodland would be 60 acres (40%) greater. This alternative is also closer to I-10, and so affects more of the central project area wash than the proposed action. Accordingly, it would have a greater affect on wildlife dependent upon this habitat type.

Reconfigured Alternative 2 Option 1 would impact the same special-status wildlife species as the proposed action, including desert tortoise and western burrowing owl. Impacts to MFTL, a species dependent on fine, wind-blown sand, are inextricably linked to impacts to dune and other sandy habitats, which are analyzed in PA/FEIS Section 4.17, *Impacts to Vegetation Resources*. Specifically, direct impacts to MFTL under this alternative would be 1,503 acres, which is somewhat less than the proposed action's impact on 1,781 acres. Indirect impacts of this alternative would be reduced substantially relative to the proposed action: 144 acres would be impacted, or 969 acres less than the proposed action.

Reconfigured Alternative 2 Option 1 would affect about 27 more acres of desert tortoise critical habitat, or slightly over 10% more than the proposed action. Wildlife currently use the three project area washes as movement corridors and this alternative is closer to I-10 than the proposed action, leaving less room for species to move past the site. The possibility that animals would cross I-10 headed to the south at grade level, thereby increasing the potential for vehicle-related mortality, would increase commensurately. The desert tortoise fencing recommended to reduce impacts of the proposed action would have to be extended slightly relative to the proposed action to reach the first passable undercrossing east of the site.

Because Reconfigured Alternative 2 was developed after the survey season for some biological resources had ended, some portions of the associated disturbance area (i.e., areas at the southern end of the proposed disturbance areas) were not surveyed. Specifically, approximately 350 acres (8%) of the disturbance area for this alternative were not surveyed for desert tortoise or burrowing owl. However, an in-field assessment of this area's habitat type and habitat quality in relation to surveyed habitat indicates that the surveyed and adjacent un-surveyed habitat areas are consistent, and are not expected to differ, in abundance or value from the adjacent intensively surveyed areas. Therefore, the only expected difference of impact to special status species is the

acreage. Pre-construction surveys as summarized in below in Section 4.21.4 and set forth in full in PA/FEIS Appendix B, *Conditions of Certification*, would adequately address potential impacts in these areas to wildlife resources.

Option 2

Reconfigured Alternative 2 option 2 would have similar impacts to most resources as the proposed action, with some notable exceptions. Specifically, because this alternative is approximately 300 acres larger than the proposed action, impacts to desert dry wash woodland, un-vegetated ephemeral dry wash, and desert tortoise habitat would increase. Impacts to species reliant upon sand dunes and the sand transport corridor, however, would be substantially reduced from that of the proposed action based on the reconfigured site boundaries.

This alternative would affect the same three washes as the proposed action, although direct impacts to desert dry wash woodland would be 50 acres (35%) greater than for the proposed action. This alternative also is closer to I-10, and so affects more of the central project area wash than the proposed action. Accordingly, it would have a greater impact on wildlife dependent upon this habitat type.

Reconfigured Alternative 2 Option 2 would impact the same special-status wildlife species as the proposed action, including desert tortoise and western burrowing owl. Direct impacts to MFTL would be 1,542 acres, which is less than under the proposed action (1,781 acres). Indirect impacts would be substantially reduced to 94 acres, which would be over 1,000 acres less than the proposed action. Under this alternative, total impacts to MFTL habitat would be reduced by over 40% compared to the proposed action. Compensatory mitigation for MFTL habitat (BIO-20) would be the same under this alternative as for the proposed action, although the acreage requirements would be adjusted to reflect this alternative's reduced impact.

This alternative would affect a larger overall area than the proposed action's impacts to wildlife habitat, including Sonoran creosote bush scrub. This alternative also would affect about 27 more acres of desert tortoise critical habitat, or slightly over 10% more than the proposed action. Wildlife currently use the three project area washes as a movement corridor and this alternative is closer to I-10 than the proposed action, which would leave less room for movement past the site. This would increase the frequency and risk that animals would cross I-10 headed to the south at grade level, and thereby would increase the risk of vehicle-related mortality. The desert tortoise fencing recommended to reduce impacts of the proposed action (BIO-9), would have to be extended slightly beyond what would be required for the proposed action, to reach the first passable undercrossing east of the site.

This alternative was developed after the survey season for some biological resources had ended; consequently, some portions of the associated disturbance area were not surveyed. Specifically, approximately 250 acres (6%) of the disturbance area for this alternative were not surveyed for desert tortoise or burrowing owl. The lack of surveys for these areas does not preclude analysis of impacts or the recommendation of mitigation measures to address such impacts. An in-field assessment of this area's habitat type and quality in relation to adjacent surveyed habitat appeared

to be consistent with the un-surveyed habitat. Further, these areas are at the southern end of the proposed disturbance areas, and include areas influenced and disturbed by the I-10 corridor. These areas are not expected to differ in abundance or value from the adjacent intensively surveyed areas. The same pre-construction surveys recommended for the proposed action also would apply to development of this alternative and, therefore would adequately address potential impacts.

Reduced Acreage Alternative

The Reduced Acreage Alternative, which would impact nearly 1,800 fewer acres than the proposed action, would have correspondingly smaller direct impacts to wildlife communities. Impacts to desert tortoise habitat would be 2,179 acres (compared to 3,738 acres of habitat under the proposed action). Burrowing owls, American badger, and desert kit fox still would be affected by the Reduced Acreage Alternative, although less habitat and potentially fewer burrows would be affected. Impacts to migratory or resident bird species that prefer wash-dependent vegetation also would be reduced. The Reduced Acreage Alternative would avoid one of the two burrowing owl pairs and three of the eight burrows that are on the site of the proposed action. The Reduced Acreage Alternative also would preserve the central project area wash, which would substantially reduce impacts to wildlife connectivity relative to the proposed action. Impacts to Mojave fringe-toed lizard, while still high (584 acres direct, 292 indirect) would be substantially lower under the Reduced Acreage Alternative than under the proposed action.

No Action Alternative A

Because there would be no amendment to the CDCA Plan and no solar project approved for the site under this alternative, it is expected that the site would remain in its existing condition, with no new structures or facilities constructed or operated on the site, and no impacts to sensitive wildlife resources. However, the project site would become available to other uses that are consistent with BLM's land use plan. Insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative B

CDCA Plan Amendment/No Project Alternative B would not result in impacts to wildlife resources that would occur under the proposed action. In the absence of the PSPP, other (non-solar) renewable energy projects could be constructed to meet State and Federal mandates, as could other uses consistent with the CDCA Plan MUC-M classification. However, insufficient information is available at this time about what other uses would be made of the site; available information is too speculative or conjectural to allow for a meaningful analysis in this PA/FEIS. Appropriate NEPA analysis would need to be conducted before a future proposal could be approved.

CDCA Plan Amendment/No Project Alternative C

Because the CDCA Plan would be amended, it is possible that the site would be developed with the same or a different solar technology. As a result, wildlife resources likely would be affected comparably to the proposed action. Different solar technologies require different amounts of land, placement, grading and maintenance; however, it is expected that all the technologies would require a large use of land. As such, the CDCA Plan Amendment/No Project Alternative C could result in wildlife resource impacts similar to those of the proposed project.

4.21.3 Discussion of Cumulative Impacts

“Cumulative impact” is defined in 40 CFR 1508.7 “as the impact on the environment which results from the incremental impact 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.” Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Appendix I includes an extensive analysis of cumulative impacts from other past, present, and reasonably foreseeable future actions to special status wildlife, plants, and movement corridors (Figure 4.21-1). These impacts are further summarized in Table 4.21-2. Cumulative impacts would vary by alternative only to the degree to which direct and indirect impacts would vary by alternative.

Construction and operation of the project, as proposed, would have serious adverse impacts to many wildlife resources within the Chuckwalla Valley and the NECO area. These include: desert washes; MFTL; desert tortoise; movement and connectivity; golden eagle; burrowing owl; American badger and desert kit fox; LeConte’s thrasher and other migratory desert birds.

For many wildlife resources, the proposed project’s contribution to cumulative effects after mitigation would be relatively minor. However, the PSPP would cause substantial incremental contributions to cumulative impacts to MFTL, desert tortoise habitat loss and connectivity, and other wildlife habitat values.

For the golden eagle, the habitat loss from the proposed project contributes to a cumulative loss of foraging habitats in the Chuckwalla Valley and the NECO planning area. The proposed project’s contribution to the cumulative impacts would be more substantial when combined with the reasonably foreseeable indirect effects of habitat fragmentation from the construction of projects in the cumulative scenario. The USFWS and others (USFWS 2009b; Kochert et al. 2002 as cited in the CEC RSA, 2010) estimate there are approximately 30,000 golden eagles in the western U.S., down from an estimated 100,000 in the late 1970s. Survey data from 2003 and 2006–2008 indicate a decline of 26 percent since 2003. Climate change is also expected to impact golden eagle by increasing drought severity, and CO₂ concentrations are expected to exacerbate the spread of non-native invasive plants, which displace native species and habitats, fuel wild fires, and alter fire regimes. Additionally, the proposed transmission lines for this and other proposed future projects are expected to increase raptor collisions and electrocutions.

**TABLE 4.21-2
 CUMULATIVE IMPACTS TO SELECTED WILDLIFE RESOURCES FROM THE PROJECT***

Wildlife Resource	Impact
Desert Tortoise	Contributes to cumulative loss of low to moderate value desert tortoise habitat (0.15% to 0.2 habitat value, 3.7% to 0.3 habitat value, 2.5% to 0.4 to 0.5 habitat value, and 0.02% to 0.6 to 0.7 habitat value) from future projects in the NECO Planning Area.
Mojave Fringe-Toed Lizard	Contributes substantially to cumulative loss of Mojave fringe-toed lizard habitat in the Chuckwalla Valley (24.3% of all impacts from future projects, Table 14). The proposed project's contribution to fragmentation and indirect impacts cumulatively considerable Cumulative increase in the already fragmented distribution of the Mojave fringe-toed lizards, and increase the risk of extirpation of isolated populations within the Chuckwalla Valley.
Western Burrowing Owl	Contributes 0.9% to cumulative loss from future projects within the NECO Planning Area. Indirect impacts would also be cumulatively considerable.
Golden Eagle	The proposed project's contribution to cumulative loss of foraging habitat within a 140-mile radius of the project: 0.3% Sonoran creosote scrub and 100% loss of dry desert wash woodland. Contributes to cumulative loss of foraging habitat within 10 miles of mountain (nesting) habitat within the NECO Planning Area: 1.6% of loss of Sonoran creosote bush scrub and 0.3% of desert dry wash woodland. The proposed project's contribution to fragmentation and indirect impacts also cumulatively considerable.
Special-Status Birds & Migratory Birds	Contributes 1.0% to cumulative loss of habitat from future projects within NECO Planning Area (see Appendix G, Mitigation Measures, Table 14, Le Conte's Thrasher), including 0.3% of desert dry wash woodland.
Nelson's Desert Bighorn Sheep	Contributes to 0% of cumulative impacts from future projects within the NECO Planning Area; 3.7% of total NECO Bighorn Sheep WHMAs; 5.6% of connectivity corridors in NECO.
Desert Kit Fox & American Badger	Contributes 0.9% to cumulative loss of habitat from future projects within the NECO Planning Area. PSPP's contribution to fragmentation and indirect impacts also cumulatively considerable
Special Wildlife Management Areas	Wildlife Habitat Management Areas: Contributes to 68% loss of Sonoran creosote scrub habitat from future projects within Palen-Ford WHMA, 73.3% loss of desert dry wash woodland to Palen-Ford WHMA from future projects, and 0% loss of sand dune communities within the Palen-Ford WHMA. Contributes to an approximately 5% loss to the DWMA Connectivity WHMA. No cumulative contribution to habitat loss in Big Maria Mountains WHMA. Desert Tortoise Critical Habitat: Approximately 201 ^a acres of the southwestern corner of the PSPP overlaps the northern boundary of the Chuckwalla Desert Tortoise Critical Habitat Area.

* At this scale of analysis there is essentially no difference between the proposed action and any of the action alternatives.

Proposed future projects, within 10 miles of all mountains in the NECO planning area, would cumulatively displace over 300,000 acres of Sonoran and Mojave creosote bush scrub and desert dry wash woodland. The PSPP's contribution to the cumulative loss of foraging habitat within the NECO planning area would be adequately addressed by the proposed acquisition of 4,542 acres of Sonoran creosote bush scrub habitat through compensatory mitigation as addressed in Section 4.21.4.

4.21.4 Summary of Mitigation Measures

Mitigation measures, including avoidance, minimization, and compensation, are recommended to offset direct, indirect, and cumulative impacts to desert tortoise and other special-status species, and to assure compliance with state and federal laws such as the federal and state endangered species acts and regulations protecting waters of the state.

The mitigation measures imposed by the Energy Commission as Conditions of Certification for the PSPP would avoid or reduce impacts on the quality of the human environment. These mitigation measures are set forth in full in Appendix B, *Conditions of Certification*, and are summarized below as they address impacts to wildlife resources:

Desert tortoise: Several of the mitigation measures would address direct and indirect impacts to desert tortoise. For example, BIO-1 through BIO-12 and BIO-28 would address direct effects, and BIO-6, BIO-8 and BIO-29, as well as BIO-13 and BIO-14 would address indirect impacts. All recommended desert tortoise mitigation measures, including translocation if necessary (BIO-10), would be conducted pursuant to BLM, USFWS and CDFG guidance.

1. BIO-1 through BIO-8 are general measures that would benefit all biological resources, including the desert tortoise and associated habitat areas. BIO-1 through BIO-5 require qualified biologists, with authority to implement mitigation measures necessary to prevent impacts to biological resources, to be on site during all construction activities. BIO-6 requires the development and implementation of a Worker Environmental Awareness Program to train all workers to avoid impacts to sensitive species and their habitats. BIO-7 requires the project owner to prepare and implement a Biological Resources Mitigation Implementation and Monitoring Plan that incorporates the mitigation and compliance measures required by local, state, and federal LORS regarding biological resources, including wildlife. BIO-8 describes Best Management Practices (BMP) requirements and other impact avoidance and minimization measures, including the installation of a box culvert suitable for passage of desert tortoises (and other wildlife) under project access roads.
2. BIO-9 through BIO-12 are specific to the desert tortoise. BIO-9 involves the installation of security and desert tortoise exclusionary fencing around the entire Project Disturbance Area (including access roads), and along I-10 south of the site (with specific fencing requirements identified for the proposed action and Reconfigured Alternative 2). Its implementation would address impacts to tortoise movement and habitat connectivity. BIO-10 involves the development and implementation of a desert tortoise relocation/translocation plan to move tortoises currently within the Project Disturbance Area to identified relocation or translocation sites. Evidence has been offered that translocation can be an effective mitigation measure if done properly. BIO-11 requires verification that all desert tortoise impact avoidance, minimization, and compensation measures have been implemented. BIO-12 requires the acquisition and preservation of an appropriate acreage of desert tortoise habitat within the Colorado Desert Recovery Unit. Specifically, this would include a 5:1 replacement ratio for impacts to critical habitat in the Chuckwalla Desert Tortoise CHU, as well as a 1:1 replacement ratio for impacts to other tortoise habitat.

3. BIO-20 would address impacts relating to desert tortoise and other wildlife movement and connectivity.
4. BIO-28 provides an alternative way to satisfy the requirements of BIO-12, i.e., by providing appropriate funding to an approved in-lieu fee program rather than direct property acquisition by the project owner.
5. To address indirect impacts to desert tortoise, BIO-6, BIO-8 and BIO-28 (discussed above), as well as BIO-13, BIO-14 and BIO-29 should be implemented. Specifically, BIO-13 requires the implementation of a Raven Monitoring and Control Plan in conformance with applicable federal guidelines and payment of associated applicable fees; BIO-14 is discussed in the context of impacts to vegetation resources in PA/FEIS Section 4.17.4, *Summary of Mitigation Measures*: it entails implementing an approved Weed Management Plan.

Mojave fringe-toed lizard: Direct and indirect impacts of the proposed action on MFTL would be addressed somewhat through the implementation of BIO-20 and BIO-29.

1. BIO-20 (Sand Dune/Mojave Fringe-Toed Lizard Mitigation) would address potential impacts of habitat loss and direct impacts to Mojave fringe-toed lizard by requiring compensatory mitigation, which may include compensation lands purchased in fee or in easement at specified ratios. Security for the implementation of the mitigation measure, and the development of a Management Plan that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands, would also be required.
2. The Project Construction Phasing Plan required in BIO-29 would address impacts to MFTL by requiring compensatory mitigation for the total Project Disturbance Area, including all lands disturbed in the construction and operation of the PSPP and all linear and ancillary facilities, as well as undeveloped areas inside the project's boundaries that no longer would provide viable long-term MFTL habitat.

Burrowing owl: Conditions of Certification BIO-18 and BIO-29 would address impacts to burrowing owls. BIO-29 is summarized above. Evidence indicates that implementation of these measures would adequately reduce potential impacts of the proposed action and alternatives to burrowing owls.

1. BIO-18 would require the Applicant to prepare and implement a Burrowing Owl Mitigation Plan that would include a description of suitable burrowing owl relocation/translocation sites, provide guidelines for creation or enhancement of at least two natural or artificial burrows per relocated owl, provide detailed methods and guidance for passive relocation of burrowing owls, and describe the proposed maintenance monitoring, reporting, and management of the relocated burrowing owls. BIO-18 also would require acquisition and enhancement of a minimum of 78 acres of off-site suitable nesting and foraging burrowing owl habitat to mitigate for displacement of at least four owls. This amount of compensation habitat expressly for burrowing owls would be supplemented by the compensation acreage required of the Applicant in connection with desert tortoise: the desert tortoise habitat acquisition also would provide substantial benefit to burrowing owls because the habitat requirements of these two species are quite similar in several key respects.

Golden eagle: A number of measures were identified to address impacts to golden eagle foraging habitats from the proposed action or alternatives, including Conditions of Certification BIO-8, BIO-12, BIO-14, BIO-16, BIO-22, and BIO-25. Of these, BIO-8 (Impact Avoidance and Minimization Measures), BIO-12 (Desert Tortoise Compensatory Mitigation) and BIO-14 (Weed Management Plan) are summarized above with respect to other wildlife resources and also would address impacts to golden eagle. The remaining recommended mitigation measures are summarized below. Evidence indicates that, with the incorporation of these mitigation measures, the incremental contribution of the proposed action or alternatives to golden eagle impacts would be addressed adequately.

1. BIO-16 would require an Avian Protection Plan to monitor the death and injury of birds; resulting data would be used to inform an adaptive management program intended to avoid and minimize project-related avian impacts. Consultation with BLM, CDFG and USFWS would be required.
2. BIO-22 would require a final Decommissioning and Reclamation Plan that would govern implementation of closure, decommissioning and reclamation activities consistent with BLM guidelines (43 CFR 3809.550 et seq.).
3. BIO-25 (Golden Eagle Inventory and Monitoring). This mitigation measure would require an annual inventory to be prepared during construction, collection of specified inventory data, protocol for determining unoccupied territory status, and a Monitoring and Adaptive Management Plan.

Migratory/special-status bird species: Several Conditions of Certification would address identified potential direct and indirect impacts to Le Conte's thrasher and other migratory or special-status bird species for the proposed action and alternatives, including the previously summarized BIO-8, BIO-12, BIO-15, BIO-16, BIO-20 and BIO-29, as well as BIO-15, BIO-21, BIO-23 and BIO-24. Evidence indicates that the implementation of these mitigation measures would adequately reduce potential direct and indirect impacts to migratory/special-status bird species.

1. BIO-15 would require appropriate pre-construction nest surveys.
2. BIO-21 would require mitigation for impacts to state waters, the implementation of which also would address impacts to Migratory/special-status bird species and their habitats.
3. BIO-23 and BIO-24 primarily would address impacts to groundwater-dependent vegetation; however, the implementation of these measures would also address impacts to Migratory/special-status bird species and their habitats.

Desert kit fox and American badger: Impacts to these species would be offset by implementation of the previously described Condition of Certification BIO-12, as well as by implementation of BIO-17. Evidence indicates that implementation of these mitigation measures would adequately reduce potential direct and indirect impacts to these species.

1. BIO-17 would require a qualified biologist to conduct pre-construction surveys for kit fox and badger dens concurrent with desert tortoise surveys (including areas within 250 feet of all project facilities, utility corridors and access roads).

Burro deer. Impacts to this species would be addressed by implementing BIO-21, which is summarized above.

Bats. Impacts to bats would be addressed through the implementation of BIO-12 and BIO-21, which would offset impacts caused by the project.

Additional impacts to wildlife resources: Various Conditions of Certification would address other impacts to wildlife resources identified above.

1. Noise-related impacts of the proposed action and alternatives on wildlife resources would be addressed by BIO-8 (Impact Avoidance and Minimization Measures), which is summarized above. This mitigation measure would minimize potential noise impacts by requiring the avoidance of loud construction activities (i.e., steam blowing and pile driving) that would result in noise levels over 65 dBA at potential wildlife breeding sites (such as dry desert wash woodland) between February 15 and April 15 (the height of the bird breeding season). With implementation of this measure, noise-related impacts from construction activities would be addressed adequately.
2. Disturbance to wildlife from lights would be addressed by previously-summarized BIO-8, which includes specifications that lighting atop the towers is shielded downward and turned off when not needed, and by VIS-3 (Temporary and Permanent Exterior Lighting). The implementation of these measures adequately would address potential impacts related to lighting and nocturnal collisions.
3. Risk of collision also would be addressed by BIO-16, which would require a determination of whether operation of the PSPP poses a collision risk for birds and adaptive management measures to address any such impacts.
4. Glint and glare-related impacts would be addressed by VIS-4, which would require the use of slatted fencing as the perimeter fencing. This not only would reduce impacts to motorists, but also would prevent glare exposure to wildlife on the ground within 20 meters of the site boundary. Implementation of this mitigation measure adequately would address related impacts to wildlife species.
5. Electrocutation-related impacts to avian species would be addressed by BIO-8, which would require a “raptor-friendly” construction design for the proposed transmission lines, including use of conductor wire spacing greater than the wingspans of large birds to help prevent electrocution (pursuant to industry standards). Implementation of this measure adequately would address potential impacts related to large bird electrocution from the proposed action or alternatives.
6. Threats to wildlife species related to the proposed evaporation ponds would be addressed by BIO-26, which would require the installation of netting over the evaporation ponds to exclude access by birds and other wildlife, as well as a monitoring program to ensure the effectiveness of exclusion. Implementation of this measure adequately would address related concerns.

4.21.5 Residual Impacts after Mitigation Measures were Implemented

The proposed project would eliminate all habitat for wildlife within the project site. The PSPP would also directly and indirectly affect an extensive network of desert washes in the disturbance area, and would alter the hydrology of the site and surrounding area by re-routing these waterways through five engineered channels. Mitigating measures to avoid, minimize, or compensate for the loss would lessen the impacts to varying, but unquantified degrees, but would not completely offset those losses. Routes of wildlife movement along washes would be cut off, and wildlife movement from the mountainous southwest to the northeast would be severely curtailed due to perimeter fencing and the impacted washes. Wildlife trailing along the fence to find a suitable route would be subject to increased vulnerability to predation. Gaps in fencing, if not properly maintained, could trap desert tortoises, badgers, kit foxes, burro deer, or Nelson's bighorn sheep, or allow access to I-10.

In addition to direct loss of habitat, the proposed project would fragment and degrade adjacent native wildlife communities, and could promote the spread of invasive non-native plants and increase the presence of desert tortoise predators such as ravens. These habitats provide foraging, cover, and/or breeding habitat for a variety of resident wildlife, including the state and federally-listed desert tortoise, American badger, desert kit fox, golden eagle, migratory birds, burrowing owl, Nelson's bighorn sheep, burro deer, and MFTL.

Project-specific and cumulative residual impacts remaining after the implementation of recommended mitigation measures could be addressed only through a regional and coordinated effort aimed at preserving and enhancing large, intact expanses of wildlife habitat and linkages, including maintaining connections between DWMA's and other movement corridors. Ongoing collaborative efforts by federal and state agencies to develop a Desert Renewable Energy Conservation Plan and BLM's Solar Energy Development Programmatic EIS offer an appropriate forum for such a regional mitigation approach. Appendix B of the RSA prepared by the CEC for this project describes additional DWMA management strategies that would offset residual effects on wildlife resources.

4.21.6 Unavoidable Adverse Impacts

Under the proposed action and alternatives for the project site, native wildlife communities would be lost on habitat totaling 4,024 acres (proposed action), 3,097 acres (Reconfigured Alternative 1), 4,366 acres (Reconfigured Alternative, Option 1), 4,330 acres (Reconfigured Alternative 2, Option 2), and 2,242 acres (Reduced Acreage Alternative). Unquantified indirect losses to wildlife habitats and communities would occur adjacent and downwind from the PSPP, including habitat for desert tortoise, MFTL, golden eagle foraging, American badger, burrowing owl, other special status and migratory birds, and kit fox, and would degrade and fragment adjacent wildlife communities, decreasing regional connectivity and dispersal of resident wildlife. Additionally, the proposed project is likely to promote the spread of invasive non-native plants and to subsidize desert tortoise predators. Construction, operation or maintenance activities could result in some

death, harm, harassment, removal, or capture of wildlife, including eggs and nests and so constitute unavoidable loss of individual animals.

Impacts to most wildlife resources could be addressed adequately through the implementation of recommended mitigation measures. However, impacts of the proposed action to the sand transport corridor, sand dune habitat, washes in the project disturbance area, and dune-dependent species would remain quite serious if the proposed project were developed as proposed.

4.22 Irreversible and Irretrievable Commitment of Resources

The National Environmental Policy Act (NEPA) requires an analysis of the significant irreversible effects of a proposed action. Resources irreversibly or irretrievably committed to a proposed action are those used on a long-term or permanent basis. This includes the use of nonrenewable resources such as metal, wood, fuel, paper, and other natural or cultural resources. These resources are considered nonretrievable in that they would be used for a proposed action when they could have been conserved or used for other purposes. Another impact that falls under the category of irreversible and irretrievable commitment of resources is the unavoidable destruction of natural resources that could limit the range of potential uses of that particular environment.

The project would irretrievably commit resources over the 30-40 year life of the project. After 30-40 years, the project is planned to be decommissioned and the land returned to its pre-project state. This would indicate that potentially some of the resources on site could be retrieved. However, 30-40 years is a long time and many variables could affect the project over that period. In addition, it is debatable as to how well the site can recover to its pre-project state. Open desert lands and sensitive desert habitats can take a long time to recover from disturbances such as development. The project site is not currently entirely undisturbed due to the presence of off-highway vehicle use.

The project is a renewable energy project intended to generate solar energy to reduce reliance on fossil fuels. Over the 30-40 year life of the project, this renewable energy project would contribute incrementally to the reduction in demand for fossil fuel use for electricity-generating purposes. Therefore, this incremental reduction in expending fossil fuels would be a positive effect of the commitment of nonrenewable resources to the project.

4.23 Short-term vs. Long-term Productivity of the Environment

The short-term uses of the environment as a result of the PSPP and its built alternatives include those typically found with solar energy development. Short-term impacts associated with construction activities described elsewhere in Chapter 4, *Environmental Consequences*, include effects to the natural environment, cultural resources, and recreation resources. These can be compared to the long-term benefits of the proposed action and its built alternatives all of which would provide for the production of clean, renewable energy consistent with Federal and State goals to increase production of renewable energy to help reduce dependence on fossil fuels.

As discussed earlier in Section 4.22, *Irreversible and Irretrievable Commitment of Resources*, the proposed action and alternative could permanently damage sensitive desert habitats, which in turn could adversely affect the long-term productivity of the area. However, these built alternatives would all also provide a long-term benefit by providing electric power without any increase in the use of non-renewable resources such as fossil fuels, which would result in a benefit to air quality and a reduction in carbon-based emissions.

CHAPTER 5

Consultation, Coordination and Public Involvement

5.1 Interrelationships

BLM's authority for the proposed action includes Federal Land Policy and Management Act (FLPMA) of 1976 [43 United States Code (U.S.C.) 1701 et seq.], Section 211 of the Energy Policy Act of 2005 (119 Stat. 594, 600), and BLM's Solar Energy Development Policy of April 4, 2007. The FLPMA authorizes BLM to issue right-of-way (ROW) grants for renewable energy projects. Section 211 of the Energy Policy Act of 2005 states that the Secretary of the Interior should seek to have approved a minimum of 10,000 megawatts of renewable energy generating capacity on public lands by 2015.

The BLM coordinates its fire management activities with the actions of related federal and state agencies responsible for fire management. The Federal Wildland Fire Policy is a collaborative effort that includes the BLM, USFS, National Park Service (NPS), USFWS, Bureau of Indian Affairs, the National Biological Service, and state wildlife management organizations. The collaborative effort has formulated and standardized the guiding principles and priorities of wildland fire management. The National Fire Plan is a collaborative interagency effort to apply the Federal Wildland Policy to all Federal Land Management Agencies and partners in state forestry or lands departments. Operational collaboration between the BLM, USFS, NPS, and USFWS is included in the Interagency Standards for Fire and Fire Aviation Operations 2003. This federally approved document addresses fire management, wildfire suppression, fuels management and prescribed fire safety, interagency coordination and cooperation, qualifications and training, objectives, performance standards, and fire management program administration.

5.1.1 Department of Defense

BLM coordinates with Department of Defense prior to approval of rights-of-way for renewable energy, utility, and communication facilities to ensure that these facilities would not interfere with military training routes. A letter received from a Department of Defense representative indicates that the project will pose no conflicts for military over flights (see, AFC Appendix K).

5.1.2 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) has jurisdiction to protect the aquatic ecosystem, including water quality and wetland resources under Section 404 of the Clean Water Act. Under

that authority, USACE regulates the discharge of dredged or fill material into waters of the United States, including wetlands, by reviewing proposals to determine whether they may impact such resources and, thereby, are subject to Section 404's permit requirement. The USACE may grant authorization under either an individual permit or a nationwide permit to address operations that may affect the ephemeral washes on the project site. Throughout the PA/DEIS process, the BLM has provided information to the USACE to assist the agency in making a determination regarding its jurisdiction and need for a Section 404 permit. The evaluation for jurisdictional waters that was performed on the site determined that the ephemeral drainages did not conform to the requirements for designation as jurisdictional waters of the U.S., and discussions with the USACOE indicated that the drainages would not be considered jurisdictional waters of the U.S.

5.1.3 California Energy Commission

The Energy Commission has exclusive authority to certify the construction, modification, and operation of thermal electric power plants 50 megawatts (MW) or larger. Energy Commission certification is in lieu of any permit required by state, regional or local agencies and by federal agencies to the extent permitted by federal law (Cal. Pub. Res. Code §25500). The Energy Commission must review power plant applications for certification to assess potential environmental impacts including potential impacts to public health and safety, potential measures to mitigate those impacts (Pub. Res. Code §25519), and compliance with applicable governmental laws or standards (Pub. Res. Code §25523 (d)). Energy Commission staff analyses were prepared in accordance with Public Resources Code section 25500 et seq.; Title 20, California Code of Regulations, section 1701 et seq.; and CEQA (Pub. Res. Code § 21000 et seq.; 14 Cal. Code Regs. §15000 et seq.). These analyses include the March 2010 Staff Assessment and Draft Environmental Impact Statement prepared jointly with the BLM; September 2010 Revised Staff Assessment Parts 1 and 2; November 2010 Presiding Member's Proposed Decision, including errata; and December 2010 Commission Decision.

5.1.4 California Department of Fish and Game

The California Department of Fish and Game (CDFG) protects fish and aquatic habitats within the State through regulation of modifications to streambeds, under Section 1602 of the Fish and Game Code. CDFG regulates activities that could divert, obstruct or change the natural flow or the bed, channel, or bank of any river, stream, or lake in California that the agency has designated as one that is used by or provides benefit to a fish or wildlife resource. The agency also evaluates potential impacts to vegetation and wildlife resulting from disturbances to waterways during its permitting process. The BLM and the Applicant have provided information to CDFG to assist the agency in its determination of the impacts to streambeds, and identification of permit and mitigation requirements. The Applicant filed a Streambed Alteration Agreement with CDFG in November 2009. Compliance with the requirements of Streambed Alteration Agreement provisions is included as a recommended Condition of Certification/Mitigation Measure (see, e.g., Section 4.19.4, *Summary of Mitigation Measures*, and SOIL&WATER-12 in Appendix B).

CDFG also has the authority to regulate potential impacts to species that are protected under the California Endangered Species Act (CESA) (Fish and Game Code §2050 et seq.). Accordingly,

the Applicant filed an application for a California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report in January 2010. Evaluation of compliance with the requirements of incidental take authorization would be evaluated as recommended in Condition of Certification/Mitigation Measure BIO-11 (see Section 4.21.4, *Summary of Mitigation Measures*).

5.1.5 South Coast Air Quality Management District

The project site is located in the Mojave Desert Air Basin¹ and is under the jurisdiction of the South Coast Air Quality Management District (District). The District issued a Preliminary Determination of Compliance (PDOC) for the project on March 5, 2010; provided public notice with a 30 day comment period that began on April 15, 2010, and then provided a Revised Determination of Compliance (RDOC) on October 21, 2010. A 30-day public review period also was provided for the RDOC. The District issued a Final Determination of Compliance (FDOC) on December 1, 2010, after resolving agency comments and issues raised by the public. Compliance with District rules and regulations would be accomplished via the implementation of Conditions of Certification/Mitigation Measures AQ-1 through and including AQ-51 (see Section 4.2.4, *Summary of Mitigation Measures*).

5.1.6 California Department of Transportation

The California Department of Transportation (Caltrans) has jurisdiction over encroachments to Caltrans facilities and related easements and rights-of way. Caltrans approval would be required prior to the installation of a locked gate in the I-10 right-of-way fence, for maintenance of the I-10 fence and gate, for the installation of desert tortoise exclusion fencing along I-10 within the Caltran's right-of-way, and potentially also for the transport of hazardous materials or other deliveries. Compliance with Caltrans requirements would be required by the implementation of recommended Conditions of Certification/Mitigation Measures (see, e.g., BIO-9 [desert tortoise fencing], TRANS-1 [roadway use], TRANS-2 [hazardous materials transport], TRANS-4 [oversized load permits]).

5.1.7 Riverside County

The County of Riverside has jurisdiction to issue building permits to the project. Building permits issued by the County are ministerial. The County also has jurisdiction to issue discretionary approvals for any easements, rights-of-way and or encroachment permits where County facilities are concerned.

¹ The Mojave Desert Air Basin lies inland southeast of the San Joaquin Valley Air Basin, and northeast of the South Coast Air Basin. The desert portions of Kern, San Bernardino, Riverside, and Los Angeles counties are within its boundaries.

5.2 Description of Consultation Processes for ESA Section 7, NHPA Section 106, and Indian Tribes

5.2.1 U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction over threatened and endangered species listed under the Endangered Species Act (ESA) (16 U.S.C. §1531 et seq.). Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. This consultation will be initiated through the preparation and submittal of a Biological Assessment (BA), which would describe the proposed action to the USFWS. Following review of the BA, the USFWS would be expected to issue a Biological Opinion (BO) that specifies mitigation measures, which must be implemented for any protected species.

5.2.2 Tribal Consultation and Section 106 Compliance

The BLM consults with Indian tribes on a government-to-government level in accordance with several authorities including NEPA, Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470), as amended; the American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996), as amended; and Executive Order 13007 (May 24, 1996), concerning Indian Sacred Sites. For the PSPP, in coordination and cooperation with the CEC, BLM expanded its consultation to include Native American groups not recognized by the federal government.

Adverse effects that the PSPP could have on cultural resources will be been resolved through compliance with the terms of a Programmatic Agreement (PA) reached on September 21, 2010, pursuant to NHPA Section 106 (16 USC Section 470; 36 CFR Section 800.14) in consultation with the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, Indian tribes, and other interested parties. Implementation of the terms of the Programmatic Agreement is identified as a recommended mitigation measure (see Section 4.4, *Cultural Resources*). The PA is provided in Appendix H, *Programmatic Agreement*.

In accordance with 36 CFR Section 800.14(b), PAs are used for the resolution of adverse effects for complex project situations and when effects on historic properties, resources eligible for or listed in the National Register of Historic Places (NRHP), cannot be fully determined prior to approval of an undertaking. For the PSPP, the BLM prepared a PA in consultation with the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, Indian tribes, and other interested parties. The PA would govern the conclusion of the identification and evaluation of historic properties (eligible for the NRHP), as well as the resolution of any adverse effects that may result from the proposed action or alternative actions.

Treatment plans regarding historic properties that cannot be avoided by project construction will be developed in consultation with stakeholders as stipulated in the PA. Analysis of impacts in this document and implementation of the terms of the PA would provide evidence of BLM's compliance with NHPA Section 106 and NEPA.

The BLM initiated consultation in the early stages of project planning by certified letter on July 1, 2009. Tribes were invited to a general scoping meeting and project site visit held on January 25, 2010. On February 10, 2010, the BLM Palm Springs/South Coast Field Office Manager and Archaeologist met with the Fort Yuma Quechan Tribal Council. They provided information on several solar energy projects, including the project, and answered questions. Letters requesting consultation among tribes, the Energy Commission, the Applicant, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation to develop a PA for the PSPP were mailed out to the below-listed tribes on March 3, 2010.

An initial meeting regarding the PA was held on April 23, 2010 in Palm Desert, to which all interested tribes were invited. They also were notified of a workshop on the PSPP SA/DEIS, held on April 29, 2010, in the BLM Palm Springs/South Coast Field Office, where, the BLM also held an informational meeting for the tribes on May 25, 2010. The BLM issued a draft PA for the PSPP on June 17, 2010, allowing 30 days for public and Native American comment. Appendix I of the draft PA included a log-to-date of BLM's consultation with specific individuals and groups.

Most recently, BLM held a meeting in Palm Desert on August 11, 2010, to review and discuss the revised draft PA; some Native Americans were in attendance. At this meeting, representatives of two organizations (California's for Renewable Energy and La Cuna de Aztlan Sacred Sites Protection Circle) expressed concern over geoglyphs and other sacred sites and ancient trails that solar development in the Chuckwalla Valley and on Palo Verde Mesa could affect. As a result of consultation efforts, Native Americans identified no additional cultural resources relative to those analyzed in the SA/DEIS that could be affected by the project.

Thirteen tribes or related entities were identified and invited to consult on the project, including:

1. Ramona Band of Mission Indians
2. Torres-Martinez Desert Cahuilla Indians
3. Augustine Band of Cahuilla Mission Indians
4. Agua Caliente Band of Cahuilla Indians THPO
5. Morongo Band of Mission Indians
6. Twentynine Palms Band of Mission Indians
7. Fort Yuma Quechan Indian Tribe
8. Colorado River Indian Tribes
9. Chemehuevi Reservation
10. Colorado River Reservation
11. San Manuel Band of Mission Indians
12. Quechan Indian Tribe
13. Fort Mojave Indian Tribe

5.3 Implementation, Monitoring and Enforcement

BLM will continue to involve and collaborate with the public during implementation of this project. Opportunities to become involved during implementation and monitoring could include development of partnerships and community-based citizen working groups. BLM invites citizens and user groups within the project area to become actively involved in implementation,

monitoring, and enforcement of decisions. BLM and citizens may collaboratively develop site-specific goals and objectives that mutually benefit public land resources, local communities, and the people who live, work, or play on the public lands.

BLM would monitor activities throughout the life of the project to ensure that decisions are implemented in accordance with the approved ROD and ROW grant. Monitoring would be conducted to determine whether decisions, BMPs and approved mitigation are achieving the desired effects. Effectiveness monitoring would provide an empirical data base on impacts of decisions and effectiveness of mitigation. Effectiveness monitoring also would be useful for improving analytical procedures for future impact analyses and for designing or improving mitigation and enhancement measures.

5.4 Scoping

The BLM solicited internal and external input on the issues, impacts, and potential alternatives to be addressed in this EIS for the project, as well as the extent to which those issues and impacts would be analyzed in the document. This process is called “scoping” (40 CFR 1501.7). Internal input was provided by BLM and cooperating agency staff, as an interdisciplinary process, to help define issues, alternatives, and data needs. External scoping involved notification and opportunities for feedback from other agencies, organizations, tribes, local governments, and the public. Formal public scoping begins following publication of a Notice of Intent (NOI) to prepare an environmental impact statement for a proposed action.

The Notice of Intent to prepare an environmental impact statement for the project was published in the *Federal Register* on November 23, 2009 (74 Fed. Reg. 61169). Publication of the NOI began a 30-day public comment period, which ended on December 23, 2009. BLM provided a website with information about the project that also described the various methods of providing input on the project, including an email address where comments could be sent electronically (CAPSSolarPalen@blm.gov). Twenty comment letters were received within the comment period.

On December 11, 2009, the BLM held a Scoping Meeting at the University of California-Riverside, Palm Desert Campus. Seventy-five attendees were documented by signing in on a voluntary sign-in sheet.

A draft scoping report was released for public review and comment in January 2010. (See Appendix D, *Results of Scoping*). Three general categories of comments were received: i) issues or concerns that could be addressed by effects analysis; ii) issues or concerns that could result in an alternative and/or a better description or qualification of the alternatives; and iii) issues or concerns outside the scope of the EIS. Issues analyzed in this PA/FEIS are summarized in Section 1.5, *Issues Analyzed in this EIS*.

The BLM also gave a presentation at and participated in the CEC’s January 25, 2010, Informational Hearing in Blythe, California, and Site Visit for the project. In addition to property owners and persons on the general project mail-out list, notification was provided to local, state and federal

public interest and regulatory organizations with an expressed or anticipated interest in this project. Also, elected and certain appointed officials were similarly notified of the hearing and site visit.

5.5 Public Comment Process

5.5.1 Introduction

The CEC and the BLM distributed the joint Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the project for public and agency review and comment on March 18, 2010. The comment period ended on July 1, 2010. Eight comment letters were received. Table 5-1 lists all individuals, agencies and organizations that provided written comments on the SA/DEIS.

**TABLE 5-1
COMMENTERS ON THE PALEN SOLAR POWER PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Comment Letter	Commenter	Letter Available in Appendix K, Page
1	Joshua Tree National Park	K-3
2	Brendan Hughes, Individual	K-11
3	Center for Biological Diversity	K-12
4	California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	K-46
5	The Wilderness Society and the Natural Resources Defense Council (NRDC)	K-60
6	California Unions for Renewable Energy (CURE)	K-73
7	Western Watersheds Project	K-334
8	Metropolitan Water District of Southern California	K-346

Upon receipt, each comment letter/e-mail was assigned a unique number. Individual comments within each letter/e-mail were numbered individually as well. 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. Comment, so delineated, are provided in Appendix K, *Agency and Public Comments on SA/DEIS*.

Section 5.5.2, *Common Responses*, provides common (consolidated) responses for topics regarding which a number of similar or related comments were received. In turn, Section 5.5.3, *Individual Responses*, provides responses to all individual comments.

5.5.2 Common Responses

A number of the comments received on the SA/ SA/DEIS discussed the same issues or environmental concerns. Rather than repeat responses, the Common Responses identified here and set forth below were prepared:

- Common Response 5.5.2.1: Consistency of the Proposed Action with the CDCA Plan, NECO Plan and other Plans
- Common Response 5.5.2.2: Consistency of the PA/FEIS with NEPA and FLPMA

- Common Response 5.5.2.3: Adequacy of Data Relied Upon
- Common Response 5.5.2.4: Purpose and Need
- Common Response 5.5.2.5: Alternatives
- Common Response 5.5.2.6: Supplementation / Recirculation
- Common Response 5.5.2.7: Biological Resources
- Common Response 5.5.2.9: Air Quality
- Common Response 5.5.2.8: Climate Change / Greenhouse Gases
- Common Response 5.5.2.10: Water Resources
- Common Response 5.5.2.11: Cultural Resources
- Common Response 5.5.2.12: Public Health and Safety

Each of the Common Response sections lists the Comment Letter and specific Comment Number for each comment that pertains to the issue or environmental concern that the Common Response addresses.

5.5.2.1 Consistency of the Proposed Action with the CDCA Plan, NECO Plan and other Plans

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-001, 3-012, 3-016, 3-025, 3-026, 3-025, 3-027, 3-028, 3-029, 3-032, 3-033, 3-034, 3-053
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-18, 4-24
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-01, 5-02, 5-03
California Unions for Renewable Energy (CURE)	6-002, 6-026, 6-117

Summary of Issues Raised

1. ***Relationship with Master Plans and Policies:*** Comments question the relationship of the proposed action to the goals and policies of the BLM's master planning documents (e.g., the CDCA Plan and NECO Plan)
2. ***Adequacy of Analysis and Land Use Considerations:*** Comments question the adequacy of analysis, including analysis of resource impacts.

Response

A land use plan is a set of decisions that establish management direction for land within a BLM administrative area, as prescribed under the planning provisions of Federal Land Policy and Management Act (FLPMA); it is an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR Part 1600, regardless of the scale at which the

decisions were developed. BLM land use plans, including the California Desert Conservation Area Plan (CDCA Plan) and Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan), are designed to provide guidance for future management actions and development of subsequent, more detailed and limited-scope plans for specific resources and uses.

Long-range plans that cover large geographic areas such as the California Desert provide a framework for decision-making; they are “living” documents with the flexibility to address changing conditions over time as more detailed land use information is provided through amendments, special area plans, or other more focused planning documents. See., e.g., James B. Ruch, California State Director Bureau of Land Management, “Dear Reader” Letter [Introducing the CDCA Plan, as amended] (March 1999) (The CDCA Plan “is a statement of management guidance designed to be useful today and it contains an amendment process so that it is adaptable to tomorrow.”)

California Desert Conservation Area Plan (CDCA Plan)

The CDCA Plan is a comprehensive, long-range plan that was adopted in 1980; it since has been amended many times. As described in PA/FEIS Table 1-1, the CDCA is a 25-million-acre area that contains over 12 million acres of BLM-administered public lands within the area known as the California Desert. As described by BLM’s California State Land Director in his letter presenting the CDCA Plan:

The California Desert Plan encompasses a tremendous area and many different resources and uses. The decisions in the Plan are major and important, but they are only general guides to site-specific actions. The job ahead of us now involves three tasks: 1) Site-specific plans, such as grazing allotment management plans or vehicle route designation; 2) On-the-ground actions, such as granting mineral leases, developing water sources for wildlife, building fences for livestock pastures or for protecting petroglyphs; and 3) Keeping people informed of and involved in putting the Plan to work on the ground, and in changing the Plan to meet future needs.

The CDCA Plan initially was prepared and continues to provide guidance concerning the use of the California desert public land holdings while balancing other public needs and protecting resources. More specifically, it establishes goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA. It is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The CDCA Plan’s goals and actions for each resource are established in its 12 elements, each of which provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern and a more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

The Multiple Use Class (MUC) Guidelines in Table 1 of the CDCA Plan state that solar electrical generation facilities may be allowed in an MUC Moderate (M) area after NEPA requirements are met and the CDCA Plan is properly amended (see also PA/FEIS Table 3.9-2, *Multiple-Use Class-M Land Use and Resource Management Guidelines*). The proposed action, if approved, would amend the CDCA Plan following the process anticipated in the CDCA Plan to identify the site as suitable for the proposed solar energy use. The CDCA Plan amendment would only apply to the

BLM-administered land being evaluated for the project. Accordingly, the proposed CDCA Plan amendment and the overall amendment process would be consistent with the CDCA Plan.

The CDCA Plan anticipated that renewable power generation facilities would be proposed in the California Desert. Accordingly, it made allowances for the review of such applications, including a provision that all proposed applications “associated with power generation or transmission not identified in the [CDCA] Plan will be considered through the Plan Amendment process.” (See also, PA/FEIS Section 1.3.2, *Land Use Plan Conformance and Consistency*). The intention of this provision was to ensure that the BLM would take a planning view of all of the renewable energy applications proposed and that such projects would require an amendment to the CDCA to maintain consistency throughout the plan. Amendments to the CDCA Plan can be site-specific or global, depending on the nature of the amendment.

Concerns from the public regarding the multiple use mission of the BLM and the loss of this large section of public land to a single use are addressed in the strict enforcement of mitigation measures for habitat and other measures that ensure a one-to-one replacement of lands lost to a single use. Implementation of these mitigation measures similarly address concerns that the current process is a piecemeal approach inconsistent with the goals and purposes of the CDCA Plan, as amended by the NECO Plan. Regarding claims that the range of alternatives analyzed failed to adhere to the CDCA Plan requirement, particularly when viewed in light of NEPA, see Common Response 5.5.2.5.

CDCA Plan Amendment Process

The BLM received a number of comments expressing concerns about the scope, nature and specifics of the proposed amendment to the CDCA Plan. The proposed CDCA Plan amendment is described in PA/FEIS Section 1.3.2, *Land Use Plan Conformance and Consistency*. As noted above, amendments to the CDCA Plan can be site-specific or global, depending on the nature of the amendment.

The construction and operation of a solar energy generating project on the proposed site would require the BLM to amend the CDCA Plan specifically to identify the site as suitable for such use; for the project, the requisite amendment would identify the proposed site as suitable for the proposed action, i.e., the project. The CDCA Plan amendment for this project would not result in changes to the Class M (Moderate Use) land use designation; instead, it would be site-specific, limited to the allowance of a solar energy use on the proposed site. Nonetheless, the PA/FEIS acknowledges an adverse cumulative impact on approximately one million acres of desert lands that are proposed for possible solar and wind energy development in the southern California Desert (see, e.g., Section 4.8.3, *Discussion of Cumulative Impacts [relating to Multiple Use Classes]*). The proposed CDCA Plan amendment for the project would be limited by the accompanying ROW grant. The CDCA Plan amendment, if adopted, would not result in any change in land use designations or authorized uses of land anywhere else in the CDCA.

Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan)

The NECO Plan amended the CDCA Plan in 2002 to make it compatible with desert tortoise conservation and recovery efforts. As described in PA/FEIS Table 1-1, *General Laws*,

Ordinances, Regulations and Standards (LORS), the NECO Plan is a landscape-scale planning effort that covers most of the California portion of the Sonoran Desert ecosystem, including over five million acres and two desert tortoise recovery units. No NECO Plan amendments are recommended or proposed as part of the proposed action or alternatives.

California Desert Renewable Energy Conservation Plan (DRECP)

The DRECP is a Natural Community Conservation Plan that will help provide for effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy projects. The DRECP will provide long-term endangered species permit assurances, facilitate the California Renewables Portfolio Standard, and provide a process for conservation funding to implement the DRECP. It is anticipated that the DRECP also would serve as the basis for one or more habitat conservation plans (HCPs) under the Federal Endangered Species Act (FESA) and provide biological information necessary for consultation under FESA Section 7.

The DRECP is intended to advance federal and State conservation goals in the California desert region while facilitating the timely permitting of renewable energy projects under applicable federal and State laws. However, because the DRECP process remains underway, it does not govern the BLM's consideration of the proposed action and alternatives.

Other Land Use Planning Areas

The PA/FEIS considered impacts of the proposed action at an appropriate geographic scale; recognizing that existing land use plans apply in geographic contexts of various sizes. Analyzing impacts within too large an area tends to dilute the consequence of the impact; similarly, analyzing impacts within too small an area could tend to magnify them. In either instance, the impacts of the proposed action would be inaccurately characterized, which would lead to uninformed decision-making.

For each issue area considered in the PA/FEIS, the BLM analyzed the direct, indirect and cumulative impacts of the proposed action and alternatives at the land use planning scales that provide the most meaningful context (see PA/FEIS Ch. 4, *Environmental Consequences*). In some cases the proper geographic scope of analysis (i.e., the area within which analysis neither overstates nor understates impacts) consists of the CDCA planning area; in other cases, it is the Mojave Desert Air Basin, eastern Riverside County, along the I 10 corridor, or elsewhere.

Solar PEIS

The BLM generally prefers to develop programmatic NEPA documentation and, thereafter, to use it as a basis for site-specific projects. When final, the Programmatic Environmental Impact Statement to Develop and Implement Agency-Specific Programs for Solar Energy Development (Solar PEIS) will serve this function. However, the Solar PEIS remains in draft form. Because it has not been fully vetted by the requisite and appropriate agency and public review processes, and has not been approved as a formal, final decision by the BLM through the issuance of a Record of Decision, the draft Solar PEIS bears on the BLM's consideration of the project only as a reasonably foreseeable probable future aspect of the cumulative scenario.

Because the Solar PEIS is under development, it, and any decisions the BLM ultimately makes based on its analysis, will not govern BLM's decision-making efforts for the project. The BLM has a responsibility to perform a timely environmental review in response to individual applications. For this reason, the BLM will consider the project pursuant to FLPMA, NEPA, and applicable planning documents, in accordance with the BLM's existing Solar Energy Development Policy. Nonetheless, additional information about the Solar PEIS is provided below.

In response to direction from Congress under Title II, Section 211 of the Energy Policy Act of 2005, as well as Executive Order 13212, Actions to Expedite Energy-Related Projects, the BLM and the DOE are collaborating to prepare the Solar PEIS pursuant to NEPA and CEQ regulations. The draft Solar PEIS evaluates utility-scale solar energy development in a six-state area, including that portion of the CDCA that is open to solar energy development in accordance with the provisions of the CDCA Plan. The proposed planning area for the Solar PEIS does not include lands within the CDCA that have special designations, such as National Monuments, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Historic and Scenic Trails, Areas of Critical Environmental Concern, or other special management areas that are inappropriate for or inconsistent with extensive, surface-disturbing uses. The proposed planning area for the Solar PEIS also does not include lands within the National Landscape Conservation System.

A Notice of Intent to Prepare the Solar PEIS was published in the Federal Register on May 29, 2008. The Draft Solar PEIS was published, and the related 90-day comment period was initiated, on December 17, 2010. Public meetings are scheduled in February and March 2010. The first such meeting was held in Washington, DC on February 2, 2011; the last in the series of meetings is scheduled to be held in Salt Lake City, Utah on March 10, 2011. The BLM will consider all comments on the Solar PEIS that are received or postmarked by March 17, 2011. Thereafter, the BLM will evaluate the draft Solar PEIS in light of comments received, will develop responses to those comments, and will determine whether to approve, deny or modify the proposal. The schedule to complete the Final Solar PEIS or adopt the ROD is not yet known (Solar PEIS, 2011).

5.5.2.2 Consistency of the PA/FEIS with NEPA and FLPMA

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-006, 3-008, 3-025, 3-026, 3-027, 3-030, 3-032, 3-033, 3-034, 3-035, 3-037, 3-050, 3-053, 3-071, 3-086, 3-087, 3-088
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-16, 4-17, 4-18, 4-20, 4-23
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-27, 5-28, 5-31
California Unions for Renewable Energy (CURE)	6-001, 6-002, 6-003, 6-009, 6-016, 6-017, 6-020, 6-026, 6-028, 6-029, 6-030, 6-031, 6-032, 6-033, 6-117, 6-167
Western Watersheds Project	7-07

Summary of Issues Raised

1. **Consistency with NEPA:** Several comments question whether the environmental review process for the proposed action complies with NEPA requirements, including about segmentation, the scope of analysis, the identification of impacts (including cumulative impacts), the identification of adequate mitigation measures, and other requirements of NEPA.
2. **Compliance with FLPMA:** Several comments question whether the proposed action is consistent with the mandates of FLPMA.

Response

Consistency with NEPA

In an EIS, NEPA requires the BLM to take a “hard look” at the impacts of the proposed action and alternatives. This means that the effects analysis provides a level of detail that is sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (40 CFR 1502.1). As explained in Section 6.8.1.2 of the BLM’s NEPA Handbook H-1790-1, “A “hard look” is a reasoned analysis containing quantitative or detailed qualitative information.”

Public Participation. The Council on Environmental Quality (CEQ) regulations require that agencies “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” (40 CFR 1506.6(a)). There are a wide variety of ways to engage the public in the NEPA process. During preparation of the environmental analysis for the project, the BLM and CEC invited public participation in the following ways:

- Through a website set up specifically to keep interested parties apprised of the project; and by
- Holding noticed public workshops on December 9, 2009, and on January 7, April 28 and 29, and May 7, 2010;
- Holding a public scoping meeting on December 11, 2009, at the University of California-Riverside, Palm Desert Campus;
- Holding an Informational Hearing and Site Visit for project, which included a joint presentation by the BLM and the Energy Commission, on January 25, 2010;
- Holding resource-specific workshops, including the April 16, 2010, Biological Workshop;
- Mailing information and inviting participation of tribes and others interested in potential impacts of the proposed action and alternatives on cultural resources (see PA/FEIS Section 5.2.2, *Tribal Consultation and Section 106 Compliance*);
- Circulation of the SA/DEIS to numerous State and local libraries for public comment; such libraries include the Energy Commission’s Library in Sacramento and the California State Library in Sacramento; public libraries in Eureka, Fresno, Los Angeles, San Diego, and San Francisco; and local libraries in the vicinity of the project, including the Riverside Main Library, Palo Verde Valley District Library, Lake Tamarisk Library, Coachella Branch Library, and Cathedral City Branch Library;

- Circulation of the AFC to all state and local agencies that would have had permitting responsibilities except for the exclusive siting authority of the Energy Commission (members of the public could review that document at agency offices);
- Federal Register notices on November 23, 2009 (74 FR 61169-02) and April 7, 2010 (75 FR 17765-02). An additional Federal Register notice was published for the PSPP by the Environmental Protection Agency on April 2, 2010 (75 FR 16786-01).
- These responses to comments.

Further, members of the public had opportunities to review and comment on aspects of the project that have been developed since publication of the DA/DEIS, including the addition of evaporation ponds and an on-site concrete batch plant. See, e.g., the CEC's September 2010 Revised Staff Assessment and December 2010 Commission Decision. In addition, receipt of comments about these elements as part of the BLM's post-SA/DEIS environmental review process indicates that interested parties availed themselves of the opportunities presented.

Moreover, the public is being given an additional opportunity to review and comment on the environmental review following publication of the PA/FEIS. As indicated in the Dear Reader letter accompanying the issuance of the PA/FEIS, the BLM will accept comments for a 30-day period after the PA/FEIS notice is published in the Federal Register to allow the public and agencies additional time to consider and provide comments on the PA/FEIS. Comments received during this time will be reviewed, analyzed and responded to if necessary in the Record of Decision (ROD).

Scope of Analysis/Segmentation. Segmentation can occur under NEPA when an action is too narrowly defined or broken down into small parts in order to minimize the significance of potential impacts. The proper scope of environmental review of an action considers connected, cumulative and similar actions. The PA/FEIS for the project considers these elements, resulting in an adequate analytical scope.

Connected actions, including Southern California Edison's proposed Red Bluff Substation Project are described in PA/FEIS Section 2.3, *Connected Actions*. These closely-related actions are not part of the proposed action (e.g., they are not proposed by the PSPP Applicant and do not in all cases require BLM approval). However, these connected actions are discussed and analyzed in the PA/FEIS. See, e.g., PA/FEIS Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*. The anticipated development of these components was identified in the SA/DEIS (see, e.g., March 2010 Executive Summary, p. 4). However, final locations and other details were not available at that time (see, e.g., SA/DEIS § B.1.4.2, "Although the route has not been finalized, the gen-tie line is expected to proceed. . ."). This PA/FEIS provides further detail in relation to the information previously known with additional information developed since publication of the SA/DEIS.

The cumulative scenario is identified in PA/FEIS Section 4.1.4, *Cumulative Scenario Approach*; cumulative impacts are analyzed on a resource-by-resource basis throughout Chapter 4, *Environmental Consequences*. As described in Section 6.5.2.3 of the BLM's NEPA Handbook,

similar actions are proposed or reasonably foreseeable federal actions that have similarities that provide a basis for evaluating their environmental consequences together with the proposed action (see also, 40 CFR 1508.25(a)(3)). Common timing or geography can provide a basis for determining that actions are similar. Multiple utility-scale solar and other renewable development projects recently have been approved or are under consideration in the California desert. These projects are considered, and the potential for their environmental impacts to combine with those of the proposed action, are analyzed as part of the cumulative scenario (see, PA/FEIS Section 4.1.4, *Cumulative Scenario Approach*).

The CEC's Revised Staff Assessment Part 2 Biological Resources Appendix B for the project identified three NECO Plan land use plan amendments and stated, "Except for the No Action Alternative, the following proposed Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) amendments would apply to all alternatives." This was an error in the CEC document. The BLM is not, as part of this proposed action, proposing any NECO land use plan amendments. Therefore, no analysis of such a change is required in this PA/FEIS. Because the connected actions are described and analyzed by the BLM in the PA/FEIS, the PA/FEIS does not improperly segment the review of associated impacts (see, e.g., PA/FEIS Section 2.3, *Connected Actions*, and Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*).

Cumulative Impacts. Several comments question the adequacy of the PA/FEIS's assessment of cumulative impacts. A cumulative impact is "the impact on the environment which results from the incremental impact 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. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7; see also, BLM NEPA Handbook H-1790-1 § 6.5.2.2, *Cumulative Actions*. The PA/FEIS considers the potential for incremental impacts resulting from construction, operation and maintenance, and closure and decommissioning of the project to cause or contribute to a cumulative effect in each of the issue areas for which the project could cause an impact.

The PA/FEIS for the project identifies cumulative projects and provides quantified and detailed information about them. See Table 4.1-1 (Cumulative Scenario). On an issue-by-issue basis, Chapter 4, *Environmental Consequences*, identifies the geographic and temporal scope of the cumulative impacts analysis area, provides a basis for the boundaries of each, identifies existing conditions within each cumulative impacts assessment area, identifies the direct and indirect effects of the proposed action and alternatives, and identifies past, present and reasonably foreseeable future actions making up the cumulative scenario. See, for example, PA/FEIS Water Resources Table 4.19-6, and PA/FEIS Wildlife Resources Table 4.21-2, *Cumulative Impacts to Selected Wildlife Resources from the PSPP*. The several renewable energy (solar and wind) projects being considered by the BLM's California Desert District are identified in Table 4.1-2, including the number of projects, acreage and total megawatts under consideration in the Palm Springs, Barstow, El Centro, Needles, and Ridgecrest Field Offices. Renewable energy projects on State and private lands are identified in Table 4.1-3. Also part of the cumulative scenario,

existing projects along the I-10 corridor in eastern Riverside County are identified in Table 4.1-4 and future foreseeable projects in this area are identified in Table 4.1-5. The PA/FEIS's analysis of cumulative impacts is adequate. The PA/FEIS analyzes cumulative impacts of past, present and reasonably foreseeable future actions, including utility-scale renewable and other development projects, on each of the resource areas in Chapter 4, *Environmental Consequences* including mitigation measures to address cumulative impacts.

Mitigation Measures. NEPA requires that an EIS include consideration of mitigation measures to reduce adverse environmental impacts. See, e.g., 42 U.S.C.A. § 4321 (purposes of NEPA include “to promote efforts which will prevent or eliminate damage to the environment. . .”). As described in Section 1508.20 and the CEQ’s January 14, 2011, *Memorandum for Heads of Federal Departments and Agencies concerning Appropriate Use of Mitigation and Monitoring [etc.]*, mitigation includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Although NEPA does not impose any substantive requirement that mitigation measures be implemented, the BLM discusses mitigation measures in the PA/FEIS in sufficient detail to ensure that environmental consequences have been fairly evaluated. See, for example, the summaries of mitigation measures recommended on a resource-by-resource basis throughout Chapter 4, *Environmental Consequences*; see also, PA/FEIS Appendix B. The BLM is not required to formulate and adopt complete mitigation plan: to comply with NEPA the mitigation plans proposed or recommended in connection with a project need not be legally enforceable, funded, or even in final form. The final mitigation measures that will be implemented as part of the project will be disclosed in the ROD.

The SA/DEIS and the PA/FEIS include extensive mitigation measures addressing the potential adverse project impacts of the proposed action and alternatives. Many of these are measures have been developed in coordination with the agencies primary authority over the resource area and/or have produced the anticipated results when implemented for other projects elsewhere in the State. Consequently, the recommended mitigation measures are anticipated to effectively address the adverse project impacts. In addition, many of the measures include standards or other requirements that, if not met, would trigger the need for additional mitigation. Many of the mitigation measures require the preparation of detailed plans during final design and prior to any activity on the project site. This is consistent with the requirements of NEPA because these

measures identify the impacts intended to be addressed by those plans and key activities that would be included in those plans to mitigate the identified impacts. In summary, the mitigation measures recommended in the PA/FEIS are adequate to address the adverse project impacts. Where there are adverse impacts that mitigation measures cannot entirely mitigate, these impacts have been identified as unavoidable adverse impacts of the proposed action and other alternatives, as applicable.

Consistency with FLPMA

As indicated in PA/FEIS Sections 1.2.1, *Major Authorizing Laws and Regulations [BLM]*, Table 1-1, *General Laws, Ordinances, Regulations and Standards (LORS)*, and elsewhere, the BLM processes applications for commercial solar energy facilities as right-of-way grants under Section 501(a)(4) of FLPMA and Title 43, Part 2804 of the CFR. FLPMA establishes public land policy; guidelines for administration; and provides for the management, protection, development and enhancement of public lands. In particular, the FLPMA's relevance to the proposed action is that Title V, Section 501, establishes BLM's authority to grant rights-of-way for generation, transmission and distribution of electrical energy. The BLM is processing the Applicant's application within the FLPMA framework.

5.5.2.3 Adequacy of Data Relied Upon

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-007, 3-013, 3-014, 3-017, 3-018, 3-019, 3-034, 3-035, 3-037, 3-038, 3-042, 3-043, 3-045, 3-057, 3-066, 3-072, 3-098
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-04, 4-14, 4-16
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-13, 5-17, 5-27, 5-30,
California Unions for Renewable Energy (CURE)	6-003, 6-004, 6-006, 6-009, 6-010, 6-025, 6-027, 6-031, 6-076, 6-077, 6-078, 6-080, 6-081, 6-123, 6-167, 6-171

Summary of Issues Raised

1. ***New Significant Information Available:*** Some comments suggest that the PA/FEIS is inadequate because new information has become available since issuance of the SA/DEIS, including the Energy Commission's RSA and a number of surveys.
2. ***More and Updated Information Required for Analysis:*** Other comments suggest that the PA/FEIS is inadequate because more information is needed to establish existing conditions (e.g., for sensitive species, habitat and connectivity corridors, including MFTL, desert tortoise, MFTL, Western burrowing owl, the golden eagle, Coachella Valley milk-vetch, other special-status wildlife, as well as for the Palen Dune system, and vegetation and cultural resources) or to update references used to define the need for the project.

Response

NEPA requires the disclosure of relevant environmental considerations that were given a hard look by an agency, and thereby to permit informed public comment on agency's proposed action and alternatives that could be pursued with less environmental harm. To take the required "hard look" at the impacts of a proposal, an agency must rely on information that is of "high quality" (40CFR § 1500.1). Such information may include, for example, accurate scientific analysis, expert agency comments and comments resulting from public scrutiny. The requisite hard look does not require relevant data to be complete in all respects or to be generated if it is unavailable. Instead, a "hard look" under NEPA consists of a reasoned analysis containing quantitative or detailed qualitative information. See, BLM NEPA Handbook H-1790-1 (Jan. 30, 2008). The data and analyses provided should be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced (40 CFR 1502.15).

The SA/DEIS and PA/FEIS rely on quantitative data where possible, and detailed qualitative data under other circumstances. The BLM may rely on the best available information (even if it is not all the information that could be generated with unlimited time and funding about a resource or type of impact) provided that it is sufficient to allow a reasoned analysis of particular impacts, and the BLM need not necessarily postpone its consideration of a proposal while additional data is being developed –the endless loop of analysis that might otherwise result surely would lead to significant regulatory delays. Data and other information relied upon in preparing the PA/FEIS are identified in the individual sections as well as in the References section.

Energy Commission's RSA

The Energy Commission issued an RSA for the PSPP in September 2010. The RSA is neither a substantial change in the proposed action nor significant new information. Instead, it is the State's functional equivalent of this PA/FEIS. The BLM and Energy Commission cooperatively prepared the draft environmental analysis for the project in accordance with NEPA and CEQA; they agreed to prepare stand-alone final documents, one for NEPA (this PA/FEIS) and one for CEQA (the RSA). The BLM reviewed and relied on the RSA in the preparation of this PA/FEIS because the substantive analysis and conclusions of the federal and State environmental review processes are substantially similar even though the format of the documentation is different. For example, because the BLM and Energy Commission developed mitigation measures for the project in concert with one another, the resulting measures apply equally to the Energy Commission's process as "conditions of certification" and the BLM's process as "mitigation measures." The CEC's analysis of environmental impacts of the proposed action is not a "change in the proposed action" at all, much less a substantial one.

Similarly, "new information" is only "significant new information" such as may trigger a need to supplement a draft EIS only if it could alter the results of an agency's original environmental analysis or, in other words, shows that the proposed action would affect the quality of the human environment in a new or more intense way than already considered. While it is true that the RSA was issued after the SA/DEIS was circulated for agency and public review, the RSA does not identify a new or more intense effect than those previously analyzed. Accordingly, the RSA is not "significant new information" under NEPA.

Subsequent Studies and Reports

A number of comments stated that new data in the form of reports, studies and plans that are required in the SA/DEIS were not available or were insufficient at the release of the draft document. The BLM acknowledges that it anticipated that additional reports, studies and plans would be prepared and completed after the SA/DEIS was issued for agency and public input. As noted above, NEPA does not require mitigation plans proposed or recommended in connection with a project to be in final form, or even funded or legally enforceable. No studies or reports have become available subsequent to issuance of the SA/DEIS that has caused a substantial change in a proposed action or is “significant” for purposes of NEPA. To the contrary, any such studies or reports have merely clarified or complimented earlier understandings or assumptions.

Additional surveys are anticipated to be required or completed as a result of other agencies’ statutory or regulatory obligations, or within specific areas of expertise. For example, the FWS Endangered Species Act Section 7 consultation remains in progress. This process is independent of and separate from the NEPA process for the project, and will be prepared in accordance with the schedule and procedures established in the relevant regulatory regime. Studies required or completed in satisfaction of other agencies’ requirements that become available before the ROD is issued will be evaluated by the BLM prior to its decision on the PSPP. BLM is making every effort to complete these processes in coordination with NEPA, and to finalize these other processes before the issuance of the ROD. Other agencies and the public would have the opportunity to review such reports to the full extent of the relevant governing law.

Mitigation Measures and Further Study

As explained in Section 6.8.4 of the BLM NEPA Handbook H-1790-1, “Mitigation includes specific means, measures or practices that would reduce or eliminate effects of the proposed action or alternatives.” Mitigation may be used to reduce or avoid adverse impacts, whether or not they are significant in nature. Reasonable, relevant mitigation measures that could improve the project are provided in Appendix B, *Conditions of Certification*, and are called out on an issue-by-issue basis throughout Chapter 4, *Environmental Consequences*, regardless of agency jurisdiction. BLM-specific mitigation measures, developed consistent with CEQ guidance, also are identified and generally work in coordination with the Energy Commission’s conditions of certification. Mitigation measures are identified to reduce or eliminate adverse effects to biological, physical, or socioeconomic resources even in instances where the precise extent of impacts is somewhat uncertain because of the complexity of the issues or variability (see, e.g., 4.19.4, *Summary of Mitigation Measures [relating to Water Resources]*).

Multiple mitigation measures would require surveys. Surveys serve myriad purposes, including refining baseline information, defining parameters, assessing compliance, and identifying areas where adaptive management may be appropriate. As noted above, the BLM has used the best available science in the PA/FEIS, including site-specific data collected over appropriate timeframes, under the proper protocol, by the proper experts in the field, and recommends additional survey work to confirm assumptions and inform adaptive management. The purpose of such surveys is to avoid or more effectively mitigate possible impacts on the human environment.

Mitigation measures that would require supplemental plans would be developed in consort with the appropriate resource and regulatory agency. The Tortoise Relocation/Translocation Plan required by BIO-10, for example, would be developed in accordance with the performance standards established in the mitigation measure, would be consistent with current USFWS approved guidelines, would include all revisions deemed necessary by BLM, USFWS, CDFG and Energy Commission staff, and would be subject to agency approval. The information provided in the PA/FEIS about the Tortoise Relocation/Translocation Plan is detailed and of high-quality. In any event, other agencies and the public would have an opportunity to comment on the proposed plan pursuant to the approval process.

Similarly, where a mitigation measure allows for the acquisition of lands, any required studies would be performed according to FWS and CDFG protocol at the time that specific land is proposed for evaluation as habitat for mitigation. It would not be possible to provide such studies for agency or public review until the land has been identified.

Some comments suggest that the BLM should require the Applicant to develop additional information after project approval, in the form of pre-construction surveys, in order to avoid or further reduce impacts. In the context of the desert tortoise, the Energy Commission has recommended that additional areas be surveyed; however, the Applicant instead may elect, consistent with requirements, to presume that desert tortoises are present, forgo the survey, and acquire sufficient mitigation lands.

In this context, mitigation measures that predicate future actions and obligations on data, analysis and results of future studies do not improperly defer mitigation or deprive the public of a meaningful opportunity to comment on the adequacy of the mitigation measures. To the contrary, the mitigation measures proposed in the PA/FEIS provide performance standards that are sufficiently detailed to allow for meaningful agency and public review. Requirements for the timing, coverage and contents of the surveys are established, as are standards for Surveyor Qualifications and Training. Requirements for operational plans that have yet to be developed also are established in great detail. See, e.g., BIO-13 (requiring the development and implementation of a Raven Monitoring and Control Plan) and BIO-14 (requiring the development and implementation of a Weed Management Plan).

5.5.2.4 Purpose and Need

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-039, 3-040, 3-089, 3-096
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-21, 4-22, 4-23
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-16, 5-19
California Unions for Renewable Energy (CURE)	6-008, 6-158, 6-162, 6-166

Summary of Issues Raised

1. **Narrow BLM Statement:** Several comments suggested that the BLM's statement of Purpose and Need is too narrow.
2. **DOE's Statement:** Other comments provided input concerning the DOE's statement of purpose and need.

Response

The BLM's Statement of Purpose and Need

BLM has discretion in defining the purpose and need of the proposed action (40 CFR 1502.13). As explained in Section 6.2.1 of the BLM NEPA Handbook H-1790-1, a carefully crafted purpose and need statement can "increase efficiencies by eliminating unnecessary analysis and reducing delays in the process." The statement of purpose and need dictates the range of alternatives, because action alternatives are not "reasonable" if they do not respond to the purpose and need for the action. As correctly noted in several comments on the project, the narrower the purpose and need statement, the narrower the range of alternatives that must be analyzed; the converse also is true. Guidance provided in BLM Instruction Memorandum 2011-059, *National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations* (Feb. 8, 2011), states:

For most renewable energy projects the BLM's purpose and need for action will arise from the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to a right-of way application requesting authorized use of public lands for a specific type of renewable energy development. The purpose and need statement should also describe the BLM's authorities and management objectives with respect to renewable energy and public lands (see example below). Additionally, offices should include a description of the BLM's decision(s) to be made as part of the purpose and need statement to help establish the scope of the NEPA analysis (BLM NEPA Handbook Section 6.2). In responding to a right-of-way application the BLM may decide to deny the proposed right-of-way, grant the right-of way, or grant the right-of-way with modifications. In accordance with the right-of-way regulations, modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)).

Several comments requested that the BLM substantially expand its statement to address more broad (and less specific) purposes in order to allow for consideration of a broader range of alternatives. However, the BLM's purpose and need for the proposed action, as stated in Section 1.1.1, *BLM Purpose and Need*, of the PA/FEIS, is consistent with applicable law and BLM policy. It is based on two key considerations: (i) the potential action the BLM could or would take on the specific proposed action; and (ii) the response of the BLM in meeting specific directives regarding the implementation of renewable energy projects on federally-managed lands. The primary action that BLM is considering is a response to a specific ROW grant application from the Applicant to construct and operate a specific solar project on a specific site managed by the BLM. As a result, the BLM determined that a key purpose of this project was to determine whether to approve, approve with conditions, or deny that ROW application for the total 500 megawatt (MW) PSPP (two units of 250 MW each). A statement of this breadth led the BLM to consider three additional "build" or "action" alternatives on the same site (Reconfigured Alternatives 1 and 2 and a Reduced

Acreage Alternative), one no action alternative (No Action Alternative A) and two no project alternatives pursuant to which the CDCA Plan would be amended but the PSPP would not be approved (CDCA Plan Amendment/No Action Alternative B and CDCA Plan Amendment/No Action Alternative C) (see PA/FEIS Section 2.4.3, *Alternatives Considered*).

The BLM declined requests to expand the statement to include “implement[ing] Federal policies, orders and laws that mandate or encourage the development of renewable energy sources ... and the Federal policy goal of producing 10% of the nation’s electricity from renewable resources by 2010 and 25% by 2025... and to support the State of California’s renewable energy and climate change objectives....” The purposes in this statement are outside the purview of the BLM because the need for increased energy from renewable sources is not BLM’s responsibility. However, the BLM can respond, within the context of specific directives under which it operates, to those needs by considering ROW grant applications for projects that would produce renewable energy on federally-administered lands. As a result, the BLM purpose for the project responds in part to the specific directives related to renewable energy production that are summarized in PA/FEIS Section 1.1.1, *BLM Purpose and Need*. As noted there, these directives authorize the BLM to act expediently in increasing the production of nonrenewable energy within the bounds of its other authorities regarding the management of federal lands. The BLM is not in the business of developing and operating energy production facilities; its responsibilities are to consider and to approve, approve with modification, or deny issuance of a ROW grant to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public land in a manner that:

1. Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
2. Prevents unnecessary or undue degradation to public lands;
3. Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security and land use plans; and
4. Coordinates, to the fullest extent possible, all BLM actions under the regulations with State and local governments, interested individuals and appropriate quasi-public entities.

As directed by Secretarial Order 3285, the BLM has identified renewable energy projects on federally-administered lands as a priority throughout the lands it manages. As a result, the BLM is considering ROW grants for various renewable energy projects throughout California and other western states. Each of these projects is considered by the BLM on its own merits and with consideration of the impacts of the specific project on a specific site. Therefore, the statement of purpose and need for each project, including the project, is specific to each project within the broader scope of the directives prioritizing renewable energy development on federally managed lands. The PA/FEIS considers other applications for energy projects in the cumulative impacts analyses provided in PA/FEIS Section 4.1.4, *Cumulative Scenario Approach*.

The BLM believes that the purpose and need for the PSPP is consistent with the directives described above and the requirements of Title V of FLPMA, and satisfies the requirements of

NEPA. Therefore, the purpose and need for this project was neither revised in response to these comments nor replaced wholesale in favor of replacement statements proposed in comments.

Other comments suggest that, in light of the DOE’s statement of purpose and need, the SA/DEIS should have considered alternatives that would provide funding to other types of projects. It did so. The full range and variety of alternatives considered in the SA/DEIS is described in PA/FEIS Section 2.4, *Alternatives Development and Screening Process*, including other solar technologies, types of renewable energy, and alternative methods to generate electricity.

5.5.2.5 Alternatives

Commenters and Comments Addressed

Commenter	Comments
Joshua Tree National Park	1-18
Brendan Hughes, Individual	2-04
Center for Biological Diversity	3-002, 3-004, 3-005, 3-007, 3-010, 3-011, 3-090, 3-091, 3-092, 3-093, 3-094, 3-095, 3-096
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-11, 4-13, 4-21, 4-25
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-08, 5-10, 5-11, 5-20, 5-21, 5-22, 5-23, 5-24, 5-25, 5-26
California Unions for Renewable Energy (CURE)	6-006, 6-043, 6-085, 6-144, 6-145, 6-160, 6-161, 6-162, 6-163, 6-164, 6-165, 6-166, 6-199, 6-210
Western Watersheds Project	7-01, 7-02

Summary of Issues Raised

1. ***Range of Alternatives:*** Several comments suggested that the range of alternatives was unreasonably narrow and should be expanded to address impacts, specifically and generally.
2. ***Alternatives Selection and Analysis:*** Other comments allege that the SA/DEIS failed to provide a sufficient foundation for rejecting alternatives from further consideration and proposed that certain of the alternatives should have been carried forward for more detailed analysis.

Response

NEPA directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources” (NEPA § 102(2)(E)). As explained in BLM Instruction Memorandum 2011-59, “the BLM must explore alternative means of meeting the purpose and need for the action. For a renewable energy right-of-way application, alternatives will include denying the application (the No Action Alternative) and granting the application as submitted by the applicant following the pre-application process (the Proposed Action). The BLM must consider other reasonable alternatives through the NEPA process, including modifications to the right-of-way application as submitted, that meet the purpose and need for the action and provide a clear basis for choice

among options (40 CFR 1502.14).” A discussion of alternatives need not be exhaustive. What is required is information sufficient to permit the BLM to make a “reasoned choice” among alternative so far as environmental aspects are concerned (40 CFR 1502.14; see also, BLM NEPA Handbook H-1790-1 § 6.6).

In order to establish the reasonable range of alternatives to be considered, the defined project purpose and need functions as the first and most important screening tool. Thereafter, the range of alternatives is based on the applicant’s proposed action, alternatives that would reduce or avoid adverse impacts of the Applicant’s project, and appropriate No Action Alternatives. The full range of possible alternatives may be narrowed to a “reasonable number” that covers the full spectrum of alternatives. In determining the alternatives to be considered, the emphasis is on what is “reasonable” rather than on whether the proponents or others like or are capable of implementing the alternative. See BLM NEPA Handbook H-1790-1 § 6.6.1 and BLM Instruction Memorandum 2011-59.

Alternatives Considered

The number and range of alternatives considered in the EIS is reasonable. In total, 24 alternatives to the proposed action were considered by the BLM. Six were carried forward, in addition to the proposed action, for more detailed review. Three of the six are action alternatives (Reconfigured Alternatives 1 and 2 and the Reduced Acreage Alternative); one is a “no action” alternative, under which no project and no CDCA Plan amendment would be approved (No Action Alternative A); and two are “no project” alternatives under which the CDCA Plan would be amended but the PSPP would not be approved (CDCA Plan Amendment/No Action Alternatives B and C).

Alternatives Eliminated from Further Consideration

Alternatives that were considered but eliminated from detailed analysis, as well as the rationale for their elimination (40 C.F.R. 1502.14(a)), are described in SA/DEIS Section B.2.8, *Alternatives Considered but Not Evaluated in Further Detail*, and PA/FEIS Section 2.4.5, *Alternatives Considered but Eliminated from Detailed Analysis*. The BLM believes the number of alternatives described to be reasonable in light of the breadth of the statement of purpose and need. Further, the alternatives carried forward for more detailed consideration in the PA/FEIS sufficiently cover the full spectrum of alternatives because the scope of impacts assessed went from none (no action) to some (reduced acreage) to lessened in some respects (reconfigured).

Because the range of alternatives considered in the EIS is reasonable and covers the full spectrum of concerns, NEPA does not require the BLM to consider additional alternatives. Nonetheless, the BLM agrees that additional detail could have been provided explaining the rationale for eliminating some alternatives from further consideration (40 CFR 1502.14(a)). Consequently, PA/FEIS Section 2.4.5, *Alternatives Considered but Eliminated from Detailed Analysis* has been clarified to provide additional details.

For example, some comments suggested that the BLM should consider an *all-private-lands* or *public-private lands* alternative. However, the BLM did not carry forward such an alternative for

further consideration because the BLM's role in managing its lands includes facilitating land uses on its lands while appropriately balancing and responding to multiple interests concerning federal mandates, collaborating agencies' directives, and BLM's own interests. As a result, the alternatives considered in the SA/DEIS and the PA/FEIS focus on alternatives that would require an action by the BLM and that respond to the specific application for a ROW grant received by the BLM for the PSPP (see, e.g. BLM NEPA Handbook H-1790-1, § 6.6.1, *Reasonable Alternatives*). Further, an all-private-lands or a public-private lands alternative, would present considerable challenges, including difficulties associated with obtaining sufficient site control from a number of different landowners who may or may not be motivated to allow utility-scale energy generation facilities to be developed on their property, the large number of acres that would be required for a viable project of this type, and the absence of any clear environmental benefit associated with development on private versus public land. Accordingly, BLM declined to accept suggestions that it consider the placement of the proposed utility-scale renewable energy projects, such as the project, on private lands or a combination of public and private lands other than the combinations analyzed in the PA/FEIS. Suggestions that Applicants must provide additional evidence of efforts to obtain site control on private lands are dismissed, since such evidence would not meaningfully inform or expand the range of alternatives.

Other comments suggested that sites *closer to urban areas* or on *previously disturbed lands* should have been considered. The BLM did not consider such alternatives in the SA/DEIS because the consideration of the three alternative sites described above was adequate in identifying and considering alternative sites. Further, locating a utility-scale renewable energy generating facilities in an urban area or on previously disturbed lands would present considerable challenges, such as those described above, relating to site control, negotiations with numerous landowners, and overall acreage needs. *Alternative sites on other BLM managed lands* were not considered because the BLM is responding to the application for the specific parcel identified in the Applicant's ROW grant application. In addition, there are many other renewable energy projects that have submitted applications for the use of BLM-administered lands. Consequently, other possible BLM-administered lands in the vicinity of the site already are subject to applications from other applicant and, thus, are not considered by the BLM to be available for alternative projects until those applications are considered and either approved or rejected by the BLM. Finally, many of the areas that previously have been disturbed or are closer to urban areas are not within the jurisdiction of the BLM and, therefore, would require no action by the BLM.

In addition, the PA/FEIS discusses, and in some cases includes more information, with respect to the following alternatives that specifically were identified in comments on the SA/DEIS: conservation and demand side management; a distributed generation solar alternative; and alternative technologies, e.g. linear Fresnel technology. A reduced power alternative and a reduced acreage alternative each were considered in the analysis, as were alternative sites. The BLM has declined to consider alternative locations for the Red Bluff Substation Project because this connected action is not part of the proposed action (see Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA*). Other comments suggested alternatives that would provide *funding to other types of projects*, such as community projects for training and implementation of conservation measures and reduce the need for additional power sources and

provide GHG offsets. Again, this alternative was not considered because the BLM is responding to the application for the specific parcel identified in the Applicant’s ROW grant application. A suggested alternative that would involve *less grading area of the site* (e.g., leaving strips of vegetation) was explored in Solar Power Tower Technology alternative in the PA/FEIS.

Although the PA/FEIS provides additional information about potential alternatives that were identified in the SA/DEIS, such information is not “significant” under NEPA (40 CFR 1502.9).

5.5.2.6 Supplementation / Recirculation

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-007, 3-031, 3-035, 3-036, 3-038, 3-042, 3-054, 3-057, 3-058, 3-066, 3-072, 3-076, 3-095, 3-098
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-020
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-17, 5-19, 5-27, 5-30, 5-31
California Unions for Renewable Energy (CURE)	6-003, 6-007, 6-008, 6-009, 6-010, 6-011, 6-012, 6-014, 6-015, 6-016, 6-017, 6-018, 6-019, 6-020, 6-021, 6-022, 6-023, 6-024, 6-025, 6-027, 6-033, 6-034, 6-073, 6-102, 6-139, 6-171
Western Watersheds Project	7-08

Summary of Issues Raised

1. ***Need to Supplement and Recirculate SA/DEIS.*** Comments suggest that supplementation and recirculation of the EIS is required for a variety of reasons.

Response

As explained in Section 5.3 of the BLM NEPA Handbook H-1790-1, supplementing an EIS is required only in the following limited circumstances:

1. When substantial changes to the proposed action are made and are relevant to environmental concerns (40 CFR 1502.9(c)(1)(i));
2. When a new alternative is added that is outside the spectrum of alternatives already analyzed (see Question 29b, CEQ Forty Most Asked Questions Concerning CEQ’s NEPA Regulation, March 23, 1981); and
3. When there are new significant circumstances or information relevant to environmental concerns and have bearing on the proposed action or its effects (40 CFR 1502.9(c)(1)(ii)).

Substantial Changes to Proposed Action. Changes in elements of the proposed action that have been made since issuance of the SA/DEIS include the following: a minor refinement of the daily construction schedule, proposed use by the waste water system of two 4-acre evaporation ponds per power block; and the use of an on-site concrete batch plant. The revised construction schedule and

descriptions and analyses of the evaporation ponds and concrete batch plant were provided in the CEC's September 2010 RSA and December 2010 Commission Decision. No modification has been made to the configuration of the project. The development and refinement of Southern California Edison's proposal for the Red Bluff Substation (including associated access roads and spur roads) are not part of the proposed action (see PA/FEIS Section 2.3, *Connected Actions*, and Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*). Drainage facilities have not been redesigned for the project site. These changes, and the CEC's analysis of related impacts, have been independently reviewed by BLM.

These changes are not "substantial" under NEPA. As explained in Section 5.3.1 of the BLM NEPA Handbook, "'substantial changes' in the proposed action may include changes in the design, location, or timing of a proposed action that are relevant to environmental concerns (i.e., the changes would result in significant effects outside of the range of effects analyzed in the draft or final EIS)." None of the minor changes identified since the issuance of the SA/DEIS would result in significant effects outside of the range of effects analyzed in the DEIS:

Refinement of the Daily Construction Schedule. The resource areas potentially affected by the clarification in the daily work schedule are primarily noise and air quality. Noise impacts could be different because the additional work hours would occur outside normal work hours and include nighttime hours where ambient noise levels are lower than during the day. Also, the impacts of project emissions on ambient air quality are affected by meteorological conditions. There are calm atmospheric conditions during non-daylight hours including the hours around dawn and dusk that must be taken into account when analyzing the impacts of construction activities in those times of the day. With respect to noise impacts, the Applicant has agreed to limit construction activities outside the previously proposed work hours, consistent with the intent of Riverside County Noise Ordinance. This ordinance prohibits construction activities outside of specified hours when within 0.25 mile of an existing residence. The proposal to refine and limit work hours in this way would not cause noise impacts that are substantially different than those previously analyzed. Air quality impacts associated with the limited additional nighttime operations proposed have been modeled and conclude that adverse air quality impacts would not result. Based on the results of the ambient air quality impacts analysis, the project would not have an adverse impact to air quality resources given the constraints outlined within this discussion. Accordingly, refinement of the daily construction schedule would not cause impacts that are substantially different than those previously analyzed.

Newly Proposed Evaporation Ponds for Wastewater. The resource areas that could be affected by the use of evaporation ponds include water resources (groundwater) and wildlife (birds and other creatures that could be attracted to the ponds as a source of drinking water or landing surface). Operation of the ponds would be regulated heavily by waste discharge requirements to reduce and mitigate environmental impacts. Consistent with the analysis conducted by the CEC, the BLM has determined that the implementation of mitigation measures such as SOIL&WATER-4 (compliance with waste discharge requirements issued Groundwater Level Monitoring, Mitigation and Reporting), BIO-26 (Evaporation Pond Netting and Monitoring) and others would reduce potential impacts associated with the evaporation ponds to an insubstantial level.

New on-site Concrete Batch Plant. The construction-related use of a concrete batch plant could cause air quality concerns from dust, water supply concerns associate with demand, water quality concerns from wash water runoff, and waste concerns from piles of improperly mixed or leftover concrete. Consistent with the analysis conducted by the CEC, the BLM has determined that the additional emissions, water demand and other impacts would be similar to those already analyzed and, with the implementation of mitigation measures, would not cause new or different, more intense impacts than those already identified.

New Alternative Added. One new alternative was identified after the SA/DEIS was issued but before the CEC issued its RSA and Commission Decision: Reconfigured Alternative 2.

Reconfigured Alternative 2 is within the spectrum of alternatives already analyzed: it proposes a reconfiguration of the proposed site (like the Reconfigured Alternative analyzed in the SA/DEIS) that would reduce potential impacts of the proposed action on targets resources (like Reconfigured Alternative 1 and the Reduced Acreage Alternative, each of which were analyzed in the SA/DEIS).

The same as the proposed action, this alternative would be developed primarily BLM-administered public land and could include some privately-owned land. Reconfigured Alternative 2, inclusive of Options 1 and 2, is proposed in the same general location as the proposed action: there would be significant areas of overlap between the respective footprints. Also the same as the proposed action, Reconfigured Alternative 2 would have a nominal output of 500 MW and consist of two independent 250 MW power plants. Unit 1 would be reconfigured under either Reconfigured Alternative 1 (which was analyzed in the SA/DEIS) or the new Reconfigured Alternative 2, although the shape of the reconfigurations would be different. The purpose of the reconfiguration in both instances would be to reduce impacts to the sand dune habitat and the Mojave fringe-toed lizard in the northeastern portion of the site. Unit 2 would be the same under Reconfigured Alternative 2 as it would be under the proposed action. Similar on- and off-site facilities would be required for the new alternative as would be required for the proposed action. Accordingly, NEPA does not require supplementation of the EIS on this basis.

New Significant Circumstances or Information. The NEPA process is designed to provide information to examine impacts and allow for the creation of mitigation measures and alternatives to identify ways to improve a project while further minimizing its impacts. The information disclosure and sharing process inherent in NEPA does not exist in a vacuum. Improvements, additional mitigation, and/or project design features frequently are added to a proposed action as a result of comments received on a draft EIS. The overall design of, and impacts related to, the project as analyzed in the PA/FEIS have not greatly changed since the SA/DEIS, and none of the information that became available after the SA/DEIS has been considered “significant” for NEPA purposes, after a thorough review.

The data relied upon in the SA/DEIS was adequate to inform the BLM’s consideration of the project and to allow a reasoned choice among alternatives. Accordingly, the additional information requested in various comments is not necessary for NEPA adequacy and therefore would not trigger a need to supplement. Further, for example, although the Energy Commission’s RSA and additional studies have become available since the issuance of the SA/DEIS, this

information merely compliments or clarifies prior understandings or confirms earlier assumptions. Additional rationale for the elimination of alternatives from further consideration similarly compliments or clarifies information already provided. None of the new information identified by comments and addressed in the PA/FEIS, as appropriate, is considered “significant,” including new survey results including data from special-status plant and golden eagle surveys conducted this year; CEC’s Revised Staff Assessment or final Commission Decision for project, neither of which was available in the SA/DEIS; revised impacts to cultural resources in the reconfigured alternative; confirmed and consistent project disturbance area (amount of disturbed acreage); and confirmed and consistent estimated amount of cut and fill for the project. NEPA does not require supplementation or recirculation under these circumstances.

Accordingly, it is not necessary to affirmatively establish compliance with LORS in the FEIS. Therefore, the allegation is unfounded that supplementation and recirculation of the EIS would be required on this basis.

The SA/DEIS and the PA/FEIS contain sufficient information, including information regarding resources on the BLM-administered lands on the project site, and analyses to understand and document the effects of the project, the Agency Preferred Alternative, the other action alternatives, and the no action alternatives and, therefore, supplementation and recirculation of the environmental document is not required.

5.5.2.7 Biological Resources

Commenters and Comments Addressed

Commenter	Comments
Brendan Hughes, Individual	2-05, 2-06, 2-07
Center for Biological Diversity	3-001, 3-002, 3-011, 3-020, 3-021, 3-030, 3-032, 3-042, 3-045, 3-046, 3-048; 3-049, 3-050, 3-051, 3-052, 3-053, 3-054, 3-055, 3-056; 3-057, 3-058; 3-060, 3-061; 3-062; 3-063, 3-064; 3-065; 3-068, 3-069
California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)	4-02, 4-03, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10; 4-12; 4-14, 4-15, 4-17, 4-18, 4-19
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-06, 5-08, 5-09, 5-28, 5-30
California Unions for Renewable Energy (CURE)	6-005, 6-026, 6-027, 6-035, 6-036, 6-037, 6-038, 6-039, 6-040, 6-041, 6-042, 6-044, 6-045, 6-046, 6-047, 6-048, 6-049, 6-050, 6-051, 6-052, 6-053, 6-054, 6-055, 6-056, 6-057, 6-058, 6-059, 6-060, 6-062, 6-063, 6-064, 6-066, 6-068, 6-069, 6-070, 6-071, 6-072, 6-073, 6-074, 6-075, 6-079, 6-083, 6-084, 6-086, 6-088, 6-089, 6-090, 6-091, 6-093, 6-094, 6-095, 6-096, 6-098, 6-117, 6-123, 6-124, 6-125, 6-169, 6-170, 6-171; 6-172, 6-173, 6-174; 6-175; 6-176; 6-177; 6-178, 6-179; 6-180, 6-181, 6-182, 6-183, 6-184, 6-185, 6-186, 6-187, 6-188, 6-189, 6-192, 6-194, 6-195, 6-197, 6-198, 6-200, 6-201, 6-202, 6-203, 6-204, 6-205, 6-206, 6-207, 6-209
Western Watersheds Project	7-02, 7-03, 7-05, 7-07, 7-08

Summary of Issues Raised

1. **Adequacy of Baseline Data and Resulting Analysis:** Various comments question the adequacy of analysis, including whether: baseline information or surveys are adequate and, therefore, whether the impact analyses reliant upon them are adequate; the identification of affected special-status species is adequate and, therefore, whether the impact analyses based on these identifications, are adequate; and the cumulative impact analysis is adequate.
2. **General Biological:** Various comments express opinions about general biological issues, including: whether impacts can be fully mitigated; concerns with adequacy of compensation mitigation; concerns with toxic compounds to be used for weeds; concerns that recovery from the proposed action would be slow, over longevity of mitigation; about the adequacy of commitments for mitigation implementation and flexibility.
3. **Vegetation:** Comments state that special-status plants were not adequately evaluated or surveyed.
4. **Wildlife:** Comments express concern about bighorn sheep surveys, impacts and mitigation; about insects; about badgers and kit foxes, including relocation concerns; about surveys, impacts and mitigation of burrowing owl; concern about impacts and mitigation identified for MFTLs, particularly connectivity and movement; desert tortoise monitoring, impacts, movements, relocation; other special-status wildlife besides desert tortoise; lasting effects to wildlife; the impacts of proposed evaporation ponds and mirrors, including whether the proposed mitigation of such impacts are adequate; and Golden eagles, including about the adequacy of the impact analysis and proposed mitigation for impacts on foraging habitat.

Response

Adequacy of Baseline Data and Resulting Analysis

The SA/DEIS and PA/FEIS based upon it adequately analyze impacts on biological resources, including vegetation and wildlife. The Applicant and consultants coordinated with BLM, USFWS, CDFG and CEC on the requirements for species-surveys and survey protocols, if any. A great deal of current baseline information was acquired for the project study area, including that presented in the Application for Certification (AFC), SA/DEIS, and the CEC's RSA and Commission Decision. See PA/FEIS Section 3.18, *Vegetation Resources*; Section 3.22, *Wildland Fire Ecology*; and Section 3.23, *Wildlife Resources*, which describe these respective affected environments. Most biological data relevant to the project study area were collected in the last three years. Additionally, reports regarding fall 2009 and spring 2010 surveys for rare plants and wildlife (CEC RSA, 2010) were used in preparation of the RSA and the PA/FEIS. Protocol surveys were reviewed and approved by appropriate agencies. Further, surveys have necessary limitations inherent in their designs, but the designs are to maximize detection for the unit of effort expended.

Mitigation Measure and CEC Condition of Certification BIO-19, *Special-Status Plant Impact Avoidance, Minimization and Compensation*, requires the Applicant to complete late-season botanical surveys for special-status plants that could have been missed by spring surveys; surveys are consistent with BLM and CDFG plant survey protocols. The protocols specify floristic surveys and qualifications for surveyors to ensure that any new species not previously anticipated

are detected. If late-season rare plants are detected during the surveys, BIO-19 also specifies detailed performance standards for when mitigation would be required and the measures required to compensate for those impacts. BIO-19 has been revised to include a requirement for triggers and performance standards for mitigation based on the results of late-season botanical surveys, off-site mitigation through compensation (acquisition) or restoration and enhancement, site design modifications to avoid peripheral occurrences of special-status plants, and other impact avoidance and minimization measures for rare plants. BIO-19 is summarized in PA/FEIS Section 4.17.4, *Summary of Mitigation Measures [relating to Impacts on Vegetation Resources]*, and set forth in full in Appendix B, *Conditions of Certification*.

More survey information, whether for special-status plants or endangered animals, is always preferable when doing environmental analysis for NEPA, CEQA, or the federal and State endangered species acts. Even so, the special-status plant surveys for the project were extensive, professional, consistent with agency protocol, covered multiple years, and are by any standard a legally sufficient analysis. The survey data were entirely sufficient for reviewing agencies to determine that the project's impacts to late-season special-status plants are significant, that avoidance and other mitigation are required, and to allow decision makers to make intelligent judgments about the project.

The desert tortoise surveys conducted by the Applicant provide an adequate basis for assessing impacts of the project and BLM concurs with the characterization of the project site as having low tortoise densities. The Applicant conducted updated, spring 2010 protocol-level surveys for desert tortoise within the project area, and the results have been included in the CEC's RSA and Commission Decision and BLM's PA/FEIS. PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, provides a detailed analysis of the impacts of the project on desert tortoise.

In response to other specific comments regarding biological resources data, a full census of all individuals of the whole kit fox population is not necessary to analyze impacts of the proposed action and alternatives and to formulate appropriate mitigation measures. Underreporting the amount of active western burrowing owls on the project site and within the buffer area would not serve the interests of the Applicant as pre-construction surveys are required and mitigation measures are required of all western burrowing owl locations in the project disturbance area. Also, the presence of burrowing (fossorial) mammals, such as badgers, can be detected while performing other surveys for other focal burrowing species, such as desert tortoises and western burrowing owls. Badger population size and dynamics are not necessary to determine if the proposed action could impact badgers, or by what means any such impacts would manifest themselves. The PA/FEIS acknowledges at least two pairs of resident western burrowing owls within the project disturbance area in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*. Incidental sightings of MFTL matched the distribution of suitable habitat, and all suitable habitat is considered occupied. The impact analysis was performed on that basis.

Avian point counts were conducted at the project site in spring 2009, providing some quantitative information about resident and migratory birds at the site. Additional information from more bird surveys during project operation would not improve the impact analysis for bird-mirror collision

potential. Information about current bird use at the site would provide little insight as to the number of birds that might occur in a barren, graded solar field, or the likelihood of those birds colliding with mirrors. Mitigation Measure BIO-16, *Avian Protection Plan*, requires data to be collected to determine if such impacts occur, and requires development and implementation of adaptive management to avoid and minimize avian deaths or injuries should they occur.

Further, more analysis went into determination of special-status plants to be surveyed than one person's opinion. PA/FEIS Table 3.18-2, *Vegetation Resources*, identified Coachella Valley milk-vetch as having potential to occur in the project study area. The analysis includes the direct, indirect and cumulative impacts of the project on Harwood's milkvetch, ribbed cryptantha and other special-status plants in PA/FEIS Section 4.17, *Impacts to Vegetation Resources*.

The baseline information and surveys conducted for and reported in the SA/DEIS and PA/FEIS are adequate, as is the analysis of direct, indirect and cumulative impacts that was conducted based on that baseline information.

General Biological

Impacts and Mitigation Measures. PA/FEIS Section 4.17, *Impacts to Vegetation Resources*, Section 4.21, *Impacts to Wildlife Resources*, and Appendix I, *Biological Resource-related Cumulative Impacts*, address the impacts to vegetation and wildlife resources, as well as discuss residual impacts and unavoidable adverse impacts from the proposed action and alternatives.

The PA/FEIS identifies residual impacts and unavoidable adverse impacts at the ends of Sections 4.17, *Impacts to Vegetation Resources*, and 4.21, *Impacts to Wildlife Resources*. These would constitute lasting impacts to biological resources even after mitigation measures are implemented.

Compensatory habitat will be acquired to address project-related habitat loss for desert tortoise, burrowing owl and MFTL among other sensitive plant and wildlife species. Designated critical habitat for Desert tortoise would be compensated at the maximum ratio of 5:1 or replaced via the deposit of funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF) (see, BIO-12 as summarized in PA/FEIS Section 4.21.4, *Summary of Mitigation Measures*, and set forth in full in Appendix B, *Conditions of Certification*). The SA/DEIS does not include any evidence demonstrating there is adequate, private compensatory land in the region available for mitigation of impacts to not only the Desert Tortoise, but the MFTL, western burrowing owl, and other special-status species. Agencies have determined that sufficient compensatory mitigation lands are available in the appropriate areas to fulfill this acquisition requirement. Sufficient controls and criteria are included in the mitigation measure to ensure that appropriate habitat is found.

Uncertainty is a common factor in predictions of environmental effects, whether natural or anthropogenic. Several of the mitigating measures have monitoring and adaptive management components in case predictions do not match reality. In the development of weed or fire management plans, for instance, adaptive management components deal with issues of

uncertainty. Mitigation measures have become more specific and refined since the SA/DEIS. Details such as schedules for plans or implementing various measures were developed, methods for verification of implementation were specified, and funding mechanisms and flexibility were explored. Mitigation measures are recommended for the identified losses of species and special habitats identified in the WHMAs.

The proposed action and any action alternative would be required to comply with the requirements detailed in the Decommissioning Plan. Mitigation Measure and California Energy Commission Conditions of Certification BIO-23 states that no fewer than 30 days prior to the start of project-related ground disturbing activities the Applicant shall provide a draft Decommissioning and Reclamation Plan. The plan would be finalized prior to the start of commercial operation and reviewed every five years thereafter. It is recognized that recovery of the site would be measured in decades, not years.

Cumulative Effects and Connectivity. The analysis of cumulative effects related to vegetation and wildlife, including wildlife movement and connectivity, is provided in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, Section 4.21, *Impacts on Wildlife Resources*, and in Appendix I, *Biological Resources Cumulative Impacts*. The analysis of cumulative impacts is not an exercise in determining current conditions and trends, but rather evaluates the combined effects of past, present and reasonably foreseeable probable future actions.

Local resource agencies were consulted on the occurrences of wildlife movement corridors in the project area in determining the effects of the project on sensitive plant and wildlife species. Scientific literature also was consulted, including data available in the NECO Plan. As discussed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, the project would not directly affect habitat within any NECO Plan connectivity corridors or WHMAs and would not conflict with Desert Bighorn Sheep Conservation goals and objectives outlined in the NECO Plan.

Regarding effects of proposed fencing, Mitigation Measure BIO-9 includes criteria and specifications for desert tortoise exclusion and perimeter security fencing, including maintenance and repair at channels after flood/heavy rainfall events, as does Mitigation Measure Water-14 for channel, fence and gate maintenance. Impacts of fencing are discussed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, including the subsection on residual impacts.

Alternatives. As analyzed in PA/FEIS Sections 4.17, *Impacts on Vegetation Resources*, and 4.21, *Impacts to Wildlife Resources*, Reconfigured Alternative 1, Reconfigured Alternative 2 (under Option 1 or Option 2) and the Reduced Acreage Alternative would cause impacts to vegetation and wildlife resources, respectively. These impact differences are shown in Table 4.17.-1 for vegetation and Table 4.21-1 for wildlife resources.

Vegetation

As explained in Section 7.3 of the BLM NEPA Handbook, “significance” is a NEPA term of art: it is defined specifically to include effects that are of sufficient context and intensity to require an environmental impact statement; the meanings of “context” and “intensity” are provided in the CEQ regulations (40 CFR 1508.27). To determine the severity of an impact under NEPA, several

considerations, including those set forth in Section 7.3 of the BLM NEPA Handbook are evaluated. In the NEPA context, there are no “significance criteria” akin to those established under CEQA. Consequently, the number of sensitive plant species affected by a project does not alone determine whether the project would cause a “significant” impact under NEPA.

Differing alternatives avoid different amounts of habitat. The relative intensity of impacts to Desert Dry Wash Woodland and Unvegetated Ephemeral Dry Wash are set forth in Table 4.17-1. A detailed cumulative impact analysis is found in Appendix I, *Biological Resources Cumulative Impacts*.

Toxic compounds are not intended to be used to suppress dust. For example, AQ-SC-3, *Construction Fugitive Dust Control*, would allow the use only of “appropriate dust suppressant compounds,” which may include chemical dust suppressants. Weed control would be accomplished via implementation of BIO-14, which would require a Weed Management Plan to be finalized in accordance with the Safe Use of Herbicides provision of the mitigation measure. The BLM’s *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic EIS* and relevant federal, State and local regulations also would apply.

Wildlife

PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, and Appendix I, *Biological Resources Cumulative Impacts*, discuss the direct, indirect and cumulative effects of the proposed action and alternatives to bighorn sheep. As discussed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, the project would not directly affect habitat within any NECO Plan connectivity corridors or WHMAs and would not conflict with Desert Bighorn Sheep Conservation goals and objectives outlined in the NECO Plan.

Kit fox and badgers. All habitat surrounding the project site is potentially suitable for kit fox and badger, and biological studies showed suitable habitat is found throughout the study area and outside the disturbed areas of each of the action alternatives. However, any relocation/ translocation effort is likely to entail risk to the translocated animal, be it badger or kit fox. It is recognized that translocation is an imperfect means to address impacts. When animals such as badgers or kit fox are moved into new areas already occupied by individuals of the same species, conflicts for food, water, cover and space can, and do, occur. Additional studies on translocated animals would be impractical given the small numbers of animals involved. “Take” is a recognized type of impact and as such, is not a trigger for studies of the nature suggested. Mitigation Measure BIO-17 requires that the pre-construction surveys for badger and kit fox dens in and near the project area and requires implementation of passive relocation measures to protect them from direct construction impacts. This measure was developed in close consultation with CDFG. The BLM disagrees with the suggestion that passive relocation would cause take as defined by CDFG.

Insects. During the scoping period no issues were raised relative to insects. The Applicant and consultants coordinated with BLM, USFWS, CDFG and CEC on the requirements for species-surveys and survey protocols and checked with the California Natural Diversity Database for occurrences of special-status species in or near the project study area. Additionally, reviews of

literature and databases for special-status species revealed no special-status insects within the project study area. No special-status insects occur in the project study area. PA/FEIS Sections 3.18, *Vegetation Resources*, and 3.23, *Wildlife Resources*, discuss the unique biota adapted to sand dunes, noting that sand dune habitats support a number of endemic species which are unique, sensitive to disturbance, and at high risk of species-level extinction. While we are not aware of any dune-endemic insect species listed as endangered or threatened that might occur at the project site, BLM's analysis of impacts to sand dunes in PA/FEIS Section 4.17, *Impacts to Vegetation Resources*, and Section 4.21, *Impacts to Wildlife Resources*, were based on the assumption that sand dunes are unique and threatened habitat types that support unique and unusual species, whether or not those species had been formally petitioned for threatened or endangered status, or identified on the site.

Desert Tortoise. Both the SA/DEIS and the PA/FEIS show that the desert tortoise is one of many native species that would be adversely affected by the project. Direct, indirect and cumulative impacts to its critical habitat and movement, including habitat fragmentation and movement barriers, are discussed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, and Appendix I, *Biological Resources Cumulative Impacts*. Neither the SA/DEIS nor the PA/FEIS means to imply a lack of forage resources for desert tortoises. A comprehensive set of mitigation measures, including compensation, are proposed to address impacts to the desert tortoise. These are summarized in Section 4.21, *Impacts to Wildlife Resources*, and set forth in full in Appendix B.

Considerable coordination occurred between CEC, BLM, USFWS and CDFG on the best options for avoiding impacts to desert washes and ultimately avoiding impacts of the project on regional desert tortoise connectivity and movement. These alternatives were analyzed in the CEC's RSA and final Commission Decision, as well as in this PA/FEIS. Following publication of the SA/DEIS, CEC staff requested additional data from the Applicant on how the project would not impair wildlife movement, primarily desert tortoise movement and connectivity, in the project area. The Applicant provided "Wildlife Movement and Desert Tortoise Connectivity" (CEC RSA, 2010), which CEC staff and BLM used in their respective analyses of impacts to wildlife movement and connectivity (primarily in relation to desert tortoise). With 24 undercrossings under Interstate 10 over a distance of 32 miles, the BLM and CEC each concluded that adequate opportunities would remain for desert tortoise movement and connectivity north and south of I-10.

Mitigation Measure BIO-10, *Desert Tortoise Relocation/Translocation Plan*, requires the Applicant to develop and implement a final plan that is consistent with current USFWS approved guidelines no later than 30 days before site mobilization. It is recognized that translocation is an imperfect method to address impacts because any relocation/translocation effort is likely to entail risk to the translocated animal. All modifications to the approved Plan shall be made only after approval by BLM's Authorized Officer and the CPM, in consultation with USFWS and CDFG.

In consultation with USFWS and CDFG, mitigation at a 5:1 ratio (critical habitat) and at a 1:1 ratio (outside critical habitat) through land acquisitions or an assessed financial contribution based on the final construction footprint would address habitat loss within the project disturbance area. This compensatory mitigation is consistent with measures in Incidental Take Permits issued by CDFG for projects in the region, and with requirements described in the NECO Plan.

Mitigation Measure BIO-12 (Desert Tortoise Habitat Compensation) was developed to reflect these ratios (BIO-12 is set forth in full in Appendix I, *Conditions of Certification*).

Extirpation of the desert tortoise from the cumulative impacts of solar projects is not predicted.

Mojave fringe-toe lizard (MFTL). Considerable coordination occurred between CEC, BLM, USFWS and CDFG on the best options for avoiding impacts to sand dune habitat and ultimately avoiding impacts of the project on regional MFTL, connectivity and movement. These alternatives were analyzed in the CEC's RSA and final Commission Decision, as well as in this PA/FEIS. Reconfigured Alternative 2 (including Options 1 and 2) was developed to reduce the severity of impacts to the MFTL relative to the proposed action.

The 3:1 mitigation ratio recommended for stabilized and partially stabilized sand dunes is consistent with the NECO Plan. Non-dune habitats occupied by MFTL (sand fields vegetated with sparse creosote bush scrub) are mitigated at a ratio of 1:1; and indirect effects to MFTL habitat at a ratio of 0.5:1 as reflected in Mitigation Measure BIO-20, *Sand Dune/Mojave Fringe-Toed Lizard Mitigation*, which is summarized in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, and set forth in full in Appendix B, *Conditions of Certification*. Off-site and edge effects were analyzed for MFTL and other species in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, including edge effects such as fragmentation, increased road kill hazard from operations traffic, harm from accidental spraying or drift of herbicides and dust suppression chemicals, and increased access for avian predators due to new perching structures.

The PA/FEIS analyzes impacts beyond the edges of the project footprint for MFTL in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*.

Migratory birds. Impacts to migratory birds and migratory bird habitat in desert dry washes was analyzed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*. Concave mirrors that track the sun are unlike other mirrors for which bird strikes have been documented. Uncertainty over the scale of impacts (such as bird strikes on mirrors) prompted the development of BIO-16, which includes preparation of an Avian Protection Plan with adaptive management features. As a performance standard of Mitigation Measure BIO-16, data must be collected to determine if impacts occur and, if so, other measures would be developed and implemented to avoid or minimize avian deaths or injuries. A draft Avian Protection Plan is not needed to conclude that such a plan would be sufficient to reduce impacts. BIO-16 requires that a final Avian Protection Plan that has been reviewed by CDFG and USFWS to be submitted before commercial operation of any of the power plant units. Mitigation Measures BIO-16 and BIO-26, *Evaporation Pond Netting and Monitoring*, both summarized in PA/FEIS Section 4.21.4, *Summary of Mitigation Measures*, and set forth in full in Appendix B, would address impacts to migratory birds from evaporation ponds and other hazards. Additionally, the evaporation ponds are discussed in PA/FEIS Section 4.11, *Public Health and Safety*, and Section 4.19, *Water Resources*.

One comment suggested that the chemical constituents of the heat transfer fluid (HTF) could pose a hazard to birds. Proposed leak detection would trigger prompt response in the event of an HTF leak: Visual inspection would occur throughout the solar field on a daily basis to detect leaks occurring at

ball joints or other connections; the configuration of the looped system would allow different sections of the loops to be isolated if necessary; and remote pressure sensing equipment and remotely actuated valves would detect and isolate any large leak in the piping system. Nonetheless, some HTF leaks can be expected to occur. The two solar fields to be installed at the project site each would include an approximately 4-acre land treatment unit (LTU) (for a project total of 8 acres) to bioremediate soil contaminated by an HTF release. The LTUs would be designed in accordance with Colorado River Basin Regional Water Quality Control Board requirements and utilize indigenous bacteria to metabolize hydrocarbons contained in non-hazardous² HTF-contaminated soil. A combination of nutrients, water, and aeration would facilitate the bacterial activity where microbes restore contaminated soil within two to four months.

Golden eagle. The PA/FEIS describes the golden eagle resource in the vicinity of the project in Section 3.23, *Wildlife Resources*. PA/FEIS Section 4.21, *Impacts to Wildlife Resources*, and Appendix I, *Biological Resources Cumulative Impacts*, analyze direct, indirect and cumulative impacts to the golden eagle from the proposed action and alternatives. Additionally, Mitigation Measure BIO-25, *Golden Eagle Inventory and Monitoring*, is recommended to address impacts to golden eagle: it is summarized in Section 4.21, *Impacts to Wildlife Resources*, and set forth in full in Appendix B, *Conditions of Certification*. Also, Mitigation Measure BIO-12, *Desert Tortoise Compensation*, would compensate with like habitat in the same area for the lost golden eagle foraging habitat.

Golden eagles were surveyed in 2010 concurrently with the surveys for Blythe and Genesis projects, and that survey information is current as of the publication of this PA/FEIS. The Applicant's report, entitled *Golden Eagle Survey Results for the Palen Solar Power Project*, is dated September 13, 2010 (Solar Millennium, 2010). The report summarizes golden eagle survey results completed in 2010 and clarifies and confirms prior assumptions and understandings.

The SA/DEIS and PA/FEIS consider all species mentioned in the comments and many others. A full list of vegetation and wildlife resources considered in the affected environment is found in PA/FEIS Section 3.17, *Vegetation Resources*, and 3.23, *Wildlife Resources*.

5.5.2.8 Climate Change / Greenhouse Gases

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-081, 3-082, 3-084, 3-085
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-18, 5-29
Western Watersheds Project	7-04

² The California Department of Toxic Substances Control (DTSC) has determined for a similar thermal solar power plant that soil contaminated with up to 10,000 mg/kg of HTF is classified as a non-hazardous waste.

Summary of Issues Raised

1. **Air Quality:** Whether the analysis adequately identifies GHG emissions impacts.
2. **Biological Resources:** Whether the analysis of effects of global climate change on the affected environment is adequate, including with respect to the importance of wildlife movement corridors and habitat connectivity and identification of strategies to monitor climate change effects on groundwater or special-status species.
3. **Carbon Sequestration:** Whether the analysis of effects of global climate change is adequate, including to what extent the proposed action would result in reduced carbon sequestration and/or emission of carbon stored in soil organic matter and vegetation currently located on site.
4. **Hydrology:** Whether the analysis of effects of global climate change is adequate, including to what extent climate related changes to hydrologic resources could affect the proposed action or be exacerbated by the proposed action. Specific issues include drainage, flooding and water supply.
5. **Hazards:** Whether the analysis of effects of global climate change is adequate in terms of potential hazards, including increases in potential heat-related hazards, as a result of climate change.
6. **Soils:** To what extent the climate change analysis provided in the EIS should address potential changes in erosion patterns as a result of changes in flooding frequency and other drainage issues that could be exacerbated by climate change.

Response

A discussion of climate change, including the effects of the proposed action on climate change, was included in SA/DEIS Chapter C.1, Air Quality. The BLM acknowledges that additional discussion is warranted given recent federal directives regarding the consideration of climate change in planning documents promulgated by the United States Department of the Interior. Therefore, PA/FEIS Section 4.3, *Impacts on Global Climate Change*, provides updated, supplementary information relative to the SA/DEIS, including a review of the potential contribution of GHGs by the project, the potential climate change-related benefit that would be provided by the project, and the potential impacts of climate change-related effects (such as increases in flooding or decreases in water supply) on the project.

Air Resources

Air resources, including fugitive dust and GHG emissions are discussed in SA/DEIS Chapter C.1, Air Quality, and PA/FEIS Sections 3.2 and 3.3 (*Affected Environment*, air quality and climate change, respectively) and PA/FEIS Sections 4.2 and 4.3 (*Environmental Consequences*, impacts to air quality and climate change, respectively). Concerning impacts to air resources, PA/FEIS Section 4.2, *Impacts on Air Resource*, includes a detailed dispersion modeling analysis of PM10 and ozone emissions for the construction phase and operation phase of the project, including those emissions that would occur as a result of fugitive dust. The implementation of Mitigation Measure AQ-SC3, *Construction Fugitive Dust Control*, would be required during construction.

The Applicant also would implement similar fugitive dust controls during the operations phase of project, as discussed PA/FEIS Section 4.2, *Impacts on Air Resource*.

Mitigation Measure AQ-SC7, *Operations Dust Control Plan*, would mitigate operation period fugitive dust emissions to ensure compliance with State and local regulations and requirements. Although climate change could result in some degree of reduction of soil moisture, as discussed below, soil moisture is already very low under current conditions. Any further reduction in soil moisture would be minimal in terms of the absolute amount of water contained in soils on the proposed site. Therefore, any potential further reductions in soil moisture associated with climate change are not anticipated result in a substantial increase in fugitive dust emissions. AQ-SC7's Operations Dust Control Plan and other air quality-related mitigation measures recommended in the SA/DEIS and PA/FEIS would be sufficient to meet federal, state and local requirements regarding fugitive dust.

Sulfur hexafluoride (SF₆) emissions would be associated with incidental leakage from the circuit breakers proposed as part of the high voltage power transmission facilities for the PSPP, as discussed in PA/FEIS Section 3.3, *Global Climate Change*. SF₆ and the other GHGs analyzed in PA/FEIS are measured in units of carbon dioxide equivalent (CO₂e). Emissions calculations relied upon in the PA/FEIS were provided in the sources identified in Section 4.3, *Impacts on Global Climate Change*. As demonstrated by the analysis in that section, the action and action alternatives would result in a substantial net reduction of GHG emissions by replacing conventional high GHG-producing energy sources with low GHG-producing renewable solar power. Therefore, there is no need to provide additional GHG emissions offsets for construction emissions. Short-term GHG construction emissions associated with the project easily would be offset by project operations within the first several months of project operations. Further, given the operation-related net reduction in GHG emissions, no additional mitigation measures are recommended.

GHG emissions associated with water use and the life-cycle of building materials are not included in the analysis. It is acknowledged that there would be additional indirect emissions associated with these sources; however, the emissions related to water use would not significantly change the emissions totals presented in PA/FEIS Table 4.3-1, *PSPP Construction-related Greenhouse Gas Emissions*, or Table 4.3-2, *PSPP Operating Greenhouse Gas Emissions*. The assumptions that would be required to analyze life-cycle emissions of the building materials would be speculative; guesses would not likely provide an accurate representation of such emissions.

Biological Resources

Biological resources could be affected by climate change. Distribution patterns of species generally are expected to shift according to regional changes in temperature and precipitation. The location of wildlife migration corridors and the extent of invasive species also may be altered.

Concerning fisheries, the project does not contain any perennial or other surface waters that contain fisheries resources. Therefore, there would be no direct, indirect or cumulative contribution to climate change by the project, and climate change-related impacts on fisheries resources would not affect the project.

Concerning mitigation value waterways to be acquired and protected, as discussed in SA/DEIS Chapter C.2 and PA/FEIS Sections 4.17, *Impacts on Vegetation Resources*, and 4.21, *Impacts on Wildlife Resources*, impacts of the proposed action could be avoided or reduced by the implementation of mitigation measures that would require the replacement or substitution of biological resource values that would be lost as a result of implementation of the project. Also as discussed, the proposed mitigation lands would be required to be equivalent in terms of habitat value, and at a replacement ratio of at least 1:1 (typically greater than 1:1, as specified in SA/DEIS Chapter C.2) for direct impacts. Unfortunately, climate change could result in adverse effects on biological resources located on these mitigation lands. However, given that mitigation lands must be similar in biological resources value as compared to lost resources on site, it is anticipated that climate-related effects for the mitigation lands would be similar to those located at the proposed site, if the project were never built. Therefore, potential reductions in the biological resources values of mitigation land values resulting from climate change are expected to be similar to on-site conditions in the absence of the project.

It would be extraordinarily difficult, if possible at all, to provide a broad-based climate analysis to a particular special-status species or habitat. Distribution patterns of species are generally expected to shift according to regional changes in temperature and precipitation, while the location of wildlife migration corridors and the extent of invasive species may also be altered. Project impacts on habitat fragmentation, habitat linkages, and cumulative impacts of multiple projects on corridors and connectivity are analyzed in the PA/FEIS and are only heightened in their importance by the effects of global climate change. As discussed in PA/FEIS Section 4.3, *Impacts on Global Climate Change*, adverse impacts of global climate change are expected to continue; however, international, national and regional efforts, as well as the proposed action, are expected to reduce the rate at which such change occurs, and, thereby, to benefit the environment by minimizing the environmental impacts of climate change. Appropriate climate data would be collected while groundwater monitoring and special-status species monitoring occurs. Analysis of monitoring resource and project effects would consider available climate data when evaluating trends.

Carbon Sequestration

Another comment raises the issue of potential loss or destruction of existing carbon sinks. These include losses of soil carbon from desert soils, loss of existing vegetation on site, and loss of carbon sequestration that would have occurred on site over the life of the project, if the proposed action and action alternatives were not developed. Potential carbon-related effects related to land use changes have been a subject of scientific, government, and interest group interest and research for the last several years, and many researchers have provided estimates of the amount of carbon contained in desert soils and vegetation, and the amount of carbon taken up annually by ecosystems in the Mojave Desert and similar climates. Estimates vary substantially based on the specific location of interest.

In response to comments on this topic, additional information has been included in PA/FEIS Section 4.3, *Impacts on Global Climate Change*. As indicated in that section, there has been much discussion regarding carbon capture sequestration (CCS) and its potential to reduce carbon

emissions from fossil power plants. However, to date, only pilot-scale CCS projects have been implemented in the U.S. Therefore, the fossil power that the proposed action would displace would not include CCS. Almost all of California's fossil-based electricity is supplied from natural gas without carbon capture, and carbon emissions California's existing grid mix of power would be many times higher than the IGCC with CCS case that is considered under the proposed action. Therefore, while the BLM acknowledges that the proposed action would result in increased carbon emissions due to land use changes on site, the total mass of carbon emitted due to these land use changes would be significantly less than the net carbon emission savings of the power plant, based on displacement of existing fossil power production.

Hydrology

A discussion of climate change, including the effect of the proposed action on climate change, as well as the effects of climate change on the proposed, was included in SA/DEIS Chapter C.1, *Air Quality*, and is included in PA/FEIS Section 4.3, *Impacts on Global Climate Change*. Given recent federal directives regarding the consideration of climate change in planning documents, PA/FEIS Section 4.3.2, *Direct and Indirect Impacts of the Proposed Action on Global Climate Change*, includes supplemental information addressing direct and indirect impacts of climate change.

As discussed in SA/DEIS Chapter C.9, *Soil and Water Resources*, the proposed action would include a series of engineered facilities, including rerouted drainage/flood channels, berms and on-site drainage facilities that would channel, retain and otherwise manage stormwater and flood flows on site and in the areas immediately surrounding the project. Also discussed in SA/DEIS Chapter C.9, the proposed action would be designed to account for stormwater drainage and flood flows. Energy Commission Conditions of Approval SOIL&WATER-11 through -13 (see PA/FEIS Appendix B) would require revisions to the proposed drainage report and plans, completion of a detailed FLO-2D analysis, and implementation of drainage channel design and channel erosion protection measures.

As discussed in SA/DEIS Chapter C.9 and PA/FEIS Section 4.19, *Impacts on Water Resources*, the project is not expected to affect Colorado River water; however, because some uncertainty remains, mitigation measures are recommended to avoid any impact should it occur. In the event that climate change results in reduced precipitation within the project area and its vicinity, some degree of associated reduction in groundwater recharge could occur. However, this situation would not result in increased water requirements by the project, and would not result in additional groundwater pumping during project construction or operations. Additionally, as discussed in SA/DEIS Chapter C.9 and PA/FEIS Section 4.19, *Impacts on Water Resources*, the rate of groundwater pumping for the PSPP would be minor in comparison to the total volume of groundwater contained in storage. Therefore, even with potential reductions in total precipitation volume associated with future climate change, the ability of the project to meet its water needs would not be reduced, and no increase in pumping would be required as a result of the effects of climate change.

Hazards

Potential risks associated with wildfire are discussed in SA/DEIS Chapter C.14, *Worker Safety and Fire Protection*, and PA/FEIS Sections 3.22 and 4.20, concerning wildland and fire ecology.

SA/DEIS Chapter C.14 and PA/FEIS Section 3.12 and 4.11, *Public Health and Safety*, discuss potential fire-related risks, and also ensure that adequate fire control personnel, infrastructure, and associated planning would be completed and/or available to the project, to ensure compliance with federal, state and local regulations, and to ensure worker safety.

Climate change would result in a small but general increase in temperature, and could also result in an increase in the frequency of extreme weather events that could generate wildfires, such as increased frequency of drought and heat waves, during operation of the project. In compliance with applicable regulations and mitigation proposed in SA/DEIS Chapter C.14 and PA/FEIS Chapter 4, *Environmental Consequences*, the Applicant would be required install a fire protection/control system on site including a fire water supply system and associated infrastructure, and to comply with State and federal regulations regarding worker safety and training. Additionally, under Energy Commission Condition of Certification WORKER SAFETY-7 (see, PA/FEIS Appendix B), the Applicant would be required to provide funding to the Riverside County Fire Department to ensure available resources to fight potential fires on site. Although the risk of wildfire that could affect the site could increase as a result of climate change, these potential increases in risk are expected to be offset by ongoing compliance with the worker safety and fire protection regulations and mitigation measures specified in SA/DEIS Chapter C.14 and PA/FEIS Sections 4.11, *Impacts on Public Health and Safety* and 4.20, *Impacts on Wildland Fire Ecology*. No additional mitigation is recommended.

Concerning heat waves, the frequency of occurrence and the severity of heat waves could increase as a result of climate change. Heat waves could result in increased potential risk to project employees. However, as discussed in SA/DEIS Chapter C.14 and, PA/FEIS Section 4.3, *Impacts on Global Climate Change*, Energy Commission Condition of Certification WORKER SAFETY-2 (see PA/FEIS Appendix B) would require implementation of an operation period heat stress protection plan that is based on and expands on Cal-OSHA requirements. This plan would provide measures to protect workers against the effect of heat-related hazards, whether or not those hazards are caused by climate change. Although the frequency and/or intensity of heat wave events could increase as a result of future climate change, the heat stress protection plan would meet State requirements for worker safety. No further mitigation measures are recommended concerning this concern.

Soils

As discussed in SA/DEIS Chapter C.9, *Soil and Water Resources*, and PA/FEIS Sections 3.15, *Soil Resources* and 4.14, *Impacts on Soil Resources*, concerning the affected soil resources environment and environmental consequences relating soils resources, respectively, almost all rainfall that occurs in this region of California is lost through evaporation and evapotranspiration. Soil moisture on the project site and in its vicinity is characteristically low. As discussed previously, although precise changes are impossible to predict, climate change could result in increases in extreme weather events, including droughts and heat waves, and an overall reduction in precipitation. These conditions could result in a concurrent reduction in soil moisture content at the proposed site and regionally. However, reductions in soil moisture content would not affect project operations, and would not require any change in water resources usage. Additionally, the

proposed facilities would in no way support additional drying of soils on site, or otherwise exacerbate potential changes in soil moisture associated with climate change. Therefore, no additional change would occur.

5.5.2.9 Air Quality

Commenters and Comments Addressed

Commenter	Comments
Joshua Tree National Park	1-19
Center for Biological Diversity	3-067, 3-083
California Unions for Renewable Energy (CURE)	6-021, 6-102, 6-103, 6-107, 6-108, 6-109, 6-110, 6-112, 6-113, 6-114, 6-115, 6-116

Summary of Issues Raised

1. **Construction-Related Impacts:** Whether the PA/FEIS adequately identifies construction-related impacts of construction exhaust emissions and fugitive dust and identifies adequate mitigation measures.
2. **Cumulative Analysis:** Whether the analysis of cumulative air quality impacts relies on an adequate cumulative setting.

Response

Adequacy of Mitigations for Construction-Related Emissions and Fugitive Dust

PA/FEIS Section 4.2, *Impacts to Air Quality*, summarizes mitigation measures to be implemented during the construction, operation and decommissioning of the project. Several of the mitigation measures in PA/FEIS Section 4.2, *Impacts to Air Quality*, are meant to reduce or treat exhaust (i.e., post-combustion emissions) from construction equipment. For example, AQ-SC6, *Emission Standards Vehicles*, and AQ-4, *Dust Plume Response Requirement*, states that tests shall be conducted to determine the oxygen levels in the exhaust; AQ-SC5, *Diesel-Fueled Engine Control*, states that all precautions must be made to reduce emissions from diesel-fueled engines. Fugitive dust mitigation measures that would substantially reduce potential fugitive dust emissions during construction also are identified in PA/FEIS Section 4.2, *Impacts to Air Quality*, and include AC-SC3, *Construction Fugitive Dust Control*, AC-SC4, *Dust Plume Response Requirement*, and AQ SC-7, *Operations Dust Control Plan*, which require the Applicant to develop and implement construction and operational fugitive dust control plans, respectively. The full text of these and other mitigation measures are set forth in full in PA/FEIS Appendix B.

A comment suggests many feasible mitigation measures to be used during commercial/industrial operations that have been identified by a number of California air districts. Some of these measures are accounted for in PA/FEIS Section 4.2, *Impacts to Air Quality*, and all mitigations identified are meant to reduce emissions during each phase of the project. For example, Mitigation Measure AQ-3, *Propane-fired Equipment*, discusses equipment that shall be fired exclusively with propane.

Mitigation Measure AQ-SC6, *Emission Standards Vehicles*, and AQ-SC7, *Operations Dust Control Plan*, also include the Applicant's stipulated operations emission mitigation, to limit exhaust emissions and fugitive dust emissions during project operation to the extent feasible. Mitigation Measure AQ-13, *Operating Time Limit*, addresses limitations on the construction activities that may be conducted beyond after standard workday hours. A revised construction schedule would result in a shift of some construction activity from daytime to nighttime hours, it does not propose extended operations that would result in a substantial increase in the overall hours of heavy-duty diesel powered construction equipment. Therefore, construction emissions would not be substantially different than those analyzed in the SA/DEIS.

A comment suggests implementing emission limits on new off-road engines that have been established by U.S. EPA and ARB. To be certain that there would be no risk to public health from construction NO_x, ROG and/or PM₁₀ emissions, off-road construction equipment should be mitigated by requiring the use of equipment that meets the latest U.S. EPA and ARB engine emission standards. Implementing appropriate off-road equipment emission control measures, such as those described in Mitigation Measures AC-SC5, *Diesel-Fueled Engine Control*, and AC-SC-6, *Emission Standards Vehicles*, would substantially reduce potential off-road equipment tailpipe emissions potential during project construction.

Cumulative Analysis

A list of projects considered in the cumulative scenario, which includes past, present and reasonably foreseeable probable future projects, is provided in PA/FEIS Section 4.1.4, *Cumulative Scenario Approach*. Specific to the air quality analysis, PA/FEIS Table 4.1-1, *Cumulative Scenario*, identifies the affected air basin as the geographic area of cumulative concern and the air resource-related issues of interest for the project, as well as a variety of BLM renewable energy projects (e.g., Chuckwalla Solar project, the Genesis Solar Energy Project and the EnXco project), other BLM-authorized actions and other known actions/activities (e.g., the Chuckwalla Valley Raceway). The cumulative analysis adequately considers the project's contribution to localized cumulative impacts. Mitigation measures summarized in PA/FEIS Section 4.2, *Impacts to Air Quality*, and set forth in full in Appendix B adequately would address localized cumulative air quality impacts.

5.5.2.10 Water Resources

Commenters and Comments Addressed

Commenter	Comments
Joshua Tree National Park	1-06, 1-08, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17
Center for Biological Diversity	3-008, 3-073, 3-074, 3-075, 3-076, 3-077, 3-078
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-12
California Unions for Renewable Energy (CURE)	6-022, 6-026, 6-143, 6-148, 6-151, 6-152, 6-153, 6-154, 6-155, 6-156, 6-157
Western Watersheds Project	7-09
Metropolitan Water District of Southern California	8-04, 8-05, 8-06

Summary of Issues Raised

1. **Groundwater Resources and Water Supply:** Direct, indirect and cumulative impacts to groundwater and connectivity to the Colorado River; water balance, supply and usage (including during construction); cumulative context; and concerns about the effectiveness of proposed mitigation measures and the adequacy of the water model used and graphic representations of historical data.
2. **Streams and Other Water Resource Issues:** Water resources impacts to downstream flow and sedimentation, natural drainage channels and streambed effects, including geologic effects; and impacts to vegetation, biological resources and dune ecosystems.
3. **Water Use for Cooling:** How the proposed dry-cooled project will affect water resources.
4. **Water Rights:** Whether the Applicant has sufficient rights to water needed for construction and operation of the project, or whether such rights will be needed to be obtained; the necessary limitations of water rights contracts; and the extent of geographic area considered for the impacts of extracting Colorado River water.

Responses

Groundwater Resources and Water Supply

The impact assessment contained in PA/FEIS Section 4.19, *Impacts to Water Resources*, including the potential impacts to groundwater resources in the Chuckwalla Valley Groundwater Basin (CVGB), is an analysis of the anticipated direct and cumulative effects of the project, in comparison to the various alternatives, as required under NEPA. The analysis quantifies the extent of groundwater depletion that would be expected (see PA/FEIS Tables 4.19-1 and 4.19-7). The data that were used in support of the impact analysis, including level of significance designations, are included in this PA/FEIS for review. Comments refer to CEQA significance criteria, which are not incorporated into this PA/FEIS for the NEPA analysis.

A comment states concern with the long-term water level trends presented in the SA/DEIS (hydrographs). The purpose of these hydrographs is to illustrate historic groundwater levels in the vicinity of the project site, and also to disclose historic trends in water level, as data are available, from as early as the 1950s. Data collection at these wells was unfortunately sporadic. However, taken together, these data generally show relatively stable water levels in the basin until the 1980s, a period of decline in the 1980s, and then a resurgence in water levels during the 1990s. To the extent possible, similar scales were used along the vertical axes of each chart, in order to allow the reader to easily compare historic water levels among each of the ten well sampling sites. Updating the charts to show a more expanded vertical scale would limit the reader's ability to easily compare water levels at each of these well sites. Therefore, no update to the figure was made.

A comment suggests that the total recoverable amount of water within the CVGB could be limited to 75,000 or 3,000 acre-feet; however, this value appears to use an incorrect formula based on storativity and other parameters that were included in Table 7 in the SA/DEIS, which is the same as Table 4.19-2 in this PA/FEIS. Consequently, the proposed value is not an appropriate point of comparison.

A comment further proposes to use a basin storage value of 9.1 million acre-feet, as compared to 15 million acre-feet, citing that the 9.1 million acre-feet storage value is a more conservative estimate and is consistent with documentation from a pumped hydrologic storage project in the vicinity of the project. The studies completed in support of the project were completed as recently as 2010 with the most up-to-date data available at the time of printing that is directly relevant to the project. A comment uses groundwater storage documentation prepared in support of a separate project (Eagle Crest Energy), which is expected to include significantly different study and boundary assumptions. Use of the Eagle Crest Energy data is not anticipated to result in more accurate basin storage estimates relevant to the project and would not be consistent with other BLM documentation for regional solar power projects. Therefore, the BLM declines to rely on the Eagle Crest Energy reports.

As discussed in PA/FEIS Section 4.19.3, *Cumulative Impacts [relating to Water Resources]*, potential cumulative impacts to groundwater are considered in light of basin balance, levels and water quality. Cumulative impacts to the Colorado River are not expected; nonetheless, mitigation measures are recommended to address any remaining uncertainty. With the implementation of these measures, potential impacts related to Colorado River hydrology either would be avoided entirely or would be off-set by a requirement that the Applicant apply for and receive an allocation. Under either scenario (the expected no impact or potential impact avoided), the project would not contribute any impact to cumulative Colorado River water conditions.

Comments raise concerns regarding adherence to mitigation and monitoring and suggest oversight of monitoring by USGS or the California Department of Water Resources. However, requiring oversight of the groundwater level monitoring program by an outside agency such as those indicated would be inefficient in terms of agency coordination and cost. Additionally, the proposed mitigation monitoring plan is expected to be sufficient to meet such needs. Therefore, additional mitigation, including third party oversight, is not warranted to effectively mitigate potential impacts.

A comment states that geohydrologists sometimes assume that a “relatively undeveloped desert basin like the CVGB is in a quasi-equilibrium condition with respect to... water balance.” However, as discussed in PA/FEIS Section 3.20, *Water Resources*, this assumption, and the conclusions that the comment draws from it, are not correct. The basin had been overdrafted to support of historic agricultural production during previous decades and still appears to be in the process of recovering from that period. Using basin outflow as an indicator of basin budget for a basin that is recovering from overdraft would likewise result in a flawed analysis, wherein the total basin balance would be substantially underestimated due to reduced outflow under recovery conditions. Use of other substantially lower estimates of groundwater basin balance, as suggested by the comment, would therefore not be justified, and would run counter to the best available data and information regarding groundwater levels and basin balance for the CVGB system.

As discussed under the *Groundwater Levels* subsection of PA/FEIS Section 4.19, *Impacts to Water Resources*, the maximum predicted water table drawdown over the lifetime of the project would be 57 feet, in the area immediately adjacent to the pumping well, resulting in a radius of

approximately 2-3 miles from the project site where groundwater would be drawn down by up to 1 foot. Furthermore, the nearest potential halophyte communities to the project are located approximately 3-6 miles from the project site, and estimates of groundwater level drawdown in that area are expected to range from 0.2 to 0.6 feet. Additional detail regarding the extent of drawdown can be gained by reviewing groundwater level modeling documentation, as well as the figures included in the PA/FEIS. With implementation of the several recommended mitigation measures, these potential impacts would be reduced. Thus, the level of detail contained in the PA/FEIS is adequate under NEPA.

Text in the cumulative impacts analysis of PA/FEIS Section 4.19, *Impacts to Water Resources*, reflects the values shown in PA/FEIS Tables 4.19-6 and 4.19-7.

PA/FEIS Table 4.19-1 has been updated to show the following values for the net budget balance column: 2,128 acre-feet/yr during construction and 2,308 acre-feet/yr during operations.

PA/FEIS Table 4.19-7 has been updated to show 3,745 acre-foot/yr and -1,137 acre-foot/yr, respectively.

Groundwater modeling specific to the project was completed by AECOM (2010a as cited in the CEC RSA, 2010). PA/FEIS Table 4.19-2 provides a summary of numerical results from the groundwater model, including figures and tables drawn from that report, and a discussion of associated findings. This model is considered to be sufficient for the purposes of impact assessment under NEPA. For additional modeling details, including development, calibration, and additional results from the groundwater model used in support of the project, please refer to AECOM (2010a as cited in the CEC RSA, 2010).

The groundwater model used by AECOM is based on the United States Geological Survey (USGS) model developed by the USGS used to define the Colorado River accounting surface, and was modified slightly to account for project-specific properties. Additional documentation on the properties of this model, including the detailed technical characteristics relating to model calibration, results of modeling runs, sensitivity analysis, and other items, can be found in AECOM (2010a as cited in the CEC RSA, 2010) as well as the California Energy Commission's Revised Staff Assessment and supporting documentation for the project.

Water consumption needs analyzed in the PA/FEIS reflect water use associated with concrete batch plant operations (see PA/FEIS Section 4.19, *Impacts on Water Resources*). Total water consumption that would occur under the project is summarized in PA/FEIS Table 4.19-1, and amounts to 480 acre-feet/yr during construction (1,440 acre-feet total for construction over 3 years) and 300 acre-feet/yr during operation (9,000 acre-feet total for operation over 30 years). No additional water use is proposed.

Streams and Other Water Resource Issues

The PA/FEIS acknowledges the project's potential impact on existing washes located on site, as well as immediately downstream of the project area, including related potential impacts associated with loss or interference with biological habitats and dune ecosystems. Specifically,

discussion of groundwater use and groundwater pumping (including as it may affect the Colorado River as well as groundwater dependent ecosystems), natural springs, wildlife and fire ecology are provided in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, Section 4.20, *Impacts on Wildland Fire Ecology*, and Section 4.21, *Impacts on Wildlife Resources*. These sections disclose potential biological resources impacts, and recommend a suite of mitigation measures to address potential impacts associated with loss of habitat and other effects on biological resources. No further potential impact categories related to the use of groundwater were identified. Potential impacts to the sand transport corridors and the dunes themselves are evaluated in PA/FEIS Section 4.14, *Impacts on Soils Resources*, and Section 4.17, *Impacts on Vegetation Resources*. These sections recommend mitigation measures to address potential impacts of the project to the sand transport corridors and the dunes to minimize potential impacts on these sensitive resources. Additional analysis is not warranted.

The project would use only groundwater. The project would not require the use of surface water for construction or operation. Groundwater levels within the CVGB in areas potentially affected by or hydrologically downstream of the project are sufficiently below the ground's surface, such that no change in surface water infiltration rates would occur as a result of any potential project-related groundwater drawdown. Flood waters associated with desert washes in the vicinity of the PSPP would be routed around the project site and would not be captured or detained. Potential effects on the Colorado River would be mitigated as discussed in Chapter 4.19, *Impacts on Water Resources*.

As discussed in PA/FEIS Section 4.19, *Impacts to Water Resources*, the existing natural drainages that are located on site would be re-routed around the project, and the project would be sited to avoid interference with some larger washes. The potential changes that would result in downstream flow was assessed in the Project Drainage Report (CEC RSA, 2010), via HEC-HMS and FLO-2D modeling. The Applicant will be preparing additional drainage engineering and design work, including adherence to proposed mitigation measures requiring an updated drainage plan. Compliance with Riverside County guidelines for conveyance channels, revisions to preliminary grading and drainage plans, and implementation of a channel maintenance program during Project operations are also considered. However, the purpose of this work is to provide engineering-level details of project design for project drainage, within the scope of the drainage facilities that have been disclosed for the project within the PA/FEIS. The overall scope and nature of the drainage facilities proposed in the PA/FEIS will not change, and thus are adequate for assessing potential impacts associated with the project.

As discussed above, the maximum predicted water table drawdown over the lifetime of the project would be in the area immediately adjacent to the pumping well, resulting in a radius of approximately 2-3 miles from the project site where groundwater would be drawn down by up to 1 foot. The nearest potential halophyte vegetation communities to the project are located approximately 3-6 miles from the PSPP site, and estimates of groundwater level drawdown in that area are expected to range from 0.2 to 0.6 feet. Additional detail regarding the extent of drawdown can be gained by reviewing groundwater level modeling documentation, as well as the figures included in the PA/FEIS. As discussed in PA/FEIS Section 4.19, *Impacts on Water*

Resources, with application of recommended mitigation measures, potential impacts would be reduced. Thus the level of detail contained in the PA/FEIS is adequate under NEPA.

As discussed in PA/FEIS Section 4.19, *Impacts to Water Resources*, the potential for subsidence associated with groundwater withdrawal is anticipated to be remote, based on the geologic/sedimentary characteristics of the CVGB, and on a lack of measured subsidence during previous, historic drawdown events. Earth fissuring would not be supported by the sandy soils located on site. Potential for interference with wells is addressed in PA/FEIS Section 4.19, *Impacts on Water Resources*. As discussed therein, drawdown of groundwater levels associated with the project could result in reductions in water levels at nearby wells, causing various problems. These potential impacts would be mitigated via the incorporation of mitigation measures that are discussed in the PA/FEIS, including pump monitoring to ensure that the water usage rates proposed in this document, during construction and operation, are not exceeded over the life of the project; implementation of a groundwater level monitoring, mitigation and reporting plan during construction and operation; provisions for monetary or other reimbursement for potential impacts to wells; and provisions for groundwater production reporting.

In regards to modifications associated with transmission lines and access roads, potential effects of access roads to support access to the project site are included in the assessment of the main project site, while potential effects on drainage associated with proposed transmission lines and associated access roads are discussed separately within PA/FEIS Section 4.19, *Impacts on Water Resources*. Briefly, localized grading along these facilities could adversely affect offsite portions of existing drainages, if it is not stabilized properly. Mitigation measures are identified to reduce the intensity of this potential impact. Also, diversion or channelization of existing drainages would not occur as a result of installation of the proposed transmission line.

As discussed in PA/FEIS Section 4.19, *Impacts on Water Resources*, and above, the PSPP is not expected to affect the Colorado River; however, because uncertainty remains, mitigation measures are identified to address potential effects. As further discussed in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, Section 4.19, *Impacts to Water Resources*, and 4.21, *Impacts on Wildlife Resources*, the PSPP would not otherwise affect surface water, including springs or seeps, such that wildlife or other biological resources would be affected. As discussed in PA/FEIS Section 3.20, *Water Resources*, the only surface water features located on site or adjacent to the project are ephemeral desert washes. The project would not draw water from these washes, and would not otherwise require or use surface water in support of construction or operations.

Water Use for Cooling

As discussed in PA/FEIS Chapter 2, *Proposed Action and Alternatives*, the proposed action would include an air-cooled condenser that would provide air-based cooling for the power generation train of the plant. The incorporation of air cooling into the project was proposed by the Energy Commission as a potential measure to offset most of the water use requirements for the PSPP. As a result, dry cooling has been incorporated into project design, and thereby would substantially reduce the total groundwater withdrawal requirements that would occur as a result of the project as proposed.

Some auxiliary functions of the plant still would require water-based cooling (see, e.g., PA/FEIS Section 2.2.2, *Major Project Components*, which identifies one wet cooling tower to be installed in each power block for ancillary equipment, and Section 2.2.3, *Power Plant Civil/Structural Features*, describing the power plant's two cooling systems). Impacts associated with the proposed auxiliary cooling are analyzed in PA/FEIS Chapter 4, *Environmental Consequences* (see, e.g., Section 4.19, *Impacts to Water Resources*). As revised, the project would require substantially less water than would be required for a wet-cooling system. Further, with the implementation of dry cooling (which reduces the efficiency of power production), the amount of power generated per acre of solar thermal field is, in comparison to most utility scale photovoltaic (PV) systems being installed at present, more efficient in terms of the amount of power that can be generated per acre of land area.

Water Rights

As analyzed in PA/FEIS Section 4.19, *Impacts to Water Resources*, implementation of the project is not expected to draw water from the Colorado River or otherwise affect existing water rights allocations. Because some uncertainty remains about whether groundwater pumping for the project could affect the Colorado River and, therefore, implicate water rights concerns, the implementation of recommended mitigation measures would avoid any such effects. Accordingly, regardless of whether the recommended mitigation measures ultimately are triggered by the project, development of the project would not interfere with any existing water rights.

5.5.2.11 Cultural Resources

Commenters and Comments Addressed

Commenter	Comments
The Wilderness Society and the Natural Resources Defense Council (NRDC)	5-13, 5-14
California Unions for Renewable Energy (CURE)	6-023, 6-031, 6-126, 6-127, 6-128, 6-129, 6-130, 6-131, 6-132

Summary of Issues Raised

1. **Use of Programmatic Agreement:** Whether use of a Programmatic Agreement (PA) impermissibly defers evaluation, mitigation and treatment of potential impacts on cultural resources.
2. **Native Tribes Consultation:** Need to collaborate with Native peoples of the region, through government-to-government consultation to adequately consider potential impacts of these projects on Native peoples.
3. **Adequacy of Data to Determine Impacts and Mitigations:** Whether the analysis of cultural resources, including of the reconfigured alternative, is adequate, in light of the status of pending additional information and analysis on cultural resources.

Responses

Use of Programmatic Agreement to Comply with NHPA

Regulations implementing the National Historic Preservation Act (NHPA) (36 CFR Part 800) provide for the use of a Programmatic Agreement (PA) when effects on historic properties cannot be fully determined prior to approval of an undertaking. PAs commonly are used to comply with Section 106 of the NHPA on large projects like the PSPP.

As discussed in PA/FEIS Section 5.2.2, *Tribal Consultation and Section 106 Compliance*, adverse effects that the PSPP could have on cultural resources will be been resolved through compliance with the terms of a PA reached on September 21, 2010, pursuant to NHPA Section 106 (16 USC Section 470; 36 CFR Section 800.14) in consultation with the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO), Indian tribes, and other interested parties. Implementation of the terms of the Programmatic Agreement is identified as a recommended mitigation measure (see Section 4.4, *Cultural Resources*). The PA is provided in Appendix H.

The approved PA will govern the conclusion of the identification and evaluation of historic properties (eligible for the NRHP), as well as the resolution of any adverse effects that may result from the proposed action or alternatives. Treatment plans regarding historic properties that cannot be avoided by project construction will be developed in consultation with stakeholders as stipulated in the PA. Analysis of impacts in this document and implementation of the terms of the PA would provide evidence of BLM's compliance with NHPA Section 106 and NEPA.

Cultural resources information for the alternatives, including Reconfigured Alternative 2, has been compiled and considered in the PA/FEIS: Direct, indirect and cumulative impacts on cultural resources identified within the Area of Potential Effects for the proposed action and alternatives are analyzed in PA/FEIS Section 4.4, *Impacts to Cultural Resources*.

Consultation with Native American Tribes

As stated in PA/FEIS Section 5.2.2, *Tribal Consultation and Section 106 Compliance*, the BLM initiated consultation in the early stages of project planning by certified letter on July 1, 2009. Tribes were invited to a general scoping meeting and project site visit held on January 25, 2010. On February 10, 2010, the BLM Palm Springs/South Coast Field Office Manager and Archaeologist met with the Fort Yuma Quechan Tribal Council. They provided information on several solar energy projects, including the project, and answered questions. Letters requesting consultation among tribes, the Energy Commission, the Applicant, the SHPO, and ACHP to develop a PA for the PSPP were mailed out to the below-listed tribes on March 3, 2010.

An initial meeting regarding the PA was held on April 23, 2010, in Palm Desert, to which all interested tribes were invited. They also were notified of a workshop on the PSPP SA/DEIS, held on April 29, 2010, in the BLM Palm Springs/South Coast Field Office, where, the BLM also held an informational meeting for the tribes on May 25, 2010. The BLM issued a draft PA for the PSPP on June 17, 2010, allowing 30 days for public and Native American comment. Appendix I of the draft PA included a log of BLM's consultation with specific individuals and groups. The

BLM also held a meeting in Palm Desert on August 11, 2010, to review and discuss the revised draft PA; some Native Americans were in attendance. At this meeting, representatives of two organizations (California's for Renewable Energy and La Cuna de Aztlan Sacred Sites Protection Circle) expressed concern over geoglyphs and other sacred sites and ancient trails that solar development in the Chuckwalla Valley and on Palo Verde Mesa could affect. As a result of consultation efforts, Native Americans identified no additional cultural resources relative to those analyzed in the SA/DEIS that could be affected by the project.

Thirteen tribes or related entities were identified and invited to consult on this project, including:

14. Ramona Band of Mission Indians
15. Torres-Martinez Desert Cahuilla Indians
16. Augustine Band of Cahuilla Mission Indians
17. Agua Caliente Band of Cahuilla Indians THPO
18. Morongo Band of Mission Indians
19. Twentynine Palms Band of Mission Indians
20. Fort Yuma Quechan Indian Tribe
21. Colorado River Indian Tribes
22. Chemehuevi Reservation
23. Colorado River Reservation
24. San Manuel Band of Mission Indians
25. Quechan Indian Tribe
26. Fort Mojave Indian Tribe

Adequacy of Data to Determine Impacts and Mitigations

Cultural resources within the Area of Potential Effects of the proposed action and alternatives have been identified and are discussed in PA/FEIS Section 3.4, *Cultural Resources*, Section 4.4, *Impacts on Cultural Resources*, and Appendix H, *Programmatic Agreement*. Palen Dry Lake ACEC is approximately 0.5 mile from the project site; no cultural resources within this ACEC are within the Area of Potential Effect. Class III cultural resource inventories of the proposed action, including the solar plant site, transmission lines and other areas of disturbance have been completed.

Impacts, including construction-related impacts, on cultural resources that would be adversely affected by the proposed action and alternatives are analyzed in PA/FEIS Section 4.4, *Impacts to Cultural Resources*. All impacts to cultural resources will be addressed through implementation of the approved PA.

Existing information is not sufficient to determine the boundaries of a potential Prehistoric Trails Network Cultural Landscape or the archaeological sites that would contribute to such a landscape, such as the Halchidhoma Trail. The same is true for a potential Desert Training Center/California-Arizona Maneuver Area Cultural Landscape; although the Desert Training Center California-Arizona Maneuver Area (DTC/CAMA) is described and considered in the PA. Archaeological sites within the Area of Potential Effect that might contribute to these potential landscapes have been identified.

5.5.2.12 Public Health and Safety

Commenters and Comments Addressed

Commenter	Comments
Center for Biological Diversity	3-008
California Unions for Renewable Energy (CURE)	6-133, 6-134, 6-135, 6-137, 6-138, 6-139, 6-140, 6-141, 6-142, 6-143, 6-215, 6-216, 6-218, 6-220, 6-221, 6-222, 6-224, 6-225, 6-226, 6-227, 6-228, 6-229, 6-234

Summary of Issues Raised

1. ***Unexploded Ordnance Risk:*** Potential Risk and Effects of Unexploded Ordnance (UXO) and Hazardous Debris
2. ***HTF Risk:*** Risk of Release Heat Transfer Fluid (HTF) and Components and Waste Classification

Responses

Potential Risk and Effects of Unexploded Ordnance (UXO) and Hazardous Debris

Issues concerning risks to public health and safety associated with dermal contact and ingestion of contaminated soils are discussed in PA/FEIS Section 4.12.2, *Hazardous Materials*, and PA/FEIS Section 4.12.3, *Waste Management*. The possibility of soil contamination in connection with UXO also is analyzed in Section 4.11.4, *Unexploded Ordnance (UXO)*. As discussed in PA/FEIS Section 3.12, *Public Health and Safety Resources*, a Phase I Environmental Site Assessment for the project site was conducted in 2009. The Phase I identified no evidence of Recognized Environmental Conditions at the project site and did not indicate the presence of UXO. Thus, a Phase II investigation was not recommended. Nonetheless, mitigation measures are recommended to address UXO-related impacts. See PA/FEIS Section 4.11.4.4, *Summary of Mitigation Measures*.

Risk of Release Heat Transfer Fluid (HTF) and Components

Potential impacts related to HTF spills and contamination associated with the proposed land treatment units are addressed in PA/FEIS Section 4.11, *Impacts to Public Health and Safety*, and Section 4.19, *Impacts to Water Resources*. Section 4.11, *Impacts to Public Health and Safety*, also addresses roadway safety impacts associated with transportation of various materials, including HTF.

Transport vehicles carrying hazardous materials to and from the project site would be required to follow federal and State regulations governing proper containment vessels and vehicles, including appropriate identification of the nature of the contents. Additionally, the Applicant would be required to develop and implement a Safety Management Plan for the delivery of hazardous materials. These requirements would remain in place for the entire duration of the project.

Specific engineering drawings and design specifications for the project are not available for public review. However, a sufficient number of isolation valves would be installed that could be activated manually, remotely or automatically to limit the volume of a spill of HTF to 1,250 gallons – this is a 650 gallon increase from the amount stated in the SA/DEIS and the maximum³ amount that could be lost if there were a catastrophic break in a HTF pipe in the solar field. Considering that the proposed action analyzed in the PA/FEIS also includes two on-site land treatment units (LTUs) whereas the SA/DEIS considered only one, the increase in the maximum amount of HTF that could be spilled does not constitute a substantial change in the proposed action under NEPA: the type of impacts that could result from an HTF spill (as analyzed in the SA/DEIS) are the same regardless of the amount spilled, and the capacity for treatment of any spill has been increased proportionally. Further, pursuant to Mitigation Measure WASTE-7, an approved Operation Waste Management Plan would identify treatment methods and companies providing treatment services. It is assumed that this plan would include provisions for the management of the free standing liquids that could follow a spill.

Comments reference past HTF spills at the Luz Solar Energy Generating Stations (SEGS). The SEGS site is operated by a different solar energy purveyor than the Applicant, was constructed over 20 years ago, and used different design specifications and older technologies (CEC, 2010). Thus, it is not a comparable project to the project and does not serve as an accurate indicator for HTF spill potential at the project site. Thus, this comment does not have a bearing on the adequacy of the analysis of potential impacts of the project. Further, the comment has provided no credible information to suggest that the estimated annual amount of HTF-contaminated soil for the project is vastly underestimated. However, the properties of Therminol and the record of its use at a comparable project, Solar Electric Generating Stations 8 and 9 at Harper Lake, California, have been reviewed and assessed. Past leaks, spills and fires involving HTF were examined and discussed in preparation of this PA/FEIS (CEC, 2010). Most leaks in existing solar power plants release very small amounts of HTF. The results of the assessment indicated that the placement of additional isolation valves in the HTF pipe loops throughout the solar array, as would be required through the implementation of Mitigation Measure HAZ-4, would substantially add to the safety and operational integrity of the entire system and prevent large quantity spills of HTF.

Benzene. Therminol breaks down when heated to the temperatures associated with a solar energy generation system and, consequently, emit Volatile Organic Compounds (VOCs) that contain toxic HTF decomposition products, which include benzene. Impacts of the release of these decompositions products are addressed in PA/FEIS Section 4.11.2, *Hazardous Materials* (see, e.g., 4.11.2.2, *Discussion of Direct and Indirect Impacts*). A health risk assessment was prepared for the project based on 137 pounds of VOC emissions per MW per year. Because benzene is the most toxic of the potential breakdown products as well as the most likely compound to be emitted due to

³ The maximum amount that could be lost if a catastrophic break in a HTF pipe in the solar field were to occur is calculated based on engineering and efficiency factors provided by the Applicant, including the size of the solar array pipe loops as well as an effort to avoid placing too many valves in the pipes, since valves create friction and turbulence that could disrupt the flow of the HTF.

its chemistry, the operational health risk assessment conservatively assumed that 99% of the increase in VOC emissions would be comprised of benzene to ensure that the health risk estimates were not underestimated. Health risks to workers resulting from exposure to benzene and other HTF constituent elements were found to be below significance thresholds. Thus, mitigation for these effects is not required. However, implementation of Mitigation Measure WORKER SAFETY-2 would minimize workers' exposure to HTF constituent elements and ensure proper handling of those elements. Plans implemented under Mitigation Measure HAZ-2 also would be provided to Riverside County of Environmental Health and Riverside County Fire Department.

The SA/DEIS and PA/FEIS recognize that HTF, including benzene and other breakdown products, could contaminate soil and groundwater. For example, the proposed action has included at least one on-site land treatment unit to bioremediate or land farm soil contaminated from releases of HTF since it was proposed (as analyzed in the PA/FEIS, it includes two LTUs). Each LTU would be designed in accordance with Colorado River Basin Regional Water Quality Control Board (RWQCB) requirements, which adequately would address water quality concerns, and the California Department of Toxic Substance Control (DTSC) would require site-specific data to provide/confirm a classification of the waste resulting from the LTUs. As required under WASTE-8, samples of HTF-contaminated "shall be analyzed in accordance with USEPA Method 8015 or other method to be reviewed and approved by DTSC" (emphasis added). This recommended mitigation measure, which honors DTSC's expertise over the subject matter, ensures that the appropriate analytical methodology would be required.

Waste Classification. Pursuant to Mitigation Measure WASTE-7, the approved Operation Waste Management Plan would identify waste testing methods for the project to ensure correct classification of contaminants. The threshold for hazardous contamination of soil with HTF is determined on a case-by-case basis by DTSC. Such determinations typically are based on site conditions as well as a historical pattern of HTF discharges at the site. In the absence of a historical pattern of HTF discharges at the site, it is assumed that HTF-contaminated soils with concentrations $\geq 10,000$ milligrams of HTF per kilogram of soil would be considered hazardous. This is based on the 1995 DTSC determination that a 10,000 milligram per kilogram concentration of HTF would be assumed hazardous for the SEGS III-VI at Kramer Junction project. This determination, however, is subject to change once a history of discharges has been established. At that time the Applicant would petition DTSC for its concurrence on a standardized waste classification for HTF contaminated soils generated at the facility (22 CCR 66260.200(d)). Section 66260.200(f) of Title 22 of the California Code of Regulations places the responsibility of determining whether a waste must be classified as hazardous on the generator of that waste. Therefore, the project owner would have the duty to assess the waste classification for HTF-impacted soils at the project facility in consultation with the Energy Commission, BLM, DTSC and the RWQCB.

5.5.3 Individual Responses

NEPA requires all substantive comments - whether environmental or procedural in nature - to be addressed and attached to the Final EIS (40 CFR 1503.4(b)). This section 5.5.3 provides a response to each of the individual comments received on the SA/DEIS. Where a comment is addressed as part of a Common Response, the individual response provided in this section refers the reader to the applicable Common Response in PA/FEIS Section 5.5.2.

5.5.3.1 Letter 1 – Responses to Comments from Joshua Tree National Park

- 1-01 The BLM acknowledges and appreciates the comment.
- 1-02 BLM appreciates the Park Service’s support in connection with the proposed action.
- 1-03 Pursuant to Section 6.9.2.1 of BLM’s NEPA Handbook, this comment does not meet the criteria for a substantive comment; consequently, BLM is unable to provide a substantive response.
- 1-04 See Response to Comment 1-03.
- 1-05 Cumulative impacts to water resources, including those relating to groundwater extraction, are analyzed in PA/FEIS Section 4.19.3, *Cumulative Impacts*. See also, Common Response 5.5.2.10. Impacts to scenic views and other aesthetic resources are analyzed in Section 4.18, *Impacts on Visual Resources*. As shown by a comparison of Section 4.18.3 (relating to visual resources) and Section 4.19.3 (relating to water resources), the geographic scope of the cumulative effects analysis varies by resource: for visual resources, it consists of potential shared viewsheds along the I-10 corridor (where visual impacts could be synergistic) and locations from which a viewer could see the proposed action along with views of other projects (where visual impacts could be additive). See also PA/FEIS Figure 3.19-3, *Project Study Area and Viewshed*. While there is some cross-over with the watershed boundary, the viewshed boundary and watershed boundary are not coterminous. Impacts of the project on park visitors’ experiences are addressed in Section 4.18, *Impacts on Visual Resources*.
- 1-06 Quantification of impacts is provided in the PA/FEIS where possible to avoid the use of more subjective terms. Where quantification is not possible, qualitative analysis is provided. Since the term “significant” has different meanings under NEPA and CEQA, the BLM recognizes that some confusion may have arisen in the SA/DEIS, which was prepared jointly under NEPA and CEQA, and has endeavored to correct this in the PA/FEIS, which was prepared under NEPA alone. For example, “significance criteria” are a creature of CEQA. By comparison, under NEPA, significance is defined in terms of context and intensity (40 CFR 1502.2). To help agency decision-makers and members of the public understand how a resource or issue will be affected, the analysis in PA/FEIS Chapter 4, *Environmental Consequences* focuses on the context, intensity and duration of the effects

- most likely to result from implementation of the project. For specifics about the analysis in the PA/FEIS of impacts to Water Resources, see Common Response 5.5.2.10.
- 1-07 Reference to “a significant percentage of the total amount of groundwater in storage” has been removed in this PA/FEIS.
- 1-08 See Common Response 5.5.2.10.
- 1-09 See Common Response 5.5.2.2.
- 1-10 Whether the incremental impact of a project will be “cumulatively considerable” is a State-law specific CEQA consideration evaluated by the Energy Commission for the project. Because such conclusions are not contemplated in the NEPA context, the BLM has removed references to “cumulatively considerable” and “less than cumulatively considerable” throughout the PA/FEIS.
- 1-11 See Common Response 5.5.2.10.
- 1-12 See Common Response 5.5.2.10.
- 1-13 See Common Response 5.5.2.10.
- 1-14 See Common Response 5.5.2.10.
- 1-15 Additional discussion about individual and cumulative impacts to groundwater levels has been provided in PA/FEIS Section 4.19, *Impacts on Water Resources*. See also, Common Response 5.5.2.10.
- 1-16 See Common Response 5.5.2.10.
- 1-17 See Common Response 5.5.2.10.
- 1-18 The adequacy of recommended mitigation measures to control fugitive dust are addressed in PA/FEIS Section 4.2, *Impacts on Air Resources*, and in Common Response 5.5.2.9, *Air Quality*.
- 1-19 See Response to Comment 1-18, including Common Response 5.5.2.9.
- 1-20 PA/FEIS Section 4.18, *Impacts on Visual Resources*, analyzes project-related impacts associated with fugitive dust, including cumulative impacts and impacts on park visitors. The Chuckwalla Valley is naturally an area of active wind erosion and sand transport, and the project will disrupt active transport of sand by wind through placement of wind fences and wind interference by project facilities (e.g. “wind shadow effect”). The effect could cause areas on the windward side of the project to experience additional sand deposition, and areas on the leeward side to experience additional erosion. The presence of the project disrupts active sand transport, but would not substantially add to the total

amount of visible dust on windy days, especially as seen from Joshua Tree National Park. See Response to Comment 1-21 addressing the project's visibility from park areas.

- 1-21 The current viewshed is described in PA/FEIS Section 3.19, *Visual Resources*. Potential visual impacts of the project from Joshua Tree National Park is discussed in PA/FEIS Section 4.18, *Impacts on Visual Resources*. Several figures referenced in that section illustrate the visual disturbance resulting from the project. For example, PA/FEIS Figure 3.19-3 shows the viewshed affected by the project along with an overlay illustrating the boundaries of Joshua Tree National Park. In addition, PA/FEIS Figures 4.18-6 and 4.18-7 simulate the project in views along the boundary of the park, at the foot of the Coxcomb Mountains. The analysis concludes that the visual impact viewed by Joshua Tree National Park visitors would be minor because (1) the areas of the park from which the project would be visible is limited, (2) where visible, the project would lie in the distant background and constitute a small portion of any scenic overlooks, and (3) the eastern portions of the park lack visitor-serving facilities and appear to be seldom visited.
- 1-22 Impacts associated with nighttime lighting are evaluated in PA/FEIS Section 4.18, *Impacts on Visual Resources*. The agencies concluded in the SA/DEIS that night lighting impacts could be addressed adequately through the implementation of mitigation measure VIS-3. No further mitigation measures are recommended in the PA/FEIS to address impacts related to nighttime lighting.
- 1-23 See Common Response 5.5.2.7.
- 1-24 See Response to Comment 1-03.

5.5.3.2 Letter 2 – Responses to Comments from Brendan Hughes

- 2-01 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), comments like this one, which merely express favor for an alternative without providing additional data or information relevant to the environmental analysis, do not meet the criteria necessary for a “substantive comment” to which a response is merited.
- 2-02 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.
- 2-03 See Response to Comment 2-02. Nonetheless, PA/FEIS Section 4.18.5 acknowledges that the project would have a residual impact to visual resources after implementation of the recommended mitigation measures.
- 2-04 See Response to Comment 2-02; nonetheless, Common Response 5.5.2.5 responds to comments concerning alternatives.
- 2-05 See Response to Comment 2-02; nonetheless, Common Response 5.5.2.7 addresses comments concerning biological resources.

- 2-06 See Response to Comment 2-05.
- 2-07 See Response to Comment 2-05.
- 2-08 See Response to Comment 2-05.
- 2-09 Impacts of the proposed action and alternatives to visual resources as it relates to visitors' experiences (including from Joshua Tree National Park and other key observation points) are analyzed in PA/FEIS Section 4.18, *Impacts on Visual Resources*. As indicated in PA/FEIS Section 4.18.6, the project would cause the following unavoidable adverse impacts: (i) visual impacts to surrounding viewer groups (all KOPs) from sunlight reflected off of the parabolic mirrors (glare); (ii) visual impacts due to the general level of visual contrast of the project in the landscape, and non-conformance with Interim VRM Class III objectives; and (iii) unavoidable and adverse cumulative impacts for travelers along I-10 and dispersed recreational users in the McCoy, Big Maria, and Little Maria Mountains and wilderness.
- 2-10 The CEC approved the project on December 15, 2010. Comments recommending that the CEC take one course or another in connection with this project are moot. Concerning comments about alternatives considered by the BLM, see Common Response 5.5.2.5.
- 2-11 See Response to Comment 2-01.

5.5.3.3 Letter 3 – Responses to Comments from Center for Biological Diversity

- 3-01 Climate change and greenhouse gas emissions are addressed in PA/FEIS Section 3.3, *Global Climate Change*, and Section 4.3, *Impacts on Global Climate Change*. Concerning biological resources, see Common Response 5.5.2.7.
- 3-02 Components of the proposed action and connected actions identified in the comment are described in PA/FEIS Chapter 2, *Proposed Action and Alternatives*. The biological resources that comprise the affected environment (including those mentioned in the comment) are discussed in Section 3.18, *Vegetation Resources*, and Section 3.23, *Wildlife Resources*. Direct, indirect and cumulative impacts on such resources are analyzed in PA/FEIS Section 4.17, *Impacts on Vegetation Resources*, Section 4.21, *Impacts on Wildlife Resources*, and Appendix I, *Biological Resource-related Cumulative Impacts*. See also, Common Response 5.5.2.7. The reasonableness of the range of alternatives considered in the PA/FEIS is addressed in Common Response 5.5.2.5.
- 3-03 See Common Response 5.5.2.1.
- 3-04 See Common Response 5.5.2.5. Final decisions regarding the status of lands within the application area of the project will be determined in the ROD.
- 3-05 See Common Response 5.5.2.5.

- 3-06 The relationship between proposed action and the Solar PEIS as well as with existing land use plans is discussed in PA/FEIS Section 1.3, *Relationship of Proposed Action to BLM Policies, Plans, and Programs, and LUP Conformance Determination*, and in Common Response 5.5.2.1.
- 3-07 Concerning supplementation/recirculation, see Common Response 5.5.2.6. Concerning the range of alternatives analyzed in the PA/FEIS, see Common Response 5.5.2.5.
- 3-08 Comments concerning each of these resource and issue areas identified in this comment will be addressed as they are presented in the letter.
- 3-09 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, the BLM's Administrative Record contains all of the materials relied upon by the BLM in considering whether to approve the requested right of way.
- 3-10 Information about the proposed CDCA Plan Amendment is provided in PA/FEIS Section 1.3.2, *Land Use Plan Conformance and Consistency*, including a description of the CDCA Plan, an explanation of the need for a CDCA Plan Amendment, statement of the proposed Plan Amendment, description of the plan amendment process, and the criteria that the BLM will evaluate as part of its decision-making process. See also, Common Response 5.5.2.1.
- 3-11 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), comments like this one, which do not question, with reasonable basis, the accuracy or adequacy of information in the EIS, present new information relevant to the analysis or reasonable alternatives that were not considered and do not cause changes or revisions in any of the alternatives, do not meet the criteria necessary for a "substantive comment" to which a response is merited. Nonetheless, no NECO Plan amendments are proposed as part of the proposed action or any of the alternatives. See the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) subsection of Common Response 5.5.2.1.
- 3-12 Concerning the relationship between the proposed action and existing, applicable land use planning documents, see Common Response 5.5.2.1.
- 3-13 See Response to Comment 3-11.
- 3-14 See Response to Comment 3-11.
- 3-15 See Response to Comment 3-11.
- 3-16 See Response to Comment 3-11.
- 3-17 See Response to Comment 3-11.

- 3-18 See Response to Comment 3-11.
- 3-19 See Response to Comment 3-11.
- 3-20 See Response to Comment 3-11.
- 3-21 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.
- 3-22 See Response to Comment 3-21.
- 3-23 See Response to Comment 3-21.
- 3-24 See Response to Comment 3-21.
- 3-25 See Response to Comment 3-11.
- 3-26 See Common Response 5.5.2.1 and Common Response 5.5.2.2.
- 3-27 Concerning consistency with the CDCA Plan, see Common Response 5.5.2.1. Concerning consistency with NEPA, see Common Response 5.5.2.2. Comments concerning the reasonableness of the range of alternatives considered in the PA/FEIS are addressed in Common Response 5.5.2.5.
- 3-28 A Land Use Plan Amendment consistency analysis is provided in PA/FEIS Section 4.8.7. See also Common Response 5.5.2.1.
- 3-29 See Common Response 5.5.2.1.
- 3-30 As noted in Response to Comment 3-28, a Land Use Plan Amendment consistency analysis is provided in PA/FEIS Section 4.8.7. Concerning consistency with FLPMA, see Common Response 5.5.2.2. Impacts concerning sand transport corridors, dunes and related habitat values (as well as other biological resources issues), are addressed in Common Response 5.5.2.7.
- 3-31 Off-highway vehicle (OHV) use in the NECO portion of the CDCA is described and analyzed in PA/FEIS Section 3.17, *Transportation and Public Access*, and Section 4.16, *Impacts on Transportation and Public Access*. Unauthorized OHV travel is a law enforcement issue monitored by BLM law enforcement officers.
- 3-32 Connected actions are described in PA/FEIS Section 2.3, *Connected Actions*. Related impacts are analyzed in Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*, and, for the transmission line relocation, throughout Chapter 4, *Environmental Consequences*. The cumulative scenario, which includes the Solar PEIS, is described in PA/FEIS Section 4.1.1.

- 3-33 Construction of a new gen-tie line and construction of the proposed Red Bluff Substation are identified in PA/FEIS Section 2.3, *Connected Actions*, as connected actions. As noted in the Response to Comment 3-32, impacts associated with the connected actions are analyzed in the PA/FEIS. Concerning components of the Red Bluff Substation Project, see PA/FEIS Section 2.3, *Connected Actions*, and Section 4.1.7, *Incorporation of the Analysis of the Red Bluff Substation Project by Reference*. Concerning consistency with master plans (specifically Solar PEIS), see PA/FEIS Section 1.3.1 and Common Response 5.5.2.1. The BLM is not “piecemealing” its compliance with NEPA, but rather is engaged in staged decision making. The unavailability of data regarding the connected actions identified by the commenter and the draft status of the Solar PEIS combine to render staged decision making and NEPA analysis for these components the most effective approach. Appropriate NEPA analysis will accompany each stage of the decision making.
- 3-34 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, see Common Response 5.5.2.2 concerning consistency with FLPMA, and Common Response 5.5.2.3 concerning the adequacy of data relied upon in the PA/FEIS.
- 3-35 Concerning consistency with NEPA and FLPMA, see Common Response 5.5.2.2; concerning the adequacy of data relied upon, see Common Response 5.5.2.3; concerning supplementation/recirculation, see Common Response 5.5.2.6. Concerning environmental analysis of the Red Bluff Substation proposed by Southern California Edison, see Response to Comment 3-33.
- 3-36 See Common Response 5.5.2.6.
- 3-37 Concerning consistency with existing land use plans, see Common Response 5.5.2.1; comments concerning consistency with FLMA are addressed in Common Response 5.5.2.2; comments concerning the adequacy of data relied upon are addressed in Common Response 5.5.2.3. Impacts of the proposed action and alternatives on resources and issues are analyzed throughout PA/FEIS Chapter 4, *Environmental Consequences*. The Environmental Setting in Chapter 3, *Affected Environment*, identifies the existing conditions of the project area and therefore acts as the inventory of the resources for analysis.
- 3-38 Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning supplementation/recirculation, see Common Response 5.5.2.6. The comment provides no basis to conclude that any information or data that is unavailable or that will be developed in accordance with the recommended mitigation measures is “essential for a reasoned choice among alternatives.” Further, the PA/FEIS does assume a worst case scenario when necessary information is lacking or uncertainty remains. See, for example, Section 4.19.4, which recommends mitigation measures the implementation of which would entirely avoid adverse impacts on the Colorado River even though evidence indicates that wells drawing groundwater for project use would not induce flow from the

- Colorado River. See also Common Response 5.5.2.12, which explains that the health risk assessment prepared for the project conservatively assumes that 99% of the increase in VOC emissions would be comprised of benzene, which is the most toxic of the potential breakdown products to ensure that the health risk estimates were not underestimated.
- 3-39 Comments concerning the purpose and need are addressed in Common Response 5.5.2.4.
- 3-40 Comments concerning the purpose and need are addressed in Common Response 5.5.2.4. Compliance with NEPA is addressed in Common Response 5.5.2.2.
- 3-41 Global climate change and greenhouse gas emissions are addressed in PA/FEIS Section 3.3, *Global Climate Change*, and Section 4.3, *Impacts on Global Climate Change*, as well as in Common Response 5.5.2.8. Concerning biological resources and direct, indirect and cumulative impacts on them, see PA/FEIS Sections 3.18, *Vegetation Resources*; 3.23, *Wildlife Resources*; 4.17 *Impacts on Vegetation Resources*; and 4.21, *Impacts on Wildlife Resources*; see also, PA/FEIS Appendix I and Common Response 5.5.2.7.
- 3-42 Baseline (pre-project) conditions are described for all resource and issue areas in PA/FEIS Chapter 3, *Affected Environment*. See, e.g., PA/FEIS Section 3.18, *Vegetation Resources*, which discusses stabilized and partially stabilized desert dunes, which provide unique habitats that often support rare plants such as Harwood's milk-vetch (a rare plant), and Section 3.23, *Wildlife Resources*, which discusses the range and habitat of the golden eagle. Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning supplementation and recirculation, see Common Response 5.5.2.6. Concerning biological resources (plant and wildlife surveys, specifically), see Common Response 5.5.2.7.
- 3-43 See Common Response 5.5.2.3.
- 3-44 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. As a fundamental matter, the BLM notes that the Applicant is entitled to a presumption of compliance with applicable law and would be subject to enforcement for breach of its legal obligations in connection with implementation of the proposed action. Accordingly, it is not necessary to affirmatively establish compliance with LORS in the PA/FEIS. Supplementation/recirculation of an EIS is not required under these circumstances.
- 3-45 The PA/FEIS relies on the most current data and other information available as of the time of its drafting, including Spring 2010 special status plant survey results that were completed subsequent to the SA/DEIS. Comments concerning the adequacy of the data relied upon in the PA/FEIS, see Common Response 5.5.2.3.
- 3-46 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, identifies three Multi-Species WHMAs located in the general Project vicinity:

- Big Maria Mountains WHMA, Palen-Ford WHMA, and the DWMA Continuity WHMA (which provides connectivity between the Chuckwalla DWMA/ACEC south of I-10 and the Palen-Ford WHMA north of I-10 in the immediate Project vicinity). It further acknowledges that the proposed action could impede wildlife movement in these corridors and obstruct connectivity for wide ranging wildlife such as burro deer, kit fox, coyotes, and badgers, and on a population level could impede gene flow for desert tortoises. Impacts relating to these areas also are analyzed in PA/FEIS Section 4.17, *Impacts on Vegetation*.
- 3-47 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment.
- 3-48 See Common Response 5.5.2.7.
- 3-49 Concerning issues relating to the Tortoise Relocation/Translocation Plan required by BIO-10, see Common Response 5.5.2.3 and Common Response 5.5.2.7.
- 3-50 Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning the analysis of impacts to desert tortoise and the mitigation measures recommended to address such impacts, see PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, and Appendix I as well as Common Response 5.5.2.7.
- 3-51 See Common Response 5.5.2.7.
- 3-52 See Response to Comment 3-49.
- 3-53 As explained in Section 6.8.4 of the BLM's NEPA Handbook, mitigation measures are measures that could reduce or avoid adverse impacts of a proposed action. As defined in the CEQ regulations (40 CFR 1508.20), mitigation measures can be recommended to avoid an impact altogether by not taking a certain action or parts of an action; minimize an impact by limiting the degree of magnitude of the action and its implementation; rectify an impact by repairing, rehabilitation, or restoring the affected environment; reduce or eliminate an impact over time through preservation and maintenance operations during the life of the action; or compensate for an impact by replacing or providing substitute resources or environments. Existing conditions relating to the absence of bighorn sheep and connectivity are not an impact of the proposed action for which it would be appropriate to recommend that mitigation measures be implemented. Further, as discussed in PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, and Appendix I (relating to cumulative impacts), the project would not directly affect habitat within any NECO connectivity corridors or WHMAs, and would not conflict with Desert Bighorn Sheep Conservation goals and objectives outlined in the NECO. In addition, the project site does not represent large direct or indirect impacts to bighorn sheep habitat connectivity or foraging. See also, Common Response 5.5.2.7.
- 3-54 Concerning impacts of the proposed action and alternatives related to the sand transport corridor, sand dune habitat and the Mojave fringe-toed lizard, see PA/FEIS Sections 3.15

- and 4.14 (regarding soil resources), PA/FEIS Sections 3.18 and 4.17 (regarding vegetation and habitats), PA/FEIS Sections 3.23 and 4.21 (regarding wildlife resources) and Appendix I (regarding cumulative impacts to biological resources). See also Common Response 5.5.2.7.
- 3-55 See Common Response 5.5.2.7.
- 3-56 See Common Response 5.5.2.7.
- 3-57 Comments concerning the adequacy of data relied upon are addressed in Common Response 5.5.2.3. Concerning supplementation/recirculation, see Common Response 5.5.2.6.
- 3-58 Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning avian species in the affected environment and impacts to such species (including from collision and electrocution), see PA/FEIS Sections 3.23 and 4.21 and Appendix I. See also, Common Response 5.5.2.7. Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning consistency with other laws and the Applicant's entitlement to a presumption of compliance, see Response to Comment 3-44.
- 3-59 The proposed evaporation ponds are described in PA/FEIS Chapter 2, *Proposed Action and Alternatives*. Evaporation pond-related impacts to wildlife species are analyzed in PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, and Appendix I; such impacts to aviation safety are addressed in PA/FEIS Section 4.11.7, *Traffic and Transportation Safety*.
- 3-60 See Response to Comment 3-59.
- 3-61 The requirements of Executive Order 13186 are described in PA/FEIS Appendix C, *Applicable Laws, Regulations, Policies, Executive Orders*. Concerning the Applicant's entitlement to a presumption of compliance with applicable laws, see Response to Comment 3-44. Migratory birds and impacts of the proposed action and alternatives on such species are addressed in Common Response 5.5.2.7, *Biological Resources*. Supplementation and recirculation are addressed in Common Response 5.5.2.6; however supplementation is not required under the circumstances suggested by this comment.
- 3-62 See Common Response 5.5.2.7, *Biological Resources*.
- 3-63 See Common Response 5.5.2.7, *Biological Resources*, and Common Response 5.5.2.3, *Adequacy of Data Relied Upon*.
- 3-64 See Common Response 5.5.2.7, *Biological Resources*.
- 3-65 See Common Response 5.5.2.7, *Biological Resources*.

- 3-66 Site soils are described in PA/FEIS Section 3.15, *Soils Resources*, and analyzed in Section 4.14, *Impacts on Soils Resources*. Desert ecosystems and impacts to them are described in PA/FEIS Sections 3.18 and 4.17 (vegetation resources), Sections 3.23 and 4.21 (wildlife resources) and Appendix I.
- 3-67 Air impacts, including fugitive dust control, are analyzed in PA/FEIS Section 4.2, *Impacts on Air Resources*. See also, Common Response 5.5.2.9.
- 3-68 Sand transport corridors and dune habitats and ecosystems are described and analyzed in PA/FEIS Sections 3.18 and 4.17 (vegetation resources), Sections 3.23 and 4.21 (wildlife resources) and Appendix I. See, for example, PA/FEIS Section 4.17.2, which considers the direct and indirect impacts of the proposed action on sand dunes and sand dune-dependent insect species, as well as PA/FEIS Section 4.21.2, which considers the impacts of nighttime lighting on insects. Concerning biological resources, see Common Response 5.5.2.7.
- 3-69 BLM's financial guarantee requirements (43 CFR 3809.500-3809.551) are independent of its environmental review requirements; information about the bond will be provided with the Record of Decision for the proposed action. Concerning the adequacy of the information relied on in the PA/FEIS, see Common Response 5.5.2.3, *Adequacy of Data Relied Upon*; comments related to supplementation/recirculation are addressed in Common Response 5.5.2.6, *Supplementation/Recirculation*.
- 3-70 Fire in desert ecosystems is addressed in various sections of the PA/FEIS, including Sections 3.22, *Wildland Fire Ecology*; 4.17, *Impacts on Vegetation Resources*; and 4.20, *Impacts on Wildland Fire Ecology*. Fire prevention also is addressed in PA/FEIS Section 4.11.8, *Worker Safety and Fire Protection*. Fire risks would be addressed, for example, by implementation of BIO-14, *Weed Management Plan*, TLSN-3, *Transmission Line Distance from Combustible Material*, and by the Construction Fire Prevention Plan that would be required as part of WORKER SAFETY-1. The full text of these mitigation measures is set forth in PA/FEIS Appendix B.
- 3-71 Detailed discussions of mitigation measures are provided throughout PA/FEIS Chapter 4, *Environmental Consequences*, and in Appendix B. Where the implementation of mitigation measures is expected to avoid impacts, the discussion so states (see, e.g., PA/FEIS Section 4.19.4 in connection with SOIL&WATER-14, SOIL&WATER-15 and SOIL&WATER-18). Alternatively, where adverse conditions are expected to remain after recommended mitigation measures are implemented, this too is explained (see, e.g., 4.19.5 regarding water quality and drainage and flooding). Concerning consistency with NEPA generally, see Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA and FLPMA*.
- 3-72 See Common Response 5.5.2.3, *Adequacy of the Data Relied Upon*; Common Response 5.5.2.6, *Supplementation/Recirculation*; and Common Response 5.5.2.2, *Consistency with NEPA*.

- 3-73 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, see PA/FEIS Sections 3.15 and 4.14 concerning soil resources and PA/FEIS Sections 4.17 and 4.21 concerning sand transport. See also, Common Response 5.5.2.10, *Water Resources*.
- 3-74 See Common Response 5.5.2.10, *Water Resources*.
- 3-75 See Common Response 5.5.2.10, *Water Resources*.
- 3-76 The Secretary of the Department of the Interior and other officers of the United States are directed by the California Desert Protection Act (§ 410aaa-76(b)) to take all steps necessary to protect the water rights reserved for wilderness areas, including those identified in the comment. As analyzed in PA/FEIS Section 4.19, *Impacts on Water Resources*, and discussed in Common Response 5.5.2.10, *Water Resources*, the BLM is taking necessary steps to protect groundwater levels.
- 3-77 As noted in the comment, no express reservation of water rights has been made under Public Water Reserve 107 in connection with any of the public lands in the CDCA. Because no waters in the project area come within the ambit of this law, the proposed action would have no effect on water rights reserved under it. Public Water Reserve 107 does not provide for the reservation of water rights without some affirmative act to initiate the reservation: federal water rights are not reserved merely because water is present on federal lands. Additionally, PWR 107 is really reflective of the need to allow for surface water flow, not particular to ground water. As indicated in PA/FEIS Section 4.19.5, a relatively minor degree of residual groundwater level reduction would occur as a result of the project even with the implementation of recommended mitigation measures. Nonetheless, the proposed action would not cause an unavoidable adverse impact on water supplies (see PA/FEIS Section 4.19.6). See also, Common Response 5.5.2.10, *Water Resources*.
- 3-78 The PA/FEIS analyzed impacts of the proposed action and alternatives, including how the incremental impacts of the project could combine with the incremental impacts of other projects in the cumulative scenario. The geographic area evaluated for this purpose consisted of the Chuckwalla Valley Groundwater Basin (CVGB), where various project impacts' impacts to groundwater could be additive, synergistic or countervailing, and, for surface waters, the area within the watershed boundary. See also, Common Response 5.5.2.10.
- 3-79 The ROW grant applicant under the BLM's consideration does not provide for the creation or alienation of, in the words of the commenter, "any potential water rights that could arguably be created from use of groundwater by the proposed project" within the ROW. There is insufficient detail about a potential right that someone may argue could be created to allow for meaningful evaluation in the PA/FEIS of any environmental impacts that could flow from that affected right. Such an analysis would require unreasonable forecasting. See also, Common Response 5.5.2.10, *Water Resources*.

- 3-80 As stated in PA/FEIS Section 5.1.2, the evaluation for jurisdictional waters that was performed on the site determined that the ephemeral drainages did not conform to the requirements for designation as jurisdictional waters of the U.S., and discussions with the USACOE indicated that the drainages would not be considered jurisdictional waters of the U.S. The indicated reference to laws, ordinances, regulations, and standards has been removed from the PA/FEIS.
- 3-81 See Common Response 5.5.2.8, *Climate Change/Greenhouse Gases*.
- 3-82 See Common Response 5.5.2.8, *Climate Change/Greenhouse Gases*.
- 3-83 See Common Response 5.5.2.9, *Climate Change/Greenhouse Gases*.
- 3-84 See Common Response 5.5.2.8, *Climate Change/Greenhouse Gases*.
- 3-85 See Common Response 5.5.2.8, *Climate Change/Greenhouse Gases*.
- 3-86 See Common Response 5.5.2.2 concerning consistency of the PA/FEIS with NEPA; see also, Common Response 5.5.2.3 concerning the adequacy of the data relied upon, including data about plant communities.
- 3-87 The comment does not suggest how the analysis fails to consider reasonably foreseeable impacts in the context of the cumulative impacts analysis, thereby depriving the BLM of any particular basis to respond. As indicated in Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA and FLPMA*, the PA/FEIS considers cumulative impacts on a resource by resource basis, within geographic areas appropriately tailored to each, throughout Chapter 4, *Environmental Consequences*. The BLM believes this analysis to be adequate under NEPA.
- 3-88 The comment provides no reasonable basis to question the adequacy of, methodology for, or assumptions used for the analysis of impacts to the identified resources. Direct, indirect and cumulative impacts on biological resources are discussed and analyzed in PA/FEIS Sections 3.18 and 4.17 (vegetation), 3.23 and 4.21 (wildlife resources), 3.15 and 4.14 (soils, including dune ecosystems), and Appendix I. Concerning consistency with NEPA, see Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA and FLPMA*,. Concerning adequacy of data relied upon, see Common Response 5.5.2.3.
- 3-89 Concerning the purpose and need, see Common Response 5.5.2.4, *Purpose and Need*. Concerning the adequacy of the range of alternatives, see Common Response 5.5.2.5, *Alternatives*.
- 3-90 See Common Response 5.5.2.5, *Alternatives*.
- 3-91 See Common Response 5.5.2.5, *Alternatives*.
- 3-92 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, see Common Response 5.5.2.5, *Alternatives*.

- 3-93 See Common Response 5.5.2.5, *Alternatives*.
- 3-94 See Common Response 5.5.2.5, *Alternatives*.
- 3-95 Off-site alternatives and alternatives that would reduce impacts to dune ecosystems and other biological resources are analyzed in the PA/FEIS (see Common Response 5.5.2.7, *Biological Resources*). Concerning the range of alternatives considered, see Common Response 5.5.2.5, *Alternatives*. Supplementation/recirculation is not required under the circumstances presented in this comment (see Common Response 5.5.2.6, *Supplementation/Recirculation*).
- 3-96 Comments about purpose and need are addressed in Common Response 5.5.2.4, *Purpose and Need*. Comments about the range of alternatives considered are addressed in Common Response 5.5.2.5, *Alternatives*.
- 3-97 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment.
- 3-98 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, concerning supplementation/recirculation, see Common Response 5.5.2.6, *Supplementation/Recirculation*.

5.5.3.4 Letter 4 – Responses to Comments from California/Nevada Desert Energy Committee of the Sierra Club (Sierra Club)

- 4-01 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, comments about the range of alternatives considered, including off-site alternatives, are addressed in Common Response 5.5.2.5, *Alternatives*.
- 4-02 The affected environment is described on a resource-by-resource basis in Chapter 3, *Affected Environment* (see, e.g., PA/FEIS Section 3.18, *Vegetation Resources*, which describes natural communities on the site and in the project area, including the sand transport system). Impacts of the proposed action and alternatives are analyzed throughout Chapter 4, *Environmental Consequences* (see, e.g., 4.21, *Wildlife Resources*, which evaluates impacts on movement and habitat connectivity of desert tortoise and other wildlife. See also, Common Response 5.5.2.7, *Biological Resources*. The comment provides no reasonable basis to question the accuracy of information in the EIS or the adequacy of, methodology for, or assumptions used for the analysis of impacts.
- 4-03 Comments concerning consistency of the PA/FEIS with NEPA are addressed in Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA and FLPMA*; concerning alternatives, see Common Response 5.5.2.5, *Alternatives*. Comments concerning the adequacy of the data relied upon are addressed in Common Response 5.5.2.3, *Adequacy of Data Relied Upon*. Direct, indirect and cumulative impacts to species (including the desert tortoise, and Mojave fringe-toed lizard) are discussed in Common Response

5.5.2.7, *Biological Resources*, and analyzed in PA/FEIS Sections 3.23, *Wildlife Resources*; 4.21, *Impacts on Wildlife Resources*, and Appendix I.

The PA/FEIS for the project provides no basis for the BLM to draw any conclusions or make any decisions concerning the Calico Project. Calico Solar LLC/Tessera Solar's proposed Calico Solar Project was approved last Fall. To the extent that the commenter's remaining comments relate to the Calico project, the BLM declines to respond to them because they are moot and because they are not substantive with respect to the proposed action (see Section 6.9.2.1 of the BLM NEPA Handbook). Because it appears from the citations provided in the letter that the commenter may have intended for the comments to relate to the project and not to the Calico project, the following responses are provided with respect to the project. Furthermore, comments relating specifically to CEQA are not addressed in this response because claimed deficiencies with respect to CEQA compliance are inapposite to the BLM's consideration of the proposed action.

- 4-04 Comments concerning the adequacy of data relied upon are addressed in Common Response 5.5.2.3, *Adequacy of Data Relied Upon*.
- 4-05 See Common Response 5.5.2.7, *Biological Resources*.
- 4-06 See Common Response 5.5.2.7, *Biological Resources*.
- 4-07 See Common Response 5.5.2.7, *Biological Resources*.
- 4-08 See Common Response 5.5.2.7, *Biological Resources*.
- 4-09 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, see Common Response 5.5.2.7, *Biological Resources*.
- 4-10 See Common Response 5.5.2.7, *Biological Resources*.
- 4-11 Comments concerning alternatives considered are addressed in Common Response 5.5.2.5, *Alternatives*. Concerning impacts to Mojave fringe-toed lizard and other wildlife resources, see PA/FEIS Sections 3.23, 4.21, Appendix I, and Common Response 5.5.2.7, each concerning wildlife resources and impacts to them.
- 4-12 See Response to Comment 4-11.
- 4-13 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, comments concerning alternatives are addressed in Common Response 5.5.2.5, *Alternatives*; supplementation and recirculation are addressed in Common Response 5.5.2.6, *Supplementation/Recirculation*.
- 4-14 Concerning adequacy of data relied upon, see Common Response 5.5.2.3, *Adequacy of Data Relied Upon*. Concerning biological resources such as the desert kit fox and American badger, see Common Response 5.5.2.7, *Biological Resources*.

- 4-15 See Common Response 5.5.2.3, *Adequacy of Data Relied Upon*, and 5.5.2.7, *Biological Resources*.
- 4-16 Comments about the cumulative impacts analysis and concerning consistency with NEPA generally are addressed in Common Response 5.5.2.2, *Consistency of the PA/FEIS with NEPA and FLPMA*. Concerning adequacy of data relied upon, see Common Response 5.5.2.3, *Adequacy of Data Relied Upon*.
- 4-17 See Response to Comment 4-16. Concerning cumulative impacts to biological resources, see PA/FEIS Sections 4.17 (*Vegetation Resources*), 4.21 (*Wildlife Resources*), Appendix I, and Common Response 5.5.2.7 (*Biological Resources*).
- 4-18 Concerning the adequacy of the data relied upon, see Common Response 5.5.2.3. Concerning consistency with NEPA and FLPMA, see Common Response 5.5.2.2. Concerning consistency with plans and policies (including the NECO Plan), see Common Response 5.5.2.1.
- 4-19 See Response to Comment 4-18 and Response to Comment 3-11.
- 4-20 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment.
- 4-21 Concerning alternatives, see Common Response 5.5.2.5. Concerning purpose and need, see Common Response 5.5.2.4.
- 4-22 See Common Response 5.5.2.4.
- 4-23 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, comments concerning consistency with NEPA and FLPMA are addressed in Common Response 5.5.2.2.
- 4-24 Comments concerning supplementation/recirculation are addressed in Common Response 5.5.2.6. Comments concerning consistency of the proposed action and alternatives with the CDCA Plan, NECO Plan and other plans are addressed in Common Response 5.5.2.1.
- 4-25 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment.

5.5.3.5 Letter 5 – Responses to Comments from The Wilderness Society

- 5-01 See Common Response 5.5.2.1.
- 5-02 See Common Response 5.5.2.1.

- 5-03 See Common Response 5.5.2.1 and, concerning the consistency of “fast track” review of the proposed action with NEPA, see Common Response 5.5.2.2. Furthermore, on February 8, 2011, Secretary Salazar announced multiple initiatives designed to encourage rapid and responsible development of renewable energy on public lands. This policy guidance provides clarity and guidance to stakeholders, including developers and agency employees, about smart siting and effective mitigation for renewable energy projects. See, for example, National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations (Instruction Memorandum 2011-59), Solar and Wind Energy Applications – Due Diligence (Instruction Memorandum 2011-60) and Solar and Wind Energy Applications – Pre-Application and Screening (Instruction Memorandum 2011-61).
- 5-04 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 5-05 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 5-06 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7 (*Biological Resources*) and Common Response 5.5.2.10 (*Water Resources*).
- 5-07 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 5-08 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Regardless, the BLM has considered alternatives that would reduce impacts of the proposed action to the sand transport corridor and MFTL habitat. For example, Reconfigured Alternative 2 would reduce impacts to the sand dune habitat and the Mojave fringe-toed lizard in the northeastern portion of the site and reduce impacts to the sand transport corridor along the northern and northeastern portions of the site. See Figures 2-7 (reconfigured Alternative 2 Option 1) and 2-8 (Reconfigured Alternative 2 Option 2).
- 5-09 See Common Response 5.5.2.7.
- 5-10 See Common Responses 5.5.2.5 (*Alternatives*) and 5.5.2.7 (*Biological Resources*).
- 5-11 As explained in PA/FEIS Section 2.3, *Connected Actions*, the Red Bluff Substation and associated gen-tie proposed by Southern California Edison are connected actions and not a part of the proposed action. Analysis of environmental impacts of the Red Bluff Substation Project are analyzed in Appendix E.
- 5-12 See Common Response 5.5.2.10.
- 5-13 See Common Response 5.5.2.11.
- 5-14 See Common Response 5.5.2.11.

- 5-15 The NHPA Section 106 process for the PSPP concluded when a PA was entered into for the project on September 21, 2010. See Common Response 5.5.2.11.
- 5-16 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook, this is not a substantive comment. Nonetheless, comments concerning consistency with NEPA are addressed in Common Response 5.5.2.2; comments concerning the purpose and need for the proposed action are addressed in Common Response 5.5.2.4; and comments concerning the alternatives considered are addressed in Common Response 5.5.2.5.
- 5-17 Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning supplementation/recirculation, see Common Response 5.5.2.6.
- 5-18 See Common Response 5.5.2.8.
- 5-19 Concerning purpose and need, see Common Response 5.5.2.4. Concerning supplementation/recirculation, see Common Response 5.5.2.6.
- 5-20 Comments concerning alternatives are addressed in Common Response 5.5.2.5. See also Response to Comment 5-08.
- 5-21 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 5-22 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, alternatives are described in PA/FEIS Section 2.4, *Alternatives Development and Screening Process*, and analyzed on a resource-by-resource basis throughout Chapter 4, *Environmental Consequences*. See also, Common Response 5.5.2.5, *Alternatives*.
- 5-23 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments regarding biological resources, including desert tortoise, are addressed in Common Response 5.5.2.7.
- 5-24 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see the Response to Comments 5-08, concerning reduced impacts to Mojave fringe-toed lizard, its habitat, and the sand transport corridor; and Common Response 5.5.2.7, which addressed comments concerning biological resources. Alternatives reconfiguring disturbance area boundaries to avoid or reduce impacts that were developed after the release of the SA/DEIS have been analyzed fully (see PA/FEIS Chapter 4, *Environmental Consequences*) and made available to the public (see, e.g., the CEC's September 2010 Revised Staff Assessment for the project, December 2010 Commission Decision).
- 5-25 Comments concerning alternatives are addressed in Common Response 5.5.2.5.
- 5-26 See Response to Comment 5-11.

- 5-27 Concerning consistency of the cumulative impacts analysis for the proposed action and alternatives with NEPA, see Common Response 5.5.2.2. Quantitative information is provided where available. See, for example, the analysis of cumulative impacts related to water resources, including PA/FEIS Table 4.19-6, *Foreseeable Projects and Anticipated Water Use*. See also, the analysis of cumulative impacts to wildlife resources, including Table 4.21-2, *Cumulative Impacts to Selected Wildlife Resources from the PSPP*, and various tables provided in Appendix I, quantifying cumulative effects to desert tortoise habitat, bighorn sheep WHMAs and connectivity corridors, special-status species habitat (including MFTL, American badger, kit fox, burrowing owl, Harwood's milk vetch, etc.), and other resources). The Red Bluff Substation and relocation of the transmission line (described in PA/FEIS Section 2.3, *Connected Actions*) are considered in the context of the cumulative scenario. See, for example, PA/FEIS Section 4.1.4 (*Cumulative Scenario Approach*) and Section 4.6.3 (cumulative impacts related to lands and realty).
- 5-28 Concerning consistency of the cumulative impacts assessment in the PA/FEIS with NEPA and FLPMA, see Common Response 5.5.2.2. Concerning biological resources, see Common Response 5.5.2.7.
- 5-29 See Common Response 5.5.2.8.
- 5-30 Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning supplementation/recirculation, see Common Response 5.5.2.6. Concerning biological resources, see Common Response 5.5.2.7.
- 5-31 Concerning consistency with NEPA and FLPMA, see Common Response 5.5.2.2. Concerning supplementation/recirculation, see Common Response 5.5.2.6. Concerning the availability of data that has become available following the issuance of the SA/DEIS, see Response to Comment 5-24. The BLM recognizes that the PA/FEIS provides additional information and analysis relative to the SA/DEIS. This is consistent with NEPA. See, for example, Section 6.9.2.2 of the BLM NEPA Handbook, which summarizes the CEQ regulations (40 CFR 1503.4) identifying several options for responding to substantive comments, including: modifying one or more of the alternatives as requested; developing and evaluating suggested alternatives; and supplementing, improving, or modifying the analysis; among others.
- 5-32 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).

5.5.3.6 Letter 6 – Responses to Comments from California Unions for Renewable Energy (CURE)

- 6-001 Comments concerning consistency of the PA/FEIS with NEPA are addressed in Common Response 5.5.2.2. Because the PA/FEIS is been prepared as a stand-alone NEPA document, the substantive requirements of CEQA do not govern its legal adequacy and the BLM may approve the requested ROW grant and/or the CDCA Plan amendment based on compliance of the PA/FEIS with NEPA.

- 6-002 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning consistency of the PA/FEIS with NEPA are addressed in Common Response 5.5.2.2.
- 6-003 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning consistency of the PA/FEIS with NEPA are addressed in Common Response 5.5.2.2, and comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 6-004 Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning the range of alternatives, see Common Response 5.5.2.5.

Southern California Edison's proposed Red Bluff Substation Project, including gen-tie, telecommunications and telemetry infrastructure, and distribution to provide light and power, are described in PA/FEIS Section 2.3, *Connected Actions*. See also, Appendix E, where the analysis of environmental impacts associated with the Red Bluff Substation Project is summarized and incorporated by reference from the EIS being prepared for the Desert Sunlight Solar Farm project.

The actual length of the transmission line necessary to connect the project to the planned Red Bluff Substation will depend on which of the possible locations ultimately is selected for the substation. Impacts associated with the linear facilities proposed to support the solar plant for the project, including the transmission line, are described in PA/FEIS Section 2.2, *Proposed Action*, and Section 2.4.3, *Alternatives Considered*. Impacts related to the linear facilities are analyzed throughout Chapter 4, *Environmental Consequences*. See, for example, PA/FEIS Section 4.4, *Impacts on Cultural Resources*, Section 4.6, *Impacts on Lands and Realty*, Section 4.8, *Impacts on Multiple Use Classes*, and 4.18, *Impacts on Visual Resources*.

- 6-005 Mitigation Measures are identified in the PA/FEIS where they may be used to avoid or reduce adverse impacts, regardless of whether such impacts are "significant" as that term is used under NEPA (40 CFR 1502.2(b)). The implementation of mitigation measures with the intent of reducing an impact below a level of significance is specific to CEQA and not relevant in the NEPA context. Recommended mitigation measures provide selection criteria for compensation lands. See, for example, BIO-12, *Desert Tortoise Compensatory Mitigation*, which establishes that such lands shall be: (i) within the Colorado Desert Recovery Unit, (ii) prioritized near larger blocks of lands that are either already protected or planned for protection, such as DWMA's or which could feasibly be protected long-term; (iii) connected to lands with desert tortoise habitat equal to or better quality than the project site; and (iv) meet other specified criteria. Accordingly, the PA/FEIS does describe the locations of acceptable compensation habitat. Impacts that may be caused by habitat enhancement associated with implementation of the mitigation measures, if outside the scope of analysis in the PA/FEIS would require supplemental analysis under NEPA. See also, Common Response 5.5.2.7, *Biological Resources*.

- 6-006 Comments concerning alternatives are addressed in Common Response 5.5.2.5.
- 6-007 See Response to Comment 6-004.
- 6-008 Concerning the adequacy of the information relied upon, see Common Response 5.5.2.3. Comments concerning consistency of the PA/FEIS with NEPA are addressed in Common Response 5.5.2.2. Comments concerning purpose and need and alternatives are addressed in Common Response 5.5.2.4 and Common Response 5.5.2.5, respectively. Comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 6-009 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-010 The PA/FEIS provides quantitative information where available, including with respect to acreage. Where distinctions are intended, they are reflected in the acreage identified. See, for example, PA/FEIS Table 2-1, *General Project Dimensions*. Generally speaking, the proposed action requests a right-of-way (ROW) area of approximately 5,200 acres, of which the project would disturb approximately 4,024 acres. By comparison, the overall disturbance area for Reconfigured Alternative 2 Option 1 would be approximately 4,365 acres and, for Option 2, would be approximately 4,330 acres.
- 6-011 The introductory paragraph of PA/FEIS Chapter 2, *Proposed Action and Alternatives*, identifies the disturbance area of the proposed action as encompassing approximately 4,024 acres, expressly including access roads and the transmission line that will connect the solar plant site to Southern California Edison's proposed Red Bluff Substation. The BLM has addressed the concern expressed in this comment by expressly including access roads and the transmission line in the area of disturbance and, thereafter, by analyzing impacts associated with the area of disturbance throughout PA/FEIS Chapter 4, *Environmental Consequences*. See also, Response to Comment 6-004.
- 6-012 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Responses to Comments 6-010 and 6-011 concerning quantification of disturbance in the PA/FEIS.
- 6-013 As discussed in PA/FEIS Section 4.14.2, *Discussion of Direct and Indirect Impacts*, the total earthwork including excavation for foundations and underground systems and a total cut and fill volume of approximately 4.5 million cubic yards.
- 6-014 As explained in Response to Comment 6-011, access roads and the transmission line connecting the project to the proposed Red Bluff Substation are described and associated impacts are analyzed in the PA/FEIS. The evaporation ponds and concrete batch plant are described in PA/FEIS Sections 2.2.3, *Power Plant Civil/Structural Features*, and 2.2.4, *Construction*, respectively. Associated impacts are analyzed throughout PA/FEIS Chapter 4, *Environmental Consequences*. For example, impacts associated with the evaporation ponds are evaluated in PA/FEIS Section 4.11, *Impacts on Public Health and Safety*, Section 4.19, *Impacts on Water Resources*, and Section 4.21, *Impacts on Wildlife*

- Resources*. Concerning impacts related to the concrete batch plant, see, for example, PA/FEIS Section 4.2, *Impacts on Air Resources*, Section 4.3, *Impacts on Global Climate Change*, and Section 4.11, *Impacts on Public Health and Safety*. Drainage facilities for the site are described in PA/FEIS Section 2.2, *Proposed Action*. Impacts associated with these facilities are analyzed, for example, in PA/FEIS Section 4.19, *Impacts on Water Resources*, and Section 4.17, *Impacts on Vegetation Resources*, among other sections. See also, Common Response 5.5.2.2.
- 6-015 Comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 6-016 See Common Response 5.5.2.2.
- 6-017 See Response to Comment 6-014.
- 6-018 See Response to Comment 6-014 and Common Response 5.5.2.6. Comments concerning biological resources are addressed in Common Response 5.5.2.7.
- 6-019 See Response to Comment 6-014 and Common Response 5.5.2.2; see also Common Response 5.5.2.6.
- 6-020 Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning supplementation/recirculation, see Common Response 5.5.2.6.
- 6-021 Concerning air quality, see Common Response 5.5.2.9. See also, Response to Comment 6-014.
- 6-022 Concerning water resources, see Common Response 5.5.2.10. See also, Response to Comment 6-014.
- 6-023 Concerning cultural resources, see Common Response 5.5.2.11. See also, Response to Comment 6-014.
- 6-024 Concerning biological resources, see Common Response 5.5.2.7. See also, Response to Comment 6-014.
- 6-025 Concerning consistency of the PA/FEIS with NEPA, see Common Response 5.5.2.2. See also, Response to Comment 6-014.
- 6-026 Concerning biological resources (vegetation and wildlife), see Common Response 5.5.2.7. Concerning water resources (including groundwater), see Common Response 5.5.2.10.
- 6-027 Baseline information is detailed on a resource-by-resource basis throughout PA/FEIS Chapter 3, *Affected Environment* (see, e.g., PA/FEIS Section 3.18, *Vegetation Resources*, and Section 3.23, *Wildlife Resources*). Concerning adequacy of data relied upon, see

- Common Response 5.5.2.3. Comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 6-028 Concerning consistency with NEPA, see Common Response 5.5.2.2. Potential effects resulting from closure and decommissioning are evaluated throughout PA/FEIS Chapter 4, *Environmental Consequences* (see, e.g., PA/FEIS Section 4.2, *Impacts to Air Quality*, Section 4.12, *Public Health and Safety*, and Section 4.21, *Impacts to Wildlife Resources*). The possibility of residual impacts after implementation of mitigation measures and of unavoidable adverse impacts also is considered in each resource section.
- 6-029 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-030 The PA/FEIS has been prepared in accordance with NEPA. Although the SA/DEIS was prepared as a joint CEQA/NEPA document, the CEC prepared a stand-alone, CEQA-specific Revised Staff Assessment and Commission Decision. Because the PA/FEIS is been prepared as a stand-alone NEPA document, the substantive requirements of CEQA do not govern its legal adequacy. See, Common Response 5.5.2.2.
- 6-031 See Response to Comment 6-030.
- 6-032 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-033 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning consistency with NEPA are addressed in Common Response 5.5.2.2; comments concerning biological resources are addressed in Common Response 5.5.2.7; comments concerning cultural resources are addressed in Common Response 5.5.2.11; and comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6. See also PA/FEIS Section 4.11 concerning analysis of impacts associated with transmission line safety and nuisance as well as hazards.
- 6-034 See Response to Comment 6-024.
- 6-035 See Common Responses 5.5.2.7 (*Biological Resources*) and 5.5.2.6 (*Supplementation/Recirculation*).
- 6-036 See Common Response 5.5.2.7.
- 6-037 See Common Responses 5.5.2.3 (*Adequacy of Data Relied Upon*) and 5.5.2.7 (*Biological Resources*).
- 6-038 PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, the transmission line and other project structures as additional sources of predator perching sites. See also, Common Response 5.5.2.7.
- 6-039 These impacts are considered in PA/FEIS Section 4.21, *Impacts on Wildlife Resources*, and Section 4.17, *Impacts on Vegetation Resources*. See also, Common Response 5.5.2.7.

- 6-040 See Common Response 5.5.2.7.
- 6-041 See Common Response 5.5.2.7.
- 6-042 Given the generality of the comment, only a general reply is possible: See Common Response 5.5.2.7.
- 6-043 See Common Responses 5.5.2.5 (*Alternatives*) and 5.5.2.2, concerning consistency of the PA/FEIS with NEPA.
- 6-044 See Common Response 5.5.2.7 and PA/FEIS Sections 3.23, 4.21 and Appendix I.
- 6-045 See Common Responses 5.5.2.3 (*Adequacy of Data Relied Upon*) and 5.5.2.7 (*Biological Resources*).
- 6-046 See Common Response 5.5.2.7.
- 6-047 See Common Response 5.5.2.7 and Response to Comment 6-014.
- 6-048 See Common Response 5.5.2.7.
- 6-049 Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning biological resources, see Common Response 5.5.2.7.
- 6-050 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-051 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-052 See Common Response 5.5.2.7.
- 6-053 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-054 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-055 See Common Responses 5.5.2.6 (*Supplementation/Recirculation*) and 5.5.2.7 (*Biological Resources*) as well as Response to Comment 6-014.
- 6-056 See Common Responses 5.5.2.2 (*Consistency of the PA/FEIS with NEPA*), 5.5.2.3 (*Adequacy of Information Relied Upon*), and 5.5.2.7 (*Biological Resources*).
- 6-057 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Responses 5.5.2.2 (*Consistency of the PA/FEIS with NEPA*) and 5.5.2.7 (*Biological Resources*).
- 6-058 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-059 See Common Response 5.5.2.7.

- 6-060 See Common Responses 5.5.2.3 (*Adequacy of Data Relied Upon*) and 5.5.2.7 (*Biological Resources*). It is for the wildlife agencies with resource-specific jurisdiction over eagles to determine whether take authorization is required; such a determination is not required by NEPA to be made in the PA/FEIS.
- 6-061 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-062 See Common Response 5.5.2.7 (*Biological Resources*) and Response to Comment 6-014.
- 6-063 State jurisdictional waters are not relevant to the FEIS. Concerning biological resources, see Common Response 5.5.2.7.
- 6-064 See Common Response 5.5.2.7.
- 6-065 See Common Response 5.5.2.7.
- 6-066 See Common Response 5.5.2.7.
- 6-067 See Common Responses 5.5.2.3 (*Adequacy of the Information Relied Upon*), 5.5.2.6 (*Supplementation/Recirculation*) and 5.5.2.7 (*Biological Resources*). See also, Response to Comment 6-011.
- 6-068 See Common Response 5.5.2.7 (*Biological Resources*) and Response to Comment 6-014.
- 6-069 See Common Responses 5.5.2.3 (*Adequacy of the Information Relied Upon*) and 5.5.2.7 (*Biological Resources*).
- 6-070 See Common Response 5.5.2.7.
- 6-071 See Common Response 5.5.2.7.
- 6-072 See Common Response 5.5.2.7 as well as PA/FEIS Sections 4.17 (concerning vegetation), 4.21 (concerning wildlife) and Appendix I (concerning cumulative impacts related to biological resources).
- 6-073 See Response to Comment 6-072 and Response to Comment 6-014.
- 6-074 See Common Responses 5.5.2.2 (*Consistency of the PA/FEIS with NEPA*) and 5.5.2.7 (*Biological Resources*).
- 6-075 See Common Responses 5.5.2.7 (*Biological Resources*) and 5.5.2.6 (*Supplementation/Recirculation*).
- 6-076 As indicated in the comment, the Draft Biological Assessment for the project was prepared pursuant to the ESA. Compliance or non-compliance with the requirements of that statute would be independent of consistency of the PA/FEIS with NEPA. Further, the

- USFWS and not BLM would have enforcement jurisdiction with respect to the ESA. Accordingly, this is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-077 Disclosure of consultation with wildlife agencies and potential take authorization from such agencies is not relevant to a determination of whether the PA/FEIS is consistent with of NEPA (see Common Response 5.5.2.2).
- 6-078 See Response to Comment 6-077.
- 6-079 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-080 See Response to Comment 6-077.
- 6-081 See Response to Comment 6-077.
- 6-082 Impacts to wildlife resources from construction-related noise and nighttime lighting are analyzed in PA/FEIS Section 4.21, *Impacts to Wildlife Resources*.
- 6-083 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-084 Concerning the adequacy of mitigation measures, see Common Response 5.5.2.2 (*Consistency of the PA/FEIS with NEPA*). See also, Common Response 5.5.2.7 (*Biological Resources*).
- 6-085 See Common Response 5.5.2.5.
- 6-086 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-087 If implementation of the recommended mitigation measure would entail significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effects (40 CFR 1502.9(c)(1)(ii)) or constitute a substantial change to the proposed action that is relevant to environmental concerns (40 CFR 1502.9(c)(1)(i)), supplementation would be required. However, impacts such as those identified in the comment are addressed in PA/FEIS Section 4.21.
- 6-088 See Common Response 5.5.2.7.
- 6-089 See Common Response 5.5.2.7.
- 6-090 See Common Response 5.5.2.7.
- 6-091 Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning biological resources and “significance,” see Common Response 5.5.2.7.

- 6-092 See Common Responses 5.5.2.3 (*Adequacy of the Data Relied Upon*) and 5.5.2.7 (*Biological Resources*).
- 6-093 See Common Response 5.5.2.7.
- 6-094 See Common Response 5.5.2.7.
- 6-095 See Common Response 5.5.2.7
- 6-096 See Common Response 5.5.2.7. Also, impacts associated with HTF are analyzed in PA/FEIS Section 4.19, *Impacts to Water Resources*, and 4.11.2, *Hazardous Materials*.
- 6-097 See Common Response 5.5.2.7.
- 6-098 Herbicide use and associated risk is evaluated in PA/FEIS Section 4.17, *Vegetation Resources*; see also, Common Response 5.5.2.7.
- 6-099 See Response to Comment 6-021, including Common Response 5.5.2.9.
- 6-100 See Response to Comment 6-014 and Common Response 5.5.2.10, *Water Resources*.
- 6-101 See Response to Comment 6-014. Further, PA/FEIS Tables 4.2-3 and 4.2-4 include data rows for emissions that would occur due to construction of the transmission line and associated access roads. Operation of the transmission line and access roads would result in no direct emissions.
- 6-102 See Common Response 5.5.2.9 (*Air Quality*).
- 6-103 See Common Response 5.5.2.9 (*Air Quality*).
- 6-104 As discussed in Section 4.2 of the PA/FEIS, the inputs for the air dispersion model included meteorological data, such as wind speed and other atmospheric conditions, and site elevation. For the project, the meteorological data used as input to the model included hourly wind speeds and directions measured at the Blythe Airport meteorological station during 2002 through 2004. The data from Blythe Airport indicate that the highest annual wind direction frequencies are from the south through the southwest. However, as disclosed in Section 3.2, a more westerly wind direction is expected at the site due to local topography. Given the proximity of the Blythe Airport to the project site, this data is a reasonable input to the model and accurately indicates that that the worst-case scenario impacts would occur in the vicinity of Unit #1
- 6-105 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-106 See Common Response 5.5.2.9 (*Air Quality*).
- 6-107 See Common Response 5.5.2.9 (*Air Quality*).

- 6-108 See Common Response 5.5.2.9 (Air Quality).
- 6-109 See Common Response 5.5.2.9 (Air Quality).
- 6-110 See Common Response 5.5.2.9 (Air Quality).
- 6-111 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-112 See Common Response 5.5.2.9 (Air Quality).
- 6-113 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-114 See Common Response 5.5.2.9 (Air Quality).
- 6-115 See Common Response 5.5.2.9 (Air Quality).
- 6-116 See Common Response 5.5.2.9 (Air Quality).
- 6-117 Concerning consistency with plans, see Common Response 5.5.2.1. Concerning consistency with NEPA (cumulative) and FLPMA, see Common Response 5.5.2.2. Concerning biological resources, see Common Response 5.5.2.7.
- 6-118 As discussed in PA/FEIS Section 3.9, *Multiple Use Classes*, the project site is designated as Multiple-Use Class M (Moderate Use) in the CDCA Plan, as amended. The Multiple Use Class (MUC) Guidelines in Table 1 of the CDCA Plan state that solar electrical generation facilities may be allowed in MUC Limited (L), Moderate (M), and Intensive (I) areas after NEPA requirements are met and the CDCA Plan is properly amended. MUC M is based on a controlled balance between higher-intensity use and protection of public lands. The CDCA Plan states that “electrical generation plants may be allowed” within the Moderate Use designation. Specifically, solar electrical generating facilities “may be allowed after NEPA requirements are met.” The published SA/DEIS did correctly state that the project is wholly within the Moderate (M) MUC designated in the CDCA as amended (see Section C. 6, Land Use, Recreation and Wilderness). While the chapter describing the alternatives in the SA/DEIS incorrectly stated the MUC was Limited (L), this has been corrected in the PA/FEIS.
- 6-119 PA/FEIS Section 3.16, *Special Designations*, and Section 4.15, *Impacts on Special Designations*, describe the proximity of all special designation areas to the project and the impacts to each of the ACECs in close proximity. The Palen Dry Lake ACEC is located approximately 0.5 mile northeast of the project site. The Chuckwalla Valley Dune Thicket ACEC is located approximately 17 miles southeast of the site.
- 6-120 The PA/FEIS fully analyzes the direct, indirect, and cumulative impacts to land and realty uses, recreation and special designation areas such as wilderness, wilderness study areas and back country byways in PA./FEIR Sections 4.05, 4.12 and 4.15.1 through 4.15.3, respectively. See also, Response to Comment 6-014.

- 6-121 See Response to Comment 6-118.
- 6-122 Concerning consistency with master plans, see Common Response 5.5.2.1. Concerning biological resources, see Common Response 5.5.2.7.
- 6-123 See Common Response 5.5.2.2.
- 6-124 See Common Response 5.5.2.7.
- 6-125 See Common Responses 5.5.2.1 (*Consistency of the Proposed Action with the CDCA Plan, NECO Plan and other Plans*) and 5.5.2.7 (*Biological Resources*).
- 6-126 “Substantial evidence” is required to support environmental conclusions under CEQA. As noted above, CEQA does not govern the legal adequacy of the PA/FEIS. See Common Response 5.5.2.11 (*Cultural Resources*).
- 6-127 See Common Response 5.5.2.11.
- 6-128 See Common Response 5.5.2.11.
- 6-129 See Common Response 5.5.2.11.
- 6-130 See Common Response 5.5.2.11.
- 6-131 See Common Response 5.5.2.11.
- 6-132 See Common Response 5.5.2.11.
- 6-133 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning public health and safety are addressed in Common Response 5.5.2.12.
- 6-134 See Common Response 5.5.2.12.
- 6-135 See Common Response 5.5.2.12.
- 6-136 On December 1, 2010, the South Coast Air Quality Management District (SCAQMD) issued a Final Determination of Compliance for the project. In preparing its final determination, the SCAQMD estimated toxic air contaminant (TAC) emissions for normal operations of each emissions unit, which include the auxiliary boilers, emergency fire water pump and generator engines, and HTF ullage system vent.

As the SCAQMD explained, TAC emissions from the auxiliary boilers were estimated based on EPA AP-42 emission factors for natural gas combustion. TAC emissions from the emergency fire water pump and generator engines were quantified for routine testing and maintenance operation, which will be no more than one hour per day, 50 hours per

year, per engine. Emissions are not calculated for emergency use. The TAC emissions were characterized as aggregate particulate emissions (diesel particulate matter [DPM]) from diesel-fired engines. The DPM emissions are assumed to be equal to the PM10 emissions. The total uncontrolled TAC emissions from the HTF ullage tank vent were estimated based on data provided by an existing solar thermal parabolic trough plant and extrapolated to account for HTF system size. HTF is composed of approximately 75 percent diphenyl ether and 25 percent biphenyl. For this application, because both of these compounds contain benzene rings, it was conservatively assumed that the HTF breakdown products would consist primarily (approximately 99 percent) of benzene. Controlled emissions were calculated based on the use of two carbon adsorption canisters in series with an overall control efficiency of 98 percent. Determination was considered in preparing the PA/FEIS. Concerns of the SCAQMD with respect to its subject matter expertise, including TACs, have been addressed in the environmental review for this project to the satisfaction of the agency. The toxic emissions (benzene) due to fugitives is assumed to be 1% of the total fugitive emissions or $0.01(19,186 \text{ lb/yr}) = 191.86 \text{ lb/yr}$. Since there are two ullage systems, the toxic emissions per system are $(191.86 \text{ lb/yr})/2 = 96 \text{ lb/yr}$. The toxic emissions per ullage system = $300 \text{ lb/yr}(0.99) = 297 \text{ lb/yr}$. Therefore, the total benzene emissions from a single ullage system (including fugitives) are $96 \text{ lb/yr} + 297 \text{ lb/yr} = 393 \text{ lb/yr}$. Table 17 of the SCAQMD's Final Determination of Compliance, which lists the breakdown of the TAC emissions for each permit unit, is reproduced here for the commenter's convenience.

- 6-137 See Common Response 5.5.2.12.
- 6-138 See Common Response 5.5.2.12.
- 6-139 See Common Responses 5.5.2.12 (*Public Health and Safety*) and 5.5.2.6 (*Supplementation/Recirculation*).
- 6-140 See Common Response 5.5.2.12.
- 6-141 See Common Response 5.5.2.12.
- 6-142 See Common Response 5.5.2.12.
- 6-143 See Common Response 5.5.2.10.
- 6-144 See Common Responses 5.5.2.5 (*Alternatives*) and 5.5.2.10 (*Water Resources*).
- 6-145 See Common Response 5.5.2.5 (*Alternatives*). Impacts related to wildlife habitat are addressed in PA/FEIS Sections 4.17 (*Impacts to Vegetation Resources*) and 4.21 (*Impacts to Wildlife Resources*) as well as Appendix I, concerning cumulative impacts to biological resources.

TABLE 17
SCAQMD FINAL DETERMINATION OF COMPLIANCE

Pollutant	Auxiliary Boiler		Fire Water Pump		Generator		Ullage System		
	Hourly lb/hr	Annual lb/yr	Hourly lb/hr	Annual lb/yr	Hourly lb/hr	Annual lb/yr	Hourly (R1) lb/hr	Hourly (R2) lb/hr	Annual lb/yr
7, 12-Dimethylbenz (a) anthracene	5.49E-07	9.47E-04							
Acenaphthene	6.18E-08	1.07E-04							
Acenaphthylene	6.18E-08	1.42E-04							
Anthracene	8.24E-08	1.42E-04							
Benz (a) anthracene	6.18E-08	1.07E-04							
Benzene	7.21E-05	1.24E-01					3.75+01	7.50E-01	3.90E+02
Benzo (a) pyrene	4.12E-08	7.01E-05							
Benzo (b) fluoranthene	6.18E-08	1.07E-05							
Benzo (g, h, i) perylene	4.12E-08	7.01E-05							
Benzo (k) fluoranthene	6.18E-08	1.07E-05							
Biphenyl	0.00E+00	--					3.75E-03	7.50E-05	3.00E-02
Chrysene	6.18E-08	1.07E-04							
Dibenz (a, h) anthracene	4.12E-08	7.01E-05							
Dichlorobenzene	4.12E-05	7.01E-02							
Diesel Particulate Matter	0.00E+00	--	9.91E-02	4.96E+00	9.65E-01	4.38E+01			
Fluoranthene	1.03E-07	1.78E-04							
Formaldehyde	2.57E-03	4.44E+00							
Hexane	6.18E-02	1.07E-02							
Indeno (1, 2, 3-cd) pyrene	6.18E-08	1.01E-03							
Naphthalene	2.09E-05	3.61E+02							
Phenanthrene	5.83E-07	1.01E-03							
Pyrene	1.72E-07	2.96E-04							
Toluene	1.17E-04	2.01E-01							
Total for Single System	6.46E-02	1.11E+02	9.91E-02	4.96	9.91E-02	4.83	37.5	0.75	393
Total for Both Systems	1.29E-01	2.23E+02	1.98E-01	9.92	1.98E-01	9.66	75.00	1.50	786

- 6-146 Project cut and fill would be balanced within the site, with no net import or export of material. The vast majority of project grading and excavation would occur in the solar plant ROW, with only relatively minor excavation needed for installation of gen-tie facilities (e.g., at the locations of monopoles). Mitigation Measure SOIL&WATER-11 relates to channel erosion protection. It specifies that soil cement bank protection shall be provided in specified circumstances, and prohibits some other methods of channel stabilization, such as dumped riprap, gabions, and bio-stabilization measures based on these methods' incompatibility with biological resources in the area.
- 6-147 See Common Response 5.5.2.10.
- 6-148 See Common Response 5.5.2.10.
- 6-149 See Common Response 5.5.2.10.
- 6-150 The Applicant filed a Streambed Alteration Agreement (SAA) with the California Department of Fish & Game in November 2009 for the purposes of altering the terrain and installing channels. This application currently is being reviewed. Compliance with the provisions of the SAA issued for the project would be required by State law as well as SOIL&WATER-12.
- 6-151 See Common Response 5.5.2.10 and Response to Comment 6-022. Also, the commenter appears to assume that the Applicant intends to further develop groundwater resources in the vicinity of the project. This assumption is unfounded. No such evidence has been identified.
- 6-152 See Common Response 5.5.2.10.
- 6-153 See Common Response 5.5.2.10.
- 6-154 See Common Response 5.5.2.10.
- 6-155 See Common Response 5.5.2.10.
- 6-156 See Common Response 5.5.2.10.
- 6-157 See Common Response 5.5.2.10.
- 6-158 See Common Response 5.5.2.4.
- 6-159 See Common Response 5.5.2.5; see also, Response to Comment 6-011.
- 6-160 See Common Response 5.5.2.5.
- 6-161 See Common Response 5.5.2.5.

- 6-162 See Common Response 5.5.2.5.
- 6-163 See Common Response 5.5.2.5.
- 6-164 See Common Response 5.5.2.5.
- 6-165 See Common Response 5.5.2.5.
- 6-166 See Common Response 5.5.2.5.
- 6-167 Concerning consistency with NEPA, see Common Response 5.5.2.2. Concerning adequacy of data relied upon, see Common Response 5.5.2.3. Concerning alternatives, see Common Response 5.5.2.5. Comments about supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 6-168 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-169 See Common Response 5.5.2.7.
- 6-170 See Common Response 5.5.2.7.
- 6-171 See Common Responses 5.5.2.3 (Adequacy of Data Relied Upon), 5.5.2.6 (*Supplementation/Recirculation*), and 5.5.2.7 (*Biological Resources*).
- 6-172 See Common Response 5.5.2.7.
- 6-173 See Common Response 5.5.2.7.
- 6-174 See Common Response 5.5.2.7.
- 6-175 See Common Response 5.5.2.7.
- 6-176 See Common Response 5.5.2.7.
- 6-177 See Common Response 5.5.2.7.
- 6-178 See Common Response 5.5.2.7.
- 6-179 See Common Response 5.5.2.7.
- 6-180 See Common Response 5.5.2.7.
- 6-181 See Common Response 5.5.2.7.
- 6-182 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7.

- 6-183 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-184 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7.
- 6-185 See Common Response 5.5.2.7.
- 6-186 See Common Response 5.5.2.7.
- 6-187 See Common Response 5.5.2.7.
- 6-188 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-189 See Common Response 5.5.2.7.
- 6-190 See Common Response 5.5.2.7.
- 6-191 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-192 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-193 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). As noted above, CEQA does not govern the legal adequacy of the PA/FEIS.
- 6-194 See Common Response 5.5.2.7.
- 6-195 Concerning alternatives, see Common Response 5.5.2.5. Concerning biological resources, see Common Response 5.5.2.7.
- 6-196 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-197 See Common Responses 5.5.2.7 (*Biological Resources*) and 5.5.2.5 (*Alternatives*).
- 6-198 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7.
- 6-199 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-200 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7.
- 6-201 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, see Common Response 5.5.2.7.
- 6-202 See Common Response 5.5.2.7.
- 6-203 See Common Response 5.5.2.7.

- 6-204 See Common Response 5.5.2.7.
- 6-205 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-206 See Common Response 5.5.2.7.
- 6-207 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
Nonetheless, see Common Response 5.5.2.7.
- 6-208 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-209 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-210 See Common Response 5.5.2.5.
- 6-211 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-212 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-213 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-214 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-215 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-216 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
- 6-217 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook).
Nonetheless, see Common Response 5.5.2.7.
- 6-218 See Common Response 5.5.2.12.
- 6-219 See Common Response 5.5.2.12. Because the requested information has been provided in
the PA/FEIS, supplementation and recirculation are not required (see Common Response
5.5.2.6).
- 6-220 See Common Response 5.5.2.12.
- 6-221 See Common Response 5.5.2.12.
- 6-222 See Common Response 5.5.2.12.
- 6-223 See Common Response 5.5.2.12.
- 6-224 See Common Response 5.5.2.12.
- 6-225 See Common Response 5.5.2.12.

- 6-226 See Common Response 5.5.2.12.
- 6-227 See Common Response 5.5.2.12.
- 6-228 See Common Response 5.5.2.12.
- 6-229 See Common Response 5.5.2.12.
- 6-230 See Common Response 5.5.2.12.
- 6-231 The Colorado River Basin Regional Water Board and State Water Board worked with the CEC on the development of CEC's conditions of certification for the project. CEC Conditions of Certification are recommended as mitigation measures throughout PA/FEIS Chapter 4, *Environmental Consequences*, to address direct, indirect and cumulative impacts of the proposed action and alternatives on the quality of the human environment. They are set forth in full in PA/FEIS Appendix B. Because permit requirements for compliance with water quality laws and regulations were drafted and incorporated into the CEC's approval of the project to mitigate potential water quality impacts, no further action is required of the BLM to ensure this result for the project.
- 6-232 See Common Response 5.5.2.12.
- 6-233 See Common Response 5.5.2.12.
- 6-234 See Common Response 5.5.2.12.

5.5.3.7 Letter 7 – Responses to Comments from Western Watershed Project

- 7-01 Comments concerning alternatives are addressed in Common Response 5.5.2.5.
- 7-02 Comments concerning desert tortoise and other biological resources are addressed in Common Response 5.5.2.7.
- 7-03 Comments concerning consistency of the proposed action and alternatives with the CDCA Plan, NECO Plan and other planning documents are addressed in Common Response 5.5.2.1.
- 7-04 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning global climate change are addressed in Common Response 5.5.2.8.
- 7-05 See Common Response 5.5.2.7.

- 7-06 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning the analysis of impacts to desert tortoise are addressed in Common Response 5.5.2.7, *Biological Resources*.
- 7-07 Comments concerning biological resources are addressed in Common Response 5.5.2.7. Comments concerning consistency of the proposed action with NEPA and FLPMA are addressed in Common Response 5.5.2.2.
- 7-08 See Response to Comment 7-07. CEQA significance determinations are not relevant in the NEPA context; thus, no revisions were made to explain how recommended mitigation measures would reduce impacts to sand transport to a less-than-significant level. Instead, quantification of impacts is provided where possible, qualitative assessments are provided where quantification is not possible, and mitigation measures are identified where they may be used to avoid or reduce adverse impacts, regardless of whether such impacts are “significant” as that term is used under NEPA (40 CFR 1502.2(b)). Comments suggesting supplementation/recirculation are addressed in Common Response 5.5.2.6.
- 7-09 See Common Response 5.5.2.10.

5.5.3.8 Letter 8 – Responses to Comments from Metropolitan Water District of Southern California

- 8-01 This is not a substantive comment (see Section 6.9.2.1 of the BLM NEPA Handbook). Nonetheless, comments concerning water resources, such as Colorado River water, are addressed in Common Response 5.5.2.10.
- 8-02 The solar field would be installed on BLM land where Metropolitan Water District (MWD) does not currently own, operate, or manage any facilities. Additionally, a preliminary review of siting alignments and available information regarding the location of Metropolitan’s facilities indicated that the development of the project is not be expected to place any facilities on or across facilities owned, operated or managed by MWD. In the event that project facilities are installed across an existing MWD facility, acquisition of proper permits and coordination with MWD would ensure that potential impacts are minimized.
- 8-03 BLM is not aware of, nor does the comment offer, any potential impacts within the purview of NEPA that could result to MWD’s transmission system (reliability, operations or safety) due to implementation of the project. Concerning transmission line safety and nuisance more generally, see PA/FEIS Section 4.11.6.
- 8-04 See Common Response 5.5.2.10.
- 8-05 Pursuant to Section 6.9.2.1 of the BLM NEPA Handbook H-1790-1 (Jan. 30, 2008), this is not a substantive comment. Nonetheless, the BLM notes that the language quoted relates to SOIL&WATER-14, *Mitigation of Impacts to the Palo Verde Mesa*

Groundwater Basin, and that the foreclosure of the quoted opportunities does not preclude the effectiveness of SOIL&WATER-14: as stated in the mitigation measure, other proposed mitigation activities may be determined to be acceptable. See also, Common Response 5.5.2.10, *Water Resources*.

8-06 See Common Response 5.5.2.10.

5.5.3.9 Letter 9 – Intentionally Left Blank

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5.5.3.10 Letter 10 – Responses to Comments from Environmental Protection Agency

- 10-01 Considering the reasonableness of the range of alternatives, see Common Response 5.5.2.5. Further, the time required to prepare an EIS ranges depending on the complexity of the issues involved and the types and magnitude of improvements proposed, and can take as much as 24-36 months or more. The BLM identified certain “fast-track” projects for which the companies involved demonstrated to the BLM that they had made sufficient progress to formally start the environmental review and public participation process. The project is one such project. The Applicant submitted a ROW application to the BLM and filed an application for certification with the Energy Commission. The environmental review process, including opportunities for public participation, commenced immediately. Like all renewable energy projects proposed for BLM-managed lands, the project has received the full extent of environmental review required by NEPA and has included the same opportunities for public involvement as are required for all other land-use decision making by the BLM.
- 10-02 Concerning potential impact to water resources, including downstream flows, see Common Response 5.5.2.10, *Water Resources*.
- 10-03 Concerning use of existing draining channels and/or natural features instead of proposed concrete-lined channels, see Common Response 5.5.2.10.
- 10-04 Concerning a finalized drainage plan see Common Response 5.5.2.10.
- 10-05 Concerning potential impacts to wildlife and drainage systems, see Common Response 5.5.2.7 (wildlife); see also, Common Response 5.5.2.10 (drainage).
- 10-06 Impacts and mitigation measures concerning biological resources are analyzed in PA/FEIS Sections 4.17 (vegetation) and 4.21 (wildlife). Concerning compensatory mitigation, see Common Response 5.5.2.7.
- 10-07 All mitigation commitments required by the BLM will be included in the ROD.
- 10-08 Concerning groundwater mitigation, see Common Response 5.5.2.10.

- 10-09 The project is not proposed within the Palo Verde Mesa Groundwater Basin; therefore, the requested basin balance analysis is not relevant to this project.
- 10-10 Concerning impacts to groundwater, see Common Response 5.5.2.10.
- 10-11 Concerning impacts to groundwater recharged by the Colorado River, see Common Response 5.5.2.10.
- 10-12 Concerning necessary project water entitlements see Common Response 5.5.2.10.
- 10-13 Concerning the need for the proposed action, see Common Response 5.5.2.4. Concerning climate change, see Common Response 5.5.2.8. Concerning the adequacy of the data relied upon, see Common Response 5.5.2.3.

This comment also questions the adequacy of the PA/FEIS's assessment of cumulative impacts. A cumulative impact is "the impact on the environment which results from the incremental impact 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. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. The PA/FEIS considers the potential for incremental impacts resulting from construction, operation and maintenance, and closure and decommissioning of the project to cause or contribute to a cumulative effect in each of the issue areas for which the project could cause an impact.

The Ninth Circuit requires federal agencies to "catalogue" and provide useful analysis of past, present, and future projects and to provide some quantified or detailed information because, in its absence, the public cannot be assured that the agencies have taken the requisite "hard look." The PA/FEIS for the project not only catalogues cumulative projects, but also provides quantified and detailed information about them. See, e.g., Table 4.1-1, *Cumulative Scenario*. On an issue-by-issue basis, PA/FEIS Chapter 4, *Environmental Consequences*, identifies the geographic and temporal scope of the cumulative impacts analysis area, provides a basis for the boundaries of each, identifies existing conditions within each cumulative impacts assessment area, identifies the direct and indirect effects of the proposed action and alternatives, and identifies past, present and reasonably foreseeable future actions making up the cumulative scenario. See, for example, PA/FEIS Section 4.21.3 (discussion of cumulative impacts on wildlife resources), Table 4.21-2, *Cumulative Impacts to Selected Wildlife Resources from the PSPP*. The several renewable energy (solar and wind) projects being considered by the BLM's California Desert District are identified in Table 4.1-2, including the number of projects, acreage and total megawatts under consideration in the Palm Springs, Barstow, El Centro, Needles, and Ridgecrest Field Offices. Renewable energy projects on state and private lands are identified in Table 4.1-3. Also part of the cumulative scenario, existing projects along the I-10 corridor in eastern Riverside County are identified in Table 4.1-4 and future foreseeable projects in this area are identified in Table 4.1-5. The PA/FEIS's

analysis of cumulative impacts is adequate. See also Common Response 5.5.2.2, concerning NEPA compliance generally.

- 10-14 Concerning the purpose and need and range of alternatives, see Common Responses 5.5.2.4 and 5.5.2.5, respectively.
- 10-15 The question requests a description of BLM’s authority to adopt a “modified” project design or alternate site on BLM land, to deny an application, or to select another ROW application submitted by the same applicant or its corporate owner. A ROW grant is an authorization to use a specific piece of public land for a certain project, such as a transmission line, road, pipeline, or communication site. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project. The BLM’s ROW grants are authorized by Title V of FLPMA (43 U.S.C. 1761-1771) and the implementing regulations set forth at 43 CFR part 1600. Pursuant to 43USC 1764(j), “The Secretary. . . shall grant, issue, or renew a right-of-way under this subchapter only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this subchapter.”

BLM’s authority includes the power to modify a project design subject to a ROW application, or to deny the application, to the extent that the application does not reflect certain statutorily-required terms and conditions. For example, terms and conditions are imposed to carry out the purposes of FLPMA; minimize damage to scenic and aesthetic values and fish and wildlife habitat, and otherwise protect the environment; require compliance with applicable air and water quality standards; and require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation and maintenance if such standards are more stringent than applicable Federal standards (43 USC 1765). BLM also may impose terms and conditions to the extent that it deems them necessary to protect Federal property and economic interests; manage efficiently the lands that would be subject to the ROW and protect the other lawful users of the lands adjacent to or traversed by the ROW; protect lives and property; protect the interests of individuals living in the general area traversed by the ROW who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes; require location of the ROW along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors; and otherwise protect the public interest in the lands traversed by the right-of-way or adjacent thereto (43 USC 1765).

Individual ROW applications are considered separately; thus, two applications submitted by the same applicant or its corporate owner would be considered independently based on the independent merit of each. A decision whether to grant one of the applications would be made independently of whether to grant the other.

- 10-16 The cumulative scenario is discussed in FEIS Section 4.1. The cumulative impacts analysis in Chapter 4, *Environmental Consequences*, conservatively assumes that all projects within the cumulative scenario will proceed, including renewable energy projects. Any effort to further refine how many of renewable energy applications received by BLM are likely to proceed would be speculative and would not contribute to the understanding of the potential impacts of the project on the human environment. Concerning the Solar PEIS and the DRECP process, see Common Response 5.5.2.1.
- 10-17 The Power purchase agreements are sensitive documents between the Applicant and the power purchaser. BLM does not require detailed information regarding the specifics of that agreement, only that there is an outlet or recipient of the power generated. The size of the project, in megawatts produced and acres utilized, can be evaluated by the public to determine the trade-off between resources. This information can be found in the PA/FEIS in Chapter 2, *Proposed Action and Alternatives*.
- 10-18 Concerning site selection, see PA/FEIS Section 2.4.3, *Alternatives Considered but Eliminated From Detailed Analysis*. Concerning the reasonableness of the range of alternatives considered, see Common Response 5.5.2.5. The comment suggests that BLM should compare proposed renewable energy projects one with another. The BLM does consider each project that is proposed in the context of other past, present, and reasonably foreseeable future projects as part of the cumulative impacts analysis. See, e.g., PA/FEIS Chapter 4, *Environmental Consequences*.
- 10-19 Concerning site selection, see PA/FEIS Section 2.4.3, *Alternatives Considered but Eliminated From Detailed Analysis*. Concerning purpose and need, see Common Response 5.5.2.4. Additionally, BLM in the purpose and need for the project is responding to the Applicant's request for a ROW under Title V of FLPMA.
- 10-20 Concerning alternatives, see Common Response 5.5.2.5.
- 10-21 Concerning alternatives, see Common Response 5.5.2.5. The BLM does not require the preparation of a cost benefit analysis or a fiscal impact statement. These are more typically done by the applicants prior to considering the use of public lands for projects. Additionally, reviewing such information would not affect the size and scope of the project, or its impacts, nor would it improve the analysis of the alternatives in such a manner as to make one more feasible than another.
- 10-22 Concerning the suggestion that the DRECP is relevant to the BLM's consideration of the proposed action and alternatives, see Common Response 5.5.2.1.
- 10-23 Concerning climate change, See PA/FEIS Sections 3.3 and 4.3 Affected Environment and Impacts to Global Climate Change respectively; see also Common Response 5.5.2.8.
- 10-24 See Response to Comment 10-23.

- 10-25 Concerning incorporation of climate change monitoring, see PA/FEIS Sections 4.3 *Impacts to Global Climate Change*, Section 4.17, *Impacts on Vegetation*, and Section 4.21, *Impacts on Wildlife*.
- 10-26 Concerning climate change, See PA/FEIS Sections 3.3 and 4.3; see also Common Response 5.5.2.8.
- 10-27 All areas in the SA/DEIS that indicated undetermined technical areas have since been revised and appropriate mitigation has been provided in the PA/FEIS. Please see each technical section in Chapter 4, *Environmental Consequences*, for the proposed mitigation. The Energy Commission's Conditions of Certification are located in Appendix B.
- 10-28 Concerning cultural resources, see Common Response 5.5.2.11. Concerning the adequacy of data relied upon, see Common Response 5.5.2.3.
- 10-29 The social and economic analysis in the PA/FEIS (see Sections 3.14, 4.13) assesses the cumulative impact expected if all 13 identified solar projects proceed with construction between 2011 and 2016. The cumulative analysis also included the additional construction impacts associated with construction of the Blythe Airport Solar project and another six non-solar projects currently planned on BLM land within eastern Riverside County.

The cumulative analysis uses the same approach as impact analysis of the project's construction impacts on the social and economic conditions for both the local study area (Blythe, California; Ehrenberg, Arizona; and Quartzite, Arizona) and the regional study area (eastern Riverside County from Palm Springs to Blythe). Specifically, the PA/FEIS impact analysis assesses the projected construction worker labor need and the regional labor force supply of adequately qualified and potential trainable workers to determine the likely magnitude of in-migration that may be expected to the local and regional study area.

The analysis estimates the amount of growth expected to occur based on the demand for housing from construction and operations workers by evaluating the supply of suitable housing to meet the temporary housing demand of project construction and operations workers. Given the region's relatively high unemployment rates it is expected that the majority of future construction and operations workers would live within the regional study area. Any workers attracted to work at any of the construction sites may be expected to seek temporary housing (i.e., for weekly commuting) and would maintain their existing primary residence in western Riverside County, San Bernardino or elsewhere.

Based on the current housing vacancy rates and availability of local hotel/motel accommodations in the local and regional study area, there is considerable potential availability for suitable temporary housing or accommodations within the existing housing stock and motel/hotel facilities especially if workers are willing to share

accommodations. As a result, it is not expected that any new housing or hotel/motel growth would occur as a result of the planned solar projects.

The vicinity of the project site currently lacks any transit operations that would be suitable for these projects' construction workers. Construction of the project is scheduled to overlap with the construction schedules of three other projects in the area, two solar energy generation parabolic trough projects and one photovoltaic project. These three projects plus the project would result in approximately 3,623 workers traveling on I-10 to their work sites at the same time. The overlapping construction schedules of these projects would result in cumulatively considerable impacts to I-10 as well as to local streets, highways, and intersections in the vicinity of the project site. However, implementation of Construction and Operations Traffic (TRANS-4), provided in PA/FEIS Section 4.16, would ensure that a Traffic Control Plan is developed and implemented to address traffic issues related to movement of workers, vehicles, and materials, including arrival and departure schedules and designated workforce and delivery routes. The BLM elects not to require the Applicant to make additional provisions.

5.6 Administrative Remedies

BLM and the Environmental Protection Agency's Office of Federal Activities (EPA) will publish separate NOAs for the Proposed Plan Amendment/Final EIS in the Federal Register when the document is ready to be released to the public. The NOA (published by the EPA in the Federal Register) will initiate a 30-day protest period on the proposed CDCA Plan Amendment to the Director of the BLM in accordance with 43 CFR 1610.5-2.

Following resolution of any protests BLM then may publish an Approved Plan Amendment and a Record of Decision (ROD) on the Project Application. Publication and release of the ROD will serve as public notice of BLM's decision on the Project Application which is appealable in accordance with 43 CFR Part 4.

5.7 List of Preparers

Though individuals have primary responsibility for preparing sections of the Propose PA/FEIS, the document is an interdisciplinary team effort. In addition, internal review of the document occurs throughout preparation. Specialists at the BLM's Field Office, State Office, and Washington Office review the analysis and supply information, as well as provide document preparation oversight. Contributions by individual preparers may be subject to revision by other BLM specialists and by management during internal review.

**TABLE 5-2
LIST OF PREPARERS**

BLM – Palm Spring-South Coast Field Office and California Desert District Office		
<i>Name</i>	<i>Job Title/ Primary Responsibility</i>	<i>Office Location</i>
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Allison Shaffer	Project Manager, Realty Specialist	Palm Springs South Coast Field Office
Jeffery Childers	Planning & Environmental Coordinator	Renewable Energy Coordinating Office (RECO), California Desert District Office
Chris Dalu	Archaeologist	Palm Springs South Coast Field Office
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Larry LaPre	Biologist	California Desert District Office
Kim Marsden	Biologist	California Desert District Office
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Environmental Science Associates and Sub-consultants		
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Stumpf, Gary	Cultural Resources Specialist	Cultural and Paleontological Resources
Taplin, Justin	Technical Associate	Soil and Mineral Resources
Teitel, Ron	Senior Graphics	Graphics

ACRONYMS AND ABBREVIATIONS

$\mu\text{g}/\text{m}^3$	micrograms per cubic meter
$^{\circ}\text{F}$	degrees Fahrenheit
A	ampere (amp)
AAQS	ambient air quality standards
AB	Assembly Bill
AB 32	California Global Warming Solutions Act of 2006
ac	acres
ACC	air-cooled condenser
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ADT	Average Daily Traffic
AERMOD	AMS/EPA Regulatory Model
af or ac-ft	acre-feet
AFC	Application for Certification
afy or ac-ft/yr	acre-feet per year
AIChE	American Institute of Chemical Engineers
AIM	Aeronautical Information Manual
ALUC	Airport Land Use Commission
AM	Amplitude Modulated
AML	appropriate management level
AML	abandoned mined lands
AMPs	Allotment Management Plans
AMS	American Meteorological Society
amsl	above mean sea level
AMT	alternative minimum tax
ANSI	American National Standards Institute
AO	Authorized Officer
APCDs	Air Pollution Control Districts
APCO	Air Pollution Control Officer
APE	Area of Potential Effects
API	American Petroleum Institute
APLIC	Avian Power Line Interaction Committee

APN	Assessor's Parcel Number
APP	Avian Protection Plan
Applicant	Palo Verde Solar I
AQCM	Air Quality Construction Mitigation Manager
AQCMP	Air Quality Construction Mitigation Plan
AQMD	Air Quality Management District
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act of 1979
ASME	American Society for Material Engineering
AST	aboveground storage tank
ASTM	American Society for Testing Materials Standards
ATC	Authority to Construct
ATCC	Area of Traditional Cultural Concern
ATCM	Airborne Toxic Control Measure
ATV	all-terrain vehicle
AWEA	American Wind Energy Association
BA	Biological Assessment
BAAB	Blythe Army Air Base
BAAQMD	Bay Area Air Quality Management District
BACM	Best Available Control Measures
BACT	Best Available Control Technology
BCC	birds or conservation concern
bgs	below ground surface
bhp	brake-horsepower
BIL	basic impulse level
BIS	Department of Business Innovation & Skills
BLM	United States Bureau of Land Management
BMPs	best management practices
BO	Biological Opinion
BOR	Bureau of Reclamation
BRMIMP	Biological Resources Mitigation Implementation and Monitoring Plan
BSPP	Blythe Solar Power Plant
CAA	Clean Air Act
CAISO	California Independent System Operator
CAL FIRE	California Department of Forestry and Fire Protection
CalARP	California Accidental Release Program
CalEPA	California Environmental Protection Agency
Cal-IPC	California Invasive Plant Council
Cal-OSHA	California - Occupational Safety and Health Administration

CalPIF	California Partners in Flight
Caltrans	California State Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CAS	Chemical Abstracts Service
CATEF II	California Air Toxics Emission Factors
CBC	California Building Code
CBEA	California Biomass Energy Alliance
CBO	Conference of Building Officials
CBOC	California Burrowing Owl Consortium
CBSC	California Building Standards Code
CC	City Council
CCAA	California Clean Air Act
CCR	California Code of Regulations
CCS	cryptocrystalline silicate
CCTV	closed circuit television
CDCA	California Desert Conservation Area
CDCA Plan	California Desert Conservation Area Plan
CDD	California Desert District
CDE	California Department of Education
CDF	California Department of Forestry and Fire Protection
CDFA	California Department of Food and Agriculture
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology
CDPA	California Desert Protection Act of 1994
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFATS	Chemical Facility Anti-Terrorism Standard
CFR	Code of Federal Regulations
cfs	cubic feet per second
CGS	California Geological Survey
CH ₄	methane
Chamber of Commerce	Blythe Area Chamber of Commerce
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CIWMA	California Integrated Waste Management Act of 1989
CIWMB	California Integrated Waste Management Board
CMUP	Comprehensive Management and Use Plan

CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNF	Cleveland National Forest
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO ₂	carbon dioxide
COC	Conditions of Certification
CPM	Compliance Project Manager
CPUC	California Public Utilities Commission
CRAM	California Rapid Assessment Method
CRBRWQCB	Colorado River Basin Regional Water Quality Control Board
CRHR	California Register of Historical Resources
CRS	Congressional Research Service
CSC	California Species of Special Concern
CSP	California State Parks
CTG	Combustion Turbine Generator
CTI	Cooling Technology Institute
CTTM	Comprehensive Travel and Transportation Management
CUPA	Certified Unified Program Authority
CURE	California Unions for Reliable Energy
CVBG	Chuckwalla Valley Groundwater Basin
CWA	Clean Water Act
cy	cubic yards
D	dynamic volt amp reactive
D	Delisted
dB	Decibel
dBA	A-weighted decibels
DCS	data (or distributed) control system
DDT	Dichloro-diphenyl-trichloroethane
DESCP	Drainage, Erosion, and Sedimentation Control Plan
DHS	Department of Homeland Security
DMG	Division of Mines and Geology (now called California Geological Survey)
DNA	Determination of NEPA Adequacy
DOC	California Department of Conservation
DOE	United States Department of Energy
DOI	United States Department of Interior
DOJ	United States Department of Justice
DOT	Department of Transportation
DPM	diesel particulate matter

DPR	Department of Parks and Recreation
DPR	Department of Pesticide Regulation
DPS	Distinct Population Segment
DPV1	Devers-Palo Verde No. 1 Transmission Line
DPV2	Devers-Palos Verde 2 Transmission Line
DRECP	California Desert Renewable Energy Conservation Plan
DRMP-A/DEIS	Draft Resource Management Plan-Amendment/Draft Environmental Impact Statement
DTC	Desert Training Center
DTC/C-AMA	George S. Patton’s World War II Desert Training Center/California- Arizona Maneuver Area
DTCCCL	Desert Training Center California-Arizona Area Cultural Landscape
DTRO	Desert Tortoise Recovery Office
DTSC	Department of Toxic Substances Control
DWMA	Desert Wildlife Management Area
DWR	California Department of Water Resources
E3	Energy and Environmental Economics, Inc.
EB	eastbound
EEMP	Equipment Emissions Mitigation Plan
EERE	Energy Efficiency and Renewable Energy
EFD	El Centro Fire Department
EFZ	Earthquake Fault Zone
EIC	Eastern Information Center
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMF	Electric and Magnetic Field
EMS	Emergency Medical Services
EO	Executive Order
EPA	United States Environmental Protection Agency
EPAct 05	Energy Policy Act of 2005
EPRI	Electric Power Research Institute
EPS	Emission Performance Standard
ERC	Emission Reduction Credit
ESA	Endangered Species Act
ET	evapotranspiration
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FDOC	Final Determination of Compliance
FE	Federally listed as endangered
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement

FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FESA	Federal Endangered Species Act
FHWA or FHA	Federal Highway Administration
FLPMA	Federal Land Policy and Management Act
FM	Frequency Modulated
FMAP	Fire Management Activity Plan
FMMP	Farmland Mapping and Monitoring Program
FPPA	Farmland Protection Policy Act
fps	feet per second
FR	Federal Register
FSC	Field Supervisor Controller
ft	feet
ft ² /d	feet squared per day
FT	Federally listed as threatened
FTA	Federal Transit Administration
FTE	full time equivalent
FTHL	flat-tailed horned lizard
g	gravity
gal	gallon
GCC	Global Climate Change
GEA	Geothermal Energy Association
gen-tie	power transmission line
GHG	greenhouse gas
GIS	geographic information system
gpd	gallons per day
gpd/ft	gallons per day per foot
gpd/ft ²	gallons per day per square foot
gpm	gallons per minute
GSEP	Genesis Solar Energy Project
GSU	generator set-up transformer
GWh	gigawatt-hour
GWR	groundwater recharge
H ₂ S	hydrogen sulfide
HA	Herd Area
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HALS	Historic American Landscape Survey
HAP	Hazardous Air Pollutant
HARP	Hotspots Analysis Reporting Program

HAs	Herd Areas
HCE	heat collection element
HCM	Highway Capacity Manual
HDPE	high-density polyethylene
HEC-RAS	Hydrologic Engineering Center River Analysis System
HERO	high efficiency reverse osmosis
HFCs	hydrofluorocarbons
HI	Hazards Index or Chronic Hazards Index
HMAAs	Herd Management Areas
HMBP	Hazardous Materials Business Plan
hp	horsepower
HP	high pressure
HPTP	Historic Properties Treatment Plan
HRA	Health Risk Assessment
HRP	Habitat Restoration Plan
HSC	Health and Safety Code
HTF	Heat Transfer Fluid
HUC	hydrologic unit code
HWSRMRA	Hazardous Waste Source Reduction and Management Review Act of 1989
Hz	Hertz
I-10	Interstate-10
ICAPCD	Imperial County Air Pollution Control District
ICC	Interagency Coordinating Committee
ICDTSC	Imperial County Department of Toxic Substances Control
IEEE	Institute of Electrical and Electronics Engineers
IEPR	Integrated Energy Policy Report
IID	Imperial Irrigation District
ILPP	Injury and Illness Prevention Program
in	inches
in/sec	inches per second
IND	Industrial Service Supply
INT	international
IP	intermediate pressure
ISCST	Industrial Source Complex Short Term
ISO	Independent System Operator
ITC	investment tax credit
IUSD	Imperial Unified School District
IVEDC	Imperial Valley Economic Development Corporation
IVRM	Interim Visual Resource Management
IVS	Imperial Valley Solar

K	erosion factor
kA	kilo-amps
KOPs	key observation points
kV	kilovolt
kVA	kilovolt-amperes
kVAR	kilovolt-ampere reactive
kW	kilowatt
kWe	kilowatt-electric
L ₉₀	The A-weighted noise level that is exceeded 90 percent of the time during the measurement period.
LADWP	Los Angeles Department of Water and Power
lbs	pounds
lb/yr	pounds per year
L _{dn}	day-night average noise level
LDS	leachate detection system
LE	Land Evaluation
LEDPA	Least Environmentally Damaging Practicable Alternative
L _{eq}	equivalent continuous sound level
LESA	Land Evaluation and Site Assessment
LESA Model	Land Evaluation and Site Assessment Model
LID	Low Impact Development
LLC	Limited Liability Corporation
LORS	laws, ordinances, regulations, and standards
LOS	level of service
LP	low pressure
LRAs	Local Reliability Areas
LTU	Land Treatment Unit
LTVA	Long-Term Visitor Area
LUP	Land Use Plan
M6.0	earthquake of magnitude 6.0 or greater
Ma	million years ago
MA	management area
MACT	Maximum Available Control Technology
MBTA	Migratory Bird Treaty Act
MCE	Maximum Credible Earthquake
MCL	Maximum Contaminant Level
MCR	Monthly Compliance Report
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MEIR	maximum exposed individual resident
MEIW	maximum exposed individual worker

mg/L	milligrams per liter
mg/m ³	milligrams per cubic meter
mi	miles
ml	milliliters
ML	Measuring Location
mm	millimeters
MM	Modified Mercalli
MMBtu	1 million british thermal units
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
mph	miles per hour
MPP	Mirror Positioning Plan
MRZ	Mineral Resource Zone
MSA	Metropolitan Statistical Area
msl	mean sea level
MT	metric ton
MTBF	mean time between failure
MTCO ₂ e	metric tons of carbon dioxide equivalent
MTPs	Master Title Plats
MTS	Metropolitan Transit System
MUC	Multiple-Use Class
MUC C	Multiple-Use Class Controlled
MUC I	Multiple-Use Class Intensive
MUC L	Multiple-Use Class Limited
MUC M	Multiple-Use Class Moderate
MUC U	Multiple-Use Class Unclassified
MUN	Municipal and Domestic Water Supply
MVA	megavolt-amperes
MVAR	megavolt-ampere reactive
MW	megawatts
Mw	Maximum Earthquake Magnitude
MWh	megawatt-hour
N/A	Not Applicable
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NECO	Northern and Eastern Colorado Desert Coordinated Management Plan
NEPA	National Environmental Policy Act
NERC	North American Electric Reliability Corporation

NESC	National Electrical Safety Code
NFP	National Fire Plan
NFPA	National Fire Protection Association
NFWF	National Fish and Wildlife Foundation
NHPA	National Historic Preservation Act
NIOSH	National Institute of Safety and Health
NLCS	National Landscape Conservation System
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NRHP or National Register	National Register of Historic Places
NO	nitric oxide
NO ₂	nitrogen dioxide
NOA	Notice of Availability
NOI	Notice of Intent
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPS	United States National Park Service
NRC	National Research Council
NRCS	Natural Resources Conservation Service
NRDC	Natural Resources Defense Council
NSPS	New Source Performance Standard
NSR	New Source Review
NTP	Notice to Proceed
NWIS	National Water Information System
O&M	operations and maintenance
O ₂	oxygen
O ₃	ozone
OCA	Off-site Consequence Analysis
OCWGB	Ocotillo/Coyote Wells Groundwater Basin
OEHHA	Office of Environmental Health Hazard Assessment
OFA	Offer of Financial Assistance
OHV	off-highway vehicle
OII	Order Initiating an Informational
OLM	Ozone Limiting Method
OSHA	United States Occupational Safety and Health Administration
OTC	once-through cooling
PA	Programmatic Agreement
PA	Plan Amendment
PA/FEIS	Resource Management Plan Amendment/Final Environmental Impact Statement
PSSCFO	Palm Springs / South Coast Field Office

PALS	pre-acquisition liability survey
PBS	Peninsular bighorn sheep
PCA	Pest Control Advisor
PCU	power conversion unit
PDF	Portable Document Format
PDOC	Preliminary Determination of Compliance
PEIS	Programmatic Environmental Impact Statement
PFCs	perfluorocarbons
PGA	peak ground acceleration
PG&E	Pacific Gas and Electric Company
PL	Public Law
PM	particulate matter
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
PMI	Point of Maximum Impact
POD	Plan of Development
PPA	Power Purchase Agreement
PPE	Personal Protective Equipment
ppm	parts per million
ppmv	parts per million by volume
ppmvd	parts per million by volume, dry
PQAD	Prehistoric Quarries Archaeological District
PRC	Public Resources Code
PRIA	Public Rangelands Improvement Act of 1978
PRM	Paleontological Resource Monitors
PRMMP	Paleontological Resources Monitoring and Mitigation Plan
PRPA	Paleontologic Resources Preservation Act
PRS	Paleontological Resources Supervisor
PSA	Preliminary Staff Assessment
PSD	Prevention of Significant Deterioration
psi	pounds per square inch
PSPP	Palen Solar Power Project
PSSCFO	Palm Springs South Coast Field Office
PTNCL	Prehistoric Trails Network Cultural Landscape
PTO	Permit to Operate
PTZ	pan, tilt, and zoom
PV	photovoltaic
PVC	polyvinyl chloride
PVID	Palo Verde Irrigation District
PVMGB	Palo Verde Mesa Groundwater Basin

PVVGB	Palo Verde Valley Groundwater Basin
PVVTA	Palo Verde Valley Transit Agency
PYFC	Potential Fossil Yield Classification
QFER	Quarterly Fuel and Energy Report
R	Rare
RACM	Reasonably Available Control Measures
RACT	Reasonably Available Control Technology
RCALUC	Riverside County Airport Land Use Commission
RCFD	Riverside County Fire Department
RCRA	Resource Conservation and Recovery Act
REAT	Renewable Energy Action Team
REC I	Water Contact Recreation
REC II	Non-contact Water Recreation
Recovery Act	American Recovery and Reinvestment Act of 2009, P.L. 111-5
RECs	Recognized Environmental Conditions
REF	Renewable Electricity Future
RELS	Reference Exposure Levels
RETI	Renewable Energy Transmission Initiative
RFI	radio frequency interference
RMP	Resource Management Plan
RMPA	Resource Management Plan Amendment
RO	reverse osmosis
ROD	Record of Decision
ROG	reactive organic gases
ROW	right-of-way
ROWD	Report of Waste Discharge
RPS	Renewables Portfolio Standard
RQ	reportable quantity
RSA	Revised Staff Assessment
RTP	Regional Transportation Plan
RUSLE2	Revised Universal Soil Loss Equation
RV	recreational vehicle
RWQCB	Regional Water Quality Control Board
S	Sensitive
SAC	Science Advisory Committee
SA/DEIS	Staff Assessment/Draft Environmental Impact Statement
SAP	Sampling and Analysis Plan
SARA Title III	Superfund Amendments and Reauthorization Act of 1986
SC	sediment control
SCA	Solar Collector Assembly

SCADA	supervisory control and data acquisition
SCAG	Southern California Association of Governments
SCCWRP	Southern California Coastal Water Research Project
SCE	Southern California Edison
SCEC	Southern California Earthquake Center
scf	standard cubic feet
scfh	standard cubic feet of hydrogen per hour
SCG	Southern California Gas Company
SCPBRG	Santa Cruz Predatory Bird Research Group
SCWD	Seeley County Water District
SDAR	San Diego and Arizona Railroad
SDG&E	San Diego Gas and Electric Company
SE	State listed as endangered
SES	Stirling Energy Systems
SESA	Solar Energy Study Area
sf	square feet
SF ₆	sulfur hexafluoride
SFP	State fully protected
SHPO	State Historic Preservation Officer
SIC	Southeastern Information Center
SIP	State Implementation Plan
SLF	Sacred Lands File
SLRU	Sensitivity Level Rating Units
SO ₂	sulfur dioxide
SO ₄	sulfate
SOPs	standard operating procedures
SO _x	sulfur oxides
SPCC	Spill Prevention Control and Countermeasures
SPRR	Southern Pacific Railroad
sq mi	square miles
SQRUs	Scenic Quality Rating Units
SR-111	State Route 111
SR-98	State Route 98
SRA	Safety Risk Assessment
SRA	State Responsibility Area
SRP	Scientific Review Panel
SS	soil stabilization
SSAB	Salton Sea Air Basin
SSAB	Salton Sea Air Basin
ST	State listed as threatened

STG	steam turbine-generator
SVP	Society of Vertebrate Paleontology
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWWTP	Seeley Wastewater Treatment Plant
TAC	Toxic Air Contaminants
T-BACT	Best Available Control Technology for Toxics
TC	tracking control
TDS	Total Dissolved Solids
TGA	Taylor Grazing Act
TMDLs	Total Maximum Daily Loads
TNW	traditional navigable water
tpy	tons per year
UBC	Uniform Building Code
UDI	undocumented immigrants
µg/L	micrograms per Liter
µg/m ³	micrograms per cubic meter
URS	URS Corporation
US	United States
USACE	United States Army Corps of Engineers
USBR	United States Bureau of Reclamation
USC	United States Code
USDA	United States Department of Agriculture
USDI	United States Department of the Interior
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
USLE	Universal Soil Loss Equation
UXO	unexploded ordnance
UV	ultraviolet
V	volts
VAC	volts alternating current
VAR	volt-ampere reactive
VdB	velocity decibel
VDE	Visible Dust Emission
VHA	Lavic Lake volcanic hazard area
VMT	vehicle miles traveled
VOCs	volatile organic compounds
VRI	Visual Resource Inventory

VRM	Visual Resource Management
W	watts
WAs	Wilderness Areas
WAPA	Western Area Power Administration
WB	westbound
WDR	Waste Discharge Requirement
WE	wind erosion
WEAP	Worker Environmental Awareness Program
WEC	World Energy Council
WECC	Western Electricity Coordinating Council
WECO	Western Colorado Desert Routes of Travel Designations
WEPS	Wind Erosion Prediction System
WHMA	Wildlife Habitat Management Area
WILD	Wildlife Habitat
WIU	Wilderness Inventory Unit
WL	Watch List
WRCC	Western Regional Climate Center
WSA	Wilderness Study Area
WSS	Web Soil Survey
WTE	Wave & Tidal Energy
ybp	years before present
YDMP	Yuha Desert Management Plan
yr	year
ZOI	zone of influence

GLOSSARY OF TERMS

A

Adjacent: Defined by ASTM E1527-00 as any real property the border of which is contiguous or partially contiguous with that of the Site or would be contiguous or partially contiguous with that of the Site but for a street, road, or other public thoroughfare separating them.

Air Basin: A regional area defined for state air quality management purposes based on considerations that include topographic features that influence meteorology and pollutant transport patterns, and political jurisdiction boundaries that influence the design and implementation of air quality management programs.

Air Quality Control Region: A regional area defined for federal air quality management purposes based on considerations that include topographic features that influence meteorology and pollutant transport patterns, and political jurisdiction boundaries that influence the design and implementation of air quality management programs.

Alluvium: a fine-grained fertile soil consisting of mud, silt, and sand deposited by flowing water on flood plains, in river beds, and in estuaries.

Alluvial Fan: Fan shaped material of water deposited material.

Ambient Air Quality Standards: A combination of air pollutant concentrations, exposure durations, and exposure frequencies that are established as thresholds above which adverse impacts to public health and welfare may be expected. Ambient air quality standards are set on a national level by the U.S. Environmental Protection Agency. Ambient air quality standards are set on a state level by public health or environmental protection agencies as authorized by state law.

Ambient Air: Outdoor air in locations accessible to the general public.

Archaeological district: A significant concentration, linkage, or continuity of sites, buildings, or features important in history or prehistory. There can be discontinuous districts composed of resources that are not in close proximity to one another

Area of Critical Environmental Concern (ACEC): A designated area on public lands where special management attention is required: (1) to protect and prevent irreparable damage to fish and wildlife; (2) to protect important historic, cultural, or scenic values, or other natural systems or processes; or (3) to protect life and safety from natural hazards.

Attainment Area: An area that has air quality as good as or better than a national or state ambient air quality standard. A single geographic area may be an attainment area for one pollutant and a non-attainment area for others.

B

Basic Elements: The four design elements (form, line, color, and texture), which determine how the character of a landscape is perceived.

Bioremediation: The use of biological agents, such as bacteria or plants, to remove or neutralize contaminants, as in polluted soil or water.

C

Calcareous Substrates: Substances, often of a chalky composition, containing, or resembling calcium carbonate.

Cancer: A class of diseases characterized by uncontrolled growth of somatic cells. Cancers are typically caused by one of three mechanisms: chemically induced mutations or other changes to cellular DNA; radiation induced damage to cellular chromosomes; or viral infections that introduce new DNA into cells.

Carbon Monoxide (CO): A colorless, odorless gas that is toxic because it reduces the oxygen-carrying capacity of the blood.

Characteristic: A distinguishing trait, feature, or quality.

Characteristic Landscape: The established landscape within an area being viewed. This does not necessarily mean a naturalistic character. It could refer to an agricultural setting, an urban landscape, a primarily natural environment, or a combination of these types.

Climate: A statistical description of daily, seasonal, or annual weather conditions based on recent or long-term weather data. Climate descriptions typically emphasize average, maximum, and minimum conditions for temperature, precipitation, humidity, wind, cloud cover, and sunlight intensity patterns; statistics on the frequency and intensity of tornado, hurricane, or other severe storm events may also be included.

Community Noise Equivalent Level (CNEL): A 24-hour average noise level rating with a 5 dB penalty factor applied to evening noise levels and a 10 dB penalty factor applied to nighttime noise levels. The CNEL value is very similar to the Day-Night Average Sound Level (Ldn) value, but includes an additional weighting factor for noise during evening hours.

Contrast: Opposition or unlikeness of different forms, lines, colors, or textures in a landscape.

Contrast Rating: A method of analyzing the potential visual impacts of proposed management activities.

Cretaceous: In geologic history the third and final period of the Mesozoic era, from 144 million to 65 million years ago, during which extensive marine chalk beds formed.

Criteria Pollutant: An air pollutant for which there is a national ambient air quality standard (carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, inhalable particulate matter, fine particulate matter, or airborne lead particles).

Critical Habitat: Habitat designated by the US Fish and Wildlife Service under Section 4 of the Endangered Species Act and under the following criteria: 1) specific areas within the geographical area occupied by the species at the time it is listed, on which are found those physical or biological features essential to the conservation of the species and that may require special management of protection; or 2) specific areas outside the geographical area by the species at the time it is listed but that are considered essential to the conservation of the species.

Cultural Landscape: A geographic area, including both natural and cultural resources, associated with a historic event, activity, group, or person; or, a geographic area that has been assigned cultural or social meaning by associated cultural groups.

Cultural Modification: Any man-caused change in the land form, water form, vegetation, or the addition of a structure which creates a visual contrast in the basic elements (form, line, color, texture) of the naturalistic character of a landscape.

Cultural Resource: A location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral evidence. Cultural resources include archaeological and historical sites, structures, buildings, objects, artifacts, works of art, architecture, and natural features that were important in past human events. They may consist of physical remains or areas where significant human events occurred, even though evidence of the events no longer remains. And they may include definite locations of traditional, cultural, or religious importance to specified social or cultural groups.

Cultural Resource Data: Cultural resource information embodied in material remains such as artifacts, features, organic materials, and other remnants of past activities. An important aspect of data is context, a concept that refers to the relationships among these types of materials and the situations in which they are found.

Cultural Resource Data Recovery: The professional application of scientific techniques of controlled observation, collection, excavation, and/or removal of physical remains, including analysis, interpretation, explanation, and preservation of recovered remains and associated records in an appropriate curatorial facility used as a means of protection. Data recovery may sometimes employ professional collection of such data as oral histories, genealogies, folklore, and related information to portray the social significance of the affected resources. Such data recovery is sometimes used as a measure to mitigate the adverse impacts of a ground-disturbing project or activity.

Cultural Resource Integrity: The condition of a cultural property, its capacity to yield scientific data, and its ability to convey its historical significance. Integrity may reflect the authenticity of a property's historic identity, evidenced by the survival or physical characteristics that existed during its historic or prehistoric period, or its expression of the aesthetic or historic sense of a particular period of time.

Cultural Resource Inventory (Survey): A descriptive listing and documentation, including photographs and maps of cultural resources. Included in an inventory are the processes of locating, identifying, and recording sites, structures, buildings, objects, and districts through library and archival research, information from persons knowledgeable about cultural resources, and on-the-ground surveys of varying intensity.

Class I: A professionally prepared study that compiles, analyzes, and synthesizes all available data on an area's cultural resources. Information sources for this study include published and unpublished documents, BLM inventory records, institutional site files, and state and National Register files. Class I inventories may have prehistoric, historic, and ethnological and sociological elements. These inventories are periodically updated to include new data from other studies and Class II and III inventories.

Class II: A professionally conducted, statistically based sample survey designed to describe the probable density, diversity, and distribution of cultural properties in a large area. This survey is achieved by projecting the results of an intensive survey carried out over limited parts of the target area. Within individual sample units, survey aims, methods, and intensities are the same as those applied in Class III inventories. To improve statistical reliability, Class II inventories may be conducted in several phases with different sample designs.

Class III: A professionally conducted intensive survey of an entire target area aimed at locating and recording all visible cultural properties. In a Class III survey, trained observers commonly conduct systematic inspections by walking a series of close interval parallel transects until they have thoroughly examined an area.

Cultural Resource Values: The irreplaceable qualities that are embodied in cultural resources, such as scientific information about prehistory and history, cultural significance to Native Americans and other groups, and the potential to enhance public education and enjoyment of the Nation's rich cultural heritage.

Cultural Site: A physical location of past human activities or events, more commonly referred to as an archaeological site or a historic property. Such sites vary greatly in size and range from the location of a single cultural resource object to a cluster of cultural resource structures with associated objects and features.

D

Day/Night Average Sound Level (Ldn): A 24-hour average noise level rating with a 10 dB penalty factor applied to nighttime noise levels. The Ldn value is very similar to the CNEL value, but does not include any weighting factor for noise during evening hours.

Decibel (dB): A generic term for measurement units based on the logarithm of the ratio between a measured value and a reference value. Decibel scales are most commonly associated with acoustics (using air pressure fluctuation data); but decibel scales sometimes are used for ground-borne vibrations or various electronic signal measurements.

Desert Pavement: A surface covering of closely packed rock fragments of pebble or cobble size found on desert soils.

Desert Wildlife Management Area (DWMA): areas established in the NECO Plan to address the recovery of the desert tortoise. They are intended to be areas where viable desert tortoise populations can be maintained (Category I habitat).

Distance Zones: A subdivision of the landscape as viewed from an observer position. The subdivision (zones) includes foreground-middleground, background, and seldom seen.

E

Enhancement: A management action designed to improve visual quality.

Equivalent Average Sound Pressure Level (Leq): The decibel level of a constant noise source that would have the same total acoustical energy over the same time interval as the actual time-varying noise condition being measured or estimated. Leq values must be associated with an explicit or implicit averaging time in order to have practical meaning.

Ethnohistoric Resources: Areas used by Native Americans following exploration and settlement by non-Native Americans. Sites or artifacts of particular significance to modern Native Americans are often kept secret by those groups to protect the sites from disturbance, looting, overuse, or other defamations.

Excavation: The scientific examination of an archaeological site through layer-by-layer removal and study of the contents within prescribed surface units, e.g. square meters.

F

Fluvial: Of, relating to, or occurring in a river.

Form: The mass or shape of an object or objects which appear unified, such as a vegetative opening in a forest, a cliff formation, or a water tank.

G

Geomorphic Province: Naturally defined geologic regions that display a distinct landscape or landform.

Greenhouse Gas: A gaseous compound that absorbs infrared radiation and re-radiates a portion of that back toward the earth's surface, thus trapping heat and warming the earth's atmosphere.

H

Habitat: A specific set of physical conditions that surround a single species, a group of species, or a large community. In wildlife management, the major components of habitat are considered to be food, water, cover, and living space.

Hazardous Air Pollutant (HAP): Air pollutants which have been specifically designated by relevant federal or state authorities as being hazardous to human health. Most HAP compounds are designated due to concerns related to: carcinogenic, mutagenic, or teratogenic properties; severe acute toxic effects; or ionizing radiation released during radioactive decay processes.

Hertz (Hz): A standard unit for describing acoustical frequencies measured as the number of air pressure fluctuation cycles per second. For most people, the audible range of acoustical frequencies is from 20 Hz to 20,000 Hz.

Historical Site: A location that was used or occupied after the arrival of Europeans in North America (ca. A.D. 1492). Such sites may consist of physical remains at archaeological sites or areas where significant human events occurred, even though evidence of the events no longer remains. They may have been used by people of either European or Native American descent.

Holocene: Of, denoting, or formed in the second and most recent epoch of the Quaternary period, which began 10 000 years ago at the end of the Pleistocene.

Hydrocarbons: Any organic compound containing only carbon and hydrogen, such as the alkanes, alkenes, alkynes, terpenes, and arenes.

I

Igneous: Rock, such as granite and basalt that has solidified from a molten or partially molten state.

Indian Tribe: Any American Indian group in the United States that the Secretary of the Interior recognizes as possessing tribal status (listed periodically in the Federal Register).

Indigenous: Being of native origin (such as indigenous peoples or indigenous cultural features).

Interdisciplinary Team: A group of individuals with different training, representing the physical sciences, social sciences, and environmental design arts, assembled to solve a problem or perform a task. The members of the team proceed to a solution with frequent interaction so that each discipline may provide insights to any stage of the problem and disciplines may combine to provide new solutions.

Invasive Species: An exotic species whose introduction does or is likely to cause economic or environmental harm or harm to human health (Executive Order 13122, 2/3/99).

Isolate: Non-linear, isolated archaeological features without associated artifacts.

K

Key Observation Point (KOP): One or a series of points on a travel route or at a use area or a potential use area, where the view of a management activity would be most revealing.

L

Landscape Character: The arrangement of a particular landscape as formed by the variety and intensity of the landscape features and the four basic elements of form, line, color, and texture. These factors give the area a distinctive quality which distinguishes it from its immediate surroundings.

Landscape Features: The land and water form, vegetation, and structures which compose the characteristic landscape.

Leasable Minerals: Minerals whose extraction from federally managed land requires a lease and the payment of royalties. Leasable minerals include coal, oil and gas, oil shale and tar sands potash, phosphate, sodium, and geothermal steam.

Line: The path, real or imagined, that the eye follows when perceiving abrupt differences in form, color, or texture. Within landscapes, lines may be found as ridges, skylines, structures, changes in vegetative types, or individual trees and branches.

Locatable Minerals: Minerals subject to exploration, development, and disposal by staking mining claims as authorized by the Mining Law of 1872, as amended. This includes deposits of gold, silver, and other uncommon minerals not subject to lease or sale.

M

Maintenance Area: An area that currently meets federal ambient air quality standards but which was previously designated as a nonattainment area. Federal agency actions occurring in a maintenance area are still subject to Clean Air Act conformity review requirements.

Management Activity: A surface disturbing activity undertaken on the landscape for the purpose of harvesting, traversing, transporting, protecting, changing, replenishing, or otherwise using resources.

Memorandum of Understanding (MOU): A written but noncontractual agreement between two or more agencies or other parties to take a certain course of action.

Mineral Material Disposal: The sale of sand, gravel, decorative rock, or other materials defined in 43 CFR 3600.

Mining Claim: A mining claim is a selected parcel of Federal Land, valuable for a specific mineral deposit or deposits, for which a right of possession has been asserted under the General Mining Law. This right is restricted to the development and extraction of a mineral deposit. The rights granted by a mining claim protect against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit. The two types of mining claims are lode and placer. In addition, mill sites and tunnel sites may be located to provide support facilities for lode and placer mining.

Mitigation: Mitigation includes: (a) Avoiding the impacts altogether by not taking an action or parts of an action, (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, (e) Compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20).

N

National Pollutant Discharge Elimination System (NPDES): The NPDES permit program has been delegated in California to the State Water Resources Control Board. These sections of the CWA require that an applicant for a federal license or permit that allows activities resulting in a

discharge to waters of the United States must obtain a State certification that the discharge complies with other provisions of the Clean Water Act.

National Register District: A group of significant archaeological, historical, or architectural sites, within a defined geographic area, that is listed on the National Register of Historic Places. See National Register of Historic Places.

National Register of Historic Places: The official list, established by the National Historic Preservation Act, of the Nation's cultural resources worthy of preservation. The National Register lists archeological, historic, and architectural properties (i.e. districts, sites, buildings, structures, and objects) nominated for their local, state, or national significance by state and federal agencies and approved by the National Register Staff. The National Park Service maintains the National Register. Also see National Historic Preservation Act.

National Scenic Trail: One of the three categories of national trails defined in the National Trails System Act of 1968 that can only be established by act of Congress and are administered by federal agencies, although part or all of their land base may be owned and managed by others. National Scenic Trails are existing regional and local trails recognized by either the Secretary of Agriculture or the Secretary of the Interior upon application.

Native American: Indigenous peoples of the western hemisphere.

Nitric Oxide (NO): A colorless toxic gas formed primarily by combustion processes that oxidize atmospheric nitrogen gas or nitrogen compounds found in the fuel. A precursor of ozone, nitrogen dioxide, numerous types of photochemically generated nitrate particles (including PAN), and atmospheric nitrous and nitric acids. Most nitric oxide formed by combustion processes is converted into nitrogen dioxide by subsequent oxidation in the atmosphere over a period that may range from several hours to a few days.

Nitrogen Dioxide (NO₂): A toxic reddish gas formed by oxidation of nitric oxide. Nitrogen dioxide is a strong respiratory and eye irritant. Most nitric oxide formed by combustion processes is converted into nitrogen dioxide by subsequent oxidation in the atmosphere. Nitrogen dioxide is a criteria pollutant in its own right, and is a precursor of ozone, numerous types of photochemically generated nitrate particles (including PAN), and atmospheric nitrous and nitric acids.

Nitrogen Oxides (NO_x): A group term meaning the combination of nitric oxide and nitrogen dioxide; other trace oxides of nitrogen may also be included in instrument-based NO_x measurements. A precursor of ozone, photochemically generated nitrate particles (including PAN), and atmospheric nitrous and nitric acids.

Non-native Species: See Invasive Species and Noxious Weed.

Noxious Weed: According to the Federal Noxious Weed Act (PL 93-629), a weed that causes disease or has other adverse effects on man or his environment and therefore is detrimental to the agricultural and commerce of the United States and to the public health.

Nonattainment Area: An area that does not meet a federal or state ambient air quality standard. Federal agency actions occurring in a federal nonattainment area are subject to Clean Air Act conformity review requirements.

O

Off-Highway Vehicle (OHV): Any vehicle capable of or designed for travel on or immediately over land, water, or other natural terrain, deriving motive power from any source other than muscle. OHVs exclude: 1) any non-amphibious registered motorboat; 2), any fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; 3) any vehicle whose use is expressly authorized by a permit, lease, license, agreement, or contract issued by an authorized officer or otherwise approved; 4) vehicles in official use; and 5) any combat or combat support vehicle when used in times of national defense emergencies.

Organic Compounds: Compounds of carbon containing hydrogen and possibly other elements (such as oxygen, sulfur, or nitrogen). Major subgroups of organic compounds include hydrocarbons, alcohols, aldehydes, carboxylic acids, esters, ethers, and ketones. Organic compounds do not include crystalline or amorphous forms of elemental carbon (graphite, diamond, carbon black, etc.), the simple oxides of carbon (carbon monoxide and carbon dioxide), metallic carbides, or metallic carbonates.

Overdraft condition: A condition in which the total volume of water being extracted from the groundwater basin would be greater than the total recharge provided to the basin.

Ozone (O₃): A compound consisting of three oxygen atoms. Ozone is a major constituent of photochemical smog that is formed primarily through chemical reactions in the atmosphere involving reactive organic compounds, nitrogen oxides, and ultraviolet light. Ozone is a toxic chemical that damages various types of plant and animal tissues and which causes chemical oxidation damage to various materials. Ozone is a respiratory irritant, and appears to increase susceptibility to respiratory infections. A natural layer of ozone in the upper atmosphere absorbs high energy ultraviolet radiation, reducing the intensity and spectrum of ultraviolet light that reaches the earth's surface.

P

Paleontological Resources (Fossils): The physical remains of plants and animals preserved in soils and sedimentary rock formations. Paleontological resources are for understanding past environments, environmental change, and the evolution of life.

Paleontology: A science dealing with the life forms of past geological periods as known from fossil remains.

Paleozoic Era: An era of geologic time (600 million to 280 million years ago) between the Late Precambrian and the Mesozoic eras and comprising the Cambrian, Ordovician, Silurian, Devonian, Mississippian, Pennsylvanian, and Permian periods.

Particulate Matter: Solid or liquid material having size, shape, and density characteristics that allow the material to remain suspended in the atmosphere for more than a few minutes. Particulate matter can be characterized by chemical characteristics, physical form, or aerodynamic properties. Categories based on aerodynamic properties are commonly described as being size categories, although physical size is not used to define the categories. Many components of suspended particulate matter are respiratory irritants. Some components (such as crystalline or fibrous minerals) are primarily physical irritants. Other components are chemical

irritants (such as sulfates, nitrates, and various organic chemicals). Suspended particulate matter also can contain compounds (such as heavy metals and various organic compounds) that are systemic toxins or necrotic agents. Suspended particulate matter or compounds adsorbed on the surface of particles can also be carcinogenic or mutagenic chemicals.

Peak Particle Velocity: A measure of ground-borne vibrations. Physical movement distances are typically measured in thousandths of an inch, and occur over a tiny fraction of a second. But the normal convention for presenting that data is to convert it into units of inches per second.

Petroglyph: Pictures, symbols, or other art work pecked, carved, or incised on natural rock surfaces.

pH (parts hydrogen): The logarithm of the reciprocal of hydrogen-ion concentration in gram atoms per liter.

Physiographic Province: An extensive portion of the landscape normally encompassing many hundreds of square miles, which portrays similar qualities of soil, rock, slope, and vegetation of the same geomorphic origin (Fenneman 1946; Sahrhaftig 1975).

Pleistocene (Ice Age): An epoch in the Quarternary period of geologic history lasting from 1.8 million to 10,000 years ago. The Pleistocene was an epoch of multiple glaciation, during which continental glaciers covered nearly one fifth of the earth's land.

Pliocene: The Pliocene Epoch is the period in the geologic timescale that extends from 5.332 million to 2.588 million years before present.

PM₁₀ (inhalable particulate matter): A fractional sampling of suspended particulate matter that approximates the extent to which suspended particles with aerodynamic equivalent diameters smaller than 50 microns penetrate to the lower respiratory tract (tracheo-bronchial airways and alveoli in the lungs). In a regulatory context, PM₁₀ is any suspended particulate matter collected by a certified sampling device having a 50 percent collection efficiency for particles with aerodynamic equivalent diameters of 9.5-10.5 microns and an maximum aerodynamic diameter collection limit less than 50 microns. Collection efficiencies are greater than 50 percent for particles with aerodynamic diameters smaller than 10 microns and less than 50 percent for particles with aerodynamic diameters larger than 10 microns.

PM_{2.5} (fine particulate matter): A fractional sampling of suspended particulate matter that approximates the extent to which suspended particles with aerodynamic equivalent diameters smaller than 6 microns penetrate into the alveoli in the lungs. In a regulatory context, PM_{2.5} is any suspended particulate matter collected by a certified sampling device having a 50 percent collection efficiency for particles with aerodynamic equivalent diameters of 2.0-2.5 microns and an maximum aerodynamic diameter collection limit less than 6 microns. Collection efficiencies are greater than 50 percent for particles with aerodynamic diameters smaller than 2.5 microns and less than 50 percent for particles with aerodynamic diameters larger than 2.5 microns.

Precursor: A compound or category of pollutant that undergoes chemical reactions in the atmosphere to produce or catalyze the production of another type of air pollutant.

Prehistoric: Refers to the period wherein American Indian cultural activities took place before written records and not yet influenced by contact with nonnative culture(s).

Programmatic Agreement (PA): A document that details the terms of a formal, legally binding agreement between one party and other state and/or federal agencies. A PA establishes a process for consultation, review, and compliance with one or more federal laws, most often with those federal laws concerning historic preservation.

Protocol Agreement (Protocol): A modified version of the NPA, adapted to the unique requirements of managing cultural resources on public lands in California, and is used as the primary management guidance for BLM offices in the state.

Q

Quaternary Age: The most recent of the three periods of the Cenozoic Era in the geologic time scale of the ICS. It follows the Tertiary Period, spanning 2.588 ± 0.005 million years ago to the present. The Quaternary includes two geologic epochs: the Pleistocene and the Holocene Epochs.

R

Rehabilitation: A management alternative and/or practice which restores landscapes to a desired scenic quality.

Restoration (Cultural Resource): The process of accurately reestablishing the form and details of a property or portion of a property together with its setting, as it appeared in a particular period of time. Restoration may involve removing later work that is not in itself significant and replacing missing original work. Also see Stabilization (Cultural Resource).

Riparian: Situated on or pertaining to the bank of a river, stream, or other body of water. Normally describes plants of all types that grow rooted in the water table or sub-irrigation zone of streams, ponds, and springs.

Road: A linear route declared a road by the owner, managed for use by low-clearance vehicles having four or more wheels, and maintained for regular and continuous use.

Route: "Routes" represents a group or set of roads, trails, and primitive roads that represents less than 100% of the BLM transportation system. Generically, components of the transportation system are described as routes.

S

Saleable Minerals: Common variety minerals on the public lands, such as sand and gravel, which are used mainly for construction and are disposed by sales or special permits to local governments. See also Mineral Materials.

Scale: The proportionate size relationship between an object and the surroundings in which the object is placed.

Scenery: The aggregate of features that give character to a landscape.

Scenic Area: An area whose landscape character exhibits a high degree of variety and harmony among the basic elements which results in a pleasant landscape to view.

Scenic Quality: The relative worth of a landscape from a visual perception point of view.

Scenic Quality Evaluation Key Factors: The seven factors (land form, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications) used to evaluate the scenic quality of a landscape.

Scenic Quality Ratings: The relative scenic quality (A, B, or C) assigned a landscape by applying the scenic quality evaluation key factors; scenic quality A being the highest rating, B a moderate rating, and C the lowest rating.

Scenic Values: See Scenic Quality and Scenic Quality Ratings.

Secretary of the Interior: The U.S. Department of the Interior is in charge of the nation's internal affairs. The Secretary serves on the President's cabinet and appoints citizens to the National Park Foundation board.

Sedimentary Rocks: Rocks, such as sandstone, limestone, and shale, that are formed from sediments or transported fragments deposited in water.

Sensitivity Levels: Measures (e.g., high, medium, and low) of public concern for scenic quality.

Shaft: See Mine Shaft.

Special Status Species: Federal- or state-listed species, candidate or proposed species for listing, or species otherwise considered sensitive or threatened by state and federal agencies.

State Historic Preservation Office (SHPO): The official within and authorized by each state at the request of the Secretary of the Interior to act as liaison for the National Historic Preservation Act. Also see National Historic Preservation Act.

State Implementation Plan (SIP): Legally enforceable plans adopted by states and submitted to EPA for approval, which identify the actions and programs to be undertaken by the State and its subdivisions to achieve and maintain national ambient air quality standards in a time frame mandated by the Clean Air Act.

State Water Resources Control Board (SWRCB): Created in 1967, joint authority of water allocation and water quality protection enables the State Water Board to provide comprehensive protection for California's waters. The mission of the nine Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the State's waters, recognizing local differences in climate, topography, geology and hydrology.

Subsurface: Of or pertaining to rock or mineral deposits which generally are found below the ground surface.

Sulfur Dioxide (SO₂): A pungent, colorless, and toxic oxide of sulfur formed primarily by the combustion of fossil fuels. It is a respiratory irritant, especially for asthmatics. A criteria pollutant in its own right, and a precursor of sulfate particles and atmospheric sulfuric acid.

T

Taphonomy: The study of the processes by which animal bones and shells and plant and other fossil remains are transformed after deposition.

Tertiary: The Tertiary Period marks the beginning of the Cenozoic Era. It began 65 million years ago and lasted more than 63 million years, until 1.8 million years ago. The Tertiary is made up of 5 epochs: the Paleocene Epoch, the Eocene Epoch, the Oligocene Epoch, the Miocene Epoch, and the Pliocene Epoch.

Texture: The visual manifestations of the interplay of light and shadow created by the variations in the surface of an object or landscape.

Toxic: Poisonous. Exerting an adverse physiological effect on the normal functioning of an organism's tissues or organs through chemical or biochemical mechanisms following physical contact or absorption.

Traditional Cultural Properties: Areas associated with the cultural practices or beliefs of a living community. These sites are rooted in the community's history and are important in maintaining cultural identity.

Trail: A linear route managed for human-powered, stock, or off-highway vehicle forms of transportation or for historical or heritage values. Trails are not generally managed for use by four-wheel drive or high-clearance vehicles.

V

Vandalism (Cultural Resource): Malicious damage or the unauthorized collecting, excavating, or defacing of cultural resources. Section 6 of the Archaeological Resources Protection Act states that "no person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands...unless such activity is pursuant to a permit issued under section 4 of this Act."

Variables: Factors influencing visual perception including distance, angle of observation, time, size or scale, season of the year, light, and atmospheric conditions.

Variety: The state or quality of being varied and having the absence of monotony or sameness.

Vehicle Miles Traveled (VMT): The cumulative amount of vehicle travel within a specified or implied geographical area over a given period of time.

Viewshed: The landscape that can be directly seen under favorable atmospheric conditions, from a viewpoint or along a transportation corridor. Protection, rehabilitation, or enhancement is desirable and possible.

Visual Contrast: See Contrast.

Visual Quality: See Scenic Quality.

Visual Resources: The visible physical features on a landscape (e.g., land, water, vegetation, animals, structures, and other features).

Visual Resource Management Classes: Categories assigned to public lands based on scenic quality, sensitivity level, and distance zones. There are four classes. Each class has an objective which prescribes the amount of change allowed in the characteristic landscape.

Visual Resource Management (VRM): The inventory and planning actions taken to identify visual values and to establish objectives for managing those values; and the management actions taken to achieve the visual management objectives.

Visual Values: See Scenic Quality.

W

Wetlands: Permanently wet or intermittently water-covered areas, such as swamps, marshes, bogs, potholes, swales, and glades.

Wilderness Area: An area formally designated by Congress as part of the National Wilderness Preservation System as defined in the Wilderness Act of 1964 (78 Stat.891), Section 2(c).

Wilderness Study Area: A roadless area or island that has been inventoried and found to have wilderness characteristics as described in section 603 of FLPMA and section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). Source for both of these is BLM's IMP and Guidelines for Lands Under Wilderness Review (December 1979).

REFERENCES

Organization of the References

A number of document available through the California Energy Commission's permitting process were used as primary references in preparing this PA/FEIS. These include the March 2010 Staff Assessment/ Draft Environmental Impact Statement; September 1, 2010 Revised Staff Assessment, Part I; September 16, 2010 Revised Staff Assessment, Part II; and December 2010 Commission Decision. The SA/DEIS is incorporated by reference in this PA/FEIS. Other references used in the preparation of this PA/FEIS are organized in this section as follows:

References from the CEC Permitting Process

The authors of this PA/FEIS relied upon a number of documents that were generated as part of the CEC Permitting Process. These references are listed below by topical area/environmental parameter.

Additional References

These are additional references that were used by the PA/FEIS authors as primary sources of information for the analyses provided in the PA/FEIS.

Chapter 2: Proposed Action and Alternatives

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INDEX

- AB 32, 3.3-4, 3.3-5, 4.3-2, 4.3-14
- Adjacent, ES-13, 2-1, 2-6, 2-9, 2-13, 2-19, 2-28, 2-29, 2-30, 3.1-1, 3.4-11, 3.4-14, 3.4-35, 3.4-39, 3.7-1, 3.10-1, 3.11-3, 3.12-3, 3.12-7, 3.13-5, 3.14-3, 3.14-4, 3.18-7, 3.19-3, 3.19-5, 3.20-13, 3.20-17, 3.20-18, 3.20-20, 3.20-21, 3.21-1, 3.23-14, 3.23-23, 4.1-17, 4.3-12, 4.6-1, 4.10-1, 4.11-38, 4.12-1, 4.12-5, 4.15-5, 4.15-13, 4.17-2, 4.17-7, 4.17-8, 4.17-10, 4.17-13, 4.17-21, 4.17-22, 4.17-24, 4.17-30, 4.17-31, 4.17-34, 4.18-17, 4.19-2, 4.19-6, 4.19-10, 4.19-14, 4.19-15, 4.19-16, 4.19-28, 4.20-4, 4.21-2, 4.21-3, 4.21-11, 4.21-13, 4.21-15, 4.21-16, 4.21-17, 4.21-20, 4.21-21, 4.21-29, 5-22, 5-46, 5-48, 5-49, 5-95
- Air Basin, 3.2-1, 3.2-5, 3.2-6, 3.3-8, 4.1-4, 4.1-6, 4.2-14, 4.14-9, 5-44
- Air Resources, 3.2-1, 3.3-4, 4.1-4, 4.1-6, 4.2-1, 4.2-11, 4.2-12, 4.2-13, 4.2-14, 4.2-17, 4.3-2, 4.3-10, 4.3-14, 4.11-9, 4.15-5, 5-38
- Alluvial Fan, 3.4-1, 3.4-2, 3.4-3, 3.4-16, 3.8-1, 3.8-4, 3.15-1, 3.15-3, 3.18-16, 3.18-23, 3.18-24, 3.18-28, 3.18-29, 3.18-30, 3.18-31, 3.20-1, 3.20-4, 3.20-12, 3.20-13, 3.20-14, 3.23-7, 3.23-13, 3.23-15, 4.7-1, 4.11-49, 4.17-3, 4.17-5, 4.21-9
- Alluvium, 3.4-1, 3.4-2, 3.8-1, 3.8-2, 3.8-3, 3.11-2, 3.11-3, 3.11-4, 3.12-10, 3.20-12, 3.20-14, 4.10-1, 4.10-2, 4.10-3
- Alternatives, ES-1, ES-3, ES-4, ES-5, 1-1, 1-2, 1-8, 1-10, 1-12, 1-13, 1-14, 2-2, 2-6, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-27, 2-30, 2-31, 2-33, 2-34, 2-35, 2-36, 2-38, 3.1-1, 3.3-5, 3.4-42, 4.1-1, 4.1-2, 4.1-3, 4.1-8, 4.2-1, 4.2-16, 4.2-17, 4.3-1, 4.3-11, 4.3-15, 4.4-10, 4.5-3, 4.7-2, 4.8-2, 4.8-4, 4.8-6, 4.8-7, 4.8-8, 4.8-9, 4.8-10, 4.8-11, 4.9-7, 4.9-8, 4.10-1, 4.10-4, 4.11-18, 4.11-20, 4.11-25, 4.11-29, 4.11-30, 4.11-31, 4.11-33, 4.11-34, 4.11-35, 4.11-38, 4.11-39, 4.11-45, 4.11-46, 4.11-48, 4.11-50, 4.11-54, 4.12-4, 4.12-6, 4.13-1, 4.13-9, 4.13-16, 4.13-27, 4.13-28, 4.14-1, 4.14-2, 4.14-5, 4.14-8, 4.14-9, 4.14-10, 4.14-11, 4.15-4, 4.17-1, 4.17-3, 4.17-8, 4.17-15, 4.17-23, 4.17-24, 4.17-25, 4.17-28, 4.17-29, 4.17-30, 4.17-31, 4.17-34, 4.18-1, 4.18-19, 4.18-20, 4.18-22, 4.19-1, 4.19-7, 4.19-15, 4.20-1, 4.20-2, 4.20-3, 4.20-4, 4.20-5, 4.21-1, 4.21-17, 4.21-24, 4.21-26, 4.21-27, 4.21-28, 4.21-29, 4.23-1, 5-6, 5-8, 5-10, 5-11, 5-13, 5-15, 5-16, 5-18, 5-19, 5-21, 5-23, 5-24, 5-25, 5-26, 5-28, 5-29, 5-31, 5-32, 5-34, 5-35, 5-36, 5-37, 5-39, 5-40, 5-45, 5-51, 5-52, 5-58, 5-59, 5-60, 5-61, 5-62, 5-64, 5-65, 5-67, 5-68, 5-69, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-76, 5-83, 5-88, 5-89, 5-91, 5-93, 5-94, 5-95, 5-96
- Ambient Air, 2-35, 3.2-1, 3.2-2, 3.2-3, 3.2-5, 3.2-6, 3.12-1, 4.2-1, 4.2-2, 4.2-3, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-15, 4.2-16, 4.2-17, 4.2-18, 4.8-7, 4.11-36, 5-27
- Ambient Air Quality Standards, 3.2-1, 3.2-2, 3.2-3, 3.2-5, 3.2-6, 4.2-2

- American Badger, 3.23-14, 4.21-11, 4.21-24, 5-17
- American Indian Religious Freedom Act, ES-15, 1-5, 5-4
- American Recovery and Reinvestment Act, ES-2, 1-3, 1-4, 4.1-9
- Archaeological District, 3.4-1
- Attainment Area, 3.2-3
- Bald Eagle and Golden Eagle Protection Act, 3.23-12
- Basic Elements, 3.19-4, 4.18-1
- Best Management Practices (BMP), 4.14-4, 4.11-46, 4.21-25
- Bioremediation, 1-14, 2-4, 2-12, 2-24, 3.18-3, 4.11-244.19-8
- Bureau of Land Management, ES-1, 1-1, 1-9, 3.4-36, 3.6-1, 3.18-13, 3.23-4, 4.1-19, 5-9, 5-34
- Cahuilla, 1-6, 3.4-8, 3.4-9, 3.4-11, 3.4-13, 3.4-15, 3.4-16, 3.4-17, 3.4-18, 3.4-19, 3.4-37, 3.4-38, 5-5, 5-52
- California Department of Fish and Game (CDFG), 1-7, 1-13, 2-18, 3.18-2, 3.18-4, 3.18-5, 3.18-6, 3.18-7, 3.18-8, 3.18-10, 3.18-13, 3.18-18, 3.18-19, 3.18-22, 3.18-32, 3.18-33, 3.23-1, 3.23-4, 3.23-23, 4.1-7, 4.8-11, 4.17-25, 4.21-6, 4.21-17, 4.21-25, 4.21-27, 5-2, 5-20, 5-30, 5-34, 5-35, 5-36
- California Desert Protection Act (CDPA), 3.16-2, 3.16-4
- California Endangered Species Act (CESA), 1-7, 5-2
- California Energy Commission (CEC), ES-1, ES-15, ES-16, 1-1, 1-4, 1-5, 1-7, 1-13, 2-18, 2-28, 2-31, 2-33, 2-38, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-8, 3.3-9, 3.4-1, 3.4-2, 3.4-3, 3.4-4, 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, 3.4-10, 3.4-11, 3.4-12, 3.4-13, 3.4-14, 3.4-15, 3.4-16, 3.4-17, 3.4-19, 3.4-20, 3.4-21, 3.4-22, 3.4-23, 3.4-24, 3.4-25, 3.4-26, 3.4-27, 3.4-28, 3.4-29, 3.4-30, 3.4-31, 3.4-32, 3.4-33, 3.4-34, 3.4-35, 3.4-36, 3.4-38, 3.4-39, 3.6-2, 3.8-1, 3.8-2, 3.8-4, 3.10-1, 3.10-2, 3.11-1, 3.11-2, 3.11-3, 3.11-4, 3.12-2, 3.12-4, 3.12-6, 3.12-9, 3.12-10, 3.12-11, 3.12-12, 3.12-14, 3.12-15, 3.12-16, 3.14-5, 3.14-6, 3.14-10, 3.14-11, 3.14-12, 3.14-13, 3.14-14, 3.15-1, 3.15-2, 3.15-3, 3.15-4, 3.16-2, 3.16-3, 3.16-5, 3.17-5, 3.18-1, 3.18-2, 3.18-3, 3.18-4, 3.18-5, 3.18-6, 3.18-7, 3.18-8, 3.18-9, 3.18-10, 3.18-11, 3.18-13, 3.18-14, 3.18-15, 3.18-16, 3.18-17, 3.18-18, 3.18-19, 3.18-20, 3.18-21, 3.18-22, 3.18-23, 3.18-24, 3.18-25, 3.18-26, 3.18-27, 3.18-28, 3.18-29, 3.18-30, 3.18-31, 3.18-32, 3.18-33, 3.19-2, 3.20-1, 3.20-2, 3.20-3, 3.20-4, 3.20-5, 3.20-6, 3.20-7, 3.20-8, 3.20-9, 3.20-10, 3.20-11, 3.20-12, 3.20-13, 3.20-14, 3.20-15, 3.20-16, 3.20-19, 3.20-20, 3.23-1, 3.23-2, 3.23-4, 3.23-5, 3.23-6, 3.23-7, 3.23-8, 3.23-9, 3.23-10, 3.23-11, 3.23-12, 3.23-13, 3.23-14, 3.23-15, 3.23-16, 3.23-18, 3.23-19, 3.23-20, 3.23-21, 3.23-22, 3.23-23, 4.1-8, 4.1-9, 4.1-13, 4.1-16, 4.1-18, 4.1-19, 4.1-20, 4.1-21, 4.2-3, 4.2-4, 4.2-5, 4.2-6, 4.2-7, 4.2-8, 4.2-9, 4.2-17, 4.2-18, 4.3-2, 4.3-3, 4.3-4, 4.3-5, 4.3-7, 4.3-10, 4.3-15, 4.4-8, 4.6-3, 4.6-4, 4.6-8, 4.9-1, 4.9-2, 4.9-3, 4.9-4, 4.9-5, 4.10-1, 4.11-2, 4.11-3, 4.11-4, 4.11-8, 4.11-9, 4.11-10, 4.11-11, 4.11-12, 4.11-13, 4.11-14, 4.11-15, 4.11-16, 4.11-17, 4.11-18, 4.11-20, 4.11-21, 4.11-22, 4.11-24, 4.11-25, 4.11-27, 4.11-28, 4.11-29, 4.11-30, 4.11-32, 4.11-35, 4.11-36, 4.11-37, 4.11-43, 4.11-48, 4.11-49, 4.11-53, 4.11-54, 4.11-55, 4.12-2, 4.13-2, 4.13-3, 4.13-5, 4.13-7, 4.13-11, 4.13-12, 4.13-14, 4.14-3, 4.14-4, 4.16-1, 4.16-3, 4.16-4, 4.16-5, 4.16-6, 4.17-1, 4.17-3, 4.17-15, 4.17-17, 4.17-18, 4.17-23, 4.17-24, 4.17-25, 4.17-27, 4.17-28, 4.17-29, 4.17-32,

- 4.17-33, 4.18-23, 4.19-1, 4.19-2, 4.19-3, 4.19-7, 4.19-9, 4.19-10, 4.19-11, 4.19-12, 4.19-13, 4.19-14, 4.19-15, 4.19-25, 4.19-26, 4.20-1, 4.20-2, 4.20-5, 4.21-1, 4.21-2, 4.21-3, 4.21-4, 4.21-5, 4.21-6, 4.21-7, 4.21-9, 4.21-10, 4.21-11, 4.21-12, 4.21-13, 4.21-14, 4.21-15, 4.21-16, 4.21-17, 4.21-18, 4.21-23, 4.21-29, 5-4, 5-6, 5-7, 5-13, 5-14, 5-15, 5-18, 5-27, 5-28, 5-29, 5-30, 5-31, 5-34, 5-35, 5-36, 5-47, 5-48, 5-54, 5-59, 5-73, 5-78, 5-91
- California Global Warming Solutions Act (AB 32), 3.3-4, 3.3-5, 4.3-2, 4.3-14
- Cancer, 3.12-2, 4.11-3, 4.11-4, 4.11-5, 4.11-10, 4.11-11, 4.11-12, 4.11-13, 4.11-14, 4.11-15, 4.11-16, 4.11-17
- Carbon Monoxide (CO), 4.2-1, 4.11-9
- CESA, 3.18-10, 3.23-1, 5-2
- Characteristic, 3.8-1, 3.11-1, 3.12-5, 3.15-4, 3.18-1, 3.18-9, 3.19-1, 3.19-4, 4.9-4, 4.12-7, 4.18-1, 4.18-2, 4.18-16, 4.18-18
- Characteristic Landscape, 3.19-1, 3.19-4, 4.12-7, 4.18-1, 4.18-2, 4.18-18
- Chemehuevi, 1-6, 3.4-12, 3.4-13, 3.4-15, 3.4-18, 3.4-19, 3.4-20, 3.4-21, 3.4-37, 3.4-38, 3.18-17, 3.22-1, 3.23-6, 4.21-3, 5-5, 5-52
- City of Blythe, 3.5-2, 3.13-1, 3.14-1, 3.14-2, 3.14-5, 3.14-7, 3.14-11, 3.14-12, 3.14-13, 3.16-5, 4.1-15, 4.1-19, 4.5-1, 4.5-2, 4.13-8, 4.13-13, 4.13-15, 4.13-23
- Civil Rights Act, 3.5-1
- Clean Air Act (CAA), 3.3-2
- Climate, 1-13, 1-15, 3.2-1, 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.4-3, 3.4-5, 3.4-24, 3.12-14, 3.14-3, 3.15-1, 3.15-4, 3.18-1, 3.19-1, 3.20-1, 4.1-7, 4.1-8, 4.2-1, 4.2-15, 4.3-1, 4.3-2, 4.3-5, 4.3-6, 4.3-7, 4.3-8, 4.3-9, 4.3-10, 4.3-11, 4.3-12, 4.3-13, 4.3-14, 4.3-15, 4.10-4, 4.10-5, 4.17-10, 4.17-28, 4.17-30, 4.19-27, 4.20-4, 4.21-9, 5-8, 5-22, 5-38, 5-39, 5-40, 5-41, 5-42, 5-63, 5-94, 5-96, 5-97
- Climate Change, 1-3
- CNEL, 3.10-2
- Contrast, ES-13, 2-20, 3.4-2, 3.4-30, 3.12-9, 3.13-1, 3.13-4, 3.14-6, 4.1-2, 4.1-3, 4.8-4, 4.14-7, 4.14-11, 4.15-4, 4.15-5, 4.17-21, 4.18-1, 4.18-2, 4.18-3, 4.18-5, 4.18-7, 4.18-8, 4.18-9, 4.18-10, 4.18-11, 4.18-12, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-17, 4.18-18, 4.18-19, 4.18-20, 4.18-21, 4.18-22, 4.18-24
- Contrast Rating, 4.18-1, 4.18-2, 4.18-3, 4.18-5, 4.18-7, 4.18-10, 4.18-11, 4.18-19
- Council of Environmental Quality (CEQ), 1-2, 1-8, 3.5-1, 3.5-2, 4.1-1, 4.1-2, 4.1-3, 4.1-22, 4.3-1, 4.5-1, 5-12, 5-13, 5-16, 5-19, 5-26, 5-33, 5-64, 5-74
- Cretaceous, 3.8-2
- Criteria Pollutant, 2-35, 3.2-1, 3.2-3, 3.2-4, 4.2-1, 4.2-2, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-14, 4.2-15, 4.3-15, 4.11-9, 4.11-10
- Critical Habitat, 1-15, 2-26, 2-27, 3.9-5, 3.22-1, 3.23-2, 4.1-74.8-8, 4.8-11, 4.21-2, 4.21-3, 4.21-19, 4.21-20, 4.21-21, 4.21-25, 5-32, 5-35
- Cultural Landscape, 3.4-1, 3.4-7, 3.4-8, 3.4-13, 3.4-39, 4.1-4, 4.4-10
- Cultural Modification, 3.19-3, 3.19-5, 4.15-4, 4.18-10, 4.18-16, 4.18-20, 4.18-21
- Cultural Resource Inventory, 4.4-1
- Cultural Resource Values, 3.9-2, 3.16-5
- Cultural Resources, ES-5, ES-15, 1-6, 2-22, 2-23, 2-24, 2-25, 2-30, 2-35, 3.3-3, 3.4-1, 3.4-2, 3.4-4, 3.4-34, 3.4-35, 3.4-36,

- 3.4-37, 3.4-38, 3.4-39, 3.4-40, 3.4-41, 3.4-42, 3.9-3, 3.13-5, 3.16-5, 4.1-4, 4.1-5, 4.1-6, 4.1-22, 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5, 4.4-6, 4.4-7, 4.4-8, 4.4-9, 4.4-10, 4.8-7, 4.8-8, 4.15-2, 4.22-1, 4.23-1, 5-4, 5-5, 5-13, 5-17, 5-29, 5-50, 5-51, 5-52, 5-77, 5-78, 5-97
- Cultural Site, 3.13-2, 4.4-9, 4.4-10
- Cumulative Impacts, ES-4, ES-5, 1-13, 2-19, 3.3-2, 4.1-1, 4.1-3, 4.1-22, 4.2-15, 4.2-16, 4.3-1, 4.3-2, 4.4-7, 4.4-8, 4.4-10, 4.5-3, 4.6-6, 4.6-7, 4.8-3, 4.9-7, 4.10-4, 4.11-19, 4.11-20, 4.11-26, 4.11-27, 4.11-30, 4.11-34, 4.11-39, 4.11-46, 4.11-51, 4.11-55, 4.12-5, 4.12-6, 4.13-19, 4.13-20, 4.13-25, 4.13-27, 4.13-28, 4.14-9, 4.14-10, 4.15-3, 4.15-8, 4.15-12, 4.16-9, 4.17-1, 4.17-23, 4.17-24, 4.17-27, 4.17-29, 4.17-31, 4.18-20, 4.18-24, 4.19-1, 4.19-21, 4.19-23, 4.19-24, 4.19-25, 4.19-26, 4.20-3, 4.21-1, 4.21-12, 4.21-23, 4.21-24, 4.21-25, 5-11, 5-13, 5-14, 5-15, 5-22, 5-32, 5-33, 5-35, 5-36, 5-37, 5-40, 5-44, 5-45, 5-46, 5-47, 5-51, 5-57, 5-59, 5-63, 5-64, 5-65, 5-68, 5-69, 5-71, 5-74, 5-80, 5-83, 5-85, 5-91, 5-94, 5-96
- dB, 3.10-2
- Desert Kit Fox, 3.18-5, 3.18-6, 3.23-1, 3.23-14, 3.23-15, 4.21-11, 4.21-19, 4.21-22, 4.21-23, 4.21-29, 5-70
- Desert Pavement, 3.4-7, 3.4-13, 3.4-14, 3.8-1, 3.11-2, 3.18-5, 3.23-6
- Desert Tortoise, 1-7, 1-12, 1-15, 2-9, 2-20, 2-26, 2-30, 3.4-20, 3.16-2, 3.16-3, 3.16-5, 3.18-2, 3.18-4, 3.18-31, 3.23-1, 3.23-2, 3.23-4, 3.23-5, 3.23-6, 3.23-7, 3.23-10, 4.1-7, 4.8-11, 4.15-2, 4.17-20, 4.21-1, 4.21-2, 4.21-3, 4.21-4, 4.21-5, 4.21-6, 4.21-7, 4.21-8, 4.21-17, 4.21-19, 4.21-20, 4.21-21, 4.21-22, 4.21-23, 4.21-24, 4.21-25, 4.21-26, 4.21-27, 4.21-29, 5-3, 5-10, 5-17, 5-20, 5-30, 5-31, 5-32, 5-33, 5-35, 5-36, 5-64, 5-69, 5-73, 5-74, 5-75, 5-91, 5-92
- Desert Wildlife Management Area (DWMA), ES-12, 1-15, 2-3, 2-30, 3.13-4, 3.13-5, 3.16-5, 3.18-2, 3.18-21, 3.23-1, 3.23-6, 4.12-2, 4.15-1, 4.15-2, 4.15-12, 4.15-13, 4.17-23, 4.21-4, 4.21-8, 4.21-13, 4.21-24, 4.21-29, 5-64
- Distance Zones, 3.19-3, 4.18-3
- Endangered Species Act (ESA), ES-15, 1-5, 3.12-3, 3.14-6, 3.14-10, 3.18-10, 4.13-3, 5-4, 5-44, 5-80
- Energy Policy Act, ES-2, ES-15, 1-3, 1-8, 2-33, 3.6-1, 4.6-7, 5-1, 5-12
- Enhancement, 1-4, 4.1-3, 4.8-11, 4.17-31, 4.21-26, 5-6, 5-17, 5-31, 5-75
- Environmental Justice, 3.1-1, 3.3-5, 3.5-1, 3.5-2, 3.5-3, 4.1-3, 4.5-1, 4.5-2, 4.5-3
- Excavation, 3.11-4, 4.2-3, 4.7-1, 4.10-1, 4.10-2, 4.10-5, 4.11-29, 4.11-42, 4.11-49, 4.11-50, 4.14-2, 4.14-3, 4.17-1, 4.19-9, 5-76, 5-87
- Federal Endangered Species Act (FESA), 5-11
- Federal Land Policy and Management Act (FLPMA), ES-2, ES-15, 1-2, 1-3, 1-4, 1-8, 1-10, 1-12, 2-26, 2-29, 2-34, 3.6-1, 3.9-1, 3.9-4, 3.16-1, 3.16-3, 3.16-4, 3.16-5, 3.19-2, 4.1-21, 4.8-5, 4.8-10, 4.16-8, 5-1, 5-7, 5-8, 5-12, 5-13, 5-17, 5-21, 5-22, 5-61, 5-62, 5-66, 5-68, 5-69, 5-71, 5-74, 5-83, 5-92, 5-95, 5-96
- Fine Particulate Matter (PM2.5), ES-6, 1-13, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-6, 4.1-4, 4.2-1, 4.2-3, 4.2-4, 4.2-5, 4.2-7, 4.2-8, 4.2-9, 4.2-10, 4.8-7, 4.11-12, 4.12-2
- Floodplain, 1-15, 3.4-11, 3.4-20, 3.4-22, 3.18-17, 3.18-22, 3.20-15, 4.17-4, 4.19-10, 4.19-12, 4.19-14, 4.19-17, 4.19-18, 4.19-20

- Fluvial, 3.4-2, 3.15-4, 3.18-24, 3.18-28, 3.18-31, 3.20-12, 4.14-2, 4.17-3, 4.17-12, 4.17-24, 4.17-27, 4.17-32, 4.19-9, 4.21-9
- Form, ES-13, 2-9, 3.2-5, 3.4-7, 3.4-9, 3.4-14, 3.4-19, 3.4-20, 3.4-29, 3.12-9, 3.14-2, 3.14-19, 3.15-4, 3.16-2, 3.18-6, 3.18-9, 3.19-4, 3.20-8, 3.20-10, 3.20-13, 3.20-20, 3.20-22, 3.22-1, 3.23-9, 4.2-1, 4.2-2, 4.2-10, 4.2-16, 4.4-9, 4.12-2, 4.13-6, 4.14-1, 4.14-3, 4.15-4, 4.15-5, 4.17-13, 4.17-29, 4.18-2, 4.18-10, 4.18-11, 4.18-14, 4.18-15, 4.18-16, 4.18-18, 4.18-24, 4.21-4, 5-11, 5-16, 5-19, 5-20
- Fugitive Dust, ES-9, 3.2-1, 3.2-6, 3.3-8, 4.2-1, 4.2-4, 4.2-5, 4.2-6, 4.2-9, 4.2-11, 4.2-12, 4.2-15, 4.2-16, 4.2-17, 4.2-18, 4.3-10, 4.11-10, 4.11-12, 4.12-1, 4.12-2, 4.15-5, 4.15-6, 4.17-2, 4.17-13, 4.17-14, 4.20-1, 5-38, 5-39, 5-43, 5-44, 5-57, 5-66
- Geomorphic Province, 3.4-1, 3.8-1, 3.11-1, 3.12-9, 3.12-10, 3.19-1
- Global Climate Change, 3.2-1, 3.3-1, 3.3-2, 3.3-4, 4.1-4, 4.3-1, 4.3-5, 4.3-11, 4.3-14, 4.3-15, 5-38, 5-40, 5-91, 5-99
- Golden Eagle, 1-15, 3.23-11, 3.23-12, 3.23-14, 3.23-16, 4.1-7, 4.21-10, 4.21-16, 4.21-17, 4.21-23, 4.21-27, 4.21-29, 5-17, 5-29, 5-37, 5-63
- Greenhouse Gas, 1-13, 2-38, 3.2-1, 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-7, 3.3-8, 3.14-14, 4.2-1, 4.2-14, 4.3-1, 4.3-2, 4.3-3, 4.3-4, 5-8, 5-59, 5-63
- Groundwater, ES-5, ES-13, 1-15, 2-4, 2-8, 3.4-27, 3.4-30, 3.12-3, 3.12-14, 3.18-3, 3.18-5, 3.18-7, 3.18-8, 3.18-9, 3.18-33, 3.20-3, 3.20-4, 3.20-5, 3.20-7, 3.20-8, 3.20-9, 3.20-10, 3.20-11, 3.20-13, 3.20-14, 3.20-15, 3.20-19, 3.20-20, 3.20-23, 4.1-4, 4.1-7, 4.1-20, 4.1-21, 4.3-7, 4.3-8, 4.8-7, 4.8-9, 4.11-12, 4.11-17, 4.11-20, 4.11-21, 4.11-49, 4.11-51, 4.14-11, 4.17-4, 4.17-5, 4.17-6, 4.17-7, 4.17-11, 4.17-17, 4.17-20, 4.17-24, 4.17-25, 4.17-27, 4.17-32, 4.19-1, 4.19-2, 4.19-4, 4.19-5, 4.19-6, 4.19-7, 4.19-8, 4.19-9, 4.19-10, 4.19-11, 4.19-15, 4.19-16, 4.19-18, 4.19-19, 4.19-21, 4.19-23, 4.19-24, 4.19-26, 4.19-27, 4.19-28, 4.21-12, 4.21-27, 5-27, 5-38, 5-40, 5-41, 5-45, 5-46, 5-47, 5-48, 5-49, 5-50, 5-55, 5-56, 5-57, 5-62, 5-67, 5-77, 5-87, 5-93, 5-94
- Habitat, ES-3, ES-11, ES-14, 1-13, 1-14, 2-22, 2-23, 2-24, 2-25, 2-26, 2-34, 3.3-4, 3.10-1, 3.14-1, 3.15-3, 3.15-4, 3.16-2, 3.16-3, 3.16-5, 3.18-1, 3.18-2, 3.18-4, 3.18-5, 3.18-6, 3.18-7, 3.18-10, 3.18-11, 3.18-13, 3.18-14, 3.18-16, 3.18-19, 3.18-20, 3.18-22, 3.18-23, 3.18-24, 3.18-25, 3.18-26, 3.18-29, 3.18-30, 3.18-31, 3.18-32, 3.20-9, 3.22-1, 3.22-2, 3.23-1, 3.23-2, 3.23-4, 3.23-5, 3.23-6, 3.23-7, 3.23-8, 3.23-9, 3.23-10, 3.23-11, 3.23-12, 3.23-13, 3.23-14, 3.23-15, 3.23-16, 3.23-18, 3.23-19, 3.23-20, 3.23-21, 3.23-22, 3.23-23, 4.3-1, 4.3-9, 4.8-3, 4.8-8, 4.8-11, 4.12-1, 4.14-2, 4.14-5, 4.14-6, 4.14-7, 4.14-8, 4.14-10, 4.14-11, 4.15-2, 4.15-7, 4.15-8, 4.17-2, 4.17-4, 4.17-6, 4.17-9, 4.17-10, 4.17-11, 4.17-12, 4.17-15, 4.17-18, 4.17-19, 4.17-20, 4.17-21, 4.17-22, 4.17-23, 4.17-24, 4.17-25, 4.17-27, 4.17-30, 4.17-31, 4.17-32, 4.17-34, 4.20-1, 4.21-2, 4.21-3, 4.21-4, 4.21-5, 4.21-6, 4.21-7, 4.21-8, 4.21-9, 4.21-10, 4.21-11, 4.21-12, 4.21-13, 4.21-17, 4.21-18, 4.21-19, 4.21-20, 4.21-21, 4.21-22, 4.21-23, 4.21-24, 4.21-25, 4.21-26, 4.21-29, 4.21-30, 5-10, 5-11, 5-17, 5-20, 5-28, 5-30, 5-31, 5-32, 5-33, 5-34, 5-35, 5-36, 5-37, 5-38, 5-40, 5-48, 5-61, 5-63, 5-64, 5-69, 5-72, 5-73, 5-74, 5-75, 5-85, 5-95
- Halchidhoma, 3.4-15, 3.4-19, 3.4-22, 3.4-25, 3.4-26, 3.4-39, 5-52
- Has, 1-13
- Heat Transfer Fluid (HTF), 4.3-4
- Herd Areas, 3.21-1

- Herd Management Areas, 3.21-1
- Historical Site, 3.4-40, 3.17-2
- Holocene, 3.8-2
- Hydrocarbons, 2-12, 3.2-3, 4.11-11, 4.11-12, 4.19-8, 5-37
- Hz, 3.10-2
- Igneous, 3.20-13
- Indian Tribe, 1-6, 1-13, 3.4-37, 3.4-38, 4.4-2, 5-4, 5-5, 5-52
- Indigenous, 2-12, 3.4-26, 3.20-22, 4.19-8, 5-37
- Interdisciplinary Team, 5-98
- Invasive Species, 1-15, 3.18-32, 3.23-13, 4.3-9, 4.17-11, 4.17-13, 5-39, 5-40
- Isolate, 4.11-21, 4.21-5, 5-37
- KOP, 4.18-3, 4.18-4, 4.18-7, 4.18-10, 4.18-11, 4.18-12, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-17
- lands and realty, 4.1-4
- Lands and Realty, 3.1-1, 5-74
- Landscape Character, 4.18-1, 4.18-5
- Landscape Features, 3.4-1, 4.18-15, 4.18-18
- Le Conte's Thrasher, 3.23-13, 4.21-24
- Leasable Minerals, 3.8-5
- Leq, ES-8, 3.10-1, 3.10-2, 3.10-3, 4.9-2, 4.9-3, 4.9-4, 4.12-2
- Line, ES-1, ES-4, ES-9, ES-13, 1-1, 2-1, 2-3, 2-4, 2-5, 2-6, 2-9, 2-13, 2-15, 2-19, 2-20, 2-21, 2-22, 2-26, 2-29, 3.1-1, 3.4-1, 3.4-31, 3.4-35, 3.4-38, 3.4-39, 3.4-40, 3.5-2, 3.6-2, 3.9-3, 3.12-1, 3.12-4, 3.12-5, 3.12-6, 3.12-7, 3.12-15, 3.14-4, 3.16-2, 3.16-4, 3.17-5, 3.17-6, 3.18-3, 3.18-16, 3.18-23, 3.18-27, 3.18-28, 3.19-1, 3.19-4, 3.19-6, 3.23-6, 3.23-7, 3.23-14, 3.23-15, 4.1-5, 4.1-15, 4.1-16, 4.1-17, 4.1-18, 4.1-19, 4.1-21, 4.2-2, 4.2-3, 4.2-4, 4.2-9, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-16, 4.2-17, 4.4-4, 4.4-5, 4.4-9, 4.6-1, 4.6-2, 4.6-3, 4.6-4, 4.6-5, 4.6-7, 4.6-8, 4.8-1, 4.9-2, 4.9-3, 4.9-4, 4.9-6, 4.11-1, 4.11-9, 4.11-31, 4.11-32, 4.11-33, 4.11-34, 4.11-35, 4.11-38, 4.11-45, 4.11-51, 4.11-54, 4.12-2, 4.12-6, 4.14-2, 4.14-3, 4.15-1, 4.15-4, 4.15-5, 4.16-2, 4.16-3, 4.16-5, 4.17-15, 4.18-2, 4.18-5, 4.18-8, 4.18-10, 4.18-11, 4.18-12, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-18, 4.18-19, 4.18-20, 4.18-21, 4.18-24, 4.21-1, 4.21-3, 4.21-5, 4.21-10, 4.21-17, 5-14, 5-49, 5-61, 5-62, 5-74, 5-75, 5-76, 5-78, 5-82, 5-92, 5-95
- Locatable Minerals, 3.8-5
- Maintenance Area, 2-14, 4.11-8
- Management Activity, 3.19-4
- Maricopa, 3.4-15, 3.4-22, 3.4-24, 3.4-25, 3.14-6, 4.1-10
- Memorandum of Understanding (MOU), ES-1, ES-2, 1-3
- Metropolitan Water District of Southern California (MWD), 4.1-20
- Migratory Bird Treaty Act, 3.23-1, 4.21-11
- Migratory Birds, 1-15, 2-11, 4.1-7, 4.21-17, 4.21-29, 5-31, 5-36
- Mining Claim, 3.4-39, 3.4-40, 3.8-5, 3.9-4, 3.16-3, 4.4-6
- Mitigation, ES-11, ES-16, 1-6, 1-7, 1-8, 1-14, 3.3-5, 3.9-2, 3.18-28, 3.22-2, 4.1-1, 4.1-2, 4.1-9, 4.1-14, 4.1-21, 4.1-22, 4.2-9, 4.2-11, 4.2-12, 4.2-13, 4.2-14, 4.2-17, 4.2-18, 4.3-1, 4.3-5, 4.3-8, 4.3-9, 4.3-10, 4.3-11, 4.3-12, 4.3-15, 4.3-16, 4.4-1, 4.4-9, 4.4-10, 4.5-2, 4.5-3, 4.6-8, 4.7-3, 4.8-4, 4.8-7, 4.8-9, 4.8-11, 4.9-5, 4.9-6,

- 4.9-7, 4.9-8, 4.10-4, 4.10-5, 4.11-3, 4.11-9, 4.11-21, 4.11-28, 4.11-30, 4.11-35, 4.11-36, 4.11-40, 4.11-46, 4.11-47, 4.11-48, 4.11-49, 4.11-52, 4.11-56, 4.12-6, 4.13-28, 4.14-4, 4.14-6, 4.14-7, 4.14-9, 4.14-10, 4.14-11, 4.15-5, 4.15-6, 4.15-7, 4.15-8, 4.15-9, 4.15-10, 4.15-11, 4.16-6, 4.16-7, 4.16-8, 4.16-9, 4.17-1, 4.17-10, 4.17-12, 4.17-20, 4.17-24, 4.17-27, 4.17-29, 4.17-30, 4.17-31, 4.17-32, 4.17-34, 4.17-35, 4.18-1, 4.18-7, 4.18-9, 4.18-10, 4.18-11, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-21, 4.18-22, 4.18-23, 4.18-24, 4.19-6, 4.19-13, 4.19-14, 4.19-15, 4.19-16, 4.19-17, 4.19-18, 4.19-19, 4.19-20, 4.19-24, 4.19-26, 4.19-27, 4.19-28, 4.20-4, 4.20-5, 4.21-7, 4.21-11, 4.21-14, 4.21-16, 4.21-21, 4.21-23, 4.21-24, 4.21-25, 4.21-26, 4.21-27, 4.21-28, 4.21-29, 4.21-30, 5-2, 5-4, 5-6, 5-10, 5-13, 5-16, 5-18, 5-19, 5-20, 5-27, 5-28, 5-30, 5-31, 5-32, 5-34, 5-35, 5-36, 5-39, 5-40, 5-41, 5-42, 5-43, 5-45, 5-46, 5-47, 5-48, 5-49, 5-50, 5-51, 5-53, 5-55, 5-57, 5-58, 5-62, 5-64, 5-66, 5-67, 5-72, 5-75, 5-78, 5-81, 5-91, 5-92, 5-93, 5-97
- National Ambient Air Quality Standards (NAAQS), 3.2-4, 4.2-3, 4.2-7
- National Environmental Policy Act (NEPA), ES-1, ES-2, ES-15, ES-16, 1-1, 1-2, 1-3, 1-5, 1-6, 1-8, 1-10, 2-19, 2-21, 2-27, 2-38, 3.4-1, 3.4-40, 3.5-1, 3.9-3, 3.9-4, 3.19-2, 4.1-1, 4.1-2, 4.1-3, 4.1-8, 4.1-9, 4.1-22, 4.2-14, 4.2-15, 4.3-1, 4.3-12, 4.3-13, 4.4-3, 4.4-4, 4.4-7, 4.4-10, 4.5-1, 4.6-5, 4.7-2, 4.8-3, 4.8-5, 4.8-6, 4.8-8, 4.8-9, 4.8-10, 4.9-6, 4.10-3, 4.11-19, 4.11-26, 4.11-30, 4.11-34, 4.11-38, 4.11-39, 4.11-45, 4.11-50, 4.11-51, 4.11-54, 4.11-55, 4.12-5, 4.13-1, 4.13-17, 4.14-8, 4.14-9, 4.16-7, 4.17-21, 4.17-22, 4.18-19, 4.19-21, 4.21-22, 4.22-1, 5-4, 5-7, 5-9, 5-10, 5-11, 5-12, 5-13, 5-14, 5-15, 5-16, 5-18, 5-19, 5-21, 5-23, 5-24, 5-25, 5-26, 5-27, 5-28, 5-31, 5-33, 5-45, 5-47, 5-49, 5-51, 5-54, 5-56, 5-57, 5-58, 5-60, 5-61, 5-62, 5-63, 5-64, 5-65, 5-66, 5-67, 5-68, 5-69, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-76, 5-77, 5-78, 5-79, 5-80, 5-81, 5-82, 5-83, 5-84, 5-88, 5-89, 5-90, 5-91, 5-92, 5-93, 5-95
- National Historic Preservation Act (NHPA), ES-15, 1-5, 1-6, 3.4-1, 3.4-37, 3.4-40, 3.4-41, 4.4-1, 4.4-4, 4.4-7, 4.4-10, 5-4, 5-51, 5-73
- National Park Service (NPS), 1-9, 3.4-41, 3.13-2, 3.14-13, 3.16-1, 3.16-2, 3.16-6, 3.22-1, 4.12-3, 4.15-5, 4.15-9, 4.15-10, 4.15-11, 4.15-12, 4.18-23, 4.18-24, 5-1
- National Pollutant Discharge Elimination System (NPDES), 4.14-4, 4.19-6, 4.19-10
- National Register of Historic Places, 1-13, 3.4-1, 3.4-40, 3.4-41, 4.4-2, 4.4-3, 4.8-7, 5-4
- Native American, ES-15, 1-5, 1-6, 1-13, 3.4-1, 3.4-7, 3.4-12, 3.4-13, 3.4-14, 3.4-15, 3.4-19, 3.4-34, 3.4-36, 3.4-37, 3.4-38, 3.4-39, 3.4-41, 3.9-3, 3.11-1, 4.4-1, 4.4-2, 4.8-5, 4.8-8, 5-4, 5-5, 5-51
- Native American Graves Protection and Repatriation Act, 3.11-1
- Nitric Oxide (NO), 3.2-5, 4.2-2
- Nitrogen Dioxide (NO₂), 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5, 4.2-1, 4.2-2, 4.2-3, 4.2-4, 4.2-7, 4.2-9, 4.2-11, 4.2-13, 4.2-18, 4.8-7
- Nitrogen Oxides (NO_x), ES-6, 3.2-3, 3.2-5, 3.2-6, 3.3-1, 4.2-2, 4.2-4, 4.2-5, 4.2-7, 4.2-8, 4.2-9, 4.2-10, 4.2-11, 4.2-12, 4.2-13, 4.2-18, 5-44
- Noise/Vibration, 1-14
- Nonattainment Area, 3.2-4
- Non-native Species, 3.18-32, 3.23-20, 4.17-8
- Noxious Weed, 3.18-6, 4.17-8, 4.17-9, 4.17-24, 4.21-4

- Off-Highway Vehicles (OHV), 1-14, 2-27, 3.2-2, 3.13-1, 3.13-2, 3.13-5, 3.14-14, 3.17-1, 3.17-2, 3.18-14, 3.18-15, 3.18-16, 3.18-21, 3.19-2, 3.22-1, 3.23-8, 3.23-9, 4.1-4, 4.1-5, 4.1-6, 4.1-7, 4.8-10, 4.12-1, 4.12-2, 4.12-6, 4.16-1, 4.16-2, 4.16-6, 4.16-7, 4.16-8, 4.16-9, 4.18-2, 4.18-4, 4.18-5, 4.18-12, 4.18-17, 4.20-1, 4.20-2, 4.20-4, 4.22-1, 5-61, 5-99
- Organic Compounds, 3.2-3, 4.2-15, 4.11-9
- Overdraft condition, 3.20-11, 4.19-2, 4.19-24
- Ozone (O₃), 3.2-2, 4.2-1
- Paleontological Resources, ES-8, 1-14, 3.11-1, 3.11-3, 3.11-4, 4.1-4, 4.8-7, 4.10-1, 4.10-2, 4.10-3, 4.10-4, 4.10-5
- Paleontological Resources Preservation Act, 3.11-1
- Paleontology, ES-8, 3.12-11, 4.10-2, 4.10-3, 4.10-4, 4.10-5
- Palo Verde Irrigation District Act, 3.4-29
- Particulate Matter, 3.2-1, 3.2-2, 3.2-3, 3.2-6, 4.2-1, 4.2-15, 4.2-16, 4.2-17, 4.11-9, 4.11-10, 4.11-14, 4.15-6, 4.20-2, 5-85
- Particulate Matter (PM₁₀), ES-6, 2-35, 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-6, 4.1-4, 4.2-1, 4.2-3, 4.2-4, 4.2-5, 4.2-7, 4.2-8, 4.2-9, 4.2-16, 4.2-17, 4.2-18, 4.8-7, 4.12-2, 4.20-2, 5-38, 5-44, 5-85
- pH (parts hydrogen), 2-5, 2-10, 2-11, 3.20-17, 3.20-22
- Pleistocene, 3.8-2
- Pliocene, 3.8-1, 3.8-2
- PM_{2.5}, 4.1-4
- Precursor, 3.2-6, 4.2-15, 4.2-16, 4.2-17
- Prehistoric, ES-7, 3.4-1, 3.4-7, 3.4-8, 3.4-11, 3.4-12, 3.4-13, 3.4-14, 3.4-23, 3.4-34, 3.4-35, 3.4-38, 3.4-39, 3.4-40, 4.1-4, 4.4-4, 4.4-5, 4.4-6, 4.10-4, 4.10-5, 4.15-2
- Programmatic Agreement (PA), ES-15, 1-5, 1-6, 3.4-37, 4.1-14, 4.4-10, 4.6-8, 4.8-7, 4.8-8, 5-4, 5-50, 5-51, 5-52
- Public Health and Safety, 2-18, 3.1-1, 3.9-4, 3.12-1, 3.13-1, 4.1-4, 4.1-5, 4.1-6, 4.1-7, 4.1-14, 4.1-21, 4.3-9, 4.5-3, 4.11-1, 4.11-18, 4.11-19, 4.11-21, 4.11-25, 4.11-26, 4.11-37, 4.11-50, 4.11-51, 5-2, 5-53, 5-84, 5-95
- Purpose and Need, ES-2, 1-2, 1-3, 1-3, 1-4, 2-27, 2-28, 2-29, 2-31, 2-33, 2-34, 2-35, 2-36, 2-37, 2-38, 2-39, 5-21, 5-22, 5-23, 5-24, 5-63, 5-68, 5-69, 5-71, 5-73, 5-76, 5-95, 5-96
- Quechan, 1-5, 1-6, 3.4-15, 3.4-19, 3.4-22, 3.4-23, 3.4-24, 3.4-25, 3.4-26, 3.4-37, 3.4-38, 5-5, 5-51, 5-52
- Recreation, ES-12, 1-14, 2-32, 3.1-1, 3.4-33, 3.9-1, 3.9-2, 3.9-4, 3.13-1, 3.13-2, 3.13-4, 3.13-5, 3.13-6, 3.14-12, 3.14-19, 3.16-2, 3.16-3, 3.16-4, 3.17-1, 3.19-2, 3.19-6, 4.1-3, 4.1-6, 4.8-3, 4.8-4, 4.12-1, 4.12-2, 4.12-3, 4.12-5, 4.12-6, 4.12-7, 4.15-2, 4.15-12, 4.16-2, 4.16-8, 4.18-17, 4.20-1, 4.20-3, 4.23-1, 5-83
- Rehabilitation, 3.9-2, 3.22-2, 4.18-18, 5-64
- Renewable Energy, ES-1, ES-2, ES-15, 1-3, 1-4, 1-8, 2-28, 2-31, 2-32, 2-33, 2-35, 2-38, 3.3-2, 3.3-3, 3.6-1, 3.14-1, 3.14-13, 3.14-14, 4.1-2, 4.1-4, 4.1-5, 4.1-6, 4.1-7, 4.1-8, 4.1-9, 4.1-10, 4.1-11, 4.1-12, 4.1-13, 4.2-14, 4.2-16, 4.3-2, 4.3-4, 4.3-12, 4.3-13, 4.4-9, 4.6-6, 4.6-7, 4.9-6, 4.11-19, 4.11-26, 4.11-27, 4.11-30, 4.11-34, 4.11-38, 4.11-45, 4.11-51, 4.11-54, 4.12-5, 4.13-10, 4.13-17, 4.13-18, 4.13-20, 4.13-28, 4.14-8, 4.14-9, 4.15-3, 4.15-8, 4.17-22, 4.18-21, 4.19-21, 4.19-24, 4.20-4, 4.21-22, 4.22-1, 4.23-1,

- 5-1, 5-10, 5-11, 5-15, 5-21, 5-22, 5-23,
5-25, 5-44, 5-72, 5-93, 5-94, 5-96
- Restoration, ES-10, ES-13, 2-18, 4.1-22,
4.9-5, 4.10-5, 4.12-7, 4.13-19, 4.14-4,
4.14-5, 4.14-9, 4.15-12, 4.17-1, 4.17-12,
4.17-28, 4.18-17, 4.18-20, 5-31
- Right-of-Way (ROW), ES-1, ES-2, ES-3,
ES-4, ES-5, ES-15, 1-1, 1-2, 1-3, 1-4, 1-8,
1-9, 1-11, 2-1, 2-3, 2-4, 2-5, 2-9, 2-15,
2-18, 2-19, 2-21, 2-22, 2-23, 2-26, 2-29,
2-31, 2-33, 2-34, 3.1-1, 3.4-37, 3.6-2,
3.7-1, 3.8-2, 3.8-4, 3.9-3, 3.10-1, 3.11-2,
3.12-4, 3.12-6, 3.21-1, 4.1-2, 4.1-3, 4.1-9,
4.1-14, 4.1-17, 4.1-18, 4.1-21, 4.1-22,
4.2-14, 4.2-15, 4.2-17, 4.4-2, 4.4-4, 4.4-5,
4.6-2, 4.6-3, 4.6-4, 4.6-6, 4.6-7, 4.6-8,
4.8-1, 4.8-3, 4.8-4, 4.8-8, 4.8-9, 4.8-10,
4.9-1, 4.9-4, 4.11-10, 4.11-19, 4.11-26,
4.11-32, 4.14-2, 4.15-3, 4.15-11, 4.16-3,
4.16-7, 4.18-5, 4.19-9, 4.21-1, 5-1, 5-3,
5-6, 5-10, 5-17, 5-21, 5-22, 5-23, 5-25,
5-26, 5-60, 5-67, 5-74, 5-76, 5-87, 5-93,
5-95, 5-96, 5-96
- Riparian, 1-7, 3.9-5, 3.18-2, 3.18-4, 3.18-7,
3.18-23, 3.18-24, 3.18-28, 3.23-12,
3.23-18, 3.23-19, 3.23-20, 3.23-23,
4.8-11, 4.17-24
- Road, 1-1, 1-14, 2-1, 2-4, 2-5, 2-8, 2-13,
2-14, 2-19, 2-20, 2-21, 2-26, 3.4-27,
3.4-28, 3.4-29, 3.4-38, 3.4-39, 3.4-40,
3.6-2, 3.12-3, 3.12-4, 3.12-7, 3.13-6,
3.16-4, 3.16-5, 3.17-1, 3.17-3, 3.17-4,
3.17-5, 3.17-6, 3.18-14, 3.18-16, 3.18-23,
3.18-27, 3.19-1, 3.22-1, 3.23-5, 3.23-9,
3.23-11, 3.23-18, 4.2-1, 4.2-3, 4.2-5,
4.4-4, 4.4-5, 4.4-9, 4.6-1, 4.6-2, 4.6-3,
4.6-4, 4.6-5, 4.8-1, 4.11-8, 4.11-37,
4.11-47, 4.14-2, 4.21-4, 4.21-5, 4.21-7,
4.21-8, 4.21-9, 4.21-10, 4.21-11, 5-36,
5-44, 5-95
- Route, ES-5, 1-3, 1-10, 3.4-1, 3.4-7, 3.4-14,
3.4-15, 3.4-26, 3.4-27, 3.4-34, 3.4-38,
3.6-2, 3.12-4, 3.13-6, 3.16-3, 3.16-5,
3.17-2, 3.17-3, 3.17-5, 3.18-3, 4.1-15,
4.6-3, 4.6-4, 4.6-5, 4.6-7, 4.8-10, 4.11-20,
4.11-31, 4.11-33, 4.11-51, 4.12-1, 4.12-2,
4.14-6, 4.14-7, 4.15-2, 4.15-3, 4.16-2,
4.16-5, 4.16-8, 4.21-29, 5-9, 5-14, 5-21,
5-95
- Safe Drinking Water and Toxic Enforcement
Act, 4.11-5
- Scale, ES-2, ES-13, 1-3, 1-4, 1-8, 1-12,
1-15, 2-31, 2-32, 2-33, 2-36, 2-37, 3.3-1,
3.4-4, 3.4-16, 3.4-24, 3.4-31, 3.4-32,
3.4-33, 3.4-35, 3.14-2, 3.15-1, 3.19-1,
3.23-6, 4.2-16, 4.3-1, 4.3-2, 4.4-1, 4.6-6,
4.8-3, 4.8-4, 4.9-3, 4.9-6, 4.11-18,
4.11-25, 4.11-39, 4.11-41, 4.11-46,
4.11-55, 4.12-6, 4.13-19, 4.14-9, 4.15-1,
4.15-4, 4.15-7, 4.15-12, 4.18-2, 4.18-5,
4.18-7, 4.18-9, 4.18-10, 4.18-11, 4.18-14,
4.18-15, 4.18-16, 4.18-20, 4.18-21,
4.18-22, 4.18-24, 4.20-4, 4.21-24, 5-8,
5-11, 5-12, 5-15, 5-16, 5-25, 5-36, 5-41,
5-45, 5-50
- Scenery, 3.19-3, 3.19-5, 4.15-13, 4.18-1,
4.18-10
- Scenic Quality, 3.19-2, 3.19-3, 3.19-5,
4.18-1, 4.18-7, 4.18-10
- Scenic Quality Ratings, 4.18-1
- Scenic Values, 3.16-5, 3.19-1, 3.19-2
- Scoping, ES-5, ES-15, ES-16, 1-5, 1-13,
2-20, 3.3-5, 3.3-6, 3.3-7, 3.8-3, 3.14-1,
5-5, 5-6, 5-13, 5-34, 5-51
- Secretary of the Interior, ES-2, 1-2, 1-9,
2-33, 3.3-3, 3.6-1, 3.8-3, 3.16-1, 5-1
- Security Fencing, 2-5, 2-9, 4.1-21, 4.12-7,
5-33
- Sedimentary Rocks, 3.4-8
- sensitive receptors, 3.12-1
- Sensitive Receptors, 1-14, 2-36, 3.10-1,
3.10-2, 3.12-1, 3.12-2, 4.5-3, 4.9-1, 4.9-3,
4.9-4, 4.9-5, 4.9-6, 4.9-7, 4.11-16,
4.11-21, 4.18-3

- Serrano, 3.4-13, 3.4-15, 3.4-16, 3.4-17, 3.4-18, 3.4-19, 3.4-37
- Social Setting, 4.12-3
- Soils Resources, 2-35, 4.3-10, 4.14-9, 4.14-10, 5-42
- Special Areas, 3.14-13, 3.19-3, 3.19-5
- special designations, 4.1-6
- Special Designations, ES-13, 3.1-1, 3.16-1, 4.12-2, 4.15-1, 4.15-2, 4.15-3, 4.15-12, 4.18-3, 4.18-17, 5-12
- Special Status Species, 1-14, 2-30, 3.14-14, 3.18-4, 4.21-20
- State Historic Preservation Office (SHPO), 5-51
- Steam Turbine Generator (STG), 4.16-4
- Subsurface, 3.4-2, 3.8-2, 3.8-3, 3.11-2, 3.12-15, 3.20-4, 3.20-5, 3.20-7, 3.20-10, 4.1-4, 4.11-20, 4.17-4, 4.19-2, 4.19-6
- Sulfur Dioxide (SO₂), 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-6, 3.2-7, 4.2-1, 4.2-3, 4.2-4, 4.2-7, 4.8-7
- Tertiary, 3.8-3
- Texture, 3.15-2, 3.19-4, 4.14-1, 4.15-4, 4.15-5, 4.18-2, 4.18-11, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-18, 4.18-24
- Threatened or Endangered Species, 1-14, 3.23-6
- Toxic, 2-12, 2-35, 3.20-22, 3.20-23, 4.11-2, 4.11-4, 4.11-5, 4.11-6, 4.11-7, 4.11-8, 4.11-9, 4.11-10, 4.11-11, 4.11-13, 4.21-4, 5-30, 5-54, 5-63, 5-84
- Trail, 3.4-14, 3.4-26, 3.4-27, 3.4-35, 3.4-39, 3.4-40, 3.13-4, 3.13-6, 3.16-5, 4.12-2, 4.21-4
- Transmission, ES-1, ES-2, ES-9, 1-1, 1-2, 1-3, 1-4, 1-8, 1-10, 1-12, 1-13, 2-1, 2-2, 2-3, 2-4, 2-5, 2-13, 2-15, 2-19, 2-20, 2-21, 2-22, 2-26, 2-29, 3.1-1, 3.3-4, 3.3-8, 3.4-1, 3.4-26, 3.4-30, 3.4-31, 3.4-34, 3.4-38, 3.4-39, 3.4-40, 3.6-1, 3.6-2, 3.9-3, 3.12-1, 3.12-4, 3.12-5, 3.12-6, 3.12-7, 3.17-6, 3.18-1, 3.18-3, 3.18-14, 3.18-23, 3.18-27, 3.18-28, 3.19-5, 3.19-6, 3.23-1, 3.23-15, 3.23-16, 4.1-4, 4.1-15, 4.1-16, 4.1-17, 4.1-18, 4.1-19, 4.1-21, 4.2-2, 4.2-3, 4.2-16, 4.2-17, 4.4-2, 4.4-4, 4.4-5, 4.4-9, 4.6-1, 4.6-2, 4.6-3, 4.6-4, 4.6-5, 4.6-6, 4.6-7, 4.6-8, 4.8-1, 4.8-8, 4.9-2, 4.9-4, 4.9-6, 4.10-3, 4.11-1, 4.11-17, 4.11-31, 4.11-32, 4.11-33, 4.11-34, 4.11-35, 4.11-38, 4.11-45, 4.11-51, 4.11-54, 4.12-6, 4.13-13, 4.14-2, 4.14-3, 4.15-4, 4.15-8, 4.16-3, 4.16-5, 4.17-10, 4.17-11, 4.17-13, 4.17-14, 4.17-15, 4.18-3, 4.18-5, 4.18-10, 4.18-12, 4.18-13, 4.18-14, 4.18-15, 4.18-16, 4.18-17, 4.18-20, 4.18-21, 4.19-9, 4.19-12, 4.20-1, 4.20-3, 4.21-1, 4.21-3, 4.21-4, 4.21-5, 4.21-10, 4.21-16, 4.21-17, 4.21-23, 4.21-28, 5-10, 5-17, 5-39, 5-49, 5-52, 5-61, 5-74, 5-75, 5-76, 5-78, 5-82, 5-92, 5-95
- United States Army Corp of Engineers (USACE), 1-6, 1-7, 1-13, 3.18-22, 3.18-28, 5-1
- United States Fish and Wildlife Service (USFWS), ES-15, 1-5, 1-9, 1-13, 2-18, 3.18-24, 3.23-2, 3.23-5, 3.23-6, 3.23-11, 3.23-12, 4.1-7, 4.1-14, 4.8-11, 4.17-1, 4.17-5, 4.21-1, 4.21-2, 4.21-3, 4.21-4, 4.21-6, 4.21-10, 4.21-17, 4.21-23, 4.21-25, 4.21-27, 5-1, 5-4, 5-20, 5-30, 5-34, 5-35, 5-36, 5-81
- Utility Corridor, 1-11, 2-19, 3.6-1, 3.6-2, 3.19-4, 4.1-4, 4.6-7, 4.6-8, 4.15-4, 4.21-27
- Vandalism, ES-12, 3.23-5, 4.11-53, 4.16-2, 4.21-2
- Variables, 3.12-14, 3.22-1, 4.11-19, 4.19-7, 4.22-1
- Variety, 1-10, 2-12, 2-32, 2-38, 3.2-6, 3.4-7, 3.4-8, 3.4-10, 3.4-16, 3.4-18, 3.4-20,

- 3.4-23, 3.9-2, 3.16-2, 3.16-6, 3.17-1,
3.18-1, 3.18-6, 3.18-10, 3.18-16, 3.18-22,
3.18-29, 3.19-5, 3.19-6, 3.23-2, 3.23-5,
3.23-9, 3.23-20, 3.23-21, 3.23-23, 4.1-14,
4.8-1, 4.8-7, 4.8-9, 4.8-11, 4.11-45,
4.13-18, 4.17-6, 4.17-8, 4.18-10, 4.21-6,
4.21-29, 5-13, 5-23, 5-26, 5-44
- Vegetation Resources, 4.1-6, 4.3-9, 4.17-1,
4.17-5, 4.17-8, 4.17-14, 4.17-15, 4.17-19,
4.17-21, 4.17-22, 4.17-23, 4.17-28,
4.17-29, 4.17-34, 4.21-4, 4.21-26, 5-37,
5-66
- Vehicle Miles Traveled (VMT), 4.2-9
- Viewshed, 3.16-1, 3.19-1, 4.15-3, 4.15-4,
4.15-5, 4.15-9, 4.16-2, 4.18-1, 4.18-17,
4.18-20, 4.18-21, 4.18-22, 5-56, 5-58
- Visual Contrast, 4.15-4, 4.15-5, 4.18-1,
4.18-2, 4.18-3, 4.18-5, 4.18-7, 4.18-9,
4.18-10, 4.18-11, 4.18-12, 4.18-13,
4.18-14, 4.18-15, 4.18-16, 4.18-18,
4.18-21, 4.18-24, 5-59
- Visual Quality, 4.12-1, 4.18-1
- Visual Resource Management (VRM),
3.19-1, 3.19-2, 3.19-4, 3.19-5, 3.19-6,
4.18-1, 4.18-2, 4.18-9, 4.18-11, 4.18-12,
4.18-13, 4.18-14, 4.18-15, 4.18-16,
4.18-17, 4.18-24, 5-59
- Visual Resources, 1-15, 2-22, 2-23, 2-24,
2-30, 3.1-1, 3.19-1, 4.1-6, 4.18-1, 4.18-3,
4.18-13, 4.18-14, 4.18-15, 4.18-16,
4.18-18, 4.18-19, 4.18-20, 4.18-23, 5-56,
5-58, 5-59
- Visual Values, 3.19-3, 3.19-4, 3.19-5,
4.18-1, 4.18-10
- Wastewater, 1-15, 2-10, 2-11, 2-15, 3.20-4,
3.20-5, 3.20-7, 3.20-8, 3.20-22, 4.1-21,
4.3-7, 4.5-2, 4.11-24, 4.19-7, 4.19-8
- Water Resources, 3.3-7, 3.8-3, 3.9-3, 4.1-4,
4.1-6, 4.3-6, 4.3-7, 4.3-8, 4.3-10, 4.3-12,
4.3-15, 4.8-7, 4.11-22, 4.11-51, 4.19-1,
4.19-16, 4.19-21, 4.19-27, 4.19-28,
4.21-12, 5-27, 5-42, 5-45, 5-56, 5-74,
5-77, 5-92, 5-93
- Water Supply, 1-15, 2-4, 2-8, 2-10, 3.3-4,
3.3-7, 3.18-4, 3.20-7, 3.20-15, 3.20-21,
4.1-20, 4.3-1, 4.3-6, 4.3-7, 4.3-8, 4.3-9,
4.17-4, 4.17-5, 4.19-1, 4.19-9, 4.19-16,
4.19-18, 4.19-19, 4.19-23, 4.19-25,
4.20-4, 5-28, 5-38, 5-42
- Western Burrowing Owl, 3.18-5, 3.18-6,
3.23-10, 3.23-11, 4.1-7, 4.8-11, 4.21-20,
4.21-21, 5-31, 5-32
- Wetlands, 1-6, 1-15, 3.4-10, 3.18-9, 3.18-22,
3.20-10, 3.20-11, 3.20-19, 3.23-19, 4.1-3,
4.8-11, 4.17-7, 5-2
- Wilderness Act, 3.13-4, 3.16-1
- Wilderness Area, 2-3, 2-27, 2-36, 3.1-1,
3.13-2, 3.13-4, 3.13-6, 3.16-1, 3.16-2,
3.16-3, 3.16-6, 3.18-2, 3.19-1, 3.19-2,
3.23-1, 4.1-6, 4.12-1, 4.12-2, 4.12-5,
4.15-1, 4.15-2, 4.15-8, 4.15-12, 4.15-13,
4.18-2, 4.18-17, 4.18-21, 4.18-22, 5-12,
5-67
- Wilderness Area (WA), 3.16-6, 4.15-12,
4.15-13, 4.18-17
- Wilderness Study Area, 2-27, 3.16-1,
3.16-3, 5-12, 5-83
- Wildlife Resources, 3.16-5, 4.1-7, 4.3-9,
4.21-1, 4.21-20, 4.21-21, 4.21-22,
4.21-23, 4.21-25, 4.21-27, 4.21-28,
4.21-29, 4.21-30, 5-32, 5-33, 5-37, 5-65,
5-66, 5-68, 5-70, 5-74, 5-81, 5-94, 5-99
- Wind Energy, 2-33, 2-34, 4.1-8, 4.1-12,
4.1-13, 4.6-5, 4.6-6, 4.11-27, 5-10

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FOR THE
PALEN SOLAR POWER PROJECT

Volume 2 of 2



May 2011



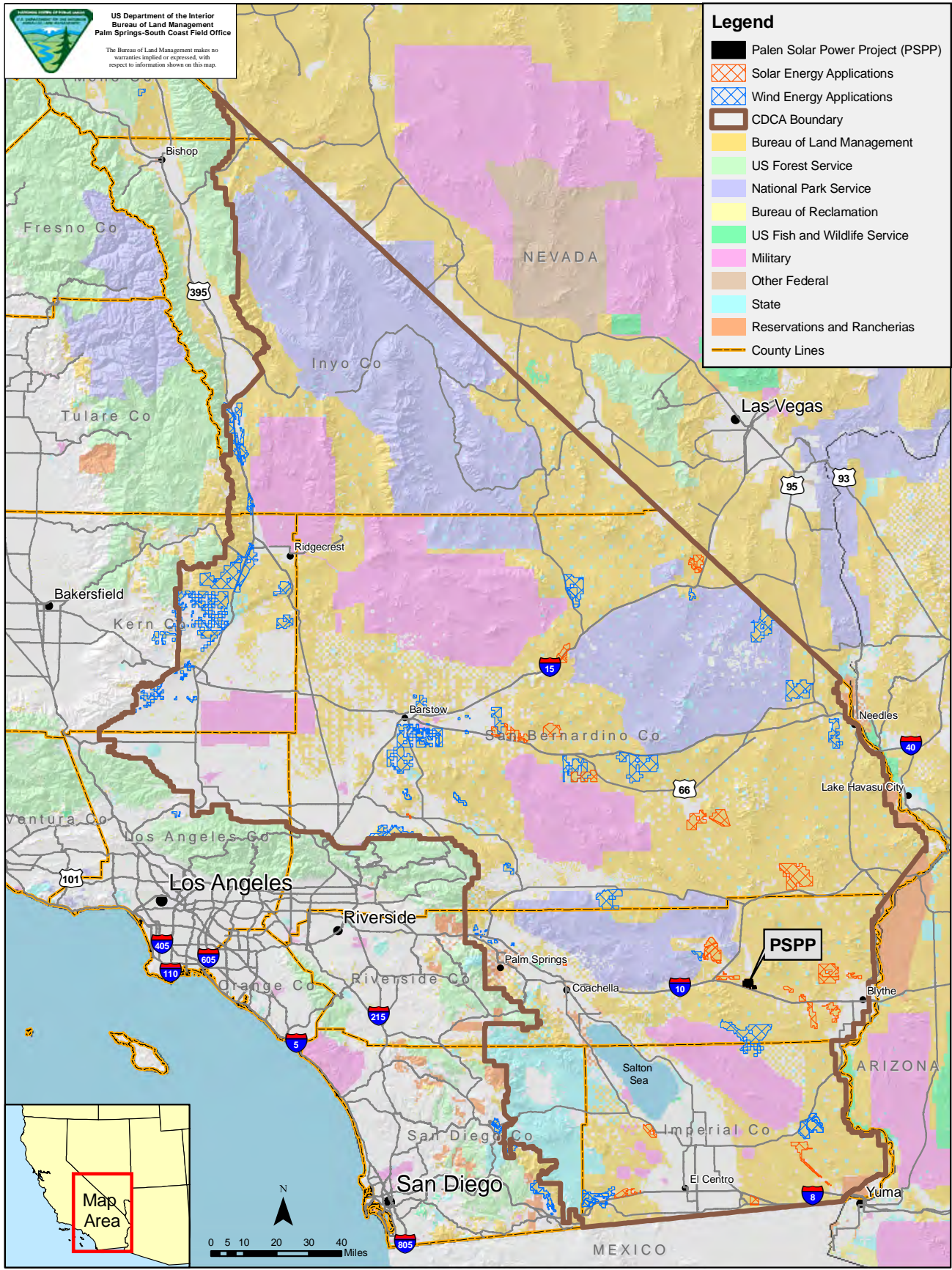
APPENDICES

- A. Maps and Figures
- B. Conditions of Certification
- C. Applicable Laws, Regulations, Policies, Executive Orders
- D. Results of Scoping
- E. Analysis of the Red Bluff Substation Project, Incorporated by Reference from the Desert Sunlight Solar Farm Project EIS
- F. Cultural Resources
- G. Appendix G
- H. Programmatic Agreement
- I. Biological Resources
- J. VRM Contrast Rating Summary
- K. Agency and Public Comments on SA/DEIS

APPENDIX A

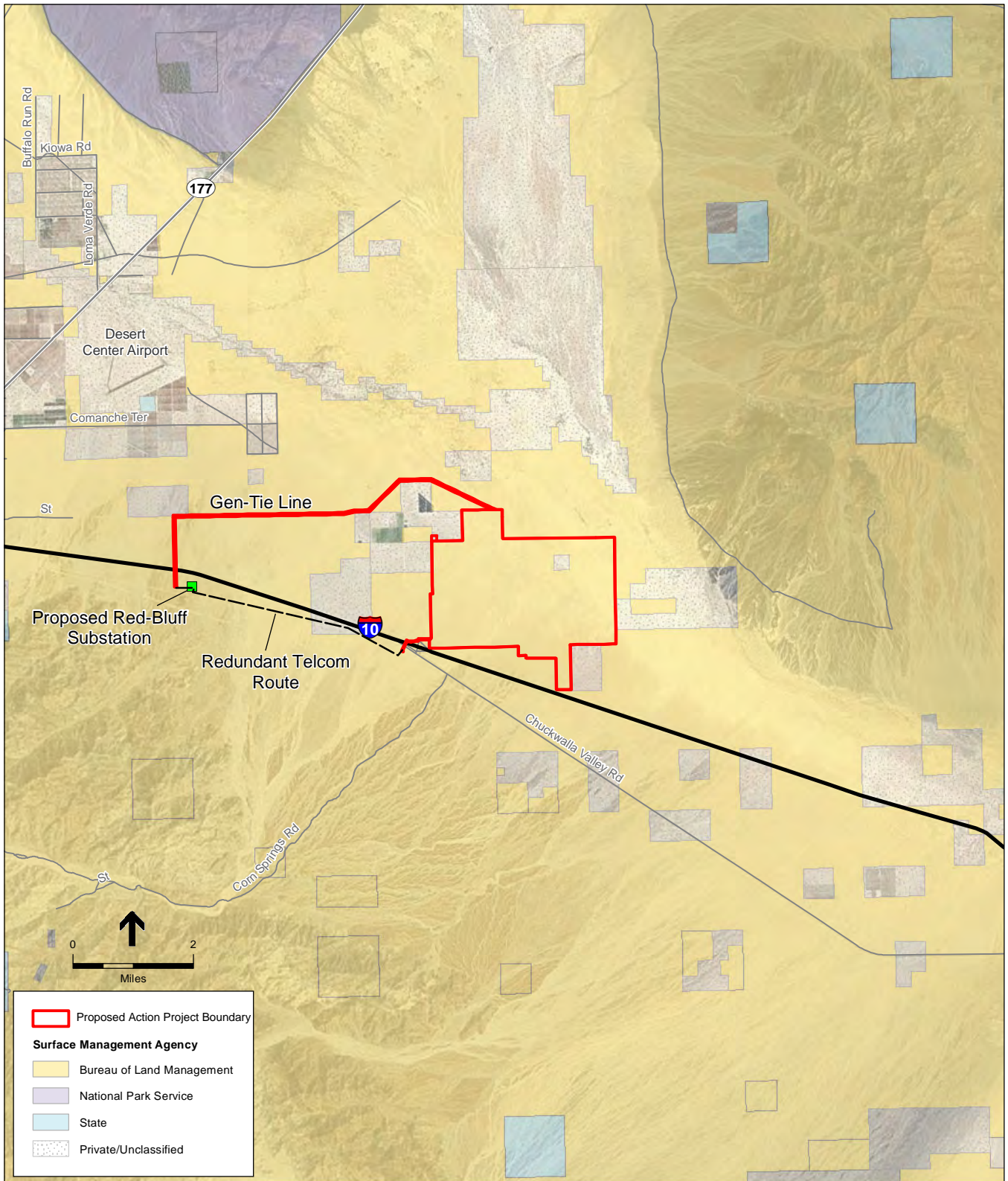
Maps and Figures

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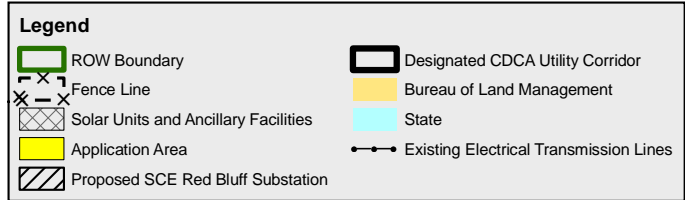
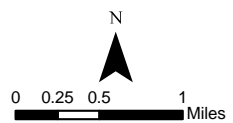
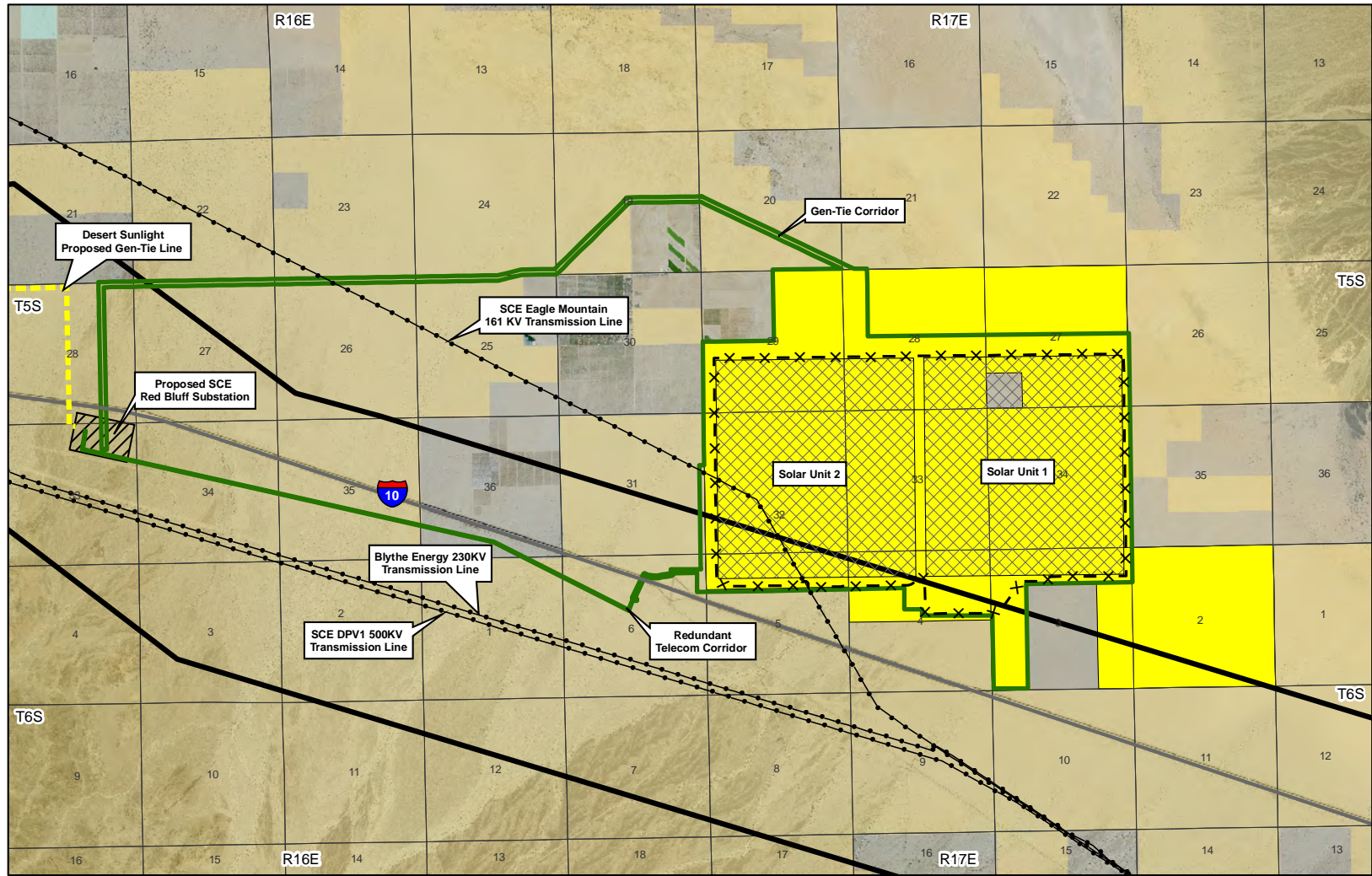
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Figure 1-1
Regional Context

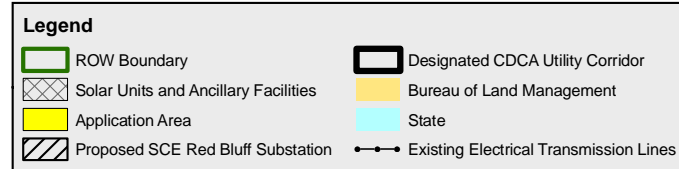
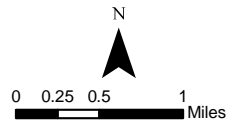
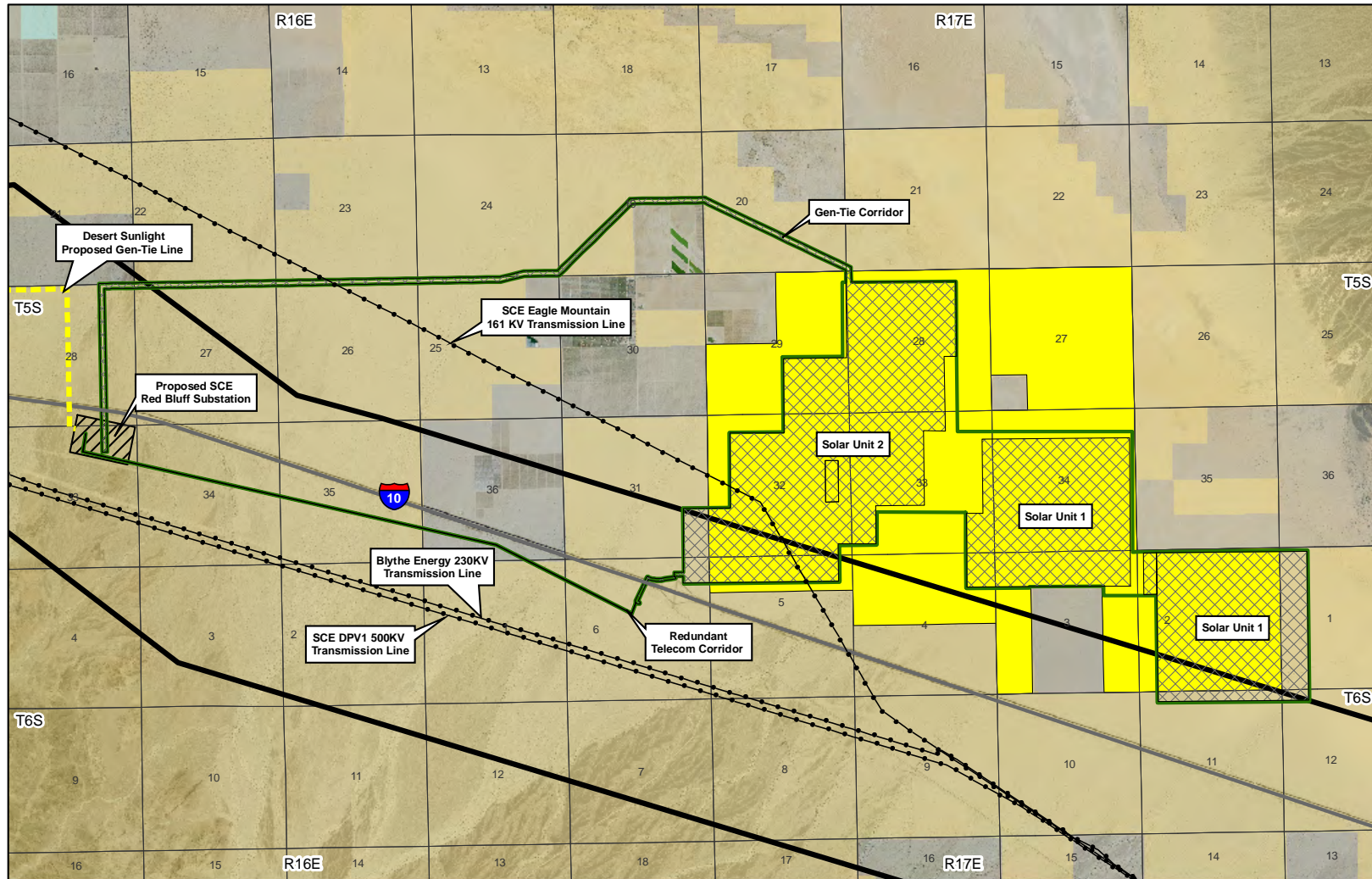


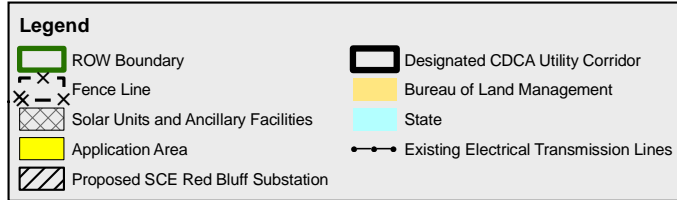
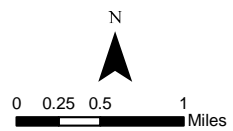
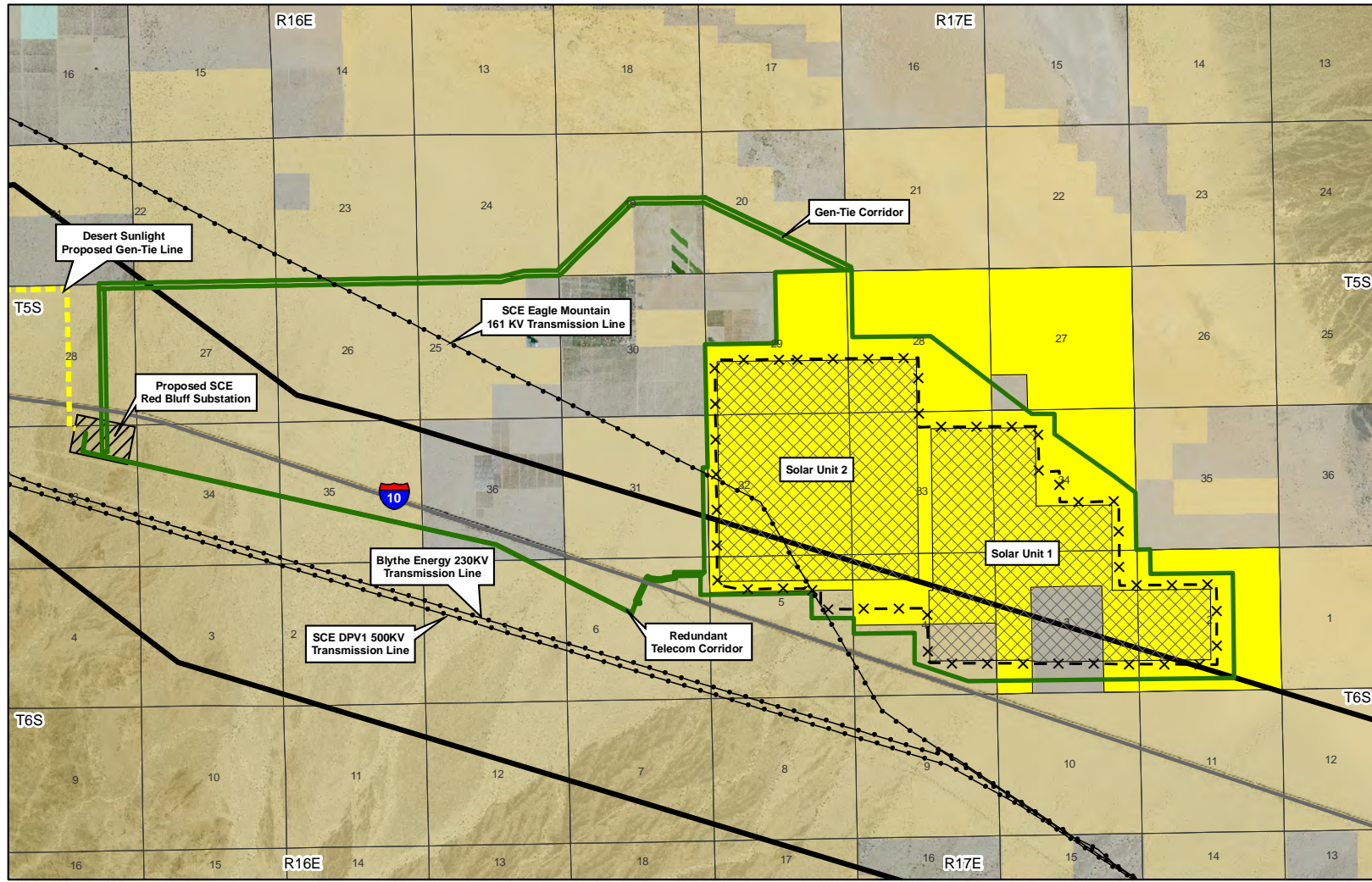
SOURCE: BLM, 2010; ESA, 2010

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Figure 2-1
Project Location



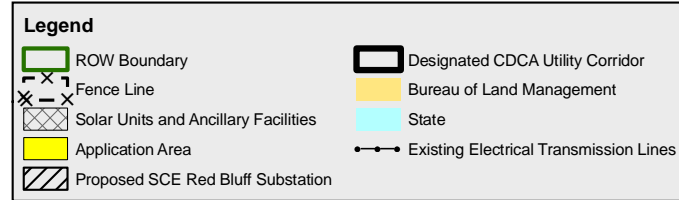
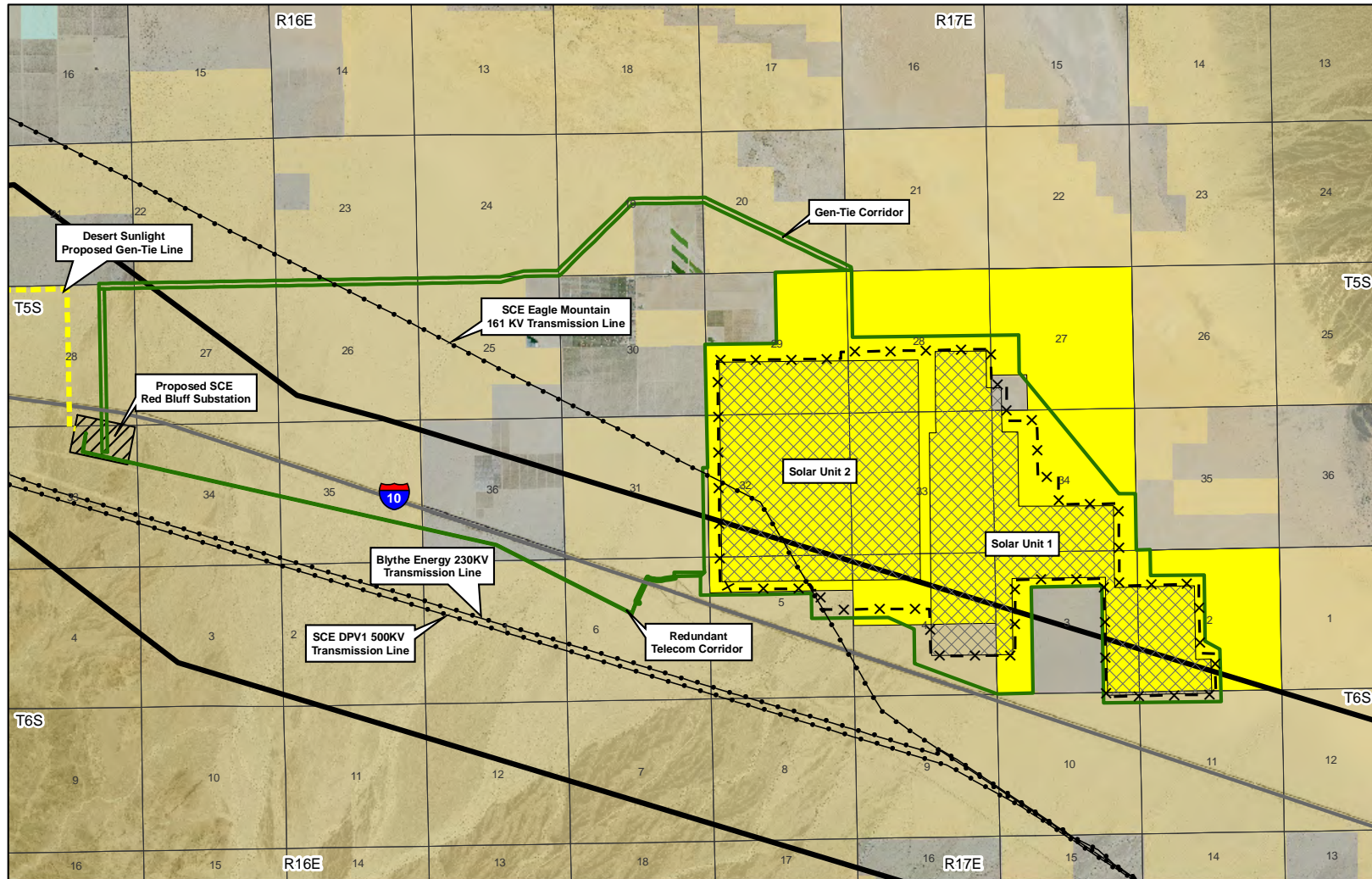




SOURCE: BLM, 2010

Palen Solar Power Project FEIS . 210291.01

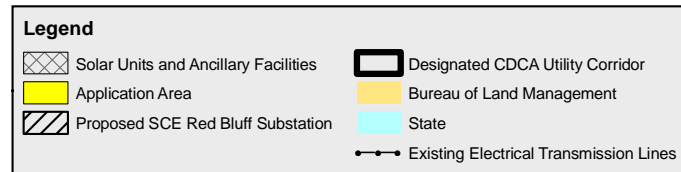
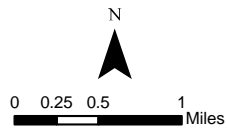
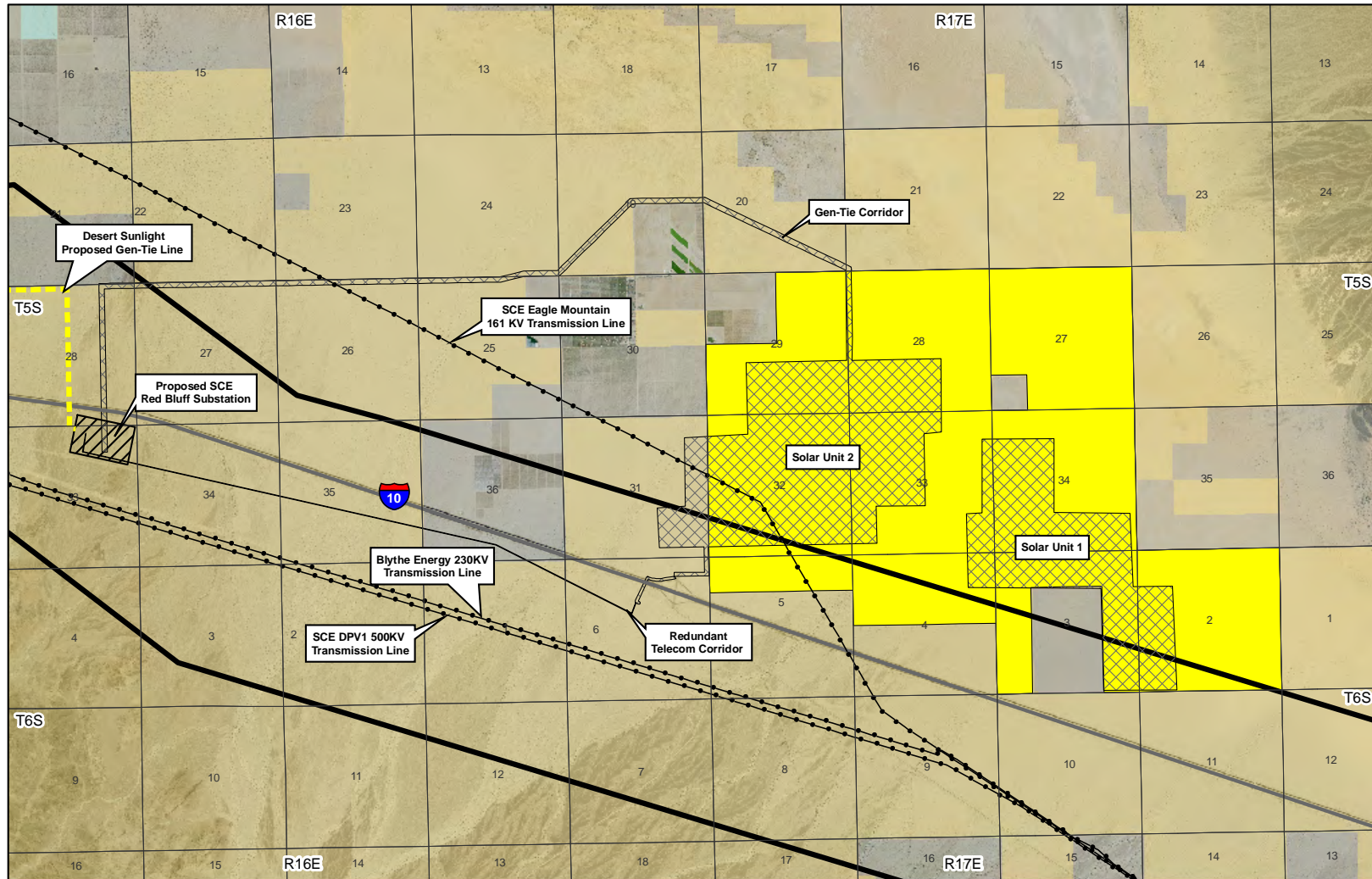
Figure 2-4
Reconfigured Alternative 2 Option 1

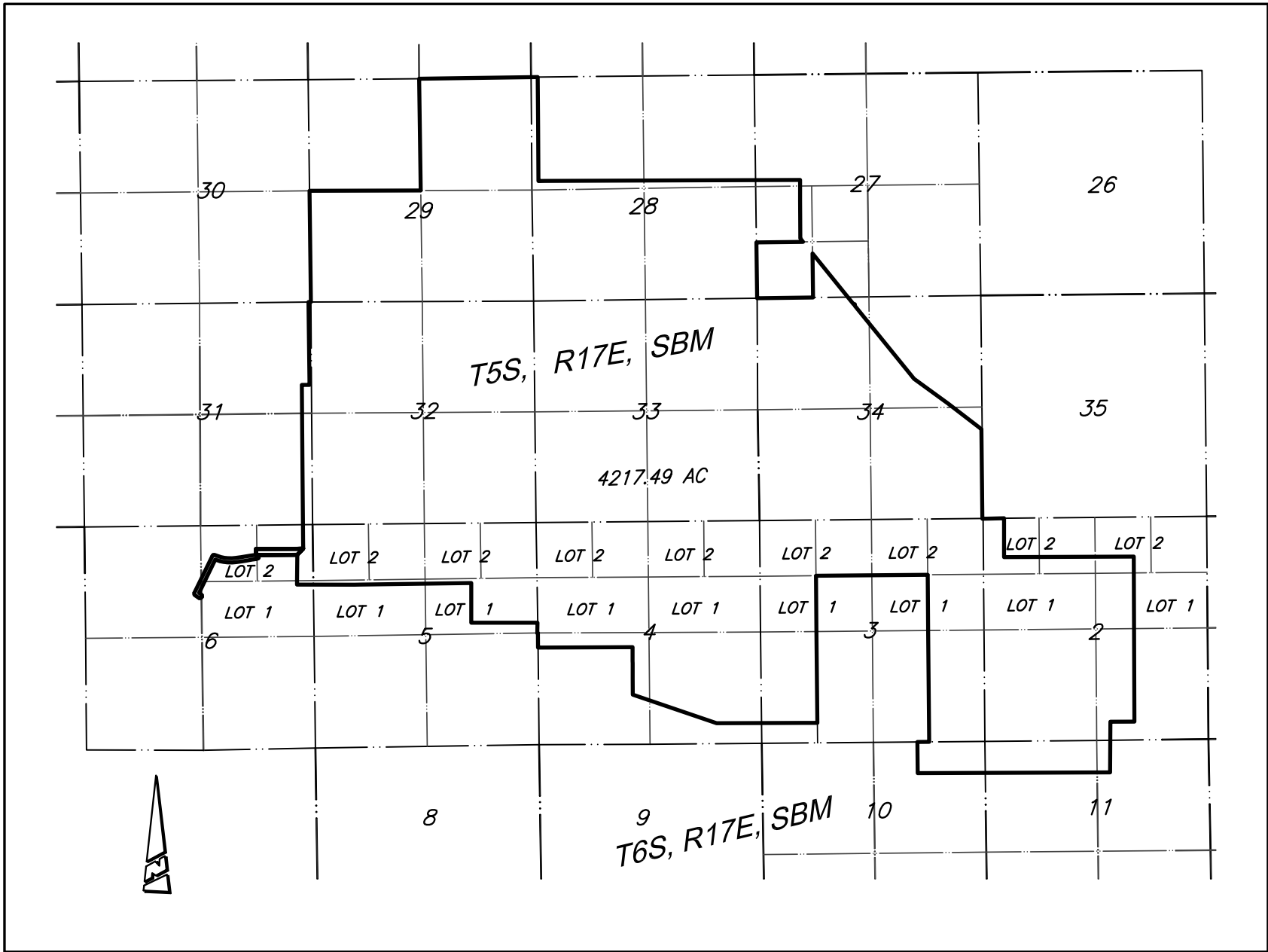


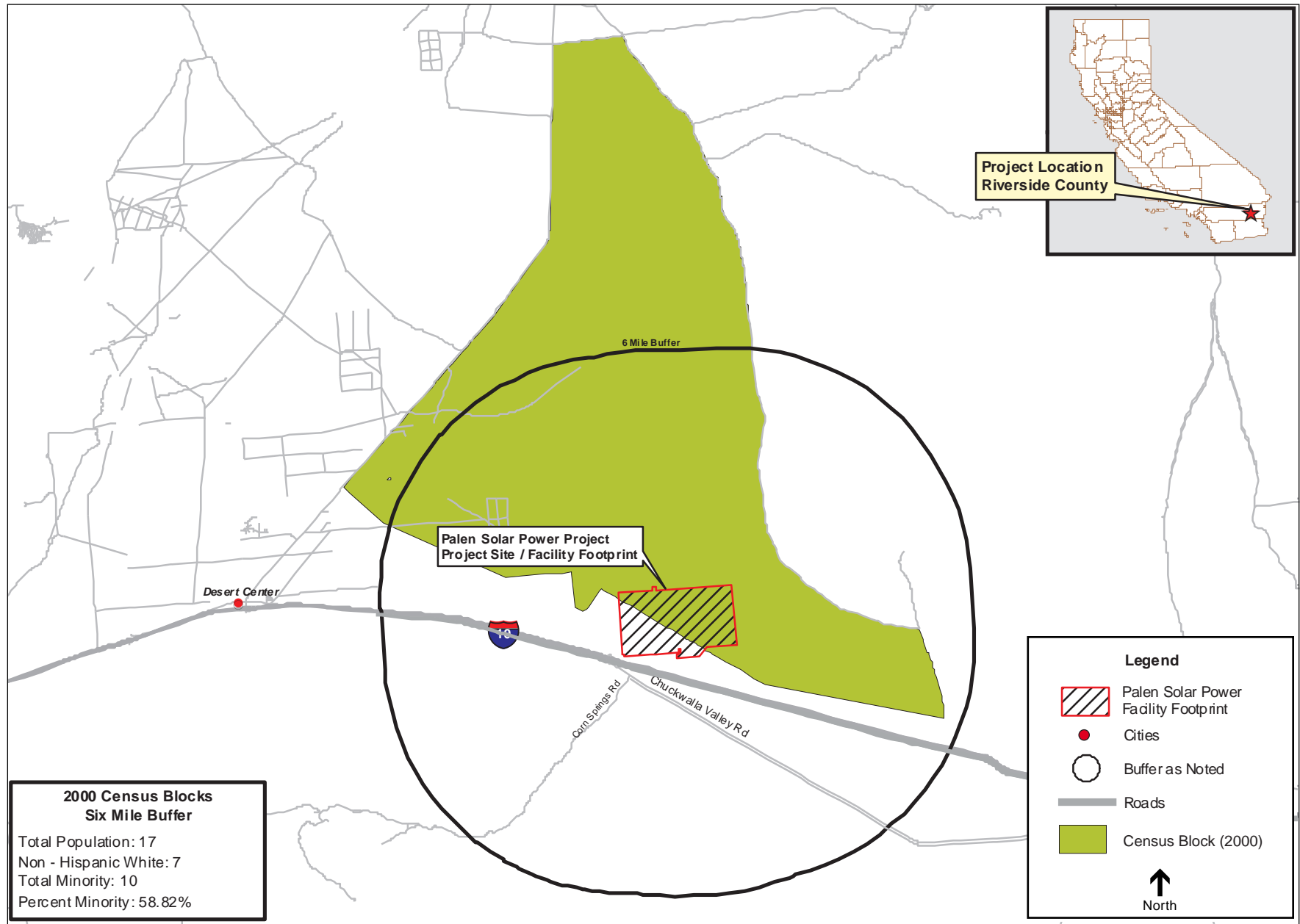
SOURCE: BLM, 2011

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Figure 2-5
Reconfigured Alternative 2 Option 2



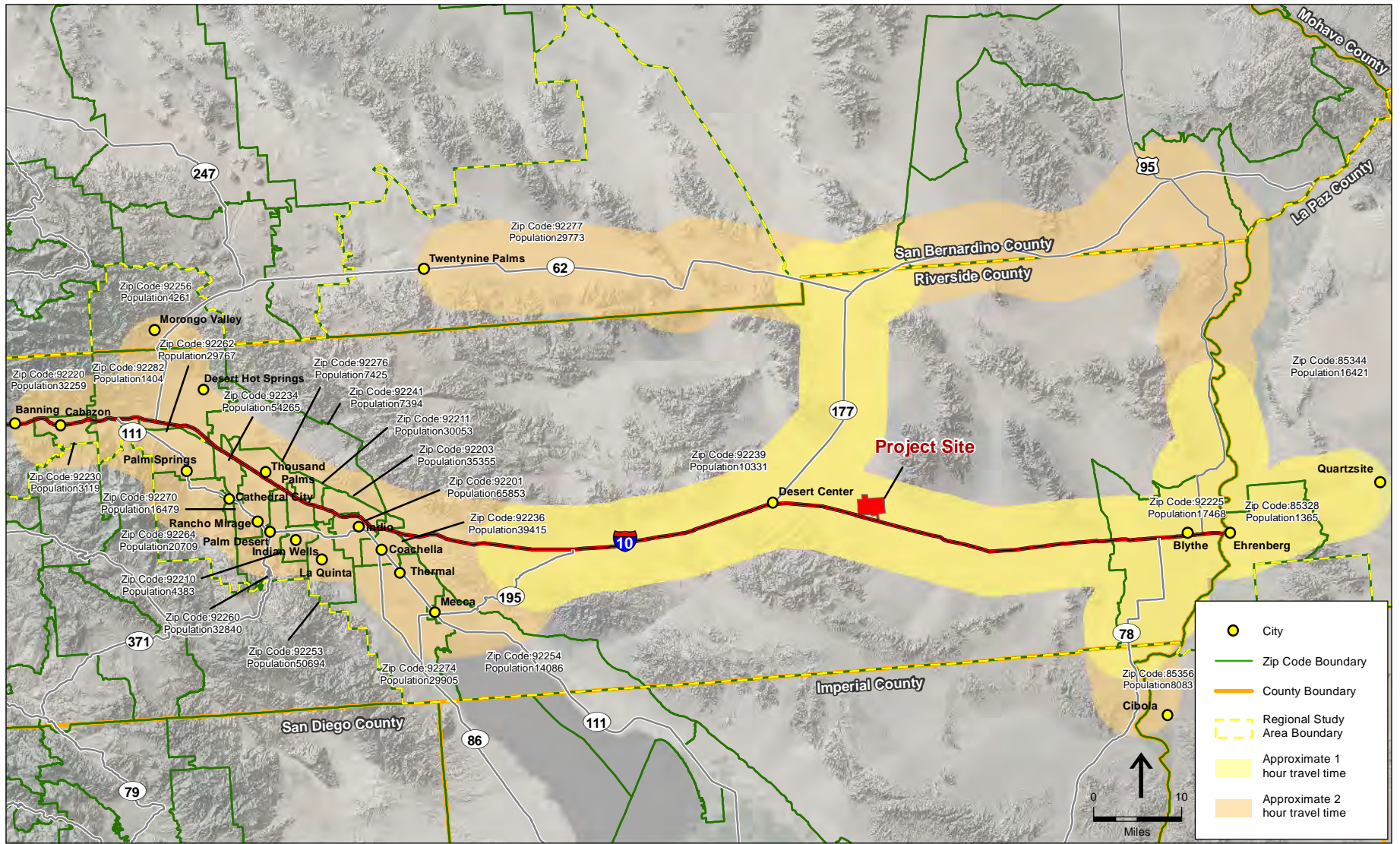




SOURCE: CEC RSA Part I, 2010

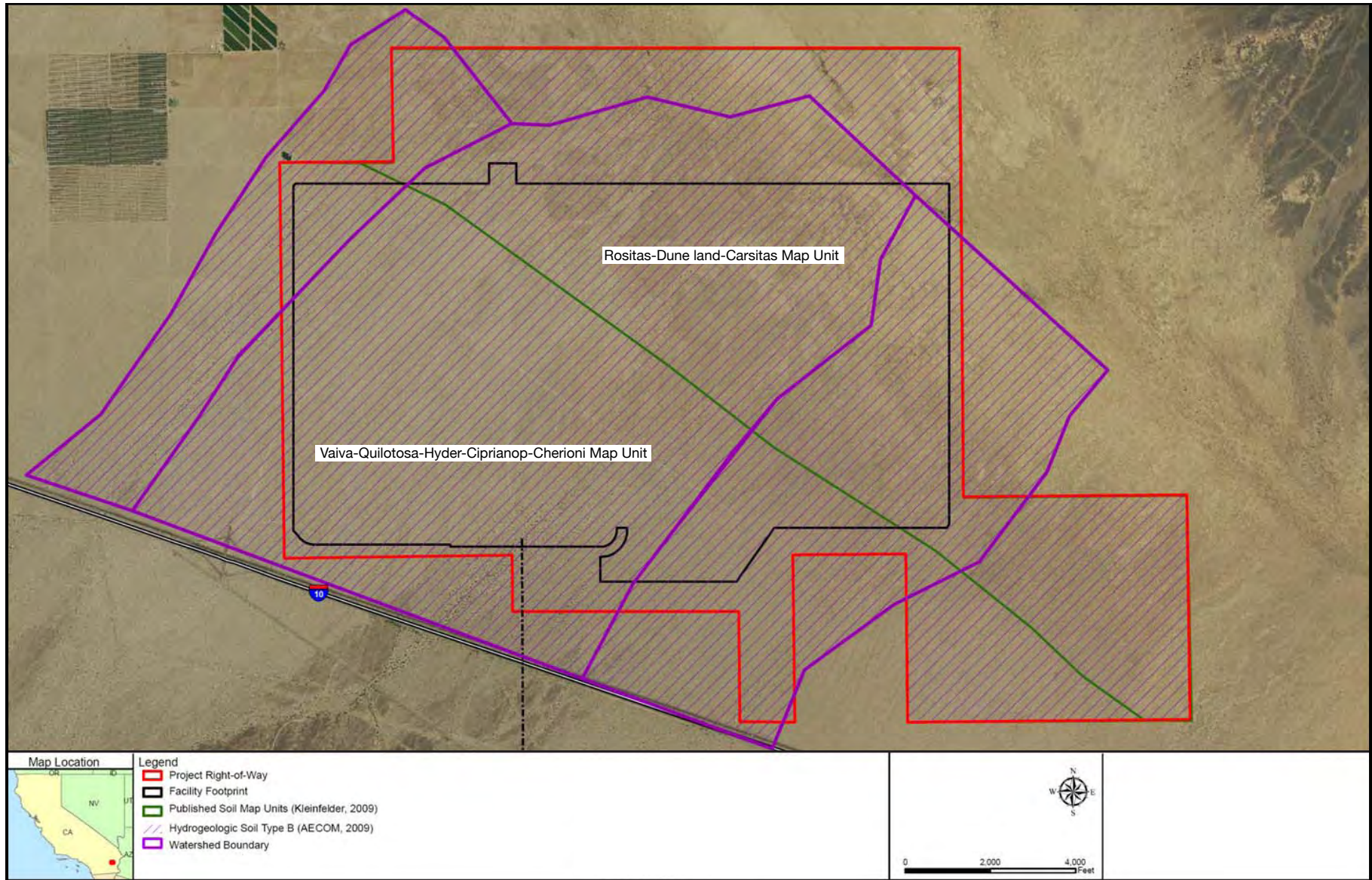
Palen Solar Power Project FEIS . 210291.01

Figure 3.5-1
Census Block Groups within 6 Miles of Project Site



SOURCE: ESRI, 2010; Tele Atlas North America Inc., 2010; Census, 2000; Google Maps, 2010

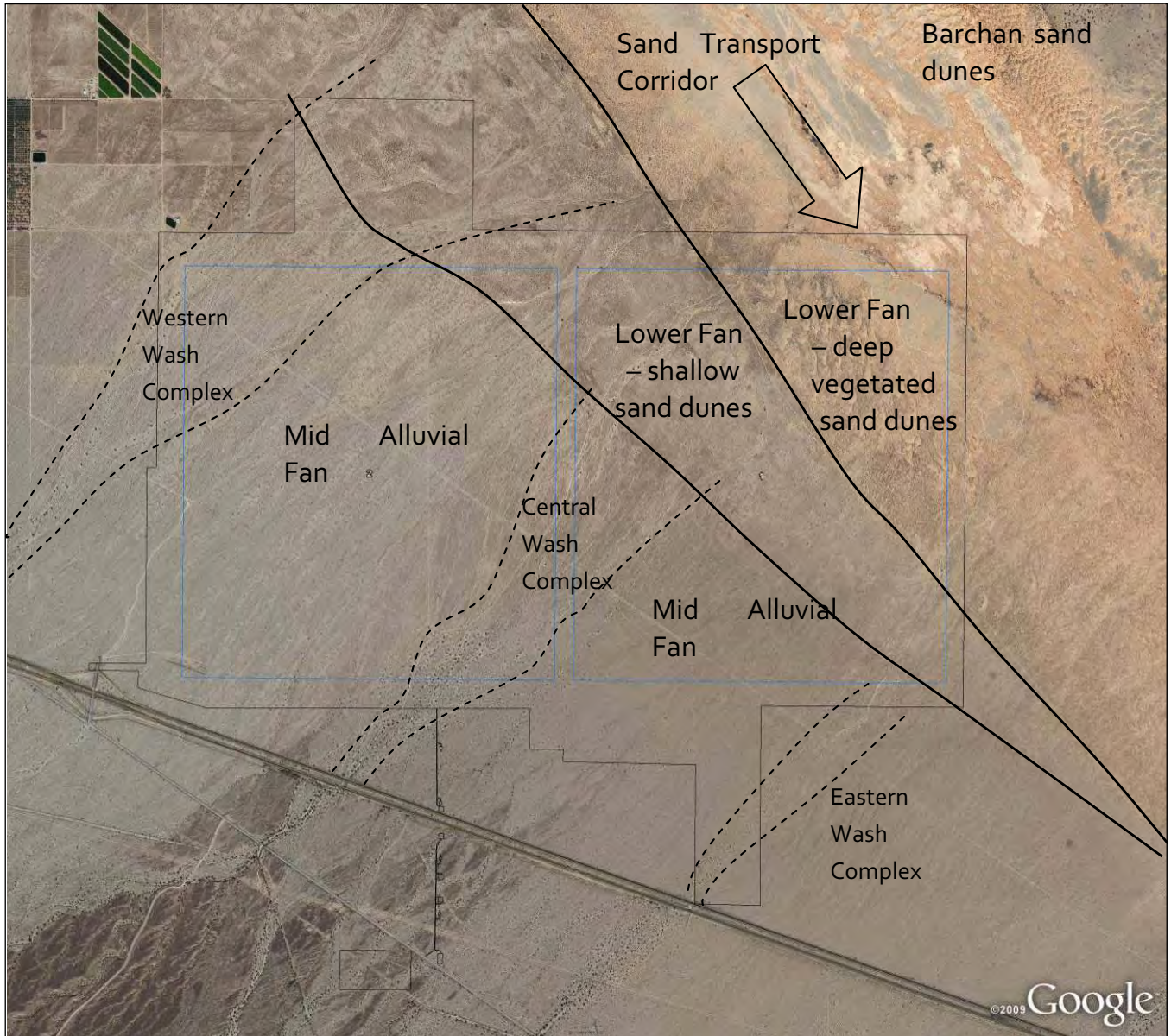
Palen Solar Energy Project FEIS . 210291.01
Figure 3.14-1
Regional Study Area
by Zip Code and Travel Distance



SOURCE: CEC RSA Part II, 2010

Palen Solar Power Project FEIS . 210291.01

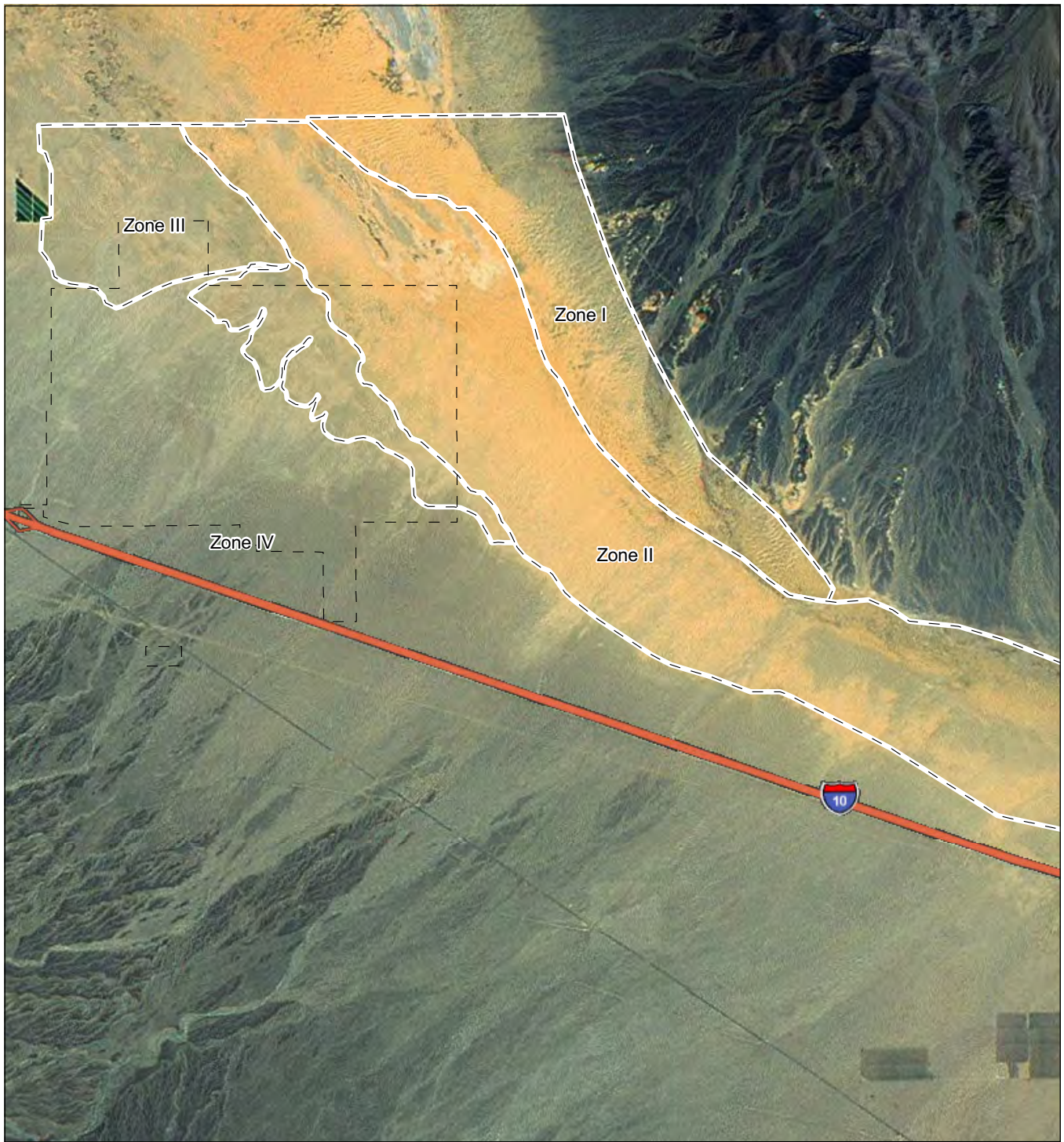
Figure 3.15-1
Regional Soils Map



SOURCE: CEC RSA Part II, 2010

Palen Solar Power Project FEIS . 210291.01

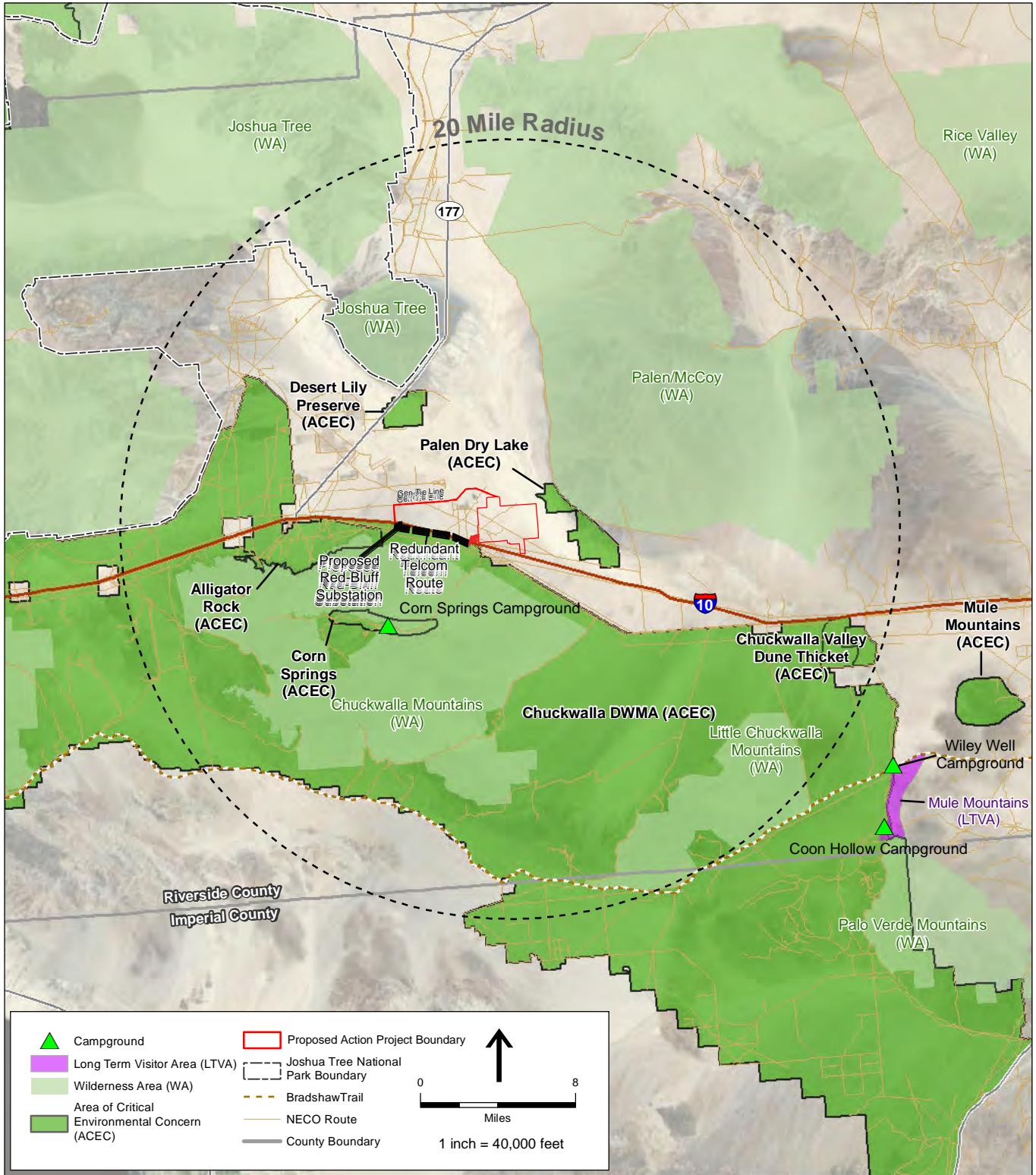
Figure 3.15-2
Land Units



SOURCE: PWA, 2010

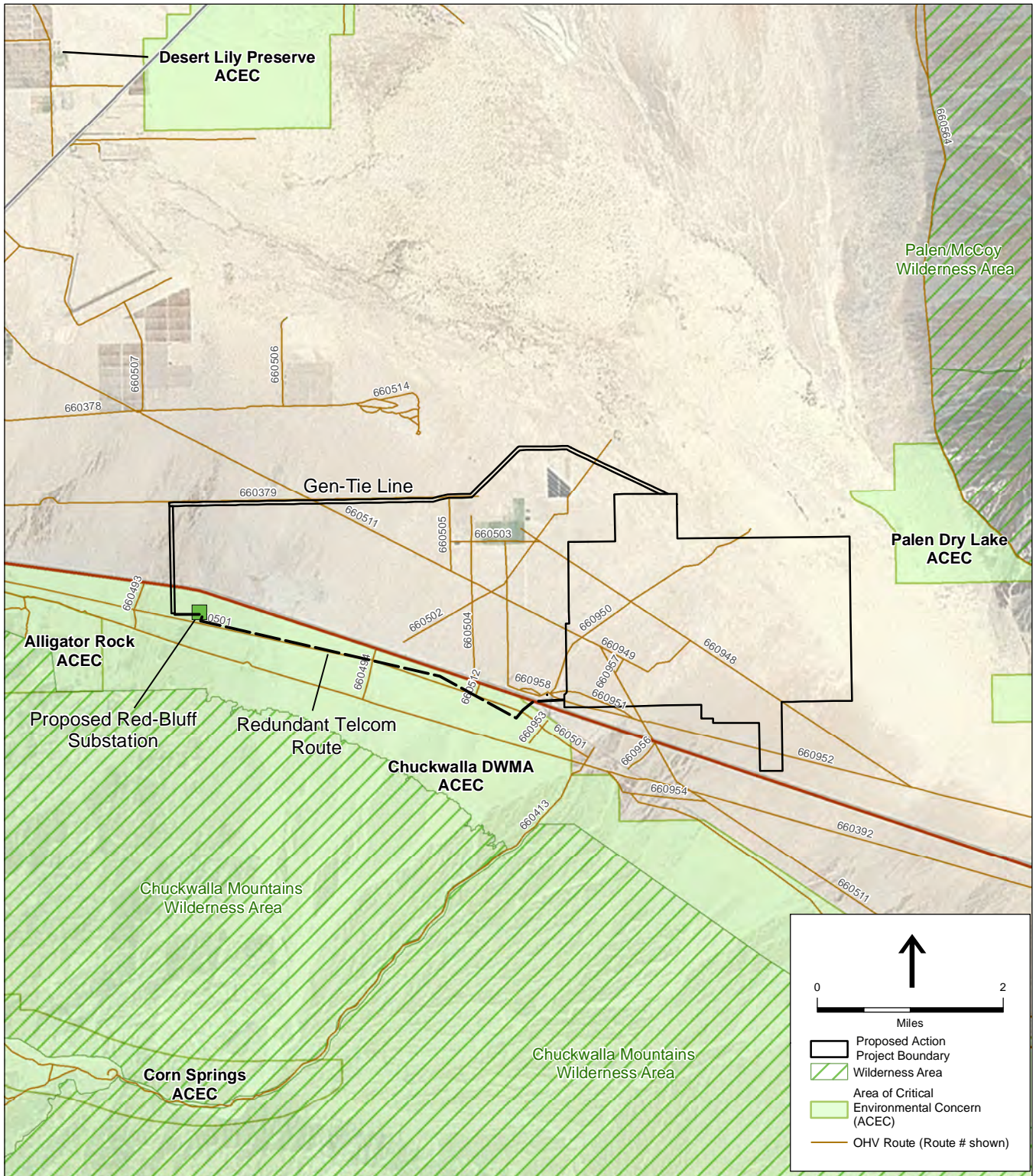
Palen Solar Power Project FEIS . 210291.01

Figure 3.15-3
Sand Transport Zones Characterizing
Varying Rates of Sand Transport



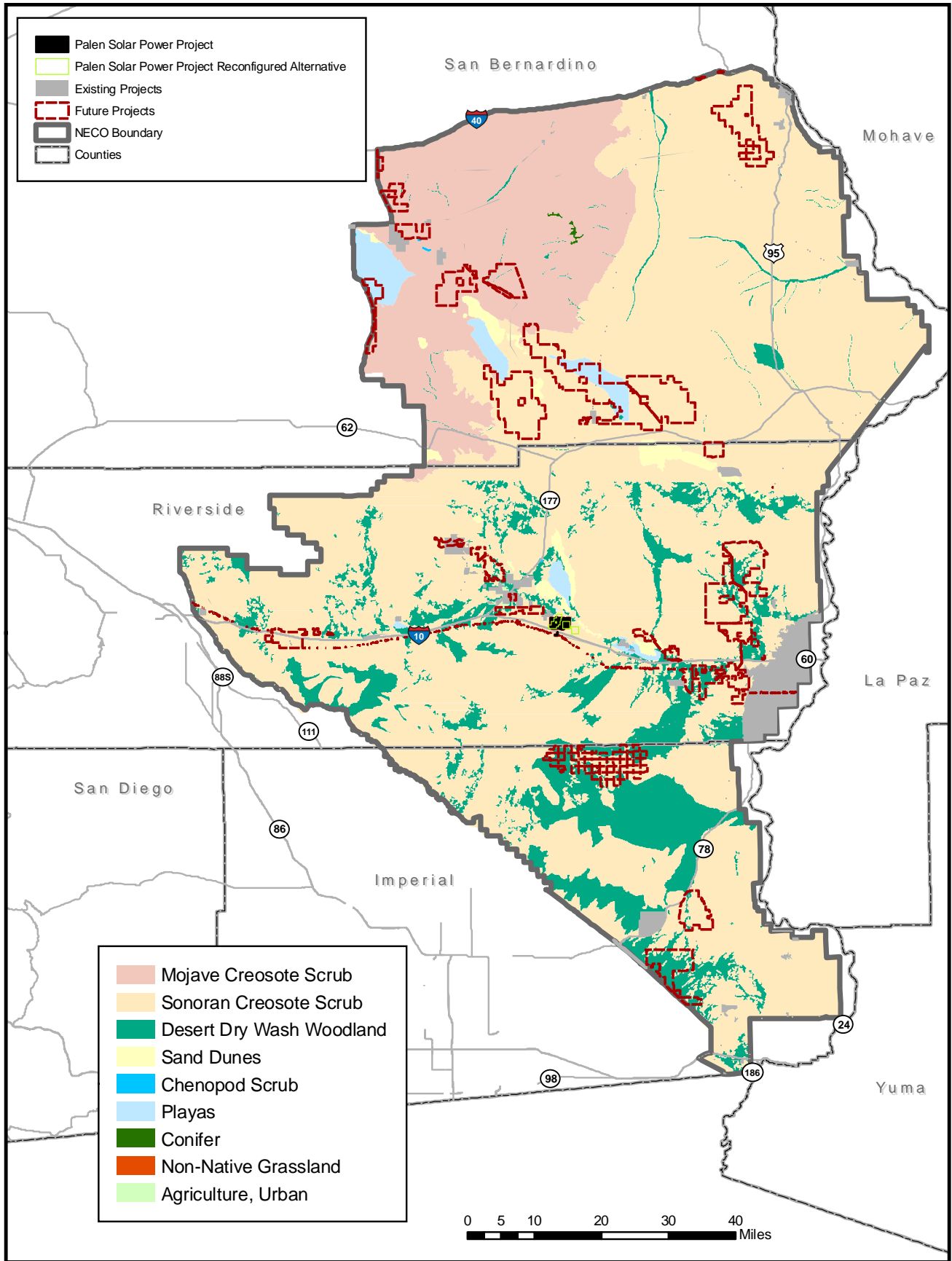
SOURCE:BLM, 2010; ESA, 2010

Palen Solar Energy Project FEIS . 210291.01
Figure 3.16-1
 Special Designations within 20 Miles
 of Project Site



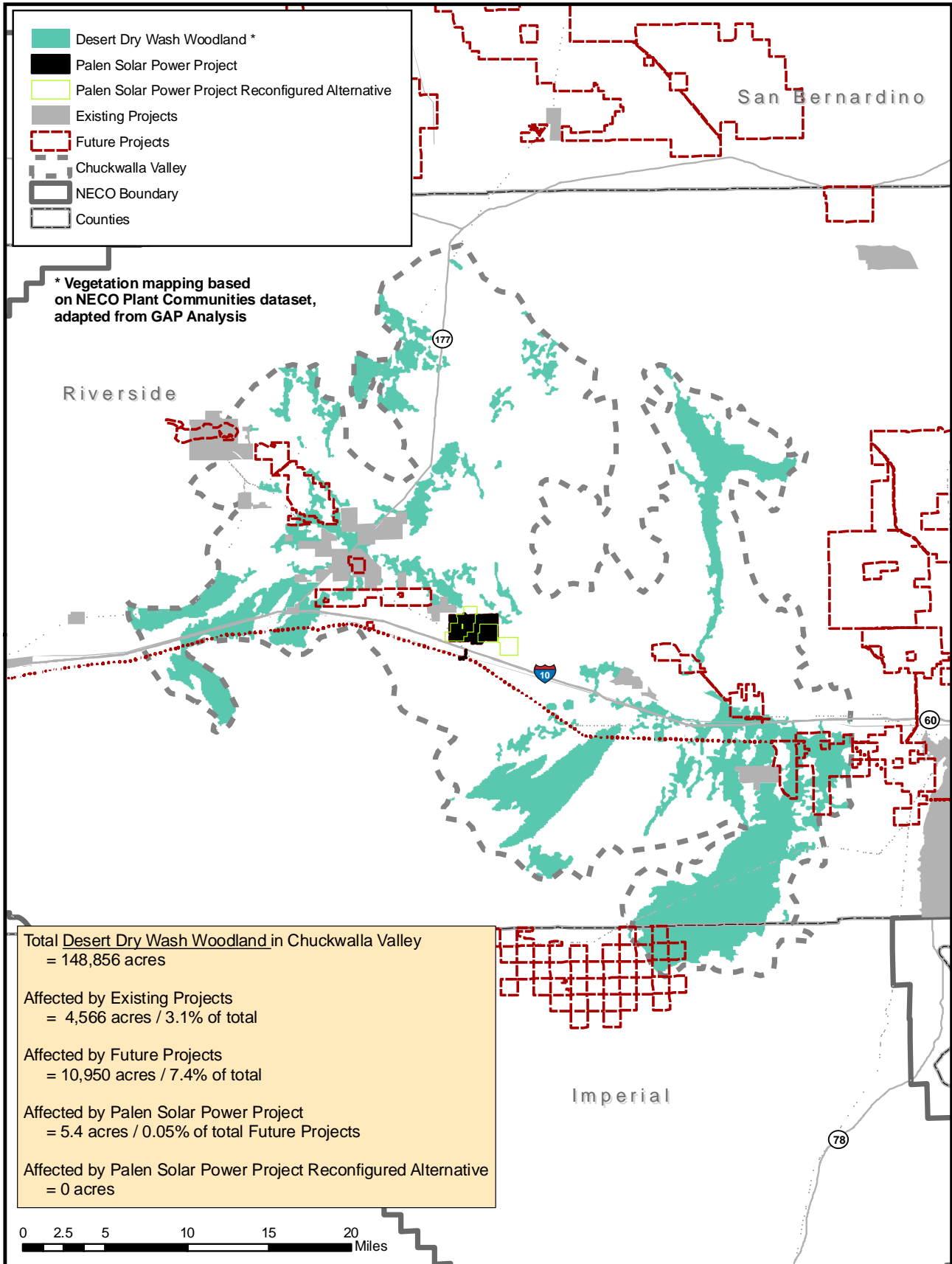
SOURCE:BLM, 2010; ESA, 2010

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Figure 3.17-1
 OHV Routes in the Project Vicinity



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.18-1
 Plant Communities

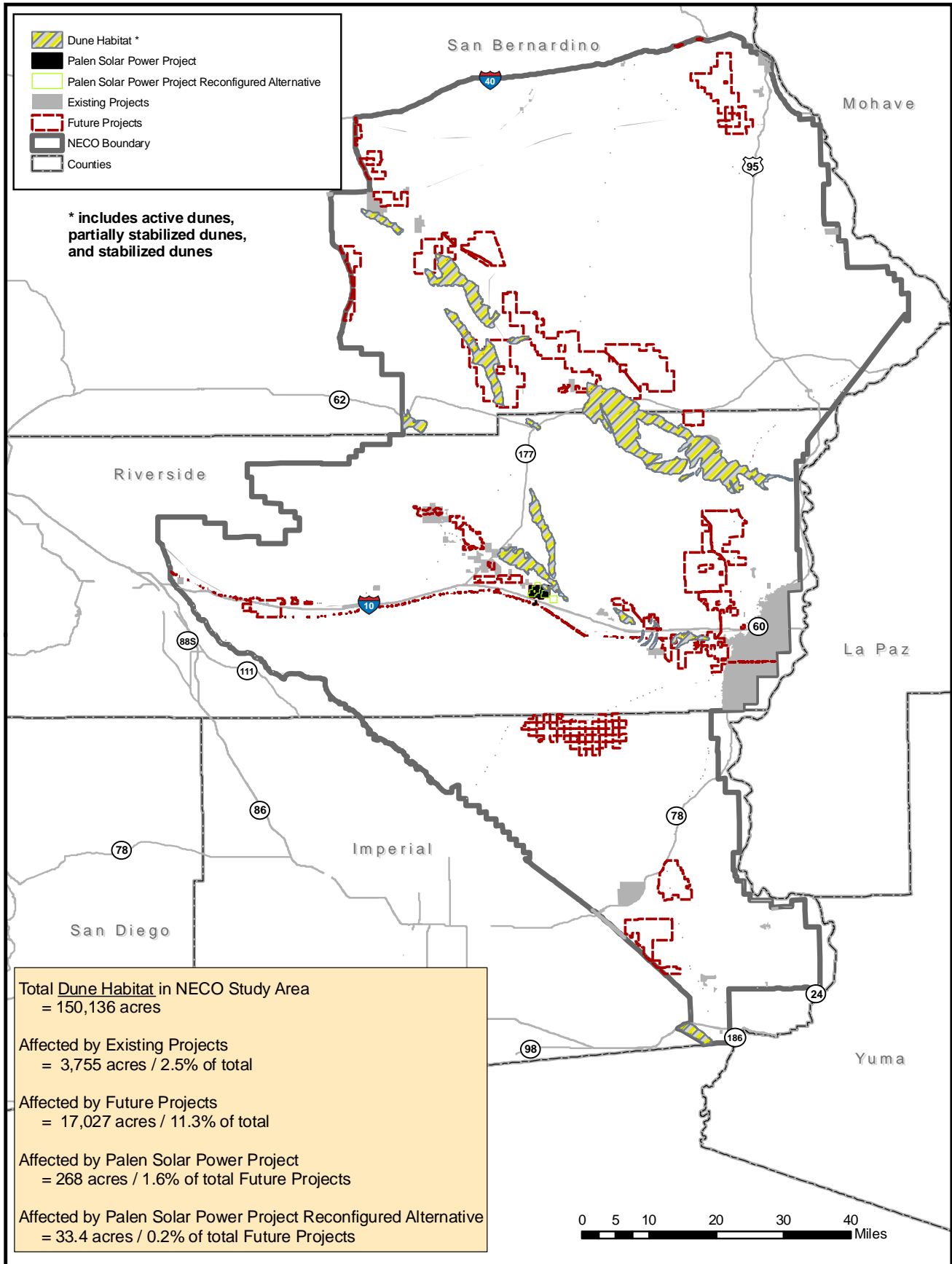


SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

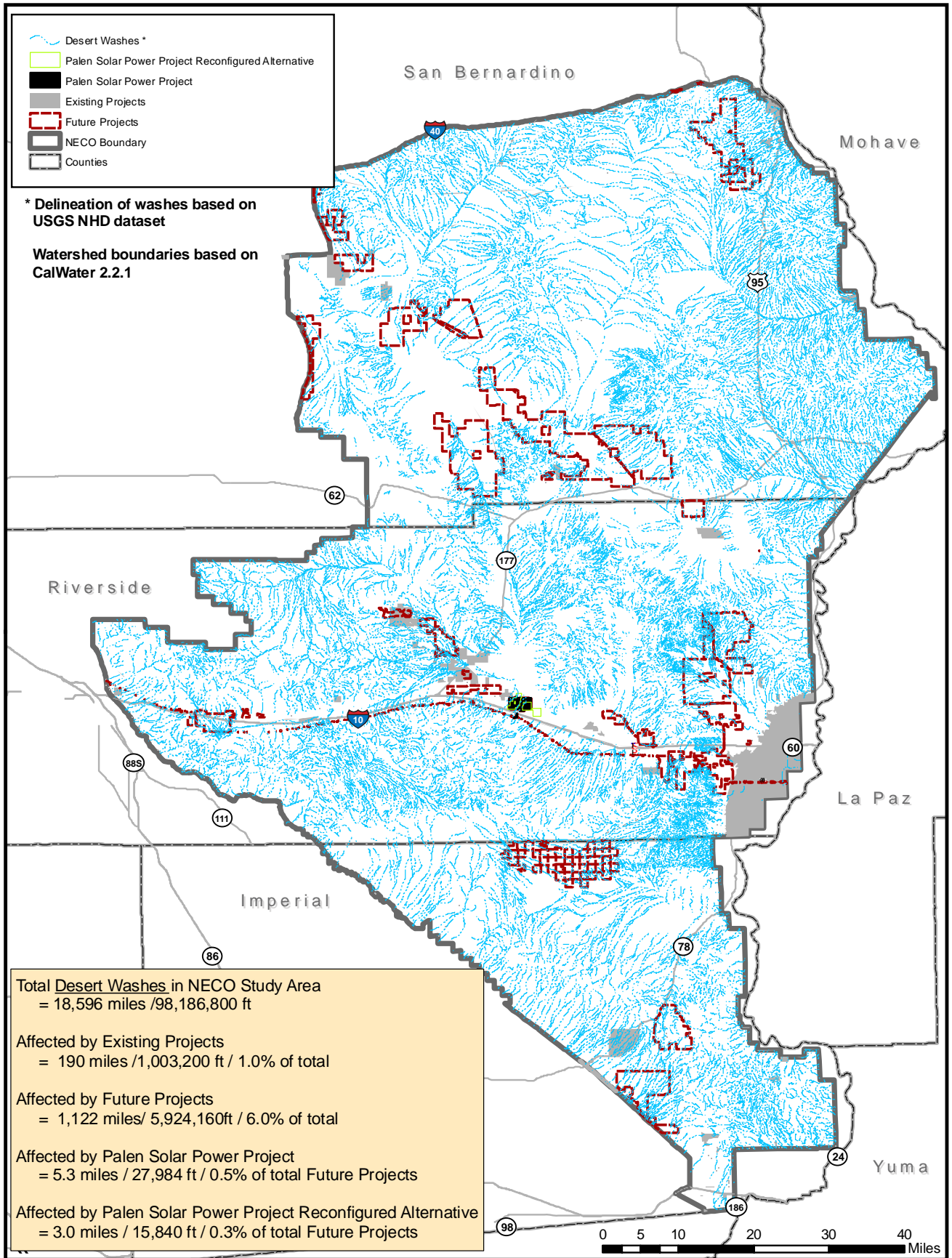
Figure 3.18-2

Desert Dry Wash Woodland-Chuckwalla Valley



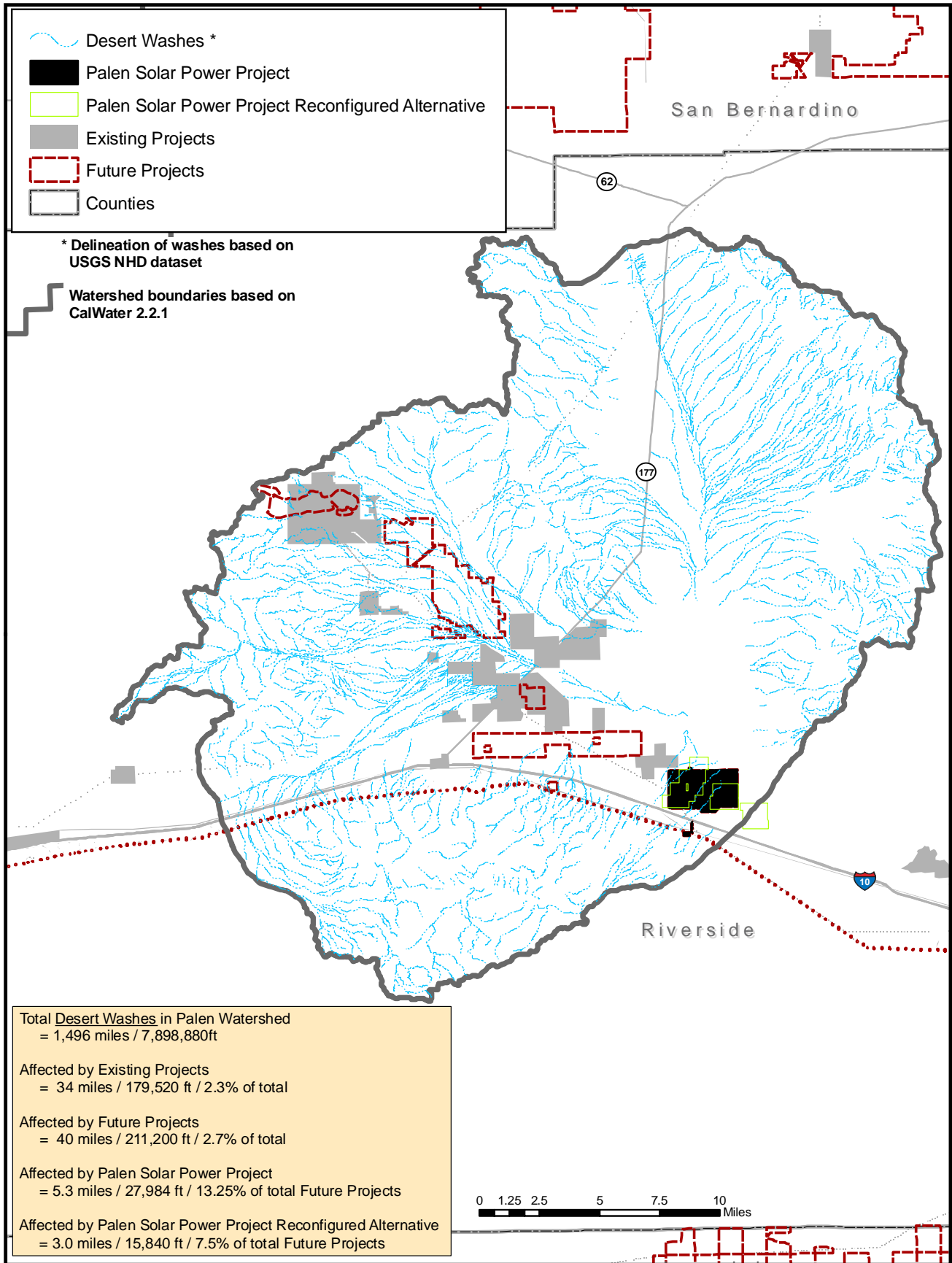
SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.18-3
 Dune Habitat



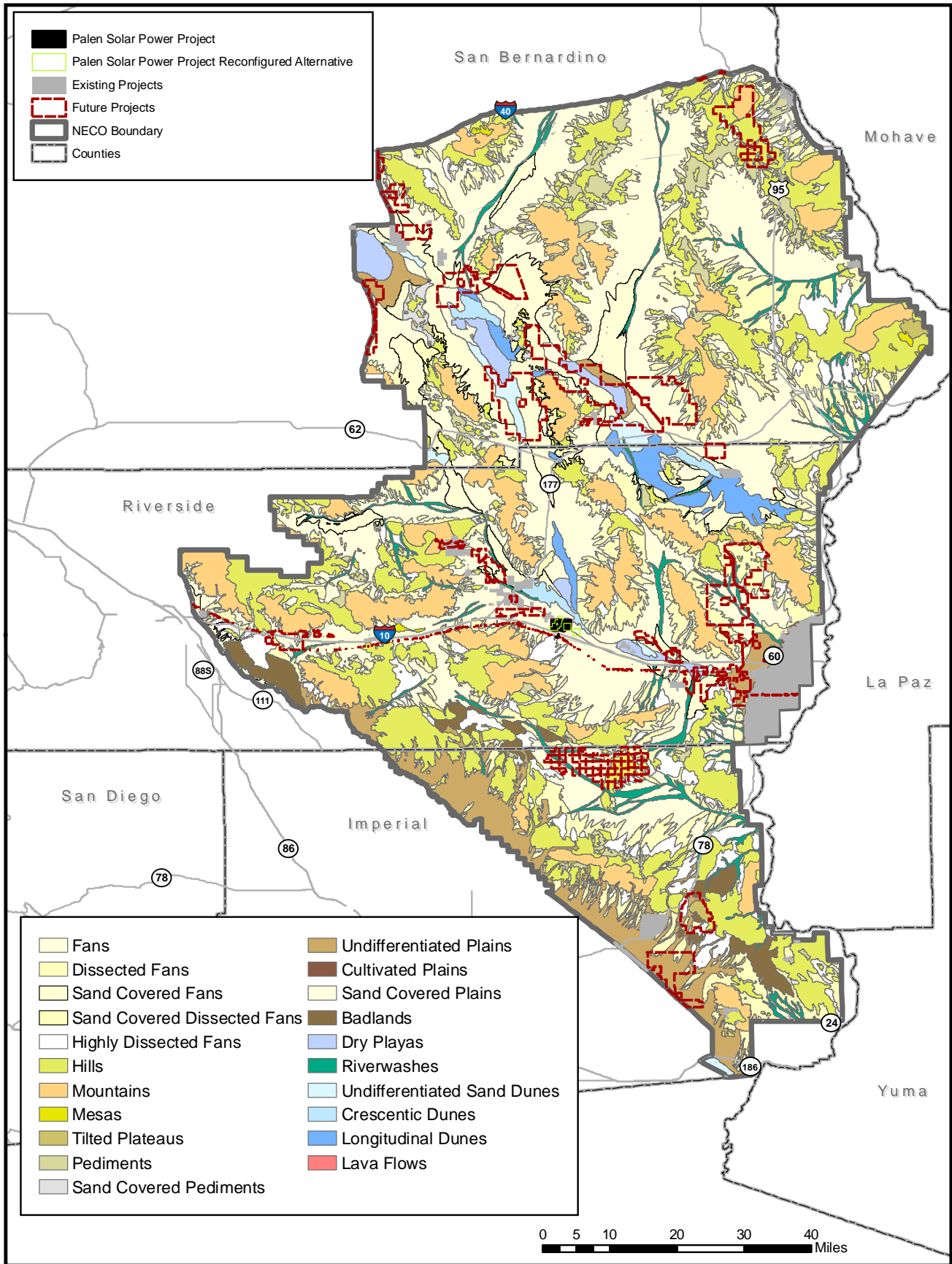
SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.18-4
 Desert Washes



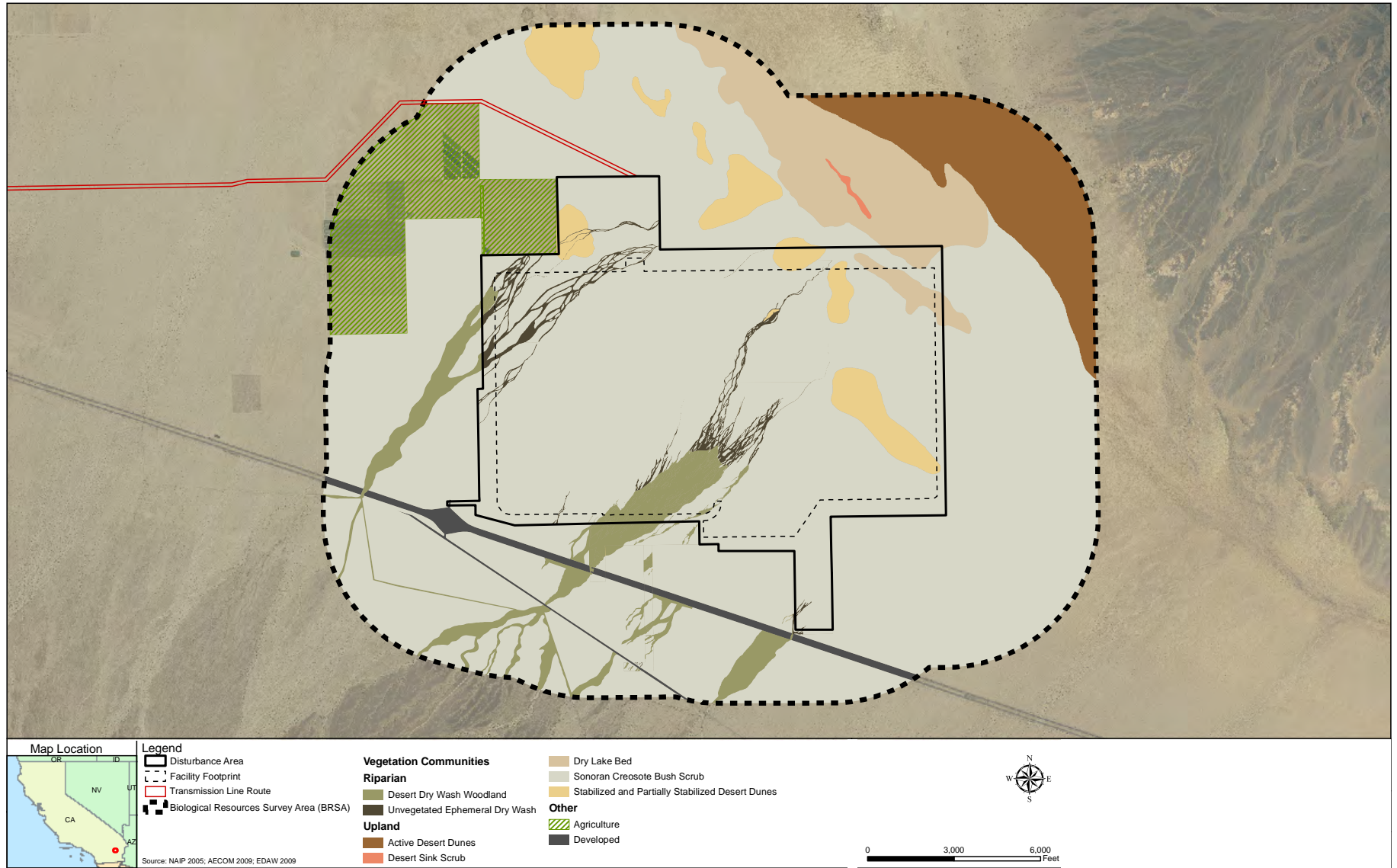
SOURCE: CEC RSA, 2010

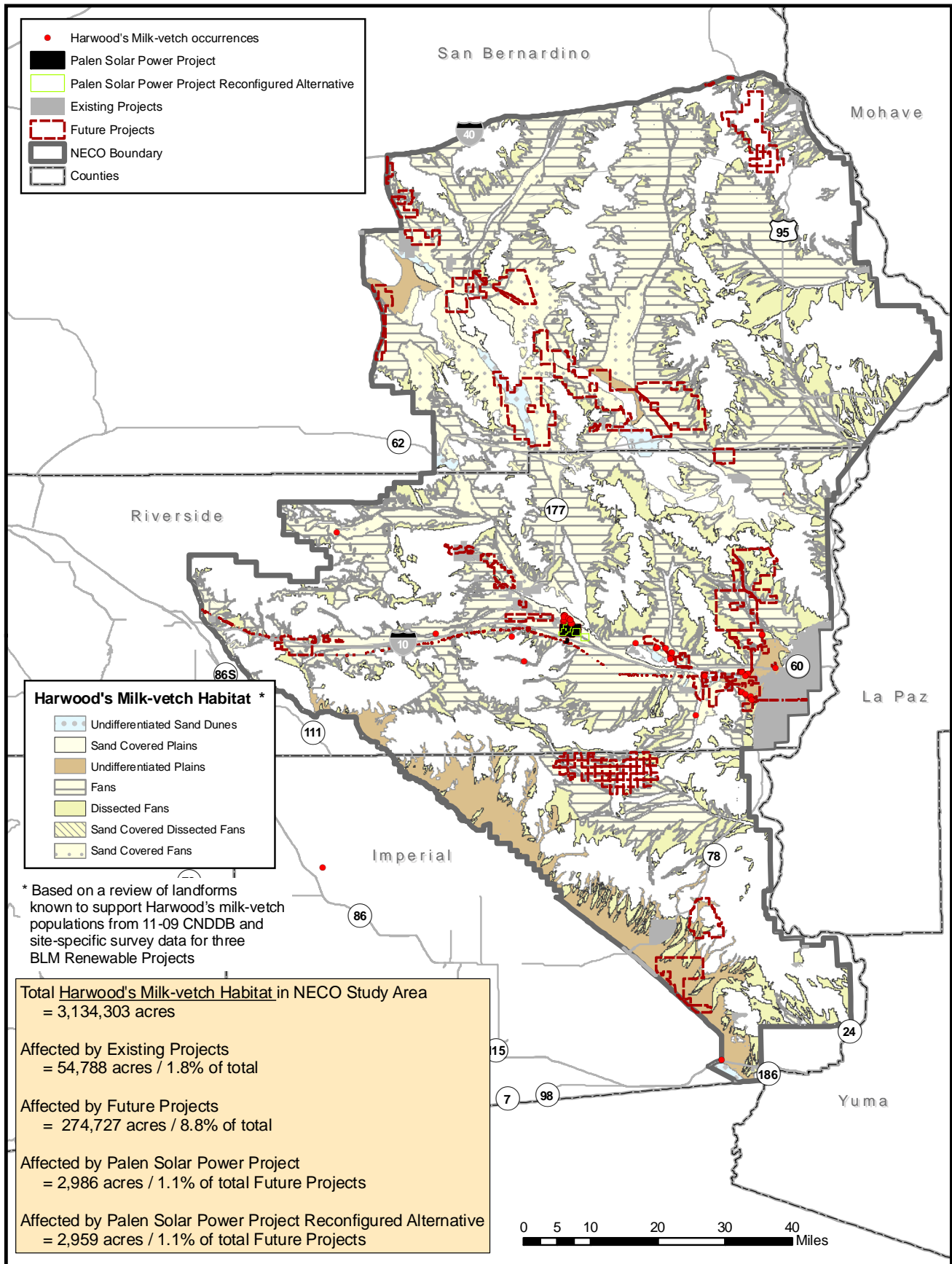
Palen Solar Power Project FEIS . 210291.01
Figure 3.18-5
 Desert Washes - Palen Watershed



SOURCE: CEC RSA, 2010

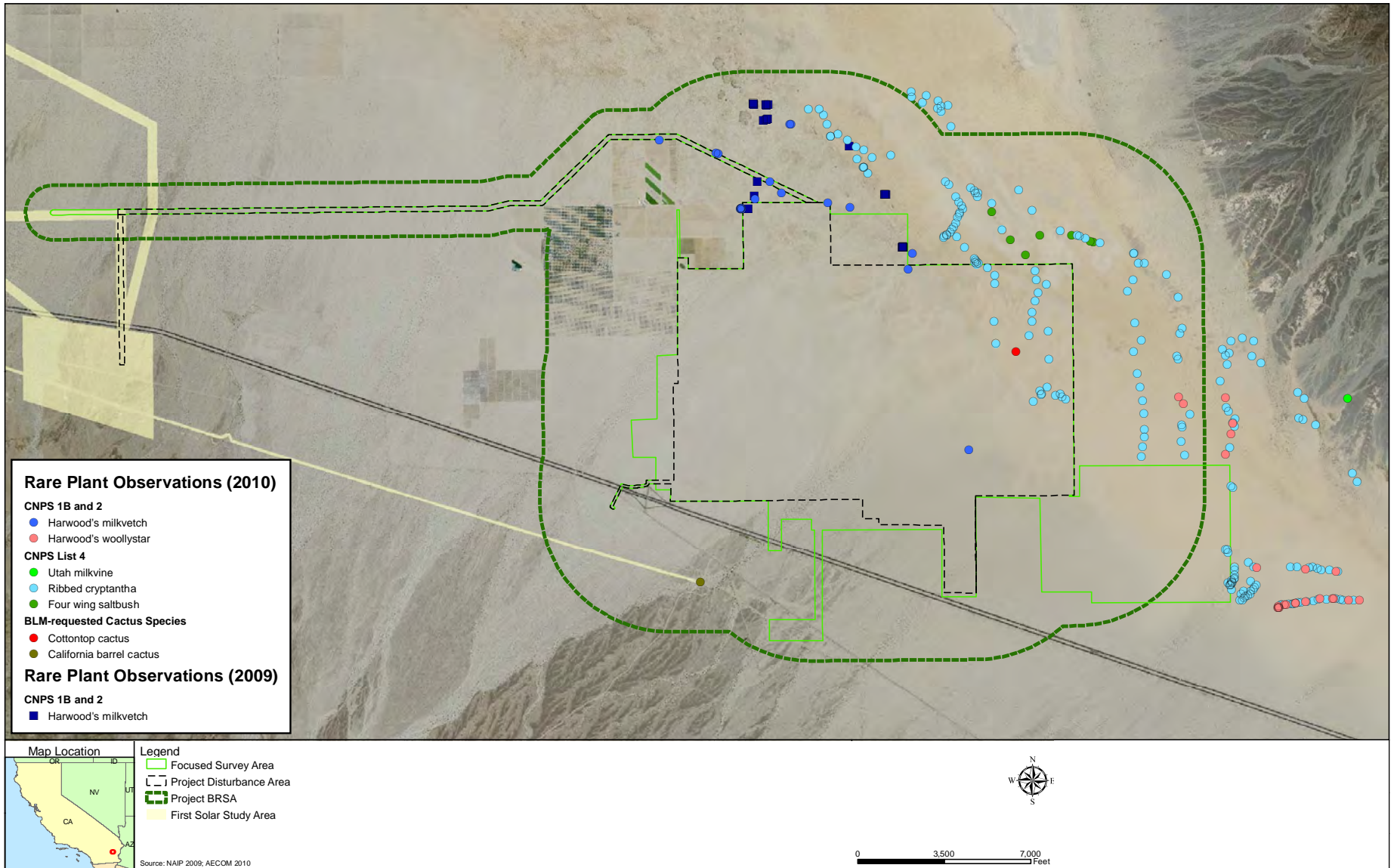
Palen Solar Power Project FEIS . 210291.01
Figure 3.18-6
 Landforms





SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.18-8
 Harwood's Milk-Vetch Habitat







Dry Lake Bed



Ironwood Tree



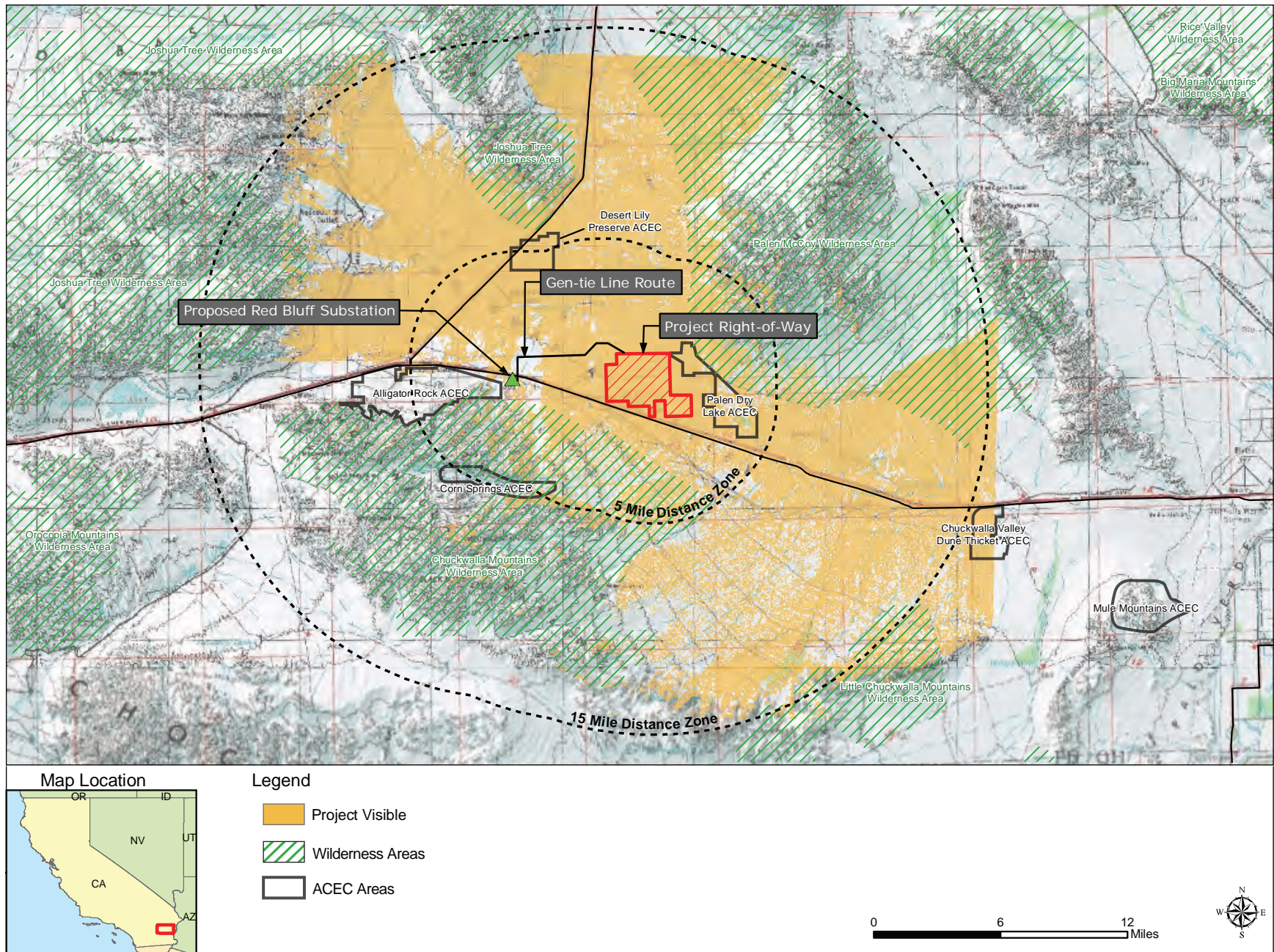
Creosote Scrub



Chuckwalla Valley Road, looking north

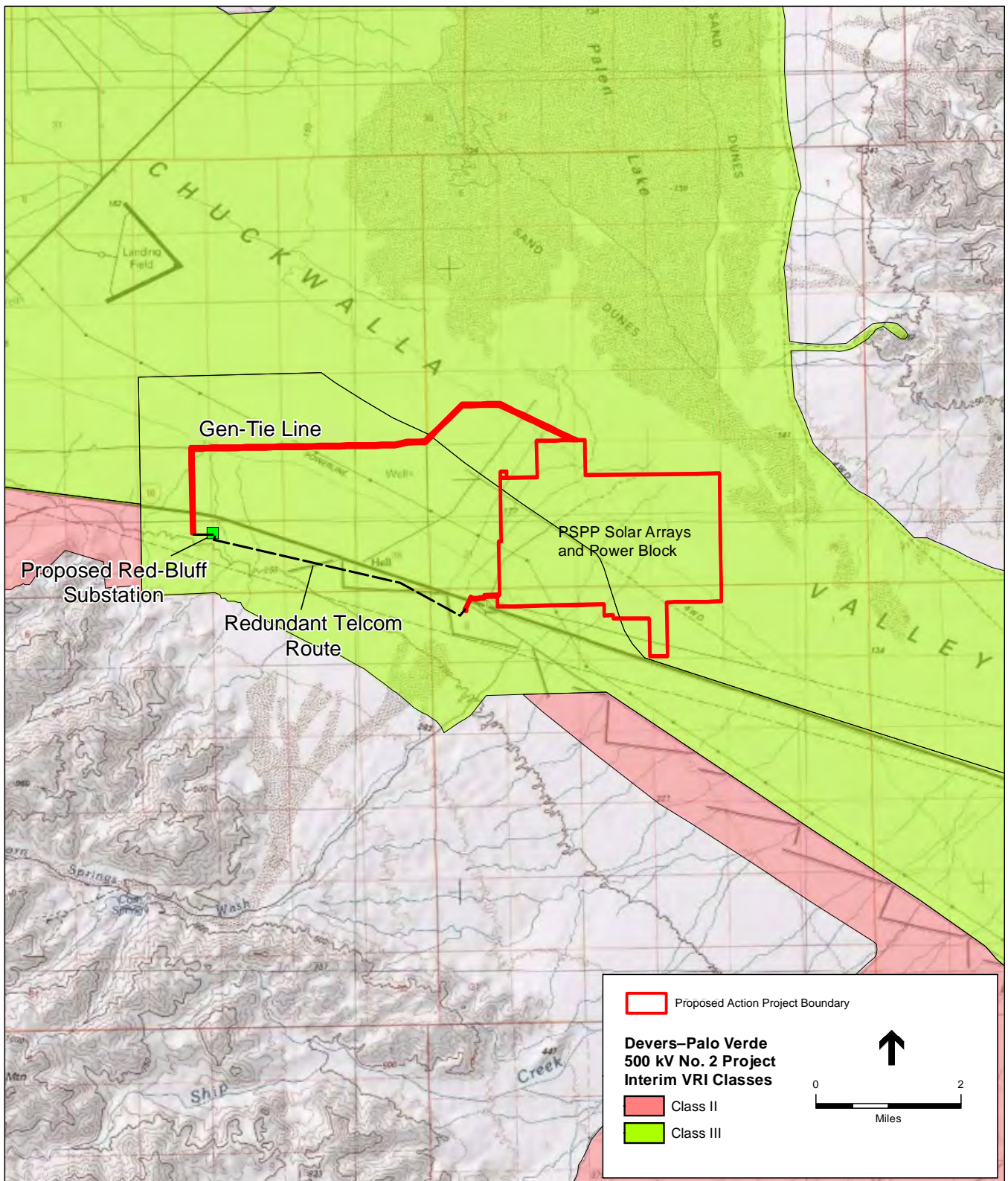


The Flats, Looking East



SOURCE: AFC 2010; ESA, 2010

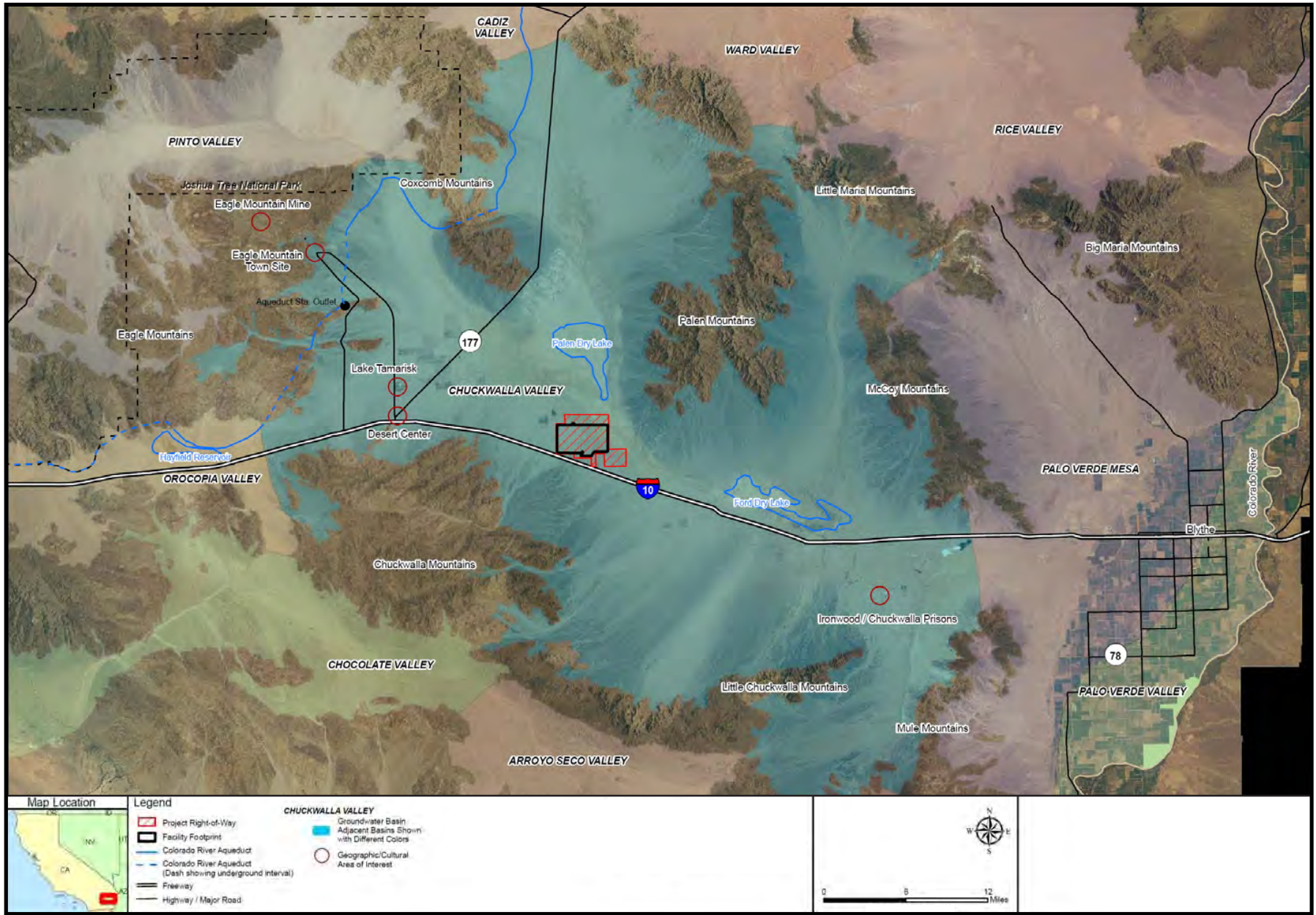
Palen Solar Power Project FEIS . 210291.01
Figure 3.19-3
Project Study Area and Viewshed



SOURCE: CPUC, 2006

Palen Solar Power Project FEIS . 210291.01

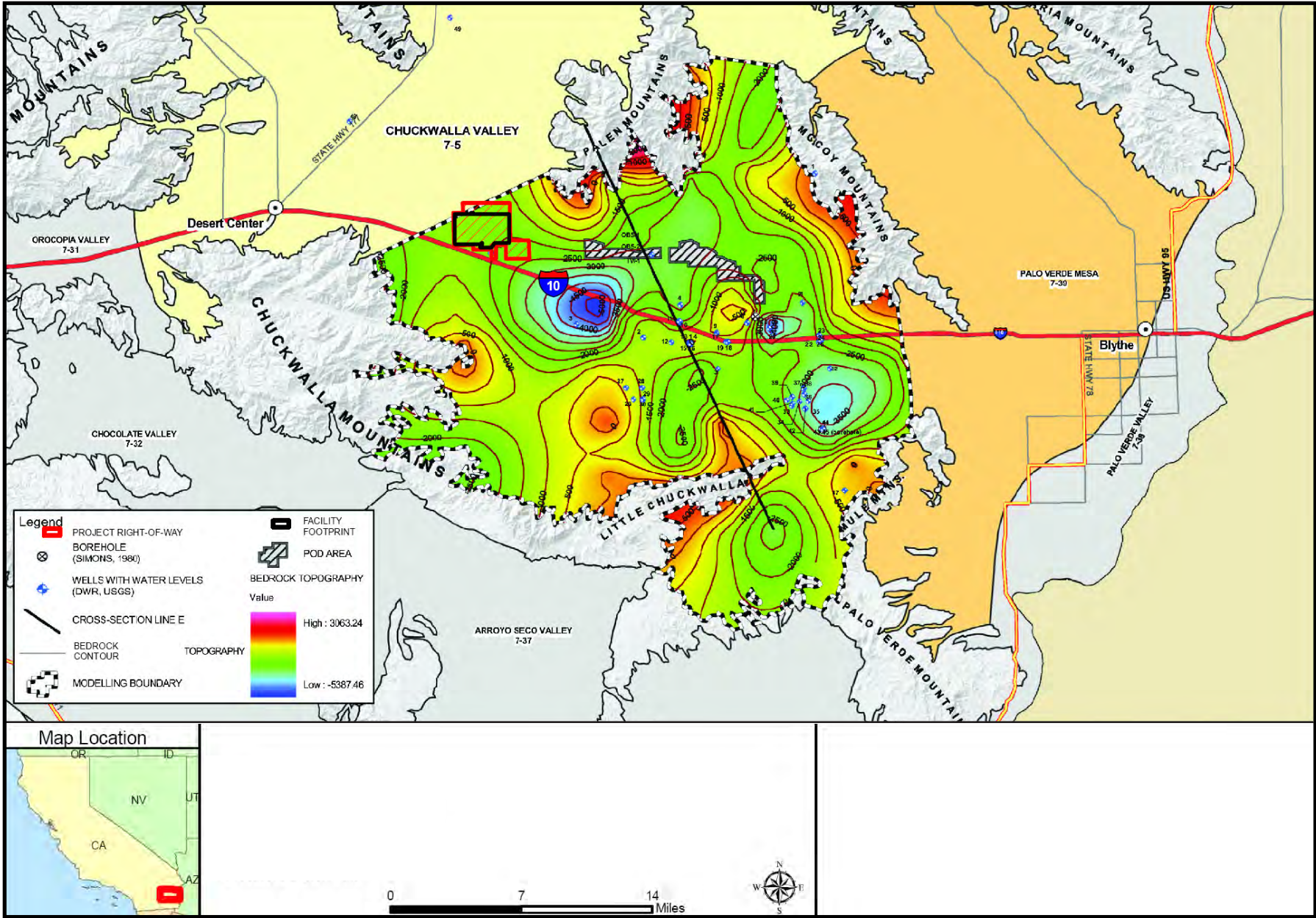
Figure 3.19-4
Interim VRM Classes of the Project Area



SOURCE: CEC/BLM, 2010

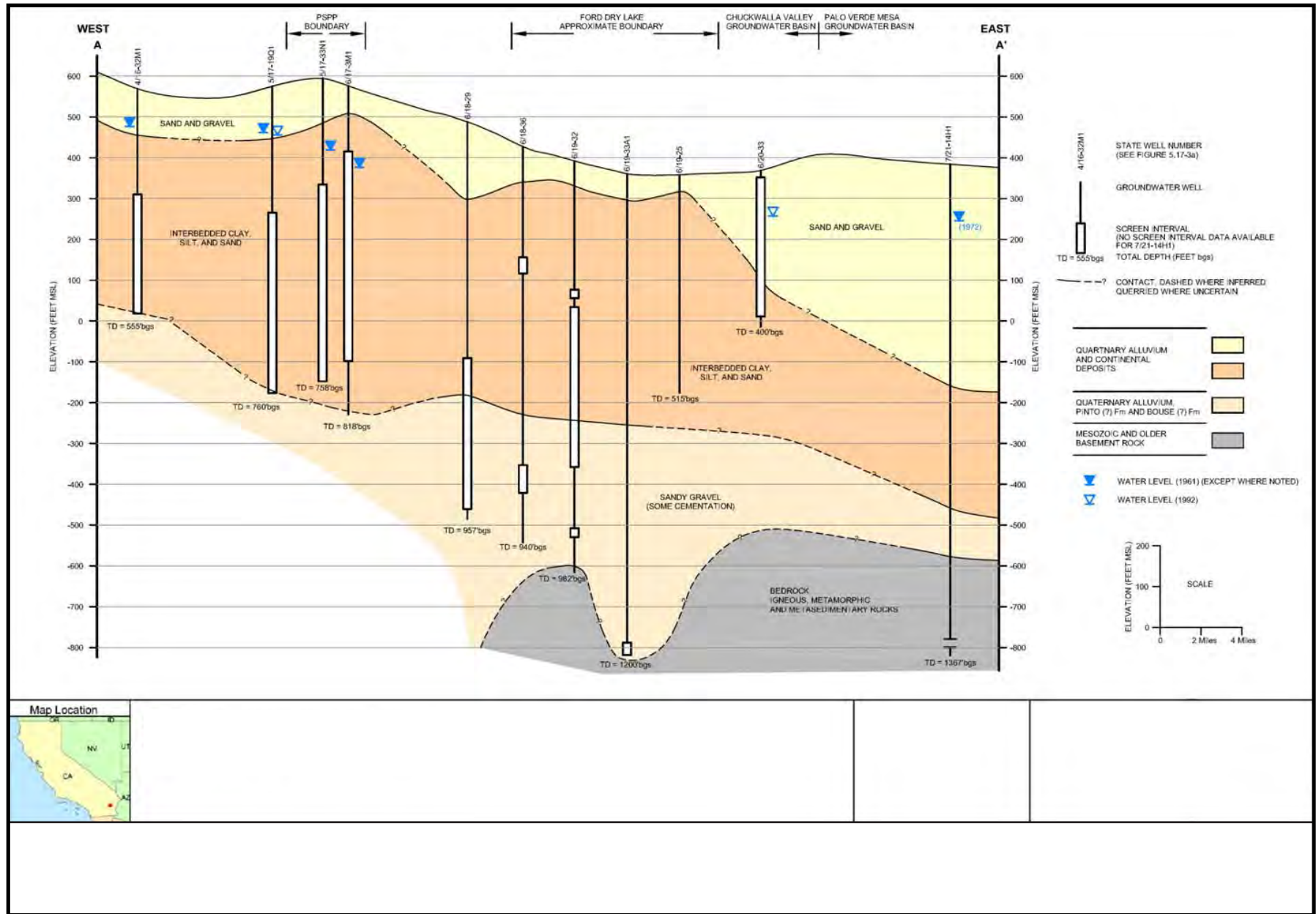
Palen Solar Power Project FEIS . 210291.01

Figure 3.20-1
Chuckwalla Valley Regional Groundwater Basins



SOURCE: CEC/BLM, 2010

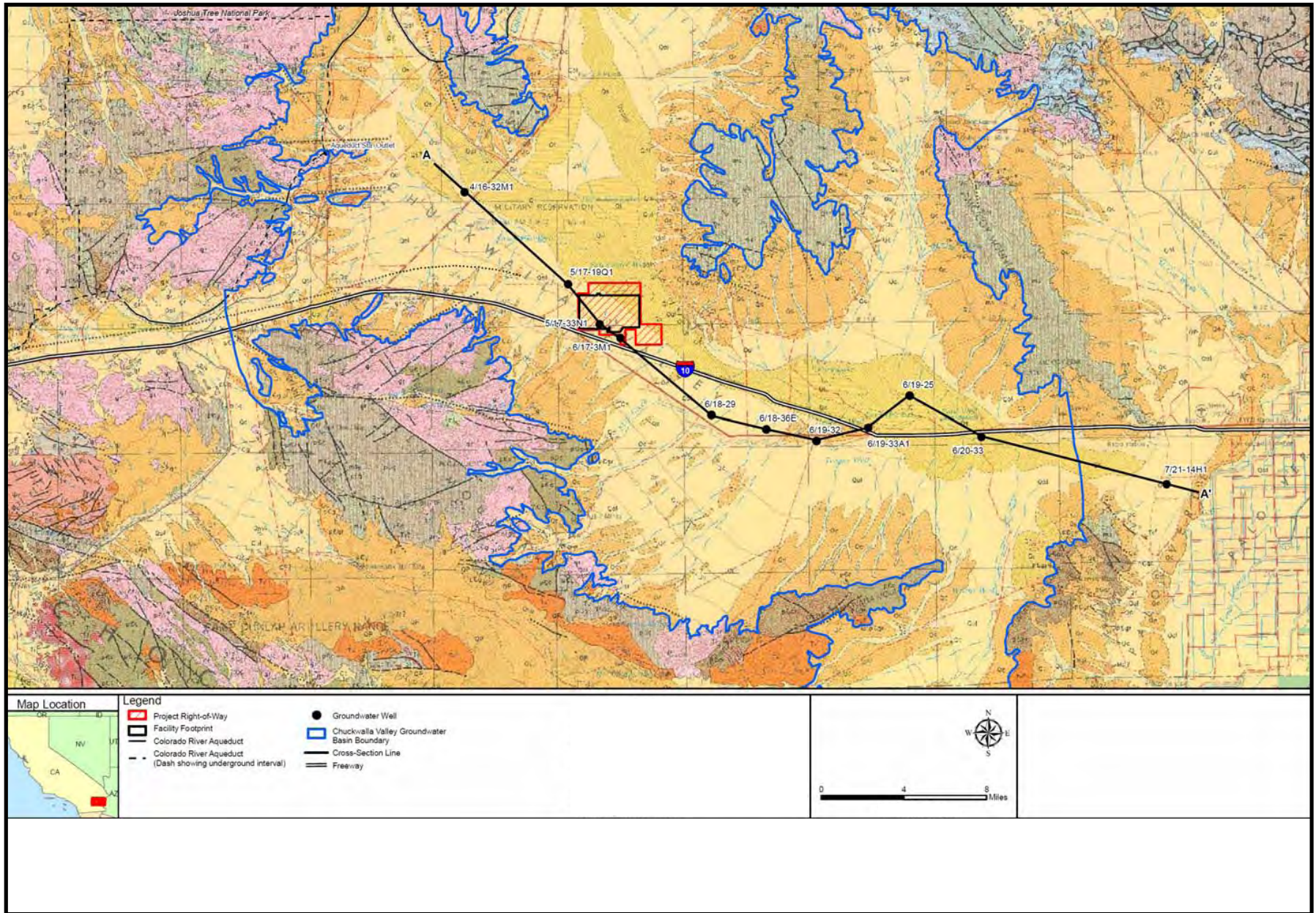
Figure 3.20-2
Chuckwalla Valley Groundwater Basin Bedrock Topography



SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01

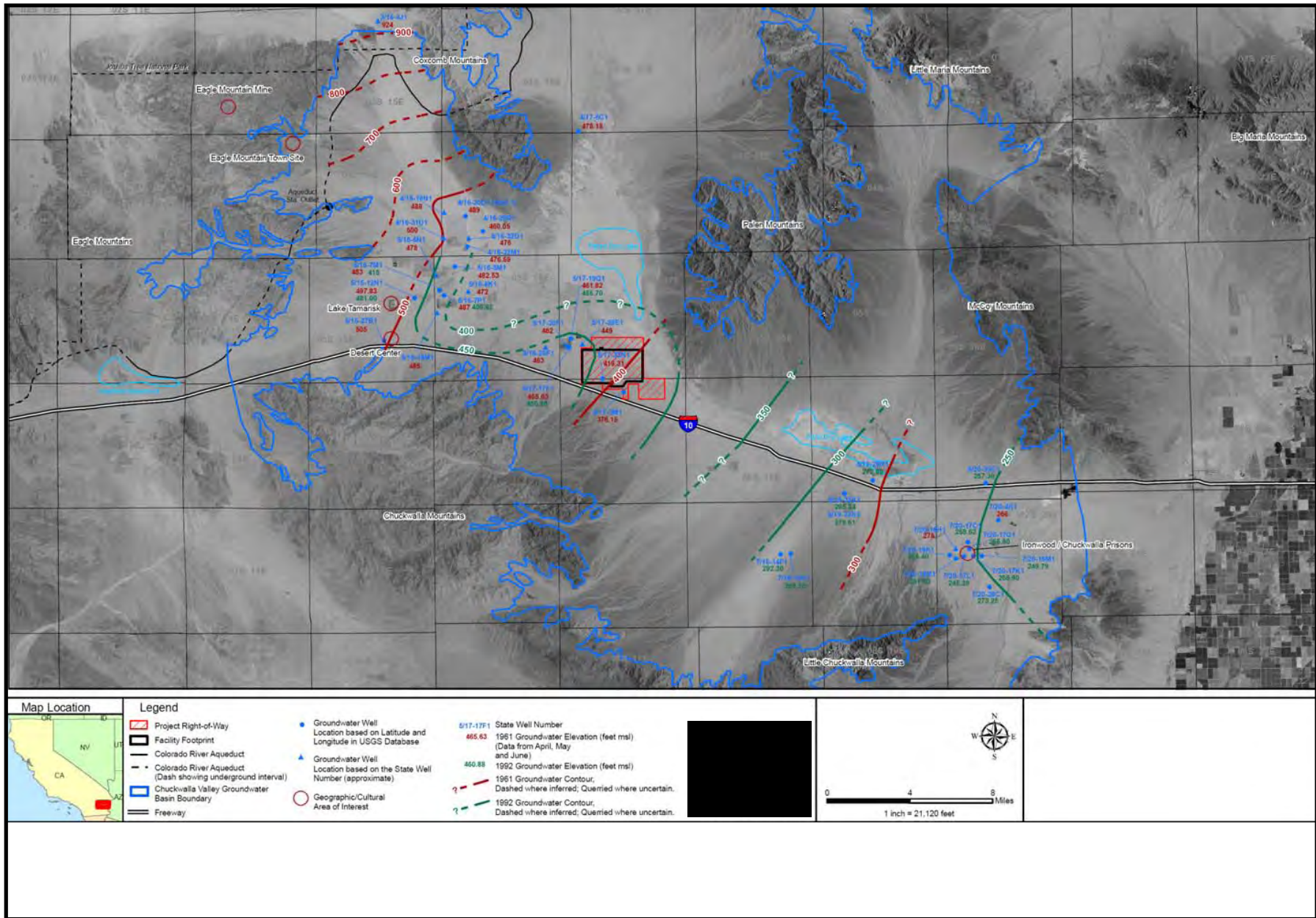
Figure 3.20-3
Chuckwalla Valley Groundwater Basin Cross Section A-A'



SOURCE: CEC/BLM, 2010

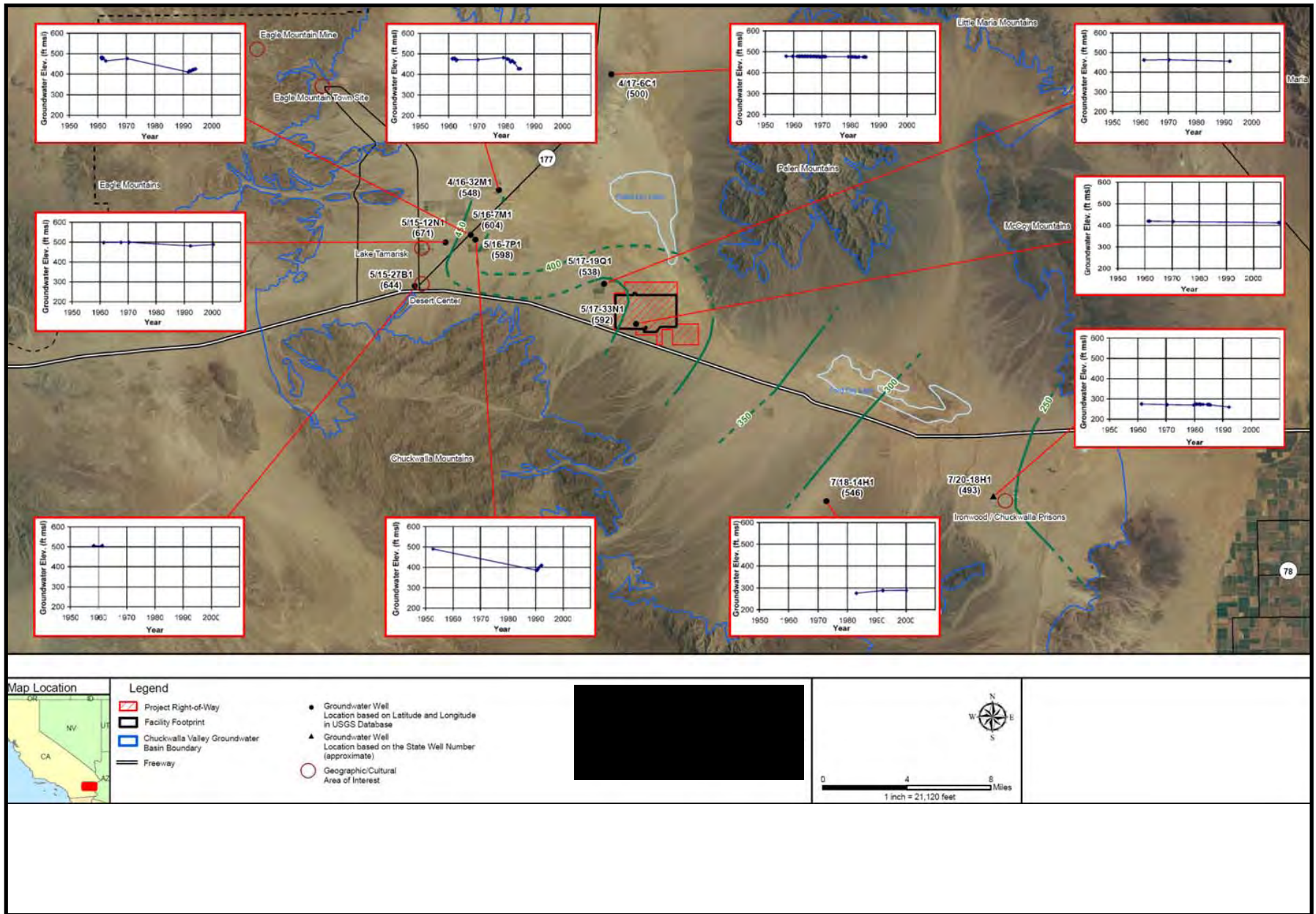
Palen Solar Power Project FEIS . 210291.01

Figure 3.20-4
Regional Geology Map



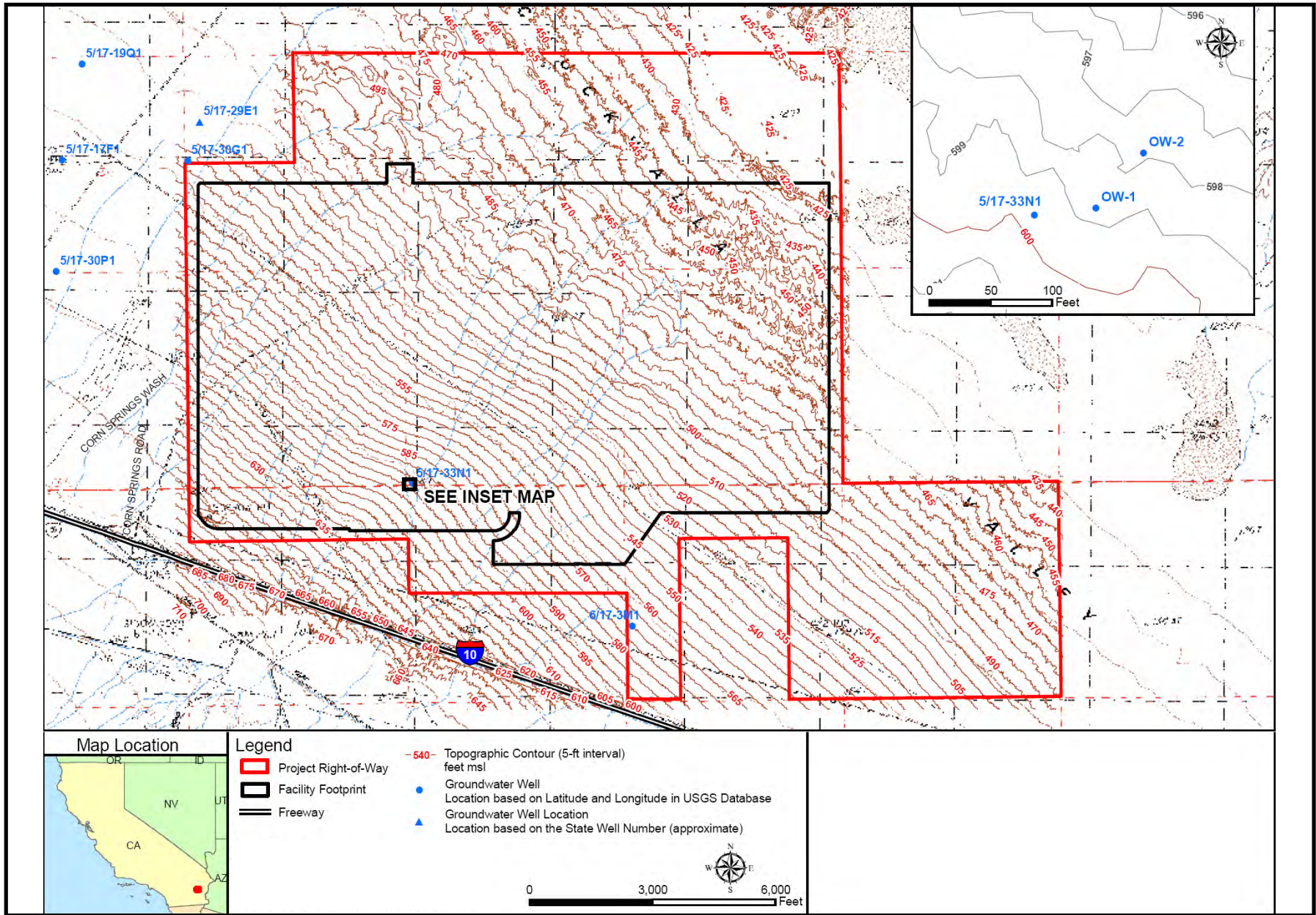
SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.20-5
 Chuckwalla Valley Groundwater Basin
 Pre Project Conditions



SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.20-6
 Basin Wide Groundwater Hydrographs

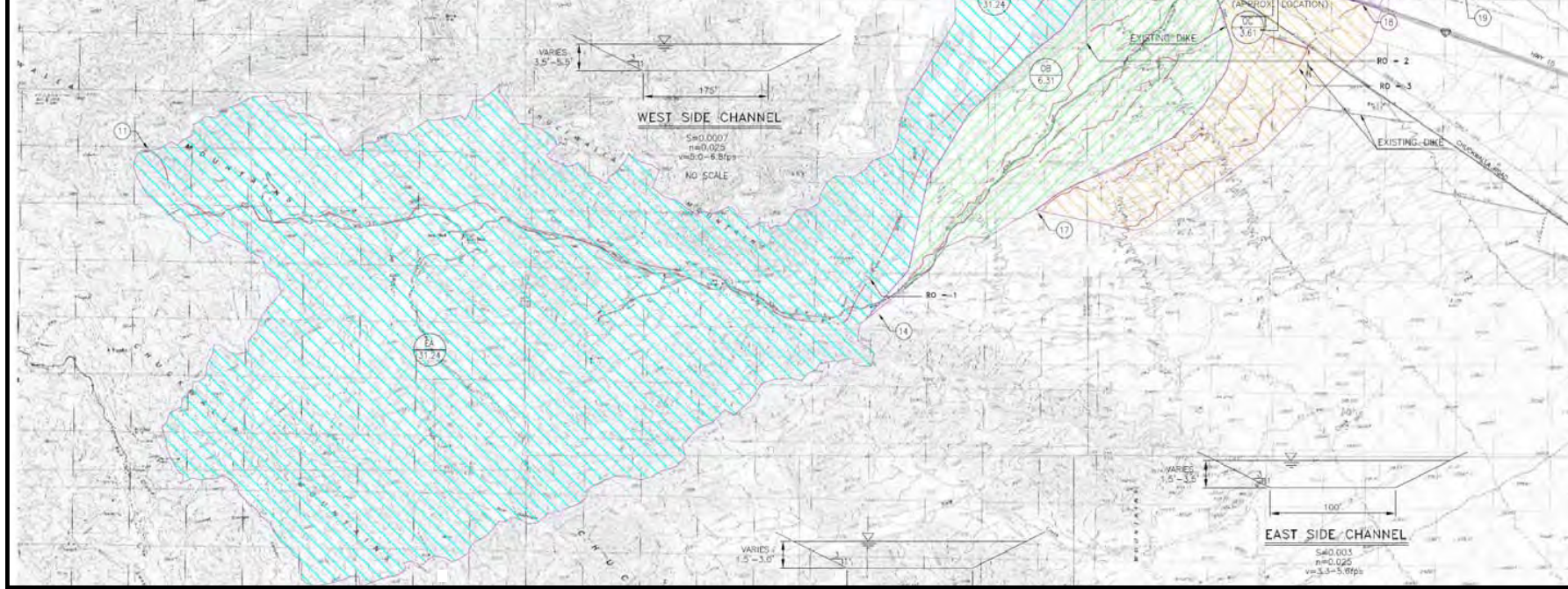


SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 3.20-7
Chuckwalla Valley Groundwater Basin Well Locations

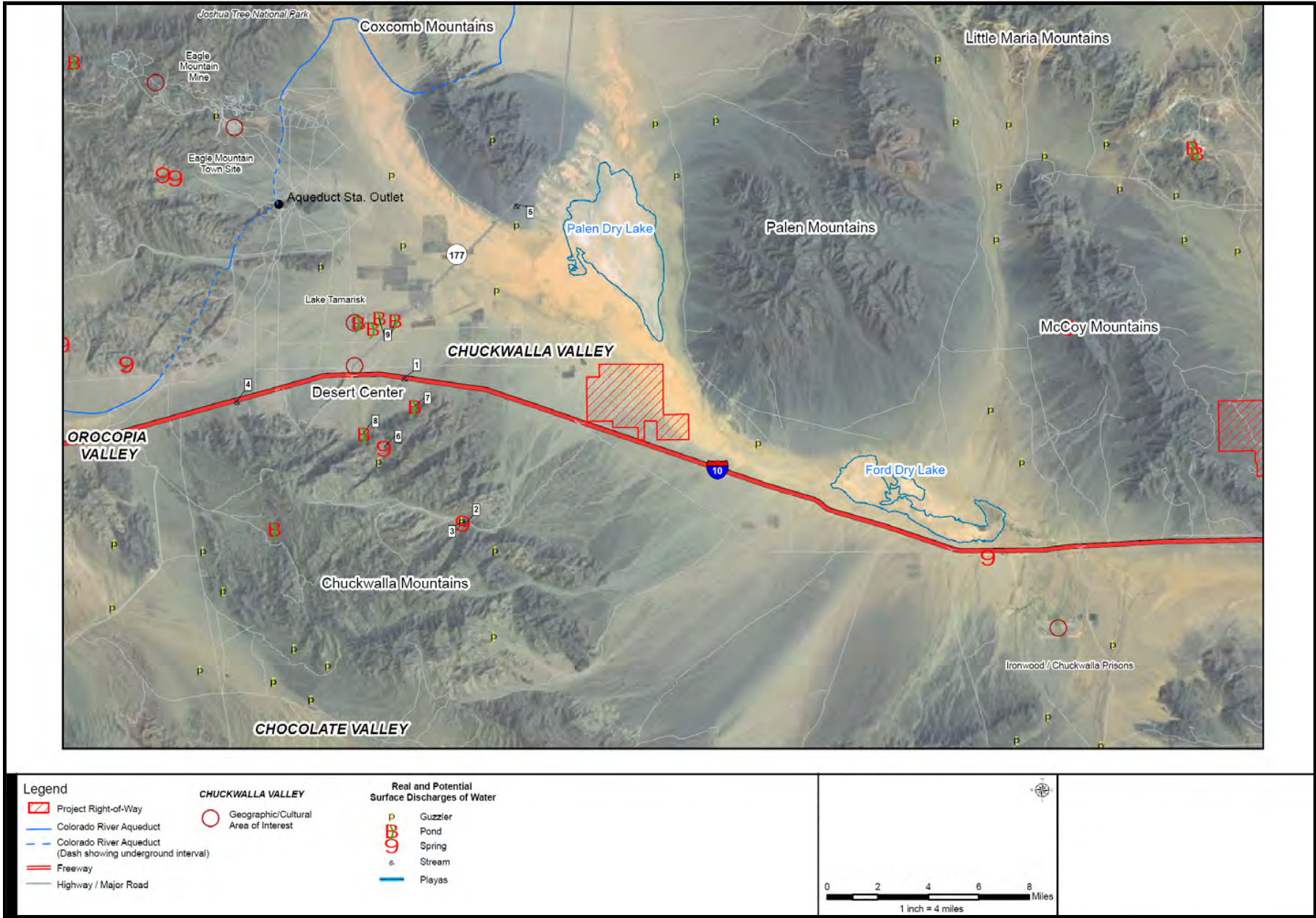
Sub Basin	Area (mi ²)	10 - yr		25 - yr		100 - yr				
		Peak Discharge (cfs)	Node Total		Peak Discharge (cfs)	Node Total		Peak Discharge (cfs)	Node Total	
			Node No.	Peak Discharge (cfs)		Node No.	Peak Discharge (cfs)		Node No.	Peak Discharge (cfs)
OA	31.24	6862	12	6862	9417	12	9417	13705	12	13705
OB	6.31	588	15	588	1097	15	1097	2108	15	2108
OC	3.61	414	18	414	778	18	778	1491	18	1491
OD	1.04	14	13	6875	79	13	9445	287	13	13570
OE	0.59	8	16	611	46	16	1135	173	16	2174
OF	0.95	11	19	515	50	19	971	172	19	1877
OG	0.69	7	20	6876	30	20	9452	122	20	13770
OHa	1.65	22	22	606	127	22	1142	524	22	2206
OHb	0.66	7.5	23	618	36	23	1169	147	23	2268
OHc	0.62	6	25	6	33.5	25	33.5	138	25	138
Ola	0.75	10	26	517	55	26	1009	239	26	1983
Olb	0.20	3	27	3	17	27	17	67	27	67
MA	0.49	110	21	6873	205	21	9453	387	21	13770
MB	0.58	104	24	618	196	24	1169	376	24	2268
MC	0.63	108	28	517	201	28	1009	384.5	28	1983



SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01

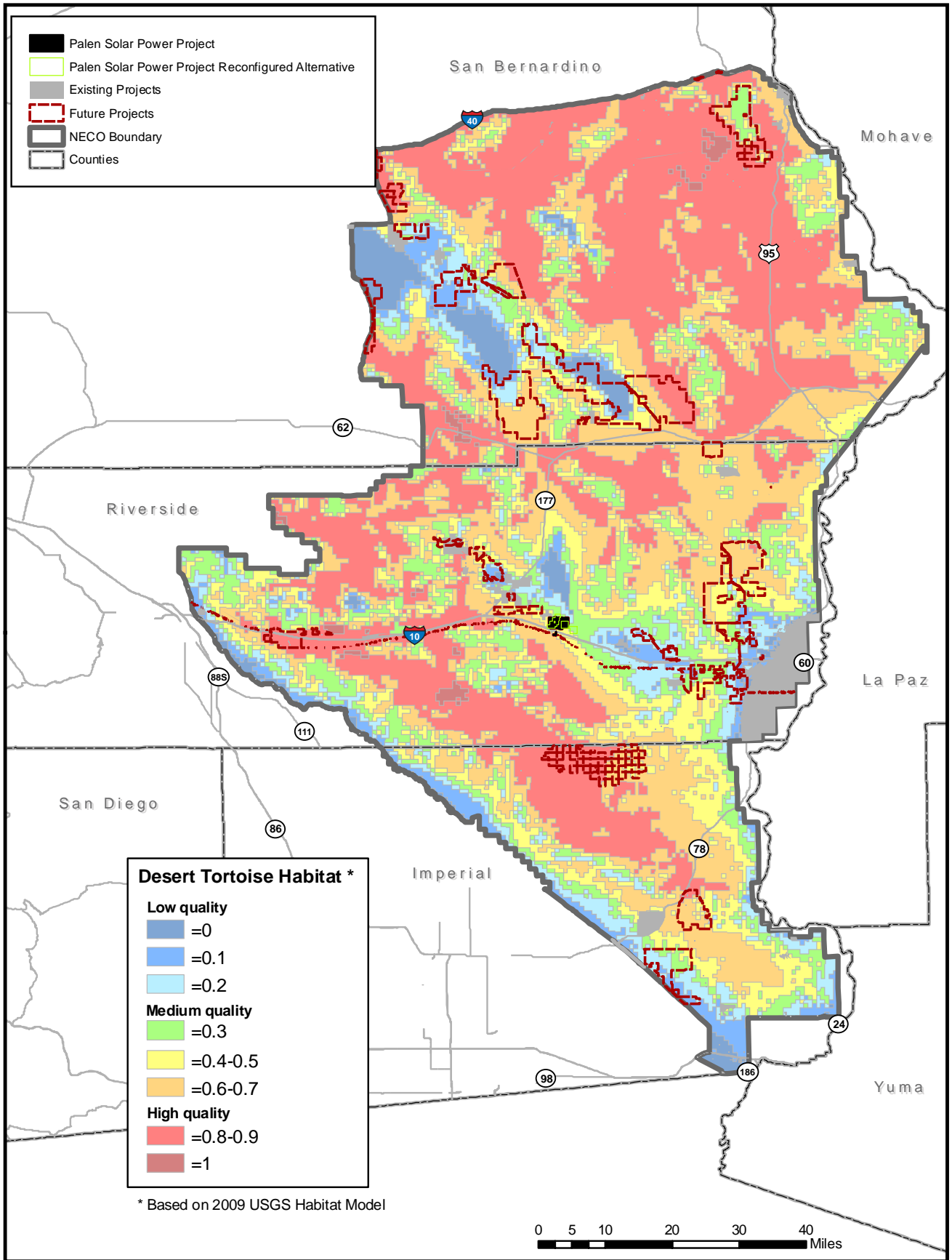
Figure 3.20-8
Developed Project Hydrology



SOURCE: CEC/BLM, 2010

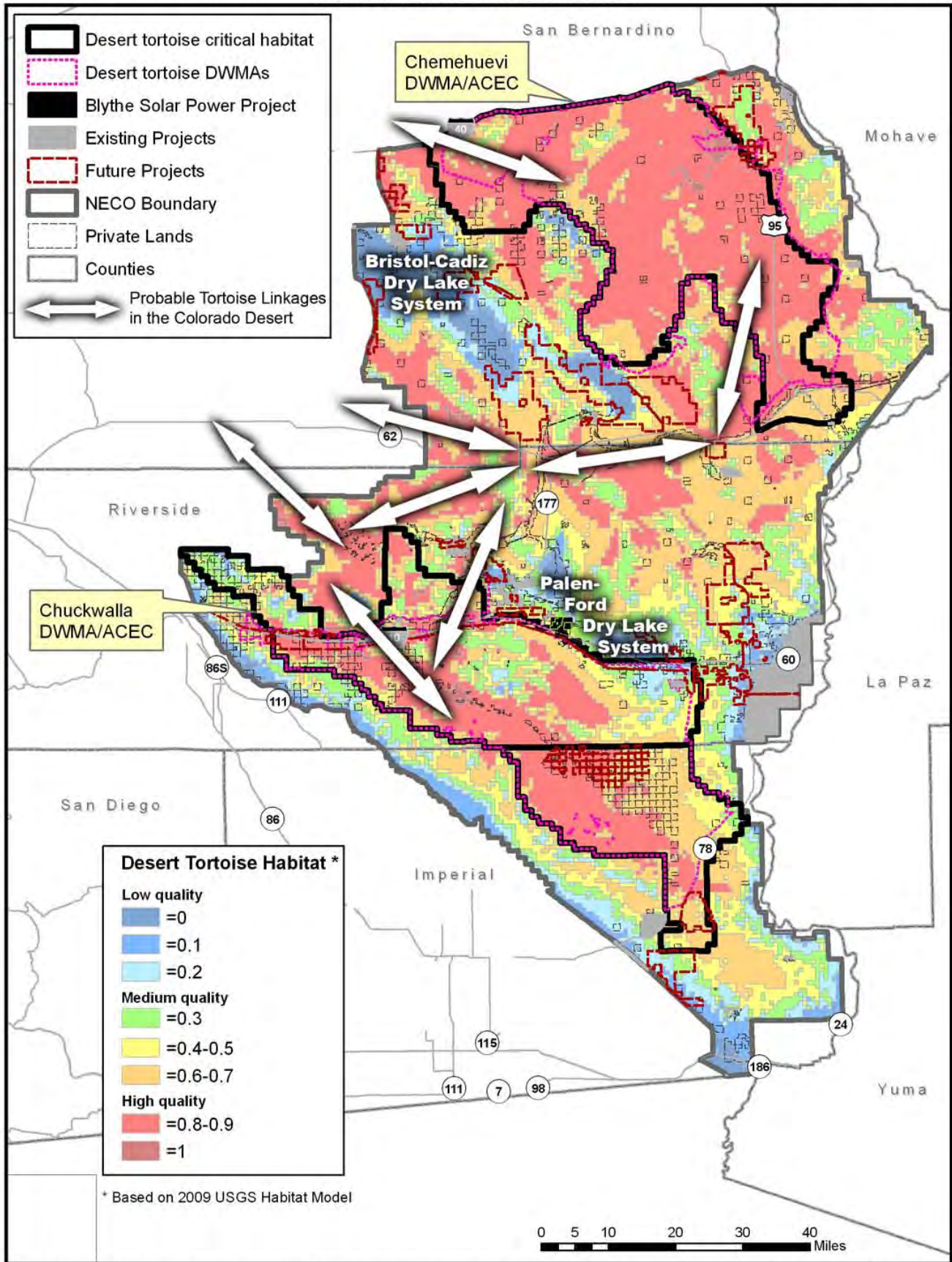
Palen Solar Power Project FEIS . 210291.01

Figure 3.20-9
Chuckwalla Valley Springs and Seep



SOURCE: CEC RSA, 2010

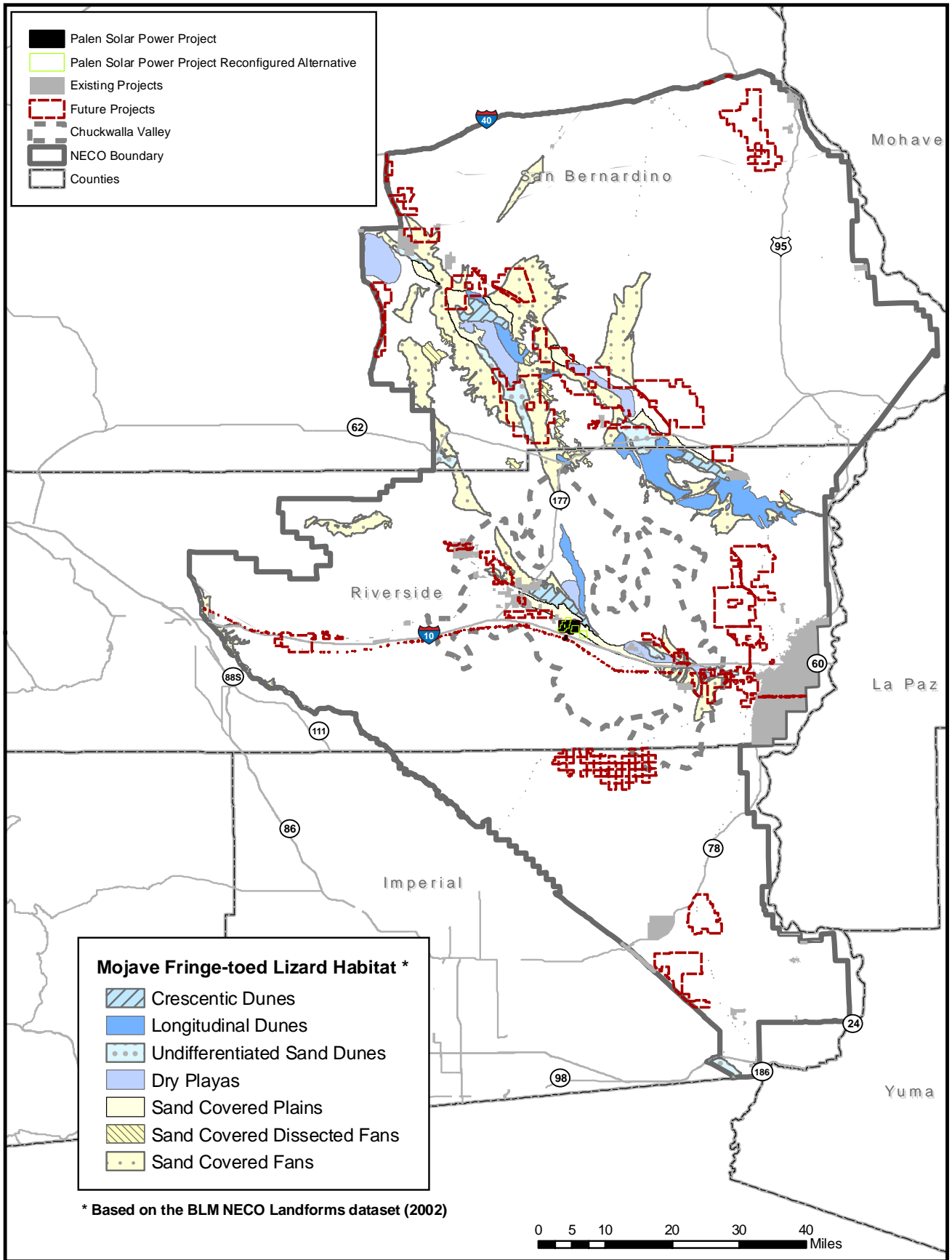
Palen Solar Power Project FEIS . 210291.01
Figure 3.23-1
 Desert Tortoise Habitat



SOURCE: CEC RSA, 2010

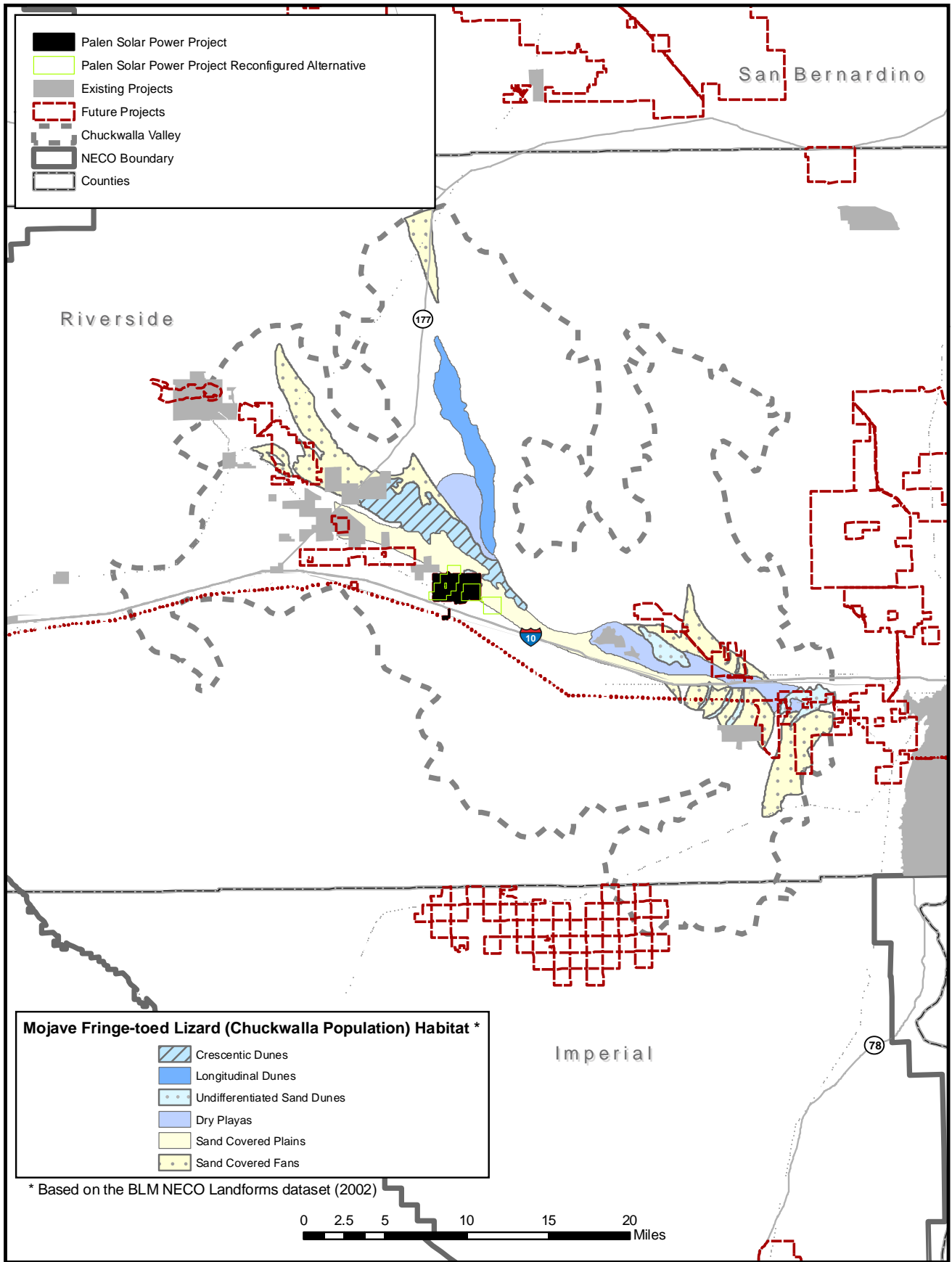
Palen Solar Power Project FEIS . 210291.01

Figure 3.23-2
Desert Tortoise Chuckwalla to Chemehuevi
DWMA's and Critical Habitat



SOURCE: CEC RSA, 2010

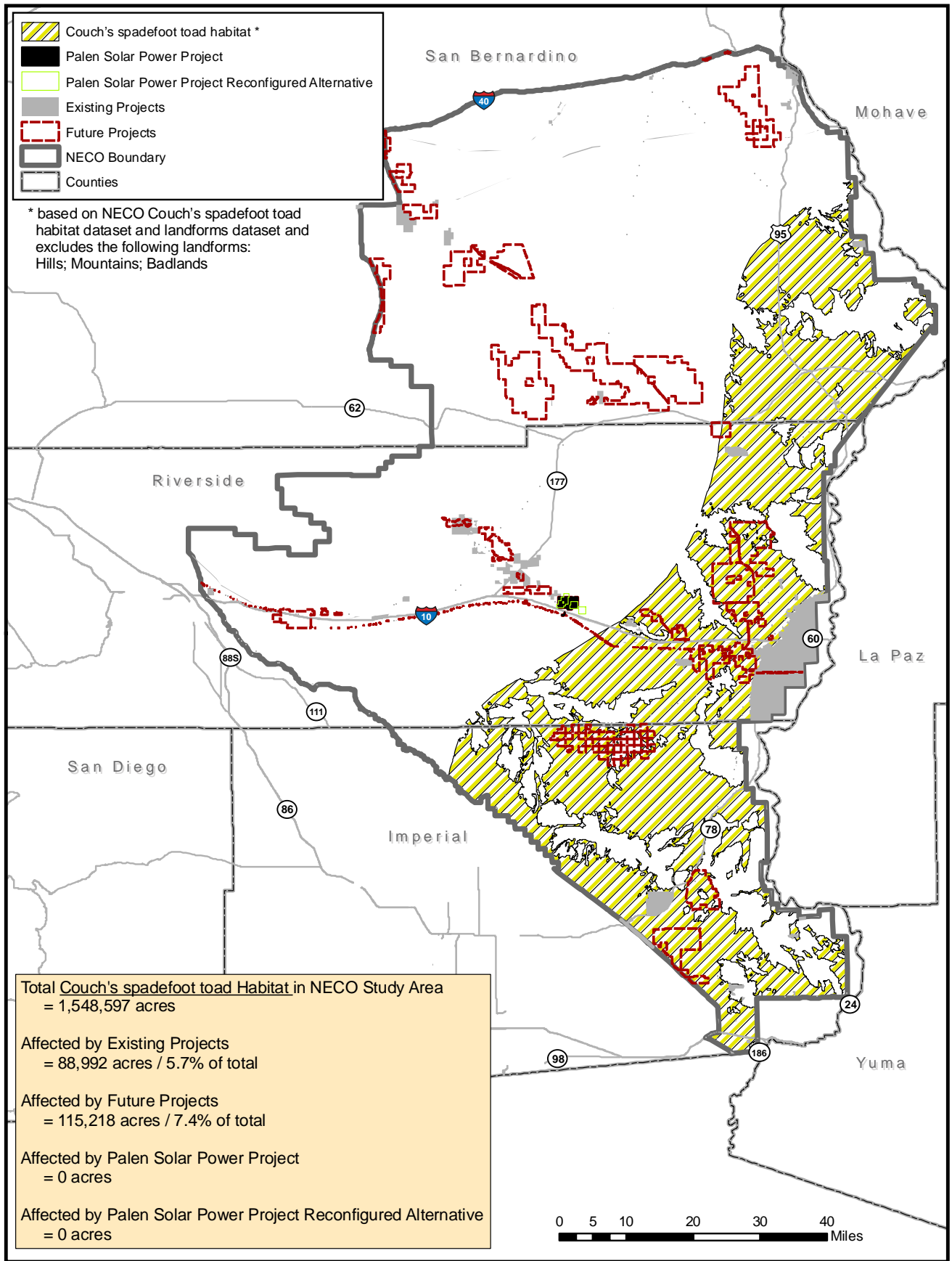
Palen Solar Power Project FEIS . 210291.01
Figure 3.23-3
 Mojave Fringe-Toed Lizard Habitat



SOURCE: CEC RSA, 2010

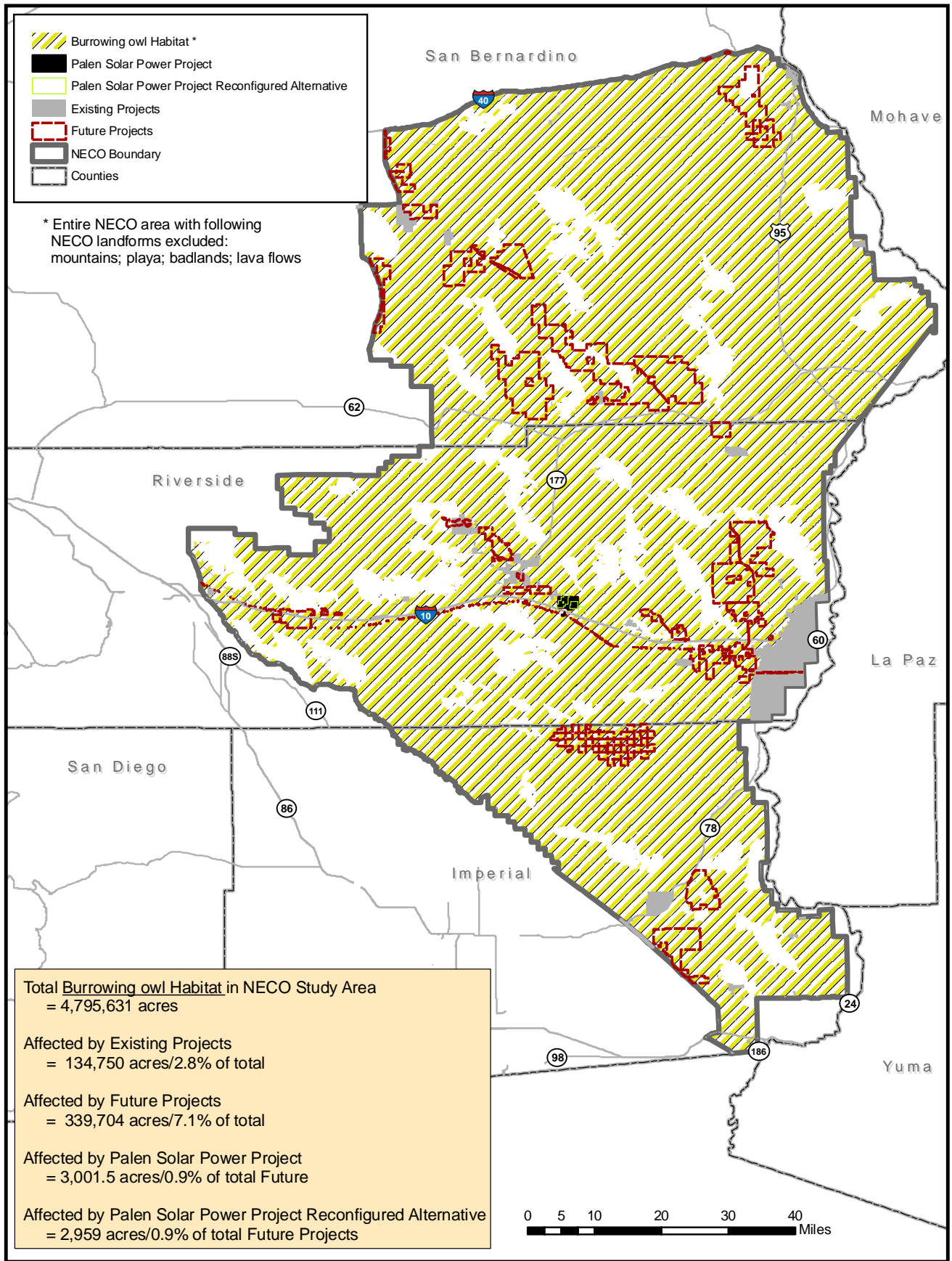
Palen Solar Power Project FEIS . 210291.01

Figure 3.23-4
Mojave Fringe-Toed Lizard Habitat
Chuckwalla Population



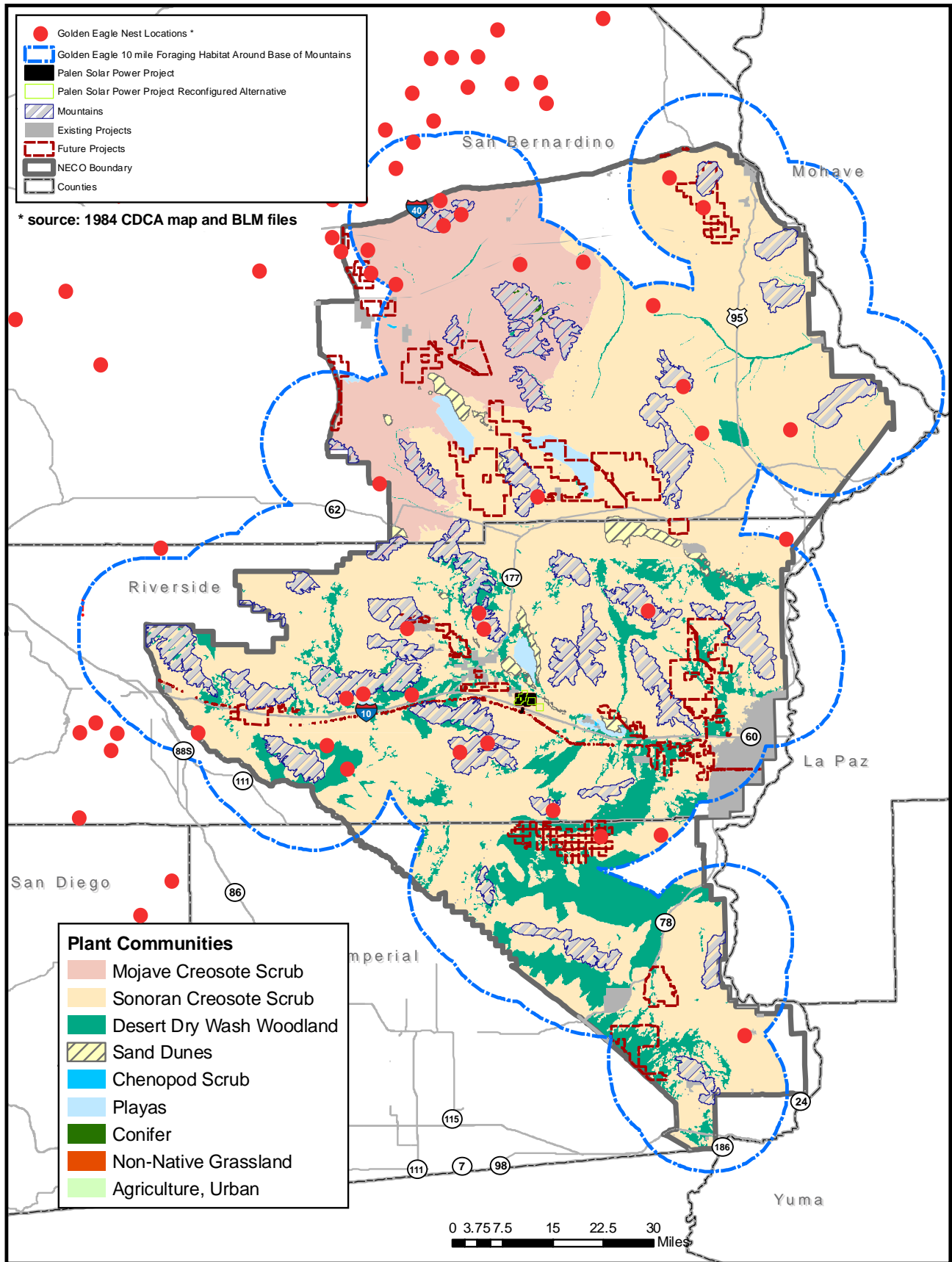
SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.23-5
 Couch's Spadefoot Toad Habitat



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.23-6
 Burrowing Owl Habitat

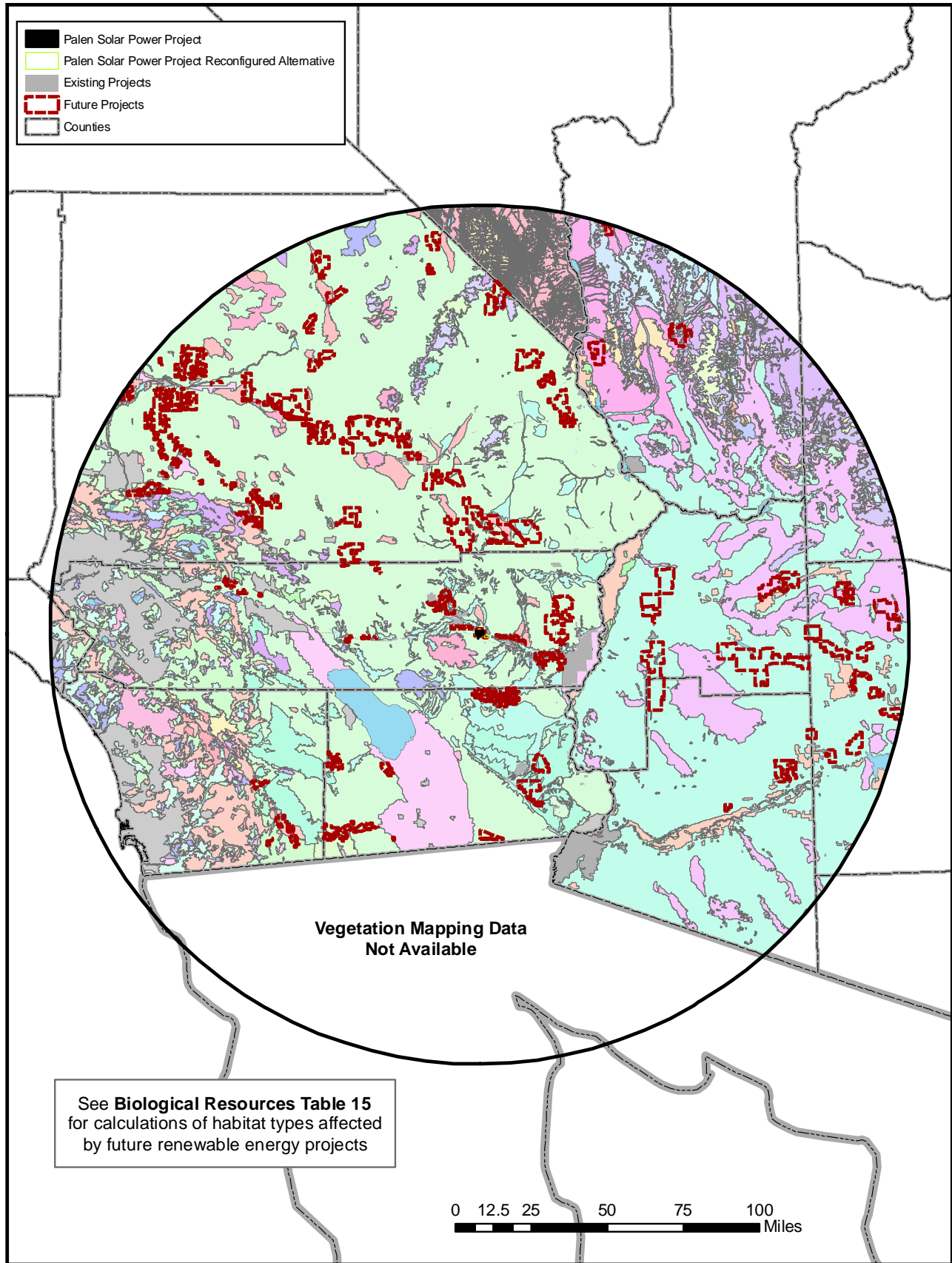


SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 3.23-7

Golden Eagle Foraging Habitat within 10 Miles of Mountains

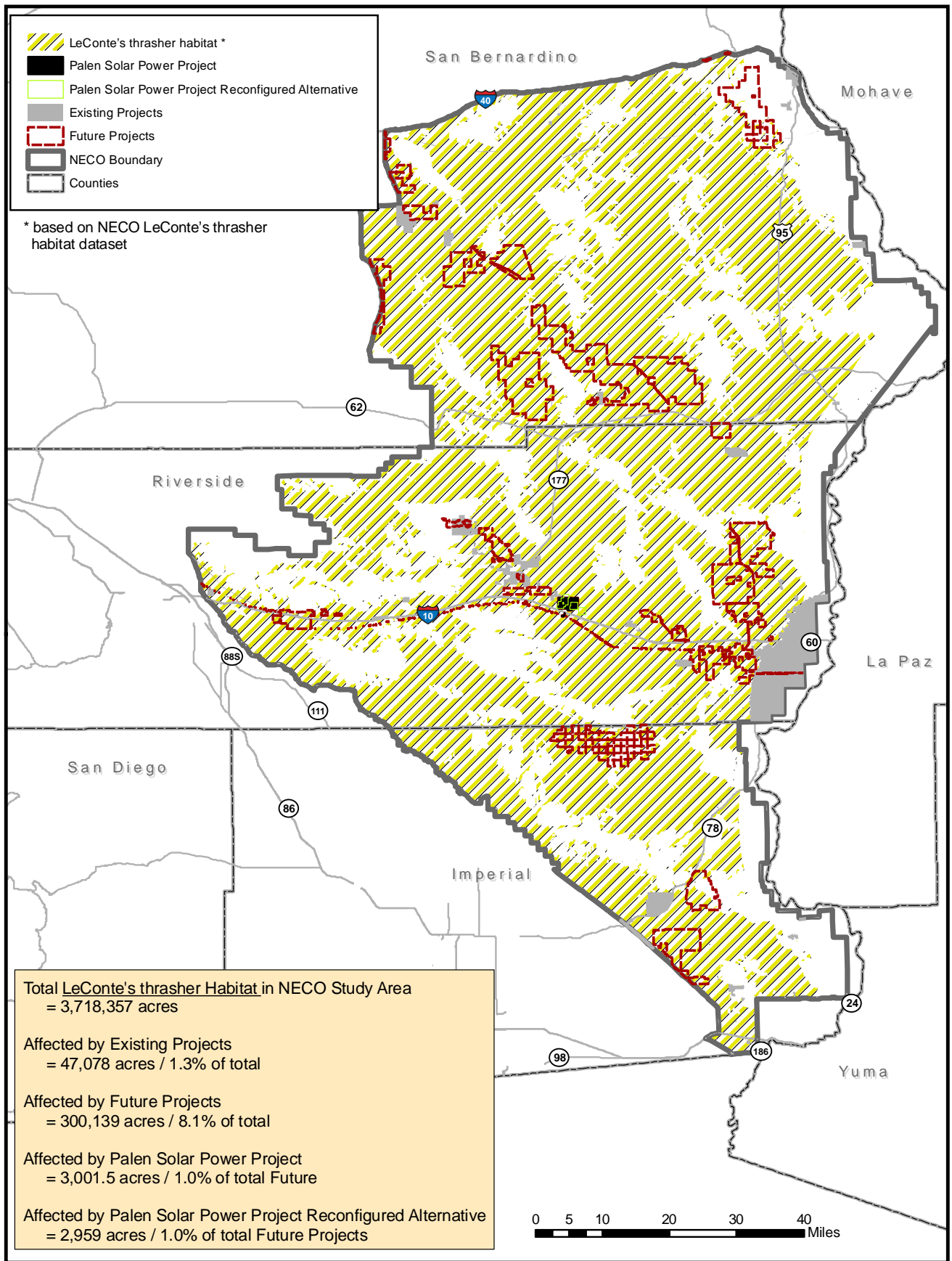


SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

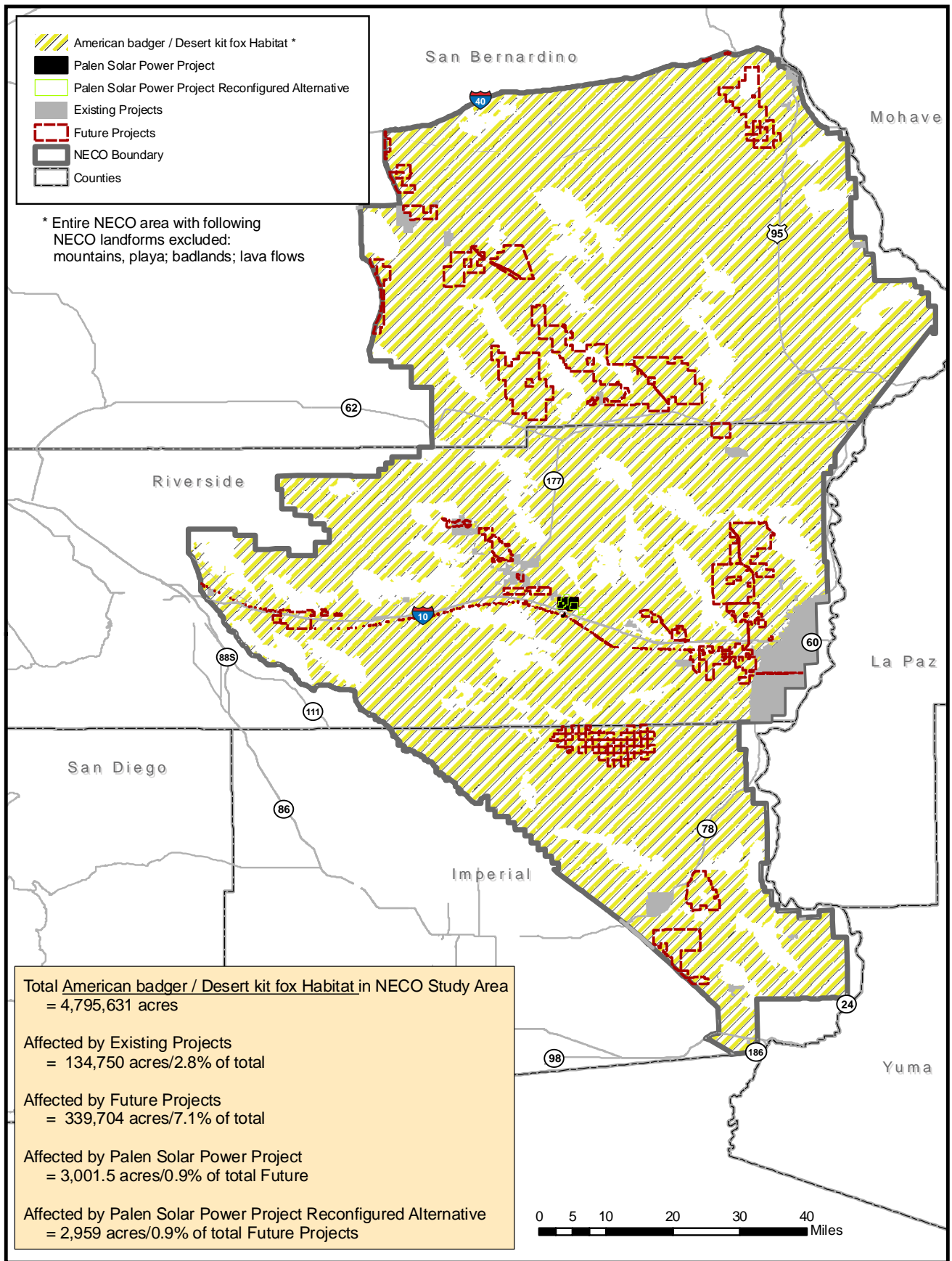
Figure 3.23-8

Golden Eagle Foraging Habitat within 140 Miles Radius of Project



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.23-9
 Leconte's Thrasher Habitat

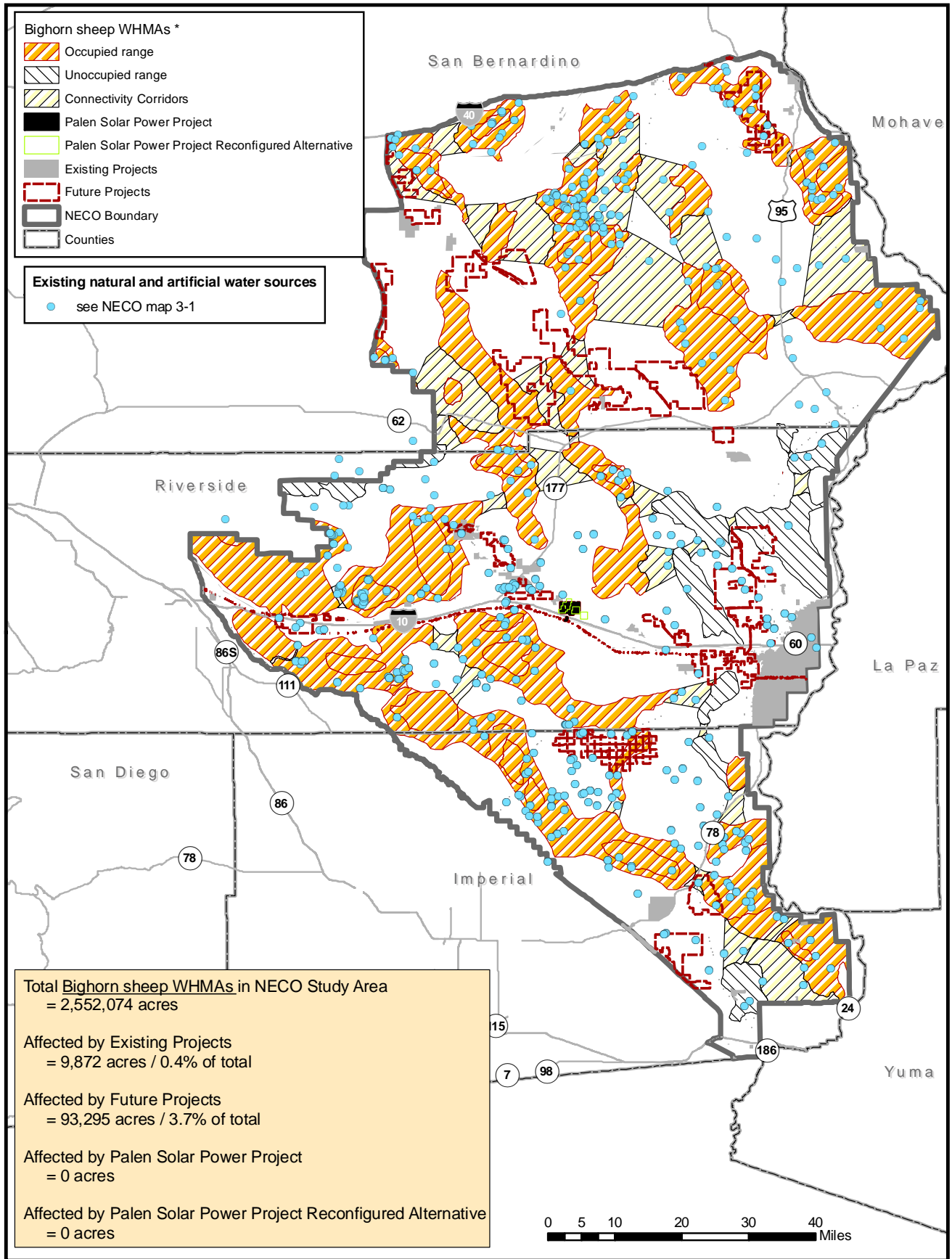


SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

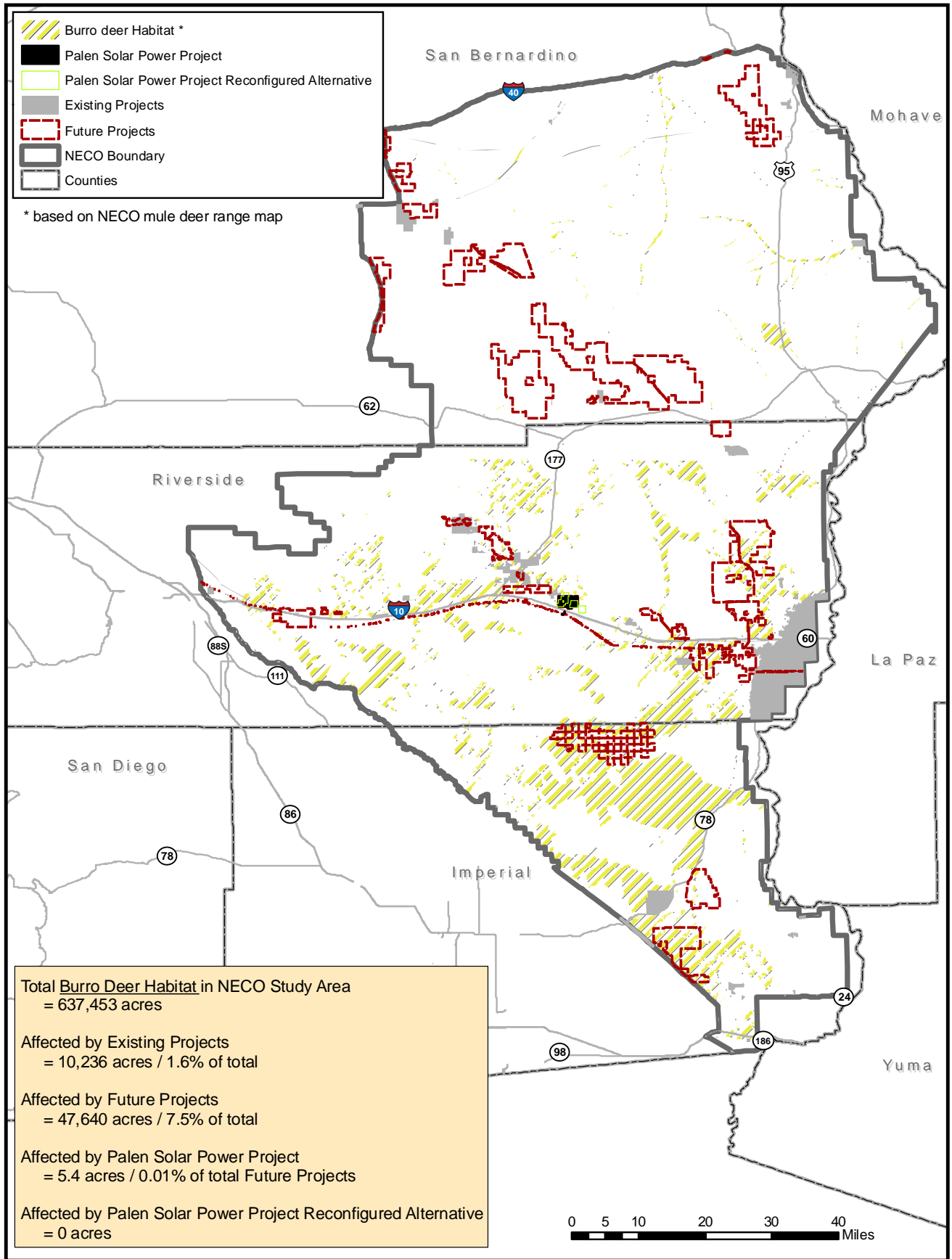
Figure 3.23-10

American Badger/Desert Kit Fox Habitat



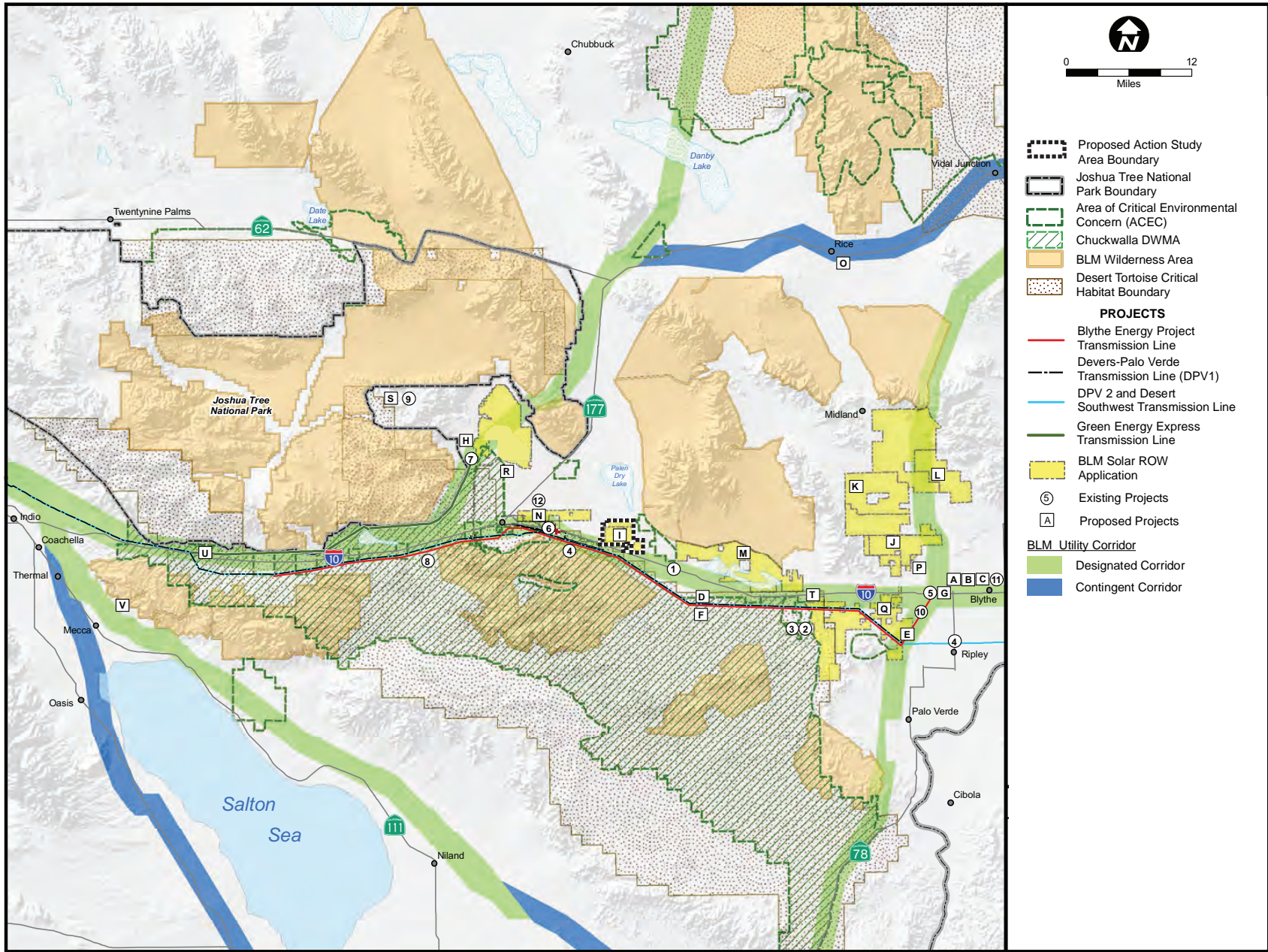
SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.23-11
 Bighorn Sheep WHMAs



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 3.23-12
 Burro Deer Range



SOURCE: California Energy Commission, 2010; BLM, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 4.1-1
BLM Rights of Way with Existing and Future/Foreseeable Projects

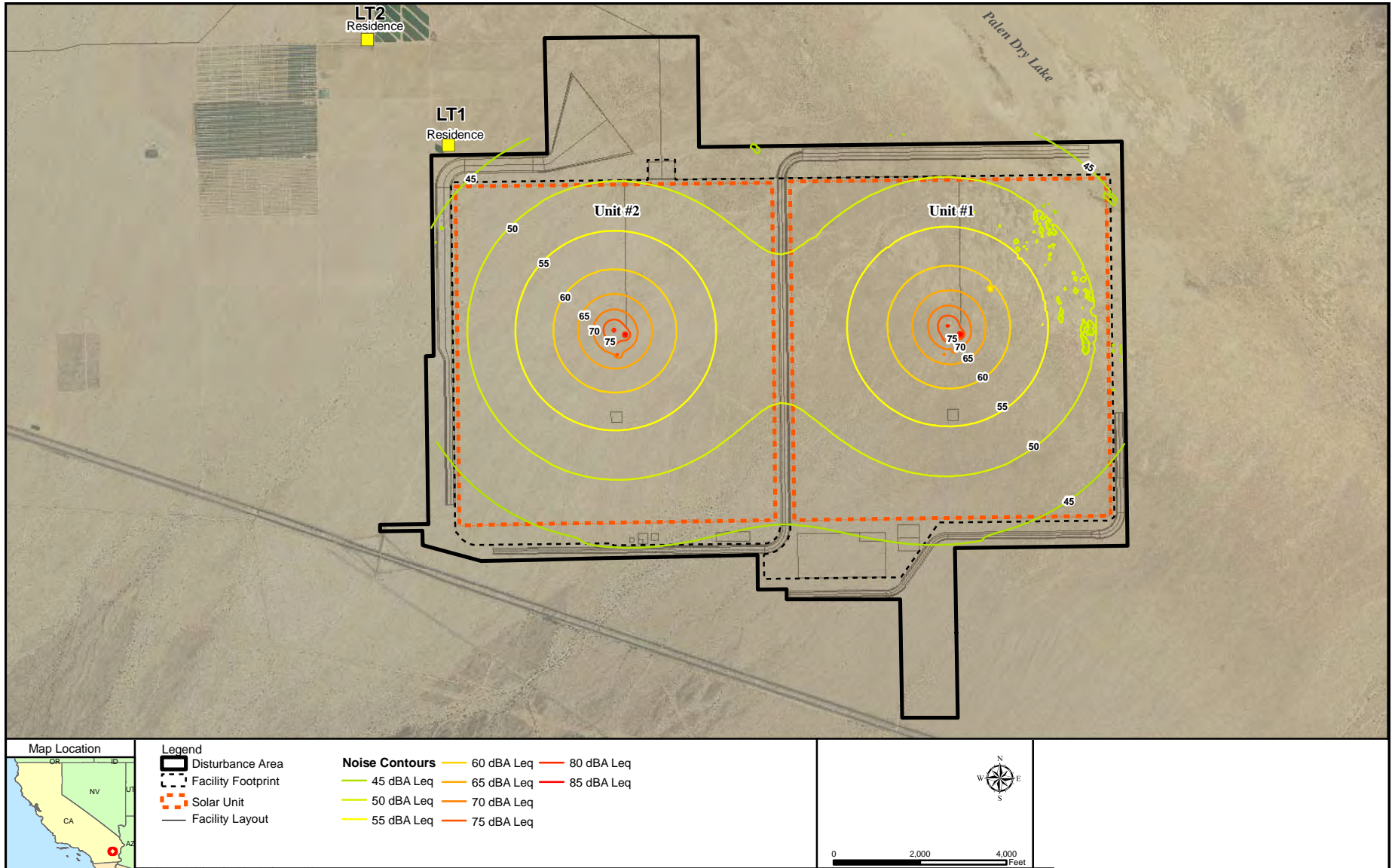
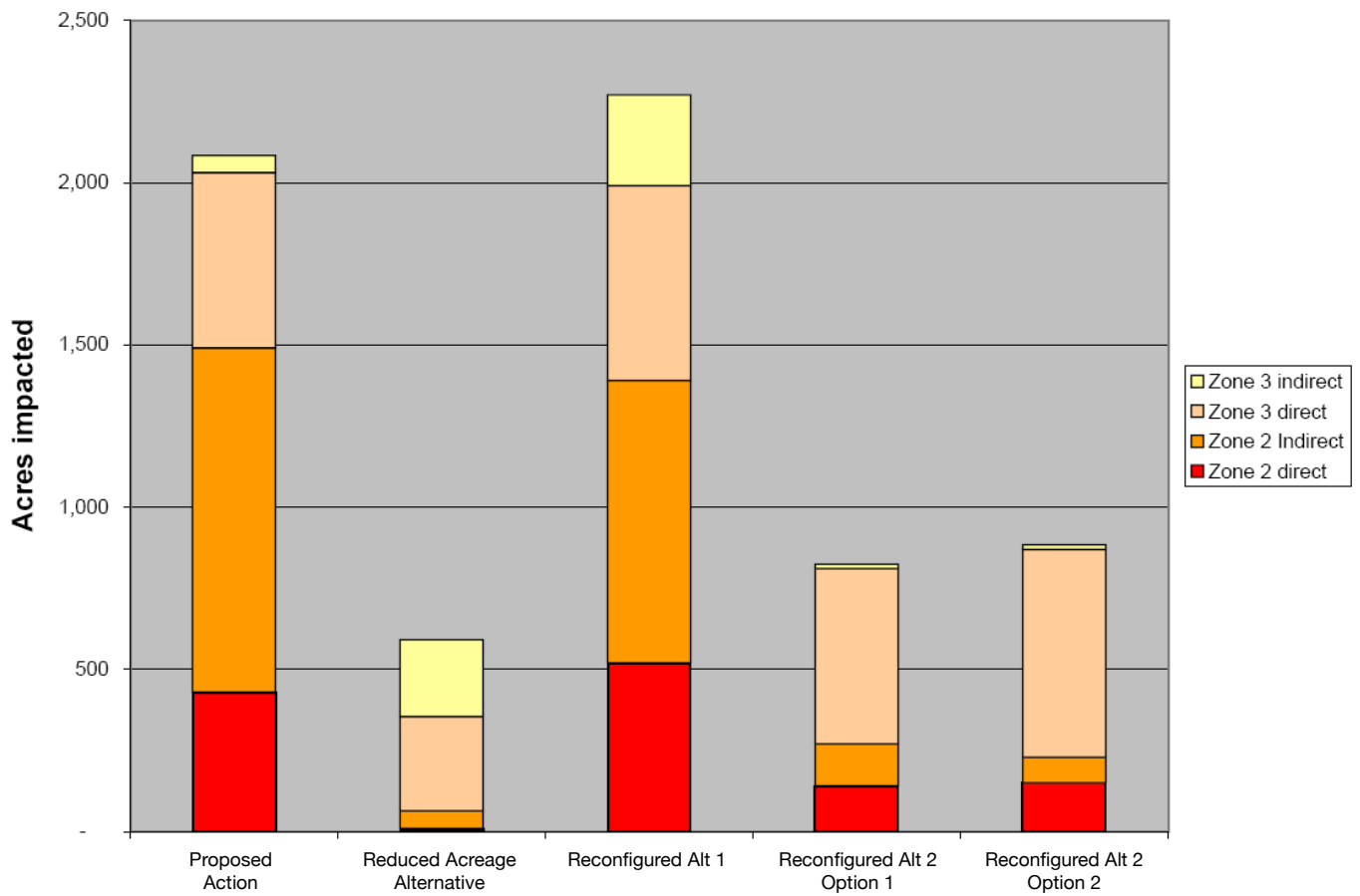


Figure 4.9-1
Noise Measurement Locations
and Noise Contours



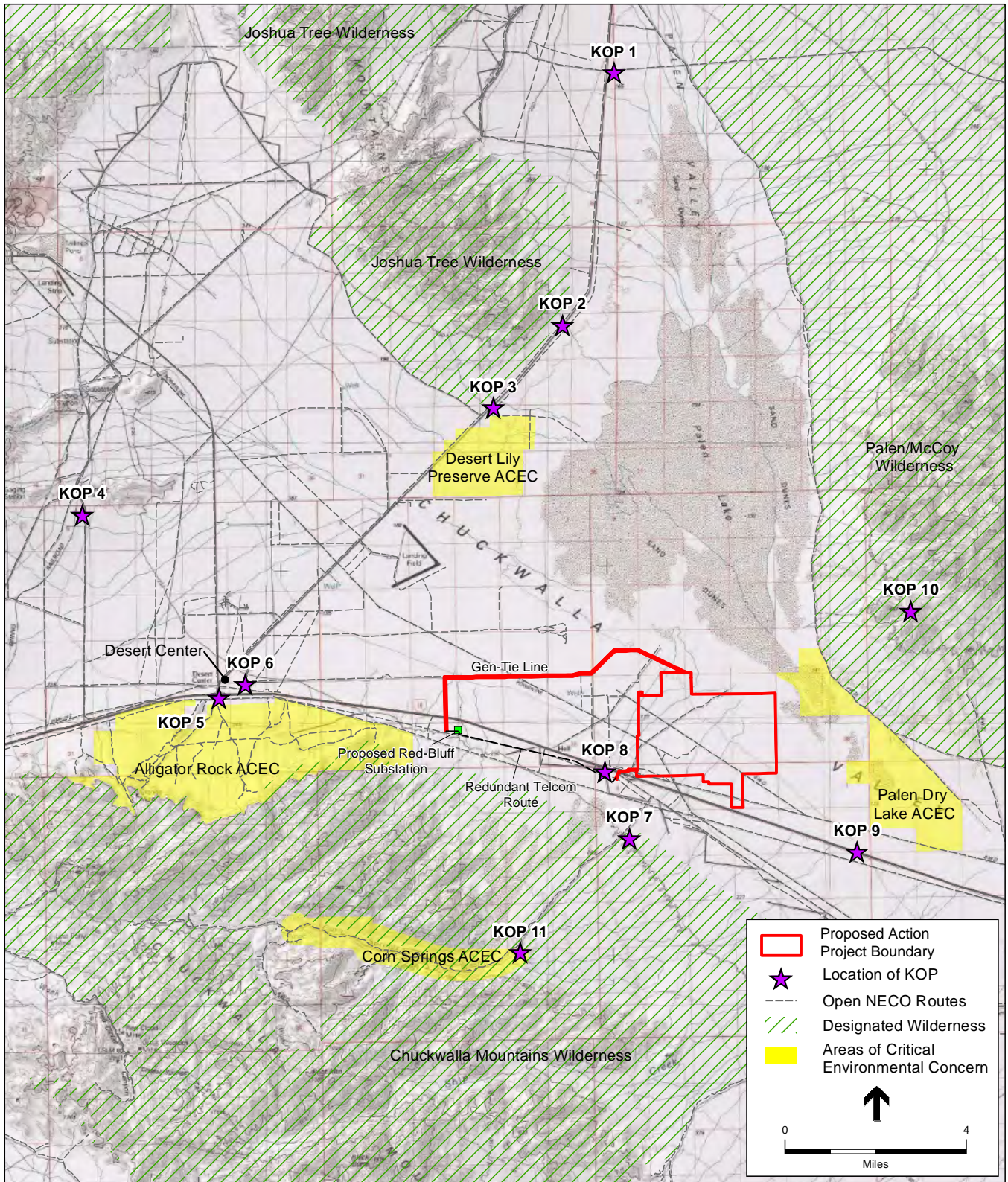
Note: The intrusion of the eastern array into the sand transport corridor (red dunes and surrounding grey dunes) can clearly be seen.



SOURCE: CEC RSA Part II, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 4.14-2
Summary of Alternatives' Impacts on
the Sand Transport Corridor



SOURCE: AFC, 2009

Palen Solar Power Project FEIS . 210291.01

Figure 4.18-1
Location of Key Observation Points (KOPs)



Figure 4.18-2
Foreground View of an Existing Solar Energy Facility
(Kramer Junction SEGS Project)



Unidentified trough project under different lighting conditions



Acciona Nevada Solar One



Acciona Nevada Solar One



Kramer Junction



Nevada Solar One



Existing Condition



Simulated Condition

SOURCE: AFC, 2009

Figure 4.18-5
View from KOP-1, Highway 177 and Palen Pass Road,
Looking South Toward the PSPP Site



Existing Condition



Simulated Condition

Figure 4.18-6
View from KOP-2, Highway 177 at the Edge of Joshua Tree
Wilderness, Looking Southeast toward the PSPP Site



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



Simulated Condition



Existing Condition



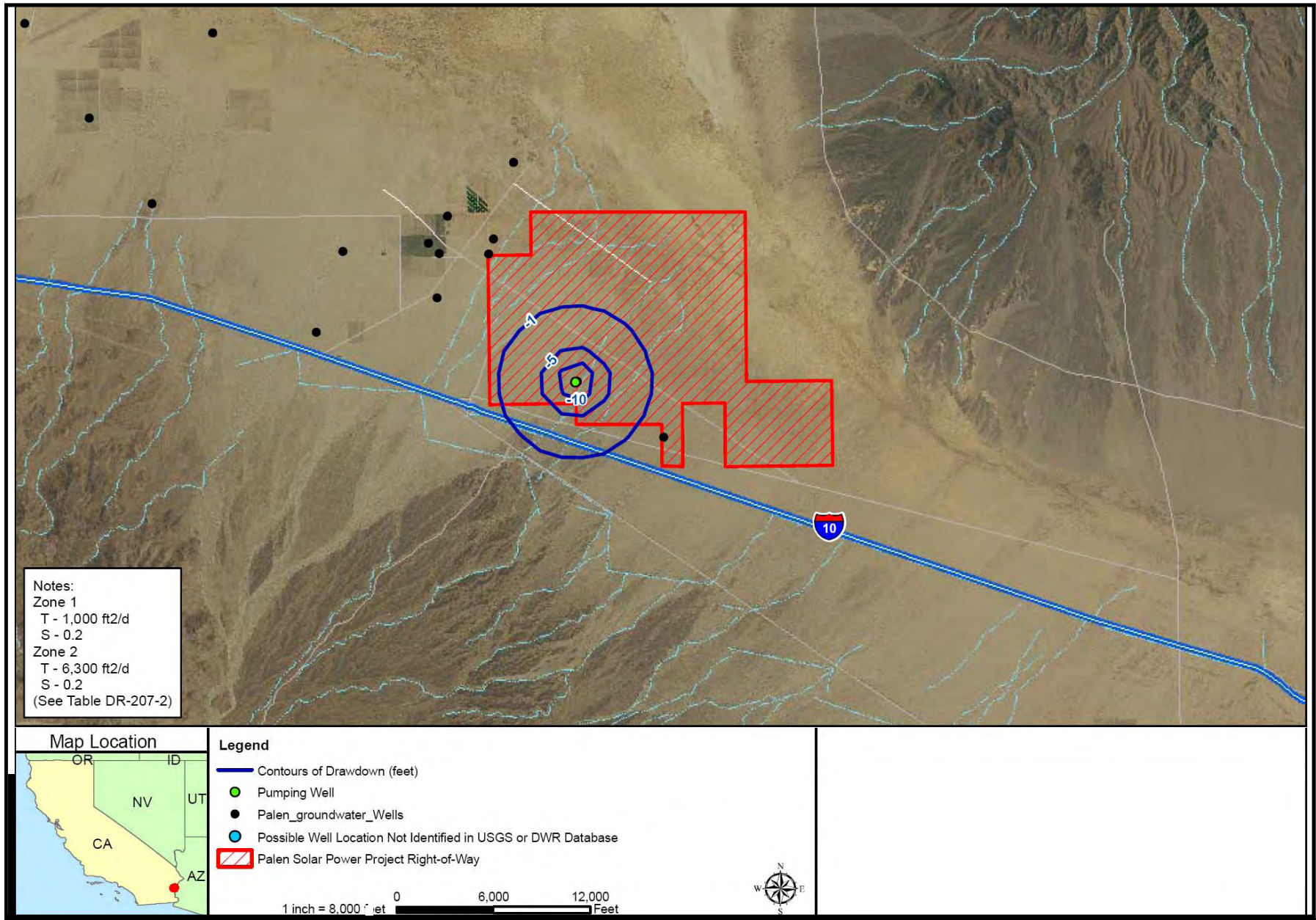
Simulated Condition



Existing Condition



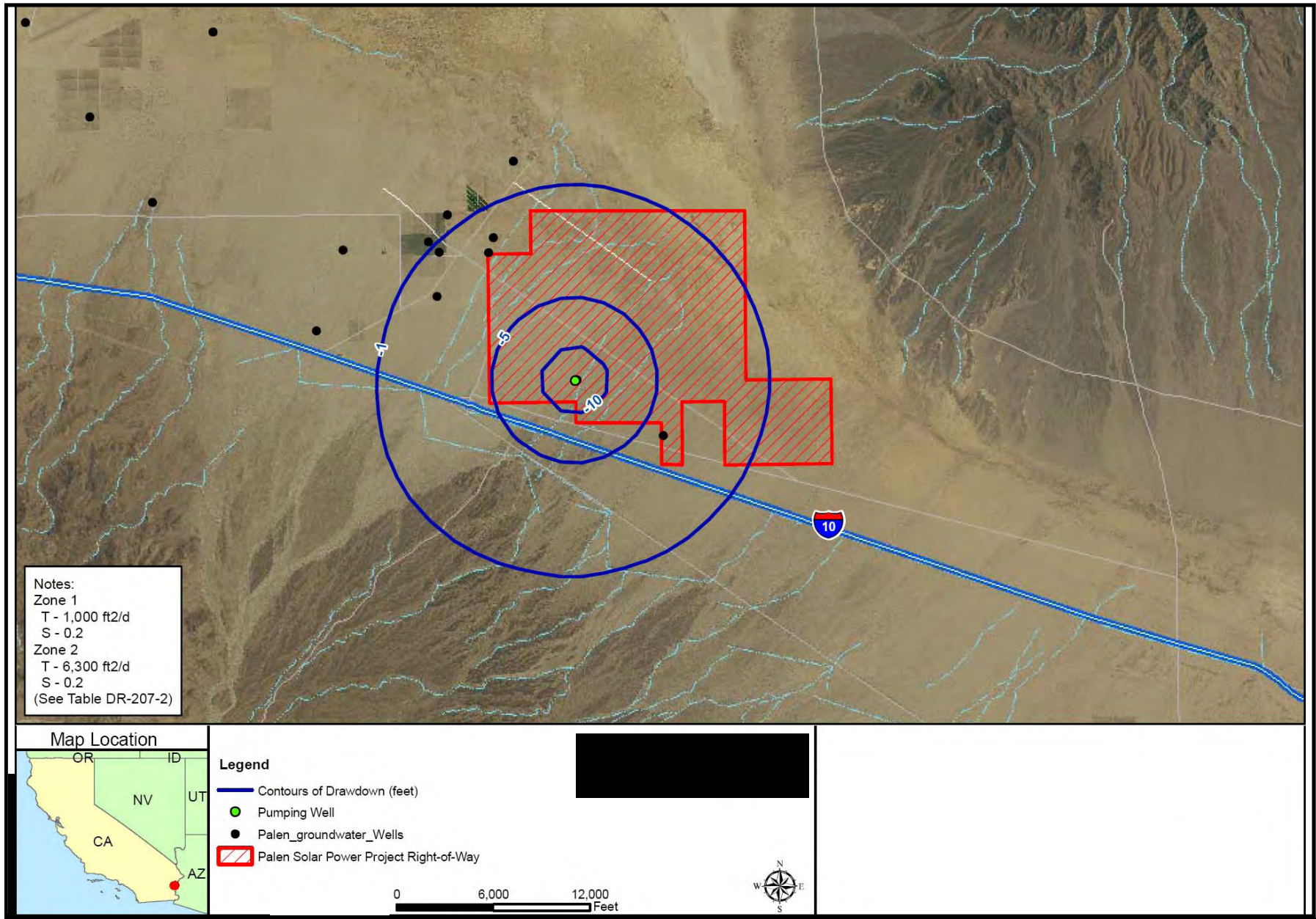
Simulated Condition



SOURCE: CEC/BLM, 2010

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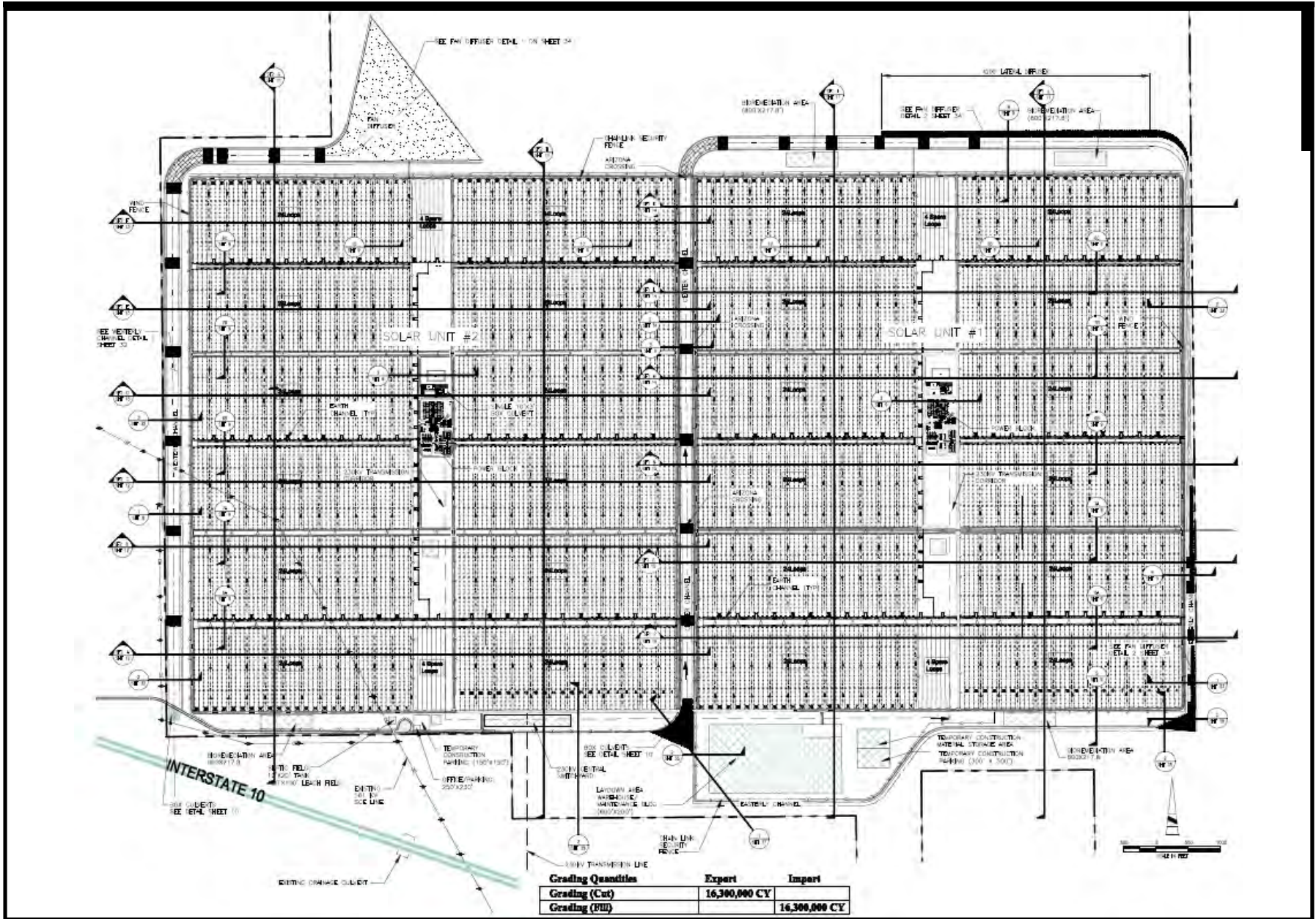
Figure 4.19-1
Chuckwalla Valley Groundwater Basin Levels,
End of Construction



SOURCE: CEC/BLM, 2010

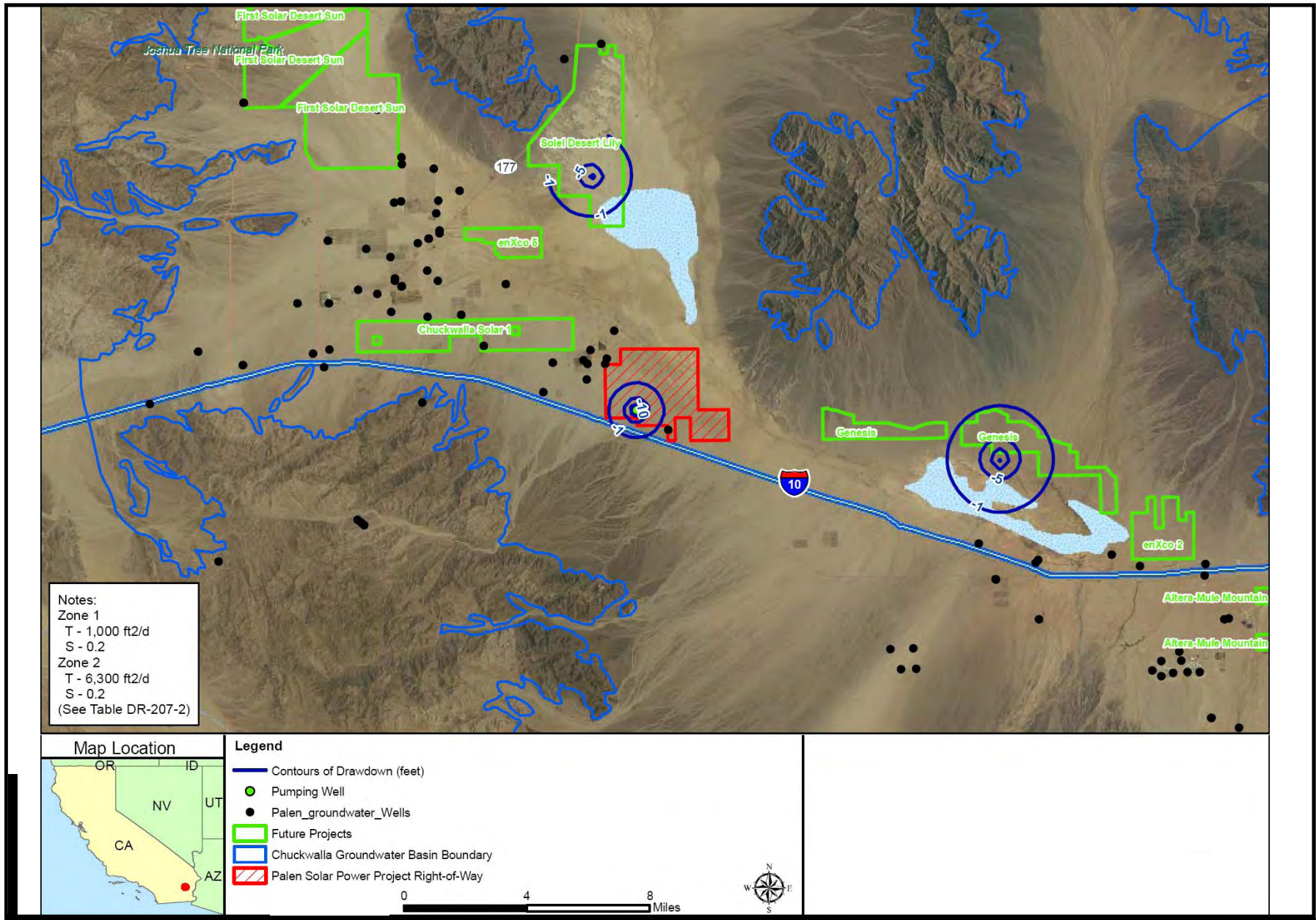
Palen Solar Power Project FEIS . 210291.01

Figure 4.19-2
Chuckwalla Valley Groundwater Basin Levels,
End of Operation



SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01
Figure 4.19-3
 Preliminary Conceptual Drainage Plan

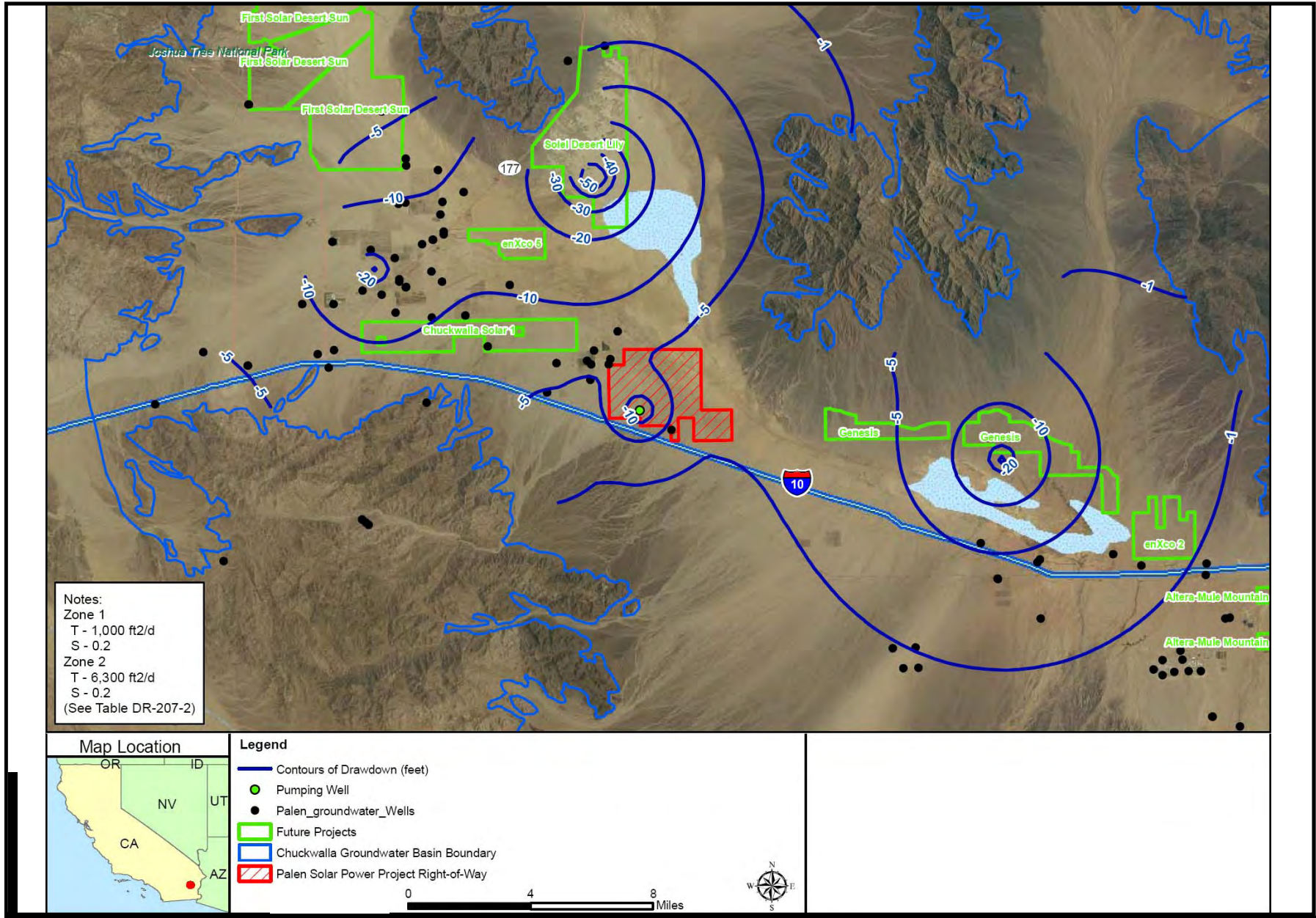


SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 4.19-4

Chuckwalla Valley Groundwater Basin Cumulative Groundwater Levels, End of Construction

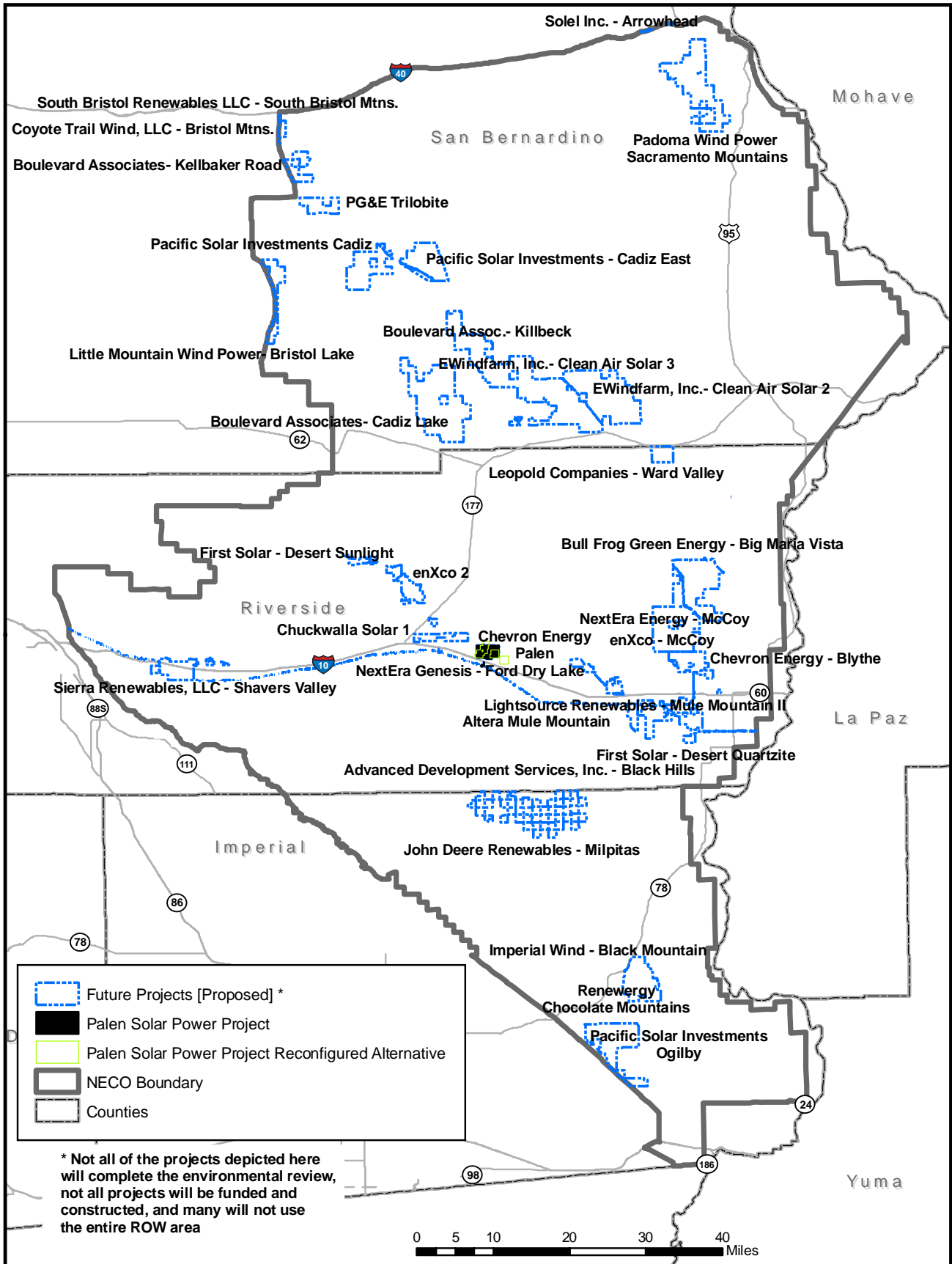


SOURCE: CEC/BLM, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 4.19-5

Chuckwalla Valley Groundwater Basin Cumulative Groundwater Levels, End of Operation



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

Figure 4.21-1
Foreseeable Projects within the Neco Boundary

APPENDIX B

Conditions of Certification

**TABLE B-1
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS		
<p>COMPLIANCE-1, Unrestricted Access: BLM's AO, responsible BLM staff, the CPM, responsible Energy Commission staff, and delegated agencies or consultants shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on-site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although BLM's AO and the CPM will normally schedule site visits on dates and times agreeable to the project owner, BLM's AO and the CPM reserve the right to make unannounced visits at any time.</p>		CEC
<p>COMPLIANCE-2, Compliance Record: The project owner shall maintain project files on-site or at an alternative site approved by BLM's AO and the CPM for the life of the project, unless a lesser period of time is specified by the conditions of certification. The files shall contain copies of all "as-built" drawings, documents submitted as verification for conditions, and other project-related documents. As-built drawings of all facilities including linear facilities shall be provided to the BLM AO for inclusion in the BLM administrative record within 90 days of completion of that portion of the facility or project. BLM and Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files maintained pursuant to this condition.</p>		CEC
<p>COMPLIANCE-3, Compliance Verification Submittals: Each condition of certification is followed by a means of verification. The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified as necessary by BLM's AO and the CPM.</p> <p>Verification of compliance with the conditions of certification can be accomplished by the following:</p> <ol style="list-style-type: none"> 1. Monthly and/or annual compliance reports filed by the project owner or authorized agent, reporting on work done and providing pertinent documentation, as required by the specific conditions of certification; 2. Appropriate letters from delegate agencies verifying compliance; 3. BLM and Energy Commission staff audits of project records; and/or 4. BLM and Energy Commission staff inspections of work, or other evidence that the requirements are satisfied. <p>Verification lead times associated with start of construction may require the project owner to file submittals during the certification process, particularly if construction is planned to commence shortly after certification. A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. The cover letter subject line shall identify the project by AFC and BLM case file numbers, the appropriate condition(s) of certification by condition number(s), and a brief description of the subject of the submittal. The project owner shall also identify those submittals not required by a condition of certification with a statement such as: "This submittal is for information only and is not required by a specific condition of certification." When submitting supplementary or corrected information, the project owner shall reference the date of the previous submittal and BLM/CEC submittal number.</p> <p>The project owner is responsible for the delivery and content of all verification submittals to the BLM's AO and CPM, whether such condition was satisfied by work performed by the project owner or an agent of the project owner.</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>All hardcopy submittals shall be addressed to each of the following:</p> <p style="padding-left: 20px;">John Kalish, Field Manager Dale Rundquist, CPM (CACA-48810) (09 AFC 7C) U.S. Bureau of Land Management California Energy Commission Palm Springs-South Coast Field Office 1516 Ninth Street, MS 2000 1201 Bird Center Drive Palm Springs, CA 92262 Sacramento, CA 95814</p> <p>Those submittals shall be accompanied by a searchable electronic copy, on a CD or by e-mail, as agreed upon by BLM's AO and the CPM.</p> <p>If the project owner desires BLM and/or Energy Commission staff action by a specific date, that request shall be made in the submittal cover letter and shall include a detailed explanation of the effects on the project if that date is not met.</p>		
<p>COMPLIANCE-4, Pre-Construction Matrix and Tasks Prior to Start of Construction: Prior to commencing construction, a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to BLM's AO and the CPM. This matrix will be included with the project owner's first compliance submittal or prior to the first pre-construction meeting, whichever comes first. It will be submitted in the same format as the compliance matrix described below. In order to begin any on-site mobilization or surface disturbing activities on public land, the BLM AO must approve a written Notice to Proceed (NTP). NTPs will be phased as appropriate to facilitate timely implementation of construction.</p> <p>Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and BLM's AO and the CPM have issued a letter and BLM has issued a NTP to the project owner authorizing construction. Various lead times for submittal of compliance verification documents to BLM's AO and the CPM for conditions of certification are established to allow sufficient BLM and Energy Commission staff time to review and comment and, if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.</p> <p>Failure to submit compliance documents within the specified lead-time may result in delays in authorization to commence various stages of project development.</p> <p>If the project owner anticipates commencing project construction as soon as the project is certified, it may be necessary for the project owner to file compliance submittals prior to project certification. Compliance submittals should be completed in advance where the necessary lead time for a required compliance event extends beyond the date anticipated for start of construction. The project owner must understand that the submittal of compliance documents prior to project certification is at the owner's own risk. Any approval by Energy Commission staff is subject to change, based upon BLM's ROW Grant and the Energy Commission Decision.</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>Compliance Reporting</p> <p>There are two different compliance reports that the project owner must submit to assist BLM's AO and the CPM in tracking activities and monitoring compliance with the terms and conditions of BLM's ROW Grant and the Energy Commission Decision. During construction, the project owner or authorized agent will submit monthly compliance reports. During operation, an annual compliance report must be submitted. These reports, and the requirement for an accompanying compliance matrix, are described below. The majority of the conditions of certification require that compliance submittals be submitted to BLM's AO and the CPM in the monthly or annual compliance reports.</p>		
<p>COMPLIANCE-5, Compliance Matrix: A compliance matrix shall be submitted by the project owner to BLM's AO and the CPM along with each monthly and annual compliance report. The compliance matrix is intended to provide BLM's AO and the CPM with the current status of all conditions of certification in a spreadsheet format. The compliance matrix must identify:</p> <ol style="list-style-type: none"> 1. the technical area; 2. the condition number; 3. a brief description of the verification action or submittal required by the condition; 4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.); 5. the expected or actual submittal date; 6. the date a submittal or action was approved by the Chief Building Official (CBO), BLM's AO, CPM, or delegate agency, if applicable; and 7. the compliance status of each condition, e.g., "not started," "in progress" or "completed" (include the date). 8. if the condition was amended, the date of the amendment. <p>Satisfied conditions shall be placed at the end of the matrix.</p>		CEC
<p>COMPLIANCE-6, Monthly Compliance Report: The first monthly compliance report is due one month following the Energy Commission business meeting date upon which the project was approved, unless otherwise agreed to by BLM's AO and the CPM. The first monthly compliance report shall include the AFC and BLM case file numbers and an initial list of dates for each of the events identified on the Key Events List. The Key Events List Form is found at the end of this section.</p> <p>During pre-construction and construction of each power plant, the project owner or authorized agent shall submit an original and an electronic searchable version of the monthly compliance report within 10 working days after the end of each reporting month or other period of time agreed to by BLM's AO and the CPM. Monthly compliance reports shall be clearly identified for the month being reported. The reports shall contain, at a minimum:</p> <ol style="list-style-type: none"> 1. A summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule; 		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>2. Documents required by specific conditions to be submitted along with the monthly compliance report. Each of these items must be identified in the transmittal letter, as well as the conditions they satisfy and submitted as attachments to the monthly compliance report;</p> <p>3. An initial, and thereafter updated, compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);</p> <p>4. A list of conditions that have been satisfied during the reporting period, and a description or reference to the actions that satisfied the condition;</p> <p>5. A list of any submittal deadlines that were missed, accompanied by an explanation and an estimate of when the information will be provided;</p> <p>6. A cumulative listing of any approved changes to conditions of certification;</p> <p>7. A listing of any filings submitted to, or permits issued by, other governmental agencies during the month;</p> <p>8. A projection of project compliance activities scheduled during the next two months. The project owner shall notify BLM's AO and the CPM as soon as any changes are made to the project construction schedule that would affect compliance with conditions of certification;</p> <p>9. A listing of the month's additions to the on-site compliance file; and</p> <p>10. A listing of complaints, notices of violation, official warnings, and citations received during the month, a description of the resolution of the resolved actions, and the status of any unresolved actions.</p> <p>All sections, exhibits, or addendums shall be separated by tabbed dividers or as acceptable by BLM's AO and the CPM.</p>		
<p>COMPLIANCE-7: Annual Compliance Report: After construction of each power plant is complete or when a power plant goes into commercial operations, the project owner shall submit annual compliance reports instead of monthly compliance reports. The reports are for each year of commercial operation and are due to BLM's AO and the CPM each year at a date agreed to by BLM's AO and the CPM. Annual compliance reports shall be submitted over the life of the project unless otherwise specified by BLM's AO and the CPM. Each annual compliance report shall include the AFC and BLM case file numbers, identify the reporting period and shall contain the following:</p> <p>1. An updated compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);</p> <p>2. A summary of the current project operating status and an explanation of any significant changes to facility operations during the year;</p> <p>3. Documents required by specific conditions to be submitted along with the annual compliance report. Each of these items must be identified in the transmittal letter, with the condition it satisfies, and submitted as attachments to the annual compliance report;</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>4. A cumulative listing of all post-certification changes by the Energy Commission or changes to the BLM ROW grant or approved POD by BLM, or cleared by BLM's AO and the CPM;</p> <p>5. An explanation for any submittal deadlines that were missed, accompanied by an estimate of when the information will be provided;</p> <p>6. A listing of filings submitted to, or permits issued by, other governmental agencies during the year;</p> <p>7. A projection of project compliance activities scheduled during the next year;</p> <p>8. A listing of the year's additions to the on-site compliance file;</p> <p>9. An evaluation of the on-site contingency plan for unplanned facility closure, including any suggestions necessary for bringing the plan up to date [see Compliance Conditions for Facility Closure addressed later in this section]; and</p> <p>10. A listing of complaints, notices of violation, official warnings, and citations received during the year, a description of the resolution of any resolved matters, and the status of any unresolved matters.</p>		
<p>COMPLIANCE-8: Confidential Information: Any information that the project owner deems confidential shall be submitted to the Energy Commission's executive director with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information that is determined to be confidential shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.</p> <p>Any information the ROW holder deems confidential shall be submitted to the BLM AO with a written request for said confidentiality along with a justification for the request in accordance with 43 CFR 2804.13. All confidential submissions to BLM should be clearly stamped "proprietary information" by the holder when submitted.</p>		CEC
<p>COMPLIANCE-9, Reporting of Complaints, Notices, and Citations: Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering with date and time stamp recording. All recorded complaints shall be responded to within 24 hours. The telephone number shall be posted at the project site and made easily visible to passersby during construction and operation. The telephone number shall be provided to BLM's AO and the CPM who will post it on the Energy Commission's web page at: http://www.energy.ca.gov/sitingcases/power_plants_contacts.html.</p> <p>Any changes to the telephone number shall be submitted immediately to BLM's AO and the CPM, who will update the web page.</p> <p>In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies to BLM's AO and the CPM of all complaint forms, including noise and lighting complaints, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the NOISE conditions of certification. All other complaints shall be recorded on the complaint form (Attachment A).</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>COMPLIANCE-10, Planned Closure: In order to ensure that a planned facility closure does not create adverse impacts, a closure process that provides for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of closure, will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a revision or update to the approved Closure, Revegetation and Rehabilitation Plan to BLM and the Energy Commission for review and approval at least 12 months (or other period of time agreed to by BLM's AO and the CPM) prior to commencement of closure activities. The project owner shall file 50 copies and 50 CDs with the Energy Commission and 10 copies and 10 CDs with BLM (or other number of copies agreed upon by BLM's AO and the CPM) of a proposed facility closure plan/Closure, Revegetation and Rehabilitation Plan.</p> <p>The plan shall:</p> <ol style="list-style-type: none"> 1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related materials that must be removed from the site; 2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project; 3. address conformance of the plan with all applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of facility closure, and applicable conditions of certification; and. 4. Address any changes to the site revegetation, rehabilitation, monitoring and long-term maintenance specified in the existing plan that are needed for site revegetation and rehabilitation to be successful. <p>Prior to submittal of an amended or revised Closure, Revegetation and Restoration Plan, a meeting shall be held between the project owner, BLM's AO and the Energy Commission CPM for the purpose of discussing the specific contents of the plan.</p> <p>In the event that there are significant issues associated with the proposed facility Closure, Revegetation and Restoration plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, BLM's AO the CPM shall hold one or more workshops and/or BLM and the Energy Commission may hold public hearings as part of its approval procedure.</p> <p>As necessary, prior to or during the closure process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety and the environment, but shall not commence any other closure activities until BLM and the Energy Commission approve the facility Closure, Revegetation and Restoration plan.</p>		CEC
<p>COMPLIANCE-11, Unplanned Temporary Closure: In order to ensure that public health and safety and the environment are protected in the event of an unplanned temporary facility closure, it is essential to have an On-Site Contingency Plan in place. The On-Site Contingency Plan will help to ensure that all necessary steps to mitigate public health and safety impacts and environmental impacts are taken in a timely manner.</p> <p>The project owner shall submit an On-Site Contingency Plan for BLM's AO and CPM review and approval. The plan shall be submitted no less than 60 days (or other time agreed to by BLM's AO and the CPM) after approval of any NTP or letter</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>granting approval to commence construction for each phase of construction. A copy of the approved plan must be in place during commercial operation of the facility and shall be kept at the site at all times.</p> <p>The project owner, in consultation with BLM's AO and the CPM, will update the On-Site Contingency Plan as necessary. BLM's AO and the CPM may require revisions to the On-Site Contingency Plan over the life of the project. In the annual compliance reports submitted to the Energy Commission, the project owner will review the On-Site Contingency Plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by BLM's AO and the CPM.</p> <p>The On-Site Contingency Plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days, unless other arrangements are agreed to by BLM's AO and the CPM, the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment, and the safe shutdown of all equipment. (Also see specific conditions of certification for the technical areas of Hazardous Materials Management and Waste Management.)</p> <p>In addition, consistent with requirements under unplanned permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the On-Site Contingency Plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.</p> <p>In the event of an unplanned temporary closure, the project owner shall notify BLM's AO and the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the On-Site Contingency Plan. The project owner shall keep BLM's AO and the CPM informed of the circumstances and expected duration of the closure.</p> <p>If BLM's AO and the CPM determine that an unplanned temporary closure is likely to be permanent, or for a duration of more than six months, a Closure Plan consistent with the requirements for a planned closure shall be developed and submitted to BLM's AO and the CPM within 90 days of BLM's AO and the CPM's determination (or other period of time agreed to by BLM's AO and the CPM).</p>		
<p>COMPLIANCE-12, Unplanned Permanent Closure: The On-Site Contingency Plan required for unplanned temporary closure shall also cover unplanned permanent facility closure. All of the requirements specified for unplanned temporary closure shall also apply to unplanned permanent closure.</p> <p>In addition, the On-Site Contingency Plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the event of abandonment.</p> <p>In the event of an unplanned permanent closure, the project owner shall notify BLM's AO and the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the On-Site Contingency Plan. The project owner shall keep BLM's AO and the CPM informed of the status of all closure activities.</p> <p>To ensure that public health and safety and the environment are protected in the event of an unplanned permanent closure, the project owner shall submit an On-Site Contingency Plan no less than 60 days after a NTP is issued for each phase of development.</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>COMPLIANCE 13, Post-Certification Changes to the Decision: Amendments, ownership Changes, Staff Approved Project Modifications and Verification Changes: The project owner must petition the Energy Commission pursuant to Title 20, California Code of Regulations, section 1769, in order to modify the project (including linear facilities) design, operation or performance requirements, and to transfer ownership or operational control of the facility. The BLM ROW holder must file a written request in the form of an application to the BLM AO in order to change the terms and conditions of their ROW grant or POD. Written requests will be in a manner prescribed by the BLM AO. Implementation of a project modification without first securing BLM approval may result in financial and other liabilities in accordance with 43 CFR 2808.</p> <p>It is the responsibility of the project owner to contact BLM's AO and the CPM to determine if a proposed project change should be considered a project modification pursuant to section 1769. Implementation of a project modification without first securing Energy Commission staff approval may result in enforcement action that could result in civil penalties in accordance with section 25534 of the Public Resources Code.</p> <p>A petition is required for amendments and for staff approved project modifications as specified below. Both shall be filed as a "Petition to Amend." Staff will determine if the change is significant or insignificant. For verification changes, a letter from the project owner is sufficient. In all cases, the petition or letter requesting a change should be submitted to BLM's AO and the CPM, who will file it with the Energy Commission's Dockets Unit in accordance with Title 20, California Code of Regulations, section 1209.</p> <p>The criteria that determine which type of approval and the process that applies are explained below. They reflect the provisions of Section 1769 at the time this condition was drafted. If the Commission's rules regarding amendments are amended, the rules in effect at the time an amendment is requested shall apply.</p> <p>Amendment</p> <p>The project owner shall petition the Energy Commission, pursuant to Title 20, California Code of Regulations, Section 1769(a), when proposing modifications to the project (including linear facilities) design, operation, or performance requirements. If a proposed modification results in deletion or change of a condition of certification, or makes changes that would cause the project not to comply with any applicable laws, ordinances, regulations or standards, the petition will be processed as a formal amendment to the Energy Commission's final decision, which requires public notice and review of the BLM-Energy Commission staff analysis, and approval by the full Energy Commission. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(a). Upon request, the CPM will provide you with a sample petition to use as a template.</p> <p>The ROW holder shall file an application to amend the BLM ROW grant for any substantial deviation or change in use in accordance with the regulations at 43 CFR 2807.20. The requirements to amend a ROW grant are the same as when filing a new application including paying processing and monitoring fees and rent.</p> <p>Staff Approved Project Modification</p> <p>Modifications that do not result in deletions or changes to conditions of certification, and that are compliant with laws, ordinances, regulations and standards, may be authorized by BLM's AO and the CPM as a staff approved project modification (SAPM) pursuant to section 1769(a) (2). Once staff files an intention to approve the proposed project</p>		CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>modifications, any person may file an objection to staff's determination within 14 days of service on the grounds that the modification does not meet the criteria of section 1769 (a)(2). If a person objects to staff's determination, the petition must be processed as a formal amendment to the decision and must be approved by the full commission at a noticed business meeting or hearing. BLM and the Energy Commission intend to integrate a process to jointly approve SAPMs to avoid duplication of approval processes and ensure appropriate documentation for the public record.</p> <p>Change of Ownership</p> <p>Change of ownership or operational control also requires that the project owner file a petition pursuant to section 1769(b). This process requires public notice and approval by the full Commission and BLM. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(b). Upon request, the CPM will provide you with a sample petition to use as a template. The transfer of ownership of a BLM ROW grant must be through the filing of an application for assignment of the grant in accordance with 43 CFR 2807.21.</p> <p>Verification Change</p> <p>A verification may be modified by BLM's AO and the CPM without requesting an amendment to the ROW Grant or Energy Commission decision if the change does not require modifying any conditions of certification and provides an effective alternate means of verification.</p>		
FACILITY DESIGN		
<p>GEN-1, California Building Standards Code: The project owner shall design, construct, and inspect the project in accordance with the 2007 California Building Standards Code (CBSC), also known as Title 24, California Code of Regulations, which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and all other applicable engineering LORS in effect at the time initial design plans are submitted to the CBO for review and approval (the CBSC in effect is the edition that has been adopted by the California Building Standards Commission and published at least 180 days previously). The project owner shall ensure that all the provisions of the above applicable codes are enforced during the construction, addition, alteration, moving, demolition, repair, or maintenance of the completed facility. All transmission facilities (lines, switchyards, switching stations and substations) are covered in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>In the event that the initial engineering designs are submitted to the CBO when the successor to the 2007 CBSC is in effect, the 2007 CBSC provisions shall be replaced with the applicable successor provisions. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.</p> <p>The project owner shall ensure that all contracts with contractors, subcontractors, and suppliers clearly specify that all work performed and materials supplied comply with the codes listed above.</p>	<p>Within 30 days following receipt of the certificate of occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation, and inspection requirements of the applicable LORS and the Energy Commission's decision have been met in the area of facility design. The project owner shall provide the CPM a copy of the certificate of occupancy within 30 days of receipt from the CBO.</p> <p>Once the certificate of occupancy has been issued, the project owner shall inform the CPM at least 30 days prior to any construction, addition, alteration, moving, demolition, repair, or maintenance to be performed on any portion(s) of the completed facility that requires CBO approval for compliance with the above codes. The CPM will then determine if the CBO needs to approve the work.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>GEN-2, Schedule of Facility Design Submittals: Before submitting the initial engineering designs for CBO review, the project owner shall furnish the CPM and the CBO with a schedule of facility design submittals, and master drawing and master specifications lists. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM upon request.</p>	<p>At least 60 days (or a project owner and CBO approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the master drawings, and master specifications list of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures, systems, and equipment defined above in Condition of Certification GEN-2. Major structures and equipment may be added to or deleted from the list only with CPM approval. The project owner shall provide schedule updates in the monthly compliance report.</p>	CEC
<p>GEN-3, Payments to the CBO: The project owner shall make payments to the CBO for design review, plan checks, and construction inspections, based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. These fees may be consistent with the fees listed in the 2007 CBC, adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be otherwise agreed upon by the project owner and the CBO.</p>	<p>The project owner shall make the required payments to the CBO in accordance with the agreement between the project owner and the CBO. The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next monthly compliance report indicating that applicable fees have been paid.</p>	CEC
<p>GEN-4, Resident Engineer: Prior to the start of rough grading, the project owner shall assign a California- registered architect, or a structural or civil engineer, as the resident engineer (RE) in charge of the project. All transmission facilities (lines, switchyards, switching stations, and substations) are addressed in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided that each part is clearly defined as a distinct unit. Separate assignments of general responsibility may be made for each designated part.</p> <p>The RE shall:</p> <ol style="list-style-type: none"> 1. Monitor progress of construction work requiring CBO design review and inspection to ensure compliance with LORS; 2. Ensure that construction of all facilities subject to CBO design review and inspection conforms in every material respect to applicable LORS, these conditions of certification, approved plans, and specifications; 3. Prepare documents to initiate changes in approved drawings and specifications when either directed by the project owner or as required by the conditions of the project; 4. Be responsible for providing project inspectors and testing agencies with complete and up-to-date sets of stamped drawings, plans, specifications, and any other required documents; 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the resume and registration number of the RE and any other delegated engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the RE and other delegated engineer(s) within 5 days of the approval.</p> <p>If the RE or the delegated engineer(s) is subsequently reassigned or replaced, the project owner has 5 days to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>5. Be responsible for the timely submittal of construction progress reports to the CBO from the project inspectors, the contractor, and other engineers who have been delegated responsibility for portions of the project; and</p> <p>6. Be responsible for notifying the CBO of corrective action or the disposition of items noted on laboratory reports or other tests when they do not conform to approved plans and specifications.</p> <p>The resident engineer (or his delegate) must be located at the project site, or be available at the project site within a reasonable period of time, during any hours in which construction takes place.</p> <p>The RE shall have the authority to halt construction and to require changes or remedial work if the work does not meet requirements.</p> <p>If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.</p>		
<p>GEN-5, California Registered Engineer Assignments: Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: a civil engineer; a soils, geotechnical, or civil engineer experienced and knowledgeable in the practice of soils engineering; and an engineering geologist. Prior to the start of construction, the project owner shall assign at least one of each of the following California registered engineers to the project: a design engineer who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; a mechanical engineer; and an electrical engineer. (California Business and Professions Code section 6704 et seq., and sections 6730, 6731 and 6736 require state registration to practice as a civil engineer or structural engineer in California). All transmission facilities (lines, switchyards, switching stations, and substations) are handled in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (for example, proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer.</p> <p>The project owner shall submit, to the CBO for review and approval, the names, qualifications, and registration numbers of all responsible engineers assigned to the project.</p> <p>If any one of the designated responsible engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned responsible engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.</p> <p>A. The civil engineer shall:</p> <ol style="list-style-type: none"> 1. Review the foundation investigations, geotechnical, or soils reports prepared by the soils engineer, the geotechnical engineer, or by a civil engineer experienced and knowledgeable in the practice of soils engineering; 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible civil engineer, soils (geotechnical) engineer and engineering geologist assigned to the project.</p> <p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible design engineer, mechanical engineer, and electrical engineer assigned to the project.</p> <p>The project owner shall notify the CPM of the CBO's approvals of the responsible engineers within 5 days of the approval.</p> <p>If the designated responsible engineer is subsequently reassigned or replaced, the project owner has 5 days in which to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>2. Design (or be responsible for the design of), stamp, and sign all plans, calculations, and specifications for proposed site work, civil works, and related facilities requiring design review and inspection by the CBO. At a minimum, these include: grading, site preparation, excavation, compaction, construction of secondary containment, foundations, erosion and sedimentation control structures, drainage facilities, underground utilities, culverts, site access roads and sanitary sewer systems; and</p> <p>3. Provide consultation to the RE during the construction phase of the project and recommend changes in the design of the civil works facilities and changes to the construction procedures.</p> <p>B. The soils engineer, geotechnical engineer, or civil engineer experienced and knowledgeable in the practice of soils engineering, shall:</p> <ol style="list-style-type: none"> 1. Review all the engineering geology reports; 2. Prepare the foundation investigations, geotechnical, or soils reports containing field exploration reports, laboratory tests, and engineering analysis detailing the nature and extent of the soils that could be susceptible to liquefaction, rapid settlement or collapse when saturated under load; 3. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both); and 4. Recommend field changes to the civil engineer and RE. <p>This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform to the predicted conditions used as the basis for design of earthwork or foundations.</p> <p>C. The engineering geologist shall:</p> <ol style="list-style-type: none"> 1. Review all the engineering geology reports and prepare a final soils grading report; and 2. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both). <p>D. The design engineer shall:</p> <ol style="list-style-type: none"> 1. Be directly responsible for the design of the proposed structures and equipment supports; 2. Provide consultation to the RE during design and construction of the project; 3. Monitor construction progress to ensure compliance with engineering LORS; 4. Evaluate and recommend necessary changes in design; and 5. Prepare and sign all major building plans, specifications, and calculations. 		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>E. The mechanical engineer shall be responsible for, and sign and stamp a statement with, each mechanical submittal to the CBO, stating that the proposed final design plans, specifications, and calculations conform to all of the mechanical engineering design requirements set forth in the Energy Commission's decision.</p> <p>F. The electrical engineer shall:</p> <ol style="list-style-type: none"> 1. Be responsible for the electrical design of the project; and 2. Sign and stamp electrical design drawings, plans, specifications, and calculations. 		
<p>GEN-6, Certified Special Inspector: Prior to the start of an activity requiring special inspection, including prefabricated assemblies, the project owner shall assign to the project, qualified and certified special inspector(s) who shall be responsible for the special inspections required by the 2007 CBC. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.</p> <p>A certified weld inspector, certified by the American Welding Society (AWS), and/or American Society of Mechanical Engineers (ASME) as applicable, shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels).</p> <p>The special inspector shall:</p> <ol style="list-style-type: none"> 1. Be a qualified person who shall demonstrate competence, to the satisfaction of the CBO, for inspection of the particular type of construction requiring special or continuous inspection; 2. Inspect the work assigned for conformance with the approved design drawings and specifications; 3. Furnish inspection reports to the CBO and RE. All discrepancies shall be brought to the immediate attention of the RE for correction, then, if uncorrected, to the CBO and the CPM for corrective action; and 4. Submit a final signed report to the RE, CBO, and CPM, stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans, specifications, and other provisions of the applicable edition of the CBC. 	<p>At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of an activity requiring special inspection, the project owner shall submit to the CBO for review and approval, with a copy to the CPM, the name(s) and qualifications of the certified weld inspector(s), or other certified special inspector(s) assigned to the project to perform one or more of the duties set forth above. The project owner shall also submit to the CPM a copy of the CBO's approval of the qualifications of all special inspectors in the next monthly compliance report.</p> <p>If the special inspector is subsequently reassigned or replaced, the project owner has 5 days in which to submit the name and qualifications of the newly assigned special inspector to the CBO for approval. The project owner shall notify the CPM of the CBO's approval of the newly assigned inspector within 5 days of the approval.</p>	CEC
<p>GEN-7, Design and/or Construction Discrepancy: If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend required corrective actions. The discrepancy documentation shall be submitted to the CBO for review and approval. The discrepancy documentation shall reference this condition of certification and, if appropriate, applicable sections of the CBC and/or other LORS.</p>	<p>The project owner shall transmit a copy of the CBO's approval of any corrective action taken to resolve a discrepancy to the CPM in the next monthly compliance report. If any corrective action is disapproved, the project owner shall advise the CPM, within 5 days, of the reason for disapproval and the revised corrective action to obtain CBO's approval.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>GEN-8, CBO Final Approval: The project owner shall obtain the CBO's final approval of all completed work that has undergone CBO design review and approval. The project owner shall request the CBO to inspect the completed structure and review the submitted documents. The project owner shall notify the CPM after obtaining the CBO's final approval. The project owner shall retain one set of approved engineering plans, specifications, and calculations (including all approved changes) at the project site or at another accessible location during the operating life of the project. Electronic copies of the approved plans, specifications, calculations, and marked-up as-builts shall be provided to the CBO for retention by the CPM.</p>	<p>Within 15 days of the completion of any work, the project owner shall submit to the CBO, with a copy to the CPM, in the next monthly compliance report, (a) a written notice that the completed work is ready for final inspection, and (b) a signed statement that the work conforms to the final approved plans. After storing the final approved engineering plans, specifications, and calculations described above, the project owner shall submit to the CPM a letter stating both that the above documents have been stored and the storage location of those documents.</p> <p>Within 90 days of the completion of construction, the project owner shall provide to the CBO three sets of electronic copies of the above documents at the project owner's expense. These are to be provided in the form of "read only" (Adobe .pdf 6.0) files, with restricted (password-protected) printing privileges, on archive quality compact discs.</p>	CEC
<p>CIVIL-1, Submittals to the CBO: The project owner shall submit to the CBO for review and approval the following:</p> <ol style="list-style-type: none"> 1. Design of the proposed drainage structures and the grading plan; 2. An erosion and sedimentation control plan; 3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and 4. Soils, geotechnical, or foundation investigations reports required by the 2007 CBC. 	<p>At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of site grading the project owner shall submit the documents described above to the CBO for design review and approval. In the next monthly compliance report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.</p>	CEC
<p>CIVIL-2, Unforeseen adverse soil or geologic conditions: The resident engineer shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible soils engineer, geotechnical engineer, or the civil engineer experienced and knowledgeable in the practice of soils engineering identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications, and calculations to the CBO based on these new conditions. The project owner shall obtain approval from the CBO before resuming earthwork and construction in the affected area.</p>	<p>The project owner shall notify the CPM within 24 hours, when earthwork and construction is stopped as a result of unforeseen adverse geologic/soil conditions. Within 24 hours of the CBO's approval to resume earthwork and construction in the affected areas, the project owner shall provide to the CPM a copy of the CBO's approval.</p>	CEC
<p>CIVIL-3, Inspections and Discrepancy Reports: The project owner shall perform inspections in accordance with the 2007 CBC. All plant site-grading operations, for which a grading permit is required, shall be subject to inspection by the CBO.</p> <p>If, in the course of inspection, it is discovered that the work is not being performed in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report, with copies to the CBO and the CPM, detailing all discrepancies, non-compliance items, and the proposed corrective action.</p>	<p>Within five days of the discovery of any discrepancies, the resident engineer shall transmit to the CBO and the CPM a non-conformance report (NCR), and the proposed corrective action for review and approval. Within five days of resolution of the NCR, the project owner shall submit the details of the corrective action to the CBO and the CPM. A list of NCRs, for the reporting month, shall also be included in the following monthly compliance report.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>CIVIL-4, Final Grading Plan Approval: After completion of finished grading and erosion and sedimentation control and drainage work, the project owner shall obtain the CBO's approval of the final grading plans (including final changes) for the erosion and sedimentation control work. The civil engineer shall state that the work within his/her area of responsibility was done in accordance with the final approved plans.</p>	<p>Within 30 days (or project owner- and CBO-approved alternative time frame) of the completion of the erosion and sediment control mitigation and drainage work, the project owner shall submit to the CBO, for review and approval, the final grading plans (including final changes) and the responsible civil engineer's signed statement that the installation of the facilities and all erosion control measures were completed in accordance with the final approved combined grading plans, and that the facilities are adequate for their intended purposes, along with a copy of the transmittal letter to the CPM. The project owner shall submit a copy of the CBO's approval to the CPM in the next monthly compliance report.</p>	CEC
<p>STRUC-1, Structure Approval: Prior to the start of any increment of construction of any major structure or component listed in Facility Design Table 2 of condition of certification GEN 2, above, the project owner shall submit to the CBO for design review and approval the proposed lateral force procedures for project structures and the applicable designs, plans and drawings for project structures. Proposed lateral force procedures, designs, plans and drawings shall be those for the following items (from Table 2, above):</p> <ol style="list-style-type: none"> 1. Major project structures; 2. Major foundations, equipment supports, and anchorage; and 3. Large field-fabricated tanks. <p>Construction of any structure or component shall not begin until the CBO has approved the lateral force procedures to be employed in designing that structure or component.</p> <p>The project owner shall:</p> <ol style="list-style-type: none"> 1. Obtain approval from the CBO of lateral force procedures proposed for project structures; 2. Obtain approval from the CBO for the final design plans, specifications, calculations, soils reports, and applicable quality control procedures. If there are conflicting requirements, the more stringent shall govern (for example, highest loads, or lowest allowable stresses shall govern). All plans, calculations, and specifications for foundations that support structures shall be filed concurrently with the structure plans, calculations, and specifications; 3. Submit to the CBO the required number of copies of the structural plans, specifications, calculations, and other required documents of the designated major structures prior to the start of on-site fabrication and installation of each structure, equipment support, or foundation; 	<p>At least 60 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of construction of any structure or component listed in Facility Design Table 2 of condition of certification GEN 2, above, the project owner shall submit to the CBO the above final design plans, specifications and calculations, with a copy of the transmittal letter to the CPM.</p> <p>The project owner shall submit to the CPM, in the next monthly compliance report, a copy of a statement from the CBO that the proposed structural plans, specifications, and calculations have been approved and comply with the requirements set forth in applicable engineering LORS.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>4. Ensure that the final plans, calculations, and specifications clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. The final designs, plans, calculations, and specifications shall be signed and stamped by the responsible design engineer; and</p> <p>5. Submit to the CBO the responsible design engineer's signed statement that the final design plans conform to applicable LORS.</p>		
<p>STRUC-2, Structure Document Submittal: The project owner shall submit to the CBO the required number of sets of the following documents related to work that has undergone CBO design review and approval:</p> <ol style="list-style-type: none"> 1. Concrete cylinder strength test reports (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, and mix design designation and parameters); 2. Concrete pour sign-off sheets; 3. Bolt torque inspection reports (including location of test, date, bolt size, and recorded torques); 4. Field weld inspection reports (including type of weld, location of weld, inspection of non-destructive testing (NDT) procedure and results, welder qualifications, certifications, qualified procedure description or number (ref: AWS); and 5. Reports covering other structural activities requiring special inspections shall be in accordance with the 2007 CBC. 	<p>If a discrepancy is discovered in any of the above data, the project owner shall, within 5 days, prepare and submit an NCR describing the nature of the discrepancies and the proposed corrective action to the CBO, with a copy of the transmittal letter to the CPM. The NCR shall reference the condition(s) of certification and the applicable CBC chapter and section. Within 5 days of resolution of the NCR, the project owner shall submit a copy of the corrective action to the CBO and the CPM.</p> <p>The project owner shall transmit a copy of the CBO's approval or disapproval of the corrective action to the CPM within 15 days. If disapproved, the project owner shall advise the CPM, within 5 days, the reason for disapproval, and the revised corrective action to obtain CBO's approval.</p>	CEC
<p>STRUC-3, Design Change Submittals: The project owner shall submit to the CBO design changes to the final plans required by the 2007 CBC, including the revised drawings, specifications, calculations, and a complete description of, and supporting rationale for, the proposed changes, and shall give to the CBO prior notice of the intended filing.</p>	<p>On a schedule suitable to the CBO, the project owner shall notify the CBO of the intended filing of design changes, and shall submit the required number of sets of revised drawings and the required number of copies of the other above-mentioned documents to the CBO, with a copy of the transmittal letter to the CPM. The project owner shall notify the CPM, via the monthly compliance report, when the CBO has approved the revised plans.</p>	CEC
<p>STRUC-4, Hazardous Materials Transport: Tanks and vessels containing quantities of toxic or hazardous materials exceeding amounts specified in the 2007 CBC shall, at a minimum, be designed to comply with the requirements of that chapter.</p>	<p>At least 30 days (or project owner- and CBO-approved alternate time frame) prior to the start of installation of the tanks or vessels containing the above specified quantities of toxic or hazardous materials, the project owner shall submit to the CBO for design review and approval final design plans, specifications, and calculations, including a copy of the signed and stamped engineer's certification.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
	The project owner shall send copies of the CBO approvals of plan checks to the CPM in the following monthly compliance report. The project owner shall also transmit a copy of the CBO's inspection approvals to the CPM in the monthly compliance report following completion of any inspection.	
<p>MECH-1, Proposed Final Design Submittal: The project owner shall submit, for CBO design review and approval, the proposed final design, specifications and calculations for each plant major piping and plumbing system listed in Facility Design Table 2, condition of certification GEN 2, above. Physical layout drawings and drawings not related to code compliance and life safety need not be submitted. The submittal shall also include the applicable QA/QC procedures. Upon completion of construction of any such major piping or plumbing system, the project owner shall request the CBO's inspection approval of that construction.</p> <p>The responsible mechanical engineer shall stamp and sign all plans, drawings, and calculations for the major piping and plumbing systems, subject to CBO design review and approval, and submit a signed statement to the CBO when the proposed piping and plumbing systems have been designed, fabricated, and installed in accordance with all of the applicable laws, ordinances, regulations and industry standards, which may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. American National Standards Institute (ANSI) B31.1 (Power Piping Code); 2. ANSI B31.2 (Fuel Gas Piping Code); 3. ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code); 4. ANSI B31.8 (Gas Transmission and Distribution Piping Code); 5. Title 24, California Code of Regulations, Part 5 (California Plumbing Code); 6. Title 24, California Code of Regulations, Part 6 (California Energy Code, for building energy conservation systems and temperature control and ventilation systems); 7. Title 24, California Code of Regulations, Part 2 (California Building Code); and 8. Kern County codes. <p>The CBO may deputize inspectors to carry out the functions of the code enforcement agency.</p>	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of major piping or plumbing construction listed in Facility Design Table 2, condition of certification GEN 2, above, the project owner shall submit to the CBO for design review and approval the final plans, specifications, and calculations, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.</p> <p>The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's inspection approvals.</p>	CEC
<p>MECH-2, Pressure Vessels: For all pressure vessels installed in the plant, the project owner shall submit to the CBO and California Occupational Safety and Health Administration (Cal-OSHA), prior to operation, the code certification papers and other documents required by applicable LORS. Upon completion of the installation of any pressure vessel, the project owner shall request the appropriate CBO and/or Cal-OSHA inspection of that installation.</p>	At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of on-site fabrication or installation of any pressure vessel, the project owner shall submit to the CBO for design review and approval, the above listed documents, including a copy of the signed and	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>The project owner shall:</p> <ol style="list-style-type: none"> 1. Ensure that all boilers and fired and unfired pressure vessels are designed, fabricated, and installed in accordance with the appropriate section of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or other applicable code. Vendor certification, with identification of applicable code, shall be submitted for prefabricated vessels and tanks; and 2. Have the responsible design engineer submit a statement to the CBO that the proposed final design plans, specifications, and calculations conform to all of the requirements set forth in the appropriate ASME Boiler and Pressure Vessel Code or other applicable codes. 	<p>stamped engineer's certification, with a copy of the transmittal letter to the CPM.</p> <p>The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's and/or Cal-OSHA inspection approvals.</p>	
<p>MECH-3, HVAC and Refrigeration Systems: The project owner shall submit to the CBO for design review and approval the design plans, specifications, calculations, and quality control procedures for any heating, ventilating, air conditioning (HVAC) or refrigeration system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.</p> <p>The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of that construction. The final plans, specifications and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications and calculations conform with the applicable LORS.</p>	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to the CPM.</p>	CEC
<p>ELEC-1, Electrical Construction: Prior to the start of any increment of electrical construction for all electrical equipment and systems 480 Volts or higher (see a representative list, below), with the exception of underground duct work and any physical layout drawings and drawings not related to code compliance and life safety, the project owner shall submit, for CBO design review and approval, the proposed final design, specifications, and calculations. Upon approval, the above listed plans, together with design changes and design change notices, shall remain on the site or at another accessible location for the operating life of the project. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.</p> <p>A. Final plant design plans shall include:</p> <ol style="list-style-type: none"> 1. one-line diagrams for the 13.8 kV, 4.16 kV and 480 V systems; and 2. system grounding drawings. <p>B. Final plant calculations must establish:</p> <ol style="list-style-type: none"> 1. short-circuit ratings of plant equipment; 2. ampacity of feeder cables; 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of each increment of electrical construction, the project owner shall submit to the CBO for design review and approval the above listed documents. The project owner shall include in this submittal a copy of the signed and stamped statement from the responsible electrical engineer attesting compliance with the applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>3. voltage drop in feeder cables;</p> <p>4. system grounding requirements;</p> <p>5. coordination study calculations for fuses, circuit breakers and protective relay settings for the 13.8 kV, 4.16 kV and 480 V systems;</p> <p>6. system grounding requirements; and</p> <p>7. lighting energy calculations.</p> <p>C. The following activities shall be reported to the CPM in the monthly compliance report:</p> <p>1. Receipt or delay of major electrical equipment;</p> <p>2. Testing or energization of major electrical equipment; and</p> <p>3. A signed statement by the registered electrical engineer certifying that the proposed final design plans and specifications conform to requirements set forth in the Energy Commission decision.</p>		
TRANSMISSION SYSTEM ENGINEERING		
<p>TSE-1, Schedule of Transmission Facility Design Submittals: The project owner shall furnish to the CPM and to the CBO a schedule of transmission facility design submittals, a Master Drawing List, a Master Specifications List, and a Major Equipment and Structure List. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide designated packages to the CPM when requested.</p>	<p>Prior to the start of construction, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment (see a list of major equipment below). Additions and deletions shall be made to the table only with CPM and CBO approval. The project owner shall provide schedule updates in the Monthly Compliance Report.</p> <p>List of Major Equipment Components:</p> <ul style="list-style-type: none"> Breakers Step-up transformer Switchyard Busses Surge arrestors Disconnects Take-off facilities Electrical control building Switchyard control building Transmission pole/tower Grounding system 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
<p>TSE-2, Engineer Assignments: Before the start of construction, the project owner shall assign to the project an electrical engineer and at least one of each of the following:</p> <ul style="list-style-type: none"> a) a civil engineer; b) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; c) a design engineer who is either a structural engineer or a civil engineer and fully competent and proficient in the design of power plant structures and equipment supports; or d) a mechanical engineer (Business and Professions Code Sections 6704 et seq. require state registration to practice as either a civil engineer or a structural engineer in California). <p>The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers as long as each engineer is responsible for a particular segment of the project, e.g., proposed earthwork, civil structures, power plant structures, or equipment support. No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer. The civil, geotechnical, or civil and design engineer, assigned as required by Facility Design Condition GEN 5, may be responsible for design and review of the TSE facilities.</p> <p>The project owner shall submit to the CBO, for review and approval, the names, qualifications, and registration numbers of all engineers assigned to the project. If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer. This engineer shall be authorized to halt earth work and require changes; if site conditions are unsafe or do not conform to the predicted conditions used as the basis for design of earth work or foundations.</p> <p>The electrical engineer shall:</p> <ul style="list-style-type: none"> 1. be responsible for the electrical design of the power plant switchyard, outlet, and termination facilities; and 2. sign and stamp electrical design drawings, plans, specifications, and calculations. 	<p>Prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all the responsible engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the engineers within five days of the approval.</p> <p>If the designated responsible engineer is subsequently reassigned or replaced, the project owner has 5 days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	<p>CEC</p>
<p>TSE-3, Design and/or Construction Discrepancies: If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend corrective action (2001 California Building Code, Chapter 1, section 108.4, approval required; Chapter 17, section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, section 3317.7, Notification of Noncompliance). The discrepancy documentation shall become a controlled document and shall be submitted to the CBO for review and approval and refer to this condition of certification.</p>	<p>The project owner shall submit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM within 15 days of receipt. If disapproved, the project owner shall advise the CPM, within 5 days, the reason for the disapproval, along with the revised corrective action required to obtain the CBO's approval.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
<p>TSE-4, Power Plan Switchyard/Outlet Line and Termination Plans: For the power plant switchyard, outlet line and termination, the project owner shall not begin any construction until plans for that increment of construction have been approved by the CBO. These plans, together with design changes and design change notices, shall remain on the site for one year after completion of construction. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. The following activities shall be reported in the monthly compliance report:</p> <ul style="list-style-type: none"> a) receipt or delay of major electrical equipment; b) testing or energization of major electrical equipment; and c) the number of electrical drawings approved, submitted for approval, and still to be submitted. 	<p>Prior to the start of each increment of construction, the project owner shall submit to the CBO for review and approval the final design plans, specifications and calculations for equipment and systems of the power plant switchyard, and outlet line and termination, including a copy of the signed and stamped statement from the responsible electrical engineer verifying compliance with all applicable LORS, and send the CPM a copy of the transmittal letter in the next monthly compliance report.</p>	CEC
<p>TSE-5, LORS and Requirements for Transmission Facilities: The project owner shall ensure that the design, construction, and operation of the proposed transmission facilities will conform to all applicable LORS, and the requirements listed below. The project owner shall submit the required number of copies of the design drawings and calculations, as determined by the CBO. Once approved, the project owner shall inform the CPM and CBO of any anticipated changes to the design, and shall submit a detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change to the CPM and CBO for review and approval.</p> <ul style="list-style-type: none"> a) The power plant outlet line shall meet or exceed the electrical, mechanical, civil, and structural requirements of CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, California ISO standards, National Electric Code (NEC) and related industry standards. b) Breakers and busses in the power plant switchyard and other switchyards, where applicable, shall be sized to comply with a short-circuit analysis. c) Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with the owner's standards. d) The project conductors shall be sized to accommodate the full output of the project. e) Termination facilities shall comply with applicable SCE interconnection standards. f) The project owner shall provide to the CPM: <ul style="list-style-type: none"> i) The Special Protection System (SPS) sequencing and timing if applicable, ii) A letter stating that the mitigation measures or projects selected by the transmission owners for each reliability criteria violation, for which the project is responsible, are acceptable, and iv) A copy of the executed LGIA signed by the California ISO and the project owner. 	<p>Prior to the start of construction or start of modification of transmission facilities, the project owner shall submit to the CBO for approval:</p> <ol style="list-style-type: none"> 1. Design drawings, specifications, and calculations conforming with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, CA ISO standards, National Electric Code (NEC) and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems, and major switchyard equipment; 2. For each element of the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on "worst case conditions" and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, California ISO standards, National Electric Code (NEC), and related industry standards; 3. Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in charge, a route map, and an engineering description of the 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
	<p>equipment and configurations covered by requirements TSE 5 a) through g);</p> <ol style="list-style-type: none"> 4. The Special Protection System (SPS) sequencing and timing if applicable shall be provided concurrently to the CPM. 5. A letter stating that the mitigation measures or projects selected by the transmission owners for each reliability criteria violation, for which the project is responsible, are acceptable, and 6. A copy of the executed LGIA signed by the California ISO and the project owner. <p>Prior to the start of construction of or modification of transmission facilities, the project owner shall inform the CBO and the CPM of any anticipated changes to the design that are different from the design previously submitted and approved and shall submit a detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change to the CPM and CBO for review and approval.</p>	
<p>TSE-6, Notice to the California Independent Systems Officer: The project owner shall provide the following Notice to the California Independent System Operator (California ISO) prior to synchronizing the facility with the California Transmission system:</p> <ol style="list-style-type: none"> 1. At least one week prior to synchronizing the facility with the grid for testing, provide the California ISO a letter stating the proposed date of synchronization; and 2. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the California ISO Outage Coordination Department. 	<p>The project owner shall provide copies of the California ISO letter to the CPM when it is sent to the California ISO one week prior to initial synchronization with the grid. The project owner shall contact the California ISO Outage Coordination Department, Monday through Friday, between the hours of 0700 and 1530 at (916) 351 2300 at least one business day prior to synchronizing the facility with the grid for testing. A report of conversation with the California ISO shall be provided electronically to the CPM one day before synchronizing the facility with the California transmission system for the first time.</p>	CEC
<p>TSE-7, Transmission Facility Inspection: The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM and CBO approved changes thereto, to ensure conformance with CPUC GO 95 or NESC, Title 8, CCR, Articles 35, 36 and 37 of the, "High Voltage Electric Safety Orders", applicable interconnection standards, NEC and related industry standards. In case of non-conformance, the project owner shall inform the CPM and CBO in writing, within 10 days of discovering such non-conformance and describe the corrective actions to be taken.</p>	<p>Within 60 days after first synchronization of the project, the project owner shall transmit to the CPM and CBO:</p> <ol style="list-style-type: none"> 1 "As built" engineering description(s) and one-line drawings of the electrical portion of the facilities signed and sealed by the registered electrical engineer in 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
	<p>responsible charge. A statement attesting to conformance with CPUC GO 95 or NESC, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders", and applicable interconnection standards, NEC, related industry standards.</p> <p>2. An "as built" engineering description of the mechanical, structural, and civil portion of the transmission facilities signed and sealed by the registered engineer in responsible charge or acceptable alternative verification. "As built" drawings of the electrical, mechanical, structural, and civil portion of the transmission facilities shall be maintained at the power plant and made available, if requested, for CPM audit as set forth in the "Compliance Monitoring Plan".</p> <p>3. A summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer in charge.</p>	
AIR QUALITY		
<p>AQ-SC-1, Air Quality Construction Mitigation Manager (AQCMM): The project owner shall designate and retain an on-site AQCMM who shall be responsible for directing and documenting compliance with Conditions of Certification AQ SC3, AQ SC4 and AQ SC5 for the entire project site and linear facility construction. The on-site AQCMM may delegate responsibilities to one or more AQCMM Delegates. The AQCMM and AQCMM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCMM and AQCMM Delegates may have other responsibilities in addition to those described in this condition. The AQCMM shall not be terminated without written consent of the Compliance Project Manager (CPM).</p>	<p>At least 60 days prior to the start of ground disturbance, the project owner shall submit to the BLM's Authorized Officer and CPM for approval, the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates.</p>	CEC
<p>AQ-SC-2, Air Quality Construction Mitigation Plan (AQCMP): The project owner shall provide an AQCMP, for approval, which details the steps that will be taken and the reporting requirements necessary to ensure compliance with Conditions of Certification AQ SC3, AQ SC4, and AQ SC5.</p>	<p>At least 30 days prior to the start of any ground disturbance, the project owner shall submit the AQCMP to the BLM's Authorized Officer and CPM for approval. The AQCMP shall include effectiveness and environmental data for the proposed soil stabilizer. The BLM's Authorized Officer or CPM will notify the project owner of any necessary modifications to the plan within 15 days from the date of receipt.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-SC-3, Construction Fugitive Dust Control: The AQCMM shall submit documentation to the BLM's Authorized Officer and CPM in each Monthly Compliance Report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes from leaving the project. Any deviation from the AQCMP mitigation measures shall require prior BLM Authorized Officer and CPM notification and approval.</p> <p>a. The main access roads through the facility to the power block areas will be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction in the main power block area, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved or treated prior to taking initial deliveries.</p> <p>b. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts, including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading (consistent with Biology Conditions of Certification that address the minimization of standing water); and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification AQ-SC4. The frequency of watering can be reduced or eliminated during periods of precipitation.</p> <p>c. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.</p> <p>d. Visible speed limit signs shall be posted at the construction site entrances.</p> <p>e. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.</p> <p>f. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.</p> <p>g. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.</p> <p>h. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.</p> <p>i. Construction areas adjacent to any paved roadway below the grade of the surrounding construction area or otherwise directly impacted by sediment from site drainage shall be provided with sandbags or other equivalently effective measures to prevent run-off to roadways, or other similar run-off control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this Condition does not conflict with the requirements of the SWPPP.</p>	<p>The AQCMM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:</p> <p>A. a summary of all actions taken to maintain compliance with this Condition;</p> <p>B. copies of any complaints filed with the District in relation to project construction; and</p> <p>C. any other documentation deemed necessary by the CPM or AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner's discretion.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>j. All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.</p> <p>k. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads en route from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.</p> <p>l. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</p> <p>m. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</p> <p>n. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this Condition shall remain in place until the soil is stabilized or permanently covered with vegetation.</p>		
<p>AQ-SC-4, Dust Plume Response Requirement: The AQCMM or an AQCMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported (A) off the project site and within 400 feet upwind of any regularly occupied structures not owned by the project owner or (B) 200 feet beyond the centerline of the construction of linear facilities indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMP shall include a section detailing how the additional mitigation measures will be accomplished within the time limits specified. The AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:</p> <p>Step 1: The AQCMM or Delegate shall direct more intensive application of the existing mitigation methods within 15 minutes of making such a determination.</p> <p>Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1, specified above, fails to result in adequate mitigation within 30 minutes of the original determination.</p> <p>Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2, specified above, fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM or BLM Authorized Officer any directive from the AQCMM or Delegate to shut down an activity, if the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM or BLM Authorized Officer before that time.</p>	<p>The AQCMM shall provide the BLM's Authorized Officer and the CPM a Monthly Compliance Report (COMPLIANCE-6) to include:</p> <p>A. a summary of all actions taken to maintain compliance with this condition;</p> <p>B. copies of any complaints filed with the District in relation to project construction; and</p> <p>C. any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-SC-5, Diesel-Fueled Engine Control: The AQCMM shall submit to the CPM, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior and CPM notification and approval.</p> <p>a. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the Conditions set forth herein.</p> <p>b. All construction diesel engines with a rating of 50 hp or higher shall meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 3 engine is not available for any off-road equipment larger than 100 hp, that equipment shall be equipped with a Tier 2 engine, or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 2 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this Condition, the use of such devices is “not practical” for the following, as well as other, reasons.</p> <ol style="list-style-type: none"> 1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to Tier 2 equivalent emission levels and the highest level of available control using retrofit or Tier 1 engines is being used for the engine in question; or 2. The construction equipment is intended to be on site for 10 days or less. 3. The CPM may grant relief from this requirement if the AQCMM can demonstrate a good faith effort to comply with this requirement and that compliance is not practical. <p>c. The use of a retrofit control device may be terminated immediately, provided that the CPM is informed within 10 working days of the termination and that a replacement for the equipment item in question meeting the controls required in item “b” occurs within 10 days of termination of the use, if the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following Conditions exists:</p> <ol style="list-style-type: none"> 1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in back pressure. 2. The retrofit control device is causing or is reasonably expected to cause engine damage. 3. The retrofit control device is causing or is reasonably expected to cause a substantial risk to workers or the public. 4. Any other seriously detrimental cause which has the approval of the CPM prior to implementation of the termination. 	<p>The AQCMM shall include in the Monthly Compliance Report the following to demonstrate control of diesel construction-related emissions:</p> <ol style="list-style-type: none"> A. A summary of all actions taken to control diesel construction related emissions; B. A list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained; and heavy earth-moving equipment and heavy duty construction- C. Any other documentation deemed necessary by the CPM, and the AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner’s discretion. 	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>d. All related trucks with engines meeting the requirements of (b) above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.</p> <p>e. All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.</p> <p>f. Construction equipment will employ electric motors when feasible.</p>		
<p>AQ-SC-6, Emission Standards Vehicles: The project owner, when obtaining dedicated on-road or off-road vehicles for mirror washing activities and other facility maintenance activities, shall only obtain new model year vehicles that meet California on-road vehicle emission standards or appropriate U.S.EPA/California off-road engine emission standards for the model year when obtained.</p>	<p>At least 30 days prior to the start commercial operation, the project owner shall submit to the CPM a copy of the plan that identifies the size and type of the on-site vehicle and equipment fleet and the vehicle and equipment purchase orders and contracts and/or purchase schedule. The plan shall be updated every other year and submitted in the Annual Compliance Report.</p>	CEC
<p>AQ-SC-7, Operation Dust Control Plan: The project owner shall provide a site Operations Dust Control Plan, including all applicable fugitive dust control measures identified in the verification of AQ SC3 that would be applicable to minimizing fugitive dust emission creation from operation and maintenance activities and preventing all fugitive dust plumes from leaving the project site that:</p> <p>A. describes the active operations and wind erosion control techniques such as windbreaks and chemical dust suppressants, including their ongoing maintenance procedures, that shall be used on areas that could be disturbed by vehicles or wind anywhere within the project boundaries; and</p> <p>B. identifies the location of signs throughout the facility that will limit traveling on unpaved portion of roadways to solar equipment maintenance vehicles only. In addition, vehicle speed shall be limited to no more than 10 miles per hour on these unpaved roadways, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.</p> <p>The site operations fugitive dust control plan shall include the use of durable non-toxic soil stabilizers on all regularly used unpaved roads and disturbed off-road areas, or alternative methods for stabilizing disturbed off-road areas, within the project boundaries, and shall include the inspection and maintenance procedures that will be undertaken to ensure that the unpaved roads remain stabilized. The soil stabilizer used shall be a non-toxic soil stabilizer or soil weighting agent that can be determined to be as efficient as or more efficient for fugitive dust control than ARB approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control.</p> <p>The performance and application of the fugitive dust controls shall also be measured against and meet the performance requirements of condition AQ-SC4. The measures and performance requirements of AQ-SC4 shall also be included in the operations dust control plan.</p>	<p>At least 30 days prior to start of commercial operation, the project owner shall submit to the CPM for review and approval a copy of the site Operations Dust Control Plan that identifies the dust and erosion control procedures, including effectiveness and environmental data for the proposed soil stabilizer, that will be used during operation of the project and that identifies all locations of the speed limit signs. Within 60 days after commercial operation, the project owner shall provide to the CPM a report identifying the locations of all speed limit signs, and a copy of the project employee and contractor training manual that clearly identifies that project employees and contractors are required to comply with the dust and erosion control procedures and on-site speed limits.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-SC-8, CPM Copies of Documents: The project owner shall provide the CPM copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility. The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project air permit. The project owner shall submit to the CPM any modification to any permit proposed by the District or U.S. Environmental Protection Agency (U.S. EPA), and any revised permit issued by the District or U.S. EPA, for the project.</p>	<p>The project owner shall submit any ATC, PTO, and proposed air permit modifications to the CPM within 5five working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency. The project owner shall submit all modified air permits to the CPM within 15 days of receipt.</p>	CEC
<p>AQ-SC-9, VOC Emission Reduction Credit (ERC) Sources: The project owner shall provide a list of the proposed VOC emission reduction credit (ERC) sources that total at least 68 pounds per day, shall submit requests to modify this list, and shall submit documentation confirming that the ERCs have been surrendered as required by South Coast Air Quality Management District rules.</p>	<p>The project owner shall provide to the CPM the following:</p> <ul style="list-style-type: none"> A. The list of proposed emission reduction credit sources, with the amount of reduction, the location of reduction, the method of reduction and date of reduction prior to initiating construction. B. Documentation prior to the start of operation that demonstrates the emission reduction credits have been surrendered in a manner and timeframe that complies with district rules. C. Any requests to modify the list of emission reduction credits shall be provided no later than at least 30 days prior to their surrender. 	CEC
<p>AQ-SC-10, Water Quality and Annual Emissions: The project owner shall operate the cooling towers with high efficiency mist eliminators and shall determine and report water quality and annual emissions.</p>	<p>The project owner shall provide the following at least 30 days prior to installation of the cooling tower to the CPM for review and approval:</p> <ul style="list-style-type: none"> A. The manufacturer specifications for the cooling tower, that provides the number of cells and design recirculating water flow rate for the two cooling towers. B. The manufacturer specifications for the mist eliminators that provide a manufacturer guarantee that the mist eliminators will reduce drift to no more than 0.0005% of recirculating water flow. <p>The project owner shall provide the following in the Annual Compliance Reports:</p> <ul style="list-style-type: none"> C. The sampling data for the recirculating water TDS concentration, performed at least quarterly, that demonstrates that the annual average TDS 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
	concentration was no more than 2,000 milligrams per liter (ppmw). D. The estimated annual particulate emissions from the cooling tower using the following equation: (annual gallons of water recirculated) x (0.000005 fraction mist) x (average annual TDS concentration in mg/l) / (1,000,000) x (8.34 lbs/gallon).	
<p>AQ-SC-11, Assurance that Engine Operation will not Cause Exceedance of Ambient Air Quality Standards: The project owner shall use one of the following four options to assure that the operation of the emergency engines will not cause an exceedance of the state or federal 1-hour NO₂ ambient air quality standards:</p> <ol style="list-style-type: none"> 1) The project owner shall provide an air dispersion modeling analysis that demonstrates to Staff's satisfaction that the currently proposed or officially revised worst-case operating emissions would not have the potential to cause exceedances of the state or federal 1-hour NO₂ ambient air quality standards, or 2) The project owner shall procure emergency generator engines that meet ARB Tier 4 standards for NO_x emissions (0.5 grams per brake horsepower), or 3) In the event that Tier 4 engines are not available at the time of engine purchase, the project owner shall; a) provide documentation from engine manufacturers that Tier 4 engines are not available; and b) procure emergency engines that have a NO_x emissions guarantee of no more than 2.6 grams per brake horsepower, or 4) The project owner shall agree to limit the emergency generator engine testing duration to no more than 30 minutes per event and a testing frequency limited to the minimum required by engine manufacturer. <p>In no event shall the project owner propose the use of an emergency engine that does not meet the most strict applicable federal or state engine emission limit regulation without a signed waiver from U.S. EPA or ARB as appropriate. The project owner shall justify the date of engine purchase.</p>	The project owner shall provide to the CPM the air dispersion modeling analysis, if performed, that demonstrates compliance with Part 1) of this Condition at least 30 days prior to purchasing the emergency engine generators for this project, or shall provide documentation to the CPM at least five days prior to purchasing the engine generators that demonstrates how they would comply with Part 2), or Part 3), or Part 4) of this Condition.	CEC
<p>AQ-SC12, Gasoline Storage Tank: For the aboveground gasoline storage tank, the project owner shall comply with South Coast Air Quality Management District Rule 461 and Air Resources Board Executive Orders (EOs) otherwise applicable to storage tanks larger than 250 gallons and shall:</p> <ol style="list-style-type: none"> a. Ensure that the above ground gasoline storage tank installed is no larger than 250 gallons in storage capacity and that the tank and associated fuel dispensing unit is equipped with appropriate Phase I and Phase II ARB vapor recovery systems otherwise applicable under District Rule 461 to storage tanks larger than 250 gallons at the time of installation. b. Maintain onsite a list of the SCAQMD Rule 461 and ARB EO design, testing, and other requirements applicable at the time of purchase to storage tanks larger than 250 gallons, including vapor recovery system. c. Maintain onsite a log of all inspections, repairs, tests, and maintenance on equipment subject to the requirements specified in part (b) above. Such logs or records shall be maintained at the facility for at least two (2) years and available upon request. 	No later than 30 days prior to purchasing the above ground storage tank and its components, the project owner shall provide to the CPM for approval the final tank and vapor recovery system design specifications and a list of applicable Rule 461 and EO design, testing, and other requirements, including specifications for the vapor recovery equipment. The project owner shall also provide gasoline throughput records in the Annual Compliance Report and shall make the site available for inspection of equipment and records by representatives of the District, ARB, and the Energy Commission.	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-1, Operation of Equipment: Operation of this equipment shall be conducted in accordance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-2, Equipment Maintenance: This equipment shall be properly maintained and kept in good operating condition at all times.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-3, Liquefied Petroleum Gas (LPG): This equipment shall be fired exclusively with liquefied petroleum gas (LPG) which meets the requirements of AQMD Rule 431.1 and the standards specified in CCR Title 13, Section 2292.6 for California motor vehicles.</p>	<p>The project owner shall maintain records of the LPG deliveries and specifications onsite for a period of three years and shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-4, Source Test(s) for Criteria Pollutants: The operator shall conduct source test(s) for the pollutant(s) identified below.</p> <p><i>Pollutant to be Tested Required Test Method(s) Averaging Time Test Location</i> NOx emissions District Method 100.1 1 hour Stack CO emissions District Method 100.1 1 hour Stack SOx emissions Approved District method District approved averaging time Fuel Sample VOC emissions Approved District method 1 hour Stack PM10 emissions Approved District method District approved averaging time Stack</p> <p>The test shall be conducted after AQMD approval of the source test protocol, but no later than 180 days after initial start-up. The AQMD shall be notified of the date and time of the test at least 10 days prior to the test. The test shall be conducted to determine the oxygen levels in the exhaust. In addition, the tests shall measure the fuel flow rate (CFH), the flue gas flow rate.</p> <p>The test shall be conducted in accordance with AQMD approved test protocol. The protocol shall be submitted to the AQMD engineer no later than 45 days before the proposed test date and shall be approved by the AQMD before the test commences. The test protocol shall include the proposed operating conditions of the turbine during the tests, the identity of the testing lab, a statement from the testing lab certifying that it meets the criteria of Rule 304, and a description of all sampling and analytical procedures.</p> <p>The test shall be conducted when this equipment is operating at maximum and minimum loads.</p>	<p>The project owner shall provide a source test protocol to the District for approval and CPM for review at least 45 days prior to the first source test. The project owner shall notify the District and the CPM within 10 working days before the execution of the source test required in this condition. The test shall be conducted within 180 days after initial start-up and the test results shall be submitted to the District and to the CPM within 60 days after test was conducted.</p>	<p>CEC</p>
<p>AQ-5, Annual Fuel Usage Limit: The project owner shall limit the fuel usage to no more than 698,087 gallons in any one year. For the purpose of this Condition, one year shall be defined as a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.</p> <p>For the purpose of this Condition, fuel usage shall be defined as the total propane usage of a single boiler. The project owner shall maintain records in a manner approved by the District to demonstrate compliance with this Condition.</p>	<p>The project owner shall submit records required by this condition in the Annual Compliance Report, including the monthly start and end readings of the fuel flow meter (AQ-7).</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
AQ-6, Monthly Fuel Usage Limit: The project owner shall limit the fuel usage to no more than 58,174 gallons in any one month. For the purpose of this Condition, fuel usage shall be defined as the total propane usage of a single boiler. The project owner shall maintain records in a manner approved by the District to demonstrate compliance with this Condition.	The project owner shall submit to the CPM the record of boiler fuel usage demonstrating compliance with this Condition as part of the Annual Compliance Report.	CEC
AQ-7, Flow Meter: The project owner shall install and maintain a(n) flow meter to accurately indicate the fuel usage being supplied to the boiler. The project owner shall also install and maintain a device to continuously record the parameter being measured.	At least 30 days prior to the installation of the boiler, the project owner shall provide the District and the CPM the specification of the flow meter.	CEC
<p>AQ-8, AQMD Source Test Report: At least 30 days prior to the installation of the boiler, the project owner shall provide the District and the CPM the specification of the flow meter.</p> <ol style="list-style-type: none"> 1. Source test results shall be submitted to the AQMD no later than 60 days after the source test was conducted. 2. Emission data shall be expressed in terms of concentration (ppmv) corrected to three percent oxygen (dry basis), mass rate (lb/hr), and lb/MMCF. In addition, solid PM emissions, if required to be tested, shall also be reported in terms of grains/DSCF. 3. All exhaust flow rate shall be expressed in terms of dry standard cubic feet per minute (DSCFM) and dry actual cubic feet per minute (DACFM). 4. All moisture concentration shall be expressed in terms of percent corrected to three percent oxygen. <p>Source test results shall also include the oxygen levels in the exhaust, fuel flow rate (gallons per hour), and the flue gas temperature.</p>	None required.	CEC
AQ-9, NOx Emission Limits: The NOx emissions from this equipment shall not exceed 9 ppmv, measured over 60 minute averaging time period at three percent O ₂ .	As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the boiler operating emission rates.	CEC
AQ-10, CO Emission Limits: The CO emissions from this equipment shall not exceed 50 ppmv, measured over 60 minute averaging time period at three percent O ₂ .	As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the boiler operating emission rates.	CEC
AQ-11: The 9 PPM NOx emission limits shall not apply during start-up and shutdown periods. Start-up and shutdown periods each shall not exceed 15 minutes. Written records of start-ups and shutdowns shall be maintained and made available upon request from the Executive Officer.	The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.	CEC
AQ-12: The 50 PPM CO emission limits shall not apply during start-up and shutdown periods. Start-up and shutdown periods each shall not exceed 15 minutes. Written records of start-ups and shutdowns shall be maintained and made available upon request from the Executive Officer.	The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-13, Equipment Emission Limits: The project owner shall limit emissions from this equipment as follows:</p> <p>PM-10: 639 lbs in any one year; NOx: 709 lbs in any one year; Sox: 722 lbs in any one year.</p> <p>The project owner shall calculate the yearly emissions for NOx, PM10 and SOx using the equation below and the following emission factors: NOx: 1.02 lb/1,000 gal; PM10: 0.92 lb/1,000 gal; and SOx:1.03 lb/1,000 gal.</p> <p>Yearly Emissions, lb/year = X (E.F.) where X = yearly fuel usage in 1,000 gal/year and E.F. = emission factor indicated above.</p> <p>For the purpose of this Condition, the yearly emission limit shall be defined as a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.</p>	<p>As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the boiler operating emission rates.</p>	<p>CEC</p>
<p>AQ-14, Additional Equipment Emission Limits: The project owner shall limit emissions from this equipment as follows:</p> <p>PM10: 53 lbs in any one month; NOx: 59 lbs in any one month; Sox: 60 lbs in any one month; VOC: 27 lbs in any one month.</p> <p>The project owner shall calculate the monthly emissions for NOx, VOC, PM10 and SOx using the equation below and the following emission factors: NOx: 1.02 lb/1,000 gal; VOC: 0.46 lb/1,000 gal; PM10: 0.92 lb/1,000 gal; and SOx: 1.03 lb/1,000 gal.</p> <p>Monthly Emissions, lb/month = X (E.F.) where X = monthly fuel usage in 1,000 gal/month and E.F. = emission factor indicated above.</p>	<p>As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the boiler operating emission rates.</p>	<p>CEC</p>
<p>AQ-15, Annual Equipment Time Limit: The project owner shall limit the annual operation of this equipment to no greater than 5,110 hours in any one year.</p>	<p>The project owner shall submit to the CPM the boiler hours of use records demonstrating compliance with this Condition as part of the Annual Compliance Report.</p>	<p>CEC</p>
<p>AQ-16, Boiler Operation Loads: The boiler shall not be operated at loads of less than 25 percent except during initial start-up and shutdown.</p>	<p>The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
AQ-17, Non-Resettable Totalizing Fuel Meter: The project owner shall install and maintain a non-resettable totalizing fuel meter to accurately indicate the fuel usage of the engine.	At least 30 days prior to the installation of the engine, the project owner shall provide the District and the CPM the specification of the fuel meter.	CEC
AQ-18, Fuel Sulfur Content: The project owner shall only use diesel fuel containing sulfur less than or equal to 15 ppm by weight.	The project owner shall make the site available for inspection of equipment and fuel purchase records by representatives of the District, ARB, and the Energy Commission.	CEC
AQ-19, Equipment Compliance: This equipment shall comply with Rule 431.2 and 1470.	At least 30 days prior to purchasing the engines the project owner shall submit the engine specifications for review and approval demonstrating that the engines meet NSPS and ARB ATCM emission limit requirements at the time of engine purchase, and also meets the emission limit requirements of Rule 1470. The project owner shall submit records demonstrating compliance with the engine use and sulfur content limitations of Conditions AQ-21 and AQ-18 in the Annual Compliance Report, including a photograph showing the annual reading of engine hours.	CEC
AQ-20, Non-Resettable Totalizing Fuel Meter: An operational non-resettable totalizing time meter shall be installed and maintained to indicate the engine elapsed operating time.	At least 30 days prior to the installation of the engine, the project owner shall provide the District and the CPM the specification of the hour meter.	CEC
AQ-21, Annual Engine Time Limit: This engine shall not be operated more than 200 hours in any one year, which includes no more than 50 hours per year and one hour per week for maintenance and testing as required in Rule 1470©(2).	The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.	CEC
<p>AQ-22, Engine Operation Log: The project owner shall keep a log of engine operations documenting the total time the engine is operated each month and the specific reason for operation as:</p> <ul style="list-style-type: none"> a. Emergency use b. Maintenance and testing c. Other (be specific) <p>In addition, for each time the engine is manually started, the log shall include the date of engine operation, the specific reason for operation, and the totalizing hour meter reading (in hours and tenths of hours) at the beginning and the end of the operation. On or before January 15 of each year, the project owner shall record in the engine operating log:</p> <ul style="list-style-type: none"> a. The total hours of engine operation for the previous calendar year, and 	The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>b. The total hours of engine operation for maintenance and testing for the previous calendar year Engine operation log(s) shall be retained on site for a minimum of three calendar years and shall be made available to the Executive Officer or representative upon request.</p>		
<p>AQ-23: BACT Emission Limits: This equipment shall comply with the following BACT emission limits. NOx + VOC: 3.0 gm/bhp-hr CO: 2.6 gm/bhp-hr PM10: 0.15 gm/bhp-hr</p>	<p>As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the fire pump engine operating emission rates.</p>	<p>CEC</p>
<p>AQ-24, Non-Resettable Totalizing Fuel Meter: The operator shall install and maintain a(n) non-resettable totalizing fuel meter to accurately indicate the fuel usage of the engine.</p>	<p>At least 30 days prior to the installation of the engine, the project owner shall provide the District and the CPM the specification of the fuel meter.</p>	<p>CEC</p>
<p>AQ-25, Equipment Compliance: This equipment shall comply with Rule 431.2 and 1470.</p>	<p>At least 30 days prior to purchasing the engines the project owner shall submit the engine specifications for review and approval demonstrating that the engines meet NSPS and ARB ATCM emission limit requirements at the time of engine purchase, and also meets the emission limit requirements of Rule 1470. The project owner shall submit records demonstrating compliance with the engine use and sulfur content limitations of Conditions AQ-21 and AQ-18 in the Annual Compliance Report, including a photograph showing the annual reading of engine hours.</p>	<p>CEC</p>
<p>AQ-26, Non-Resettable Totalizing Fuel Meter: An operational non-resettable totalizing time meter shall be installed and maintained to indicate the engine elapsed operating time.</p>	<p>At least 30 days prior to the installation of the engine, the project owner shall provide the District and the CPM the specification of the hour meter.</p>	<p>CEC</p>
<p>AQ-27, Annual Engine Time Limit: This engine shall not be operated more than 200 hours in any one year, which includes no more than 50 hours per year and one hour per week for maintenance and testing as required in Rule 1470(c)(2).</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-28, Operation Beyond Allotted Time; Operation beyond the allotted time for engine maintenance and testing shall be allowed only in the event of a loss of grid power or up to 30 minutes prior to a rotating outage, provided that the utility distribution company has ordered rotating outages in the control area where the engine is located or has indicated that it expects to issue such an order at a certain time, and the engine is located in a utility service block that is subject to the rotating outage. Engine operation shall be terminated immediately after the utility distribution company advises that a rotating outage is no longer imminent or in effect.</p>	<p>The project owner shall submit to the CPM the specific reason for operation of the emergency generator engine as part of the Annual Compliance Report, and the project owner shall submit to the CPM the hours of emergency generator engine operation as part of the Annual Compliance Report.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-29, Interruptible Service Contract: This engine shall not be used as part of an interruptible service contract in which a facility receives a payment or reduced rates in return for reducing electric load on the grid when requested by the utility or the grid operator.</p>	<p>The project owner shall submit to the CPM the specific reason for operation of the emergency generator engine as part of the Annual Compliance Report, and the project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	CEC
<p>AQ-30, Engine Operation Log: The project owner shall keep a log of engine operations documenting the total time the engine is operated each month and the specific reason for operation as:</p> <ul style="list-style-type: none"> a. Emergency use b. Maintenance and testing c. Other (be specific) <p>In addition, for each time the engine is manually started, the log shall include the date of engine operation, the specific reason for operation, and the totalizing hour meter reading (in hours and tenths of hours) at the beginning and the end of the operation. On or before January 15 of each year, the project owner shall record in the engine operating log:</p> <ul style="list-style-type: none"> a. The total hours of engine operation for the previous calendar year, and b. The total hours of engine operation for maintenance and testing for the previous calendar year <p>Engine operation log(s) shall be retained on site for a minimum of three calendar years and shall be made available to the Executive Officer or representative upon request.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	CEC
<p>AQ-31, BACT Emission Limits: This equipment shall comply with the following BACT emission limits:</p> <p>NOx + VOC: 4.8 gm/bhp-hr CO: 2.6 gm/bhp-hr PM10: 0.15 gm/bhp-hr</p>	<p>As part of the Annual Compliance Report, the project owner shall include information demonstrating compliance with the emergency generator engine operating emission rates.</p>	CEC
<p>AQ-32, HTF Expansion Vessels: The HTF expansion vessels shall be vented to the activated carbon adsorption system no. 1 and no. 2, which is in full operation and which has been issued permits to construct under a/n 506830 and 506835, respectively.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	CEC
<p>AQ-33, Comprehensive Inspection and Maintenance (I&M) Program: The project owner shall develop and implement a comprehensive inspection and maintenance (I&M) program to determine, repair or replace, and report leaks in the HTF piping network and expansion vessels. Such I&M program shall be submitted to the Executive Officer for approval no later than 180 days from the issuance of a permit to construct for this equipment. I&M program records and as well as any related records shall be kept on file for a period of three years and be made available to the Executive Officer upon request.</p>	<p>The project owner shall submit copies of the I&M program plan and protocol to the CPM for review at the same time when they submitted, in compliance with the timeframe requirements of this Condition, to the District for approval. The project owner shall submit information demonstrating compliance with the substantive and recordkeeping</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>In addition, the project owner shall submit a protocol to the Executive Officer within the first 60 days of full operation describing the methodology to be used to perform the following tasks:</p> <ul style="list-style-type: none"> a. All pumps connectors, and pressure relief valves (PRVs) and associated rupture disks shall be electronically, visually or by audio, inspected once every operating day. b. All accessible valves, connectors, and PRV's (including rupture disks) shall be inspected quarterly using an AQMD Rule 1173 approved leak detection device calibrated for methane. c. VOC leaks greater than 100 ppmv shall be recorded and repaired or replaced within seven days of detection. d. VOC leaks greater than 10,000 ppmv shall be recorded and repaired or replaced within 24 hours of detection. e. The project owner shall maintain written records of all VOC leaks exceeding 100 ppmv. The records shall indicate the location of the leak, the type of leak, and the repair(s) or replacement made. The records shall be kept on file for a period of three years and shall be made available to the Executive Officer upon request, f. Pressure-sensing equipment shall be installed and operated which will be capable of detecting a major leak, rupture or spill within the HTF network. 	<p>provisions of this Condition during facility operation in the Annual Compliance Report.</p>	
<p>AQ-34, Heat Transfer Fluid (HTF) Records: The project owner shall maintain written records of the amount of heat transfer fluid (HTF) replaced on a monthly basis. Such records shall be kept on file for a period of three years and shall be made available to the Executive Officer upon request.</p>	<p>The project owner shall provide the amount of heat transfer fluid (HTF) replaced each year in the Annual Compliance Report. The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-35, VOC Emissions: The following component count shall be used to determine the fugitive VOC emissions:</p> <ul style="list-style-type: none"> Valves: 1,969 per unit Pump Seals: 9 per unit Connectors: 2,091 per unit <p>The project owner shall provide AQMD with a final component count within 90 days of completion of construction.</p>	<p>The project owner shall provide the District and the CPM the final HTF piping component count within 90 days of completion of construction, and shall keep a record of changes in the component count in the inspection and maintenance program documentation kept at the site.</p>	<p>CEC</p>
<p>AQ-36, Expansion Vessels: All expansion vessels shall be kept closed except during maintenance, inspection, repair or replacement.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-37, Operation and Maintenance of Equipment: This equipment shall be maintained and operated according to manufacturer's specification to ensure compliance with applicable AQMD, state, and federal rules and regulations.</p>	<p>The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-38, Records of Compliance: Written records shall be used to demonstrate compliance with all applicable AQMD, state, or federal rules and regulations, including records of any incidental or supporting operational data needed to justify findings.</p>	<p>The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-39, Emission Limits: The emissions from the ullage system, including all fugitives, shall not exceed the following limits:</p> <p>VOC: 824.40 lbs/month/unit; 4.95 tons/year/unit</p> <p>Compliance with the maximum monthly emission limit shall be verified by the project owner each month the source is operated. Compliance with the maximum monthly emission limit shall be verified using appropriate operational data and recordkeeping to fully document the maximum monthly emission rate. Written records of such documentation of compliance shall be retained for a period of three years and made available to the Executive Officer upon request.</p>	<p>As part of the Annual Compliance Report the project owner shall include information on operating emission rates to demonstrate compliance with this Condition. The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-40, Expansion Tank Ventilation: The expansion tank shall only be vented to the atmosphere through the carbon adsorption system issued a permit to construct under a/n 506830 (506835). In no event shall the ullage system be operated for more than 400 hours in any one year. The project owner shall maintain written records of elapsed operational time of the ullage system and such records shall be made available to the Executive Officer upon request.</p>	<p>As part of the Annual Compliance Report the project owner shall include information on operating hours of the ullage system to demonstrate compliance with this Condition. The project owner shall make the site available for inspection of records and equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-41, Pressure Relief Valves: The project owner shall ensure that all pressure relief valves (PRVs) which vent to the atmosphere shall be equipped with rupture disks.</p>	<p>The project owner shall make the site available for inspection of equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-42, Monitoring and Testing of Heat Transfer Fluid (HTF): The project owner shall monitor and test the heat transfer fluid (HTF) on a quarterly basis for HTF contamination in accordance with the procedures outlined in the Therminol analytical evaluation guidelines provided by the manufacturer. The ullage system shall be operated whenever the percentage of total contaminants in the HTF sample reaches a maximum of two percent by volume.</p>	<p>As part of the Annual Compliance Report the project owner shall include a summary of the quarterly HTF test results required by this Condition and a corresponding summary of the periods of HTF ullage system venting operation to show compliance with this Condition.</p>	<p>CEC</p>
<p>AQ-43, Soil VOC Emissions: The project owner shall measure VOC emissions three-inches above the soil surface on a weekly basis using a flame ionization detector (FID) or photo-ionization detector (PID) or other device approved by the Executive Officer. The project owner shall maintain written records of weekly VOC emissions from the bio-remediation unit during periods when the unit is in operation. The project owner shall submit a written protocol to the Executive Officer to incorporate the proposed monitoring, reporting and recordkeeping requirements for the bio-remediation unit to be reviewed and approved by AQMD staff prior to initial operation of the bio-remediation unit.</p> <p>a. During operation, if the soil in the bio-remediation unit results in a VOC reading of more than 50 ppmv calibrated as methane and measured 3 inches above the soil surface with a PID, FID, or other AQMD approved device, the bio-remediation unit shall be covered with a minimum of 10-mil plastic sheeting to control VOC emissions.</p>	<p>The project owner shall provide a written protocol to incorporate the proposed monitoring, reporting and recordkeeping requirements to the District for approval and CPM for review prior to initial operation of the bio-remediation unit, and shall provide the CPM a summary of the monitoring results and other actions taken to comply with this Condition in the Annual Compliance Report.</p> <p>The project owner shall provide a written protocol to incorporate</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>b. If the soil in the bio-remediation unit registers an organic matter concentration of less than 1,000 ppmw the project owner shall use naturally occurring soil bacteria or enhanced bioremediation procedures to treat the HTF contaminated soil. During operations, the bioremediation unit shall be covered with a minimum of 10-mil plastic sheeting to control VOC emissions.</p> <p>c. If the soil in the bio-remediation unit registers an organic matter concentration of greater than or equal to 1,000 ppmw and but less than or equal to 10,000 ppmw, the project owner shall use enhanced bio-remediation procedures to treat the HTF contaminated soil using accepted environmental engineering practices. Soil stockpiles shall be conditioned as necessary through the addition of nutrients, moisture, and air, to maintain conditions suitable for bio-remediation operations</p> <p>d. If the soil in the bio-remediation unit registers a VOC reading of greater than 10,000 ppmw, the project owner shall store the contaminated soil in sealed containers while onsite. The project owner shall dispose of the HTF contaminated soil at an off-site facility suitable for disposal of such materials.</p> <p>e. If the bio-remediation operation is not effective after six months of continuous operation, the project owner shall submit another written protocol to propose an alternate method of soil remediation for approval by the Executive Officer.</p>		
<p>AQ-44, Records of Compliance: Written records shall be used to demonstrate compliance with all applicable AQMD, state, or federal rules and regulations, including records of any incidental or supporting operational data needed to justify findings.</p>	<p>The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-45, VOC-Contaminated Soil: The project owner shall submit a VOC-contaminated soil handling plan in accordance with AQMD Rule 1166 to the Executive Officer for approval no later than 180 days from the issuance of a permit to construct for this equipment.</p>	<p>The project owner shall provide a VOC-contaminated soil handling plan to the District for approval and CPM for review within 180 days of the issuance of a permit to construct.</p>	<p>CEC</p>
<p>AQ-46, Monitoring of Carbon Beds: The project owner shall monitor for breakthrough between the first and second carbon beds while the carbon system is in use using an OVA or other monitoring device as approved by the Executive Officer. Breakthrough shall occur when the OVA or other approved monitoring device shows a VOC concentration of 5 ppmv or greater, measured as methane, downstream of the first carbon bed. The carbon in the first bed shall be replaced with fresh carbon at least five times per month as necessary or at the occurrence of breakthrough, whichever comes first, prior to occurrence of breakthrough in the second carbon bed.</p>	<p>The project owner shall provide a summary of the carbon bed monitoring data as part of the Annual Compliance Report and shall submit tests to the District as required in this Condition.</p>	<p>CEC</p>
<p>AQ-47, Carbon Adsorption Canisters: The project owner shall at any given time period, maintain at least 10 extra carbon adsorption canisters on the premises to ensure that the activated carbon adsorption systems can continuously operate without interruption whenever the ullage system is in operation.</p>	<p>The project owner shall make the site available for inspection of equipment by representatives of the District, ARB, and the Energy Commission.</p>	<p>CEC</p>
<p>AQ-48, Non-Resettable Totalizing Elapsed Time Meter: The project owner shall install a non-resettable, totalizing elapsed time meter to accurately indicate the cumulative operational time, in hours, of the activated carbon adsorption system.</p>	<p>At least 30 days prior to the installation of the carbon adsorption system, the project owner shall provide the District and the CPM the specification of the totalizing elapsed time meter.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-49, Initial Source Test Plan/Protocol: An initial source test plan/protocol shall be submitted to the Executive Officer 60 days prior to the test and shall be approved before the test begins. The plan shall include the proposed operating conditions of the of the equipment during the test, the test methods, the identity of the testing laboratory, a statement from the testing laboratory certifying that it meets the no conflict requirements of the AQMD and a description of all sampling and analytical procedures to be used.</p>	<p>The project owner shall provide an initial source test plan to the District for approval and CPM for review at least 60 days prior to the test.</p>	<p>CEC</p>
<p>AQ-50, Initial Source Test: The initial source test shall be performed within 60 days after full operation but no later than 180 days after the initial start-up of the equipment.</p>	<p>The project owner shall notify the District and the CPM at least 15 days before the execution of the compliance test required in this Condition.</p>	<p>CEC</p>
<p>AQ-51, Source Test Report: A written report of the source test results shall be submitted to the Executive Officer within 60 days after the test is completed and shall contain, at a minimum, the VOC concentration, in ppm, at the inlet to the first carbon bed, between the first and second carbon bed, and at the outlet from the second bed, speciated for benzene. The test report shall include the overall control efficiency for the carbon adsorption system.</p>	<p>A summary of the source test results shall be submitted to the CPM within 60 days, or at the same time as the full test report is submitted to the District if later and allowed by the District, after source test completion.</p>	<p>CEC</p>
BIOLOGICAL RESOURCES		
<p>BIO-1, Designated Biologist Selection and Qualifications: The Project owner shall assign at least one Designated Biologist to the Project. The Project owner shall submit the resume of the proposed Designated Biologist(s), with at least three references and contact information, to the Energy Commission Compliance Project Manager (CPM) and BLM's Authorized Officer for approval in consultation with CDFG and USFWS.</p> <p>The Designated Biologist must meet the following minimum qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field; 2. Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; 3. Have at least one year of field experience with biological resources found in or near the Project area; 4. Meet the current USFWS Authorized Biologist qualifications criteria (www.fws.gov/ventura/speciesinfo/protocols_guidelines), demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS; and 5. Possess a California ESA Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise. <p>In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM, in consultation with CDFG and USFWS, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the conditions of certification.</p>	<p>At least 30 days prior to construction-related ground disturbance, the Project owner shall submit the resumes of the Designated Biologists(s) along with the completed USFWS Desert Tortoise Authorized Biologist Request Form (www.fws.gov/ventura/speciesinfo/protocols_guidelines) and submit it to the USFWS and the CPM for review and final approval.</p> <p>No construction-related ground disturbance, grading, boring, or trenching shall commence until an approved Designated Biologist is available to be on site.</p> <p>If a Designated Biologist needs to be replaced, the specified information of the proposed replacement must be submitted to the CPM at least 10 working days prior to the termination or release of the preceding Designated Biologist. In an emergency, the Project owner shall immediately notify the CPM to discuss the qualifications and approval of a short-term replacement while a permanent Designated Biologist is proposed to the CPM for consideration.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-2, Designated Biologist Duties: The Project owner shall ensure that the Designated Biologist performs the activities described below during any site mobilization activities, construction-related ground disturbance, grading, boring or trenching activities. The Designated Biologist may be assisted by the approved Biological Monitor(s) but remains the contact for the Project owner, BLM's Authorized Officer and the CPM. The Designated Biologist Duties shall include the following:</p> <ol style="list-style-type: none"> 1. Advise the Project owner's Construction and Operation Managers on the implementation of the biological resources conditions of certification; 2. Consult on the preparation of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) to be submitted by the Project owner; 3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special-status species or their habitat; 4. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions; 5. Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way; 6. Notify the Project owner and BLM's Authorized Officer and the CPM of any non-compliance with any biological resources condition of certification; 7. Respond directly to inquiries of BLM's Authorized Officer and the CPM regarding biological resource issues; 8. Maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the Monthly Compliance Report and the Annual Compliance Report; 9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and USFWS guidelines on desert tortoise surveys and handling procedures <www.fws.gov/ventura/speciesinfo/protocols_guidelines>; and 10. Maintain the ability to be in regular, direct communication with representatives of CDFG, USFWS, BLM's Authorized Officer and the CPM, including notifying these agencies of dead or injured listed species and reporting special-status species observations to the California Natural Diversity Data Base. 	<p>The Designated Biologist shall provide copies of all written reports and summaries that document biological resources compliance activities in the Monthly Compliance Reports submitted to the CPM. If actions may affect biological resources during operation a Designated Biologist shall be available for monitoring and reporting. During Project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report unless his or her duties cease, as approved by the CPM.</p>	<p>CEC</p>
<p>BIO-3, Biological Monitor Selection and Qualification: The Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to BLM's Authorized Officer and the CPM. The resume shall demonstrate, to the satisfaction of the CPM, the appropriate education and experience to accomplish the assigned biological resource tasks. The Biological Monitor is the equivalent of the USFWS designated Desert Tortoise Monitor (USFWS 2008).</p>	<p>The Project owner shall submit the specified information to the CPM for approval at least 30 days prior to the start of any site mobilization or construction-related ground disturbance, grading, boring, and trenching. The Designated Biologist shall submit a written statement to the CPM</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>Biological Monitor(s) training by the Designated Biologist shall include familiarity with the conditions of certification, BRMIMP, WEAP, and USFWS guidelines on desert tortoise surveys and handling procedures <www.fws.gov/ventura/speciesinfo/protocols_guidelines>.</p>	<p>confirming that individual Biological Monitor(s) has been trained including the date when training was completed. If additional biological monitors are needed during construction the specified information shall be submitted to the CPM for approval at least 10 days prior to their first day of monitoring activities.</p>	
<p>BIO-4, Biological Monitor Duties: The Biological Monitors shall assist the Designated Biologist in conducting surveys and in monitoring of site mobilization activities, construction-related ground disturbance, fencing, grading, boring, trenching, or reporting. The Designated Biologist shall remain the contact for the Project owner and the CPM.</p>	<p>The Designated Biologist shall submit in the Monthly Compliance Report to the CPM copies of all written reports and summaries that document biological resources compliance activities, including those conducted by Biological Monitors. If actions may affect biological resources during operation a Biological Monitor, under the supervision of the Designated Biologist, shall be available for monitoring and reporting.</p>	CEC
<p>BIO-5, Designated Biologist and Biological Monitor Authority: The Project owner's construction/operation manager shall act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources conditions of certification. The Designated Biologist shall have the authority to immediately stop any activity that is not in compliance with these conditions and/or order any reasonable measure to avoid take of an individual of a listed species. If required by the Designated Biologist and Biological Monitor(s) the Project owner's construction/operation manager shall halt all site mobilization, ground disturbance, grading, boring, trenching and operation activities in areas specified by the Designated Biologist. The Designated Biologist shall:</p> <ol style="list-style-type: none"> 1. Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued; 2. Inform the Project owner and the construction/operation manager when to resume activities; and 3. Notify BLM's Authorized Officer and the CPM if there is a halt of any activities and advise them of any corrective actions that have been taken or would be instituted as a result of the work stoppage. <p>If the Designated Biologist is unavailable for direct consultation, the Biological Monitor shall act on behalf of the Designated Biologist.</p>	<p>The Project owner shall ensure that the Designated Biologist or Biological Monitor notifies the CPM and BLM immediately (and no later than the morning following the incident, or Monday morning in the case of a weekend) of any non-compliance or a halt of any site mobilization, ground disturbance, grading, construction, or operation activities. If the non-compliance or halt to construction or operation relates to desert tortoise or any other federal- or state- listed species, the Project owner shall also notify Carlsbad Office of the USFWS and the Ontario Office of the CDFG at the same time. The Project owner shall notify the CPM of the circumstances and actions being taken to resolve the problem.</p> <p>Whenever corrective action is taken by the Project owner, a determination of success or failure will be made by the CPM in consultation with BLM, USFWS and CDFG within 5 working days after receipt of notice that corrective action is completed, or the Project owner would be notified by the CPM that coordination with other agencies would require additional time before a determination can be made.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-6, Worker Environmental Awareness Program (WEAP): The Project owner shall develop and implement a Project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from BLM's Authorized Officer and the CPM. The WEAP shall be administered to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP shall be implemented during site preconstruction, construction, operation, and closure. The WEAP shall:</p> <ol style="list-style-type: none"> 1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants; 2. Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants that no snakes, reptiles, or other wildlife shall be harmed; 3. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures; 4. Include a discussion of fire prevention measures to be implemented by workers during Project activities; request workers dispose of cigarettes and cigars appropriately and not leave them on the ground or buried; 5. Describe the temporary and permanent habitat protection measures to be implemented at the Project site; 6. Identify whom to contact if there are further comments and questions about the material discussed in the program; and 7. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines. <p>The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.</p>	<p>At least 30 days prior to start of construction-related ground disturbance, the Project owner shall provide to the CPM for review and approval and to BLM, USFWS and CDFG a copy of the final WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program.</p> <p>The Project owner shall provide in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least 10 days prior to construction-related ground disturbance activities the Project owner shall submit two copies of the approved final WEAP.</p> <p>Training acknowledgement forms signed during construction shall be kept on file by the Project owner for at least 6 months after the start of commercial operation.</p> <p>Throughout the life of the Project, the WEAP shall be repeated annually for permanent employees, and shall be routinely administered within 1 week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel potentially working within the Project area. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be maintained by the Project owner and shall be made available to the CPM, BLM, USFWS and CDFG and upon request. Workers shall receive and be required to visibly display a hardhat sticker or certificate that they have completed the training.</p> <p>During Project operation, signed statements for operational personnel shall be kept on file for 6 months following the termination of an individual's employment.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-7, Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP): The Project owner shall develop a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), and shall submit two copies of the proposed BRMIMP to the BLM-Authorized Officer and the CPM for review and approval. The Project owner shall implement the measures identified in the approved BRMIMP. The BRMIMP shall incorporate avoidance and minimization measures described in final versions of the Desert Tortoise Relocation Translocation Plan, the Raven Management Plan, the Closure, Conceptual Restoration Plan, the Burrowing Owl Mitigation and Monitoring Plan, and the Weed Management Plan.</p> <p>The BRMIMP shall be prepared in consultation with the Designated Biologist and shall include accurate and up-to-date maps depicting the location of sensitive biological resources that require temporary or permanent protection during construction and operation. The BRMIMP shall include complete and detailed descriptions of the following:</p> <ol style="list-style-type: none"> 1. All biological resources mitigation, monitoring, and compliance measures proposed and agreed to by the Project owner; 2. All biological resources conditions of certification identified as necessary to avoid or mitigate impacts; 3. All biological resource mitigation, monitoring and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion; 4. All sensitive biological resources to be impacted, avoided, or mitigated by Project construction, operation, and closure; 5. All required mitigation measures for each sensitive biological resource; 6. All measures that shall be taken to avoid or mitigate temporary disturbances from construction activities; 7. Duration for each type of monitoring and a description of monitoring methodologies and frequency; 8. Performance standards to be used to help decide if/when proposed mitigation is or is not successful; 9. All performance standards and remedial measures to be implemented if performance standards are not met; 10. Biological resources-related facility closure measures including a description of funding mechanism(s); 11. A process for proposing plan modifications to BLM's Authorized Officer and the CPM and appropriate agencies for review and approval; and 12. A requirement to submit any sightings of any special-status species that are observed on or in proximity to the Project site, or during Project surveys, to the California Natural Diversity Data Base (CNDDDB) per CDFG requirements. 	<p>The Project owner shall submit the draft BRMIMP to the CPM and BLM at least 30 days prior to start of any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching. At the same time the Project owner shall provide to CDFG and USFWS a copy of all portions of the draft BRMIMP relating to desert tortoise and any other federal or state-listed species. The Project owner shall provide final BRMIMP to the CPM, BLM, CDFG and USFWS at least 7 days prior to start of any construction-related ground disturbance, grading, boring, and trenching. The BRMIMP shall contain all of the required measures included in all biological conditions of certification. No construction-related ground disturbance, grading, boring, or trenching may occur prior to approval of the final BRMIMP by the CPM and BLM.</p> <p>If any permits have not yet been received when the final BRMIMP is submitted, these permits shall be submitted to the CPM within 5 days of their receipt, and the BRMIMP shall be revised or supplemented to reflect the permit condition(s). The Project owner shall submit to the CPM and BLM the revised or supplemented BRMIMP within 10 days following the Project owner's receipt of any additional permits. Under no circumstances shall ground disturbance proceed without implementation of all permit conditions.</p> <p>To verify that the extent of construction disturbance does not exceed that described in these conditions, the Project owner shall submit aerial photographs, at an approved scale, taken before and after construction to the CPM, BLM, USFWS and CDFG. The first set of aerial photographs shall reflect site conditions prior to any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and shall be submitted prior to initiation of such activities. The second set of aerial photographs shall be taken subsequent to completion of construction, and shall be submitted to the CPM, BLM, USFWS and CDFG no later than 90 days after completion of construction. The Project owner shall also provide a final accounting in whole acres of vegetation communities/cover</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
	<p>types present before and after construction. Construction acreages shall be rounded to the nearest acre.</p> <p>Any changes to the approved BRMIMP must be approved by the CPM and BLM in consultation with CDFG and USFWS.</p> <p>Implementation of BRMIMP measures (for example, construction activities that were monitored, species observed) shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, a written construction termination report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the Project's preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and which mitigation and monitoring items are still outstanding.</p>	
<p>Bio-8, Impact Avoidance and Minimization Measures: The Project owner shall undertake the following measures to manage the Project site and related facilities during construction, operation and maintenance in a manner to avoid or minimize impacts to biological resources:</p> <ol style="list-style-type: none"> 1. Limit Disturbance Areas. Minimize soil disturbance by locating staging areas, laydowns, and temporary parking or storage for linears in existing disturbed areas. Equipment maintenance and refueling shall not be conducted within 100 feet of any sensitive resource (for example, waters of the state, desert dry wash woodland, dune habitats and rare plant populations). Limit the width of the work area near sensitive resources. Avoid blading temporary access roads where feasible and instead drive over and crush the vegetation to preserve the seed bank and biotic soil crusts. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the Designated Biologist. Spoils and topsoil shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special-status species. Parking areas, staging and disposal site locations shall similarly be located in areas without native vegetation or special-status species habitat. All disturbances, Project vehicles and equipment shall be confined to the flagged areas. 2. Minimize Road Impacts. New and existing roads that are planned for construction, widening, or other improvements shall not extend beyond the flagged impact area as described above. All vehicles passing or turning around would do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction. 	<p>All mitigation measures and their implementation methods shall be included in the BRMIMP and implemented. Implementation of the measures shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed. As part of the Annual Compliance Report, each year following construction the Designated Biologist shall provide a report to the CPM that describes compliance with avoidance and minimization measures to be implemented during operation (for example, a summary of the incidence of roadkilled animals during the year, implementation of measures to avoid toxic spills, erosion and sedimentation, efforts to enforce worker guidelines, etc.).</p> <p>No less than 30 days prior to construction-related ground disturbance the Project owner shall provide the CPM, USFWS and CDFG with plans showing the design of a</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>3. Minimize Traffic Impacts. Vehicular traffic during Project construction and operation shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit shall not exceed 25 miles per hour within the Project area, on maintenance roads for linear facilities, or on access roads to the Project site.</p> <p>4. Monitor During Construction. In areas that have not been fenced with desert tortoise exclusion fencing and cleared, the Designated Biologist shall be present at the construction site during all Project activities that have potential to disturb soil, vegetation, and wildlife. The Designated Biologist or Biological Monitor shall clear ahead of equipment during brushing and grading activities. If desert tortoises are found during construction monitoring, procedures outlined in BIO-9 shall be implemented.</p> <p>5. Minimize Impacts of Transmission/Pipeline Alignments, Roads, and Staging Areas. Staging areas for construction on the plant site shall be within the area that has been fenced with desert tortoise exclusion fencing and cleared. For construction activities outside of the plant site (transmission line, pipeline alignments) access roads, pulling sites, and storage and parking areas shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) <i>Suggested Practices for Avian Protection on Power Lines</i> (APLIC 2006) and <i>Mitigating Bird Collisions with Power Lines</i> (APLIC 1994) to reduce the likelihood of large bird electrocutions and collisions. Where feasible avoid impacts to desert washes and special-status plants by adjusting the locations of poles and laydown areas, and the alignment of the roads and pipelines. Construction drawings and grading plans shall depict the locations of sensitive resources and demonstrate where temporary impacts to sensitive resources can be avoided and where they cannot.</p> <p>6. Avoid Use of Toxic Substances. Soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants.</p> <p>7. Minimize Lighting Impacts. Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards wildlife habitat.</p> <p>8. Minimize Noise Impacts. A continuous low-pressure technique shall be used for steam blows, to the extent possible, in order to reduce noise levels in sensitive habitat proximate to the Project site. Loud construction activities (e.g., unsilenced high pressure steam blowing, pile driving, or other) shall be avoided from February 15 to April 15, when it would result in noise levels over 65 dBA in nesting habitat (excluding noise from passing vehicles). Loud construction activities may be permitted from February 15 to April 15 only if:</p> <p>a. The Designated Biologist provides documentation (i.e., nesting bird data collected using methods described in BIO-15 and maps depicting location of the nest survey area in relation to noisy construction) to the CPM indicating that no active nests would be subject to 65 dBA noise, OR</p> <p>b. The Designated Biologist or Biological Monitor monitors active nests within the range of construction-related noise exceeding 65 dBA. The monitoring shall be conducted in accordance with Nesting Bird Monitoring and Management Plan approved by the CPM. The Plan shall include adaptive management measures to prevent disturbance to nesting birds from construction related noise. Triggers for adaptive management shall be evidence of Project-related disturbance to nesting birds such as: agitation behavior (displacement, avoidance, and defense);</p>	<p>culvert under the Project Site Access Road that would provide access for desert tortoise and other wildlife. No less than 30 days after of completion of construction of the Project site access road the Project owner shall provide as-built drawings of the culvert.</p> <p>If loud construction activities are proposed between February 15 to April 15 which would result in noise levels over 65 dBA in nesting habitat, the Project owner shall submit nest survey results (as described in 8a) to the CPM no more than 7 days before initiating such construction. If an active nest is detected within this survey area the Project owner shall submit a Nesting Bird Monitoring and Management Plan to the CPM for review and approval no more than 7 days before initiating noisy construction.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Nesting Bird Monitoring and Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of disturbance to the nesting bird.</p> <p>9. Avoid Vehicle Impacts to Desert Tortoise. Parking and storage shall occur within the area enclosed by desert tortoise exclusion fencing to the extent feasible. No vehicles or construction equipment parked outside the fenced area shall be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed outside the areas fenced with desert tortoise exclusion fencing it shall be left to move on its own. If it does not move within 15 minutes, a Designated Biologist or Biological Monitor under the Designated Biologist's direct supervision may move it out of harms way as described in the USFWS Desert Tortoise Field Manual (USFWS 2009a)</p> <p>10. Install Box Culvert. To provide for connectivity for desert tortoise and other wildlife, the Project owner shall install a box culvert suitable for passage by desert tortoise and other wildlife under the Project Site Access Road. The box culvert shall be a concrete structure no less than 4 feet high and 6 feet wide with 3:1 side slopes and shall maintain a minimum of 18 inches of native material on the floor of the culvert at all times to facilitate tortoise movement.</p> <p>11. Avoid Wildlife Pitfalls. To avoid trapping desert tortoise and other wildlife in trenches, pipes or culverts, the following measures shall be implemented:</p> <p>a. Backfill Trenches. At the end of each work day, the Designated Biologist shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) outside the area fenced with desert tortoise exclusion fencing have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically throughout the day, at the end of each workday, and at the beginning of each day by the Designated Biologist or a Biological Monitor. Should a tortoise or other wildlife become trapped, the Designated Biologist or Biological Monitor shall move the tortoise out of harm's way as described in the USFWS Desert Tortoise Field Manual (USFWS 2009a). Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed.</p> <p>b. Avoid Entrapment of Desert Tortoise. Any construction pipe, culvert, or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground and within desert tortoise habitat (i.e., outside the permanently fenced area) for one or more nights, shall be inspected for tortoises before the material is moved, buried or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on elevated pipe racks. These materials would not need to be inspected or capped if they are stored within the permanently fenced area after the clearance surveys have been completed.</p> <p>12. Minimize Standing Water. Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action to reduce water application where necessary.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>13. Dispose of Road-killed Animals. Road killed animals or other carcasses detected by personnel on roads associated with the Project area will be reported immediately to a Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during Project operations), who will promptly remove the roadkill. For special-status species road-kill, the Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during Project operations) shall contact CDFG and USFWS within 1 working day of detection of the carcass for guidance on disposal or storage of the carcass; all other road kill shall be disposed of promptly. The Biological Monitor shall provide the special-status species record as described in BIO-11 below.</p> <p>14. Minimize Spills of Hazardous Materials. All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Designated Biologist shall be informed of any hazardous spills immediately as directed in the Project Hazardous Materials Plan. Hazardous spills shall be immediately cleaned up and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.</p> <p>15. Worker Guidelines. During construction all trash and food-related waste shall be placed in self-closing containers and removed daily from the site. Workers shall not feed wildlife or bring pets to the Project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons. Vehicular traffic shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit when traveling on dirt access routes within desert tortoise habitat shall not exceed 25 miles per hour.</p> <p>16. Implement Sediment Control Measures Near Desert Washes. Standard erosion control measures shall be implemented for all phases of construction and operation where sediment run-off from exposed slopes threatens to enter waters of the state. Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. Areas of disturbed soils (access and staging areas) which slope toward drainages shall be stabilized to reduce erosion potential.</p> <p>17. Monitor Ground Disturbing Activities Prior to Pre-Construction Site Mobilization. If pre-construction site mobilization requires ground- disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.</p> <p>18. Control Unauthorized Use of the Project Access Roads. The secondary access road shall be gated at both ends and restricted to emergency response personnel as per proposed COC WORKER SAFETY-6. The Project owner shall also monitor and control any unauthorized use of the Project roads with gates, signage, and fencing as necessary to minimize traffic-related roadkills and ORV disturbance off-roads.</p> <p>19. Implement Erosion Control Measures. All disturbed soils and roads within the Project site shall be stabilized to reduce erosion potential, both during and following construction. All areas subject to temporary disturbance shall be restored to pre-project grade and stabilized to prevent erosion and promote natural revegetation. Temporarily disturbed areas within the Project area include, but are not limited to: linear facilities, temporary access roads, temporary lay-down and staging areas. If erosion control measures include the use of seed, only locally native plant species from a local seed source shall be used. Local seed includes seeds from plants within the Chuckwalla Valley or Colorado River Hydrologic Units.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>20. Avoid Spreading Weeds. Prior to the start of construction, flag and avoid dense populations of highly invasive noxious weeds. If these areas cannot be avoided, they shall be pre-treated by the methods described in BIO-14 (Weed Management Plan). Noxious weeds and other invasive non-native plants in the temporarily disturbed areas shall be managed according to the requirements in BIO-14.</p> <p>21. Salvage Topsoil. Topsoil from the Project site shall be salvaged, preserved and re-used for restoration of temporarily disturbed areas. Salvaged topsoil shall be collected, stored and applied in a way that maintains the viability of seed and soil crusts. The Project owner shall excavate and collect the upper soil layer (the top 1 to 2 inches that includes the seed bank and biotic soil crust) as well as the lower soil layer up to a depth of 6 to 8 inches. The upper and lower soil layers shall be stockpiled separately in areas that will not be impacted by other grading, flooding, erosion, or pollutants. If the soil is to be stored more than 2 weeks it shall be spread out to a depth of no more than 6 inches to maintain the seed and soil crust viability. The Project owner shall install temporary construction fencing around stockpiled topsoil, and signage that indicates whether the pile is the upper layer seed bank, or the lower layer, and clearly indicates that the piles are for use only in erosion control. After construction, the Project owner shall replace the topsoil in the temporarily disturbed areas in the reverse order of stockpiling, starting with the 6-8 inch layer of subsoil, and then the seed-containing upper layer using a harrow or similar equipment to thinly distribute the layer to depths no greater than 1 to 2 inches.</p> <p>22. Decommission Temporary Access Roads with Vertical Mulching. Discourage ORV use of temporary construction roads by installing vertical mulching at the head of the road to a distance necessary to obscure the road from view. Boulder barricades and gates shall not be used unless the remainder of the site is fenced to prevent driving around the gate or barricade. Designated ORV routes and roads shall not be closed.</p>		
<p>BIO-9, Desert Tortoise Protection: The Project owner shall undertake appropriate measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to desert tortoise. Methods for clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling and other procedures shall be consistent with those described in the USFWS' 2009 Desert Tortoise Field Manual <http://www.fws.gov/ventura/speciesinfo/protocols_guidelines> or more current guidance provided by CDFG and USFWS. The Project owner shall also implement all terms and conditions described in the Biological Opinion prepared by USFWS. These measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Desert Tortoise Fencing along Interstate 10. To avoid increases in vehicular-related mortality from disruption of local movement patterns along the existing ephemeral wash systems, desert tortoise-proof fencing shall be installed along the existing freeway right-of-way fencing, on both sides of I 10, for the entire east-west dimension of the Project configuration. The tortoise fencing shall be designed to direct tortoises to existing undercrossing to provide safe passage under the freeway, and shall be regularly inspected and maintained for the life of the Project. 2. Desert Tortoise Exclusion Fence Installation. To avoid impacts to desert tortoises, permanent desert tortoise exclusion fencing shall be installed along the permanent perimeter security fence and temporarily installed along the utility corridors. The proposed alignments for the permanent perimeter fence and utility rights-of-way fencing shall be flagged and surveyed within 24 hours prior to the initiation of fence construction. Clearance surveys of the perimeter fence and utility rights-of-way alignments shall be conducted by the Designated Biologist(s) using techniques outlined in the 	<p>All mitigation measures and their implementation methods shall be included in the BRMIMP and implemented. Implementation of the measures shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of desert tortoise clearance surveys the Designated Biologist shall submit a report to BLM, the CPM, USFWS, and CDFG describing implementation of each of the mitigation measures listed above. The report shall include the desert tortoise survey results, capture and release locations of any relocated desert tortoises, and any other information needed to demonstrate compliance with the measures described above.</p> <p>Within 6 months of completion of desert tortoise exclusion fence for Phase 1, I-10 desert tortoise exclusion fencing shall be installed. Within 3 months of completion of I-10 desert tortoise exclusion fence construction, the Project</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>USFWS' 2009 Desert Tortoise Field Manual. and may be conducted in any season with USFWS and CDFG approval. Biological Monitors may assist the Designated Biologist under his or her supervision. These fence clearance surveys shall provide 100 percent coverage of all areas to be disturbed and an additional transect along both sides of the fence line. This fence line transect shall cover an area approximately 90 feet wide centered on the fence alignment. Transects shall be no greater than 15 feet apart. All desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined to assess occupancy of each burrow by desert tortoises and handled in accordance with the USFWS' 2009 Desert Tortoise Field Manual. Any desert tortoise located during fence clearance surveys shall be handled by the Designated Biologist(s) in accordance with the USFWS' 2009 Desert Tortoise Field Manual.</p> <p>a. Timing, Supervision of Fence Installation. The exclusion fencing shall be installed prior to the onset of site clearing and grubbing. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any tortoise present.</p> <p>b. Fence Material and Installation. The permanent tortoise exclusionary fencing shall be constructed in accordance with the USFWS' 2009 Desert Tortoise Field Manual (Chapter 8 – Desert Tortoise Exclusion Fence).</p> <p>c. Security Gates. Security gates shall be designed with minimal ground clearance to deter ingress by tortoises. The gates may be electronically activated to open and close immediately after the vehicle(s) have entered or exited to prevent the gates from being kept open for long periods of time. Cattle grating designed to safely exclude desert tortoise shall be installed at the gated entries to discourage tortoises from gaining entry</p> <p>d. Fence Inspections. Following installation of the desert tortoise exclusion fencing for both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected. If tortoise were moved out of harm's way during fence construction, permanent and temporary fencing shall be inspected at least two times a day for the first 7 days to ensure a recently moved tortoise has not been trapped within the fence. Thereafter, permanent fencing shall be inspected monthly and during and within 24 hours following all major rainfall events. A major rainfall event is defined as one for which flow is detectable within the fenced drainage. Any damage to the fencing shall be temporarily repaired immediately to keep tortoises out of the site, and permanently repaired within 48 hours of observing damage. Inspections of permanent site fencing shall occur for the life of the project. Temporary fencing shall be inspected weekly and, where drainages intersect the fencing, during and within 24 hours following major rainfall events. All temporary fencing shall be repaired immediately upon discovery and, if the fence may have permitted tortoise entry while damaged, the Designated Biologist shall inspect the area for tortoise.</p> <p>3. Desert Tortoise Clearance Surveys within the Plant Site. Clearance surveys shall be conducted in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009) (Chapter 6 – Clearance Survey Protocol for the Desert Tortoise – Mojave Population) and shall consist of two surveys covering 100 percent the project area by walking transects no more than 15-feet apart. If a desert tortoise is located on the second survey, a third survey shall be conducted. Each separate survey shall be walked in a different direction to allow opposing angles of observation. Clearance surveys of the plant site may only be conducted when tortoises are most active (April through May or September through October) unless the project receives approval from CDFG and USFWS. Clearance surveys of linear features may be conducted during anytime of the year. Any tortoise located during clearance surveys of the power plant site and linear features shall be translocated or relocated and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan:</p>	<p>owner shall provide the CPM, BLM, USFWS, and CDFG with maps as well as photographic documentation showing the design and location of the fencing on both sides of I-10 south of the Project site.</p> <p>The Project Owner shall provide evidence of approval from Caltrans for installation of desert tortoise fencing along I-10 within their right-of-way at least 30-days prior to construction of the fencing.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>a. Burrow Searches. During clearance surveys all desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined by the Designated Biologist, who may be assisted by the Biological Monitors, to assess occupancy of each burrow by desert tortoises and handled in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009). To prevent reentry by a tortoise or other wildlife, all burrows shall be collapsed once absence has been determined in accordance with the Desert Tortoise Relocation/Translocation Plan. Tortoises taken from burrows and from elsewhere on the power plant site shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan.</p> <p>b. Burrow Excavation/Handling. All potential desert tortoise burrows located during clearance surveys would be excavated by hand, tortoises removed, and collapsed or blocked to prevent occupation by desert tortoises in accordance with the Desert Tortoise Relocation/Translocation Plan. All desert tortoise handling, and removal, and burrow excavations, including nests, would be conducted by the Designated Biologist, who may be assisted by a Biological Monitor in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009).</p> <p>4. Monitoring Following Clearing. Following the desert tortoise clearance and removal from the power plant site and utility corridors, workers and heavy equipment shall be allowed to enter the project site to perform clearing, grubbing, leveling, and trenching activities. A Designated Biologist or Biological Monitor shall be onsite for clearing and grading activities to move tortoises missed during the initial tortoise clearance survey. Should a tortoise be discovered, it shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan</p> <p>5. Reporting. The Designated Biologist shall record the following information for any desert tortoises handled: a) the locations (narrative and maps) and dates of observation; b) general condition and health, including injuries, state of healing and whether desert tortoise voided their bladders; c) location moved from and location moved to (using GPS technology); d) gender, carapace length, and diagnostic markings (i.e., identification numbers or marked lateral scutes); e) ambient temperature when handled and released; and f) digital photograph of each handled desert. Desert tortoise moved from within project areas shall be marked and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan.</p>		
<p>BIO-10, Desert Tortoise Relocation/Translocation Plan: The Project owner shall develop and implement a final Desert Tortoise Relocation/Translocation Plan (Plan) that is consistent with current USFWS approved guidelines, and meets the approval of the CPM. The Plan shall include guidance specific to each of the two phases of Project construction, as described in BIO-29 (Phasing), and shall include measures to minimize the potential for repeated translocations of individual desert tortoises. The goals of the Desert Tortoise Relocation/Translocation Plan shall be to: relocate/translocate all desert tortoises from the project site to nearby suitable habitat; minimize impacts on resident desert tortoises outside the project site; minimize stress, disturbance, and injuries to relocated/translocated tortoises; and assess the success of the translocation effort through monitoring. The final Plan shall be based on the draft Desert Tortoise Relocation/Translocation Plan prepared by the Applicant (AECOM 2010a, DR-BIO-55) and shall include all revisions deemed necessary by BLM, USFWS, CDFG and the Energy Commission staff.</p>	<p>At least 30 days prior to site mobilization, the Project owner shall provide the CPM with the final version of a Plan that has been reviewed and approved by the CPM in consultation with BLM, USFWS and CDFG. All modifications to the approved Plan shall be made only after approval by the CPM, in consultation with BLM, USFWS and CDFG.</p> <p>Within 30 days after initiation of relocation and/or translocation activities, the Designated Biologist shall provide to the CPM for review and approval, a written report identifying which items of the Plan have been completed, and a summary of all modifications to measures made during implementation of the Plan.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-11, Desert Tortoise Compliance Verification: The Project owner shall provide Energy Commission, BLM, CDFG and USFWS staff with reasonable access to the Project site and compensation lands under the control of the Project owner and shall otherwise fully cooperate with the Energy Commission's and BLM's efforts to verify the Project owner's compliance with, or the effectiveness of, mitigation measures set forth in the conditions of certification. The Designated Biologist shall do all of the following:</p> <ol style="list-style-type: none"> 1. Notification. Notify the CPM at least 14 calendar days before initiating construction-related ground disturbance activities; immediately notify the CPM in writing if the Project owner is not in compliance with any conditions of certification, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods specified in the conditions of certification; 2. Monitoring During Grubbing and Grading. Remain on site daily while vegetation salvage, grubbing, grading and other ground- disturbance construction activities are taking place to avoid or minimize take of listed species, and verify personally or use Biological Monitors to check for compliance with all impact avoidance and minimization measures, including checking all exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones. 3. Monthly Compliance Inspections. Conduct compliance inspections at a minimum of once per month after clearing, grubbing, and grading are completed and submit a monthly compliance report to the CPM, BLM, USFWS and CDFG during construction 4. Notification of Injured or Dead Listed Species. If an injured or dead listed species is detected within or near the Project Disturbance Area the CPM, BLM, the Ontario Office of CDFG, and the Carlsbad Office of USFWS shall be notified immediately by phone. Notification shall occur no later than noon on the business day following the event if it occurs outside normal business hours so that the agencies can determine if further actions are required to protect listed species. Written follow-up notification via FAX or electronic communication shall be submitted to these agencies within two calendar days of the incident and include the following information as relevant: <ol style="list-style-type: none"> a. Injured Desert Tortoise. If a desert tortoise is injured as a result of Project-related activities during construction, the Designated Biologist or approved Biological Monitor shall immediately take it to a CDFG-approved wildlife rehabilitation and/or veterinarian clinic. Any veterinarian bills for such injured animals shall be paid by the Project owner. Following phone notification as required above, the CPM, CDFG, and USFWS shall determine the final disposition of the injured animal, if it recovers. Written notification shall include, at a minimum, the date, time, and location, circumstances of the incident, and the name of the facility where the animal was taken. b. Desert Tortoise Fatality. If a desert tortoise is killed by Project- related activities during construction or operation, a written report with the same information as an injury report shall be submitted to the CPM, BLM, the Ontario Office of CDFG, and the Carlsbad Office of USFWS. These desert tortoises shall be salvaged according to guidelines described in <i>Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoise</i> (Berry 2001). The Project owner shall pay to have the desert tortoises transported and necropsied. The report shall include the date and time of the finding or incident. 5. Final Listed Species Report. The Designated Biologist shall provide the CPM and BLM a Final Listed Species Mitigation Report that includes, at a minimum: 1) a copy of the table in the BRMIMP with notes showing when each of the 	<p>No later than 2 days following the above required notification of a sighting, injury, kill, or relocation of a listed species, the Project owner shall deliver to the CPM, BLM, CDFG, and USFWS via FAX or electronic communication the written report from the Designated Biologist describing all reported incidents of injury, kill, or relocation of a listed species, identifying who was notified, and explaining when the incidents occurred. In the case of a sighting in an active construction area, the Project owner shall, at the same time, submit a map (e.g., using Geographic Information Systems) depicting both the limits of construction and sighting location to the CPM, BLM, CDFG and USFWS.</p> <p>No later than 45 days after initiation of Project operation the Designated Biologist shall provide the CPM and BLM a Final Listed Species Mitigation Report.</p> <p>Beginning with the first month after clearing, grubbing and grading are completed and continuing every month until construction is complete the Project owner shall submit a report describing the results of Monthly Compliance Inspections to the CPM, BLM, USFWS and CDFG.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>mitigation measures was implemented; 2) all available information about Project-related incidental take of listed species; 3) information about other Project impacts on the listed species; 4) construction dates; 5) an assessment of the effectiveness of conditions of certification in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future Projects on the listed species; and 7) any other pertinent information, including the level of take of the listed species associated with the Project.</p> <p>6. Stop Work Order. The CPM may issue the Project owner a written stop work order to suspend any activity related to the construction or operation of the Project to prevent or remedy a violation of one or more conditions of certification (including but not limited to failure to comply with reporting, monitoring, or habitat acquisition obligations) or to prevent the illegal take of an endangered, threatened, or candidate species. The Project owner shall comply with the stop work order immediately upon receipt thereof.</p>		
<p>BIO-12, Desert Tortoise Compensatory Mitigation: To fully mitigate for habitat loss and potential take of desert tortoise, the Project owner shall provide compensatory mitigation per BIO-29 – Table 2, adjusted to reflect the final Project footprint. For purposes of this condition, the Project footprint means all lands disturbed in the construction and operation of the Palen Project, including all Project linears, as well as undeveloped areas inside the Project’s boundaries that will no longer provide viable long-term habitat for the desert tortoise. To satisfy this condition, the Project owner shall acquire, protect and transfer 5 acres of desert tortoise habitat for every acre of habitat within critical habitat and within the final Project footprint, and 1 acre of desert tortoise habitat for every acre of habitat outside of critical habitat but within the final Project footprint, and provide associated funding for the acquired lands, as specified below. Condition BIO-28 may provide the Project owner with another option for satisfying some or all of the requirements in this condition. In lieu of acquiring lands itself, the Project owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF), as provided below in section 3.i. of this condition.</p> <p>The timing of the mitigation shall correspond with the timing of the site disturbance activities as stated in BIO-29 (phasing). If compensation lands are acquired in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following:</p> <p>1. Selection Criteria for Compensation Lands. The compensation lands selected for acquisition in fee title or in easement shall:</p> <ul style="list-style-type: none"> a. be within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands; b. provide habitat for desert tortoise with capacity to regenerate naturally when disturbances are removed; c. be prioritized near larger blocks of lands that are either already protected or planned for protection, such as DWMAAs within the Colorado Desert Recovery Unit (Chuckwalla DWMA as first priority, Chemehuevi DMWA as the second) or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; 	<p>If the mitigation actions required under this condition are not completed prior to the start of ground-disturbing activities, the Project owner shall provide the CPM and CDFG with an approved form of Security in accordance with this condition of certification no later than 30 days prior to beginning Project ground-disturbing activities. Actual Security shall be provided no later than 7 days prior to the beginning of Project ground-disturbing activities. If Security is provided, the Project owner, or an approved third party, shall complete and provide written verification to the CPM, CDFG, BLM and USFWS of the compensation lands acquisition and transfer within 18 months of the start of Project ground-disturbing activities.</p> <p>The Project owner may elect to fund the acquisition and initial improvement of compensation lands through NFWF or other approved third party by depositing funds for that purpose into NFWF’s REAT Account. Initial deposits for this purpose must be made in the same amounts as the Security required in section 3.h. of this condition. Payment of the initial funds for acquisition and initial improvement must be made at least 30 days prior to the start of ground-disturbing activities.</p> <p>No fewer than 90 days prior to acquisition of the property, the Project owner shall submit a formal acquisition proposal to the CPM, CDFG, USFWS, and BLM describing the parcels intended for purchase and shall obtain approval from the CPM and CDFG prior to the acquisition.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>d. be connected to lands with desert tortoise habitat equal to or better quality than the Project Site, ideally with populations that are stable, recovering, or likely to recover;</p> <p>e. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible;</p> <p>f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;</p> <p>g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and</p> <p>h. have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFG, BLM and USFWS, agrees in writing to the acceptability of the land.</p> <p>2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM, CDFG, USFWS, and BLM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for desert tortoise in relation to the criteria listed above. Approval from the CPM and CDFG, in consultation with BLM and the USFWS, shall be required for acquisition of all compensatory mitigation parcels.</p> <p>3. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM and CDFG, in consultation with BLM and the USFWS, have approved the proposed compensation lands:</p> <p>a. Preliminary Report. The Project owner, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM and CDFG. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM and CDFG, in consultation with BLM and the USFWS. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.</p> <p>b. Title/Conveyance. The Project owner shall transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement as required by the CPM and CDFG. Transfer of either fee title or an approved conservation easement will usually be sufficient, but some situations, e.g., the donation of lands burdened by a conservation easement to BLM, will require that both types of transfers be completed. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM under terms approved by the CPM and CDFG. If an approved non-profit organization holds title to the compensation lands, a conservation easement shall be recorded in favor of CDFG in a form approved by CDFG. If an approved non-profit holds a conservation easement, CDFG shall be named a third party beneficiary.</p> <p>c. Initial Habitat Improvement Fund. The Project owner shall fund the initial protection and habitat improvement of the compensation lands. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965) and if it meets the</p>	<p>No fewer than 30 days after acquisition of the property the Project owner shall deposit the funds required by Section 3e above (long term management and maintenance fee) and provide proof of the deposit to the CPM.</p> <p>The Project owner, or an approved third party, shall provide the CPM, CDFG, BLM, and USFWS with a management plan for the compensation lands within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan for the compensatory mitigation lands, in consultation with CDFG, BLM and the USFWS.</p> <p>Within 90 days after completion of all project related ground disturbance, the Project owner shall provide to the CPM, CDFG, BLM and USFWS an analysis, based on aerial photography, with the final accounting of the amount of habitat disturbed during Project construction. This shall be the basis for the final number of acres required to be acquired.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>approval of CDFG and the CPM. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.</p> <p>d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate long-term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.</p> <p>e. Long-term Maintenance and Management Fund. In accordance with BIO-29 (phasing), the Project owner shall deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands.</p> <p>The CPM, in consultation with CDFG, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFG takes fee title to the compensation lands, CDFG shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFG and with CDFG supervision.</p> <p>f. Interest, Principal, and Pooling of Funds. The Project owner, the CPM and CDFG shall ensure that an agreement is in place with the long-term maintenance and management fee holder/manager to ensure the following conditions:</p> <p>i. Interest. Interest generated from the initial capital long-term maintenance and management fee shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action approved by CDFG designed to protect or improve the habitat values of the compensation lands.</p> <p>ii. Withdrawal of Principal. The long-term maintenance and management fee principal shall not be drawn upon unless such withdrawal is deemed necessary by the CDFG or the approved third-party long-term maintenance and management fee manager to ensure the continued viability of the species on the compensation lands. If CDFG takes fee title to the compensation lands, monies received by CDFG pursuant to this provision shall be deposited in a special deposit fund established solely for the purpose to manage lands in perpetuity unless CDFG designates NFWF or another entity to manage the long-term maintenance and management fee for CDFG.</p> <p>iii. Pooling Long-Term Maintenance and Management Fee Funds. CDFG, or a CPM-and CDFG-approved non-profit organization qualified to hold long-term maintenance and management fees solely for the purpose to manage lands in perpetuity, may pool the endowment with other endowments for the operation, management, and protection of the compensation lands for local populations of desert tortoise. However, for reporting purposes, the long-term maintenance and management fee fund must be tracked and reported individually to the CDFG and CPM.</p> <p>g. Other expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to title and document review costs, expenses incurred from other state agency reviews, and overhead related to providing</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>compensation lands to CDFG or an approved third party; escrow fees or costs; environmental contaminants clearance; and other site cleanup measures.</p> <p>h. Mitigation Security. The Project owner shall provide financial assurances in accordance with BIO-29 (phasing) to the CPM and CDFG with copies of the document(s) to BLM and the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described in this condition. These funds shall be used solely for implementation of the measures associated with the Project in the event the Project owner fails to comply with the requirements specified in this condition, or shall be returned to the Project owner upon successful compliance with the requirements in this condition. The CPM's or CDFG's use of the security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition. Financial assurance can be provided to the CPM and CDFG in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security"). Prior to submitting the Security to the CPM, the Project owner shall obtain the CPM's approval in consultation with CDFG, BLM and the USFWS, of the form of the Security. Security shall be provided as described in BIO-29 – Table 3 and the beginning of the conditions of certification subsection. The actual costs to comply with this condition will vary depending on the final footprint of the Project and its two phases, and the actual costs of acquiring, improving and managing the compensation lands.</p> <p>i. NFWF REAT Account. The Project owner may elect to fund the acquisition and initial improvement of compensation lands through NFWF by depositing funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the security required in section 3.h., above, and may be provided in lieu of security. If this option is used for the acquisition and initial improvement, the Project owner shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than described in Biological Resources Table 6b, the excess money deposited in the REAT Account shall be returned to the Project owner. Money deposited for the initial protection and improvement of the compensation lands shall not be returned to the Project owner.</p> <p>The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission and CDFG. Such delegation shall be subject to approval by the CPM and CDFG, in consultation with BLM and USFWS, prior to land acquisition, initial protection or maintenance and management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be implemented with 18 months of the Energy Commission's approval.</p>		
<p>BIO-13, Raven Management Plan and Fee: The Project owner shall implement a Raven Monitoring, Management, and Control Plan (Raven Plan) that is consistent with the most current USFWS-approved raven management guidelines, and which meets the approval of the CMP, in consultation with USFWS and CDFG. The draft Common Raven Monitoring, Management, and Control Plan submitted by the Applicant (AECOM 2010a, Attachment DR-BIO-57) shall provide the basis for the final Raven Plan, subject to review, revisions and approval from the CPM, CDFG and USFWS. The Raven Plan shall include but not be limited to a program to monitor raven presence in the Project vicinity, determine if raven numbers are increasing, and to implement raven control measures as needed based on that monitoring. The purpose of</p>	<p>No less than 10 days prior to the start of any Project-related ground disturbance activities, the Project owner shall provide the CPM, USFWS, and CDFG with the final version of a Raven Plan. All modifications to the approved Raven Plan shall be made only with approval of the CPM in consultation with USFWS and CDFG.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>the plan is to avoid any Project- related increases in raven numbers during construction, operation, and decommissioning. In addition, the Project owner shall also provide funding for implementation of the USFWS Regional Raven Management Program, as described below.</p> <ol style="list-style-type: none"> 1. The Raven Plan shall: <ol style="list-style-type: none"> a. Identify conditions associated with the Project that might provide raven subsidies or attractants; b. Describe management practices to avoid or minimize conditions that might increase raven numbers and predatory activities; c. Describe control practices for ravens; d. Establish thresholds that would trigger implementation of control practices; e. Address monitoring and nest removal during construction and for the life of the Project, and; f. Discuss reporting requirements. 2. USFWS Regional Raven Management Program. The Project owner shall submit payment to the project sub-account of the REAT Account held by the National Fish and Wildlife Foundation (NFWF) to support the USFWS Regional Raven Management Program. The one-time fee shall be as described by the USFWS in the <i>Renewable Energy Development and Common Raven Predation on the Desert Tortoise – Summary, dated May 2010</i> (USFWS 2010a) and the Cost Allocation Methodology for Implementation of the Regional Raven Management Plan, dated July 9, 2010) or more current guidance as provided by USFWS or CDFG (USFWS 2010b). 	<p>No less than 10 days prior to the start of any Project-related ground disturbance activities for each phase of Project construction as described in BIO-29, the Project owner shall provide documentation to the CPM, CDFG and USFWS that the one-time fee for the USFWS Regional Raven Management Program of has been deposited to the REAT-NFWS subaccount for the Project. Payment of the fees may be phased as described in BIO-29 – Table 3.</p> <p>Within 30 days after completion of Project construction, the Project owner shall provide to the CPM for review and approval, a written report identifying which items of the Raven Plan have been completed, a summary of all modifications to mitigation measures made during the Project’s construction phase, and which items are still outstanding.</p> <p>As part of the annual compliance report, each year following construction the Designated Biologist shall provide a report to the CPM that includes: a summary of the results of raven management and control activities for the year; a discussion of whether raven control and management goals for the year were met; and recommendations for raven management activities for the upcoming year.</p>	
<p>BIO-14, Weed Management Plan: The Project owner shall implement a Weed Management Plan (Plan) that meets the approval of the CPM. The objective of the Plan shall be to prevent the introduction of any new weeds and the spread of existing weeds as a result of Project construction, operation, and decommissioning. The Draft Weed Management Plan, submitted by the Applicant (AECOM 2010a, Attachment DR-BIO-100), shall provide the basis for the final Plan, subject to review and revisions from the CPM. The Plan shall include the following:</p> <ol style="list-style-type: none"> 1. Weed Plan Requirements. The Project owner shall provide a map to the CPM indicating the location of the Weed Management Area, which shall include all areas within 100 feet of the Project Disturbance Area, access roads, staging and laydown sites, and all other areas subject to temporary disturbance. The Project owner shall provide a Plan for the Weed Management Area includes at a minimum the following information: specific weed management objectives and measures for each target non-native weed species; baseline conditions; a map of the Weed Management Areas; map of existing populations of target weeds within 100 feet of the Project Disturbance Area and access roads; weed risk assessment; measures to prevent the introduction and spread of weeds; measures to minimize the risk of unintended harm to wildlife and other plants from weed control activities; monitoring and surveying methods; and reporting requirements. Weed control described in the Plan shall focus on prevention, early detection of new infestations, and early eradication for the life of the Project. Weed control along the Project linears shall be limited to the areas where soils were disturbed during construction. Weed monitoring shall occur a minimum of once per year during the early spring months (March-April) to detect seedlings before they set seed. The focus of the Plan shall be on avoiding the 	<p>No less than 10 days prior to start of any Project-related ground disturbance activities, the Project owner shall provide the CPM with the final version of a Weed Management Plan that has been reviewed by BLM and Energy Commission staff. Modifications to the approved Weed Control Plan shall be made only with approval from the CPM in consultation with BLM.</p> <p>Within 30 days after completion of Project construction, the Project owner shall provide to the CPM for review and approval, a written report identifying which items of the Weed Management Plan have been completed, a summary of all modifications to mitigation measures made during the Project’s construction phase, and which items are still outstanding.</p> <p>As part of the Annual Compliance Report, each year following construction the Designated Biologist shall provide</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>introduction of new invasive weeds or the spread of highly invasive species, such as Sahara mustard. Non-native species with low ecological risk, or that are very widespread, such as Mediterranean grass, shall be noted but control shall not be required. When detected, infestations of high priority species shall be eradicated immediately.</p> <p>2. Avoidance and Treatment of Dense Weed Populations. The Plan shall include a requirement to flag and avoid dense populations of the most invasive non-native weeds during any Project-related construction operation in or adjacent to infestations. If these areas cannot be avoided, they shall be pre-treated by one of the following methods: a) treating the infested areas in the season prior to construction by removing and properly disposing of seed heads by hand, prior to maturity, or spraying the new crop of plants that emerge in early spring, the season prior to construction, to reduce the viable seed contained in the soil, or b) removing and disposing the upper 2 inches of soil and disposing it offsite at a sanitary landfill or other site approved by the County Agricultural Commissioner, or burying the infested soil, e.g., under the solar facility or in a pit, and covering the infested soil with at least three feet of uncontaminated soil.</p> <p>3. Cleaning Vehicles and Equipment. The Plan shall include specifications and requirements for the cleaning and removal of weed seed and weed plant parts from vehicles and equipment involved in Project-related construction and operation. Vehicles and equipment working in weed-infested areas (including previous job sites) shall be required to clean the equipment tires, tracks, and undercarriage <i>before</i> entering the Project area and before moving to infested areas of the Project Disturbance Area to uninfested areas. Cleaning shall be conducted on all track and bucket/blade components to adequately remove all visible dirt and plant debris. Cleaning using hand tools, such as brushes, brooms, rakes, or shovels, is preferred. If water must be used, the water/slurry shall be contained to prevent seeds and plant parts from washing into adjacent habitat.</p> <p>4. Safe Use of Herbicides. The final Plan shall include detailed specifications for avoiding herbicide and soil stabilizer drift, and shall include a list of herbicides and soil stabilizers that will be used on the Project with manufacturer's guidance on appropriate use. The Plan shall indicate where the herbicides will be used, and what techniques will be used to avoid chemical drift or residual toxicity to special-status species and their pollinators, and consistent with the Nature Conservancy guidelines and the criteria under #2, below. Only weed control measures for target weeds with a demonstrated record of success shall be used, based on the best available information from sources such as The Nature Conservancy's The Global Invasive Species Team, California Invasive Plant Council: http://www.cal-ipc.org/ip/management/plant_profiles/index.php, and the California Department of Food & Agriculture Encyclopededia: http://www.cdfa.ca.gov/phpps/ipc/encyclopededia/encyclopededia_h.p.htm.</p> <p>5. The methods for weed control described in the final Plan shall meet the following criteria:</p> <p>a. Manual: Well-timed removal of plants or seed heads with hand tools; seed heads and plants must be disposed of in accordance with guidelines from the Riverside County Agricultural Commissioner.</p> <p>b. Chemical: Herbicides known to have residual toxicity, such as pre-emergents and pellets, shall not be used in natural areas or within the engineered channels. Only the following application methods may be used: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack and squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with backpack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations (see Nature Conservancy guidelines described above);</p>	<p>a report to the CPM and BLM that includes: a summary of the results of noxious weeds surveys and management activities for the year; a discussion of whether weed management goals for the year were met; and recommendations for weed management activities for the upcoming year.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. Biological: Biological methods may be used subject to review and approval by CDFG and USFWS and only if approved for such use by CDFG, and are either locally native species or have no demonstrated threat of naturalizing or hybridizing with native species;</p> <p>d. Mechanical: Disking, tilling, and mechanical mowers or other heavy equipment shall not be employed in natural areas but hand weed trimmers (electric or gas-powered) may be used. Mechanical trimmers shall not be used during periods of high fire risk and shall only be used with implementation of fire prevention measures.</p>		
<p>BIO-15, Pre-Construction Nest Surveys and Avoidance Measures: Pre-construction nest surveys shall be conducted if construction activities would occur from February 1 through July 31. The Designated Biologist or Biological Monitor conducting the surveys shall be experienced bird surveyors familiar with standard nest-locating techniques such as those described in Martin and Guepel (1993). The goal of the nesting surveys shall be to identify the general location of the nest sites, sufficient to establish a protective buffer zone around the potential nest site, and need not include identification of the precise nest locations. Surveyors performing nest surveys shall not concurrently be conducting desert tortoise surveys. The bird surveyors shall perform surveys in accordance with the following guidelines:</p> <ol style="list-style-type: none"> 1. Surveys shall cover all potential nesting habitat in areas that could be disturbed by each phase of construction, as described in BIO-29 (Phasing). Surveys shall also include areas within 500 feet of the boundaries of the active construction areas (including linear facilities); 2. At least two pre-construction surveys shall be conducted, separated by a minimum 10-day interval. One of the surveys shall be conducted within the 14-day period preceding initiation of construction activity. Additional follow-up surveys may be required if periods of construction inactivity exceed three weeks, an interval during which birds may establish a nesting territory and initiate egg laying and incubation; 3. If active nests or suspected active nests are detected during the survey, a buffer zone (protected area surrounding the nest, the size of which is to be determined by the Designated Biologist in consultation with CDFG) and monitoring plan shall be developed. Nest locations shall be mapped and submitted, along with a report stating the survey results, to the CPM; and 4. The Designated Biologist or Biological Monitor shall monitor the nest until he or she determines that nestlings have fledged and dispersed; activities that might, in the opinion of the Designated Biologist, disturb nesting activities, shall be prohibited within the buffer zone until such a determination is made. 	<p>At least 10 days prior to the start of any Project-related ground disturbance activities during the nesting season, the Project owner shall provide the CPM a letter-report describing the findings of the pre-construction nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor (s); and a list of species observed. If active or suspected active nests are detected during the survey, the report shall include a map or aerial photo identifying the location or suspected location of the nest and shall depict the boundaries of the no-disturbance buffer zone around the nest(s) that would be avoided during Project construction.</p> <p>Each year during construction as part of the annual compliance report a follow-up report shall be provided to the CPM, BLM, CDFG, and USFWS describing the success of the buffer zones in preventing disturbance to nesting activity and a brief description of the outcome of the nesting effort (for example, whether young were successfully fledged from the nest or if the nest failed).</p>	CEC
<p>BIO-16, Avian Protection Plan: The Project owner shall prepare and implement an Avian Protection Plan to monitor the death and injury of birds from collisions with facility features such as transmission lines, reflective mirror-like surfaces and from heat, and bright light from concentrating sunlight. The monitoring data shall be used to inform an adaptive management program that would avoid and minimize Project-related avian impacts. The study design shall be approved by the CPM in consultation with BLM, CDFG and USFWS, and shall be consistent with guidance from the USFWS on development of avian and bat protection plans (USFWS 2010c). The monitoring and adaptive management measures described in the Avian Protection Plan shall be incorporated into the Project's BRMIMP and implemented. The Avian</p>	<p>At least 30 days prior to the start of commercial operation of any of the power plant units the Project owner shall submit to the CPM, USFWS, and CDFG a final Avian Protection Plan. Modifications to the Avian Protection Plan shall be made only after approval from the CPM.</p> <p>For one year following the beginning of power plant operation the Designated Biologist shall submit quarterly</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>Protection Plan shall include detailed specifications on data and carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The plan shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.</p>	<p>reports to the CPM, BLM, CDFG, and USFWS describing the dates, durations, and results of monitoring. The quarterly reports shall provide a detailed description of any Project-related bird deaths or injuries detected during the monitoring study or at any other time, and describe adaptive management measures implemented to avoid or minimize deaths or injuries. Following the completion of the fourth quarter of monitoring the Designated Biologist shall prepare an Annual Report that summarizes the year's data, analyzes any Project-related bird fatalities or injuries detected, and provides recommendations for future monitoring and any adaptive management actions needed.</p> <p>The Annual Report shall be provided to the CPM, BLM, CDFG, and USFWS. Quarterly reporting shall continue until the CPM, in consultation with CDFG and USFWS determine whether more years of monitoring are needed, and whether mitigation and adaptive management measures are necessary.</p>	
<p>BIO-17, American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures: To avoid direct impacts to American badgers and desert kit fox, pre- construction surveys shall be conducted for these species concurrent with the desert tortoise surveys to facilitate passive relocation. Surveys shall be conducted as described below:</p> <ol style="list-style-type: none"> 1. Biological Monitors shall perform pre-construction surveys for badger and kit fox dens in the Project disturbance area and a 20- foot buffer beyond the Project disturbance area, including utility corridors and access roads. If dens are detected each den shall be classified as inactive, potentially active, or definitely active. Surveys may be concurrent with desert tortoise surveys. 2. Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox. 3. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. 4. If not racks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. 5. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den. BLM approval may be required prior to release of badgers on public lands. 	<p>The Project owner shall submit a report to the CPM, BLM and CDFG within 30 days of completion of badger and kit fox surveys. The report shall describe survey methods, results, impact avoidance and minimization measures implemented, and the results of those measures.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-18, Burrowing Owl Impact Avoidance, Minimization, and Compensation Measures: The Project owner shall implement the following measures to avoid, minimize and offset impacts to burrowing owls:</p> <ol style="list-style-type: none"> 1. Pre-Construction Surveys. The Designated Biologist or Biological Monitor shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to initiation of construction activities. Surveys shall be focused exclusively on detecting burrowing owls, and shall be conducted from two hours before sunset to 1 hour after or from 1 hour before to 2 hours after sunrise. The survey area shall include the Project Disturbance Area and surrounding 500 foot survey buffer for each phase of construction in accordance with BIO-29 (phasing). 2. Implement Burrowing Owl Mitigation Plan. The Project owner shall implement measures described in the final Burrowing Owl Mitigation Plan. The final Burrowing Owl Mitigation Plan shall be approved by the CPM, in consultation with BLM, USFWS and CDFG, and shall: <ol style="list-style-type: none"> a. identify suitable sites within 1 mile of the Project Disturbance Areas for creation or enhancement of burrows prior to passive relocation efforts; b. provide guidelines for creation or enhancement of at least two natural or artificial burrows per relocated owl; c. provide detailed methods and guidance for passive relocation of burrowing owls occurring within the Project Disturbance Area; and d. describe monitoring and management of the passive relocation effort, including the created or enhanced burrow location and the project area where burrowing owls were relocated from, and provide a reporting plan. 3. Implement Avoidance Measures. If an active burrowing owl burrow is detected within 500 feet from the Project Disturbance Area the following avoidance and minimization measures shall be implemented: <ol style="list-style-type: none"> a. Establish Non-Disturbance Buffer. Fencing shall be installed at a 250-foot radius from the occupied burrow to create a non- disturbance buffer around the burrow. The non-disturbance buffer and fence line may be reduced to 160 feet if all Project- related activities that might disturb burrowing owls would be conducted during the non-breeding season (September 1 through January 31). Signs shall be posted in English and Spanish at the fence line indicating no entry or disturbance is permitted within the fenced buffer. b. Monitoring: If construction activities would occur within 500 feet of the occupied burrow during the nesting season (February 1 – August 31) the Designated Biologist or Biological Monitor shall monitor to determine if these activities have potential to adversely affect nesting efforts, and shall make recommendations to minimize or avoid such disturbance. 4. Acquire Burrowing Owl Habitat. The Project owner shall acquire, in fee or in easement land suitable to support a resident population of burrowing owls and shall provide funding for the enhancement and long-term management of these compensation lands. The responsibilities for acquisition and management of the compensation lands may be delegated by written agreement to CDFG or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the CPM, in consultation with CDFG and USFWS prior to land acquisition or management activities. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat. 	<p>If pre-construction surveys detect burrowing owls within the Project Disturbance Area and relocation of the owls is required, within 30 days of completion of the burrowing owl pre-construction surveys the Project owner shall submit to the CPM, BLM, CDFG, and USFWS a Burrowing Owl Mitigation Plan. The Burrowing Owl Mitigation Plan shall identify suitable areas for construction of burrows and the other passive relocation as described above. As part of the Annual Compliance Report each year following construction for a period of five years, the Designated Biologist shall provide a report to the CPM, BLM, USFWS and CDFG that describes the results of monitoring and management of the burrowing owl burrow creation or enhancement area(s).</p> <p>If pre-construction surveys detect burrowing owls within 500 feet of proposed construction activities, at least 10 days prior to the start of any Project-related site disturbance activities the Designated Biologist shall provide to the CPM, BLM, CDFG, and USFWS documentation indicating that non-disturbance buffer fencing has been installed as described above. The Project owner shall report monthly to the CPM, BLM, CDFG and USFWS for the duration of construction on the implementation of burrowing owl avoidance and minimization measures. Within 30 days after completion of construction the Project owner shall provide to the CPM and CDFG a written report identifying how mitigation measures described in the plan have been completed.</p> <p>No less than 30 days prior to the start of Project ground-disturbing activities the Project owner shall provide the CPM with an approved form of Security in accordance with this condition of certification. Actual Security for acquisition of 78 acres of burrowing owl habitat shall be provided no later than 7 days prior to the beginning of Project ground-disturbing activities.</p> <p>No fewer than 90 days prior to the land or easement purchase, as determined by the date on the title, the Project owner shall provide the CPM with a management plan for</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>a. Criteria for Burrowing Owl Mitigation Lands. The terms and conditions of this acquisition or easement shall be as described in BIO-12 [Desert Tortoise Compensatory Mitigation], with the additional criteria to include: 1) mitigation land per BIO-29 - Table 2 that must provide suitable habitat for burrowing owls, and 2) the acquisition lands must either currently support burrowing owls or be no farther than 5 miles from an active burrowing owl nesting territory. The burrowing owl mitigation lands may be included with the desert tortoise mitigation lands ONLY if these two burrowing owl criteria are met. If the burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands, the Project owner shall fulfill the requirements described below in this condition.</p> <p>b. Security. If the burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands the Project owner or an approved third party shall complete acquisition of the proposed compensation lands within the time period specified for this acquisition (see the verification section at the end of this condition). Alternatively, financial assurance can be provided by the Project owner to the CPM and CDFG, according to the measures outlined in BIO-12. The amount of the Security shall be as described in BIO-29 – Table 3 for the proposed Project or any of the Project alternatives. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security (“Security”) prior to initiating ground-disturbing Project activities. Prior to submittal to the CPM, the Security shall be approved by the CPM, in consultation with CDFG and the USFWS to ensure funding. The final amount due will be determined by an updated appraisal and PAR analysis conducted as described in BIO-12.</p>	<p>review and approval, in consultation with CDFG, BLM, and USFWS, for the compensation lands and associated funds.</p> <p>No later than 18 months from initiation of construction, the Project owner shall provide written verification to the CPM that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient.</p>	
<p>BIO-19, Special-Status Plant Impact Avoidance, Minimization and Compensation: This condition contains the following four sections:</p> <p>Section A: Special-Status Plant Impact Avoidance and Minimization Measures contains the Best Management Practices and other measures designed to avoid accidental indirect impacts to plants during construction, operation, and closure. The measures are required for special-status plants located outside of the Project Disturbance Area and within 100 feet of the Project Disturbance Area. The same measures shall also be implemented for plants within the Project Disturbance Area that are avoided pursuant to Section C of this condition.</p> <p>Section B: Conduct Late Season Botanical Surveys describes guidelines for conducting summer-fall 2010 surveys to detect special-status plants that would have been missed during the spring 2010 surveys. Section C: Avoidance Requirements for Special-Status Plants Detected in the Summer/Fall 2010 Surveys outlines the level of on-site avoidance required for any special-status plants detected during the summer-fall surveys, and specifies when off-site mitigation is required.</p> <p>Section D: Off-Site Compensatory Mitigation for Special-Status Plants describes performance standards for off-site mitigation through acquisition or restoration/enhancement.</p> <p>“Project Disturbance Area” encompasses all areas to be temporarily and permanently disturbed by the Project, including the plant site, linear facilities, and areas disturbed by temporary access roads, fence installation, construction work lay-down and staging areas, parking, storage, or by any other activities resulting in disturbance to soil or vegetation. The term “Permanent Project Disturbance Area” refers only to the solar facility; “linears” includes transmission lines, laydown areas, pipelines, and access roads.</p>	<p>The Special-Status Plant Impact Avoidance and Minimization Measures shall be incorporated into the BRMIMP as required under Condition of Certification BIO-7.</p> <p>The Project owner shall notify the CPM and the BLM State Botanist no less than 14 days prior to the start of late-season surveys and provide a target list of late season special-status plants that will be considered. Concurrently, the Project owner shall coordinate with BLM to obtain a permit for seed collection. Seed collection is required for all special-status plants located within the Project Disturbance Area and shall be conducted according to the specifications in Section D.III.1 of this condition and with all terms and conditions of the BLM permit.</p> <p>Raw GPS data, metadata, and CNDDDB field forms shall be submitted to the CPM within two weeks of the completion of each survey. A preliminary summary of results for the late summer/fall botanical surveys, prepared according to guidelines in Section B of this condition, shall also be submitted to the CPM and BLM’s State Botanist within two weeks following the completion of the surveys. If surveys</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
<p>BIOLOGICAL RESOURCES (cont.)</p> <p>The Project owner shall implement the following measures in Section A, B, C, and D to avoid, minimize, and compensate for direct, indirect, and cumulative impacts to special-status plant species:</p> <p>Section A: Special-Status Plant Impact Avoidance and Minimization Measures</p> <p>To protect all special-status plants⁵⁶located outside of the Project Disturbance Area and within 100 feet of the permitted Project Disturbance Area from accidental and indirect impacts during construction, operation, and closure, the Project owner shall implement the following measures:</p> <ol style="list-style-type: none"> 1. Designated Botanist. An experienced botanist who meets the qualifications described in Section B-2 below shall oversee compliance with all special-status plant avoidance, minimization, and compensation measures described in this condition throughout construction and closure. The Designated Botanist shall oversee and train all other Biological Monitors tasked with conducting botanical survey and monitoring work. During operation of the Project, the Designated Biologist shall be responsible for protecting special-status plant occurrences within 100 feet of the Project boundaries. 2. Special-Status Plant Impact Avoidance and Minimization Measures. The Project owner shall incorporate all measures for protecting special-status plants in close proximity to the site into the BRMIMP (BIO-7). These measures shall include the following elements: <ol style="list-style-type: none"> a. Site Design Modifications: i) Incorporate s modifications to site design or construction techniques to minimize direct and indirect impacts to special-status plants along the Project linears to include: limiting the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to the alignment of the roads and pipelines within the constraints of the ROW; ii) modify diffusers on engineered channel to ensure discharge into existing small channels that were deprived of flows from diversion into engineered channel to minimize impacts downstream and maintain the natural surface drainage patterns and sediment transport critical to wash-dependent special-status plants; iii) These modifications shall be clearly depicted on the grading and construction plans, and on report-sized maps in the BRMIMP. b. Establish Environmentally Sensitive Areas (ESAs). Prior to the start of any ground- or vegetation-disturbing activities, the Designated Botanist shall establish ESAs to protect avoided⁷ special-status plants located outside of the Project Disturbance Areas and within 100 feet of the boundary of construction. This includes plant occurrences identified during the spring 2009- 2010 surveys and the late season 2010 surveys. The locations of ESAs shall be clearly depicted on construction drawings, which shall also include all avoidance and minimization measures on the margins of the construction plans. The boundaries of the ESAs shall be placed a minimum of 20 feet from the uphill side of the occurrence and 10 feet from the downhill side. Where this is not possible due to construction constraints, other protection measures such as silt-fencing and sediment controls may be employed to protect the occurrences. Equipment and vehicle maintenance areas, and wash areas, shall be located 100 feet from the uphill side of any ESAs. ESAs shall be clearly delineated in the field with temporary construction fencing and signs prohibiting movement of the fencing or sediment controls under penalty of work stoppages and additional compensatory mitigation. ESAs shall also be clearly identified (with signage or by mapping on site plans) to ensure that avoided plants are not inadvertently harmed during construction, operation, or closure. c. Special-Status Plant Worker Environmental Awareness Program (WEAP). The WEAP (BIO-6) shall include training components specific to protection of special-status plants as outlined in this condition. 	<p>are split into more than one period, then a summary letter shall be submitted following each survey period. The Final Summer-Fall Botanical Survey Report, GIS shape files and metadata shall be submitted to the BLM State Botanist and the CPM no less than 30 days prior to the start of ground-disturbing activities. The Final Report shall include a detailed accounting of the acreage of Project impacts to special-status plant occurrences.</p> <p>For any special-status plant species located within the Project Disturbance Area, the Project owner shall submit to the CPM to less than 30 days prior to the start of ground-disturbing activities proof, in the form of a letter or receipt, of the seed or other propagules collected pursuant to Section D.III #1 of this Condition.</p> <p>The draft conceptual Special-Status Plant Mitigation Plan, as described under Section C.4 of this condition, shall be submitted to the CPM for review and approval no less than 30 days prior to the start of ground-disturbing activities.</p> <p>The Project owner shall immediately provide written notification to the CPM, CDFG, USFWS, and BLM State Botanist if it detects a State- or Federal-Listed Species, or BLM Sensitive Species at any time during its late summer/fall botanical surveys or at any time thereafter through the life of the Project, including conclusion of Project decommissioning.</p> <p>No less than 30 days prior to the start of ground-disturbing activities the Project owner shall submit grading plans and construction drawings to the CPM which depict the location of Environmentally Sensitive Areas and the Avoidance and Minimization Measures contained in Section A of this Condition, and under Section C.1-3.</p> <p>If compensatory mitigation is required, pursuant to Section C.1-3, no less than 30 days prior to the start of ground-disturbing activities the Project owner shall submit to the CPM the form of Security adequate to acquire compensatory mitigation lands and/or undertake habitat enhancement or restoration activities, as described in this condition. Actual Security shall be provided 7 days prior to start of ground-disturbing activities.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>d. Herbicide and Soil Stabilizer Drift Control Measures. Special- status plant occurrences within 100 feet of the Project Disturbance Area, and any occurrences avoided within the Project Disturbance Area³ shall be protected from herbicide and soil stabilizer drift. The Weed Control Program (BIO-14) shall include measures to avoid chemical drift or residual toxicity to special-status plants consistent with guidelines such as those provided by the Nature Conservancy's The Global Invasive Species Team⁸, the U.S. Environmental Protection Agency, and the Pesticide Action Network Database⁹.</p> <p>e. Erosion and Sediment Control Measures. Erosion and sediment control measures shall not inadvertently impact special-status plants by using invasive or non-native plants in seed mixes, introducing pest plants through contaminated seed or straw, accidental burial by mulches, etc. These specifications shall be incorporated in the Drainage, Erosion, and Sedimentation Control Plan required under SOIL&WATER-1.</p> <p>f. Locate Staging, Parking, Spoils, and Storage Areas Away from Special-Status Plant Occurrences. Areas for spoils, equipment, vehicles, and materials storage areas; parking; equipment and vehicle maintenance areas, and wash areas shall be placed at least 100 feet from any ESAs. These specifications shall be incorporated in the Drainage, Erosion, and Sedimentation Control Plan required under SOIL&WATER-1.</p> <p>g. Pre-Construction Seed Collection. For all significant impacts to special-status plants, mitigation shall include seed collection from the affected special-status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Seed collection shall follow the guidelines described in Section D.III.3 of this condition.</p> <p>h. Monitoring and Reporting Requirements. The Designated Botanist, or BM under supervision of the Designated Botanist, shall conduct weekly monitoring of the ESAs that protect special-status plant occurrences during construction and decommissioning activities.</p>	<p>No fewer than 90 days prior to acquisition of compensatory mitigation lands, the Project owner shall submit a formal acquisition proposal and draft Management Plan for the proposed lands to the CPM, with copies to CDFG, USFWS, and BLM, describing the parcels intended for purchase and shall obtain approval from the CPM prior to the acquisition. No fewer than 90 days prior to acquisition of compensatory mitigation lands, the Project owner shall submit to the CPM and obtain CPM approval of any agreements to delegate land acquisition to an approved third party, or to manage compensation lands; such agreement shall be executed and implemented within 18 months of the start of ground disturbance.</p> <p>No fewer than 30 days after acquisition of the property the Project owner shall deposit the funds required by Section I e above (long term management and maintenance fee) and provide proof of the deposit to the CPM.</p> <p>The Project owner or an approved third party shall complete the acquisition and all required transfers of the compensation lands, and provide written verification to the CPM of such completion no later than 18 months after the start of Project ground-disturbing activities. If NFWF or another approved third party is being used for the acquisition, the Project owner shall ensure that funds needed to accomplish the acquisition are transferred in timely manner to facilitate the planned acquisition and to ensure the land can be acquired and transferred prior to the 18-month deadline. If habitat enhancement is proposed, no later than six months following the start of ground-disturbing activities, the Project owner shall obtain CPM approval of the final Habitat Enhancement/Restoration Plan, prepared in accordance with Section D, and submit to the CPM or a third party approved by the CPM Security adequate for long-term implementation and monitoring of the Habitat Enhancement/Restoration Plan.</p> <p>Enhancement/restoration activities shall be initiated no later than 12 months from the start of construction. The implementation phase of the enhancement project shall be completed within five years of initiation. Until completion of</p>	
<p>Section B: Conduct Late-Season Botanical Surveys</p> <p>The Project owner shall conduct late-summer/fall botanical surveys for late-season special-status plants prior to start of construction or by the end of 2010, as described below:</p> <p>1. Survey Timing. Surveys shall be timed to detect: a) summer annuals triggered to germinate by the warm, tropical summer storms (which may occur any time between June and October), and b) fall-blooming perennials that respond to the cooler, later season storms (typically beginning in September or October). For those species that are identified by vegetative characteristics, surveys do not have to be timed for blooming or fruiting. The surveys shall not be timed to coincide with the statistical peak bloom period of the target species but shall instead, if possible, be based on plant phenology and the timing of a significant storm event (e. g., a 10mm or greater rain or multiple storm events of sufficient volume to trigger germination as determined by a qualified botanist.). If possible, surveys shall occur at the appropriate time to capture the characteristics necessary to identify the taxon. Construction is authorized to commence following a 2010 late season survey.</p> <p>2. Surveyor Qualifications and Training. Surveys shall be conducted by a qualified botanist knowledgeable in the complex biology of the local flora, and consistent with CDFG (2009) and BLM (2009) guidelines for surveyor qualifications. Each surveyor shall be equipped with a GPS unit and record a complete tracklog; these data shall be compiled and</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>submitted along with the Summer-Fall Survey Botanical Report (described below). Prior to the start of surveys, all crew members shall, at a minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2 taxa, and any new reported or documented taxa, to obtain a search image. Because the potential for range extensions is unknown, the list of potentially occurring special-status plants shall include all special-status taxa known to occur within the Sonoran Desert region and the eastern portion of the Mojave in California. The list shall also include taxa with bloom seasons that begin in fall and extend into the early spring as many of these are reported to be easier to detect in fall, following the start of the fall rains.</p> <p>3. Survey Coverage. The survey coverage or intensity shall be in accordance with BLM Survey Protocols (issued July 2009)10, which specify that intuitive controlled surveys shall only be accomplished by botanists familiar with the habitats and species that may reasonably be expected to occur in the project area.</p> <p>4. Pre-Construction Seed Collection. For all significant impacts to special-status plants, mitigation shall include seed collection from the affected special-status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Seed collection shall be conducted during the late-season surveys follow the guidelines described in Section D.III.3 of this condition.</p> <p>5. Documenting Occurrences. If a special-status plant is detected, the full extent of the population onsite shall be recorded using GPS in accordance with BLM survey protocols. Additionally, the extent of the population within one mile of Project boundaries shall be assessed at least qualitatively to facilitate an accurate estimation of the proportion of the population affected by the Project. For populations that are very dense or very large, the population size may be estimated by simple sampling techniques. When populations are very extensive or locally abundant, the surveyor must provide some basis for this assertion and roughly map the extent on a topographic map. All but the smallest populations (e.g., a population occupying less than 100 square feet) shall be recorded as area polygons; the smallest populations may be recorded as point features. All GPS-recorded occurrences shall include: the number of plants, phenology, observed threats (e.g., OHV or invasive exotics), and habitat or community type. The map of occurrences submitted with the final botanical report shall be prepared to ensure consistency with definition of an occurrence by CNDDDB, i.e., occurrences found within 0.25 miles of another occurrence of the same taxon, and not separated by significant habitat discontinuities, shall be combined into a single 'occurrence'. The Project owner shall also submit the raw GPS shape files and metadata, and completed CNDDDB forms for each 'occurrence' (as defined by CNDDDB).</p> <p>6 Reporting. Raw GPS data, metadata, and CNDDDB field forms shall be provided to the CPM and the BLM State Botanist within two weeks of the completion of each survey. If surveys are split into two or more periods (e.g., a late summer survey and a fall survey), then a summary letter shall be submitted following each survey period. The Final Summer-Fall Botanical Survey Report shall be prepared consistent with CDFG guidelines (CDFG 2009), and BLM 2009 guidelines and shall include all of the following components:</p> <ol style="list-style-type: none"> the BLM designation, NatureServe Global and State Rank of each species or taxon found (or proposed rank, or CNPS List); the number or percent of the occurrence that will be directly affected, and indirectly affected by changes in drainage patterns or altered geomorphic processes; 	<p>the five-year implementation portion of the enhancement action, a report shall be prepared and submitted as part of the Annual Compliance Report. This report shall provide, at a minimum: a summary of activities for the preceding year and a summary of activities for the following year; quantitative measurements of the Project's progress in meeting the enhancement project success criteria; detailed description of remedial actions taken or proposed; and contact information for the responsible parties.</p> <p>If a contingency measure is required, as described in Section D.III of this condition, the Project owner shall submit commence no later than six months following the start of ground-disturbing activities. The draft study shall be submitted to the CPM and BLM State Botanist for review and approval no more than two years following the start of ground-disturbing activities. The final study shall be submitted no more than 30 months following the start of ground- disturbing activities. If a Distribution Study is implemented as contingency mitigation, the study shall be initiated no later than 6 months from the start of construction. The implementation phase of the study shall be completed within two years of the start of construction.</p> <p>Within 18 months of ground-disturbing activities, the Project owner shall transfer to the CPM or an approved third party the difference between the Security paid and the actual costs of (1) acquiring compensatory mitigation lands, completing initial protection and habitat improvement, and funding the long-term maintenance and management of compensatory mitigation lands; and/or (2) implementing and providing for the long-term protection and monitoring of habitat enhancement or restoration activities.</p> <p>Implementation of the special-status plant impact avoidance and minimization measures shall be reported in the Monthly Compliance Reports prepared by the Designated Botanist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, in consultation with the BLM State Botanist, a written construction termination report identifying how measures have been completed.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. the habitat or plant community that supports the occurrence and the total acres of that habitat or community type that occurs in the Project Disturbance Area;</p> <p>d. an indication of whether the occurrence has any local or regional significance (e.g., if it exhibits any unusual morphology, occurs at the periphery of its range in California, represents a significant range extension or disjunct occurrence, or occurs in an atypical habitat or substrate);</p> <p>e. a completed CNDDDB field form for every occurrence (occurrences of the same species within one-quarter mile or less of each other combined as one occurrence, consistent with CNDDDB methodology), and</p> <p>f. two maps: one that depicts the raw GPS data (as collected in the field) on a topographic base map with Project features; and a second map that follows the CNDDDB protocol for occurrence mapping.</p> <p>Section C: Avoidance Requirements for Special-Status</p> <p><i>Plants Detected in the Summer/Fall 2010 Surveys</i></p> <p>The Project owner shall apply the following avoidance and mitigation standards for impacts to late blooming special-status plants that might be detected during late summer/fall season surveys. The Project owner shall immediately notify the CDFG, USFWS, BLM State Botanist, and the CPM if any State- or Federal-listed species or BLM Sensitive species are detected. Avoidance and/or the off-site mitigation measures described in Section D below would reduce impacts to these special-status plant species to less-than-significant levels. Plants shall be considered impacted if they are within the Project footprint, or if they would be affected by Project-related hydrologic changes or changes to the local sand transport system Downstream/ downwind impacts from altered hydrology or geomorphic processes shall be considered direct impacts. 1. Mitigation for CNDDDB Rank 1 Plants (Critically Imperiled). If late blooming species with a CNDDDB rank of 111 are detected within the Project Disturbance Area, complete avoidance is mandatory along the linears and within construction laydown areas. The Project owner shall limit the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 1 plants detected.</p> <p>If late-season Rank 1 plants are detected on the solar facility, the Project owner shall avoid all plants around the perimeter¹² of the facility as necessary to achieve 75 percent avoidance of the local population of the affected species. The local population shall be measured by the number of individuals occurring on the Project Site and within the immediate watershed of the Project for wash dependent-species or species of unknown dispersal mechanism, or within the local sand transport corridor for wind dispersed species. Measurement of percent avoidance shall be based on population for perennials and on habitat for annuals (habitat containing the species' micro-habitat preferences, such as "fine silts and moist depressions"). Avoidance within the central portion of the solar facility is not recommended because it would create fragmented conditions that would not sustain persistence of the affected species. For all portions of the local population not avoided, the Project owner shall implement off-site mitigation at a ratio of 3:1. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and shall meet the performance standards described in section D of this Condition. The Applicant must demonstrate, subject to review and approval by the CPM, that the impacts, after mitigation, will not cause a loss of viability¹³ for that species. The Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan). The content of the Plan and definitions shall be as described above in subsection C.3, below.</p>	<p>The Project owner shall submit a monitoring report every year for the life of the project to monitor effectiveness of protection measures for all avoided special- status plants to the CPM and BLM State Botanist. The monitoring report shall include: dates of worker awareness training sessions and attendees, completed CNDDDB field forms for each avoided occurrence on-site and within 100 feet of the Project boundary off-site, and description of the remedial action, if warranted and planned for the upcoming year. The completed forms shall include an inventory of the special-status plant occurrences and description of the habitat conditions, an indication of population and habitat quality trends.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>2. Mitigation for CNDDDB Rank 214 Plants (Imperiled). If late-season CNDDDB Rank 2 species are detected within the Project Disturbance Area avoidance is mandatory along the linears and construction laydown areas. The Project owner shall limit the width of the work area, adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 2 plants detected¹⁵.</p> <p>If late-season Rank 2 plants are detected on the solar facility, the Project owner shall implement off-site mitigation, at a ratio of 2:1, for any impacts exceeding 25 percent of the local population. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and shall meet the performance standards described in section D of this Condition. The Project owner must demonstrate, subject to review and approval by the CPM, that the impacts, after mitigation, will not cause a loss of viability for that species. The Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan). The content of the Plan and definitions shall be as described above in subsection C.3, below.</p> <p>3. Mitigation for CNDDDB Rank 316 Plants (Vulnerable). If CNDDDB Rank 3 plants are detected (which constitutes most CNPS List 4 plants), mitigation is not required unless the occurrence has local or regional significance, in which case the plant occurrence shall be treated as a CNDDDB Rank 2 plant; avoidance and mitigation would be as described above under C.2. A plant occurrence would be considered to have local or regional significance if:</p> <ul style="list-style-type: none"> a. It occurs at the outermost periphery of its range in California; b. It occurs in an atypical habitat, region, or elevation for the taxon that suggests that the occurrence may have genetic significance (e.g., that may increase its ability to survive future threats), or; c. It exhibits any unusual morphology that is not clearly attributable to environmental factors that may indicate a potential new variety or sub-species. <p>4. Prepare Special-Status Plant Mitigation Plan. If the project will impact any CNDDDB Rank 1 or Rank 2 plants, or Rank 3 plants of local or regional significance, or new taxa, the Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan). Compensatory mitigation, as described in Section D of this condition, and at a mitigation ratio of 3:1 for Rank 1 plants, and 2:1 for Rank 2 plants and Rank 1 plants of local or regional significance, and new taxa. The Plan shall include, at a minimum, the following components and definitions:</p> <ul style="list-style-type: none"> a. A description of the occurrences of the affected special-status species, ecological characteristics such as soil, hydrology, and other micro-habitat requirements, ecosystem processes required for maintenance of the species or its habitat, reproduction and dispersal mechanisms, pollinators, local distribution, a description of the extent of the population off-site, the percentage of the local population affected, and a description of how these occurrences would be impacted by the Project, including direct and indirect effects. Occurrences shall be considered impacted if they are within the Project footprint, and if they would be affected by Project-related hydrologic changes or changes to the local sand transport system. b. A description of the avoidance and minimization measures that would achieve complete avoidance of occurrences on the Project linears and construction laydown areas. If avoidance is also required on the solar facility (Rank 1 species), provide a description of the measures that would be implemented to avoid or minimize impacts to 		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>occurrences on the solar facility. "Avoidance" shall include protection of the ecosystem processes essential for maintenance of the protected plant occurrence, and protection of the seed bank. Isolated 'islands' of protected plants disconnected by the Project from natural fluvial, aeolian (wind), or other processes essential for maintenance of the species, shall not be considered avoidance.</p> <p>c. If off-site mitigation is also required, pursuant to C.1 –C.3 above, the Plan shall include a description of the proposed mitigation (acquisition or restoration/enhancement) and demonstrate how the mitigation will meet the performance standards described in Section D of this condition.</p> <p>For CNDDDB Rank 1 plants that cannot be avoided (i.e., plants located in the central portion of the solar facility), the Plan must demonstrate that the impacts (after mitigation) will not cause a loss of viability for that species. The assessment of viability shall include: <i>i</i>) current literature compilation and review on the affected species, it's documented and reported occurrences, range and distribution, habitat, and the ecological conditions needed to support it; <i>ii</i>) consultation with scientists and others with expertise and local knowledge of the species to gather unpublished data and other information to supplement the literature review findings, and (if available) <i>iii</i>) information on species' habitat relationships, demographics, genetics, and risk factors.</p> <p>Section D: Off-Site Compensatory Mitigation for Special- Status Plants</p> <p>Where compensatory mitigation is required under the terms of Section C, above, the Project owner shall mitigate Project impacts to special- status plant occurrences with compensatory mitigation. Compensatory mitigation shall consist of acquisition of habitat supporting the target species, or restoration/enhancement of populations of the target species, and shall meet the performance standards for mitigation described below. In the event that no opportunities for acquisition or restoration/enhancement exist, the Project owner can fund a species distribution study designed to promote the future preservation, protection or recovery of the species. Compensatory mitigation shall be at a ratio of 3:1 for Rank 1 plants, with three acres of habitat acquired or restored/enhanced for every acre of habitat occupied by the special status plant that will be disturbed by the Project Disturbance Area (for example if the area occupied by the special status plant collectively measured is 1/4 acre than the compensatory mitigation will be 3/4 of an acre). The mitigation ratio for Rank 2 plants shall be 2:1. So, for the example above, the mitigation ratio would be one-half acre for the Rank 2 plants.</p> <p>The Project owner shall provide funding for the acquisition and/or restoration/enhancement, initial improvement, and long-term maintenance and management of the acquired or restored lands. The actual costs to comply with this condition will vary depending on the Project Disturbance Area, the actual costs of acquiring compensation habitat, the actual costs of initially improving the habitat, the actual costs of long-term management as determined by a Property Analysis Record (PAR) report, and other transactional costs related to the use of compensatory mitigation. The Project owner shall comply with other related requirements in this condition:</p> <p>I. Compensatory Mitigation by Acquisition: The requirements for the acquisition, initial protection and habitat improvement, and long- term maintenance and management of special-status plant compensation lands include all of the following:</p> <p>1. Selection Criteria for Acquisition Lands. The compensation lands selected for acquisition may include any of the following three categories:</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>a. Occupied Habitat, No Habitat Threats. The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction).</p> <p>b. Occupied Habitat, Habitat Threats. Occupied compensation lands characterized by habitat threats may also be acquired as long as the population could be reasonably expected to recover with habitat restoration efforts (e.g., OHV or grazing exclusion, or removal of invasive non-native plants) and is accompanied by a Habitat Enhancement/Restoration Plan as described in Section D.II, below.</p> <p>c. Unoccupied but Adjacent. The Project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Project owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. This acquisition may include habitat restoration efforts where appropriate, particularly when these restoration efforts will benefit adjacent habitat that is occupied by the target species.</p> <p>2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for special-status plants in relation to the criteria listed above, and must be approved by the CPM.</p> <p>3. Management Plan. The Project owner or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the target special-status plant occurrences. The Management Plan shall be submitted for review and approval to the CPM.</p> <p>4. Integrating Special-Status Plant Mitigation with Other Mitigation lands. If all or any portion of the acquired Desert Tortoise, Waters of the State, or other required compensation lands meets the criteria above for special-status plant compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for special-status plant mitigation.</p> <p>5. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM, has approved the proposed compensation lands:</p> <p>a. Preliminary Report. The Project owner, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the CPM. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the CPM. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the CPM. If an entity other than CDFG holds a conservation easement over the compensation lands, the CPM may require that CDFG or another entity approved by the CPM, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the CPM of the terms of any transfer of fee title or conservation easement to the compensation lands.</p> <p>c. Initial Protection and Habitat Improvement. The Project owner shall fund activities that the CPM requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities would use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the CPM in consultation with CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.</p> <p>d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the CPM before it can be used to establish funding levels or management activities for the compensation lands.</p> <p>e. Long-term Maintenance and Management Funding. The Project owner shall deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands.</p> <p>The CPM, in consultation with CDFG, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFG takes fee title to the compensation lands, CDFG shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFG and with CDFG supervision. Interest, Principal, and Pooling of Funds. The Project owner shall ensure that an agreement is in place with the long-term maintenance and management fund (endowment) holder/manager to ensure the following requirements are met:</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the CPM and is designed to protect or improve the habitat values of the compensation lands.</p> <p>ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the CPM or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands.</p> <p>iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar funds that it holds from other projects for long-term maintenance and management of compensation lands for special-status plants. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the CPM.</p> <p>f. Other Expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.</p> <p>g. Mitigation Security. The Project owner shall provide financial assurances to the CPM to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the CPM. The amount of the Security shall use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at a ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is significantly impacted by the project. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the CPM, the Project owner shall obtain the CPM's approval of the form of the Security. The CPM may draw on the Security if the CPM determines the Project owner has failed to comply with the requirements specified in this condition. The CPM may use money from the Security solely for implementation of the requirements of this condition. The CPM's use of the Security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition, and the Project owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition.</p> <p>h. NFWF REAT Account. The Project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT)</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this condition) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the Project owner, the Project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the Applicant, the remaining balance shall be returned to the Project owner.</p> <p>The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM, in consultation with CDFG, BLM and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months of the start of ground disturbance.</p> <p>II. Compensatory Mitigation by Habitat Enhancement/Restoration: As an alternative or adjunct to land acquisition for compensatory mitigation the Project owner may undertake habitat enhancement or restoration for the target special-status plant species. Habitat enhancement or restoration activities must achieve protection at a 3:1 ratio for Rank 1 plants and 2:1 for Rank 2 plants, with improvements applied to three acres, or two acres, respectively, of habitat for every acre special-status plant habitat directly or indirectly disturbed by the Project Disturbance Area (for example if the area occupied by the special status plant collectively measured is 1/4 acre than the improvements would be applied to an area equal to 3/4 of an acre at a 3:1 ratio, or one-half acre at a 2:1 ratio). Examples of suitable enhancement projects include but are not limited to the following: i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly damaging to the species); ii) control of invasive non-native plants that infest or pose an immediate threat to an occurrence; iii) exclude grazing by wild burros or livestock from an occurrence; or iv) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, removing obstructions to the wind sand transport corridor above an occurrence, or increasing groundwater availability for dependent species.</p> <p>If the Project owner elects to undertake a habitat enhancement project for mitigation, the project must meet the following performance standards: The proposed enhancement project shall achieve rescue of an off-site occurrence that is currently assessed, based on the NatureServe threat ranking system¹⁷ with one of the following threat ranks: a) long-term decline >30%; b) an immediate threat that affects >30% of the population, or c) has an overall threat impact that is High to Very High. "Rescue" would be considered successful if it achieves an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").</p> <p>If the Project owner elects to undertake a habitat enhancement project for mitigation, they shall submit a Habitat Enhancement/Restoration Plan to the CPM for review and approval, and shall provide sufficient funding for implementation and monitoring of the Plan. The amount of the Security shall use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is directly or indirectly impacted by the project. The amount of the security may be adjusted based on the actual costs of implementing the enhancement, restoration and monitoring. The</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>implementation and monitoring of the enhancement/restoration may be undertaken by an appropriate third party such as NFWF, subject to approval by the CPM. The Habitat Enhancement/Restoration Plan shall include each of the following:</p> <ol style="list-style-type: none"> 1. Goals and Objectives. Define the goals of the restoration or enhancement project and a measurable course of action developed to achieve those goals. The objective of the proposed habitat enhancement plan shall include restoration of a target special- status plant occurrence that is currently threatened with a long-term decline. The proposed enhancement plan shall achieve an improvement in the occurrence trend to “stable” or “increasing” status, or downgrading of the overall threat rank to slight or low (from “High” to “Very High”). 2. Historical Conditions. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds or grazing or ORV, etc.), and the desired conditions. 3. Site Characteristics. Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species. 4. Ecological Factors. Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc. 5. Methods. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. The implementation phase of the enhancement must be completed within five years. 6. Budget. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria. 7. Monitoring. Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan shall include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement project, and until the performance standards for rescue of a threatened occurrence are met. At a minimum the progress reports shall include: quantitative measurements of the projects progress in meeting the enhancement project success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties. 8. Reporting Program. The Plan shall ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties. 9. Contingency Plan. Describe the contingency plan for failure to meet annual goals. 10. Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservations easements or other deed restrictions; projects on public lands must be contained in a Desert Wildlife Management Area, Wildlife Habitat Management Area, or other land use protections that will protect the mitigation site and target species. <p>III. Contingency Measures:</p> <ol style="list-style-type: none"> 1. Preservation of the Germplasm of Affected Special-Status Plants. For all significant impacts to special-status plants, mitigation shall also include seed collection from the affected special-status plants population on-site prior to 		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>construction to conserve the germplasm and provide a seed source for restoration efforts. The seed shall be collected under the supervision or guidance of a reputable seed storage facility such as the Rancho Santa Ana Botanical Garden Seed Conservation Program, San Diego Natural History Museum, or the Missouri Botanical Garden. The costs associated with the long-term storage of the seed shall be the responsibility of the Project owner. Any efforts to propagate and reintroduce special- status plants from seeds in the wild shall be carried out under the direct supervision of specialists such as those listed above and as part of a Habitat Restoration/Enhancement Plan approved by the CPM.</p> <p>2. Compensatory Mitigation by Conducting or Contributing to a Management Plan for the Affected Species. Subject to approval of the CPM, as a contingency measure in the event there are no opportunities for mitigation through acquisition or restoration/enhancement to meet the obligations for off-site mitigation as described in Section C.1-3 of this condition, a Management Plan for the affected special-status plant species may be conducted or funded. The goal of the Management Plan is to devise a science-based, region-wide strategy to ensure the long- term viability of the affected species, and to acquire, protect, and restore existing populations and the habitat that supports them. The information gathered shall be used to develop conservation approaches to address the identified risk factors. These approaches include land allocations, restoration needs, identifying and preserving important refugia to facilitate species dispersal and maintain biodiversity in the face of climate change, recommending Best Management Practices or other measures that could be used to minimize threats, and identifying planning needs at the regional level. The results of the study would also be provided to the resource agencies, conservation organizations, and academic institutions, as well as the state's Natural Diversity Database and Consortium of California Herbaria.</p> <p>3. Under this contingency measure, the Project owner shall acquire all available information on the distribution, status or health of known occurrences, ecological requirements, and ownership and management opportunities of the affected special-status plant species and other special status plants known to occur in the Chuckwalla Valley. Some of these late blooming species are only known from a few viable occurrences in California, and historic occurrences that have not been re-located or surveyed since they were first documented. At a minimum, the study shall include the following:</p> <p>a. Occurrence and Life History Review. The Study shall include an evaluation of all documented, historical and reported localities for the affected species, and a review of current information on the species life history. This would include a review of the CNDDDB database, records from regional and national herbaria, literature review, consultation with U.C. Riverside, San Diego Natural History Museum, and other educational institutions or natural heritage organizations in California, Arizona, and Nevada, etc.), other biotechnical survey reports from the region, and information from regional botanical experts.</p> <p>b. Conduct Site Visits to Documented and Reported Localities. Documented and reported occurrences would be evaluated in the field during the appropriate time of the year for each late blooming species. If located, these occurrences would be evaluated for population size (area and quantity), population trend, ecological characteristics, soils, habitat quality, potential threats, degree and immediacy of threats, ownership and management opportunities. GPS location data would also be collected during these site visits.</p> <p>c. Survey Surrounding Areas. Areas surrounding the occurrences that contain habitat suitable to support the affected species shall be surveyed to determine the full extent of its range and distribution. If additional populations are found, collect data (GPS and assessment) on these additional populations consistent with III.2 above.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>d. Prepare Report on Status, Distribution, and Management Needs. A report shall be prepared that contains the results of the surveys and assessment. The report shall contain the following components: a) Range and Distribution (including maps and GPS data); b) Abundance and Population Trends; c) Life History; d) Habitat Necessary for Survival; d) Factors Affecting Ability to Survive and Reproduce; e) Degree and Immediacy of Threat; f) Ownership and Management Opportunities for Protection or Recovery; g) Sources of Information, and g) Conclusions. The conclusions shall contain an explanation of whether the species' survival is threatened by any of the following factors: i) present or threatened modification or destruction of its habitat; ii) competition; iii) disease; iv) other natural occurrences (such as climate change) or human-related activities. This valuable information will provide a better understanding of the ecological factors driving the distribution of these species, and will identify opportunities for mitigation and management opportunities for recovery. All data from this study will be submitted for incorporation into the CNDDDB system and the study report will be made available to resource agencies, and conservation groups, and other interested parties.</p> <p>e. The cost to implement or fund the study shall be no greater than the cost for acquisition, enhancement, and long-term management of compensatory mitigation lands based on the specifications and standards for acquisition or restoration/enhancement described above under D.I and D.II.</p>		
<p>BIO-20, Sand Dune/Mojave Fringe-Toed Lizard Mitigation: To mitigate for habitat loss and direct impacts to Mojave fringe-toed lizards the Project owner shall provide compensatory mitigation, which may include compensation lands purchased in fee or in easement in whole or in part, at the following ratios:</p> <p>3:1 mitigation for direct impacts to stabilized and partially stabilized sand dunes (per BIO-29 – Table 2 or final acreage impacted by the Project footprint);</p> <p>1:1 mitigation for direct impacts non-dune Mojave fringe-toed lizard habitat (per BIO-29 – Table 2 or final acreage impacted by the Project footprint); and</p> <p>0.5:1 mitigation for indirect impacts to stabilized and partially stabilized sand dunes (per BIO-29 – Table 2 or final acreage impacted by the Project footprint).</p> <p>If compensation lands are acquired, the Project owner shall provide funding for the acquisition in fee title or in easement, initial habitat improvements, and long-term maintenance and management of the compensation lands. In addition, the compensation lands must include, at a minimum, the number acres of stabilized and partially stabilized sand dune habitat shown in BIO-29 Table 2.</p> <p>1. Criteria for Compensation Lands: The compensation lands selected for acquisition shall:</p> <p>a. Provide suitable habitat for Mojave fringe-toed lizards, and, aside from the minimum amount of stabilized and partially stabilized sand dunes, may include stabilized and partially stabilized desert dunes, sand drifts over playas, or Sonoran creosote bush scrub;</p> <p>b. Be within the Palen or Chuckwalla valleys with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat;</p>	<p>No later than 30 days prior to beginning Project ground-disturbing activities, the Project owner shall provide written verification of an approved form of Security in accordance with this condition of certification. Actual Security shall be provided no later than 7 days prior to the beginning of Project ground- disturbing activities for each Project phase as described in BIO-29. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities for each Project phase.</p> <p>No less than 90 days prior to acquisition of the property, the Project owner shall submit a formal acquisition proposal to the CPM, CDFG, and USFWS describing the parcels intended for purchase.</p> <p>The Project owner, or an approved third party, shall provide the CPM, BLM, and CDFG, with a management plan for the compensation lands and associated funds within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan, in consultation with BLM and CDFG.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. Be prioritized near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non- governmental organization dedicated to habitat preservation;</p> <p>d. Provide quality habitat for Mojave fringe-toed lizard that has the capacity to regenerate naturally when disturbances are removed;</p> <p>e. Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible;</p> <p>f. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;</p> <p>g. Not contain hazardous wastes that cannot be removed to the extent the site is suitable for habitat;</p> <p>h. Have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFG, BLM and USFWS, agrees in writing to the acceptability of the land; and</p> <p>i. Be on land for which long-term management is feasible.</p> <p>2. Security for Implementation of Mitigation: The Project owner shall provide financial assurances to the CPM to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM according to the measures outlined in BIO-12, and within the time period specified for this assurance (see the verification section at the end of this condition). The final amount due will be determined by an updated appraisal and a PAR analysis conducted as described in BIO-12, but current estimates are included in Biological Resources Tables 22 and 23 located at the beginning of the conditions of certification subsection.</p> <p>3. Preparation of Management Plan: The Project owner shall submit to the CPM, BLM, and CDFG a draft Management Plan that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan shall be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors.</p>	<p>Within 90 days after completion of Project construction, the Project owner shall provide to the CPM and CDFG an analysis with the final accounting of the amount (detailed by habitat type) of Mojave fringe-toed lizard habitat disturbed during Project construction.</p> <p>The Project owner shall provide written verification to the CPM, and CDFG that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months from the start of ground-disturbing activities.</p>	
<p>BIO-21, Mitigation for Impacts to State Waters: The Project owner shall implement the following measures to avoid, minimize and mitigate for direct and indirect impacts to waters of the state and to satisfy requirements of California Fish and Game Code sections 1600 and 1607.</p> <p>1. Acquire Off-Site State Waters: The Project owner shall acquire, in fee or in easement, a parcel or parcels of land that includes state jurisdictional waters per BIO-29 – Table 2, or the area of state waters directly or indirectly impacted by the final Project footprint. The Project footprint means all lands disturbed by construction and operation of the Palen Project, including all linears. The parcel or parcels comprising the ephemeral washes shall include desert dry wash woodland per BIO-29 – Table 2, or the acreage of desert dry was woodland impacted by the final Project footprint at a</p>	<p>No less than 30 days prior to the start of construction-related ground disturbance activities potentially affecting waters of the state, the Project owner shall provide written verification (i.e., through incorporation into the BRMIMP) to the CPM that the above best management practices will be implemented. The Project owner shall also provide a discussion of work in waters of the state in Annual Compliance Reports for the duration of the Project.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>3:1 ratio. The terms and conditions of this acquisition or easement shall be as described in Condition of Certification BIO 12, and the timing associated with BIO-29 (phasing). The current estimated costs are included in BIO-29 – Table 3 located at the beginning of the Conditions of Certification subsection. Mitigation for impacts to state waters shall occur within the Chuckwalla, East Salton Sea, Hayfield, Rice, or portion of Whitewater within the NECO, Hydrologic Units (HUs) or the Palo Verde Watershed and be prioritized within the Chuckwalla HU in the Palen or adjacent watersheds.</p> <p>2. Security for Implementation of Mitigation: The Project owner shall provide financial assurances to the CPM and CDFG to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of state waters as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM and CDFG in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing Project activities. Prior to submittal to the CPM, the Security shall be approved by the CPM, in consultation with CDFG, to ensure funding. The final amount due shall be determined by updated appraisals and the PAR analysis conducted pursuant to BIO-12.</p> <p>3. Preparation of Management Plan: The Project owner shall submit to the CPM and CDFG a draft Management Plan that reflects site- specific enhancement measures for the drainages on the acquired compensation lands. The objective of the Management Plan shall be to enhance the wildlife value of the drainages, and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control. 4. Code of Regulations: The Project owner shall provide a copy of this condition (Condition of Certification BIO-21) from the Energy Commission Decision to all contractors, subcontractors, and the Applicant's Project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFG personnel upon demand. The CPM reserves the right to issue a stop work order or allow CDFG to issue a stop work order after giving notice to the Project owner and the CPM, if the CPM in consultation with CDFG, determines that the Project owner has breached any of the terms or conditions or for other reasons, including but not limited to the following:</p> <ol style="list-style-type: none"> The information provided by the Applicant regarding impacts to waters of the state is incomplete or inaccurate; New information becomes available that was not known in preparing the terms and conditions; or The Project or Project activities as described in the Revised Staff Assessment have changed. <p>5. Road Crossings at Streams. The Project owner shall preserve pre- development downstream flows and sediment transport in washes crossed by permanent roads by incorporating culverts and Arizona crossings at stream crossings. Arizona crossings are the preferred option and shall be employed wherever such crossings do not present a safety hazard and where the roadbed elevation allows the construction of such crossings. Drainages that have been graded for temporary construction access shall be restored to original contours and surface drainage patterns and shall be revegetated according to specifications in BIO-8.</p> <p>6. Diffuser Design. The Project owner shall maintain pre-project flow patterns (location and volume of flows) downstream of the Project boundaries. Flows shall not be discharged indiscriminately as sheet flow across the entire length of the diffusers, irrespective of the natural surface drainage patterns, but rather shall be designed to discharge into existing natural washes downslope of the Project.</p>	<p>No less than 30 days prior to beginning Project ground-disturbing activities for each project phase as described in BIO-29, the Project owner shall provide to the CPM design drawings of drainage diffusers depicting how these structures restore pre-development drainage patterns (location and volume of flows) to drainages downstream of the Project boundaries. At the same time the Project owner shall provide design drawings for temporary and permanent stream crossings.</p> <p>No less than 30 days prior to beginning Project ground-disturbing activities, the Project owner shall provide the form of Security in accordance with this condition of certification. No later than 7 days prior to beginning Project ground-disturbing activities, the Project owner shall provide written verification of the actual Security. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities.</p> <p>The Project owner, or an approved third party, shall provide the CPM, BLM, CDFG, and USFWS with a management plan for the compensation lands and associated funds within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan, in consultation with CDFG and the USFWS. Within 90 days after completion of Project construction, the Project owner shall provide to the CPM, BLM, USFWS, and CDFG an analysis with the final accounting of the amount of jurisdictional state waters disturbed during Project construction.</p> <p>The Project owner shall provide written verification to the CPM, BLM, USFWS and CDFG that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months of the start of Project ground-disturbing activities.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>7. Best Management Practices: The Project owner shall also comply with the following conditions to protect drainages near the Project Disturbance Area:</p> <ul style="list-style-type: none"> a. The Project owner shall minimize road building, construction activities and vegetation clearing within ephemeral drainages to the extent feasible. b. The Project owner shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows. c. The Project owner shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws, and it shall be the responsibility of the Project owner to ensure compliance. d. Spoil sites shall be located at least 30 feet from the boundaries and drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages. e. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering waters of the state. These materials, placed within or where they may enter a drainage, shall be removed immediately. f. No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into, or placed where it may be washed by rainfall or runoff into, waters of the state. g. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any drainage. h. No equipment maintenance shall occur within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow. <p>8. Changes of Conditions. A notifying report shall be provided to the CPM and CDFG if a change of conditions is identified. As used here, change of condition refers to the process, procedures, and methods of operation of a Project; the biological and physical characteristics of a Project area; or the laws or regulations pertinent to the Project as defined below. A copy of the notifying change of conditions report shall be included in the annual reports or until it is deemed unnecessary by the CPM, in consultation with CDFG.</p> <ul style="list-style-type: none"> a. Biological Conditions: a change in biological conditions includes, but is not limited to, the following: 1) the presence of biological resources within or adjacent to the Project area, whether native or non-native, not previously known to occur in the area; or 2) the presence of biological resources within or adjacent to the Project area, whether native or non-native, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations. b. Physical Conditions: a change in physical conditions includes, but is not limited to, the following: 1) a change in the morphology of a river, stream, or lake, such as the lowering of a bed or scouring of a bank, or substantial changes in 	<p>The Project owner shall notify the CPM and CDFG, in writing, at least five days prior to initiation of Project ground-disturbing activities in jurisdictional state waters and at least five days prior to completion of Project activities in jurisdictional areas. The Project owner shall notify the CPM and CDFG of any change of conditions to the Project, impacts to state waters, or the mitigation efforts.</p>	

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>stream form and configuration caused by storm events; 2) the movement of a river or stream channel to a different location; 3) a reduction of or other change in vegetation on the bed, channel, or bank of a drainage, or 4) changes to the hydrologic regime such as fluctuations in the timing or volume of water flows in a river or stream.</p> <p>c. Legal Conditions: a change in legal conditions includes, but is not limited to, a change in Regulations, Statutory Law, a Judicial or Court decision, or the listing of a species, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.</p>		
<p>BIO-22, Decommissioning and Reclamation Plan: Upon Project closure the Project owner shall implement a final Decommissioning and Reclamation Plan. The Decommissioning and Reclamation Plan shall include a cost estimate for implementing the proposed decommissioning and reclamation activities, and shall be consistent with the guidelines in BLM's 43 CFR 3809.550 et seq.</p>	<p>No fewer than 30 days prior to the start of Project-related ground disturbing activities or alternate date as agreed to with the BLM, the Project owner shall provide to the CPM (for review) and BLM (for review and approval) a draft Decommissioning and Reclamation Plan. The plan shall be finalized prior to the start of commercial operation and reviewed every five years thereafter and submitted to the CPM for review and to the BLM for approval. Modifications to the approved Decommissioning and Reclamation Plan shall be made only after approval from the BLM. The Project owner shall provide a copy of the approved Decommissioning and Reclamation Plan and any BLM approved revisions to the CPM.</p>	<p>CEC</p>
<p>BIO-23, Groundwater-Dependent Vegetation Monitoring: The Project owner shall prepare a Groundwater-Dependent Vegetation Monitoring Plan for monitoring the Project effects of groundwater pumping on groundwater dependent vegetation. The monitoring shall encompass the area depicted in <i>Figure Soil and Water-3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the 0.1-foot drawdown polygon of the Model Predicted Drawdown (Galati & Blek 2010i). The vegetation and groundwater data collected as part of the Plan shall be used to determine if remedial action is required, as described in BIO-24.</p> <p>The Project owner may forgo development of a Groundwater Dependent Vegetation Monitoring Plan, or may cease implementation of such a plan, by providing evidence to the CPM that the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system and that the shallow perched water-bearing zone is unrelated and not influenced by the regional groundwater system that the Project owner proposes to use for water as described below under 15a – 15d.</p> <p>The Project owner shall develop and implement a Groundwater- Dependent Vegetation Monitoring Plan (Plan) that meets the performance standards described below and includes the following components:</p> <p>1. Monitoring Objectives and Performance Standards. The objectives of the Plan shall be to monitor the Project effects of groundwater pumping on vegetation and groundwater-dependent ecosystems (GDEs) and, in conjunction with the remedial action described in BIO-24, to ensure that the Project groundwater pumping has a less than significant effect on biological resources. Monitoring shall be conducted at a level of detail adequate for detecting adverse effects, as</p>	<p>At least 30 days prior to operation of project pumping wells, the Project owner shall submit to the CPM and BLM for review and approval a draft Groundwater-Dependent Vegetation Monitoring Plan (Plan). The final plan shall incorporate recommendations from the peer review and shall be submitted to the CPM and BLM no less than 15 days prior to the start of groundwater pumping.</p> <p>No less than 15 days prior to the start of groundwater pumping the Project owner shall submit as-built drawings indicating the location and depth of piezometers, and shall provide evidence that the piezometers are operational.</p> <p>Baseline groundwater and groundwater-dependent vegetation monitoring shall begin 15 days prior to construction and shall occur every year during the same one to two week time period in early spring (March) and post-monsoon (September).</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>reflected in vegetation attributes and groundwater levels in the shallow (alluvial) aquifer. The baseline for groundwater levels shall be the lowest baseline water level as measured at the Project site prior to the start of groundwater pumping.</p> <p>2. Location of Monitoring Plots. The monitoring plots shall be established within the area depicted in <i>Figure Soil and Water -3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the Model Predicted Drawdown showing the 0.1-foot drawdown polygon (Galati & Blek 2010i). The majority of the plots shall be in the area north and east of the Project site, where groundwater-dependent ecosystems (GDEs) and the intersection of the ground surface and shallow groundwater are located, in the topographic lows in the valley.</p> <p>3. Monitoring Plots and Controls. Because of the variation in vegetation types and depth to groundwater within the predicted groundwater drawdown zone, the study design shall treat the monitoring plot with a corresponding control plot as a pair (versus comparing the mean of all treatment plots to the mean of all control plots). The “control” plots shall consist of the data collected at the same plot during the baseline (pre-disturbance) monitoring for a pre-disturbance vs. post-disturbance comparison. Appropriate statistical methods shall be used to analyze the differences between the control and monitoring plots (for example, a one-tailed paired-sample statistical test (Manly 2008)18).</p> <p>4. Off-Site Reference Plots: Off-site monitoring plots shall be established as reference sites to distinguish changes in plant vigor seen at the site from the effects of a region-wide drought. The off- site reference plots can be located within Chuckwalla Valley but shall be within areas that would not be affected hydrologically by groundwater pumping for the Project or other projects or agricultural operations. Off-site monitoring reference plots shall be located in the same general hydrologic and geologic setting (i.e., playa margins), in the same climatic region (Sonoran Desert region of California), and contain the same natural communities or vegetation alliances as those to which they are being compared. Impacts from pests and diseases, if present, must also be considered and excluded or adjusted for as part of the analysis. Data on climate and surface runoff in the study area shall be collected to identify “drought” conditions and correlate groundwater changes and weather changes.</p> <p>5. Sample Size and Design The number of monitoring sites shall be established using appropriate statistical methods (for example, by a “priori power analysis” (Elzinga et al. 1998)) and shall be sufficient to achieve adequate (90%) statistical power. Following collection of the baseline data a statistical analysis shall be conducted to refine the power analysis and evaluate the adequacy of the sampling design. If the analysis of baseline data indicates that the sampling design is insufficient to achieve adequate statistical power, the design shall be modified (for example, by adding additional monitoring sites).</p> <p>6. Water Table Monitoring. The Project owner shall install piezometers at each of the dominant vegetation community types within or near the monitoring plots. The number, location, depth and monitoring frequency of the piezometers shall be sufficient to establish the effect of Project groundwater pumping on the shallow aquifer water levels. At a minimum, each piezometer shall be monitored twice per year, in early spring (March) and post-monsoon (September). The piezometers shall be designed to monitor the maximum expected fluctuation in the water table and to last the duration of the Project. Data collected from the Project wells and piezometers for SOIL & WATER-4 (Groundwater Level Monitoring, Mitigation, and Reporting) and S&W-6 (groundwater monitoring for the evaporation ponds and land treatment unit) shall be used to refine the modeling of the predicted groundwater drawdown and zone of influence after two years of data collection following the start of groundwater production. The Project owner shall submit to the CPM,</p>	<p>The First Annual Monitoring Report shall be provided to the CPM and BLM no later than January 31 following the first year of data collection, and shall include an assessment of whether the sampling design would provide statistically adequate monitoring data and whether modifications to the monitoring design would be needed. If the first Annual Monitoring Report recommends a revised sampling design, the Project owner shall submit the revised Plan to the CPM and BLM no later than March 1.</p> <p>Thereafter the Project owner shall submit a Groundwater-Dependent Vegetation Annual Monitoring Report to the CPM and BLM no later than January 31 of each year for the duration of Project operation.</p> <p>If the project owner elects to prepare a geologic and groundwater investigation (as described in Subsection 15 a-d of this condition) to determine if the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system, and that the shallow perched water-bearing zone is not hydraulically connected to the regional groundwater system that the Project owner proposes to use for water supply, the project owner shall submit the resumes of at least two independent, qualified peer reviewers 45 days prior to submittal of the report to the CPM and BLM for review and approval. The Project owner must submit the results of their investigation, subject to review and approval by the CPM, prior to the start of construction or Project groundwater use.</p> <p>If the refined modeling conducted according subsection 6 of this condition indicates that the drawdown and zone of influence is greater than the effect predicted in the GRI, and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the Project owner shall submit a revised monitoring plan for GDE areas outside of the original monitoring area. The Revised Monitoring Plan shall be submitted no later than January 31 in the third year following the start of groundwater pumping and well monitoring.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>for review and approval, a report on the results of the refined modeling. The report shall include all calculations and assumptions made in development of report data and interpretations, and all well monitoring data and piezometer data collected and used in the calculations. If the results indicate that the drawdown and zone of influence is greater than the effect predicted in the GRI, and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the project owner will submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p> <p>7. Soil Monitoring. Soil salinity and pH shall be monitored annually at every monitoring plot. The Plan shall describe the monitoring devices and techniques used to collect and interpret this data, relative to ecosystem function. One soil core sample per community type shall be collected as part of the baseline data to establish the approximate rooting depth of the phreatophytes, and thereafter shall be repeated every five years. The coring method must provide a continuous core that will provide visual examination of roots and root nodules, soil profile, and soil moisture.</p> <p>8. Baseline and Long-term Data Collection. At a minimum, baseline data shall be collected at all monitoring sites prior to the start of pumping; however, vegetation data collected from sites farther from the nearest wells will allow for the collection of multiple years of “pre-disturbance” data. Although the Project proposes to begin construction (and pumping) by December 2010, it appears that the effects of pumping would not reach the areas supporting the GDEs or phreatophytic plants for several years (see C.9 Soil and Water Resources). Because the proposed well in the northeast portion of the Project (Soil & Water Figure 1, Galati & Blek 2010i) is located in very close proximity to known phreatophytes, this well shall not be used within the first 3 years of the Project in order to allow an adequate period for baseline data collection in the area northeast of the Project. Subject to approval by the CPM, if groundwater pumping ceases or is replaced by other water sources, groundwater and vegetation monitoring shall continue for a period of 5 years or until refined modeling indicates that the groundwater levels have returned to baseline levels and the decline in plant vigor has been restored to pre-disturbance conditions.</p> <p>9. Target Vegetation Population. The monitoring sites shall include GDEs and other vegetation potentially affected by the drawdown that occur within the zone of influence. The following phreatophytes have been documented to occur around Palen Lake: honey mesquite (<i>Prosopis glandulosa</i>); iodine bush (<i>Allenrolfea occidentalis</i>), bush seep-weed (<i>Suaeda moquini</i>), jackass clover (<i>Wislizenia refracta</i>), four-wing saltbush (<i>Atriplex canescens</i>), allscale (<i>A. polycarpa</i>), spinescale (<i>A. spinifera</i>), a potentially new taxon of saltbush (<i>Atriplex</i> sp. nov. Andre), ironwood (<i>Olneya tesota</i>), palo verde (<i>Cercidium microphyllum</i>), cat's claw (<i>Acacia greggii</i>), and smoke tree (<i>Psoralea arguta</i>). The final number of each community type sample needed shall be based on the <i>priori</i> power test conducted after the first year of baseline data collection.</p> <p>10. Fine-Scale Vegetation Mapping. Within the monitoring sites vegetation shall be mapped to the alliance level, consistent with classification protocol in the <i>Manual of California, 2nd edition</i> (Sawyer et al. 2009) but any important associations shall also be mapped. Mapping shall be done using minimum 1 meter resolution color orthophotos or higher resolution infrared imagery. The mapping shall also be used to determine the acreages of GDEs and establish the amount of security to be deposited in the event that adverse effects are detected during the monitoring. Boundaries of the permanent plots and any off-site reference sites shall be recorded using GPS technology and depicted on the geo-referenced aerials. GIS shapefiles and metadata shall be submitted along with the draft Plan and any subsequent revisions to the Plan (i.e., following the collection of baseline data and subsequent power analysis).</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>11. Guidelines for the Monitoring Plan. The Groundwater-Dependent Vegetation Monitoring Plan (Plan) shall be prepared with guidance from <i>Measuring and Monitoring Plant Populations</i> (Elzinga et al. 1998). The Plan shall provide a detailed description of each of the following components:</p> <ul style="list-style-type: none"> a. Sampling Design. The sampling design shall include a description of: a) the populations (vegetation types) sampled; b) number, size, and shape of the sampling units; c) layout of the sampling units; d) methods for permanently marking plots in the field; e) monitoring schedule/frequency; f) vegetation and other attributes sampled; and g) sampling objectives (target/threshold, change/trend-based) for each attribute. b. Habitat Function and Values. The Plan shall describe the hydrologic, geologic/geomorphic, geochemical, biological and ecological characteristics of the GDEs, and shall also describe whether species are obligate or facultative; root growth and water acquisition characteristics; morphological adaptations to the desert environment; reproduction and germination characteristics; general and micro-habitat preferences; obligate or facultative halophytes and phreatophytes; role in the morphology of dunes; and importance to wildlife, etc. c. Field techniques for measuring vegetation. This will include the vegetation (or other) attributes selected based on a demonstrated knowledge of the biology and morphology of the species, and include a discussion of the limitations involved in each measurement. Examples of appropriate field techniques for measuring drought response include: percent dieback; live crown density; crown height and width, percent cover of live (versus dead or residual) vegetation, percent cover/frequency of associated species; percent composition of native versus non- native species; and percent cover based on wetland status codes (OBL, FACW, FAC, FACU, UPL19) and status as phreatophytes or halophytes. Photo monitoring shall not be considered an acceptable monitoring method but may be useful to conduct periodically (e.g., every 3 to 5 years). d. Data Management. Including how the data will be recorded in the field (e.g., using a GPS data dictionary), processed and stored. e. Training of personnel. Describe minimum standards for training and monitoring personnel. f. Statistical analysis. Describe statistical methods used to analyze the monitoring data (incorporating the minimum standards for statistical power and error rate described above). <p>12. Peer Review of the Plan. The draft Plan shall undergo a peer review by recognized experts, which shall include one or more scientists with expertise in: the preparation of monitoring plans for plant populations; the physiological responses of desert phreatophytes to drought stress; assessing the effects of groundwater withdrawal on vegetation in the desert region; and biostatistics. The Project owner shall provide the resumes of suggested peer reviewers to the CPM for review and approval.</p> <p>13. Annual Monitoring Report. Annual Monitoring Reports shall be submitted to the CPM and BLM and shall include, at a minimum: a) names and contact information for the responsible parties and monitoring personnel; b) summaries of the results of the monitoring as required in Soil&Water-4 and Soil&Water-6; c) piezometer monitoring results, and a comparison of predicted versus actual water table declines; d) summary of the results of vegetation, groundwater, and soil monitoring data compared to the baseline data for each plot (pre- versus post-disturbance comparison); e) description of sampling and monitoring techniques used for each attribute; f) description of the data management and</p>		

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>statistical analysis; g) photos; h) conclusions and recommendations for remedial action, if the monitoring data indicates that the threshold described below has been met. The first Annual Monitoring Report shall include an appropriate statistical analysis using the first year baseline monitoring data to assess whether the sampling design was adequate to provide statistically meaningful data, as described above. If warranted, the first year Annual Monitoring Report shall include recommendations for revisions to the Plan based on this analysis.</p> <p>14. Threshold for Remedial Action: The Project owner shall implement remedial action, as described in Condition of Certification BIO-24, if the monitoring described in BIO-23 detects a decline in plant vigor of 20 percent or more compared to the same plots pre-disturbance AND also detects a decline in the alluvial (shallow) aquifer confirmed by two consecutive annual water monitoring events in any amount greater than the lowest baseline water level as measured prior to groundwater pumping. If regional drought, off-site pumping or other activities unrelated to the Project are also contributing to the decline in water table, the Project owner shall only be responsible for the portion of the effect that can be statistically demonstrated to be the result of Project pumping. To determine whether declines in plant vigor are related to Project pumping as opposed to regionwide drought or offsite pumping conditions the Project owner shall install a network background monitoring piezometers and incorporate these data in the assessment of Project-related effects on GDEs.</p> <p>15. To understand the source of the water for the GDEs, the Project owner shall prepare a groundwater investigation work plan for submittal to the CPM that will outline steps to determine if the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system, and that the shallow perched water-bearing zone is not hydraulically connected to the regional groundwater system. The groundwater investigation will be comprised of the following components:</p> <ul style="list-style-type: none"> a. A continuous soil coring program at five locations to be identified based on field mapping of GDEs in the area shown on the Figure <i>Soil and Water-3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the 0.1-foot drawdown polygon of the Model Predicted Drawdown (Galati & Blek 2010j). One of the five borings will be drilled adjacent to a GDE containing mesquite, and the other four located to provide an assessment of the range of plant communities within GDEs in the area of interest (i.e., to assess the variability of GDE plant type water requirements and root zone depth). b. The soil cores shall extend a minimum of 20 feet below the deepest root zones of the GDEs investigated to demonstrate separation between the shallow and regional water zones. At a minimum the soil cores shall show that 20 feet of unsaturated conditions are present below the deepest root zones of the plant communities investigated. The soil cores will be logged by a professional geologist in the State of California, and the coring program will be overseen by a qualified biologist with experienced in the plant communities identified within each GDE. c. A sampling plan for selective analysis of soil moisture content and saturation will also be conducted for each soil core advanced adjacent to a GDE. The number and frequency of soil samples shall be established to confirm field observations of soil moisture content in the shallow water-bearing zone, through the root zone and in the deeper sediments below the root zone above the regional water table. Soil samples shall be analyzed for moisture content after ASTM Method D2216. 		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>d. Depending on the results of the soil coring program, piezometers may be installed as monitoring points for the regional water table and to monitoring changes in the shallow water-bearing zone from Project pumping. In the report of results from the soil coring program, a water-level monitoring program shall be proposed if it is shown that the regional water table is in direct hydraulic connection to the source of water to the GDE's. If the field data clearly shows an unsaturated zone of 20 feet or more below the deepest root zones of the GDEs, then piezometers will not be installed.</p> <p>If the results of the pre-construction field observations and soil sampling demonstrate 20 feet or more of unsaturated sediments between the deepest root zones of the GDEs and the regional water table, there will be no requirements to implement any of the underlying conditions as provided for in BIO-23 and BIO-24, as sufficient evidence will have been provided to demonstrate that the groundwater is not the source for the GDE's.</p> <p>If the refined modeling of the predicted groundwater drawdown and zone of influence after two years of data collection (following the start of groundwater production), as described in Subsection 6 of this condition and in SOIL&WATER-4 and SOIL&WATER-6, indicates the drawdown or zone of influence would be greater than predicted in the Project owner's Groundwater Resources Investigation (GRI), and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the project owner will submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p>		
<p>BIO-24, Remedial Action and Compensation for Adverse Effects to Groundwater-Dependent Biological Resources: If monitoring detects Project-related adverse impacts to groundwater dependent ecosystems (GDEs), as described in BIO-23 and the impacts are shown to be the result of a decline in the regional groundwater table due to Project pumping, the Project owner shall determine which well(s) are the source of the adverse impacts and shall implement remedial measures as outlined below. If regional drought, off-site pumping or other activities unrelated to the Project are also contributing to the decline in water table, the Project owner shall only be responsible for the portion of the effect that can be demonstrated to be the result of Project pumping. The remedial measures shall be implemented with the objective of restoring the groundwater levels to the baseline described in BIO-23, and shall compensate for impacts to GDEs with off-site habitat acquisition or restoration. The Project owner shall do all of the following:</p> <p>1. Modification and/or Cessation of Pumping: The Project owner shall provide to the CPM evidence based on groundwater monitoring and modeling indicating which wells are likely to be causing adverse impacts to GDEs. The Project owner shall initially modify operation of those wells to reduce the offsite drawdown in the areas of the GDEs.</p> <p>Remedial Action Plan: The objective of remedial action shall be restoration of the spring groundwater table in the alluvial (shallow) aquifer to baseline levels, as described in BIO-23. The Remedial Action Plan shall include one or more of the following measures: 1) Begin rotational operation of the site water supply wells reducing pumping in wells that are the most proximal to the GDEs, 2) reducing the pumping rate in the wells that have been identified as the cause of the drawdown in the area of the GDEs, 3) focus pumping on wells on the southern portion of the project site away from the GDEs 4) cease operation of the well(s) that are the cause of the drawdown. Groundwater water level monitoring shall increase to a frequency necessary to document change and recovery in the drawdown from the changes in the pumping program.</p>	<p>No more than 30 days following submission of the Groundwater Dependent Vegetation Annual Monitoring Report the Project owner shall submit to the CPM for review and approval a draft Remedial Action Plan if that report indicates that the threshold for remedial action as described in BIO-23 has been met. At the same time the Project owner shall submit written evidence that the Project wells responsible for impacts to groundwater levels and GDEs have modified their operation or ceased operation.</p> <p>A final Remedial Action Plan shall be submitted to the CPM within 30 days of receipt of the CPM's comments on the draft plan. No later than 6 months following approval of the final Remedial Action Plan, the Project owner shall provide to the CPM written documentation of the effectiveness of the completed remedial action.</p> <p>No more than 30 days following submission of the Groundwater-Dependent Vegetation Annual Monitoring Report, the Project owner shall provide to the CPM a final accounting of the amount of GDE habitat affected by Project groundwater pumping.</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>The Remedial Action Plan shall include a water level monitoring program of sufficient frequency to document changes in operation of the water supply wells, and demonstrate that the water table has been restored to baseline levels.</p> <p>The Project owner shall use the following guidelines for determining if an ecosystem (or species) is phreatophytic (Brown et al 2007; LeMaite et al 1999; Froend & Loomes 2004):</p> <ol style="list-style-type: none"> a. It is not known or documented to depend on groundwater, based on scientific literature or expert opinion (local knowledge can be useful in making a determination as some species' dependence varies by setting); b. The species are not known to have roots extending over a meter in depth; c. The community does not occur in an area where the water table is known to be 'near' the surface (relative to the documented rooting depths of the species); d. The herbaceous or shrub vegetation is not still green and/or does not have a high leaf area late in the dry season (compared to other dry areas in the same watershed that do not have access to groundwater). <p>2. Compensate for Loss of Ecosystem Function. If the decline in the water table in the alluvial (shallow) aquifer is accompanied by a corresponding decline in plant vigor greater than 20 percent (as described in BIO-23), the Project owner shall compensate for the loss of habitat functions and values in the affected groundwater-dependent ecosystems. The amount of compensation shall be at a 3:1 ratio based on area of affected area, using mapping as described in BIO-23. The Project owner shall acquire, in fee or in easement, a parcel or parcels of land that include an amount of groundwater-dependent vegetation that is of the same habitat-type as the community affected (e.g., mesquite woodland, alkali sink scrubs, or microphyll woodland) and of an equal or greater habitat quality. The compensation lands shall be located within the watersheds encompassing the Chuckwalla or Palen valleys. As an alternative to habitat compensation, the Project owner may submit a plan that achieves restoration of lost habitat function and value at another location within the Chuckwalla Groundwater Basin that contains the same habitats as those affected.</p> <ol style="list-style-type: none"> a. Review and Approval of Compensation Lands Prior to Acquisition or Restoration. The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands in relation to the criteria listed above. Approval from the CPM shall be required for acquisition of all compensatory mitigation parcels. b. Preparation of Management Plan: The Project owner shall submit to the CPM and CDFG a draft Management Plan that reflects site-specific enhancement measures for the acquired compensation lands. The objective of the Management Plan shall be to maintain the functions and values of the acquired GDE plant communities and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control. c. Delegation of Acquisition. The responsibility for acquisition of compensation lands may be delegated to NFWF or another third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM prior to land acquisition, enhancement or management activities. 	<p>No more than 6 months following submission of the Groundwater-Dependent Vegetation Annual Monitoring Report the Project owner shall submit a formal acquisition or restoration proposal to the CPM, describing the mitigation parcels intended for purchase or restoration. The acquisition/restoration proposal shall describe how the proposed parcels meet the acquisition or restoration criteria described in this condition.</p> <p>No fewer than 90 days prior to compensatory acquisition or restoration, the Project owner shall submit to the CPM and obtain CPM approval of any agreements to delegate land acquisition to an approved third party, or to manage compensation lands; such agreement shall be executed and implemented no more than months following approval of the acquisition proposal. The Project owner shall provide written verification to the CPM that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months from submission of the Groundwater-Dependent Vegetation Annual Monitoring Report.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-25, Golden Eagle Inventory and Monitoring: The Project owner shall implement the following measures to avoid or minimize Project-related construction impacts to golden eagles.</p> <ol style="list-style-type: none"> 1. Annual Inventory During Construction. For each calendar year during which construction will occur an inventory shall be conducted to determine if golden eagle territories occur within one mile of the Project boundaries. Survey methods for the inventory shall be as described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. 2. Inventory Data: Data collected during the inventory shall include at least the following: territory status (unknown, vacant, occupied, breeding successful, breeding unsuccessful); nest location, nest elevation; age class of golden eagles observed; nesting chronology; number of young at each visit; digital photographs; and substrate upon which nest is placed. 3. Determination of Unoccupied Territory Status: A nesting territory or inventoried habitat shall be considered unoccupied by golden eagles ONLY after completing at least 2 full surveys in a single breeding season. In circumstances where ground observation occurs rather than aerial surveys, at least 2 ground observation periods lasting at least 4 hours or more are necessary to designate an inventoried habitat or territory as unoccupied as long as all potential nest sites and alternate nests are visible and monitored. These observation periods shall be at least 30 days apart for an inventory, and at least 30 days apart for monitoring of known territories. 4. Monitoring and Adaptive Management Plan: If an occupied nest is detected within one mile of the Project boundaries, the Project owner shall prepare and implement a Golden Eagle Monitoring and Adaptive Management Plan for the duration of construction to ensure that Project construction activities do not result in injury or disturbance to golden eagles. The monitoring methods shall be consistent with those described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. The Monitoring and Management Plan shall be prepared in consultation with the USFWS. Triggers for adaptive management shall include any evidence of Project-related disturbance to nesting golden eagles, including but not limited to: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Monitoring and Adaptive Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of golden eagle disturbance. 	<p>No fewer than 30 days from completion of the golden eagle inventory the project owner shall submit a report to the CPM, BLM, CDFG, and USFWS documenting the results of the inventory.</p> <p>If an occupied nest is detected within one mile of the Project boundary during the inventory the Project owner shall contact staff at the USFWS Carlsbad Office and CDFG within one working day of detection of the nest for interim guidance on monitoring and nest protection. The project owner shall provide the CPM, CDFG, and USFWS with the final version of the Golden Eagle Monitoring and Management Plan within 30 days after detection of the nest. This final Plan shall have been reviewed and approved by the CPM in consultation with USFWS and CDFG.</p>	CEC
<p>BIO-26, Evaporation Pond Netting and Monitoring: The Project owner shall cover the evaporation ponds prior to any discharge with 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. Netting with mesh sizes other than 1.5-inches may be installed if approved by the CPM in consultation with CDFG and USFWS. The netted ponds shall be monitored regularly to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife. The ponds shall include a visual deterrent in addition to the netting, and the pond shall be designed such that the netting shall never contact the water. Monitoring of the evaporation ponds shall include the following:</p> <ol style="list-style-type: none"> 1. Monthly Monitoring. The Designated Biologist or Biological Monitor shall regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. The purpose of the surveys shall be to 	<p>No less than 30 days prior to operation of the evaporation ponds the project owner shall provide to the CPM as-built drawings and photographs of the ponds indicating that the bird exclusion netting has been installed. For the first year of operation the Designated Biologist shall submit quarterly reports to the CPM, BLM, CDFG, and USFWS describing the dates, durations and results of site visits conducted at the evaporation ponds. Thereafter the Designated Biologist shall submit annual monitoring reports with this information. The quarterly and annual reports shall fully describe any</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>determine if the netted ponds are effective in excluding birds, if the nets pose an entrapment hazard to birds and wildlife, and to assess the structural integrity of the nets. The monthly survey shall be conducted in 1 day for a minimum of 2 hours following sunrise (i.e., dawn), a minimum of 1 hour mid-day (i.e., 1100 to 1300), and a minimum of 2 hours preceding sunset (i.e., dusk) in order to provide an accurate assessment of bird and wildlife use of the ponds during all seasons. Surveyors shall be experienced with bird identification and survey techniques. Operations staff at the Project site shall also report finding any dead birds or other wildlife at the evaporation ponds to the Designated Biologist within 1 day of the detection of the carcass. The Designated Biologists shall report any bird or other wildlife deaths or entanglements within 2 days of the discovery to the CPM, CDFG, and USFWS.</p> <p>2. Dead or Entangled Birds. If dead or entangled birds are detected, the Designated Biologist shall take immediate action to correct the source of mortality or entanglement. The Designated Biologist shall make immediate efforts to contact and consult the CPM, CDFG, and USFWS by phone and electronic communications prior to taking remedial action upon detection of the problem, but the inability to reach these parties shall not delay taking action that would, in the judgment of the Designated Biologist, prevent further mortality of birds or other wildlife at the evaporation ponds.</p> <p>3. Quarterly Monitoring. If after 12 consecutive monthly site visits no bird or wildlife deaths or entanglements are detected at the evaporation ponds by or reported to the Designated Biologist, monitoring, as described in paragraph 1, can be conducted on a quarterly basis.</p> <p>4. Biannual Monitoring. If after 12 consecutive quarterly site visits no bird or wildlife deaths or entanglements are detected by or reported to the Designated Biologist and with approval from the CPM, USFWS, and CDFG, future surveys may be reduced to 2 surveys per year, during the spring nesting season and during fall migration. If approved by the CPM, USFWS, and CDFG, monitoring outside the nesting season may be conducted by the Environmental Compliance Manager.</p> <p>5. Modification of Monitoring Program. CDFG or USFWS may submit a request for modifications to the evaporation pond monitoring program based on information acquired during monitoring, and may also suggest adaptive management measures to remedy any problems that are detected during monitoring or modifications if bird impacts are not observed. Modifications to the evaporation pond monitoring described above and implementation of adaptive management measures shall be made only after approval from the CPM, in consultation with USFWS and CDFG.</p>	<p>bird or wildlife death or entanglements detected during the site visits or at any other time, and shall describe actions taken to remedy these problems. The annual report shall be submitted to the CPM, BLM, CDFG, and USFWS no later than January 31 of every year for the life of the project.</p>	
<p>BIO-27: <i>Staff and the Applicant have agreed to delete this condition.</i></p>		CEC
<p>BIO-28, In-Lieu Fee Mitigation Option: The Project owner may choose to satisfy its mitigation obligations by paying an in-lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099 or any other applicable in-lieu fee provision, provided that the Project's in-lieu fee proposal is found by the Commission to mitigate the impacts identified herein. If the in-lieu fee proposal is found by the Commission to be in compliance, and the Project Owner chooses to satisfy its mitigation obligations through the in-lieu fee, the Project Owner shall provide proof of the in-lieu fee payment to the CPM prior to construction related ground disturbance.</p>	<p>If electing to use this provision, the Project owner shall notify the Commission and all parties to the proceeding that it would like a determination that the Project's in-lieu fee proposal would mitigate for the impacts identified herein. Prior to construction related ground disturbance the Project Owner shall provide proof of the in lieu fee payment to the CPM.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-29, Project Construction Phasing Plan:</p> <p>The Project Owner shall provide compensatory mitigation for the total Project Disturbance Area and may provide such mitigation in two phases for Units 1 and 2 as described in Figures BIO-5 and BIO-6 in the July 19, 2010 Response to Data Request (AECOM 2010u). For purposes of this condition, the Project Disturbance Area means all lands disturbed in the construction and operation of the Palen Project or its phases, including all linears and ancillary facilities, as well as undeveloped areas inside the Project's boundaries that would no longer provide viable long-term habitat.</p> <p>The disturbance area for each project Phase and resource type is provided in BIO-29 Table 1 below. Mitigation is shown in BIO-29 Table 2, and mitigation security is shown in BIO-29 Table 3, below. This table shall be refined prior to the start of each construction phase with the disturbance area adjusted to reflect the final Project footprint for each phase. Prior to initiating each phase of construction the Project owner shall submit the actual construction schedule, a figure depicting the locations of proposed construction and amount of acres to be disturbed. Mitigation acres are calculated based on the compensation requirements for each resource type as described in the above Conditions of Certification – BIO-12 (Desert Tortoise), BIO-20 (Mojave Fringe-toed Lizard), BIO-18 (Western Burrowing Owl), and BIO-22 (State Waters). Compensatory mitigation for each phase shall be implemented according to the timing required by each condition. (See BIO-29 Table 1, Table 2, and Table 3 in the CEC Final Decision)</p>	<p>The Project owner shall not disturb any area outside of the area that has been approved for that phase of construction and for the previously approved phases of construction.</p> <p>No less than 30 days prior to the start of desert tortoise clearance surveys for each phase, the Project owner shall submit a description of the proposed construction activities for that phase to CDFG, USFWS and BLM for review and to the CPM for review and approval. The description for each phase shall include the proposed construction schedule, a figure depicting the locations of proposed construction, and amount of acres of each habitat type to be disturbed.</p> <p>No less than 30 days prior to beginning Project ground-disturbing activities for each phase, the Project owner shall provide the form of Security in accordance with this Condition of Certification in the amounts described in BIO-29 Table 3. No later than 7 days prior to beginning Project ground-disturbing activities for each phase, the Project owner shall provide written verification of the actual Security. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities for each phase.</p>	<p>CEC</p>
CULTURAL RESOURCES		
<p>CUL-1, Prehistoric Trails Network Cultural Landscape (PTNCL) Documentation and NRHP Nomination: The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the PTNCL Documentation and Possible NRHP Nomination program presented in the Palen Solar Power Project (PSPP) Revised Staff Assessment (RSA).</p> <p>The amount of the contribution shall be \$35 per acre that the project encloses or otherwise disturbs. Any additional contingency contribution is not to exceed an amount totaling 20 percent of the original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute one-third of the total original contribution amount. If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the PTNCL documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the PTNCL documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the PTNCL documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.</p>	<p>No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special PTNCL fund, the project owner shall submit a copy of the notice to the Energy Commission's Compliance Project Manager (CPM).</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>CUL-2, Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCL) Documentation and Possible NRHP Nomination: The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the Documentation and Possible NRHP Nomination program presented in the PSPP RSA. The amount of the contribution shall be \$25 per acre that the project encloses or otherwise disturbs. Any additional contingency contribution is not to exceed an amount totaling 20 percent of the original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute one-third of the total original contribution amount. If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the DTCCL documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the DTCCL documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the DTCCL documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.</p>	<p>No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special DTCCL fund, the project owner shall submit a copy of the notice to the CPM.</p>	<p>CEC</p>
<p>CUL-3, Cultural Resources Personnel: Prior to the start of ground disturbance (includes "preconstruction site mobilization," "construction-related ground disturbance," and "construction-related grading, boring, and trenching," as defined in the General Conditions for this project), the project owner shall obtain the services of a Cultural Resources Specialist (CRS) and one or more alternate CRSs, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation, and reporting activities in accordance with the Conditions of Certification (Conditions).</p> <p>The CRS shall have a primarily administrative and coordination role for the PSPP. The CRS may obtain the services of Cultural Resources Monitors (CRMs), if needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS implements the Cultural Resources Conditions providing for data recovery from known historical resources and ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner. No ground disturbance shall occur prior to Compliance Project Manager (CPM) approval of the CRS and alternates, unless such activities are specifically approved by the CPM. Approval of a CRS may be denied or revoked for reasons including but not limited to noncompliance on this or other Energy Commission projects.</p> <p>Cultural Resources Specialist: The resumés for the CRS and alternate(s) shall include information demonstrating to the satisfaction of the CPM that their training and backgrounds conform to the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the CRS shall have the following qualifications:</p> <ol style="list-style-type: none"> 1. A background in anthropology and prehistoric archaeology; 2. At least 10 years of archaeological resource mitigation and field experience, with at least three of those years in California; and 3. At least three years of experience in a decision-making capacity on cultural resources projects, with at least one of those years in California, and the appropriate training and experience to knowledgeably make recommendations regarding the significance of cultural resources. 	<p>Verification:</p> <ol style="list-style-type: none"> 1. Preferably at least 120 days, but in any event no less than 75 days prior to the start of ground disturbance, the project owner shall submit the resumés for the CRS, the alternate CRS(s) if desired, the PPA, and the PHA to the CPM for review and approval. 2. At least 65 days prior to the start of data recovery on known archaeological sites, the project owner shall confirm in writing to the CPM that the approved CRS, the PPA, and the PHA will be available for on-site work and are prepared to implement the Cultural Resources Conditions CUL-11 through CUL-15. 3. At least 10 days prior to a termination or release of the CRS, or within 10 days after the resignation of a CRS, the project owner shall submit the resumé of the proposed new CRS to the CPM for review and approval. At the same time, the project owner shall also provide to the proposed new CRS the AFC and all cultural resources documents, field notes, photographs, and other cultural resources materials generated by the project. If no alternate CRS is available to assume the duties of the CRS, a monitor may serve in place of a CRS so that ground disturbance may continue up to a maximum of three days without a CRS. If cultural resources are discovered then ground disturbance will 	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>Required Cultural Resources Technical Specialists: The project owner shall ensure that the CRS obtains the services of a qualified prehistoric archaeologist to conduct the research specified in CUL-11 and CUL-12. The Project Prehistoric Archaeologist's (PPA) training and background must meet the U.S. Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology, as published in Title 36, Code of Federal Regulations, part 61, and the résumé of the PPA must demonstrate familiarity with similar artifacts and environmental modifications (deliberate and incidental) to those associated with the prehistoric and protohistoric use of the Chuckwalla Valley. The PPA must meet OSHA standards as a "Competent Person" in trench safety. The project owner shall ensure that the CRS obtains the services of a qualified historical archaeologist to conduct the research specified in CUL-13 and CUL-14. The Project Historical Archaeologist's (PHA) training and background must meet the U.S. Secretary of Interior's Professional Qualifications Standards for historical archaeology, as published in Title 36, Code of Federal Regulations, part 61. The résumés of the CRS, alternate CRS, the PPA, and the PHA shall include the names and telephone numbers of contacts familiar with the work of these persons on projects referenced in the résumés and demonstrate to the satisfaction of the CPM that these persons have the appropriate training and experience to undertake the required research. The project owner may name and hire the CRS, alternate CRS, the PPA, and the PHA prior to certification.</p> <p>Field Crew Members and Cultural Resources Monitors: CRMs and field crew members shall have the following qualifications:</p> <ol style="list-style-type: none"> 1. A B.S. or B.A. degree in anthropology, archaeology, historical archaeology, or a related field, and one year experience monitoring in California; or 2. An A.S. or A.A. degree in anthropology, archaeology, historical archaeology, or a related field, and four years experience monitoring in California; or 3. Enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology, or a related field, and two years of monitoring experience in California. 	<p>remain halted until there is a CRS or alternate CRS to make a recommendation regarding significance.</p> <ol style="list-style-type: none"> 4. At least 20 days prior to data recovery on known archaeological sites, the CRS shall provide a letter naming anticipated field crew members for the project and attesting that the identified field crew members meet the minimum qualifications for cultural resources data recovery required by this Condition. 5. At least 20 days prior to ground disturbance, the CRS shall provide a letter naming anticipated CRMs for the project and attesting that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition. 6. At least five days prior to additional CRMs beginning on-site duties during the project, the CRS shall provide letters to the CPM identifying the new CRMs and attesting to their qualifications. 	
<p>CUL-4, Project Documentation for Cultural Resources Personnel: Prior to the start of ground disturbance, the project owner shall provide the CRS, the PPA, and the PHA with copies of the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), RSA Errata, and the Commission Decision for the project. The project owner shall also provide the CRS, the PPA, the PHA, and the CPM with maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas. Maps shall include the appropriate USGS quadrangles and maps at an appropriate scale (e.g., 1:2400 or 1" = 200') for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the CRS and CPM. The CPM shall review map submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No ground disturbance shall occur prior to CPM approval of maps and drawings, unless such activities are specifically approved by the CPM. If construction of the project would proceed in phases, maps and drawings not previously provided shall be provided to the CRS, the PPA, the PHA, and CPM prior to the start of each phase. Written notice identifying the proposed schedule of each project phase shall be provided to the CRS and CPM. Weekly, until ground disturbance is completed, the project construction manager shall provide to the CRS and CPM a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The project owner shall notify the CRS and CPM of any changes to the scheduling of the construction phases.</p>	<ol style="list-style-type: none"> 1. Preferably at least 115 days, but in any event no less than 60 days prior to the start of ground disturbance, the project owner shall provide the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), RSA Errata, and the Commission Decision for the project to the CRS, if needed, and to the PPA, and the PHA. The project owner shall also provide the subject maps and drawings to the CRS, PPA, PHA, and CPM. Staff, in consultation with the CRS, PPA, and PHA, will review and approve maps and drawings suitable for cultural resources monitoring and data recovery activities. 2. At least 15 days prior to the start of ground disturbance, if there are changes to any project-related footprint, the 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
	<p>project owner shall provide revised maps and drawings for the changes to the CRS, PPA, PHA, and CPM.</p> <ol style="list-style-type: none"> 3. At least 15 days prior to the start of each phase of a phased project, the project owner shall submit the appropriate maps and drawings, if not previously provided, to the CRS, PPA, PHA, and CPM. 4. Weekly, during ground disturbance, a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, e-mail, or fax. 5. Within five days of changing the scheduling of phases of a phased project, the project owner shall provide written notice of the changes to the CRS and CPM. 	
<p>CUL-5, Cultural Resources Monitoring and Mitigation Plan: Prior to the start of ground disturbance, the project owner shall submit to the CPM for review and approval the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, with the contributions of the PPA, and the PHA. The authors' name(s) shall appear on the title page of the CRMMP. The CRMMP shall specify the impact mitigation protocols for all known cultural resources and identify general and specific measures to minimize potential impacts to all other cultural resources, including those discovered during construction. Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, the PPA, and the PHA, each CRM, and the project owner's on-site construction manager. No ground disturbance shall occur prior to CPM approval of the CRMMP, unless such activities are specifically approved by the CPM. Prior to certification, the project owner may have the CRS, alternate CRS, the PPA, and the PHA complete and submit to CEC for review the CRMMP, except for the portions to be contributed by the PTNCL and the DTCCCL programs. The CRMMP shall include, but not be limited to, the elements and measures listed below.</p> <ol style="list-style-type: none"> 1. The following statement shall be included in the Introduction: "Any discussion, summary, or paraphrasing of the Conditions of Certification in this CRMMP is intended as general guidance and as an aid to the user in understanding the Conditions and their implementation. The Conditions, as written in the Commission Decision, shall supersede any summarization, description, or interpretation of the conditions in the CRMMP. The Cultural Resources Conditions of Certification from the Commission Decision are contained in Appendix A." 2. The duties of the CRS shall be fully discussed, including coordination duties with respect to the completion of the Prehistoric Trails Network Cultural Landscape (PTNCL) documentation and possible NRHP nomination program and the Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCCL) documentation and possible NRHP nomination program, and oversight/management duties with respect to site evaluation, data collection, monitoring, and reporting at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. 	<ol style="list-style-type: none"> 1. Preferably at least 45 days, but in any event no less than 30 days prior to the start of ground disturbance, the project owner shall submit the CRMMP to the CPM for review and approval. 2. At least 20 days prior to the start of ground disturbance, in a letter to the CPM, the project owner shall agree to pay curation fees for any materials generated or collected as a result of the archaeological investigations (survey, testing, data recovery). 3. At least 30 days prior to the start of ground disturbance, the project owner shall provide to the CPM a copy of a letter from a curation facility that meets the standards stated in the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, stating the facility's willingness and ability to receive the materials generated by PSPP cultural resources activities and requiring curation. Any agreements concerning curation will be retained and available for audit for the life of the project. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>3. A general research design shall be developed that:</p> <ul style="list-style-type: none"> a. Charts a timeline of all research activities, including those coordinated under the PTNCL and DTCCL documentation and possible NRHP nomination programs; b. Recapitulates the existing paleoenvironmental, prehistoric, ethnohistoric, ethnographic, and historic contexts developed in the PTNCL and DTCCL historic context and adds to these the additional context of the non-military, historic-period occupation and use of the Chuckwalla Valley, to create a comprehensive historic context for the PSPP vicinity; c. Poses archaeological research questions and testable hypotheses specifically applicable to the archaeological resource types known for the Chuckwalla Valley, based on the research questions developed under the PTNCL and DTCCL research and on the archaeological and historical literature pertinent to the Chuckwalla Valley; and d. Clearly articulates why it is in the public interest to address the research questions that it poses. <p>4. Protocols, reflecting the guidance provided in CUL-10 through CUL-15 shall be specified for the treatment of known and newly discovered prehistoric and historic-period archaeological resource types.</p> <p>5. Artifact collection, retention/disposal, and curation policies shall be discussed, as related to the research questions formulated in the research design. These policies shall apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. A prescriptive treatment plan may be included in the CRMMP for limited data types.</p> <p>6. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground disturbance and post-ground-disturbance analysis phases of the project shall be specified.</p> <p>7. Person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team shall be identified.</p> <p>8. The manner in which Native American observers or monitors will be included, in addition to their roles in the activities required under CUL-1, the procedures to be used to select them, and their roles and responsibilities shall be described.</p> <p>9. All impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts.</p> <p>10. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age shall be stated. In addition, the commitment to curate all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery), in accordance with the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, into a retrievable storage collection in a public repository or museum shall be stated.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>11. The commitment of the project owner to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project shall be stated. The project owner shall identify a curation facility that could accept cultural resources materials resulting from PSCP cultural resources investigations.</p> <p>12. The CRS shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource materials (that cannot be treated prescriptively) from known CRHR-eligible archaeological sites and from CRHR eligible sites that are encountered during ground disturbance.</p> <p>13. The contents, format, and review and approval process of the final Cultural Resource Report (CRR) shall be described.</p>		
<p>CUL-6, Cultural Resources Report (CRR): The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for review and approval and to the BLM Palm Springs archaeologist for review and comment. The final CRR shall be written by or under the direction of the CRS. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, revised and final Department of Parks and Recreation (DPR) 523 forms, data recovery reports, and any additional research reports not previously submitted to the California Historical Resource Information System (CHRIS) and the State Historic Preservation Officer (SHPO) shall be included as appendices to the final CRR. If the project owner requests a suspension of ground disturbance and/or construction activities, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM and to the BLM Palm Springs archaeologist for review and approval on the same day as the suspension/extension request. The draft CRR shall be retained at the project site in a secure facility until ground disturbance and/or construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval at the same time as the withdrawal request.</p>	<ol style="list-style-type: none"> 1. Within 30 days after requesting a suspension of construction activities, the project owner shall submit a draft CRR to the CPM for review and approval. 2. Within 180 days after completion of ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM for review and approval and to the BLM Palm Springs archaeologist for review and comment. If any reports have previously been sent to the CHRIS, then receipt letters from the CHRIS or other verification of receipt shall be included in an appendix. 3. Within 10 days after the CPM and the BLM Palm Springs archaeologist approve the CRR, the project owner shall provide documentation to the CPM confirming that copies of the final CRR have been provided to the SHPO, the CHRIS, the curating institution, if archaeological materials were collected, and to the Tribal Chairpersons of any Native American groups requesting copies of project-related reports. 	CEC
<p>CUL-7, Worker Environmental Awareness Program (WEAP): Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas. The training shall be prepared by the CRS, may be conducted by any member of the archaeological team, and may be presented in the form of a video. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must be resumed when ground disturbance, such as landscaping, resumes.</p> <p>The training shall include:</p>	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval. 2. At least 15 days prior to the start of ground disturbance, the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP trained worker to sign. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Samples or visuals of artifacts that might be found in the project vicinity; 3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed; 4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits; 5. Instruction that the CRS, alternate CRS, and CRMs have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS; 6. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS; 7. An informational brochure that identifies reporting procedures in the event of a discovery; 8. An acknowledgement form signed by each worker indicating that they have received the training; and 9. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 10. No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the CPM. 	<ol style="list-style-type: none"> 3. Monthly, until ground disturbance is completed, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of workers who have completed the training in the prior month and a running total of all persons who have completed training to date. 	
<p>CUL-8, Construction Monitoring Program: The project owner shall ensure that the CRS, alternate CRS, or CRMs, to prevent construction impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner, monitor full time all ground disturbance. Full-time archaeological monitoring for this project shall be the archaeological monitoring of the earth-removing activities in the areas specified in the previous paragraph, for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than 50 feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than 50 feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material. A Native American monitor shall be obtained to monitor ground disturbance in areas where Native American artifacts may be discovered. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow ground disturbance to proceed without a Native American monitor. The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.</p>	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log. 2. Monthly, while monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP. 3. At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of noncompliance with the Conditions and/or applicable LORS. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended. The CRS or alternate CRS shall report daily to the CPM on the status of the project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.</p> <p>In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring. The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff. Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions. Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.</p>	<ol style="list-style-type: none"> 4. Daily, as long as no cultural resources are found, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail or in some other form of communication acceptable to the CPM. 5. At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting. 6. No later than 30 days following the discovery of any Native American cultural materials, the project owner shall submit to the CPM copies of the information transmittal letters sent to the Chairpersons of the Native American tribes or groups who requested the information. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification, consultation, and reports and records. 7. Within 15 days of receiving them, the project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information. 	
<p>CUL-9, Authority to Halt Construction; Treatment of Discoveries: The project owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, PPA, PHA, and the CRMs in the event of a discovery. Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS.</p> <p>In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the CPM), or impacts to such a resource can be anticipated, ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting, as provided in other Conditions, shall continue during the project's ground-disturbing activities elsewhere. The halting or redirection of ground disturbance shall remain in effect until the CRS has visited the discovery, and all of the following have occurred:</p> <ol style="list-style-type: none"> 1. The CRS has notified the project owner, and the CPM has been notified within 24 hours of the discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the discovery (or changes in character or attributes), the action taken (i.e., work stoppage or redirection), a recommendation of CRHR eligibility, and recommendations for data recovery from any cultural resources discoveries, whether or not a determination of CRHR eligibility has been made. 	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, PPA, PHA, and CRMs have the authority to halt ground disturbance in the vicinity of a cultural resources discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning. 2. Within 48 hours of the discovery of a resource of interest to Native Americans, the project owner shall ensure that the CRS notifies all Native American groups that expressed a desire to be notified in the event of such a discovery. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 2. If the discovery would be of interest to Native Americans, the CRS has notified all Native American groups that expressed a desire to be notified in the event of such a discovery. 3. The CRS has completed field notes, measurements, and photography for a DPR 523 "Primary" form. Unless the find can be treated prescriptively, as specified in the CRMMP, the "Description" entry of the DPR 523 "Primary" form shall include a recommendation on the CRHR eligibility of the discovery. The project owner shall submit completed forms to the CPM. 4. The CRS, the project owner, and the CPM have conferred, and the CPM has concurred with the recommended eligibility of the discovery and approved the CRS's proposed data recovery plan, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation have been completed. 	<ol style="list-style-type: none"> 3. Unless the discovery can be treated prescriptively, as specified in the CRMMP, completed DPR 523 forms for resources newly discovered during ground disturbance shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of data recordation/recovery, whichever the CRS decides is more appropriate for the subject cultural resource. 	
<p>CUL-10, Flag and Avoid: If resources within the transmission line corridor can be spanned rather than impacted, or in the event that new resources are discovered during construction where impacts can be reduced or avoided, the project owner shall:</p> <ol style="list-style-type: none"> 1. Ensure that a CRS, alternate CRS, PPA, or CRM re-establish the boundary of each site, add a 10-meter-wide buffer around the periphery of each site boundary, and flag the resulting space in a conspicuous manner; 2. Ensure that a CRM enforces avoidance of the flagged areas during PSPP construction; and 3. Ensure, after completion of construction, boundary markings around each site and buffer are removed so as not to attract vandals. 	<p>Within 90 days of the completion of Project construction, the project owner shall submit for CPM review and approval a letter, with photograph and maps, evidencing the removal of boundary markings.</p>	CEC
<p>CUL-11, Data Recovery for Simple Prehistoric Sites: (Sparse Lithic Scatters, Cairns, and Pot Drops) The project owner shall ensure the CRMMP includes a data recovery plan for the resource type "simple prehistoric sites," consisting of sites SMP-P-1015, SMP-P-1016, SMP-P-2014, SMP-P-2015, and SMP-P- 001. This site list may be revised only with the agreement of the CRS and the CPM. The data recovery plan shall include the use of the CARIDAP protocol on sites that qualify, how to proceed if features or other buried deposits are encountered, and the materials analyses] and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. If allowed by the BLM, prior to the start of ground disturbance within 30 meters of the site boundaries of each of these sites, the project owner shall ensure that the CRS, the PPA, and/or archaeological team members implement the plan, which, for sites where CARIDAP does not apply, shall include, but is not limited to the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request the PTNCL PG, or equivalent qualified person approved by the CPM and hired by the project owner should the PTNCL geoaarchaeologist not be available, to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake; if a lakeshore is present within 100 meters of the site boundary, include it on the site map; 	<ol style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that data recovery for small sites has ensued. 2. After the completion of the excavation of the first 1-meter-by-1-meter excavation unit at each of the subject sites, the CRS shall notify the CPM regarding the presence or absence of subsurface deposits and shall make a recommendation on the site's CRHR eligibility. 3. Within one week of the completion of data recovery at a site, the project owner shall submit a letter report written by the PPA or CRS for review and approval of the CPM. When the CPM approves the letter report, ground disturbance may begin at this site location. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 3. Map and field-record all lithic artifacts (numbers of flakes, the reduction sequence stage each represents, cores, tool blanks, finished tools, hammerstones, and concentrations, and the material types of each) and the other types of prehistoric artifacts present. 4. Map any differential distribution of artifacts and suggest explanations for the distribution 5. Assess the integrity of the site and provide the evidence substantiating that assessment; 6. Collect for dating and source analyses any obsidian artifacts; 7. Field record the surface location of all other artifacts and collect all ceramic artifacts and botanical and faunal remains for laboratory analysis and curation; 8. Surface scrape to a depth of 5 centimeters a 5-meter-by-5-meter area centered on the artifact concentration, field-record the lithic artifacts as to location, material type, and the reduction sequence stage each represents, record the location of all other artifacts, and retain the obsidian and ceramic artifacts and botanical and faunal remains for laboratory analysis and curation; 9. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, placing the unit in the part of the site with the highest artifact density and recording its locations on the site map; 10. Place one 1-meter-by-1-meter excavation unit, as described above, in the center of each concentration if multiple artifact concentrations have been identified; 11. Notify the CPM by telephone or e-mail that subsurface deposits were or were not encountered and make a recommendation on the site's CRHR eligibility; 12. If no subsurface deposits were encountered, and the CPM agrees the site is not eligible for the CRHR, data recovery is complete; 13. If subsurface deposits are encountered, test the horizontal limits of the site by excavating additional 1-meter-by-1-meter excavation units in 10-centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, using a shovel or hand auger, or other similar technique, at four spots equally spread around the exterior edge of each site, recording the locations of these units on the site map; 14. Sample the encountered features or deposits, using the methods described in the CRMMP, record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete; 15. Present the results of the CUL-11 data recovery in a letter report by the PPA or CRS, which shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, a map showing the location of excavation units including topographic contours and the site landforms, and a discussion of the CRHR eligibility of each site and the justification for that determination; 		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>16. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, the landform, and the eligibility determination;</p> <p>17. Provide the recovered data to the PTNCL PI-Prehistoric Archaeologist; and</p> <p>18. Present the final results of data recovery at these prehistoric sites in the CRR, as described in CUL-6.</p>		
<p>CUL-12, Data Recovery for Complex Prehistoric Sites: The project owner shall ensure the CRMMP includes a data recovery plan for the resource type "complex prehistoric sites," consisting of SMP-P-1017, SMP-P-1018, SMP-P-2018, and SMP-P-2023. This site list may be revised only with the agreement of the CRS and the CPM. The data recovery plan shall include how to proceed if buried deposits are encountered and shall also include the materials analyses and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. If allowed by the BLM, prior to the start of ground disturbance within 30 meters of the site boundaries of each of these sites, the project owner shall then ensure that the CRS, the PPA, and/or archaeological team members implement the plan, which shall include, but is not limited to, the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request the PTNCL PG, or equivalent qualified person approved by the CPM and hired by the project owner should the PG not be available, to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake. If a lakeshore is present within 100 meters of the site boundary, include it on the site map; 3. Map any differential distribution of artifacts and suggest an explanation for this distribution; 4. Assess the integrity of the site and state the evidence substantiating that opinion; 5. Collect all artifacts after their locations are marked and submit them for laboratory analysis; 6. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until three sterile levels are encountered, or until the unit reaches maximum depth of planned impact, placing this unit in the part of the site with the highest artifact density; or, if multiple artifact concentrations were identified, place one 1-meter-by-1-meter excavation unit in the center of each concentration and excavate as just described; retain any artifacts for laboratory analysis; 7. Determine the vertical and horizontal limits of the each site by placing test units at four locations equally spread around the surface exterior edge and excavating or probing down to the Holocene basement, using a shovel, hand auger, or similar technique; continue exploration in all directions until the horizontal limits of the site are reached; retain any artifacts for laboratory analysis; 8. Excavate the surface feature or features, using the methods described in the CRMMP; record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete; 	<ol style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that data recovery for large complex sites has ensued. 2. Within one week of the completion of data recovery at a site, the project owner shall verify this by submitting a letter report written by the PPA or CRS for review and approval of the CPM. When the CPM approves the letter report, ground disturbance may begin at these site locations. 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>9. Notify the CPM by telephone or e-mail that subsurface deposits were or were not encountered and make a recommendation on the site's CRHR eligibility;</p> <p>10. If no subsurface deposits were encountered, and the CPM agrees the site is not eligible for the CRHR, data recovery is complete;</p> <p>11. If subsurface deposits were found, develop a sampling design for additional data recovery in consultation with the CRS; plans for this contingency shall be described in detail in the CRMMP;</p> <p>12. Present the results of the CUL-12 data recovery in a letter report by the PPA or CRS that shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of excavation units including topographic contours and the site landforms;</p> <p>13. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, and the landform;</p> <p>14. Provide the recovered data to the PTNCL PI-Prehistoric Archaeologist; and</p> <p>15. Present the final results of data recovery for the complex prehistoric sites in the CRR, as described in CUL-6.</p>		
<p>CUL-13, Data Recovery for Historic-Period Refuse Scatters: Prior to the start of ground disturbance, the project owner shall ensure that a recovery plan is included in the CRMMP for upgrading the recordation of historic-period refuse scatter sites located on the proposed plant site. For Reconfigured Alternative # 3, these consist of sites SMP-H-1003, SMP-H-1004, SMP-H-1006, SMP-H-1008, SMP-H-1009, SMP-H-1010, SMP-H-1011, SMP-H-1012, SMP-H- 1013, SMP-H-1020, SMP-H-1021, SMP-H 1022, SMP-H-1023, SMPH- 2002, SMP-H-2003, SMP-H-2004, SMP-H-2006, SMP-H-2007, SMP-H-2008, SMP-H-2010, SMP-H-2011/12, SMP-H-2017, SMP-H- 2019, SMP-H-2021; JR-101, JR-102, JR-104, JR-109, JR-110; TC- 008, TC-009, TC-020, and TC-032. For Reconfigured Alternative #2, the sites requiring upgraded recordation consist of the same sites as Reconfigured Alternative #3 plus site JR-107. These site lists may be revised only with the agreement of the CRS and the CPM. The focus of the recordation upgrade is to determine if these sites can be attributed to the DTC/C-AMA use of the region and are therefore contributors to the DTCCL. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post-processing of the data. The project owner shall then ensure that the CRS, the PHA, and/or archaeological team members implement the plan, if allowed by the BLM, which shall include, but is not limited to the following tasks:</p> <p>1. The project owner shall hire a PHA with the qualifications described in CUL-3 to supervise the field work.</p> <p>2. The project owner shall ensure that, prior to beginning the field work, the PHA and crew chief are trained by the DTCCL Historical Archaeologist, or equivalent qualified person approved by the CPM and hired by the project owner should the DTCCL Historical Archaeologist not be available, to identify the specific landform for each site; in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the</p>	<p>1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that mapping and upgraded in-field artifact analysis has ensued on the historic-period refuse scatter sites.</p> <p>2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>early phases of WWII land-based U.S. army activities, as researched and detailed by the DTCCL PI-Historian and the DTCCL Historical Archaeologist.</p> <p>3. The project owner shall ensure that, prior to beginning the field work, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and earlyto- mid-twentieth-century can, bottle, and ceramic diagnostic traits.</p> <p>4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features, using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers).</p> <p>5. The project owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, documenting the measurements and the types of seams and closures for each bottle, and the measurements, seams, closure, and opening method for all cans. Photographs shall be taken of maker's marks on bottles, any text or designs on bottles and cans, and of decorative patterns and maker's marks on ceramics. Artifacts shall not be collected.</p> <p>6. The project owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or PHA, which shall serve as a preliminary report, that details what was found at each site, as follows:</p> <ul style="list-style-type: none"> a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms. c. The letter report shall make a recommendation on whether each site is a contributor to the DTTCL. <p>7. The project owner shall ensure that the data collected from the field work shall be provided to the DTCCL Historical Archaeologist to assist in the determination of which, if any, of the historic-period sites are contributing elements to the DTCCL.</p> <p>8. The project owner shall ensure that the PHA analyzes all recovered data and writes, or supervisors the writing of a comprehensive final report. This report shall be included in the CRR (CUL-6). Relevant portions of the information gathered shall be included in the possible NRHP nomination for the DTCCL (funded by CUL-2).</p>		
<p>CUL-14, Data Recovery for Historic-Period Sites with Features: Prior to the start of ground disturbance, the project owner shall ensure that a data recovery plan is included in the CRMMP for evaluation and data recovery from historic-period archaeological sites with features. For Reconfigured Alternative #3, these sites consist of sites SMP-H- 1005, SMP-H-1007, SMP-H-2016. For Reconfigured Alternative #2, these sites consist of the same sites as Reconfigured Alternative #3, plus site JR-108. These site lists may be revised only with the agreement of the CRS and the CPM. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post-processing of the data. The project owner shall then ensure that the CRS, the PHA, and/or archaeological team members implement the plan, if allowed by the BLM, which shall include, but is not limited to the following tasks:</p>	<ol style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that mapping and in-field artifact analysis has ensued on historic-period sites with features. 2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing 	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 1. The project owner shall hire a PHA with the qualifications described in CUL-3 to supervise the field work. 2. The project owner shall ensure that, prior to beginning the field work, the PHA and crew chief are trained by the DTCCL Historical Archaeologist, or equivalent qualified person approved by the CPM and hired by the project owner should the DTCCL Historical Archaeologist not be available, in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the early phases of WWII land-based U.S. army activities, as researched and detailed by the DTCCL PI-Historian and the DTCCL Historical Archaeologist. 3. The project owner shall ensure that, prior to beginning the field work, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early-to-mid-twentieth-century can, bottle, and ceramic diagnostic traits. 4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features (previously known and newly found in the metal detector survey), using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers). 5. The project owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, if not done previously. Types of seams and closures for each bottle and all cans shall be documented. Photographs shall be taken of any text or designs. Unusual or unidentifiable artifacts may be collected for further analysis, but otherwise artifacts shall not be collected. 6. The project owner shall ensure a systematic metal detector survey be completed at each site, and that each "hit" is investigated. All artifacts and features thus found must be mapped, measured, photographed, and fully described in writing. 7. The project owner shall ensure that all features are recorded, and that any features having subsurface elements are excavated by a qualified historical archaeologist. All features and contents must be mapped, measured, photographed, and fully described in writing. 8. The project owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or PHA which shall serve as a preliminary report, that details what was found at each site, as follows: <ol style="list-style-type: none"> a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms. c. The letter report shall make a recommendation on whether each site is a contributor to the DTCCL. 9. The project owner shall ensure that the data collected from the field work shall be provided to the DTCCL Historical Archaeologist to assist in the determination of which, if any, of the historic-period sites are contributing elements to the DTCCL. 	<p>that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
10. The project owner shall ensure that the PHA analyzes all recovered data and writes or supervises the writing of a comprehensive final report. This report shall be included in the CRR (CUL-6). Relevant portions of the information gathered shall be included in the possible NRHP nomination for the DTCCL (funded by CUL-2).		
CUL-15, Data Recovery on Historic-Period Roads: The project owner shall ensure that a qualified architectural historian (must meet the U.S. Secretary of the Interior's Professional Qualifications Standards for historian, as published in Title 36, Code of Federal Regulations, part 61) conducts research and writes a report on the age and use of SMP-H-1032. The project owner shall provide the historian's report to the DTCCL PI-Historian for possible use in the DTCCL NRHP nomination, if appropriate. The project owner may undertake this task prior to Energy Commission certification of the project.	<ol style="list-style-type: none"> 1. At least 15 days prior to ground disturbance, the project owner shall submit to the CPM the historian's report documenting the age and historical use of the road. 2. Within 15 days after the CPM approves the report, the project owner shall forward it to the DTCCL PI-Historian. 	CEC
CUL-16, Compliance with BLM Programmatic Agreement: If provisions in the BLM PSPP Programmatic Agreement and associated implementation and monitoring programs conflict with or duplicate these Conditions of Certification, the BLM provisions shall take precedence. Provisions in these Conditions that are additional to or exceed BLM provisions and represent requirements under the Energy Commission's CEQA responsibilities shall continue to apply to the project's activities, contingent on BLM's approval as authorized by federal law.		CEC
HAZARDOUS MATERIALS MANAGEMENT		
HAZ-1, Hazardous Material Requirements: The project owner shall not use any hazardous material not listed in Appendix A, below, or in greater quantities or strengths than those identified by chemical name in Appendix A unless approved in advance by the Compliance Project Manager (CPM).	The project owner shall provide to the CPM, in the Annual Compliance Report, a list of hazardous materials contained at the facility.	CEC
HAZ-2, Hazardous Materials Business Plan (HMBP): The project owner shall concurrently provide a Hazardous Materials Business Plan (HMBP), and Spill Prevention, Control, and Countermeasure Plan (SPCC), and a Process Safety Management Plan (PSMP) to the Riverside County Environmental Health Department (RCEHD) and the CPM for review. After receiving comments from the RCEHD and the CPM, the project owner shall reflect all recommendations in the final documents. Copies of the final HMBP, SPCC Plan, and PSMP shall then be provided to the RCEHD for information and to the CPM for approval.	At least 30 days prior to receiving any hazardous material on the site for commissioning or operations, the project owner shall provide a copy of a final Hazardous Materials Business Plan, Spill Prevention, Control, and Countermeasures Plan, and the Process Safety Management Plan to the CPM for approval.	CEC
HAZ-3, Safety Management Plan: The project owner shall develop and implement a Safety Management Plan for the delivery and handling of liquid and gaseous hazardous materials. The plan shall include procedures, protective equipment requirements, training and a checklist. It shall also include a section describing all measures to be implemented to prevent mixing of incompatible hazardous materials. This plan shall be applicable during construction, commissioning, and operation of the power plant.	At least 30 days prior to the delivery of any liquid or gaseous hazardous material to the facility, the project owner shall provide a Safety Management Plan as described above to the CPM for review and approval.	CEC
HAZ-4, Isolation Valves: The project owner shall place an adequate number of isolation valves in the Heat Transfer Fluid (HTF) pipe loops so as to be able to isolate a solar panel loop in the event of a leak of fluid such that the volume of a total loss of HTF from that isolated loop will not exceed 1,250 gallons. These valves shall be actuated manually, remotely, or automatically. The engineering design drawings showing the number, location, and type of isolation valves shall be provided to the CPM for review and approval prior to the commencement of the solar array piping construction.	At least 30 days prior to the commencement of solar array piping construction, the project owner shall provide the design drawings as described above to the CPM for review and approval.	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
HAZARDOUS MATERIALS MANAGEMENT (cont.)		
<p>HAZ-5, Construction Site Security Plan: Prior to commencing construction, a site-specific Construction Site Security Plan for the construction phase shall be prepared and made available to the CPM for review and approval. The Construction Security Plan shall include the following:</p> <ol style="list-style-type: none"> 1. perimeter security consisting of fencing enclosing the construction area; 2. security guards; 3. site access control consisting of a check-in procedure or tag system for construction personnel and visitors; 4. written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on site or off site; 5. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; and 6. evacuation procedures. 	<p>At least 30 days prior to commencing construction, the project owner shall notify the CPM that a site-specific Construction Security Plan is available for review and approval.</p>	<p>CEC</p>
<p>HAZ-6, Operation Security Plan: The project owner shall also prepare a site-specific security plan for the commissioning and operational phases that will be available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).</p> <p>The Operation Security Plan shall include the following:</p> <ol style="list-style-type: none"> 1. permanent full perimeter fence or wall, at least eight feet high and topped with barbed wire or the equivalent; 2. main entrance security gate, either hand operated or motorized; 3. evacuation procedures; 4. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; 5. written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site; 6. A. a statement (refer to sample, ATTACHMENT A), signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and shall be conducted in accordance with state and federal laws regarding security and privacy; 1. B. a statement(s) (refer to sample, ATTACHMENT B), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site; 7. site access controls for employees, contractors, vendors, and visitors; 	<p>At least 30 days prior to the initial receipt of HTF or propane/LPG on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
HAZARDOUS MATERIALS MANAGEMENT (cont.)		
<p>8. a statement(s) (refer to sample, ATTACHMENT C), signed by the owners or authorized representative of propane transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.802, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;</p> <p>9. closed circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) with cameras able to pan, tilt, and zoom, have low-light capability, and are able to view the outside entrance to the control room, the propane/LPG tank, and the front gate; and</p> <p>10. additional measures to ensure adequate perimeter security consisting of either:</p> <p style="padding-left: 20px;">A. security guard(s) present 24 hours per day, 7 days per week;</p> <p style="padding-left: 20px;">or</p> <p style="padding-left: 20px;">B. power plant personnel on site 24 hours per day, 7 days per week, and perimeter breach detectors or the CCTV able to view 100% of the entrance gates and the power block areas.</p> <p>The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to those security plans. The CPM may authorize modifications to these measures, or may require additional measures or cyber security depending upon circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with both appropriate law enforcement agencies and the applicant.</p>		
PUBLIC HEALTH AND SAFETY		
<p>PUBLIC HEALTH-1, Cooling Water Management Plan: The Project owner shall develop and implement a Cooling Water Management Plan to ensure that the potential for bacterial growth in cooling water is kept to a minimum. The Plan shall be consistent with either staff's "Cooling Water Management Program Guidelines" or with the Cooling Technology Institute's "Best Practices for Control of Legionella" guidelines but in either case, the Plan must include sampling and testing for the presence of Legionella bacteria at least every 6 months. After 2 years of power plant operations, the Project owner may ask the CPM to re-evaluate and revise the Legionella bacteria testing requirement.</p>	<p>At least 60 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan shall be provided to the CPM for review and approval.</p>	<p>CEC</p>
LAND USE, RECREATION, AND WILDERNESS		
<p>LAND-1, Submittals to the CPM Prior to Construction: Prior to the start of construction, the Applicant shall provide to the Compliance Project Manager (CPM) documentation of the U.S. Bureau of Land Management (BLM) Right-of-Way grant and the BLM-approved project-specific amendment to the California Desert Conservation Area Plan (CDCA) permitting the construction/operation of the proposed Palen Solar Power Project.</p>	<p>Prior to the start of construction, the Applicant shall submit to the CPM a copy of the BLM approved project specific amendment to the CDCA Plan permitting the Palen Solar Power Project.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
NOISE		
<p>NOISE-1, Public Notification Process: At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within one mile of the project site and the linear facilities, by mail or by other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours a day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction where it is visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.</p>	<p>Prior to ground disturbance, the project owner shall transmit to the compliance project manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed, and describing the method of that notification. This communication shall also verify that the telephone number has been established and posted at the site, and shall provide that telephone number.</p>	CEC
<p>NOISE-2, Noise Complaint Process: Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The project owner or authorized agent shall:</p> <ol style="list-style-type: none"> 1. use the Noise Complaint Resolution Form (below), or a functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint; 2. attempt to contact the person(s) making the noise complaint within 24 hours; 3. conduct an investigation to determine the source of noise in the complaint; 4. if the noise is project related, take all feasible measures to reduce the source of the noise; and 5. submit a report documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction. 	<p>Within five days of receiving a noise complaint, the project owner shall file a Noise Complaint Resolution Form, shown below, with both the local jurisdiction and the CPM, that documents the resolution of the complaint. If mitigation is required to resolve the complaint, and the complaint is not resolved within a 3-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is performed and complete.</p>	CEC
<p>NOISE-3, Employee Noise Control Program: The project owner shall submit to the CPM for review and approval a noise control program. The noise control program shall be used to reduce employee exposure to high (above permissible) noise levels during construction in accordance to the applicable OSHA and Cal-OSHA standards.</p>	<p>At least 30 days prior to the start of ground disturbance, the project owner shall submit the noise control program to the CPM. The project owner shall make the program available to Cal-OSHA upon request.</p>	CEC
<p>NOISE-4, Noise Restrictions: The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to plant operation alone, during the daytime hours of 7 a.m. to 10 p.m. to exceed an average of 42 dBA Leq measured at or near monitoring location LT1.</p> <p>No new pure-tone components shall be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.</p> <p>A. When the project first achieves a sustained output of 85% or greater of rated capacity, the project owner shall conduct a 25 hour community noise survey at monitoring location LT1, or at a closer location acceptable to the CPM. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.</p>	<p>The survey shall take place within 30 days of the project first achieving a sustained output of 85% or greater of rated capacity. Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
NOISE (cont.)		
<p>The measurement of power plant noise for the purposes of demonstrating compliance with this condition of certification may alternatively be made at a location, acceptable to the CPM, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence. The character of the plant noise shall be evaluated at the affected receptor locations to determine the presence of pure tones or other dominant sources of plant noise.</p> <p>B. If the results from the noise survey indicate that the power plant noise at the affected receptor site exceeds the above value during the above time period, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.</p> <p>C. If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.</p>	<p>Within 15 days of completion of the new survey, the project owner shall submit to the CPM a summary report of the new noise survey, performed as described above and showing compliance with this condition.</p>	
<p>NOISE 5, Occupational Noise Survey : Following the project's attainment of a sustained output of 85% or greater of its rated capacity, the project owner shall conduct an occupational noise survey to identify any noise hazardous areas in the facility.</p> <p>The survey shall be conducted by a qualified person in accordance with the provisions of Title 8, California Code of Regulations, sections 5095 5099 (Article 105) and Title 29, Code of Federal Regulations, section 1910.95. The survey results shall be used to determine the magnitude of employee noise exposure.</p> <p>The project owner shall prepare a report of the survey results and, if necessary, identify proposed mitigation measures to be employed in order to comply with the applicable California and federal regulations.</p>	<p>Within 30 days after completing the survey, the project owner shall submit the noise survey report to the CPM. The project owner shall make the report available to OSHA and Cal-OSHA upon request.</p>	CEC
<p>NOISE-6, Construction Restrictions: Heavy equipment operation and noisy construction work relating to any project features shall be restricted to the times delineated below, unless a special permit has been issued by the County of Riverside:</p> <p>Mondays through Fridays: June through September: 6 a.m. to 7 p.m. October through May: 6 a.m. to 6 p.m.</p> <p>Saturdays: 9 a.m. to 5 p.m. Sundays and Federal holidays: No Construction Allowed</p> <p>Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.</p>	<p>Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project.</p>	CEC
<p>NOISE-7, High-Pressure Steam Blow Requirements: If a traditional, high-pressure steam blow process is used the project owner shall equip steam blow piping with a temporary silencer that quiets the noise of steam blows to no greater than 89 dBA measured at a distance of 100 feet. The steam blows shall be conducted between 8:00 a.m. and 5:00 p.m. unless arranged with the CPM such that offsite impacts would not cause annoyance to receptors. If a low-pressure,</p>	<p>At least 15 days prior to the first steam blow, the project owner shall notify all residents or business owners within one mile of the project site boundary. The notification may be in the form of letters, phone calls, fliers, or other effective</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
NOISE (cont.)		
<p>continuous steam blow process is used, the project owner shall submit to the CPM a description of the process, with expected noise levels and planned hours of steam blow operation.</p>	<p>means as approved by the CPM. The notification shall include a description of the purpose and nature of the steam blow(s), the planned schedule, expected sound levels, and explanation that it is a one-time activity and not part of normal plant operation.</p>	
SOIL AND WATER		
<p>SOIL&WATER-1, Drainage Erosion and Sedimentation Control Plan (DESCP): Prior to site mobilization, the project owner shall obtain the Compliance Project Manager (CPM) approval of the Drainage Erosion and Sedimentation Control Plan (DESCP) for managing stormwater during Project construction and operations as normally administered by the County of Riverside. The DESCSP must ensure proper protection of water quality and soil resources, demonstrate no increase in off-site flooding potential, include provisions for sediment and stormwater retention from both the power block, solar fields and transmission right of way to meet any Riverside County requirements, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. The plan must also cover all linear project features such as offsite transmission mains. The DESCSP shall contain, at minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMP) to be implemented during site mobilization, excavation, construction, and post construction (operating) activities.</p> <p>A. Vicinity Map – A map(s), at a minimum scale 1 inch to 500 feet, shall be provided indicating the location of all Project elements (construction sites, laydown area, pipelines) with depictions of all significant geographic features including swales, storm drains, and sensitive areas.</p> <p>B. Site Delineation – All areas subject to soil disturbance for the proposed Project (Project phases, laydown area, all linear facilities, landscaping areas, and any other Project elements) shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.</p> <p>C. Watercourses and Critical Areas – The DESCSP shall show the location of all nearby watercourses including swales, storm drains, and drainage ditches. It shall indicate the proximity of those features to the proposed Project construction, laydown, and landscape areas and all transmission and pipeline construction corridors.</p> <p>a. The DESCSP shall describe how the project will avoid or minimize impacts to Palen-McCoy Valley sand corridor,</p> <p>b. All proposed linear features (with the exception of Power Pylons) shall be constructed flush with the surrounding ground surface and without ground level obstructions.</p> <p>D. Drainage Map – The DESCSP shall provide a topographic site map(s), at a minimum scale of 1 inch to 200 feet, showing existing, interim, and proposed drainage swales and drainage systems and drainage-area boundaries. On the map, spot elevations are required where relatively flat conditions exist. The spot elevations and contours shall be extended off site for a minimum distance of 100 feet.</p>	<p>No later than 30 days prior to start of site mobilization, the Project owner shall submit a copy of the final DESCSP to the County of Riverside, the CRBRWQCB, and the CPM for review and comment and to the County of Riverside and the CRBRWQCB if required. The CPM shall consider comments if received by the county and CRBRWQCB before approval of the DESCSP.</p> <p>The DESCSP shall be consistent with the grading and drainage plan and relevant portions of the DESCSP shall clearly show approval by the chief building official. he DESCSP shall be a separate plan from the SWPPP developed in conjunction with any National Pollutant Discharge Elimination System (NPDES) permit for construction Activity. The project owner shall provide in the monthly compliance report with a narrative on the effectiveness of the drainage, erosion, and sediment-control measures and the results of monitoring and maintenance activities. Once operational, the project owner shall update and maintain the ESCP for the life of the Project and shall provide in the annual compliance report information on the results of monitoring and maintenance activities.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>E. Drainage of Project Site Narrative – The DESC shall include a narrative of the drainage measures necessary to protect the site and potentially affected soil and water resources within the drainage downstream of the site. The narrative shall include the summary pages from the hydraulic analysis prepared by a professional engineer and erosion control specialist. The narrative shall state the watershed size(s) in acres that was used in the calculation of drainage features.</p> <p>F. Clearing and Grading Plans – The DESC shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography shall be illustrated by tying in proposed contours with existing topography.</p> <p>G. Clearing and Grading Narrative – The DESC shall include a table with the estimated quantities of material excavated or filled for the site and all Project elements (Project site, laydown area, transmission and pipeline corridors, roadways, and bridges) whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported.</p> <p>H. Soil Wind and Water Erosion Control – The plan shall address exposed soil treatments to be used during construction and operation of the proposed Project for both road and non-road surfaces including specifically identifying all chemical based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed Project site that would not cause adverse effects to vegetation. BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use. All dust palliatives, soil binders, and weighting agents shall be approved by the CPM prior to use.</p> <p>I. Best Management Practices Plan – The DESC shall identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, Project element excavation and construction, and final grading/stabilization). BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport.</p> <p>J. Best Management Practices Narrative – The DESC shall show the location (as identified in (I) above), timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during all Project element (site, pipelines) excavations and construction, final grading/stabilization, and operation. Separate BMP implementation schedules shall be provided for each Project element for each phase of construction. The maintenance schedule shall include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.</p> <p>K. Project Schedule – The DESC shall identify on the topographic site map the location of the site-specific BMPs to be employed during each phase of construction (initial grading, Project element construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each Project element for each phase of construction.</p> <p>L. Erosion Control Drawings – The erosion-control drawings and narrative shall be designed, stamped and sealed by a professional engineer or erosion control specialist.</p> <p>M. Agency Comments – The DESC shall include copies of recommendations, conditions, and provisions from the County of Riverside, California Department of Fish and Game (CDFG), and Colorado River Basin Regional Water Quality Control Board (CRBRWQCB).</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>N. Monitoring Plan: Monitoring activities shall include routine measurement of the volume of accumulated sediment in the onsite drainage ditches, and stormwater diversions. The monitoring plan shall be part of the Channel Monitoring and Maintenance Plan, SOIL&WATER-12.</p>		
<p>SOIL&WATER-2, Groundwater Wells, Pre-Well Installation: The project owner proposes to construct and operate up to ten (10) onsite groundwater water supply wells that produce water from the CVGB. The project owner shall ensure that the wells are completed in accordance with all applicable state and local water well construction permits and requirements. Prior to initiation of well construction activities, the project owner shall submit for review and comment a well construction packet to the County of Riverside and fees normally required for the county's well permit, with copies to the CPM. The Project shall not construct a well or extract and use groundwater until approval has been issued by the County and the CPM to construct and operate the well. Wells permitted and installed as part of preconstruction field investigations that subsequently are planned for use as project water supply wells require CPM approval prior to their use to supply water to the project.</p> <p>Post-Well Installation. The project owner shall provide documentation as required under County permit conditions to the CPM that the well has been properly completed. In accordance with California's Water Code section 13754, the driller of the well shall submit to the DWR a Well Completion Report for each well installed. The project owner shall ensure the Well Completion reports are submitted. The project owner shall ensure compliance with all county water well standards and the County requirements for the life of the wells, and shall provide the CPM with two (2) copies each of all monitoring or other reports required for compliance with the County of Riverside water well standards and operation requirements, as well as any changes made to the operation of the well.</p>	<p>The project owner shall do all of the following:</p> <ul style="list-style-type: none"> a. No later than 60 days prior to the construction of the onsite groundwater production wells, the project owner shall submit to the CPM a copy of the water well construction packet submitted to the County of Riverside. b. No later than 30 days prior to the construction of the onsite groundwater production wells, the project owner shall submit a copy of written concurrence received from the County of Riverside that the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water well permit program. The CPM will provide approval to the project owner of the well location and operation within 10 days of receipt of the County of Riverside's concurrence with the proposed well construction activities. c. No later than 60 days after installation of each well at the Project site, the project owner shall ensure that the well driller submits a Well Completion Report to the DWR with a copy provided to the CPM. The project owner shall submit to the CPM together with the Well Completion Report a copy of well drilling logs, water quality analyses, and any inspection reports. Additionally no later than 60 days after installation of each well (including closure of any associated mud pits) the project owner shall submit documentation to the CPM and the CRBWQCB that well drilling activities were conducted in compliance with Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land, (23 CCR, sections 2510 et seq.) and that any onsite drilling sumps used for Project drilling activities were removed in compliance with 23 CCR section 2511(c). d. During well construction and for the operational life of the well, the project owner shall submit two copies each to the CPM of any proposed well construction or operation changes. 	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER-3, Construction and Operation Water Use: The proposed Project's use of groundwater during construction shall not exceed 1,917 afy (total of 5,750 af during the 39 months) during construction and 300 afy during operation. Water quality used for project construction and operation shall be reported in accordance with Condition of Certification SOIL&WATER-18 to ensure compliance with this condition.</p> <p>Prior to the use of groundwater for construction, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document Project water use and to monitor and record in gallons per day the total volume(s) of water supplied to the Project from this water source. The metering devices shall be operational for the life of the Project.</p>	<p>At least 60 days prior to the start of construction of the proposed Project, the project owner shall submit to the CPM a copy of evidence that metering devices have been installed and are operational. Beginning six months after the start of construction, the project owner shall prepare a semi-annual summary of amount of water used for construction purposes. The summary shall include the monthly range and monthly average of daily water usage in gallons per day.</p> <p>The project owner shall prepare an annual summary, which shall include daily usage, monthly range and monthly average of daily water usage in gallons per day, and total water used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary shall also include the yearly range and yearly average water use by source. For calculating the total water use, the term "year" shall correspond to the date established for the annual compliance report submittal.</p>	CEC
<p>SOIL&WATER-4, Groundwater Level Monitoring, Mitigation and Reporting: The project owner shall submit a Groundwater Level Monitoring, Mitigation, and Reporting Plan to the CPM for review and approval in advance of construction activities and prior to the operation of onsite groundwater supply wells. The Groundwater Level Monitoring, Mitigation, and Reporting Plan shall provide detailed methodology for monitoring background and site groundwater levels. Monitoring shall include pre-construction, construction, and Project operation water use. The plan shall establish pre-construction and Project related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project pumping wells and near potentially impacted existing wells.</p> <p>A. Prior to Project Construction</p> <ol style="list-style-type: none"> 1. A well reconnaissance shall be conducted to investigate and document the condition of existing water supply wells located within 3 miles of the project site, provided that access is granted by the well owners. The reconnaissance shall include sending notices by registered mail to all property owners within a 3 mile radius of the project area. 2. Monitor to establish preconstruction conditions. The monitoring plan and network of monitoring wells shall make use of existing wells in the basin that would satisfy the requirements for the monitoring program. The monitoring network shall be defined by the groundwater model developed for the AFC as the area predicted to show a water level change of 1 foot or more at the end of construction and at the end of operation and any monitoring wells that are installed to comply with Waste Discharge Requirements issued by the Energy Commission for the evaporation ponds and land treatment unit associated with the Project. The projected area of groundwater drawdown shall be refined on an annual basis during project construction and every three (3) years during project operations using the data acquired as part of Condition of Certification SOIL&WATER-4 as well as the numerical groundwater model developed as part of the AFC and subsequent 	<p>The project owner shall do all of the following:</p> <p>At least 60 days prior to operation of the site groundwater supply wells, the project owner shall submit to the CPM, a comprehensive report presenting all the data and information required in item A above. The CPM will provide comments to the plan 15 days following submittal, and the final plan shall be approved 15 days prior to operation of the site groundwater supply wells. The project owner shall submit to the CPM all calculations and assumptions made in development of the report data and interpretations. During Project construction, the project owner shall submit to the CPM quarterly reports presenting all the data and information required in item B above. The quarterly reports shall be provided 30 days following the end of the quarter. The project owner shall also submit to the CPM all calculations and assumptions made in development of the report data and interpretations.</p> <p>No later than March 31 of each year of construction or 60 days prior to Project operation, the project owner shall</p>	CEC

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>Data Responses by the applicant. If the area predicted to show a water level change of 1 feet increases, the project owner will be required to submit a revised monitoring plan with additional monitoring wells (if required).</p> <ol style="list-style-type: none"> Identified additional wells shall be located outside of this area to serve as background monitoring wells. Abandoned wells, or wells no longer in use, that are accessible and provide reliable water level data within the potentially impacted area shall also be included as part of the monitoring network. A site reconnaissance shall be performed to identify wells that could be accessible for monitoring. As access to these wells is available, historic water level, water quality, well construction and well performance information shall be obtained for both pumping and non-pumping conditions. As access allows, measure groundwater levels from the off-site and on-site wells within the network and background wells to provide initial groundwater levels for pre-project trend analysis. Construct water level maps within the CVGB within 5 miles of the site from the groundwater data collected prior to construction. Update trend plots and statistical analyses, as data is available. <p>B. During Construction:</p> <ol style="list-style-type: none"> Collect water levels from wells within the monitoring network and flows from seeps and or springs on a quarterly basis throughout the construction period and at the end of the construction period. Perform statistical trend analysis for water levels. Assess the significance of an apparent trend and estimate the magnitude of that trend. <p>C. During Operation:</p> <ol style="list-style-type: none"> On a quarterly basis for the first year of operation and semiannually thereafter for the following four years, collect water level measurements from any wells identified in the groundwater monitoring program to evaluate operational influence from the Project. Quarterly operational parameters (i.e., pumping rate) of the water supply wells shall be monitored. Additionally, quarterly groundwater-use in the CVGB shall be estimated based on available data. On an annual basis, perform statistical trend analysis for water levels data and comparison to predicted water level declines due to project pumping. Analysis of the significance of an apparent trend shall be determined and the magnitude of that trend estimated. Based on the results of the statistical trend analyses and comparison to predicted water level declines due to Project pumping, the project owner shall determine the area where the Project pumping has induced a drawdown in the water supply at a level of 5 feet or more below the baseline trend. If water levels have been lowered more than 5 feet below presite operational trends, and monitoring data provided by the project owner show these water level changes are different from background trends and are caused by Project pumping, then the project owner shall provide mitigation to the impacted well owner(s). Mitigation shall be provided to the impacted well owners that experience 5 feet or more of Project-induced drawdown if the CPM's inspection of the well monitoring data confirms changes to water levels and water level trends relative to measured pre-project water levels, and the well (private owners well in question) yield or performance has been significantly affected by Project pumping. The type and extent of mitigation shall be determined by the amount of water level decline induced by the Project, the type of impact, and site specific well construction and water use characteristics. If an impact is determined to be caused by drawdown from more than one source, the level of mitigation provided shall be proportional to the amount of drawdown induced by the Project relative to other sources. In order to be eligible, a well owner must provide 	<p>provide to the CPM for review and approval, documentation showing that any mitigation to private well owners during Project construction was satisfied, based on the requirements of the property owner as determined by the CPM.</p> <p>During Project operation, the project owner shall submit to the CPM, applicable quarterly, semi-annual and annual reports presenting all the data and information required in item C above. Quarterly reports shall be submitted to the CPM 30 days following the end of the quarter. The fourth quarter report shall serve as the annual report and shall be provided on January 31 in the following year.</p> <p>The project owner shall submit to the CPM all calculations and assumptions made in development of report data and interpretations, calculations, and assumptions used in development of any reports.</p> <p>After the first five year operational and monitoring period, the project owner shall submit a 5 year monitoring report to the CPM that includes all monitoring data collected and a summary of the findings. The CPM will determine if the water level measurements and water quality sampling frequencies should be revised or eliminated.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>documentation of the well location and construction, including pump intake depth, and that the well was constructed and usable before Project pumping was initiated. The mitigation of impacts shall be determined as follows:</p> <ol style="list-style-type: none"> a. If Project pumping has lowered water levels by 5 feet or more and increased pumping lifts, increased energy costs shall be calculated. Payment or reimbursement for the increased costs shall be provided at the option of the affected well owner on an annual basis. In the absence of specific electrical use data supplied by the well owner, the project owner shall use SOIL&WATER-5 to calculate increased energy costs. b. If groundwater monitoring data indicate Project pumping has lowered water levels below the top of the well screen, and the well yield is shown to have decreased by 10% or more of the pre-Project average seasonal yield, compensation shall be provided for the diagnosis and maintenance to treat and remove encrustation from the well screen. Reimbursement shall be provided at an amount equal to the customary local cost of performing the necessary diagnosis and maintenance for well screen encrustation. Should the well yield reductions be recurring, the project owner shall provide payment or reimbursement for periodic maintenance throughout the life of the Project. If with treatment the well yield is incapable of meeting 110% of the well owner's maximum daily demand, dry season demand, or annual demand the well owner should be compensated by reimbursement or well replacement as described under Condition 3.c. c. If Project pumping has lowered water levels to significantly impact well yield so that it can no longer meet its intended purpose, causes the well to go dry, or cause casing collapse, payment or reimbursement of an amount equal to the cost of deepening or replacing the well shall be provided to accommodate these effects. Payment or reimbursement shall be at an amount equal to the customary local cost of deepening the existing well or constructing a new well of comparable design and yield (only deeper). The demand for water, which determines the required well yield, shall be determined on a per well basis using well owner interviews and field verification of property conditions and water requirements compiled as part of the pre-project well reconnaissance. Well yield shall be considered significantly impacted if it is incapable of meeting 110% of the well owner's maximum daily demand, dry-season demand, or annual demand – assuming the pre-project well yield documented by the initial well reconnaissance met or exceeded these yield levels. d. The project owner shall notify any owners of the impacted wells within one month of the CPM approval of the compensation analysis for increased energy costs. e. Pump lowering – In the event that groundwater is lowered as a result of Project pumping to an extent where pumps are exposed but well screens remain submerged the pumps shall be lowered to maintain production in the well. The Project shall reimburse the impacted well owner for the costs associated with lowering pumps. f. Deepening of wells – If the groundwater is lowered enough as a result of Project pumping that well screens and/or pump intakes are exposed, and pump lowering is not an option, such affected wells shall be deepened or new wells constructed. The project owner shall reimburse the impacted well owner for all costs associated with deepening existing wells or constructing new wells shall be borne by the project owner. <p>4. After the first five-year operational and monitoring period the CPM shall evaluate the data and determine if the monitoring program for water level measurements should be revised or eliminated. Revision or elimination of any monitoring program elements shall be based on the consistency of the data collected. The determination of whether the monitoring program should be revised or eliminated shall be made by the CPM.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>5. If mitigation includes monetary compensation, the project owner shall provide documentation to the CPM that compensation payments have been made by March 31 of each year of Project operation or, if lump-sum payments are made, payment is made by March 31 following the first year of operation only. Within 30 days after compensation is paid, the project owner shall submit to the CPM a compliance report describing compensation for increased energy costs necessary to comply with the provisions of this condition.</p> <p>6. At the end of every subsequent five-year monitoring period, the collected data shall be evaluated by the CPM and they shall determine if the sampling frequency should be revised or eliminated.</p> <p>7. During the life of the Project, the project owner shall provide to the CPM all monitoring reports, complaints, studies and other relevant data within 10 days of being received by the project owner.</p>		
<p>SOIL&WATER-5, Increased Energy Costs : Where it is determined that the project owner shall reimburse a private well owner for increased energy costs identified as a result of analysis performed in Condition of Certification SOIL&WATER-4, the project owner shall calculate the compensation owed to any owner of an impacted well as described below. Increased Cost for Energy = Change in lift/total system head x total energy consumption x costs/unit of energy</p> <p>Where:</p> <p>Change in lift (ft) = calculated change in water level in the well resulting from project total system head (ft) = elevation head + discharge pressure head elevation head (ft) = difference in elevation between wellhead discharge pressure gauge and water level in well during pumping.</p> <p>discharge pressure head (ft) = pressure at wellhead discharge gauge (psi) X 2.31</p> <p>The project owner shall submit to the CPM for review and approval the documentation showing which well owners must be compensated for increased energy costs and that the proposed amount is sufficient compensation to comply with the provisions of this condition.</p> <ol style="list-style-type: none"> Any reimbursements (either lump sum or annual) to impacted well owners shall be only to those well owners whose wells were in service within six months of the Commission decision and within a 5-mile radius of the project site. The project owner shall notify all owners of the impacted wells within one month of the CPM approval of the compensation analysis for increase energy costs. Compensation shall be provided on either a one-time lump-sum basis, or on an annual basis, as described below. <p>Annual Compensation: Compensation provided on an annual basis shall be calculated prospectively for each year by estimating energy costs that will be incurred to provide the additional lift required as a result of the project. With the permission of the impacted well owner, the project owner shall provide energy meters for each well or well field affected by the project. The impacted well owner to receive compensation must provide documentation of energy consumption in the form of meter readings or other verification of fuel consumption. For each year after the first year of operation, the project owner shall include an adjustment for any deviations between projected and actual energy costs for the previous calendar year.</p>	<p>The project owner shall do all of the following:</p> <ol style="list-style-type: none"> No later than 30 days after CPM approval of the well drawdown analysis, the project owner shall submit to the CPM for review and approval all documentation and calculations describing necessary compensation for energy costs associated with additional lift requirements. The project owner shall submit to the CPM all calculations, along with any letters signed by the well owners indicating agreement with the calculations, and the name and phone numbers of those well owners that do not agree with the calculations. <p>Compensation payments shall be made by March 31 of each year of project operation or, if lump-sum payment is selected, payment shall be made by March 31 of the first year of operation only. Within 30 days after compensation is paid, the project owner shall submit to the CPM a compliance report describing compensation for increased energy costs necessary to comply with the provisions of this condition.</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>One-Time Lump-Sum Compensation: Compensation provided on a one-time lump-sum basis shall be based on a well-interference analysis, assuming the maximum project-pumping rate of 300 afy. Compensation associated with increased pumping lift for the life of the project shall be estimated as a lump sum payment as follows:</p> <ol style="list-style-type: none"> 4. The current cost of energy to the affected party considering time of use or tiers of energy cost applicable to the party's billing of electricity from the utility providing electric service, or a reasonable equivalent if the party independently generates their electricity; 5. An annual inflation factor for energy cost of 3%; and 6. A net present value determination assuming a term of 30 years and a discount rate of 9%; 		
<p>SOIL&WATER-6, Water Discharge Requirements: The project owner shall comply with the requirements specified in Appendix B, C, and D. These requirements relate to discharges, or potential discharges, of waste that could affect the quality of waters of the state, and were developed in consultation with staff of the State Water Resources Control Board and/or the applicable California Regional Water Quality Control Board (hereafter "Water Boards"). It is the Commission's intent that these requirements be enforceable by both the Commission and the Water Boards. In furtherance of that objective, the Commission hereby delegates the enforcement of these requirements, and associated monitoring, inspection and annual fee collection authority, to the Water Boards. Accordingly, the Commission and the Water Board shall confer with each other and coordinate, as needed, in the enforcement of the requirements. The project owner shall pay the annual waste discharge permit fee associated with this facility to the Water Boards. In addition, the Water Boards may "prescribe" these requirements as waste discharge requirements pursuant to Water Code Section 13263 solely for the purposes of enforcement, monitoring, inspection, and the assessment of annual fees, consistent with Public Resources Code Section 25531, subdivision (c).</p>	<p>The Project owner shall follow the groundwater quality monitoring requirements as provided in SOIL&WATER-18 by providing Groundwater Quality Monitoring and Reporting Plan 90 days prior to operation of water supply wells for construction activities. The plan shall provide methods and procedures for monitoring background water quality, and site groundwater quality related to operation of the waste management units. Well locations, groundwater sampling procedures and analytical methods shall be provided consistent with requirements stipulated in the Waste Discharge Requirements provided in Appendix B, C and D.</p> <p>No later than 60 days prior to any wastewater discharge or use of land treatment units, the project owner shall provide documentation to the CPM, with copies to the CRBRWQCB, demonstrating compliance with the WDRs established in Appendices B, C, and D. Any changes to the design, construction, or operation of the evaporation basins, treatment units, or storm water system shall be requested in writing to the CPM, with copies to the CRBRWQCB, and approved by the CPM, in consultation with the CRBRWQCB, prior to initiation of any PSPP Soil and Water Opening Testimony Page 5 changes. The project owner shall provide to the CPM, with copies to the CRBRWQCB, all monitoring reports required by the WDRs, and fully explain any violations, exceedances, enforcement actions, or corrective actions related to construction or operation of the evaporation basins or treatment units.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER-7, Septic System and Leach Field Requirements: The project owner shall comply with the requirements of the County of Riverside Ordinance Code Title 8, Chapter 8.124 and the California Plumbing Code (California Code of Regulations Title 24, Part 5) regarding sanitary waste disposal facilities such as septic systems and leach fields. The septic system and leach fields shall be designed, operated, and maintained in a manner that ensures no deleterious impact to groundwater or surface water. Compliance shall include an engineering report on the septic system and leach field design, operation, maintenance, and loading impact to groundwater.</p>	<p>The project owner shall submit all necessary information and the appropriate fee to the County of Riverside and the CRBRWQCB to ensure that the project has complied with county and state sanitary waste disposal facilities requirements. Written assessments prepared by the County of Imperial and the CRBRWQCB regarding the project's compliance with these requirements must be submitted to the AO and CPM for review and approval 30-days prior to the start of power plant operation.</p>	CEC
<p>SOIL&WATER-8, Revised Project Drainage Report and Plans: The Project owner shall provide a revised Drainage Report which includes the following additional information:</p> <ul style="list-style-type: none"> A. Sizing of the Center Channel which considers the potential failure of the earthen berm located along the Corn Springs Wash crossing under I 10. B. Revised onsite hydrology calculations using CN values consistent with the Riverside County Hydrology Manual for graded areas. C. Detailed analysis and documentation of onsite swales and drainage channels demonstrating adequate capacity to ensure overtopping will not occur. This is of special concern for collector channels which are located at the top of terraces where there is a large drop (20 feet ±) from the outside of the channel to the lower terrace. It shall be demonstrated that seepage from these channels will not compromise the adjacent slope to the lower terrace. D. Detailed scour calculations to justify toe-down depths for all soil cement segments, drop structures, slope protection, and any other features where scour is an issue. E. Revised onsite hydrology map showing peak discharge values at locations where the onsite drainage system discharges into the West, Center, or East channels, or directly offsite. F. Hydraulic and scour analysis for proposed drainage modifications associated with the construction of linear features including culvert crossings, at-grade crossings, bank protection and other potential features. G. Digital copies of all HEC-HMS and HEC-RAS analysis. H. A specific discussion of how the proposed onsite drainage design will protect the facility from erosion and the possible failure of the facilities resulting in a release of HTF. <p>The project owner shall also provide the 30% Grading and Drainage Plans which include the design based on information provided in the revised Drainage Report outlined above.</p>	<p>The project owner shall submit a Revised Project Drainage Report with the 30% Grading and Drainage Plans to the CPM for their review and comments 30 days prior to construction activities. The project owner shall address comments provided by the CPM until approval of the report is issued. All comments and concepts presented in the approved Revised Project Drainage Report with the 30%Grading and Drainage Plans shall be included in the final Grading and Drainage Plans. The Revised Project Drainage Report and 30% Grading and Drainage Plans shall be approved by the CPM.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER-9, Detailed FLO-2D Analysis: The Project owner shall provide a detailed hydraulic analysis utilizing FLO 2D which models pre- and post-development flood conditions for the 10-, 25- and 100 year storm events. The post-development model must include all proposed collector channels, end diffuser structures and berms. The methods and results of the analysis must be fully documented in a Technical Memorandum or in the revised Project Drainage Report required in SOIL&WATER 8. Graphical output must include depth and velocity mapping as well as mapping which graphically shows the changes in both of these parameters between the pre- and post development conditions. Color shading schemes used for the mapping must be consistent between all maps as well as clear and easily differentiated between designated intervals for hydraulic parameters. Intervals to be used in the mapping are as follows:</p> <p style="padding-left: 40px;">Flow Depth: at 0.20 ft intervals up to 1 ft, and 0.40 ft intervals thereafter. Velocity: 0.5 ft/s intervals</p> <p>A set of figures shall be provided at a scale of no less than 1 inch = 200 feet which show the extent and depths of flows entering the North, South and West channels for the 100-year event. A figure at the same scale shall also be provided for depth, velocity and the relative change in these parameters at and downstream of the four end diffuser structures for the 10-, 25- and 100-year events. Digital input and output files associated with the FLO-2D analysis must be included with all submittals. The results of this analysis shall be used for design of the 30% project grading and drainage plans.</p>	<p>The Project owner shall submit a detailed FLO-2D analysis to both the AO and CPM for their review and comments with the 30% Grading and Drainage Plans and revised Project Drainage Report required in Soil&Water-8. The Project owner shall address comments provided by both the AO and CPM until approval of the analysis is issued.</p>	<p>CEC</p>
<p>SOIL&WATER-10, Drainage Channel Design: All collector and conveyance channels shall be constructed consistent with Riverside County Flood Control and Water Conservation District (RCFCWCD) guidelines where applicable. Grade control structures shall be utilized where needed to meet channel velocity and Froude number requirements. Channels shall be sized along discreet sections based on the results of the detailed FLO-2D analysis described in SOIL&WATER-9. All grade control and drop structures shall have adequate toe-down to account for the design drop plus two additional feet to account for potential downcutting of the channel over time. Channel confluence design must be given special consideration, especially as the preliminary Grading and Drainage Plans show 90 degree angles of confluence at nearly all locations. The issues of confluence hydraulics and potential scour shall be specifically addressed in the revised Drainage Report. Offsite flows shall discharge directly into collector channels following the natural drainage patterns. The proposed collector channel design must be fully documented in the Grading and Drainage plans and must include the following information:</p> <ul style="list-style-type: none"> A. Detailed and accurate cut/fill lines demonstrating in plan view how the channel would tie into existing grade and the solar facility. B. Channel cross-sections at 100-foot intervals showing the channel geometry, existing grade, proposed grade at the facility and how the channel would tie in at on both sides. C. Detailed channel profiles showing existing and finished grades at channel flow line and left and right banks. All drop structures as well as the toe of soil cement profile must also be shown and fully annotated. The 100-year water surface elevation shall be provided on all profiles. D. Typical sections and design details for all discreet channel sections, drop structures, channel confluences, flow dispersion structures and other relevant drainage features. 	<p>The project owner shall prepare preliminary, 30% channel design drawings and submit two copies for the CPM review and comment. The preliminary design drawings shall be submitted at the same time as the Revised Project Drainage Report in SOIL&WATER-8 and FLO 2D Analysis in SOIL&WATER-9. The project owner shall update and modify the design as necessary to obtain the CPM approval.</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>E. Details of all drainage modifications associated with the construction of linear features such as culverts, at-grade crossings, bank protection and other potential features.</p> <p>F. Consistent nomenclature and stationing on all plans, sections, profiles and details.</p>		
<p>SOIL&WATER-11, Channel Erosion Protection: The project owner shall provide revised preliminary Grading and Drainage Plans which incorporate the items and information as listed below for the channels designated as North, West, South, Southeast and Central on the existing plans (AECOM 2010a).</p> <p>A. Soil cement bank protection must be provided such that the channels are protected from bank erosion and lateral headcutting. The extents of the proposed bank protection must be shown on the revised Grading and Drainage Plans. Typical sections for these channels must show the layout of the bank protection including thickness, width and toe-down location and depth consistent with the scour calculation provided in the revised Drainage Report.</p> <p>B. Soil cement bank protection shall be provided on both channel banks wherever 10-year channel flow velocity exceeds 5 ft/s. It shall be provided on the outer channel bank wherever offsite topography and a detailed FLO-2D analysis indicate surface flow would enter the collector channels.</p> <p>C. Soil cement bank protection shall be provided at all channel confluences of otherwise unlined channels where the result of the detailed hydraulic analysis presented in the revised Drainage Report indicate the increased potential for erosion due to adverse angles of confluence. Detailed plans for each confluence showing the extents of the soil cement based on specific hydraulic conditions shall be provided in the formal Grading and Drainage Plans.</p> <p>D. Other methods of channel stabilization, such as dumped riprap or gabions, will not be permitted. Bio-stabilization measures are not permitted.</p> <p>E. Earthen berms used on the outside of collector channels to guide flow to discreet points of discharge into a channel shall not be utilized in lieu of soil cement on the outside bank of collector channels. Offsite flows shall discharge directly into collector channels.</p> <p>F. Design and construction criteria for the use of soil cement on the site shall be prepared by the Owner/Developer's engineer in conjunction with the design methodology established by the Geotechnical Engineer of Record. The design and construction criteria shall be based on local and/or regional requirements and specifications. The design and construction criteria, the geotechnical design for the soil cement, the site specific specifications for the soil cement, the method of installation for the soil cement, and the local or regional standards being used for the design criteria shall be provided to the CPM for review and comment consistent with the verification requirements for this Condition of Certification. The slope requirements that are proposed for use (3:1 or 4:1), and the associated method of installation (i.e., 8 inch lift versus slope application) shall be fully documented for review and approval by the CPM prior to any field installation of soil cement.</p> <p>G. A soils report indicating the suitability of the Project soils for use in the production of soil cement to the Project specifications shall be submitted with the revised Grading and Drainage Plans.</p>	<p>The required information and criteria shall be incorporated into the Grading and Drainage Plans and with all subsequent submittals as required in SOIL&WATER-8 and SOIL&WATER-9. The project owner shall address all comments by the CPM related to the channel erosion protection design through final plan approval.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>H. The bottom of engineered collector channels may be left earthen or fully lined at the discretion of the engineer. Fully lined channels will have higher allowable velocities and Froude numbers assuming hydraulic jumps are modeled and considered in the channel design.</p> <p>I. Modifications to the existing drainages to allow construction of and future access to linear facilities shall require stabilization of the channels in the vicinity of those modifications. Locations of disturbance to the existing drainages shall be stabilized consistent with sound engineering practice to eliminate future negative impacts upstream and downstream of the linear facility in the form of downcutting, erosion and headcutting. The use of "nonengineered" culvert crossings shall not be allowed. All structures to be utilized in existing drainages along linear facilities shall be documented in the project drainage report and reflected in the project improvement plans. Channel erosion mitigation measures along linear facilities shall be subject to all the requirements of this Condition of Certification where applicable.</p>		
<p>SOIL&WATER-12, Channel Maintenance Program: The project owner shall develop and implement a Channel Maintenance Program that provides long-term guidance to implement routine channel maintenance projects and comply with conditions of certification in a feasible and environmentally sensitive manner. The Channel Maintenance Program will be a process and policy document prepared by the project owner, reviewed and approved by the CPM. The Channel Maintenance Program shall include the following:</p> <p>A. Purpose and Objectives – Establishes the main goals of the Program, of indefinite length, to maintain the diversion channel to meet its original design to provide flood protection, support Project mitigation, protect wildlife habitat and movement/ migration, and maintain groundwater recharge.</p> <p>B. Application and Use - The channel maintenance work area is defined as the Project engineered channel, typically extending to the top of bank, include access roads, and any adjacent property that the Project owns or holds an easement for access and maintenance. The Program shall include all channel maintenance as needed to protect the Project facilities and downstream property owners.</p> <p>C. Channel Maintenance Activities</p> <p>1. <i>Sediment Removal</i> - sediment is removed when it: (1) reduces the diversion channel effective flood capacity, to less than the design discharge, (2) prevents appurtenant hydraulic structures from functioning as intended, and (3) becomes a permanent, non-erodible barrier to instream flows.</p> <p>2. <i>Vegetation Management</i> - manage vegetation in and adjacent to the diversion channel to maintain the biological functions and values proposed in the mitigation. Vegetation management shall include control of invasive or nonnative vegetation as prescribed in Condition of Certification BIO-14.</p> <p>3. <i>Bank Protection and Grade Control Repairs</i> – Bank protection and grade control structure repairs involve any action by the project owner to repair eroding banks, incising toes, scoured channel beds, as well as preventative erosion when the problem: (1) causes or could cause significant damage to the Project; adjacent property, or the structural elements of the diversion channel; (2) is a public safety concern; (3) negatively affects groundwater recharge; or (4) negatively affects the mitigation vegetation, habitat, or species of concern.</p>	<p>At least 60 days prior to the start of any project-related site disturbance activities (excluding linear construction), the project owner shall coordinate with the CPM to develop the Channel Maintenance Program. The project owner shall submit two copies of the programmatic documentation, describing the proposed Channel Maintenance Program, to the CPM (for review and approval). The project owner shall provide written notification that they plan to adopt and implement the measures identified in the approved Channel Maintenance Program. The project owner shall:</p> <ul style="list-style-type: none"> • Supervise the implementation of a Channel Maintenance Program in accordance with conditions of certification; • Ensure the Project Construction and Operation Managers receive training on the Channel Maintenance Program; • As part of the Project Annual Compliance Report to the CPM, submit a Channel Maintenance Program Annual Report specifying which maintenance activities were completed during the year including type of work, location, and measure of the activity (e.g., cubic yards of sediment removed). 	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>4. <i>Routine Channel Maintenance</i> - trash removal and associated debris to maintain channel design capacity; repair and installation of fences, gates and signs; grading and other repairs to restore the original contour of access roads and levees (if applicable); and removal of flow obstructions at Project storm drain outfalls.</p> <p>5. <i>Channel Maintenance Program – Exclusions</i> including: emergency repair and CIP.</p> <p>D. Related Programmatic Documentation – the CPM will review and approve the Channel Maintenance Program programmatic documentation. Maintenance activities shall comply with the streambed alteration agreement provisions and requirements for channel maintenance activities consistent with California's endangered species protection regulations and other applicable regulations.</p> <p>E. Channel Maintenance Process Overview</p> <p>1. <i>Program Development and Documentation</i> – This documentation provides the permitting requirements for channel maintenance work in accordance with the conditions of certification for individual routine maintenance of the engineered channel without having to perform separate CEQA/NEPA review or obtain permits.</p> <p>2. <i>Maintenance Guidelines</i> - based on two concepts: (1) the maintenance standard and (2) the acceptable maintenance condition, and applies to sediment removal, vegetation management, trash and debris collection, blockage removal, fence repairs, and access road maintenance.</p> <p>3. <i>Implementation</i> – Sets Maintenance Guidelines for vegetation and sediment management. The Project's vegetation management activities are established in Condition of Certification BIO-14. Maintenance Guidelines for sediment removal provide information on the allowable depth of sediment for the engineered channel that would continue to provide design discharge protection.</p> <p>4. <i>Reporting</i> – the CPM requires the following reports to be submitted each year as part of the Annual Compliance Report:</p> <ul style="list-style-type: none"> a. Channel Maintenance Work Plan – Describes the planned “major” maintenance activities and extent of work to be accomplished; and b. Channel Maintenance Program Annual Report – Specifies which maintenance activities were completed during the year including type of work, location, and measure of the activity (e.g. cubic yards of sediment removed). c. A report describing "Lessons Learned" to evaluate the effectiveness of both resource protection and maintenance methods used throughout the year. <p>F. Resource Protection Policies - establishes policies to ensure that resources would be protected to the fullest extent feasible during routine channel maintenance activities. Policies shall be developed to guide decision-making for channel maintenance activities. BMPs shall be developed to implement these policies.</p>		

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER-13, Closure and Decommissioning Plan: The project owner shall prepare a decommissioning plan that will meet the requirements of the BLM. The project owner shall identify likely decommissioning scenarios and develop specific decommissioning plans for each scenario that will identify actions to be taken to avoid or mitigate long-term impacts related to water and wind erosion after decommissioning. Actions may include such measures as a decommissioning SWPPP, revegetation and restoration of disturbed areas, post-decommissioning maintenance, collection and disposal of project materials and chemicals, and access restrictions.</p>	<p>At least 60 days prior to the start of site mobilization or alternate date as agreed to with the CPM, the project owner shall submit decommissioning plans to the CPM for review and approval. The project owner shall amend these documents as necessary, with approval from the CPM, should the decommissioning scenario change in the future.</p>	CEC
<p>SOIL&WATER-14, Mitigation of Impacts to the Palo Verde Mesa Groundwater Basin: To mitigate the impact from Project pumping, the Project owner shall identify and implement offset measures to mitigate the increase in discharge from surface water to groundwater that affects recharge in the Palo Verde Valley Groundwater Basin (USGS). The project owner shall implement SOIL&WATER-17 to evaluate the change in recharge over the life of the project including any latency effects from Project pumping. The activities shall include the following water conservation projects: payment for irrigation improvements in Palo Verde Irrigation District, payment for irrigation improvements in Imperial Irrigation District, purchase of water rights within the Colorado River Basin that will be held in reserve, and/or BLM's Tamarisk Removal Program or other proposed mitigation activities acceptable to the CPM. The activities proposed for mitigation shall be outlined in a Water Offset Plan that will be provided to the CPM for review and approval and which shall include the following at a minimum:</p> <ul style="list-style-type: none"> A. Identification of the water offsets as determined in SOIL&WATER-17; B. Demonstration of the Project owner's ability to conduct the activity; C. Whether any governmental approval of the identified offset will be needed, and if so, whether additional approval will require compliance with CEQA or NEPA; D. Demonstration of how much water is provided by each of the offset measures; E. An estimated schedule for completion of the activities; F. Performance measures that would be used to evaluate the amount of water replaced by the proposed offset measure; and, G. A Monitoring and Reporting Plan outlining the steps necessary and proposed frequency of reporting to show the activities are achieving the intended benefits of the water supply offsets; 	<p>The project Owner shall submit a Water Offset Plan to the CPM for review and approval thirty (30) days before the start of extraction of groundwater for construction or operation.</p> <p>The Project owner shall implement the activities reviewed and approved in the Water Offset Plan in accordance with the agreed upon schedule in the Water Offset Plan. If agreement with the CPM on identification or implementation of offset activities cannot be achieved the Project owner shall immediately halt construction or operation until the agreed upon activities can be identified and implemented.</p>	CEC
<p>SOIL&WATER-15, Groundwater Production Reporting: The Project is subject to the requirement of Water Code Sections 4999 et. seq. for reporting of groundwater production in excess of 25 acre feet per year.</p>	<p>The project owner shall file an annual "Notice of Extraction and Diversion of Water" with the SWRCB in accordance with Water Code Sections 4999 et. seq. The project owner shall include a copy of the filing in the annual compliance report.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER 16, Groundwater Subsidence Monitoring and Action Plan: One monument monitoring station per production well or a minimum of three stations shall be constructed to measure potential inelastic subsidence that may alter surface characteristics of the Chuckwalla Valley near the proposed production wells. The applicant shall:</p> <p>A. Prepare and submit a Subsidence Monitoring Plan (SMP). The plan shall include the following elements:</p> <ol style="list-style-type: none"> 1. Construction diagrams of the proposed monument monitoring station including size and description, planned depth, measuring points, and protection measures; 2. Map depicting locations (minimum of three) of the planned monument monitoring stations; 3. Monitoring program that includes monitoring frequency, thresholds of significance, reporting format. <p>B. Prepare quarterly reports commencing three (3) months following commencement of groundwater production during construction and operations.</p> <ol style="list-style-type: none"> 1. The reports shall include presentation and interpretation of the data collected including comparison to the thresholds developed in Item C. <p>C. Prepare a Mitigation Action Plan that details the following:</p> <ol style="list-style-type: none"> 1. Thresholds of significance for implementation of proposed action plan; <ol style="list-style-type: none"> a. Any subsidence that may occur will not be allowed to damage existing structures either on or off the site or alter the appearance or use of the structure; b. Any subsidence that may occur will not be allowed to alter the natural drainage patterns or permit the formation of playas or lakes; c. Any subsidence that violates (a) or (b) will result in the project owner investigating the need to immediately reduce/cease pumping until the cause is identified or subsidence caused by project pumping abates and the structures and/or drainage patterns are stabilized and corrected. 2. Action Plan that details proposed actions by the applicant in the event thresholds are achieved during the monitoring program. The applicant shall submit the Ground Subsidence Monitoring and Action Plan that is prepared by an Engineering Geologist registered in the State of California 30 days prior to the start of extraction of groundwater for construction or operation. 	<p>The project owner shall do all of the following:</p> <ol style="list-style-type: none"> 1. At least 30 days prior to project construction, the project owner shall submit to the CPM, a comprehensive report presenting all the data and information required in item A above. 2. The project owner shall submit to the CPM all calculations and assumptions made in development of the SMP. 3. During Project construction and operations, the project owner shall submit to the CPM quarterly reports presenting all the data and information required in item B above. 4. The project owner shall submit to the CPM all calculations and assumptions made in development of the report data and interpretations. 5. After the first five years of the monitoring period, the project owner shall submit a 5-year monitoring report to the CPM that submits all monitoring data collected and provides a summary of the findings. The CPM will determine if the Ground Subsidence Monitoring and Action Plan frequencies should be revised or eliminated. 	<p>CEC</p>
<p>SOIL&WATER 17, Estimation of Surface Water Impacts: To further assess the impacts from Project pumping, the Project owner shall estimate the increase in discharge from surface water to groundwater that affects recharge in the Palo Verde Valley Groundwater Basin (PVVGB)(USGS). This estimate may be used for determining the appropriate offset volume in accordance with SOIL&WATER-14. The Project owner shall do the following to provide an estimate for review and approval by the CPM:</p> <ol style="list-style-type: none"> 1. The Project owner shall conduct a detailed analysis of the affect from Project pumping on at the end of the 30 year operational period the change in groundwater outflow from the Chuckwalla Valley Groundwater Basin to the Palo Verde Valley and how the change in outflow may affect recharge of surface water to the PVVGB from the Project's groundwater extraction activities. The detailed analysis shall include: 	<p>Within thirty (30) days following certification of the proposed Project, the project owner shall submit to the CPM for their review and approval a report detailing the results of the modeling effort. The report shall include the estimated amount of change in discharge from surface water to groundwater within the Palo Verde Valley due to Project pumping. This estimate shall be used for determining the appropriate volume of water for offset in accordance with SOIL&WATER-14.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<ul style="list-style-type: none"> a. The conceptual model developed in the AFC and the Staff Assessment, for the Chuckwalla Valley Groundwater Basin and the Palo Verde Valley, and any changes resultant from further analysis in support of numerical modeling; b. The use of an appropriately constructed groundwater model 1.) for the eastern portion of the Chuckwalla Valley Groundwater Basin that describes the effect from Project pumping on the outflow of groundwater to the Palo Verde Valley, and 2.) an appropriately constructed groundwater model of the Palo Verde Valley, inclusive of the mesa and floodplain. The models shall be coupled as appropriate to determine the effect from Project pumping on the surface water recharge in the Palo Verde Valley. Each model shall be constructed in consideration of the following: <ul style="list-style-type: none"> i. Horizontal and vertical geometry information gained through on- and offsite investigations conducted as part of the hydrogeological field investigations for the AFC, and any subsequently documented investigation performed as part of the model development ; ii. Aquifer properties developed as part of the AFC and any subsequently documented investigations performed as part of the model development, and an assessment of aquifer properties available from other published sources. The properties used shall be representative of the available data; and iii. The modeling effort shall include a sensitivity analysis where in the most sensitive variables will be identified and varied within a reasonable range outside of the calibration value to provide an assessment of the range of potential impacts from the Project pumping on the recharge from the Palo Verde Valley Groundwater Basin. c. Reporting of the results of the modeling effort d. Estimation of the increased contribution of surface water discharge to groundwater and the change in recharge to the Palo Verde Valley Groundwater Basin attributable to Project groundwater pumping. <p>2. The analysis shall include the following elements:</p> <ul style="list-style-type: none"> a. The change in groundwater flux to the regional aquifer from surface water sources attributable to Project pumping in afy for the life of the Project (30 years) until pre-project (within 95%) conditions are achieved; b. A sensitivity analysis that would provide a range in the potential changes in flux relative to variation in the key model variables within each model as a result of Project pumping for life of the Project until pre-project (within 95%) conditions are achieved; <p>3. The project owner shall present the results of the conceptual model, numerical model, transient runs and sensitivity analysis in a report for review and approval by the CPM. The report shall include all pertinent information regarding the development of the numerical models. The report shall include as discussion of the following as appropriate to each model:</p> <ul style="list-style-type: none"> a. Introduction b. Previous Investigations c. Conceptual Model d. Numerical Model and Input Parameters e. Sensitivity Analysis f. Transient Modeling Runs g. Conclusions 		

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
<p>SOIL AND WATER (cont.)</p> <p>SOIL&WATER-18, Groundwater Quality Monitoring and Reporting Plan: The project owner shall submit a Groundwater Quality Monitoring and Reporting Plan to the CPM for review and approval. The Groundwater Quality Monitoring and Reporting Plan shall provide a description of the methodology for monitoring background and site groundwater quality following the Waste Discharge Requirements of SOIL&WATER-6, to assess the effects from pumping on changes in the aquifer water chemistry, and to monitor potential impacts from operation of proposed septic leach fields, if required. The initial background water quality sampling shall be implemented during the background groundwater level monitoring events in accordance with SOIL&WATER-4. Prior to project construction, access to offsite wells shall be obtained and samples collected and monitoring wells shall be installed to evaluate background water quality in the shallow and deep regional aquifer in areas that will be affected by Project pumping. These data will be used to establish pre-construction water quality that can be quantitatively compared against data gathered during construction and operation to assess if project pumping or a release from the waste management units (See SOIL&WATER-6), or septic systems (if required) has adversely affected the water supply or sensitive receptors.</p> <ol style="list-style-type: none"> 1. A Groundwater Quality Monitoring and Reporting Plan shall be submitted to the CPM 90 days prior to operation of the water supply wells for construction. The Plan shall include a scaled map showing the site and vicinity, existing well locations, and proposed monitoring locations (both existing wells and new monitoring wells proposed for construction). Additional monitoring wells that shall be installed include wells required in accordance with Condition of Certification SOIL&WATER-6, for the evaporation ponds and land treatment unit proposed for the project, and if required for the sanitary leachfield system. The map shall also include relevant natural and man-made features (existing and proposed as part of this project). The plan also shall provide: (1) well construction information and borehole lithology for each existing well proposed for use as a monitoring well; (2) description of proposed drilling and well installation methods; (3) proposed monitoring well design; and, (4) schedule for completion of the work. 2. A Well Monitoring Installation and Groundwater Quality Network Report shall be submitted to the CPM for review and approval in conjunction with Condition of Certification SOIL&WATER-4 and 60 days prior to operation of the water supply wells. The report shall include a scaled map showing the final monitoring well network. It shall document the drilling methods employed, provide individual well construction as-buils, borehole lithology recorded from the drill cuttings, well development, and well survey results. The well survey shall measure the location and elevation of the top of the well casing and reference point for all water level measurements, and shall include the coordinate system and datum for the survey measurements. Additionally, the report shall describe the water level monitoring equipment employed in the wells and document their deployment and use. 3. As part of the monitoring well network development, all newly constructed monitoring wells shall be constructed consistent with State and Riverside County specifications. 4. Prior to use of any groundwater for construction, all groundwater quality and groundwater level monitoring data shall be reported to the CPM in the Well Monitoring Installation and Groundwater Quality Network Report that is due in conjunction with the background water level monitoring report under SOIL&WATER-4 and 60 days prior to construction. The report shall include the following: <ol style="list-style-type: none"> a. An assessment of pre-project groundwater levels, a summary of available climatic information (monthly average temperature and rainfall records from the nearest weather station), and a comparison and assessment of water level data relative to the assumptions and spatial trends simulated by the applicant's groundwater model. 	<p>The project owner shall complete the following:</p> <p>At least 90 days prior to construction, a Groundwater Level and Quality Monitoring and Reporting Plan shall be submitted to the CPM for review and approval.</p> <p>At least 60 days prior to construction, a Well Monitoring Installation and Groundwater Level Network Report shall be submitted to the CPM for review and approval.</p> <p>At least 60 days prior to use of any groundwater for construction, all groundwater quality and groundwater level monitoring data shall be reported to the CPM. On a semiannual basis water quality data shall be collected during construction and 5 years following initial operation. The results of the monitoring will be reported on a semiannual basis, one month following the end of the 1st and 3rd quarters.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>b. An assessment of pre-project groundwater quality with groundwater samples analyzed for those constituents required under the Waste Discharge Requirements (Appendix B, C and D) and if not included total dissolved solids (TDS), chloride, nitrates, major cations and anions, oxygen-18 and deuterium isotopes, and soluble metals.</p> <p>c. The data shall be tabulated and include the estimated range (minimum and maximum values), average, and median for each constituent analyzed. If a sufficient number of data points are available from the background sampling, the data shall also be analyzed using the Mann-Kendall test for trend at 90% confidence to assess whether pre-project water quality trends, if any, are statistically significant.</p> <p>5. During project construction and during the first five years of project operations, the project owner shall semi-annually monitor the quality of groundwater and changes in groundwater elevation and submit data semiannually to the CPM one month following the end of the 1st and 3rd quarter and following the operation reporting requirement under SOIL&WATER-4. After five years of project operations, the frequency and scope of the monitoring program shall be reassessed by the CPM. The semi-annual report shall document water level monitoring methods, the water level data, water level plots, and a comparison between pre- and post-project start-up water level trends as itemized below. The report shall also include a summary of actual water use conditions, monthly climatic information (temperature and rainfall) from the nearest meteorological monitoring station, and a comparison and assessment of water level data relative to the assumptions and simulated spatial trends predicted by the applicant's groundwater model.</p> <p>a. Groundwater samples from all wells in the monitoring well network shall be analyzed and reported semi-annually for those constituents required in the Waste Discharge Requirements (Appendix B, C and D) and if not included TDS, chloride, nitrates, cations and anions, oxygen-18 and deuterium isotopes.</p> <p>b. For analysis purposes, pre-project water quality shall be defined by samples collected prior to project construction as specified above, and compliance data shall be defined by samples collected after the construction start date to determine the effects from Project pumping and after the installation and operation of the waste management units in compliance with the Waste Discharge Requirements (Appendix B, C and D) and the sanitary leachfields, if required.</p> <p>c. Trends in water quality data shall be analyzed using the Mann- Kendall test for trend at the 90% confidence. Trends in the compliance data shall be compared and contrasted to pre-project trends, if any.</p> <p>d. The contrast between pre-project and compliance mean or median concentrations shall be compared using an Analysis of Variance (ANOVA) or other appropriate statistical method approved by the CRBRWQCB for evaluation of water quality impacts. A parametric ANOVA (for example, an F-test) can be conducted on the two data sets if the residuals between observed and expected values are normally distributed and have equal variance, or the data can be transformed to an approximately normal distribution. If the data cannot be represented by a normal distribution, then a nonparametric ANOVA shall be conducted (for example, the Kruskal-Wallis test). If a statistically significant difference is identified at 90% confidence between the two data sets, the monitoring data are inconsistent with random differences between the pre-project and baseline data indicating a significant water quality impact from project pumping may be occurring.</p> <p>e. If compliance data to evaluate the effects from Project pumping or potential impacts from operation of sanitary leachfield indicate that the water supply quality has deteriorated in (exceeds pre-project constituent concentrations in TDS, sodium, chloride, or other constituents identified as part of the monitoring plan and applicable Water Quality</p>		

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
Objectives are exceeded for the applicable beneficial uses of the water supply) adjacent water supply wells that can be shown to be adversely influenced by Project Pumping for three consecutive years, the Project owner shall provide well-head treatment or a new water supply to either meet or exceed pre-project water quality conditions to any impacted water supply wells.		
SOIL&WATER-19, Non-Transient, Non-Community Water System: The Project is subject to the requirement of Title 22, Article 3, Sections 64400.80 through 64445 for a non-transient, non-community water system (serving 25 people or more for more than six months). In addition, the system shall require periodic monitoring for various bacteriological, inorganic and organic constituents.	The project owner shall submit the equivalent County of Riverside requirements to operate a non-transient, non-community water system with the County of Riverside at least 60 days prior to commencement of operations at the site. In addition, the project owner shall submit to the CPM a monitoring and reporting plan for production wells operated as part of the domestic water supply system prior to plant operations. The plan shall include reporting requirements including monthly, quarterly and annual submissions. The project owner shall designate a California Certified Water Treatment Plant Operator as well as the technical, managerial and financial requirements as prescribed by State law. The project owner shall supply updates on an annual basis of monitoring requirements, any required submittals equivalent to the County of Riverside requirements including annual renewal requirements.	CEC
TRAFFIC AND TRANSPORTATION		
TRANS-1, Regulation Compliance: The project owner shall comply with limitations imposed by Caltrans District 8 and other relevant jurisdictions, including the County of Riverside, on vehicle sizes and weights and driver licensing. In addition, the project owner or its contractor shall obtain necessary transportation permits from Caltrans and all relevant jurisdictions for roadway use.	In the Monthly Compliance Reports (MCRs), the project owner shall report permits received during that reporting period. In addition, the project owner shall retain copies of permits and supporting documentation on-site for Compliance Project Manager (CPM) inspection if requested.	CEC
TRANS-2, Transport of Hazardous Materials: The project owner shall ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.	In the MCRs, the project owner shall report permits and/or licenses for hazardous substance transportation received during that reporting period. In addition, the project owner shall retain copies of permits, licenses, and supporting documentation on-site for CPM inspection if requested.	CEC
TRANS-3, Repair and Restoration of Roads: The project owner shall restore all public roads, easements, and rights-of-way that have been damaged due to project-related construction activities to original or near-original condition in a timely manner, as directed by BLM's Authorized Officer and the CPM. Repair and restoration of access roads may be required at any time during the construction phase of the project to assure safe ingress and egress.	At least 30 days prior to the start of mobilization, the project owner shall photograph or videotape all affected public roads, easements, and right-of-way segments and/or intersections and shall provide the CPM and the affected	

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
	<p>local jurisdictions and Caltrans (if applicable) with a copy of these images. The project owner shall rebuild, repair and maintain all public roads, easements, and rights-of-way in a usable condition throughout the construction phase of the project.</p> <p>At least 30 days prior to the start of site mobilization, the project owner shall consult with the County of Riverside and Caltrans District 8 and notify them of the proposed schedule for project construction. The purpose of this notification is to request that the County of Riverside and Caltrans consider postponement of public right-of-way repair or improvement activities in areas affected by project construction until construction is completed and to coordinate with the project owner regarding any concurrent construction-related activities that are planned or in progress and cannot be postponed.</p> <p>Within 60 calendar days after completion of construction, the project owner shall meet with the CPM, the County of Riverside, and Caltrans District 8 to identify sections of public right-of-way to be repaired. At that time, the project owner shall establish a schedule to complete the repairs and to receive approval for the action(s). Following completion of any public right-of-way repairs, the project owner shall provide to the CPM a letter signed by the County of Riverside and Caltrans District 8 stating their satisfaction with the repairs.</p>	
<p>TRANS-4, Traffic Control Plan (TCP): Prior to the start of construction of the PSPP, the project owner shall prepare and implement a Traffic Control Plan (TCP) for the PSPP's construction and operations traffic. The TCP shall address the movement of workers, vehicles, and materials, including arrival and departure schedules and designated workforce and delivery routes. The project owner shall consult with the County of Riverside and the California Department of Transportation (Caltrans) District 8 office in the preparation and implementation of the Traffic Control Plan (TCP). The project owner shall submit the proposed TCP to the County of Riverside and the Caltrans District 8 office in sufficient time for review and comment, and to the Energy Commission Compliance Project Manager (CPM) for review and approval prior to the proposed start of construction and implementation of the plan. The CPM shall review and approve the TCP or identify any material deficiencies within thirty (30) days of receipt. The project owner shall provide a copy of any written comments from the County of Riverside and the Caltrans District 8 office and any changes to the TCP to the CPM prior to the proposed start of construction. The Traffic Control Plan (TCP) shall include:</p>	<p>At least 60 calendar days prior to the start of construction, including any grading or site remediation on the power plant site or its associated easements, the project owner shall submit the proposed TCP to the County of Riverside and the Caltrans District 8 office for review and comment and to the CPM for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to the County of Riverside and the Caltrans District 8 office requesting review and comment.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<ol style="list-style-type: none"> 1. A work schedule and end-of-shift departure plan designed to ensure that stacking does not occur at intersections necessary to enter and exit the project sites. The project owner shall consider using one or more of the following measures designed to prevent stacking: staggered work shifts, off-peak work schedules, and/or restricting travel to and departures from each project site to 10 or fewer vehicles every three minutes during peak travel hours on I- 10. 2. Provisions for an incentive program, such as employer-sponsored commuter checks, to encourage construction workers to carpool and/or use van or bus service. 3. Limitation of truck deliveries at the project site to only off-peak hours. 4. A heavy-haul plan addressing the transport and delivery of heavy and oversized loads requiring permits from the California Department of Transportation (Caltrans) or other state or federal agencies. 5. Timing of heavy equipment and building material delivery to the sites 6. Parking for workforce and construction vehicles. 7. Emergency vehicle access to the project site. 8. Provisions for redirection of construction traffic with a flag person as necessary to ensure traffic safety and minimize interruptions to non-construction related traffic flow. 9. Placement of signage, lighting, and traffic control devices at the project construction site and laydown areas. 10. Placement of signage along northbound Corn Springs Road and at the entrance of each of the I-10 westbound and eastbound offramps at Corn Springs Road notifying drivers of construction traffic throughout the duration of the construction period. 11. Placement of signage to redirect traffic from Corn Springs Road during construction activities related to roadway realignments and pipeline installation in and across the Corn Springs Road right-of-way 12. Temporary closing of travel lanes, if necessary. 13. Access to adjacent residential and commercial property during the construction of all linears 		
<p>TRANS-5, Encroachment Permits: The project owner or contractor shall comply with Caltrans' and other relevant jurisdictions' limitations for encroachment into public rights-of-way and shall obtain necessary encroachment permits from Caltrans and any other relevant jurisdictions.</p>	<p>In the MCRs, the project owner shall report permits received during that reporting period. In addition, for at least six months after the start of commercial operation, the project owner shall retain copies of permits and supporting documentation on-site for CPM inspection if requested.</p>	<p>CEC</p>
<p>TRANS-6: Glint and Glare Reduction Measures: To reduce glint and glare from the Project, the Project Owner shall implement the following measures during operation of any unit:</p> <ol style="list-style-type: none"> 1. Ensure the mirrors are brought out of stowage before sunrise and are aligned to catch the first rays of the morning sun; 	<p>90 days prior to the start of operation of any unit, the project owner shall prepare and submit to the CPM for review and approval a plan describing how the above measures will be implemented to reduce glint and glare. If a legitimate</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<p>2. Ensure the mirrors are returned to stow position after sunset;</p> <p>3. As soon as is feasible, redirect malfunctioning mirrors to the east in a manner so that there is no reflection from the sun as the sun continues west; and</p> <p>4. Establish a toll-free number for the public to report complaints related to glint and glare and post such number in the same location as that required in Compliance-9. If the project owner receives a complaint regarding glint or glare it shall investigate to determine whether the complaint is legitimate and if the project is the source of such glint or glare. If it is determined that the project is the source of such glint or glare and the glint or glare is causing human health or safety hazards, the project owner shall take all feasible measures to reduce the glint or glare. Such measures may include localized screening. The project owner shall notify the CPM within 3 days of receiving a glint or glare complaint. As soon as the complaint has been resolved the project owner shall submit to the CPM a report in which the complaint as well as the actions taken to resolve the complaint are documented. The report shall include (a) a complaint summary, including the name and address of the complainant; and (b) a discussion of the steps taken to investigate the complaint, the reasons supporting a determination of whether or not the complaint is legitimate, and the steps taken to address the complaint and the final results of these efforts. In the monthly compliance report, the project owner shall describe any complaints it received that month that it determined not to be legitimate and shall explain the basis of its determination.</p>	<p>complaint is received concerning potential human health and safety hazards relating to glint or glare, the project owner shall notify the CPM within 3 days of receipt of the complaint and shall provide to the CPM within 10 days of the complaint the report detailing how the complaint has been addressed. In the monthly compliance report, the project owner shall describe any complaints received that month that were determined not to be legitimate and shall explain the basis of that determination. If no legitimate complaints are received and/or if a legitimate complaint is received and the project owner has resolved the source of the complaint(s) within the first 12 months of project operation, project owner can request that the CPM release the project owner from the obligations under Section 4 of this condition after the 12th month of project operations.</p>	
TRANSMISSION LINE SAFETY AND NUISANCE		
<p>TLSN-1, EMF Reduction Guidelines: The project owner shall construct the proposed transmission line (anywhere along the area identified by the applicant as available for its routing) according to the requirements of (a) California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2, (b) the High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and (3) Southern California Edison's EMF reduction guidelines.</p>	<p>At least 30 days before starting the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.</p>	CEC
<p>TLSN-2, Measurements of Electric and Magnetic Fields: The project owner shall use a qualified individual to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity along the route for which the applicant provided specific estimates. The measurements shall be made before and after energization according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures. These measurements shall be completed no later than 6 months after the start of operations.</p>	<p>The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements.</p>	CEC
<p>TLSN-3, Transmission Line Distance from Combustible Material: The project owner shall ensure that the rights-of-way of the proposed transmission line are kept free of combustible material, as required under the provisions of section 4292 of the Public Resources Code and section 1250 of Title 14 of the California Code of Regulations.</p>	<p>During the first five years of plant operation, the project owner shall provide a summary of inspection results and any fire prevention activities carried out along the right-of-way and provide such summaries in the Annual Compliance Report on transmission line safety and nuisance-related requirements.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION LINE SAFETY AND NUISANCE (cont.)		
<p>TLSN-4, Grounding Permanent Metallic Objects: The project owner shall ensure that all permanent metallic objects within the right-of-way of the project-related lines are grounded according to industry standards regardless of ownership.</p>	<p>At least 30 days before the lines are energized, the project owner shall transmit to the CPM a letter confirming compliance with this condition.</p>	<p>CEC</p>
VISUAL RESOURCES		
<p>VIS-1, Surface Treatment of Project Structures and Buildings: The project owner shall treat the surfaces of all project structures and buildings visible to the public such that a) their colors minimize visual intrusion and contrast by blending with (matching) the existing characteristic landscape colors; b) their colors and finishes do not create excessive glare; and c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive.</p> <p>Following in-field consultation with the Energy Commission/BLM Visual Resources specialist and other representatives as deemed necessary, the project owner shall submit for Compliance Project Manager (CPM) review and approval, a specific Surface Treatment Plan that will satisfy these requirements. The treatment plan shall include:</p> <p>A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes based on the characteristic landscape. Colors will be fielded tested using the actual distances from the KOPs to the proposed structures, using the proposed colors painted on representative surfaces;</p> <p>B. A list of each major project structure, building, tank, pipe, and wall; the transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and pantone number; or according to a universal designation system;</p> <p>C. One set of color brochures or color chips showing each proposed color and finish;</p> <p>D. A specific schedule for completion of the treatment; and</p> <p>E. A procedure to ensure proper treatment maintenance for the life of the project. The project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture, or perform the final treatment on any buildings or structures treated in the field, until the project owner receives notification of approval of the treatment plan by BLM's Authorized Officer and the CPM. Subsequent modifications to the treatment plan are prohibited without BLM's Authorized Officer and CPM approval.</p>	<p>At least 90 days prior to specifying to the vendor the colors and finishes of the first structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to BLM's Authorized Officer and the CPM for review and approval and simultaneously to Riverside County for review and comment. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a plan with the specified revision(s) for review and approval by BLM's Authorized Officer and the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to BLM's Authorized Officer and the CPM for review and approval.</p> <p>Prior to the start of commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that surface treatment of all listed structures and buildings has been completed and they are ready for inspection and shall submit to each one set of electronic color photographs from the same key observation points identified in (d) above. The project owner shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report. The report shall specify a) the condition of the surfaces of all structures and buildings at the end of the reporting year; b) maintenance activities that occurred during the reporting year; and c) the schedule of maintenance activities for the next year.</p>	<p>CEC</p>
<p>VIS-2, Revegetation of Disturbed Soil Areas: The project owner shall revegetate disturbed soil areas to the greatest practical extent, as described in Condition of Certification BIO 8. In order to address specifically visual concerns, the required Closure, Revegetation and Rehabilitation Plan shall include reclamation of the area of disturbed soils used for laydown, project construction, and siting of the substation and other ancillary operation and support structures.</p>	<p>Refer to Condition of Certification BIO 8.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
VISUAL RESOURCES (cont.)		
<p>VIS-3, Temporary and Permanent Exterior Lighting: To the extent feasible, consistent with safety and security considerations, the project owner shall design and install all permanent exterior lighting and all temporary construction lighting such that a) lamps and reflectors are not visible from beyond the project site, including any off-site security buffer areas; b) lighting does not cause excessive reflected glare; c) direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting (which should be an on-demand, audio-visual warning system that is triggered by radar technology); d) illumination of the project and its immediate vicinity is minimized, and e) the plan complies with local policies and ordinances. The project owner shall submit to BLM's Authorized Officer and the CPM for review and approval and simultaneously to the County of Riverside for review and comment a lighting mitigation plan that includes the following:</p> <p>A. Location and direction of light fixtures shall take the lighting mitigation requirements into account;</p> <p>B. Lighting design shall consider setbacks of project features from the site boundary to aid in satisfying the lighting mitigation requirements;</p> <p>C. Lighting shall incorporate fixture hoods/shielding, with light directed downward or toward the area to be illuminated;</p> <p>D. Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security;</p> <p>E. All lighting shall be of minimum necessary brightness consistent with operational safety and security; and</p> <p>F. Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.</p>	<p>At least 90 days prior to ordering any permanent exterior lighting or temporary construction lighting, the project owner shall contact BLM's Authorized Officer and the CPM to discuss the documentation required in the lighting mitigation plan. At least 60 days prior to ordering any permanent exterior lighting, the project owner shall submit to BLM's Authorized Officer and the CPM for review and approval and simultaneously to the County of Riverside for review and comment a lighting mitigation plan. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM.</p> <p>The project owner shall not order any exterior lighting until receiving BLM Authorized Officer and CPM approval of the lighting mitigation plan.</p> <p>Prior to commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that the lighting has been completed and is ready for inspection. If after inspection, BLM's Authorized Officer and the CPM notify the project owner that modifications to the lighting are needed, within 30 days of receiving that notification the project owner shall implement the modifications and notify BLM's Authorized Officer and the CPM that the modifications have been completed and are ready for inspection.</p> <p>Within 48 hours of receiving a lighting complaint, the project owner shall provide BLM's Authorized Officer and the CPM with a complaint resolution form report as specified in the Compliance General Conditions including a proposal to resolve the complaint, and a schedule for implementation. The project owner shall notify BLM's Authorized Officer and the CPM within 48 hours after completing implementation of the proposal. A copy of the complaint resolution form report shall be submitted to BLM's Authorized Officer and the CPM within 30 days.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
VISUAL RESOURCES (cont.)		
<p>VIS-4, Project Design: To the extent possible, the project owner will use proper design fundamentals to reduce the visual contrast to the characteristic landscape. These include proper siting and location; reduction of visibility; repetition of form, line, color (see VIS 1) and texture of the landscape; and reduction of unnecessary disturbance. Design strategies to address these fundamentals will be based on the following factors:</p> <p>Earthwork: Select locations and alignments that fit into the landforms to minimize the size of cuts and fills. Avoid hauling in or hauling out of excess earth cut or fill. Avoid rounding and/or warping slopes. Retain existing rock formations, vegetation, and drainage. Tone down freshly broken rock faces with emulsions or stains. Use retaining walls to reduce the amount and extent of earthwork. Retain existing vegetation by using retaining walls or fill slopes, reducing surface disturbance, and protecting roots from damage during excavations. Avoid soil types that generate strong color contrasts. Reduce dumping or sloughing of excess earth and rock on downhill slopes.</p> <p>Vegetation Manipulation: Retain as much of the existing vegetation as possible. Use existing vegetation to screen the development from public viewing. Use scalloped, irregular cleared edges to reduce line contrast. Use irregular clearing shapes to reduce form contrast. Feather and thin the edges of cleared areas and retain a representative mix of plant species and sizes.</p> <p>Structures: Minimize the number of structures and combine different activities in one structure. Use natural, self-weathering materials and chemical treatments on surfaces to reduce color contrast. Bury all or part of the structure. Use natural appearing forms to complement the characteristic landscape. Screen the structure from view by using natural land forms and vegetation. Reduce the line contrast created by straight edges.</p> <p>Linear Alignments: Use existing topography to hide induced changes associated with roads, lines, and other linear features. Select alignments that follow landscape contours. Avoid fall-line cuts and bisecting ridge tops. Hug vegetation lines and avoid open areas such as valley bottoms. Cross highway corridors and less sharp angles.</p> <p>Reclamation and Restoration: Reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. Replace soil, brush, rocks, and natural debris over disturbed area. Newly introduce plant species should be of a form, color, and texture that blends with the landscape.</p>	<p>As early as possible in the site and facility design, the project owner shall meet with the CPM to discuss incorporation of these above factors into the design plans. At least 90 days prior to final site and facility design, the project owner shall contact the CPM to review the incorporation of the above factors into the final facility and site design plans. If the CPM determines that the site and facility plans require revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM.</p>	<p>CEC</p>
WASTE		
<p>WASTE-1, Training and Reporting Plan: The project owner shall prepare a UXO Identification, Training and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The project owner shall submit the plan to the Compliance Project Manager (CPM) and BLM Authorized Office (AO) for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. A description of the training program outline and materials, and the qualifications of the trainers; and 2. Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and 3. Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas. 	<p>The project owner shall submit the UXO Identification, Training and Reporting Plan to the CPM for approval no later than 30 days prior to the start of site mobilization. The results of geophysical surveys shall be submitted to the CPM within 30 days of completion of the surveys.</p>	<p>CEC</p>

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
<p>WASTE-2, Resume of Professional Engineer or Geologist: The project owner shall provide the résumé of an experienced and qualified Professional Engineer or Professional Geologist to the Compliance Project Manager (CPM) and BLM Authorized Office (AO) for review and approval. The résumé shall show experience in remedial investigation and feasibility studies. This Professional Engineer or Professional Geologist shall be available during site characterization (if needed), excavation, grading, and demolition activities. The Professional Engineer or Professional Geologist shall be given authority by the project owner to oversee any earth-moving activities that have the potential to disturb contaminated soil and impact public health, safety, and the environment.</p>	<p>At least 30 days prior to the start of site mobilization the project owner shall submit the resume to the CPM for review and approval.</p>	<p align="center">CEC</p>
<p>WASTE-3, Inspection and Reporting of Potentially Contaminated Soil: If potentially contaminated soil is identified during site characterization, excavation, grading, or demolition at either the proposed site or linear facilities—as evidenced by discoloration, odor, detection by handheld instruments, or other signs—the Professional Engineer or Professional Geologist shall inspect the site; determine the need for sampling to confirm the nature and extent of contamination; and provide a written report to the project owner, representatives of Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), the Compliance Project Manager (CPM) and the BLM Authorized Office (AO) stating the recommended course of action.</p> <p>Depending on the nature and extent of contamination, the Professional Engineer or Professional Geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If in the opinion of the Professional Engineer or Professional Geologist significant remediation may be required, the project owner shall contact the CPM, AO and representatives of the DTSC or RWQCB for guidance and possible oversight.</p>	<p>The project owner shall submit any reports filed by the Professional Engineer or Professional Geologist to the CPM within five days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.</p>	<p align="center">CEC</p>
<p>WASTE-4, Construction Waste Management Plan: The project owner shall submit a Construction Waste Management Plan to the Compliance Project Manager (CPM) and the BLM Authorized Office (AO) for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a description of all construction waste streams, including projections of frequency, amounts generated and hazard classifications; 2. a survey of structures to be demolished that identifies the types of waste to be managed; 3. a reuse/recycling plan for construction and demolition materials that meets or exceeds the 50 percent waste diversion goal established by the Integrated Waste Management Compliance Act; and, 4. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods, and companies providing treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans. 	<p>The project owner shall submit the Construction Waste Management Plan to the CPM for approval no less than 30 days prior to the initiation of construction activities at the site.</p>	<p align="center">CEC</p>
<p>WASTE-5, Hazardous Waste Generator Identification Number: The project owner shall obtain a hazardous waste generator identification number from the United States Environmental Protection Agency (USEPA) prior to generating any hazardous waste during project construction and operations.</p>	<p>The project owner shall keep a copy of the identification number on file at the project site and provide documentation of the hazardous waste generation and notification and receipt of the number to the CPM in the next scheduled</p>	<p align="center">CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
	Monthly Compliance Report after receipt of the number. Submittal of the notification and issued number documentation to the CPM is only needed once unless there is a change in ownership, operation, waste generation, or waste characteristics that requires a new notification to USEPA. Documentation of any new or revised hazardous waste generation notifications or changes in identification number shall be provided to the CPM in the next scheduled compliance report.	
<p>WASTE-6, Notification of Impending Waste Management-Related Enforcement Action: Upon notification of any impending waste management-related enforcement action by any local, state, or federal authority, the project owner shall notify the Compliance Project Manager (CPM) of any such action taken or proposed against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts, and describe how the violation will be corrected.</p>	The project owner shall notify the CPM in writing within 10 days of receiving written notice from authorities of an impending enforcement action. The CPM shall notify the project owner of any changes that will be required in the way project-related wastes are managed as a result of a finalized action against the project.	CEC
<p>WASTE-7, Operation Waste Management Plan: The project owner shall submit the Operation Waste Management Plan to the CPM for review and approval. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a detailed description of all operation and maintenance waste streams, including projections of amounts to be generated, frequency of generation, and waste hazard classifications; 2. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to ensure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans; 3. information and summary records of contacts with the local Certified Unified Program Agency and the Department of Toxic Substances Control regarding any waste management requirements necessary for project activities. Copies of all required waste management permits, notices, and/or authorizations shall be included in the plan and updated as necessary; 4. a detailed description of how facility wastes will be managed and any contingency plans to be employed, in the event of an unplanned closure or planned temporary facility closure; and 5. a detailed description of how facility wastes will be managed and disposed upon closure of the facility. 	<p>The project owner shall submit the Operation Waste Management Plan to the CPM for approval no later than 30 days prior to the start of project operation. The project owner shall submit any required revisions to the CPM within 20 days of notification from the CPM that revisions are necessary.</p> <p>The project owner shall also document in each Annual Compliance Report the actual volume of wastes generated and the waste management methods used during the year, provide a comparison of the actual waste generation and management methods used to those proposed in the original Operation Waste Management Plan, and update the Operation Waste Management Plan as necessary to address current waste generation and management practices.</p>	CEC
<p>WASTE-8, Heat Transfer Fluid Spills and Releases: The project owner shall document all releases and spills of Heat Transfer Fluid (HTF) as described in Condition WASTE-9 and report only those that are 42 gallons or more, the CERCLA reportable quantity, as required in the Soil and Water Resources section of this Decision. Cleanup and temporary staging of HTF-contaminated soils shall be conducted in accordance with the approved Operation Waste Management Plan</p>	The project owner shall submit to the CPM and the DTSC for approval the project owner's assessment of whether the HTF contaminated soil is considered hazardous or non-hazardous under state regulations. HTF- contaminated soil	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
<p>required in Condition WASTE-7. The project owner shall sample HTF-contaminated soil from CERCLA reportable incidents involving 42 gallons or more in accordance with the United States Environmental Protection Agency's (USEPA) current version of "Test Methods for Evaluating Solid Waste" (SW-846). Samples shall be analyzed in accordance with USEPA Method 8015 or other method to be reviewed and approved by DTSC and the CPM.</p> <p>Within 28 days of an HTF spill, the project owner shall provide the results of the analyses and their assessment of whether the HTF- contaminated soil is considered hazardous or non-hazardous to the Department of Toxic Substances Control (DTSC) and the CPM for review and approval.</p> <p>If DTSC, and the CPM determine the HTF-contaminated soil is considered hazardous, it shall be disposed of in accordance with California Health and Safety Code Section 25203 and procedures outlined in the approved Operation Waste Management Plan required in Condition WASTE-7 and reported to the CPM in accordance with Condition WASTE-9.</p> <p>If DTSC and the CPM determine the HTF-contaminated soil is considered non-hazardous it shall be retained in the land treatment unit (LTU) and treated on-site in accordance with the Waste Discharge Requirements contained in the Soil and Water Resources section of this Decision.</p>	<p>that exceeds the regulatory hazardous waste levels must be disposed of in accordance with California Health and Safety Code Section 25203. HTF-contaminated soil that does not exceed the hazardous waste levels may be discharged to the on-site LTU. For discharges into the LTU, the project owner shall comply with the Waste Discharge Requirements contained in the Soil and Water Resources section of this Decision.</p>	
<p>WASTE-9, The project owner shall ensure that all accidental spills or unauthorized releases of hazardous substances, hazardous materials, and hazardous waste are documented and remediated, and that wastes generated from accidental spills and unauthorized releases are properly managed and disposed of in accordance with all applicable federal, state, and local LORS and requirements. For the purpose of this Condition of Certification, "release" shall have the definition in Title 40 of the Code of Federal Regulations, Part 302.3.</p>	<p>No later than 30 days of the date that a project-related hazardous substance release was discovered, the project manager shall provide a copy of the accidental spill or unauthorized release documentation to the CPM.</p> <p>The project owner shall document management of all accidental spills and unauthorized releases of hazardous substances, hazardous materials, and hazardous wastes that occur on the project property or related linear facilities. The documentation shall include, at a minimum, the following information: location of release; date and time of release; reason for release; volume released; how release was managed and material cleaned up; amount of contaminated soil and/or cleanup wastes generated; if the release was reported; to whom the release was reported; release corrective action and cleanup requirements placed by regulating agencies; level of cleanup achieved and actions taken to prevent a similar release or spill; and disposition of any hazardous wastes and/or contaminated soils and materials that may have been generated by the release.</p>	CEC
<p>WASTE-10, The project owner shall ensure that none of the project's non- hazardous, non-recyclable, and non-reusable construction and operation wastes shall be diverted to or deposited at either the Desert Center Landfill or the Oasis Sanitary Landfill.</p>	<p>The project owner shall provide documentation of all project- related solid waste disposal activities and identify the landfills receiving project- related wastes in the Annual Compliance Report submitted to the CPM.</p>	CEC

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY		
<p>WORKER SAFETY-1, Project Construction Safety and Health Program: The project owner shall submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:</p> <ol style="list-style-type: none"> 1. a Construction Personal Protective Equipment Program; 2. a Construction Exposure Monitoring Program; 3. a Construction Injury and Illness Prevention Program; 4. a Construction heat stress protection plan that implements and expands on existing Cal OSHA regulations as found in 8 CCR 3395; 5. a Construction Emergency Action Plan; and 6. a Construction Fire Prevention Plan. <p>The Personal Protective Equipment Program, the Exposure Monitoring Program, the Heat Stress Protection Plan, and the Injury and Illness Prevention Program shall be submitted to the CPM for review and approval concerning compliance of the program with all applicable safety orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside County Fire Department for review and comment prior to submittal to the CPM for approval.</p>	<p>At least 30 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Fire Department stating the fire department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.</p>	<p>CEC</p>
<p>WORKER SAFETY-2, Project Operations and Maintenance Safety and Health Program: The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:</p> <ol style="list-style-type: none"> 1. an Operation Injury and Illness Prevention Plan, including measures to prevent exposure to Valley Fever; 2. an Operation heat stress protection plan that implements and expands on existing Cal OSHA regulations (8 CCR 3395); 3. a Best Management Practices (BMP) for the storage and application of herbicides; 4. an Emergency Action Plan; 5. Hazardous Materials Management Program; 6. Fire Prevention Plan that includes the fuel depot should the project owner elect to maintain and operate the fuel depot during operations (8 Cal Code Regs. § 3221) as well as the fire protection measures described in this Decision and any necessary upgrades required by current applicable LORS; and 7. Personal Protective Equipment Program (8 Cal Code Regs, §§ 3401-3411). <p>The Operation Injury and Illness Prevention Plan, Emergency Action Plan, Heat Stress Protection Plan, BMP for Herbicides, and Personal Protective Equipment Program shall be submitted to the CPM for review and comment concerning compliance of the programs with all applicable safety orders. The Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the Riverside County Fire Department for review and comment.</p>	<p>At least 30 days prior to the start of first-fire or commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Fire Department stating the fire department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.</p>	<p>CEC</p>

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>WORKER SAFETY-3, Construction Safety Supervisor: The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards; is capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall:</p> <ol style="list-style-type: none"> 1. have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs; 2. assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects; 3. assure that all construction and commissioning workers and supervisors receive adequate safety training; 4. complete accident and safety-related incident investigations and emergency response reports for injuries and inform the CPM of safety-related incidents; and 5. assure that all the plans identified in Conditions of Certification Worker Safety-1 and -2 are implemented. 	<p>At least 30 days prior to the start of site mobilization, the project owner shall submit to the CPM the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement CSS shall be submitted to the CPM within one business day.</p> <p>The CSS shall submit in the Monthly Compliance Report a monthly safety inspection report to include:</p> <ol style="list-style-type: none"> A. A record of all employees trained for that month (all records shall be kept on site for the duration of the project); B. A summary report of safety management actions and safety-related incidents that occurred during the month; C. A report of any continuing or unresolved situations and incidents that may pose danger to life or health; and D. A report of accidents and injuries that occurred during the month. 	CEC
<p>WORKER SAFETY-4, Safety Monitor: The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO and will be responsible for verifying that the Construction Safety Supervisor, as required in Condition of Certification WORKER SAFETY-3, implements all appropriate Cal/OSHA and Energy Commission safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.</p>	<p>At least 30 days prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the CPM for review and approval.</p>	CEC
<p>WORKER SAFETY-5, Automatic External Defibrillator (AED): The project owner shall ensure that a portable automatic external defibrillator (AED) is located on site during construction and operations and shall implement a program to ensure that workers are properly trained in its use and that the equipment is properly maintained and functioning at all times. During construction and commissioning, the following persons shall be trained in its use and shall be on site whenever the workers that they supervise are on site: the Construction Project Manager or delegate, the Construction Safety Supervisor or delegate, and all shift foremen. During operations, all power plant employees shall be trained in its use. The training program shall be submitted to the CPM for review and approval.</p>	<p>At least 60 days prior to the start of site mobilization, the project owner shall submit to the CPM proof that a portable automatic external defibrillator (AED) exists on site and a copy of the training and maintenance program for review and approval.</p>	CEC
<p>WORKER SAFETY-6, Emergency Access Point: The project owner shall:</p> <ol style="list-style-type: none"> A. Provide a secondary site access gate for emergency personnel to enter the site. This secondary site access gate shall be at least one-quarter mile from the main gate. 	<p>At least 60 days prior to the start of site mobilization, the project owner shall submit to the RCFD and the CPM preliminary plans showing the location of a secondary site access gate to the site, a description of how the secondary</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>B. Provide a second access road which provides entry to the site. This road shall be at a minimum an all-weather gravel road, at least 20 feet wide, and shall come from the Interstate-10 right-of-way to the project site at the location of where the fence line of the eastern solar field comes the nearest to the I-10 right-of-way, if approved by Caltrans, a locked gate shall be placed in the I-10 right-of-way fence. The RCFD, the California Highway Patrol, and the Riverside County Sheriff's Department shall be given access to the gate.</p> <p>C. Maintain the main access road and the second access road and provide a plan for construction and implementation.</p> <p>Plans for the secondary access gate, the method of gate operation, secondary gravel road, and maintenance of the roads shall be submitted to the Riverside County Fire Department for review and comment and to the CPM for review and approval.</p>	<p>site access gate will be opened by the fire department and other emergency services, and a description and map showing the location, dimensions, and composition of the main road, and the gravel road to the secondary site access gate.</p> <p>At least 30 days prior to the start of site mobilization, the project owner shall submit the secondary site access gate final plans plus the road maintenance plan to the CPM for review and approval. The final plan submittal shall also include a letter containing comments from the Riverside County Fire Department or a statement that no comments were received.</p> <p>At least 30 days after approval by Caltrans, the project owner shall submit final plans for the gate in the I-10 right-of-way to the Riverside County Fire Department for review and comment and to the CPM for review and approval.</p>	
<p>WORKER SAFETY-7, Fire Protection/Response Infrastructure: The project owner shall either:</p> <p>A. Reach an agreement with the Riverside County Fire Department regarding funding of its project-related share of capital costs to build fire protection/response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection services, or, if no agreement can be reached shall</p> <p>B. Fund its share of the capital costs in the amount of \$850,000 and shall provide an annual payment of \$375,000 to the RCFD for the support of three fire department staff commencing with the date of site mobilization and continuing annually thereafter on the anniversary until the final date of power plant decommissioning.</p>	<p>At least 30 days prior to the start of site mobilization, the project owner shall provide to the CPM for review and approval either:</p> <ol style="list-style-type: none"> 1. A copy of the agreement with the RCFD for 2. Documentation that a letter of credit in the amount of \$850,000 has been provided to the RCFD and documentation that a letter of credit in the amount of \$375,000 will be provided to RCFD each year at the start of commercial operations. Proof of the annual \$375,000 letter of credit shall be included each year in the Project Owner's Annual Report to the CPM. 	
<p>WORKER SAFETY-8, Water Spray System: The project owner shall place a water spray system on the two LPG storage tanks. The engineering design plans shall comply with NFPA 15, <i>Standard for Water Spray Fixed Systems for Fire Protection</i> and be provided to the CPM for review and approval prior to commencing construction of the water spray system.</p>	<p>At least 30 days prior to site mobilization, the project owner shall provide the engineering design plans to the CPM for review and approval. At least 30 days prior to the delivery of any LPG to the facility, the project owner shall provide a written statement to the CPM that the LPG tank water spray system has been built and successfully tested.</p>	

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>WORKER SAFETY-9, Dust Control Plan: The project owner shall develop and implement an enhanced Dust Control Plan that includes the requirements described in Conditions AQ-SC3 and AQ-SC4, and additionally requires:</p> <p>A. Site worker use of dust masks (NIOSH N-95 or better) whenever visible dust is present;</p> <p>B. Implementation of Rule 402 of the Kern County Air Pollution Control District (as amended Nov. 3, 2004); and</p> <p>C. Implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. consistent with AQ-SC4) immediately whenever visible dust persists in the breathing zone of the workers, or when PM10 measurements obtained when implementing B (above) indicate an increase in PM10 concentrations due to project activities of 50 µg/m³ or more.</p>	<p>At least 30 days prior to the commencement of site mobilization, the enhanced Dust Control Plan shall be provided to the CPM for review and approval.</p>	
<p>WORKER SAFETY-10, Joint Training with RCFD: The project owner shall participate in annual joint training exercises with the Riverside County Fire Department (RCFD). The project owner shall coordinate this training with other Energy Commission-licensed solar power plants within Riverside County such that this project shall host the annual training on a rotating yearly basis with the other solar power plants.</p>	<p>At least 10 days prior to the start of commissioning, the project owner shall submit to the CPM proof that a joint training program with the RCFD is established. In each January Monthly Compliance Report during construction and the Annual Compliance Report during operation, the project owner shall include the date, list of participants, training protocol, and location of the annual joint training.</p>	
GEOLOGY, PALEONTOLOGY, AND MINERALS		
<p>GEO-1, Soils Engineering Report: The Soils Engineering Report required by Section 1802A of the 2007 CBC should specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of potential hydrocompaction or dynamic compaction; the presence of expansive clay soils; and the presence of corrosive soils. The report should also include recommendations for ground improvement and/or foundation systems necessary to mitigate these potential geologic hazards, if present.</p>	<p>The project owner shall include in the application for a grading permit a copy of the Soils Engineering Report which addresses the potential for liquefaction; settlement due to compressible soils, ground water withdrawal, hydro-compaction, or dynamic compaction; and the possible presence of expansive clay soils, and a summary of how the results of the analyses were incorporated into the project foundation and grading plan design for review and comment by the Chief Building Official (CBO). A copy of the Soils Engineering Report, application for grading permit and any comments by the CBO are to be provided to BLM's Authorized Officer and the CPM at least 30 days prior to grading.</p>	
<p>PAL-1, Paleontological Resources Specialist (PRS): The project owner shall provide the compliance project manager (CPM) with the resume and qualifications of its paleontological resource specialist (PRS) for review and approval. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the project owner shall obtain CPM approval of the replacement PRS. The project owner shall keep resumes on file for qualified paleontological resource monitors (PRMs). If a PRM is replaced, the resume of the replacement PRM shall also be provided to the CPM.</p>	<p>(1) At least 60 days prior to the start of ground disturbance, the project owner shall submit a resume and statement of availability of its designated PRS for on-site work.</p> <p>(2) At least 20 days prior to ground disturbance, the PRS or project owner shall provide a letter with resumes</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>The PRS resume shall include the names and phone numbers of references. The resume shall also demonstrate to the satisfaction of the CPM the appropriate education and experience to accomplish the required paleontological resource tasks.</p> <p>As determined by the CPM, the PRS shall meet the minimum qualifications for a vertebrate paleontologist as described in the Society of Vertebrate Paleontology (SVP) guidelines of 1995. The experience of the PRS shall include the following:</p> <ol style="list-style-type: none"> 1. Institutional affiliations, appropriate credentials, and college degree; 2. Ability to recognize and collect fossils in the field; 3. Local geological and biostratigraphic expertise; 4. Proficiency in identifying vertebrate and invertebrate fossils; and 5. At least three years of paleontological resource mitigation and field experience in California and at least one year of experience leading paleontological resource mitigation and field activities. <p>The project owner shall ensure that the PRS obtains qualified paleontological resource monitors to monitor as he or she deems necessary on the project. Paleontologic resource monitors (PRMs) shall have the equivalent of the following qualifications:</p> <ol style="list-style-type: none"> 1. BS or BA degree in geology or paleontology and one year of experience monitoring in California; or 2. AS or AA in geology, paleontology, or biology and four years' experience monitoring in California; or 3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in California. 	<p>naming anticipated monitors for the project, stating that the identified monitors meet the minimum qualifications for paleontological resource monitoring required by the condition. If additional monitors are obtained during the project, the PRS shall provide additional letters and resumes to the CPM. The letter shall be provided to the CPM no later than one week prior to the monitor's beginning on-site duties.</p> <p>(3) Prior to the termination or release of a PRS, the project owner shall submit the resume of the proposed new PRS to the CPM for review and approval.</p>	
<p>PAL-2, Materials for PRS and CPM: The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction lay-down areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPM. The site grading plan and plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch = 40 feet and 1 inch = 100 feet. If the footprint of the project or its linear facilities changes, the project owner shall provide maps and drawings reflecting those changes to the PRS and CPM.</p> <p>If construction of the project proceeds in phases, maps and drawings may be submitted prior to the start of each phase. A letter identifying the proposed schedule of each project phase shall be provided to the PRS and CPM. Before work commences on affected phases, the project owner shall notify the PRS and CPM of any construction phase scheduling changes.</p> <p>At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent or construction field manager to confirm area(s) to be worked the following week and until ground disturbance is completed.</p>	<p>(1) At least 30 days prior to the start of ground disturbance, the project owner shall provide the maps and drawings to the PRS and CPM.</p> <p>(2) If there are changes to the footprint of the project, revised maps and drawings shall be provided to the PRS and CPM at least 15 days prior to the start of ground disturbance.</p> <p>(3) If there are changes to the scheduling of the construction phases, the project owner shall submit a letter to the CPM within 5 days of identifying the changes.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>PAL-3, Paleontological Resources Monitoring and Mitigation Plan (PRMMP): The project owner shall ensure that the PRS prepares, and the project owner submits to the CPM for review and approval, a paleontological resources monitoring and mitigation plan (PRMMP) to identify general and specific measures to minimize potential impacts to significant paleontological resources. Approval of the PRMMP by the CPM shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting, and sampling activities and may be modified with CPM approval. This document shall be used as the basis of discussion when on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the project owner’s on-site manager, and the CPM.</p> <p>The PRMMP shall be developed in accordance with the guidelines of the Society of Vertebrate Paleontology (SVP 1995) and shall include, but not be limited, to the following:</p> <ol style="list-style-type: none"> 1. Assurance that the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, fieldwork, flagging or staking, construction monitoring, mapping and data recovery, fossil preparation and collection, identification and inventory, preparation of final reports, and transmittal of materials for curation will be performed according to PRMMP procedures; 2. Identification of the person(s) expected to assist with each of the tasks identified within the PRMMP and the conditions of certification; 3. A thorough discussion of the anticipated geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units; 4. An explanation of why, how, and how much sampling is expected to take place and in what units. Include descriptions of different sampling procedures that shall be used for fine-grained and coarse-grained units; 5. A discussion of the locations of where the monitoring of project construction activities is deemed necessary, and a proposed plan for monitoring and sampling; 6. A discussion of procedures to be followed in the event of a significant fossil discovery, halting construction, resuming construction, and how notifications will be performed; 7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits; 8. Procedures for inventory, preparation, and delivery for curation into a retrievable storage collection in a public repository or museum, which meet the Society of Vertebrate Paleontology’s standards and requirements for the curation of paleontological resources; 9. Identification of the institution that has agreed to receive data and fossil materials collected, requirements or specifications for materials delivered for curation and how they will be met, and the name and phone number of the contact person at the institution; and 10. A copy of the paleontological conditions of certification. 	<p>At least 30 days prior to ground disturbance, the project owner shall provide a copy of the PRMMP to the CPM. The PRMMP shall include an affidavit of authorship by the PRS and acceptance of the PRMMP by the project owner evidenced by a signature.</p>	

**TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)**

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>PAL-4, Approved Weekly Training Pertaining to Ground Disturbance: Prior to ground disturbance and for the duration of construction activities involving ground disturbance, the project owner and the PRS shall prepare and conduct weekly CPM-approved training for the following workers: project managers, construction supervisors, foremen, and general workers involved with or who operate ground-disturbing equipment or tools. Workers shall not excavate in sensitive units prior to receiving CPM-approved worker training. Worker training shall consist of an initial in-person PRS training or may utilize a CPM-approved video or other presentation format during the project kick off for those mentioned above. Following initial training, a CPM-approved video or other approved training presentation/materials, or in-person training may be used for new employees. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. No ground disturbance shall occur prior to CPM approval of the Worker Environmental Awareness Program (WEAP), unless specifically approved by the CPM. The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources.</p> <p>The training shall include:</p> <ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Good quality photographs or physical examples of vertebrate fossils for project sites containing units of high paleontologic sensitivity; 3. Information that the PRS or PRM has the authority to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource; 4. Instruction that employees are to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM; 5. An informational brochure that identifies reporting procedures in the event of a discovery; 6. A WEAP certification of completion form signed by each worker indicating that he/she has received the training; and 7. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 	<ol style="list-style-type: none"> (1) At least 30 days prior to ground disturbance, the project owner shall submit the proposed WEAP, including the brochure, with the set of reporting procedures for workers to follow. (2) At least 30 days prior to ground disturbance, the project owner shall submit the training program presentation/materials to the CPM for approval if the project owner is planning to use a presentation format other than an in-person trainer for training. (3) If the owner requests an alternate paleontological trainer, the resume and qualifications of the trainer shall be submitted to the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct training prior to CPM authorization. (4) In the monthly compliance report (MCR), the project owner shall provide copies of the WEAP certification of completion forms with the names of those trained and the trainer or type of training (in-person or other approved format) offered that month. The MCR shall also include a running total of all persons who have completed the training to date. 	
<p>PAL-5, Paleontological Monitoring Activities: The project owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP all construction-related grading, excavation, trenching, and augering in areas where potential fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. In the event that the PRS determines full-time monitoring is not necessary in locations that were identified as potentially fossil bearing in the PRMMP, the project owner shall notify and seek the concurrence of the CPM. The project owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction if paleontological resources are encountered. The project owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Monitoring activities shall be conducted as follows:</p> <ol style="list-style-type: none"> 1. Any change of monitoring from the accepted schedule in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to the CPM prior to the change in monitoring and will be included in the monthly compliance report. The letter or email shall include the justification for the change in monitoring and be submitted to the CPM for review and approval. 	<p>The project owner shall ensure that the PRS submits the summary of monitoring and paleontological activities in the MCR. When feasible, the CPM shall be notified 10 days in advance of any proposed changes in monitoring different from the plan identified in the PRMMP. If there is any unforeseen change in monitoring, the notice shall be given as soon as possible prior to implementation of the change.</p>	

TABLE B-1 (Continued)
CONDITIONS OF CERTIFICATION (Continued)

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>2. The project owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time.</p> <p>3. The project owner shall ensure that the PRS notifies the CPM within 24 hours of the occurrence of any incidents of non-compliance with any paleontological resources conditions of certification. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the conditions of certification.</p> <p>4. For any significant paleontological resources encountered, either the project owner or the PRS shall notify the CPM within 24 hours, or Monday morning in the case of a weekend event, where construction has been halted because of a paleontological find.</p> <p>The project owner shall ensure that the PRS prepares a summary of monitoring and other paleontological activities placed in the monthly compliance reports. The summary will include the name(s) of PRS or PRM(s) active during the month; general descriptions of training and monitored construction activities; and general locations of excavations, grading, and other activities. A section of the report shall include the geologic units or subunits encountered, descriptions of samplings within each unit, and a list of identified fossils. A final section of the report will address any issues or concerns about the project relating to paleontologic monitoring, including any incidents of non-compliance or any changes to the monitoring plan that have been approved by the CPM. If no monitoring took place during the month, the report shall include an explanation in the summary as to why monitoring was not conducted.</p>		
<p>PAL-6, Implementation of PRMMP: The project owner, through the designated PRS, shall ensure that all components of the PRMMP are adequately performed including collection of fossil materials, preparation of fossil materials for analysis, analysis of fossils, identification and inventory of fossils, the preparation of fossils for curation, and the delivery for curation of all significant paleontological resource materials encountered and collected during project construction.</p>	<p>The project owner shall maintain in his/her compliance file copies of signed contracts or agreements with the designated PRS and other qualified research specialists. The project owner shall maintain these files for a period of three years after project completion and approval of the CPM-approved paleontological resource report (see Condition of Certification PAL-7). The project owner shall be responsible for paying any curation fees charged by the museum for fossils collected and curated as a result of paleontological mitigation. A copy of the letter of transmittal submitting the fossils to the curating institution shall be provided to the CPM.</p>	
<p>PAL-7, Paleontological Resources Report (PRR): The project owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of the ground-disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and submit it to the CPM for review and approval. The report shall include, but is not limited to, a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the PRS that project impacts to paleontological resources have been mitigated below the level of significance.</p>	<p>Within 90 days after completion of ground-disturbing activities, including landscaping, the project owner shall submit the PRR under confidential cover to the CPM.</p>	

APPENDIX C

Applicable Laws, Regulations, Policies, Executive Orders

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS

Applicable LORS	Description
GENERAL	
Federal	
Federal Land Policy and Management Act of 1976 (FLPMA) (43 United States Code [USC] Section 1701, 1761; 43 Code of Federal Regulations [CFR] parts 1600 and 2800.	Establishes public land policy; guidelines for administration; and provides for the management, protection, development, and enhancement of public lands. In particular, FLPMA is relevant to the proposed project because Title V, Section 501, establishes BLM's authority to grant rights-of-way for generation, transmission, and distribution of electrical energy (FLPMA 2001).
Bureau of Land Management – California Desert Conservation Area (CDCA) Plan, 1980 as Amended	<p>The 25 million-acre CDCA contains over 12 million acres of public lands spread within the area known as the California Desert, which includes the following three deserts: the Mojave, the Sonoran, and a small portion of the Great Basin. The 12 million acres of public lands administered by the BLM are about half of the CDCA.</p> <p>The CDCA Plan is a comprehensive, long-range plan with goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA. It is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The plan's goals and actions for each resource are established in its 12 elements. Each element provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern and a more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.</p>
Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan)	The NECO plan is a landscape-scale planning effort for most of the California portion of the Sonoran Desert ecosystem. The planning area encompasses over five million acres. The NECO Plan amended the CDCA Plan in 2002 and is currently undergoing evaluation for further amendment.
Wild and Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195)	Under this authority, and as part of its multiple-use mission under FLPMA, the BLM protects wild horses and burros from capture, branding, harassment, and death; and manages and controls them with the intent to achieve and preserve the natural ecological balance on public lands and to ensure that healthy herds thrive on healthy rangelands. The BLM manages these animals.
State	
California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.); CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.)	<p>CEQA requires State and local public agencies in California to consider the direct, indirect and cumulative effects of projects that they undertake, fund, or permit, and to avoid or reduce significant environmental impacts when it is feasible to do so.</p> <p>The California Energy Commission, the state Lead Agency, implements CEQA through its certified regulatory program. Under this program, which has been certified by the Resources Agency as equivalent to CEQA, the CEC complies with CEQA by evaluating the impacts of energy projects as a part of its Staff Assessment</p>
Local	
Riverside County General Plan	The Riverside County General Plan provides a blueprint for long-term public and private within the County, expresses the community's goals with respect to both human-made and natural environments, and provides the foundation upon which County leaders make decisions about growth, land use, traffic, open space, safety, noise, housing, air quality and other values.
Riverside County General Plan Land Use Element	A 40-acre parcel (APN 810-110-007) within the PSPP area is under the County of Riverside's jurisdiction; land uses on this parcel are subject to the County's General Plan, County Code and applicable policies. The Land Use designation of the parcel is "Open Space Rural."
Open Space-Rural Policies:	The Open Space Rural land use designation is applied to remote privately owned open space areas with limited access and a lack of public services.
LU 20.1	Require that structures be designed to maintain the environmental character in which they are located.
LU 20.2	Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance;

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
GENERAL (cont.)	
Local (cont.)	
LU 20.3	Require that adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use;
LU 20.4	Ensure that development does not adversely impact the open space and rural character of the surrounding area
LU 20.5	Encourage parcel consolidation; and
LU 20.6	Provide programs and incentives that allow Open Space-Rural areas to maintain and enhance their existing and desired character.
Riverside County Land Use Ordinance	Assigns zones to land within unincorporated areas in the County, describes land uses allowed in each zone, and generally includes direction for implementing the County General Plan.
Riverside County Airport Land Use Compatibility Plan	The Riverside County Airport Land Use Commission (RCALUC) reviews major land use projects within the Airport Influence Area to determine if they are consistent with the Compatibility Plan adopted by the RCALUC for the airports environs.
AIR QUALITY	
Federal	
40 CFR Part 52	<p>Nonattainment New Source Review (NSR) requires a permit, Best Available Control Technology (BACT) and Offsets. Permitting and enforcement is delegated to the Mojave Desert Air Quality Management District (MDAQMD).</p> <p>Prevention of Significant Deterioration (PSD) requires major sources or major modifications to major sources to obtain permits for attainment pollutants. The PSPP is a new source that does not have a rule listed emission source; thus, the PSD trigger levels are 250 tons per year for NO_x, VOC, SO_x, PM₁₀ PM_{2.5} and CO.</p>
40 CFR Part 60	<p>New Source Performance Standards (NSPS), Subpart Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generation Units. Establishes recordkeeping and reporting requirements for natural gas-fired steam-generating units.</p> <p>Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Establishes emission standards for compression-ignition internal combustion engines, including emergency generator and fire water pump engines.</p>
40 CFR Part 93	General Conformity requires a determination of conformity with the State Implementation Plan for a project that requires a Federal approval if the project's annual emissions are above specified levels.
State	
California Health & Safety Code §§ 40910-40930	Permitting of source needs to be consistent with Air Resource Board (ARB) approved Clean Air Plans.
Health & Safety Code § 41700	Restricts emissions that would cause nuisance or injury.
Title 17 California Code of Regulations (CCR) § 93115	Airborne Toxic Control Measure for Stationary Compression Ignition Engines limits the types of fuels allowed, establishes maximum emission rates, and establishes recordkeeping requirements on stationary compression ignition engines, including emergency generator and fire water pump engines.
Rule 201 and 203 Permits Required	Requires a Permit to Construct before construction of an emission source occurs. Prohibits operation of any equipment that emits or controls an air pollutant without first obtaining a permit to operate.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
AIR QUALITY (cont.)	
Local (Mojave Desert Air Quality Management District, MDAQMD)	
Rules 401, 402, and 403 Nuisance, Visible Emissions, Fugitive Dust	Limits visible, nuisance, and fugitive dust emissions and would be applicable to the construction period of the project.
Rule 404 Particulate Matter - Concentration	Limits the particulate matter concentration from stationary source exhausts.
Rule 406 Specific Contaminants	Prohibits sulfur compound emissions in excess of 500 parts per million by volume (ppmv)
Rule 407 Liquid and Gaseous Air Contaminants	Prohibits carbon monoxide emissions in excess of 2,000 ppmv.
Rule 409 Combustion Contaminants	Limits the emissions from fossil fuel combustion.
Rule 431 Sulfur Content of Fuels	Limits the sulfur content of liquid fuels to no more than 0.5% by weight.
Rule 900 Standard of Performance for New Stationary Source	Incorporates the Federal NSPS (40 CFR 60) rules by reference.
Rule 1303 New Source Review	Specifies BACT/Offsets technology and requirements for a new emissions unit that has potential to emit any regulated pollutants.
Rule 1306 Electric Energy Generating Facilities	Describes actions to be taken for permitting of power plants that are within the jurisdiction of the California Energy Commission.
BIOLOGICAL RESOURCES	
Federal	
Federal Endangered Species Act (16 USC 1531 et seq.; 50 CFR Parts 17 and 402	Designates and protects Federally threatened and endangered plants and animals and designated critical habitats.
Clean Water Act (33 USC 1251- 1376; 40 CFR 330.5(a)(26))	Requires the permitting and monitoring of all discharges to surface water bodies. Section 404 requires a permit from the U.S. Army Corps of Engineers (USACE) for a discharge of dredged or fill materials into "waters of the U.S", including wetlands. Section 401 requires that an applicant for a Federal license or permit to conduct an activity that could result in a discharge to waters of the United States must provide the Federal agency with a certification from the applicable regional water quality control board (RWQCB) that any such discharge will comply with the Clean Water Act, including state and Federal water quality standards.
Bald and Golden Eagle Protection Act (16 U.S.C. 668- 668d; 50 CFR Part 22)	<p>This Act protects bald eagles and golden eagles by prohibiting, except under certain specified conditions, the take, possession, and commerce of such birds. The 1972 amendments increased penalties for violating provisions of the Act or regulations issued pursuant thereto and strengthened other enforcement measures. Rewards are provided for information leading to arrest and conviction for violation of the Act.</p> <p>Authorizes limited take of bald eagles (<i>Haliaeetus leucocephalus</i>) and golden eagles (<i>Aquila chrysaetos</i>), where the take is compatible with the preservation of the bald and golden eagle; necessary to protect an interest in a particular locality; associated with but not the purpose of the activity; and (1) for individual instances of take, the take cannot practicably be avoided; or (2) for programmatic take, the take is unavoidable even though advanced conservation practices are being implemented.</p> <p>50 CFR Section 22.27 provides for the intentional removal or relocation of eagle nests where (i) necessary to alleviate a safety emergency; (ii) necessary to ensure public health and safety; (iii) the nest prevents the use of a human-engineered structure, or; (iv) the activity, or mitigation for the activity, will provide a clear and substantial benefit to eagles. Only inactive nests would be allowed to be removed or relocated except in the case of safety emergencies.</p>

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
BIOLOGICAL RESOURCES (cont.)	
Federal (cont.)	
Migratory Bird Treaty Act of 1918 (16 USC 703-711), as amended	Makes it unlawful to take or possess any migratory nongame bird (or any part of such migratory nongame bird) as designated in the Migratory Bird Treaty Act.
Executive Order 11312	Prevents and controls invasive species.
Wild and Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195)	Under this authority, and as part of its multiple-use mission under FLPMA, the BLM protects wild horses and burros from capture, branding, harassment, and death; and manages and controls them with the intent to achieve and preserve the natural ecological balance on public lands and to ensure that healthy herds thrive on healthy rangelands. The BLM manages these animals
California Desert Protection Act of 1994 (CDPA)	An Act of Congress which established 69 wilderness areas, the Mojave National Preserve, expanded Joshua Tree and Death Valley National Monuments and redefined them as National Parks. Lands transferred to the National Park Service were formerly administered by the BLM and included substantial portions of grazing allotments, wild horse and burro Herd Management Areas, and Herd Areas.
California Desert Conservation Area Plan of 1980, as amended	The California Desert Conservation Area (CDCA) comprises one of two national conservation areas established by Congress at the time of the passage of the Federal Land Policy and Management Act (FLPMA), which outlines how the BLM will manage public lands. Congress specifically provided guidance for the management of the CDCA and directed the development of the 1980 CDCA Plan.
Northern and Eastern Colorado Desert Coordinated Management Plan (NECO)	A regional amendment to the CDCA Plan approved in 2002, NECO protects and conserves natural resources while simultaneously balancing human uses in the northern and eastern portion of the Colorado Desert.
Desert Tortoise (Mojave Population) Recovery Plan (1994) and Draft Revised Recovery Plan (USFWS 2008a)	Describes a strategy for recovery and delisting of the desert tortoise
State	
California Endangered Species Act of 1984 (Fish and Game Code §§ 2050-2098)	Protects California's rare, threatened, and endangered species.
Protected furbearing mammals (14 CCR 460)	Prohibits the take at any time of fisher, marten, river otter, desert kit fox and red fox.
14 CCR 670.2 and 670.5	Lists the plants and animals of California that are declared rare, threatened, or endangered.
Fully Protected Species (Fish and Game Code §§ 3511, 4700, 5050, and 5515)	Designates certain species as fully-protected and prohibits the take of such species or their habitat unless for scientific purposes (see also 14 CCR 670.7, concerning permits to take fully protected species for scientific purposes).
Nest or Eggs (Fish and Game Code § 3503)	Protects California's birds by making it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird.
Birds of Prey (Fish and Game Code § 3503.5)	Protects birds of prey by making it unlawful to take, possess, or destroy any birds in the orders Falconiformes and Strigiformes or to take, possess, or destroy the nest or eggs of any such bird.
Migratory Birds (Fish and Game Code § 3513)	Protects California's migratory birds by making it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame birds.
Nongame mammals (Fish and Game Code § 4150)	Makes it unlawful to take or possess any non-game mammal or parts thereof except as provided in the Fish and Game Code or in accordance with regulations adopted by the Fish and Game Commission.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
BIOLOGICAL RESOURCES (cont.)	
State (cont.)	
Significant Natural Areas (Fish and Game Code § 1930 et seq.)	Designates certain areas such as refuges, natural sloughs, riparian areas, and vernal pools as significant wildlife habitat.
California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.); CEQA Guidelines (14 CCR 15380)	CEQA defines rare species more broadly than the definitions for species listed under the state and Federal Endangered Species Acts. Under CEQA Guidelines Section 15830, species not protected through state or Federal listing but nonetheless demonstrable as “endangered” or “rare” under CEQA should receive consideration in environmental analyses. Included in this category are many plants considered rare by the California Native Plant Society (CNPS) and some animals on the CDFG’s Special Animals List.
Streambed Alteration Agreement (Fish and Game Code Section 1600 et seq.)	Regulates activities that may divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake in California designated by CDFG in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit. Impacts to vegetation and wildlife resulting from disturbances to waterways are also reviewed and regulated during the permitting process.
California Native Plant Protection Act of 1977 (Fish and Game Code Section 1900 et seq.)	Designates state rare, threatened, and endangered plants.
California Desert Native Plants Act of 1981 (Food and Agricultural Code Section 80001 et seq.; California Fish and Game Code Sections 1925-1926)	Protects non-listed California desert native plants from unlawful harvesting on both public and private lands in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego counties. Unless issued a valid permit, wood receipt, tag, and seal by the commissioner or sheriff, harvesting, transporting, selling, or possessing specific desert plants is prohibited.
Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.)	Regulates discharges of waste and fill material to waters of the State, including “isolated” waters and wetlands.
Local	
Riverside County General Plan	Protection and preservation of wildlife for the maintenance of the balance of nature.
CULTURAL RESOURCES	
Federal	
Antiquities Act of 1906 (16 USC 431–433)	Establishes criminal penalties for unauthorized destruction or appropriation of “any historic or prehistoric ruin or monument, or any object of antiquity” on Federal land; empowers the President to establish historical monuments and landmarks.
Archaeological Resources Protection Act of 1979 (ARPA) (16 USC 470aa et seq.)	Protects archaeological resources from vandalism and unauthorized collection on public and Indian lands.
National Historic Preservation Act of 1966 (NHPA) (16 USC 470)	Directs Federal agencies to take into account the effects of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places. Sets inventory, nomination, protection and preservation responsibilities for Federally-owned cultural properties.
Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 USC 3001–3013)	Provides for the protection of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony on Federal land. Establishes procedures for determining ownership of such remains and objects under Federal jurisdiction.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
GEOLOGY AND PALEONTOLOGY	
Federal	
Antiquities Act of 1906 (16 USC 431-433; 43 CFR Part 3)	All but about 40 acres of the proposed site is located on land currently administered by the BLM. Although there is no specific mention of natural or paleontologic resources in the Act itself, or in the Act's uniform rules and regulations, "objects of antiquity" has been interpreted to include fossils by the Federal Highways Act of 1956, the National Park Service (NPS), the BLM, the United States Forest Service (USFS), and other Federal agencies.
National Environmental Policy Act of 1970 (NEPA) (42 USC 4321 et. seq.)	Established the Council on Environmental Quality (CEQ), which is charged with preserving "important historic, cultural, and natural aspects of our national heritage."
Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701-1784)	Authorizes the BLM to manage public lands to protect the quality scientific, scenic, historical, archeological, and other values, and to develop "regulations and plans for the protection of public land areas of critical environmental concern," which include "important historic, cultural or scenic values."
Paleontologic Resources Preservation Act (PRPA) (Public Law 111-011)	Authorizes the Secretaries of the United States Departments of Interior and Agriculture to manage the protection of paleontologic resources on Federal lands.
National Historic Preservation Act of 1966 (NHPA) (16 USC 470)	Establishes policies for the "preservation of the prehistoric and historic resources of the United States."
State	
California Building Code (CBC), 2007	Includes a series of standards that are used in project investigation, design, and construction (including grading and erosion control).
Alquist-Priolo Earthquake Fault Zoning Act (Cal. Pub. Res. Code [PRC] §§ 2621–2630)	Mitigates against surface fault rupture of known active faults beneath occupied structures. Requires disclosure to potential buyers of existing real estate and a 50-foot setback for new occupied buildings. The proposed PSPP site is not crossed by any known active faults or designated Alquist-Priolo Earthquake Fault Zones (EFZs).
Seismic Hazards Mapping Act (PRC 2690–2699)	Identifies areas that are subject to the effects of strong ground shaking, such as liquefaction, landslides, tsunamis, and seiches.
PRC 5097.5, 30244	Regulates removal of paleontologic resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.
Warren-Alquist Act (PRC 25527, 25550.5(i))	Requires the CEC to "give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites..." With respect to paleontologic resources, the CEC relies on guidelines from the Society for Vertebrate Paleontology, indicated below.
Society for Vertebrate Paleontology (SVP), 1995	The "Measures for Assessment and Mitigation of Adverse Impacts to Non-Renewable Paleontologic Resources: Standard Procedures" is a set of procedures and standards for assessing and mitigating impacts to vertebrate paleontologic resources. The measures were adopted in October 1995 by the SVP, a national organization of professional scientists.
Local	
Riverside County General Plan 2000, Safety Element	Adopts the Uniform Building Code (UBC) (1997), which provides design criteria for buildings and excavations. The UBC is superseded by the CBC (2007). Requires mitigation measures for geologic hazards, including seismic shaking, surface rupture (adopts Alquist-Priolo Earthquake Fault Zoning Act), liquefaction, unstable soils and slopes, and flooding.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
GEOLOGY AND PALEONTOLOGY (cont.)	
Local (cont.)	
Riverside County General Plan 2000, Multipurpose Open Space Element	Provides for 'preservation of cultural, historical, archaeological, paleontologic, geologic and educational resources'. Also provides a map showing paleontologic sensitivity in the county.
HAZARDOUS MATERIALS MANAGEMENT	
Federal	
Superfund Amendments and Reauthorization Act of 1986 (42 USC 9601 et seq.)	Contains the Emergency Planning and Community Right To Know Act (also known as SARA Title III).
Clean Air Act of 1990, as amended (CAA) (42 USC 7401 et seq.)	Establishes a nationwide emergency planning and response program and imposes reporting requirements for businesses that store, handle, or produce significant quantities of extremely hazardous materials.
CAA Risk Management Plans (42 USC Section 112(r))	Requires states to implement a comprehensive system informing local agencies and the public when a significant quantity of such materials is stored or handled at a facility. The requirements of both SARA Title III and the CAA are reflected in the California Health and Safety Code, section 25531, et seq.
49 CFR 172.802	Contains the U.S. Department of Transportation (DOT) requirement that suppliers of hazardous materials prepare and implement security plans.
49 CFR Part 1572, Subparts A and B	Requires suppliers of hazardous materials to ensure that all their hazardous materials drivers are in compliance with personnel background security checks.
Oil Pollution Prevention Regulation (40 CFR 112)	Aims to prevent the discharge or threat of discharge of oil into navigable waters or adjoining shorelines. Requires a written spill prevention, control, and countermeasures (SPCC) plan to be prepared for facilities that store oil that could leak into navigable waters.
49 CFR Part 190	Outlines gas pipeline safety program procedures.
49 CFR Part 191	Addresses transportation of natural and other gas by pipeline: annual reports, incident reports, and safety-related condition reports. Requires operators of pipeline systems to notify the DOT of any reportable incident by telephone and then submit a written report within 30 days.
49 CFR Part 192	Addresses transportation of natural and other gas by pipeline and minimum Federal safety standards, specifies minimum safety requirements for pipelines including material selection, design requirements, and corrosion protection. The safety requirements for pipeline construction vary according to the population density and land use that characterize the surrounding land. This part also contains regulations governing pipeline construction (which must be followed for Class 2 and Class 3 pipelines) and the requirements for preparing a pipeline integrity management program.
Interim Final Rule (6 CFR Part 27)	A regulation of the U.S. Department of Homeland Security that requires facilities that use or store certain hazardous materials to submit information to the Department so that a vulnerability assessment can be conducted to determine what certain specified security measures shall be implemented.
State	
8 CCR 5189	Requires facility owners to develop and implement effective safety management plans that ensure that large quantities of hazardous materials are handled safely. While such requirements primarily provide for the protection of workers, they also indirectly improve public safety and are coordinated with the Risk Management Plan (RMP) process.
Health and Safety Code [HSC] § 41700	Requires that "No person shall discharge from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
HAZARDOUS MATERIALS MANAGEMENT (cont.)	
State (cont.)	
Health and Safety Code [HSC] § 41700 (cont.)	which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property.”
California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) (HSC § 25249.5 et seq.)	Prevents certain chemicals that cause cancer and reproductive toxicity from being discharged into sources of drinking water.
Hazardous Material Business Plan (HSC §§ 25500-25541; 19 CCR 2720- 2734	Requires the submittal of a chemical inventory and planning and reporting for management of hazardous materials.
Hazardous Substance Information and Training Act, 8 CCR 339, § 3200 et seq., § 5139 et seq., and § 5160 et seq.	8 CCR Section 339 lists hazardous chemicals relating to the Hazardous Substance Information and Training Act; 8 CCR Section 3200 et seq. and Section 5139 et seq. address the control of hazardous substances; 8 CCR Section 5160 et seq. addresses hot, flammable, poisonous, corrosive, and irritant substances. Together, these sections require the listing and implementation of specified control measures for the management of hazardous substances.
HSC §§ 25270-25270.13	Requires the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) Plan if 10,000 gallons or more of petroleum is stored on-site. The regulations would also require the immediate reporting of a spill or release of 42 gallons or more to the California Office of Emergency Services and the Certified Unified Program Authority (CUPA).
Process Safety Management (8 CCR 5189)	Requires facility owners to develop and implement effective process safety management plans when toxic, reactive, flammable, or explosive chemicals are maintained on site in quantities that exceed regulatory thresholds.
Local	
Riverside County Fire Code, Riverside County Code Chapter 8.32: Ordinance No. 787	Adopts the California Fire Code, 2007 Edition, with some of its appendices, into Riverside County regulations.
Disclosure of Hazardous Materials and the Formulation of Business Emergency Plans: Riverside County Ordinance 651	Requires disclosure where businesses handle hazardous materials and requires the development of response plans; designates Riverside County Department of Environmental Health as responsible for administration and enforcement of local codes.
PUBLIC HEALTH AND SAFETY	
Federal	
Clean Air Act Section 112 (42 USC Section 7412)	Requires new sources of air pollution that emit more than 10 tons per year of any specified Hazardous Air Pollutant (HAP) or more than 25 tons per year of any combination of HAPs to apply Maximum Achievable Control Technology.
State	
California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) (HSC Section 25249.5 et seq.)	Establish thresholds of exposure to carcinogenic substances above which Prop 65 exposure warnings are required.
HSC Section 41700	States that “no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property.”
Air Toxics Hot Spots Program (HSC Section 44300 et seq.)	Requires participation in the inventory and reporting program at the District level.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
PUBLIC HEALTH AND SAFETY (cont.)	
State (cont.)	
Air Toxics Hot Spots Information and Assessment Act (HSC Sections 44360– 44366)	Requires that, based on results of a Health Risk Assessment (HRA) conducted per CARB/OEHHA guidelines, toxic contaminants do not exceed acceptable levels.
PRC Section 25523(a); 20 CCR Sections 1752.5, 2300–2309 and Div. 2 Chapter 5, Article 1, Appendix B, Part (1); California Clean Air Act, HSC Section 39650, et seq.	Requires a quantitative HRA for new or modified sources, including power plants that emit one or more toxic air contaminants (TACs).
Local	
Mojave Desert Air Quality Management District (MDAQMD) Rule 402	Prohibits the discharge of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to the public; endanger the comfort, repose, health or safety of the public; or cause injury or damage to business or property.
MDAQMD Regulation X Emission Standards for Additional Specific Air Contaminants	Provides notice to the regulated community that California Air Toxic Control measures (ATCMs) are enforceable by the MDAQMD within its jurisdiction and Federal maximum achievable control technology (MACT) and NESHAPS are adopted by reference and enforced by the MDAQMD.
MDAQMD Rule 1320	Requires the use of best available control technology (BACT) and best available control technology for toxics (T-BACT) at certain projects and the preparation of an HRA.
MDAQMD Rule 1520	Implementation of HSC Section 44300 et seq., Air Toxics “Hot Spots” Information and Assessment Act.
SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE	
Federal	
Emergency Economic Stabilization Act of 2008 (PL 110-343) Business Solar Investment Tax Credit (Internal Revenue Code Section 48)	Extends the 30 percent investment tax credit (ITC) for solar energy property for eight years through December 31, 2016. The bill allows the ITC to be used to offset both regular and alternative minimum tax (AMT) and waives the public utility exception of current law (i.e., permits utilities to directly invest in solar facilities and claim the ITC). The five-year accelerated depreciation allowance for solar property is permanent and unaffected by passage of the eight-year extension of the solar ITC.
State	
Cal. Rev. and Tax. Code 73	Allows property tax exclusion for certain types of solar energy systems.
Cal. Educ. Code § 17620	The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement for the purpose of funding the construction or reconstruction of school facilities.
Cal. Gov't Code §§ 65996-65997	Except for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, state and local public agencies may not impose fees, charges, or other financial requirements to offset the cost for school facilities.
TRANSMISSION LINE SAFETY AND NUISANCE (TLSN)	
Federal (Aviation Safety)	
Objects Affecting the Navigable Air Space (14 CFR Part 77)	Describes the criteria used to determine the need for a Federal Aviation Administration (FAA) “Notice of Proposed Construction or Alteration” in cases of potential obstruction hazards.
FAA Advisory Circular No. 70/7460-1G, “Proposed Construction and/or Alteration of Objects that May Affect the Navigation Space”	Addresses the need to file the “Notice of Proposed Construction or Alteration” form (Form 7640) with the FAA in cases of potential for an obstruction hazard.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
TRANSMISSION LINE SAFETY AND NUISANCE (TLSN) (cont.)	
Federal (Aviation Safety) (cont.)	
FAA Advisory Circular 70/460-1G, "Obstruction Marking and Lighting"	Describes the FAA standards for marking and lighting objects that may pose a navigation hazard as established using the criteria in Title 14, Part 77 of the CFR.
Federal (Interference with Radio Frequency Communication)	
47 CFR 15.2524, Federal Communications Commission (FCC)	Prohibits operation of devices that can interfere with radio-frequency communication and requires mitigation of any interference by the owner of the source.
State (Interference with Radio Frequency Communication)	
California Public Utilities Commission (CPUC) General Order 52 (GO-52)	Governs the construction and operation of power and communications lines to prevent or mitigate interference.
Local (Audible Noise)	
Riverside County General Plan, Noise Element	Establishes policies and programs to ensure that noise levels are appropriate to land uses.
Riverside County Noise Ordinance	Establishes performance standards for planned noise-sensitive land uses.
State (Hazardous and Nuisance Shocks)	
Rules for Overhead Electric Line Construction (CPUC GO-95)	Governs clearance requirements to prevent hazardous shocks, grounding techniques to minimize nuisance shocks, and maintenance and inspection requirements.
High Voltage Safety Orders (8 CCR Section 2700 et seq.)	Specifies requirements and minimum standards for safely installing, operating, working around, and maintaining electrical installations and equipment.
National Electrical Safety Code (i.e. National Fire Protection Association [NFPA] 70E)	OSHA adopted the NESC/NFPA 70E which specifies grounding procedures to limit nuisance shocks. Also specifies minimum conductor ground clearances.
Industry Standards (Hazardous and Nuisance Shocks)	
Institute of Electrical and Electronics Engineers (IEEE) 1119, "IEEE Guide for Fence Safety Clearances in Electric-Supply Stations"	Specifies the guidelines for grounding-related practices within the right-of-way and substations.
State (Electric and Magnetic Fields)	
Rules for Planning and Construction of Electric Generation Line and Substation Facilities in California (CPUC GO-131-D)	Specifies application and noticing requirements for new line construction including electromagnetic fields (EMF) reduction.
CPUC Decision 93-11-013	Specifies CPUC requirements for reducing power frequency EMF.
Industry Standards (Electric and Magnetic Fields)	
American National Standards Institute (ANSI/IEEE) 644-1944 Standard Procedures for Measurement of Power Frequency Electric and Magnetic Fields from AC Power Lines	Specifies standard procedures for measuring EMF from an operating electric line.
State (Fire Hazards)	
Fire Prevention Standards for Electric Utilities (14 CCR 1250-1258)	Provides specific exemptions from electric pole and tower firebreak and conductor clearance standards and specifies when and where standards apply.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
VISUAL RESOURCES	
Federal	
California Desert Conservation Area (CDCA) Plan of 1980, as amended	<p>The BLM Resource Management Plan applicable to the proposed site. The CDCA Plan did not include Visual Resource Management (VRM) inventory or management classes. However, a BLM-approved Visual Resource Inventory (VRI) was conducted in 2005 for the Devers-Palo Verde 2 Transmission Project EIS/EIR, which covers the site of the proposed action.</p> <p>The site is classified in the CDCA Plan as Multiple-Use Class (MUC) M (Moderate Use). Management of MUC M lands is based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources, which permitted uses may cause.</p> <p>Table 1 of the CDCA Plan illustrates the types of allowable land uses by MUC Class. The table specifically includes Electrical Power Generation Facilities including solar facilities. Guidance provided under this section allows for the authorization of such facilities within MUC M lands in compliance with NEPA requirements.</p> <p>New major electric transmission facilities may be allowed only within designated utility corridors. Existing facilities within designated utility corridors may be maintained and upgraded or improved in accordance with existing rights-of-way or amendments to right-of-way grants.</p>
State	
State Scenic Highway Program (Cal. Streets and Highways Code §§ 260-263)	The California State Department of Transportation (Caltrans) identifies a state system of eligible and designated scenic highways which, if designated, are subject to various controls intended to preserve their scenic quality.
Local	
Riverside County General Plan Land Use Policy LU-4, relating to project design	<p><i>LU 4.1:</i> Requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts:</p> <ul style="list-style-type: none"> c. Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review. d. Require that new development utilize drought-tolerant landscaping and incorporate adequate drought-conscious irrigation systems. l. Mitigate noise, odor, lighting, and other impacts on surrounding properties. m. Provide and maintain landscaping in open spaces and parking lots. n. Include extensive landscaping. o. Preserve natural features, such as unique natural terrain, drainage ways, and native vegetation, wherever possible, particularly where they provide continuity with more extensive regional systems. p. Require that new development be designed to provide adequate space for pedestrian connectivity and access, recreational trails, vehicular access and parking, supporting functions, open space, and other pertinent elements. <p><i>LU 4.2:</i> Require property owners to maintain structures and landscaping to a high standard of design, health, and safety through the following:</p> <ul style="list-style-type: none"> c. Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.
County Scenic Corridors	<i>LU 13.1:</i> Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
VISUAL RESOURCES (cont.)	
Local (cont.)	
County Scenic Corridors (cont.)	<p><i>LU 13.3:</i> Ensure that the design and appearance of new landscaping, structures, equipment, signs, or grading within Designated and Eligible State and County scenic highway corridors are compatible with the surrounding scenic setting or environment.</p> <p><i>LU 13.7:</i> Require that the size, height, and type of on-premise signs visible from Designated and Eligible State and County Scenic Highways be the minimum necessary for identification. The design, materials, color, and location of the signs shall blend with the environment, utilizing natural materials where possible.</p> <p><i>LU 13.8:</i> Avoid the blocking of public views by solid walls.</p>
The following policies apply to properties designated as Open Space-Rural on the area plan land use maps.	<p><i>LU 20.1:</i> Require that structures be designed to maintain the environmental character in which they are located.</p> <p><i>LU 20.2:</i> Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance;</p> <p><i>LU 20.3:</i> Require that adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use;</p> <p><i>LU 20.4:</i> Ensure that development does not adversely impact the open space and rural character of the surrounding area</p> <p><i>LU 20.5:</i> Encourage parcel consolidation; and</p> <p><i>LU 20.6:</i> Provide programs and incentives that allow Open Space-Rural areas to maintain and enhance their existing and desired character.</p>
WASTE MANAGEMENT	
Federal	
Solid Waste Disposal Act of 1965 (as amended and revised by the Resource Conservation and Recovery Act of 1976, et al.) (42 USC 6901 et seq.)	<p>The Solid Waste Disposal Act, as amended and revised by the Resource Conservation and Recovery Act (RCRA) establishes requirements for the management of solid wastes (including hazardous wastes), landfills, underground storage tanks, and certain medical wastes. The statute also addresses program administration, implementation and delegation to states, enforcement provisions, and responsibilities, as well as research, training, and grant funding provisions.</p> <p>RCRA Subtitle C establishes provisions for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing:</p> <ul style="list-style-type: none"> Generator record keeping practices that identify quantities of hazardous wastes generated and their disposition; Waste labeling practices and use of appropriate containers; Use of a manifest when transporting wastes; Submission of periodic reports to the United States Environmental Protection Agency (U.S. EPA) or other authorized agency; and Corrective action to remediate releases of hazardous waste and contamination associated with RCRA-regulated facilities. <p>RCRA Subtitle D establishes provisions for the design and operation of solid waste landfills.</p> <p>RCRA is administered at the Federal level by U.S. EPA and its 10 regional offices. The Pacific Southwest regional office (Region 9) implements U.S. EPA programs in California, Nevada, Arizona, and Hawaii.</p>

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
WASTE MANAGEMENT (cont.)	
Federal (cont.)	
<p>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or "Superfund") (42 USC 9601 et seq.)</p>	<p>Establishes authority and funding mechanisms for cleanup of uncontrolled or abandoned hazardous waste sites, as well as cleanup of accidents, spills, or emergency releases of pollutants and contaminants into the environment. Among other things, the statute addresses:</p> <ul style="list-style-type: none"> Reporting requirements for releases of hazardous substances; Requirements for remedial action at closed or abandoned hazardous waste sites, and brownfields; Liability of persons responsible for releases of hazardous substances or waste; and Requirements for property owners/potential buyers to conduct "all appropriate inquiries" into previous ownership and uses of the property to 1) determine if hazardous substances have been or may have been released at the site, and 2) establish that the owner/buyer did not cause or contribute to the release. A Phase I Environmental Site Assessment is commonly used to satisfy CERCLA "all appropriate inquiries" requirements.
<p>40 CFR Subchapter I – Solid Wastes</p>	<p>Implements the provisions of the Solid Waste Disposal Act and RCRA (described above). Among other things, the regulations establish the criteria for classification of solid waste disposal facilities (landfills), hazardous waste characteristic criteria and regulatory thresholds, hazardous waste generator requirements, and requirements for management of used oil and universal wastes.</p> <ul style="list-style-type: none"> Part 257 addresses the criteria for classification of solid waste disposal facilities and practices. Part 258 addresses the criteria for municipal solid waste landfills. Parts 260 through 279 address management of hazardous wastes, used oil, and universal wastes (i.e., batteries, mercury-containing equipment, and lamps). <p>U.S. EPA implements the regulations at the Federal level. However, California is an RCRA-authorized state, so most of the solid and hazardous waste regulations are implemented by state agencies and authorized local agencies in lieu of U.S. EPA.</p>
<p>Hazardous Materials Regulations (49 CFR Parts 172 and 173)</p>	<p>Address the U.S. Department of Transportation (DOT) established standards for transport of hazardous materials and hazardous wastes. The standards include requirements for labeling, packaging, and shipping of hazardous materials and hazardous wastes, as well as training requirements for personnel completing shipping papers and manifests. Section 172.205 specifically addresses use and preparation of hazardous waste manifests in accordance with 40 CFR Section 262.20.</p>
<p>Clean Water Act (33 USC 1251 et seq.)</p>	<p>The Clean Water Act governs the discharge of wastewater to surface waters of the U.S.</p>
State	
<p>Hazardous Waste Control Act of 1972, as amended (HSC § 25100 et seq.)</p>	<p>Creates the framework under which hazardous wastes are managed in California. The law provides for the development of a state hazardous waste program that administers and implements the provisions of the Federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards (regulations) that are equal to or, in some cases, more stringent than Federal requirements.</p> <p>The California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC) administers and implements the provisions of the law at the state level. Certified Unified Program Agencies (CUPAs) implement some elements of the law at the local level.</p>

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
WASTE MANAGEMENT (cont.)	
State (cont.)	
<p>Environmental Health Standards for the Management of Hazardous Waste (22 CCR Div. 4.5, Section 66001 et seq.)</p>	<p>Establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and Federal RCRA. As with the Federal requirements, waste generators must determine if their wastes are hazardous according to specified characteristics or lists of wastes. Hazardous waste generators must obtain identification numbers; prepare manifests before transporting the waste off site; and use only permitted treatment, storage, and disposal facilities. Generator standards also include requirements for record keeping, reporting, packaging, and labeling. Additionally, while not a Federal requirement, California requires that hazardous waste be transported by registered hazardous waste transporters.</p> <p>The standards addressed by 22 CCR include:</p> <ul style="list-style-type: none"> Identification and Listing of Hazardous Waste (Ch. 11, Section 66261.1 et seq.). Standards Applicable to Generator of Hazardous Waste (Ch. 12, Section 66262.10 et seq.). Standards Applicable to Transporters of Hazardous Waste (Ch. 13, Section 66263.10 et seq.). Standards for Universal Waste Management (Ch. 23, Section 66273.1 et seq.). Standards for the Management of Used Oil (Ch. 29, Section 66279.1 et seq.). Requirements for Units and Facilities Deemed to Have a Permit by Rule (Ch. 45, Section 67450.1 et seq.). <p>The Title 22 regulations are established and enforced at the state level by DTSC. Some generator and waste treatment standards are also enforced at the local level by CUPAs.</p>
<p>Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (HSC Ch. 6.11, Sections 25404– 25404.9)</p>	<p>Consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the six environmental and emergency response programs listed below.</p> <ul style="list-style-type: none"> Aboveground Petroleum Storage Act requirements for Spill Prevention, Control, and Countermeasure (SPCC) Plans. Hazardous Materials Release and Response Plans and Inventories (Business Plans). California Accidental Release Prevention (CalARP) Program. Hazardous Materials Management Plan / Hazardous Materials Inventory Statements. Hazardous Waste Generator / Tiered Permitting Program. Underground Storage Tank Program. <p>The state agencies responsible for these programs set the standards for their programs while local governments implement the standards. The local agencies implementing the Unified Program are known as CUPAs.</p> <p>Note: The Waste Management analysis only considers application of the Hazardous Waste Generator/Tiered Permitting element of the Unified Program.</p>
<p>Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (27 CCR Div. 1, Subdiv. 4, Ch. 1, Section 15100 et seq.)</p>	<p>While these regulations primarily address certification and implementation of the program by the local CUPAs, the regulations do contain specific reporting requirements for businesses.</p> <ul style="list-style-type: none"> Article 9 – Unified Program Standardized Forms and Formats (Sections 15400–15410). Article 10 – Business Reporting to CUPAs (Sections 15600–15620).

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
WASTE MANAGEMENT (cont.)	
State (cont.)	
California Integrated Waste Management Act of 1989 (CIWMA) (PRC Div. 30, Section 40000 et seq.)	Establishes mandates and standards for management of solid waste in California. The law addresses solid waste landfill diversion requirements; establishes the preferred waste management hierarchy (source reduction first, then recycling and reuse, and treatment and disposal last); sets standards for design and construction of municipal landfills; and addresses programs for county waste management plans and local implementation of solid waste requirements.
California Integrated Waste Management Board (14 CCR Div, 7, Section 17200 et seq.)	Implement the provisions of the CIWMA and set forth minimum standards for solid waste handling and disposal. The regulations include standards for solid waste management, as well as enforcement and program administration provisions. Chapter 3 – Minimum Standards for Solid Waste Handling and Disposal. Chapter 3.5 – Standards for Handling and Disposal of Asbestos Containing Waste. Chapter 7 – Special Waste Standards. Chapter 8 – Used Oil Recycling Program. Chapter 8.2 – Electronic Waste Recovery and Recycling.
Hazardous Waste Source Reduction and Management Review Act of 1989 (HWSRMRA) (HSC Div. 20, Ch. 6.5, Art. 11.9, Section 25244.12 et seq.)	Expands the state’s hazardous waste source reduction activities. Among other things, it establishes hazardous waste source reduction review, planning, and reporting requirements for businesses that routinely generate more than 12,000 kilograms (approximately 26,400 pounds) of hazardous waste in a designated reporting year. The review and planning elements are required to be done on a four-year cycle, with a summary progress report due to DTSC every fourth year.
Hazardous Waste Source Reduction and Management Review (22 CCR 67100.1 et seq.)	Implement the provisions of the HWSRMRA. The regulations establish the specific review elements and reporting requirements to be completed by generators subject to the act.
23 CCR Div. 3, Ch. 16 and 18	Relate to hazardous material storage and petroleum UST cleanup, as well as hazardous waste generator permitting, handling, and storage. The DTSC Imperial County CUPA is responsible for local enforcement.
Local	
County of Riverside General Plan, Safety Element: Policy S 6.1	Describes the County’s policies and siting criteria identified in the County of Riverside Hazardous Waste Management Plan including coordination of hazardous waste facility responsibilities on a regional basis through the Southern California Hazardous Waste Management Authority
Riverside County Code Title 8 Chapters 8.60, 8.84, and 8.132, Health and Safety	Establishes requirements for the use, generation, storage, and disposal of hazardous and non-hazardous materials and wastes within the County.
Riverside County Code, Chapter 8.32, Ordinance No. 787, Fire	Adopts the 2007 California Fire Code.
WORKER SAFETY AND FIRE PROTECTION	
Federal	
Occupational Safety and Health Act of 1970 (29 USC 651 et seq.)	Mandates safety requirements in the workplace with the purpose of “[assuring] so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” (29 USC Section 651).
Occupational Safety and Health Administration Safety and Health Regulations (29 CFR 1910.1- 1910.1500)	Define the procedures for promulgating regulations and conducting inspections to implement and enforce safety and health procedures to protect workers, particularly in the industrial sector.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
WORKER SAFETY AND FIRE PROTECTION (cont.)	
Federal (cont.)	
29 CFR 1952.170-1952.175	Provide Federal approval of California's plan for enforcement of its own Safety and Health requirements, in lieu of most of the Federal requirements found in 29 CFR sections 1910.1 to 1910.1500.
State	
Cal/OSHA regulations (8 CCR)	Require that all employers follow these regulations as they pertain to the work involved, including regulations pertaining to safety matters during construction, commissioning, and operations of power plants, as well as safety around electrical components, fire safety, and hazardous materials use, storage, and handling.
24 CCR 3 et seq.	Incorporate the current edition of the Uniform Building Code.
HSC § 25500 et seq.	Present Risk Management Plan requirements for threshold quantities of listed acutely hazardous materials at a facility.
HSC § 25500-25541	Require a Hazardous Material Business Plan detailing emergency response plans for hazardous materials emergency at a facility.
Local	
Riverside County Ordinance 457	Adopts specific building, mechanical, plumbing, and electrical codes from sources such as the California Building Standards Commission with county-specific modifications.
Riverside County Ordinance 787	Adopts the 2007 edition of the California Fire Code and portions of the 2007 edition of the California Building Code with county-specific modifications.
Riverside County Ordinance 615	Establishes requirements for the use, generation, storage and disposal of hazardous materials within the County.
Riverside County Dept. of Environmental Health, Hazardous Materials Releases	Adopts State requirements and guidelines to govern hazardous materials release response plans and inventories.
Chapter 22 of the 2007 California Fire Code	Addresses requirements for Motor Fuel-Dispensing Facilities and Repair Garages. It has been adopted by Riverside County and will apply to the fuel depot at the site.
NFPA code for Motor Fuel Dispensing Facilities and Repair Garages, 2008 edition (NFPA 30a)	The industry standard for fuel depots.
NOISE	
Federal	
Occupational Safety & Health Act (OSHA) (29 USC 651 et seq.)	Protects workers from the effects of occupational noise exposure.
State	
California Occupational Safety & Health Act (Cal-OSHA) (29 USC 651 et seq.; 8 CCR 5095-5099)	Protects workers from the effects of occupational noise exposure. Note, These standards are equivalent to federal OSHA standards.
Local	
Riverside County General Plan, Noise Element	Establishes goals, objectives, and procedures to protect the public from noise intrusion. Land use compatibility defines the acceptability of a land use in a specified noise environment. For residential land uses, these guidelines categorize noise levels of up to 60 dBA day/night average sound level (Ldn) or CNEL as "normally acceptable" and up to 70 dBA Ldn or CNEL as "conditionally acceptable."

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
NOISE (cont.)	
Local (cont.)	
Riverside County Noise Ordinance, Ordinance 847	<p>Section 4 of Ordinance No. 847 (Regulating Noise) limits noise on any property that causes the exterior noise level on any other occupied property to 55 dBA during the daytime hours and 45 dBA during the nighttime hours, for noise-sensitive receptors¹ within a very low density rural area, such the area surrounding the site.</p> <p>Also limits the hours of construction activities to the hours of 6:00 a.m. to 7:00 p.m., June through September, 6:00 a.m. to 6:00 p.m., October through May, Mondays through Fridays, and to 9:00 a.m. to 5:00 p.m. on Saturdays.</p>

¹ A sensitive noise receptor, also referred to as a noise-sensitive receptor, is a receptor at which there is a reasonable degree of sensitivity to noise (such as residences, schools, hospitals, elder care facilities, libraries, cemeteries, and places of worship).

APPENDIX D

Results of Scoping

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United States Department of the Interior
Bureau of Land Management
Palm Springs-South Coast Field Office

**Palen Solar Power Project
BLM Land Use Application
File # CACA-48810**

SCOPING REPORT

RESULTS OF SCOPING

January 2010

Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262

Approved by: _____
John R. Kalish
Field Manager

_____ Date

Palen Solar Power Project

I. Introduction

A. Brief Description of the Project

Solar Millennium, LLC and Chevron Energy Solutions propose the Palen Solar Power Project (PSPP), a concentrated solar thermal electric generating facility comprised of two 242 megawatt (MW) plant units with a nominal capacity of 484 MW capable of supplying enough renewable electricity for 150,000 homes.

If approved, the PSPP would be located on Bureau of Land Management (BLM) administered land approximately 10 miles east of the rural community of Desert Center, about halfway between the cities of Blythe and Indio in unincorporated Riverside County (See Project Location Map below). The project would include a new double-circuited 230 kV transmission line that would interconnect with Southern California Edison's regional transmission at the planned Red Bluff substation. The Applicants have filed with BLM for a right-of-way (ROW) grant of approximately 5,200 acres. Within the 5,200 acre ROW, construction and operation will disturb approx. 3,950 acres.

The Project would utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect radiant energy from the sun and refocus the energy on a receiver tube located at the focal point of the parabola. Through this process, a heat transfer fluid (HTF) is heated to high temperature (approx. 750°F) and piped through heat exchangers where it is used to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator to generate electricity.

B. Potential Land Use Plan Amendment to the California Desert Conservation Area Plan

The Project would be located on land that is subject to the BLM's California Desert Conservation Area (CDCA) Plan. All of the public lands in the CDCA under BLM management, except for a few small and scattered parcels, have been designated geographically as a Multiple Use Class (MUC) as follows: Controlled Use (C), Limited Use (L), Moderate Use (M), and Intensive Use (I). The Project would be located in BLM designated M lands. For M lands, wind and solar electric generation facilities may be allowed after National Environmental Policy Act (NEPA) requirements are met. The CDCA also states that sites associated with power generation or transmission not identified in the CDCA will be considered through the Plan Amendment process. The Project site is currently not identified in the CDCA. Therefore prior to ROW grant issuance, the Project would require a Land Use Plan Amendment to the CDCA.



Figure 1: Project Location

C. Purpose and Need for the Project

The Proponent proposes to assist the State of California in meeting the State of California Renewable Portfolio Standard Program goals and reduce greenhouse gases by developing a 484 megawatt solar thermal energy production plant and related facilities in Riverside County, California on Bureau of Land Management (BLM) administered lands.

BLM's purpose and need for the Solar project is to respond to the Proponent's application under Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1761) for a right-of-way grant to construct, operate and decommission a solar thermal facility on BLM lands. BLM will consider alternatives to the Proponent's proposed action and will include terms and conditions. If BLM decides to approve issuance of a ROW grant to the Proponent, BLM's actions would include amending the California Desert Conservation Area Plan concurrently. BLM will take into consideration the provisions of the Energy Policy Act of 2005 in responding to the Proponent's application.

D. Agency Coordination

D.1 Lead Agency

The California Energy Commission (CEC) is responsible for licensing solar thermal projects that are 50 MW and larger. Therefore, the Project is also under the jurisdiction of the CEC. The Applicant submitted an Application for Certification (AFC) for the Project to the CEC on August 24, 2009 and a Supplement to the AFC was submitted on October 26, 2009. The CEC and the BLM entered into a MOU on August 8, 2007 and as lead agencies under CEQA and NEPA, agreed that a single environmental report can meet both agencies environmental requirements. It is assumed that any future EIS data and analysis will be incorporated into the CEC's AFC documentation and processes.

D.2 Cooperating Agency

The cooperating agency (CA) role derives from the National Environmental Policy Act (NEPA) of 1969, which calls on federal, state, and local governments to cooperate with the goal of achieving "productive harmony" between humans and their environment. The Council on Environmental Quality's (CEQ) regulations implementing NEPA allow federal agencies (as lead agencies) to invite tribal, state, and local governments, as well as other federal agencies, to serve as CAs in the preparation of environmental impact statements. In 2005, the BLM amended its planning regulations to ensure that it engages its governmental partners consistently and effectively through the CA relationship whenever land use plans are prepared or revised.

State agencies, local governments, tribal governments, and other federal agencies may serve as CAs. CEQ regulations recognize two criteria for CA status: jurisdiction by law and special expertise. The BLM regulations incorporate these criteria.

40 CFR 1508.5 (CEQ) Defining eligibility. "Cooperating agency" means any Federal agency other than a lead agency which has "jurisdiction by law" or "special expertise" with respect to any environmental impact....A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

The BLM has invited approximately 29 tribes and multiple state and local agencies to participate in the planning process as Cooperating Agencies. To date, no agencies have agreed to be Cooperating Agencies.

II. Scoping Process Summary

A. Notice of Intent

The BLM published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on November 23, 2009 in the Federal Register. Publication of the NOI began a 30-day comment period which ended on December 23, 2009. BLM provided a website with Project information that also described the various methods of providing

public comment on the Project including an e-mail address where comments could be sent electronically.

B. Public Notification

Notification for a public Scoping Meeting held on December 11, 2009 appeared in the Desert Sun local newspaper on November 24, 2009. Notification was also published on the BLM website on November 23, 2009.

C. Public Scoping Meeting

A public Scoping Meeting was held on December 11, 2009 at the University of Riverside Palm Desert Graduate Center located at 75-080 Frank Sinatra Drive in Palm Desert, California. A presentation describing the Project was made by Solar Millennium, LLC with presentations describing the environmental review process presented by members of the BLM and CEC. Seventy-five attendees were documented by signing in on a voluntary sign-in sheet.

D. Written Comments

Twenty comment letters were received within the comment period ending on December 23, 2009.

III. Comment Summary and Analysis

Issues were identified by reviewing the comment documents received. Many of the comments identified similar issues; all of the public comment documents were reviewed and the following section provides a summary of the issues, concerns, and/or questions raised. For this report, the issues have been grouped into one of the three following categories:

- Issues or concerns that could be addressed by effects analysis;
- Issues or concerns that could develop an alternative and/or a better description or qualification of the alternatives;
- Issues or concerns outside the scope of the EIS.

The comments discussed below are paraphrased from the original comment letters. To a minor degree, some level of interpretation was needed to identify the specific concern to be addressed. Many of the comments identified similar issues; to avoid duplication and redundancy similar comments were grouped together and then summarized. Original comment letters may be reviewed up on request at the BLM Palm Springs-South Coast Field Office at 1201 Bird Center Drive, Palm Springs, California, 92262, during normal business hours, from 8:00 am to 4:30 pm.

A. Effects Analysis

Comments in this category will be described in detail in the affected environment section of the EIS or addressed in the effects analysis for each alternative.

Purpose and Need

- Project description should not be narrowly defined to rule out feasible alternatives
- Project should be discussed in the context of the larger energy market; identify potential purchasers of the power produced; discuss how project will assist in meeting its renewable energy portfolio standards and goals

Air Resources (Air sheds)

- Greenhouse gas emissions/climate change impacts on plants, wildlife, and habitat
- Planning for species adaptation due to climate change
- Discussion of how projected impacts could be exacerbated by climate change
- Quantify and disclose anticipated climate change benefits of solar energy
- Discussion of trenching/grading/filling and effects on carbon sequestration of the natural desert

Soils Resources

- Impacts to desert soils
- Increased siltation during flooding and dust
- Impacts to crypto-biotic crust
- Preparation of a drainage, erosion, and sediment control plan

Water Resources (Surface and Ground water)

- If new wells will draw water from mainstream of the lower Colorado River, an entitlement to the use of Colorado River water is required by Section 5 of the Boulder Canyon Project Act (BCPA) and by the Consolidated Decree. If entitlement is required, it must be satisfied from Colorado River water apportioned for use within the State of California by the Secretary in accordance with the terms of the Consolidated Decree. The entitlement to be used for a proposed solar project may be an existing entitlement made available for this purpose by an existing entitlement holder either directly or through exchange.
- Identify impacts to jurisdictional waters of the US and California
- Effects of additional groundwater pumping in conjunction with other groundwater issues
- Groundwater and surface water impacts
- Subsidence potential

- Impacts to downgradient groundwater, surface water, and wetlands
- Effects of diversion of water from ephemeral streams
- Water supply impacts related to dust control, fire prevention and containment, vegetation management, sanitation, equipment maintenance, construction, and human consumption
- Description of water conservation measures to reduce water demands
- Effects of climate change on water supply
- Discussion of potential effects of project discharges, if any, on surface and groundwater quality
- Disposal of wastewater or other fluids, if any
- Determination if project requires a Section 404 permit under the Clean Water Act (CWA)
- Suggests BLM include a jurisdictional delineation for all Waters of the US, including ephemeral drainages
- Description of natural drainage patterns, project operations, identify whether any component of project is within 50 or 100-year floodplain
- Provide information on CWA Section 303(d) impaired waters, if any, and efforts to develop and revise TMDLs

Biological Resources

- If there are threatened or endangered species present, recommend BLM consult with USFWS and prepare a Biological Opinion under Section 7 of the ESA
- Consider adopting a formal adaptive management plan
- Impacts to all known species, not just special status, should be analyzed to assure ecosystem level protection—permanent loss of 4,000 acres of habitat and associated species is significant and cannot be mitigated
- Maximize options to protect habitat and minimize habitat loss and fragmentation
- Impacts associated with constructing fences
- Impacts due to increase of shade in the desert environment
- Seasonal surveys should be performed for sensitive plant and animal species
- Impacts to all known species, not just special status, should be analyzed to assure ecosystem level protection—permanent loss of habitat and associated species is significant and cannot be mitigated
- If ponded water or bioremediation areas would attract wildlife, particularly migratory waterfowl
- Acquisition of lands for conservation should be part of mitigation strategy
- Identify fire prevention BMP due to use of high temperature liquids
- Impacts regarding habitat fragmentation and loss of connectivity

Vegetation Resources (Vegetative communities, priority and special status species)

- Seasonal surveys should be performed for sensitive plant species—lack of fall surveys may under represent onsite plants
- Vegetation maps should be at scale that is useful for evaluating impacts
- Impacts due to non-native invasive species
- Inclusion of an invasive plant management plan
- Impacts to the following species:
 - Dwarf germander
 - Harwood's milkvetch
 - Jackass clover
 - Coachella Valley Milkvetch

Wildlife Resources (Priority species, special status species)

- Desert tortoise; especially impacts to existing movement corridor connection from the Chuckwalla DWMA; translocation proposed results in high mortality; project site located within the Eastern Colorado Desert Tortoise Recovery Unit; portion of site designated as critical habitat
- Impacts to the following species:
 - Burrowing owl
 - Desert bighorn sheep
 - Mojave fringe-toed lizard
 - Mule deer
 - American badger
 - Northern harrier
 - Swainson's hawk
 - Loggerhead shrike
 - Purple martin
 - Migratory birds
 - Golden eagles
- Impacts to wildlife movement corridors
- Preserve large landscape-level migration areas

Cultural Resources

- Has a 100 percent archaeological inventory been conducted pursuant to Section 106 of the National Historic Preservation Act and BLM Manual 8100?
- Have archaeological sites been evaluated pursuant to the National Register of Historic Places criteria?
- Has consultation with Native Americans take place?

Visual Resources

- Baseline for visual resources has not been categorized
- Avoid impacting visually sensitive areas

Land Use/Special Designations (ACECs, WAs, WSAs, etc.)

- Applicant implies that biological resources within project area are not sensitive because not located within ACEC or Desert Wildlife Management Area (DWMA), but many areas outside such designated areas do contain significant biological resources
- Portion of project occurs within a multi-species Wildlife Habitat Management Area (WHMA) designated pursuant to the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) with the specific role of providing connectivity for the desert tortoise across Interstate-10 between the Chuckwall Desert Wildlife Management Area (DWMA), the Chuckwall Valley, and the Chemcheuvi DWMA
- Evaluation of consistency with land use and regulatory plans, including Executive Order 11644, which allows for use of off-road vehicles on public lands
- Describe reasonably foreseeable future land use and associated impacts resulting from additional power supply
- Consider direct and indirect effects of the inter-connecting transmission line
- Project is located adjacent to Palen Lake ACEC and associated archaeological sites

Public Health and Safety

- Identify fire prevention BMP due to use of high temperature liquids
- Discussion if bioremediation areas are to be used for soil contaminated by heat transfer fluid
- Discussion of concentrated, dewatered solid waste associated with evaporation ponds

Noise/Vibration

- Consider wildlife as sensitive receptors
- Dry cooling process noise/vibration impacts on wildlife

Recreation (RMAs, facilities, LTVAs, dispersed recreation opportunities, etc.)

- Evaluation should include impacts regarding off-highway vehicle use (OHV), camping, photography, hiking, wildlife viewing, and rockhounding
- Evaluation should include number of users, value of affected land for recreational purposes, and need to locate and acquire replacement venues for lands lost
- Indirect impacts caused by displacing recreational users
- Cumulative loss of land available for OHV recreation

Social and Economic Setting

- Evaluation of economic impacts due to construction, implementation, and operation
- Economic impacts regarding loss of commerce due to recreational use losses

Environmental Justice (minority and low-income communities)

- Evaluation whether diminished recreational access would be placed disproportionately on minorities and low-income communities

Cumulative Impacts

- Identify impacts from other projects occurring in the vicinity, including solar, wind, geothermal, roads, transit, housing, ORV use, military maneuvers, and other development
- Cumulative analysis area should encompass the Sonoran/transition desert areas of the California desert at a minimum
- Some reasonably foreseeable projects in the vicinity include all the solar and wind applications along Interstate-10
- Cumulative analysis area should encompass Chuckwalla Valley region

B. Alternative Development and/or Alternative Design Criteria

Comments in this category will be considered in the development of alternatives or can be addressed through design criteria in the alternative descriptions.

- Project description should not be narrowly defined to rule out feasible alternatives
- Preferred alternative should consider conjunctive use of disturbed private land in combination with adjacent lower value federal land
- Reduce project size by excluding proposed eastern half to exclude sensitive dune habitat
- Owens Lake “dust project” area as potential alternative site
- Alternatives should include: sites not under BLM jurisdiction; project extent and electrical power generation that differ from proposal; use of different technology; benefits associated with the proposed technology
- Alternatives should describe rationale used to determine whether impacts of an alternative are significant or not
- Consider reconfiguration alternatives proposed by CEC in their Dec. 7, 2009 data request—to minimize impacts to wildlife movement and sensitive biological resources such as the Palen Dunes
- Discuss feasibility of using residential and wholesale distributed generation, in conjunction with increased energy efficiency, as an alternative

C. Issues or Concerns Outside the Scope of the EIS

Comments in this category are outside the scope of analysis and will not be addressed in the EIS. Rationale for considering these comments out-of-scope is included.

- Agencies must require adequate end of project life planning, including reuse of abandoned sites for future renewable energy projects in lieu of allowing development on other undisturbed lands; and/or returning to public use in original condition
- What mix of distributed PV, wind energy, and transmission dependent “Big Solar” best fits with forecast demand in 2020
- Consider development wherein solar and wind is focused first on lands which have lower resource value due to fragmentation, type conversion, edge effects, and other factors
- Include independent analysis of resource values of various renewable energy zones under consideration

APPENDIX E

Analysis of the Red Bluff Substation Project, Incorporated by Reference from the Desert Sunlight Solar Farm Project EIS

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Air Resources	<p>Impacts of the Red Bluff Substation project on Air Resources are analyzed in Section 4.2, Air Resources, page 4.2-19 et seq.</p> <p><i>Construction:</i> For criteria pollutant emissions from on-site construction activity, emission estimates are summarized in a series of tables which portray annual emissions in tons per year, and average daily emissions in pounds per day, for 2011, 2012, and 2013. Additional details concerning the construction emissions analyses are provided in Appendix D-2. Annual and maximum day emissions for criteria pollutant emissions from construction-related vehicle traffic, are also provided. There are no residences or other sensitive land uses in the immediate vicinity of the substation site, although there are some rural residences near the telecommunications site. Construction activities and associated vehicle traffic associated with the Red Bluff Substation would generate emissions of criteria pollutants and hazardous air pollutants over a period of approximately 26 months. Construction-related emissions generally would be limited to daytime hours on weekdays, and would have little effect on night sky visibility conditions. No odor problems would be expected as a result of construction-related activity or vehicle traffic.</p> <p>The primary hazardous air pollutant emission associated with construction and operation of the Red Bluff Substation would be diesel particulate matter emissions from construction equipment. Small quantities of other hazardous air pollutants would be associated with gasoline-fueled vehicles also used during construction. There would be few operational sources of hazardous air pollutant emissions other than limited and infrequent on-site vehicle traffic for periodic facility inspection and necessary maintenance activities. The quantities of hazardous pollutant emissions associated with substation construction and operation are expected to be too small to pose a health risk to the nearest residences.</p> <p><i>Operations and Maintenance:</i> Operation and maintenance activities and associated vehicle traffic associated with the Red Bluff Substation would generate limited amounts of emissions of criteria pollutants and hazardous air pollutants for the duration of Project operations. Assuming two line inspections and one maintenance event per year, operational traffic would typically produce maximum daily emissions of less than 2.5 pounds of nitrogen oxide and less than 0.7 pounds of PM10. The Red Bluff Substation would include installation of a generator to provide emergency power for substation lighting, battery chargers, and circuit breakers in the event of an electrical outage at the substation. Total daily operational emissions of the emergency generator on test days would not exceed the SCAQMD's regional emissions significance thresholds (see Table 4.2-1) or the SCAQMD localized significance thresholds (see Table 4.2-3). Changes in ground cover conditions would not result in increases in wind erosion potential for the Red Bluff Substation site. The project would not conflict with any air quality management plan, and would be expected to comply with federal, state, and SCAQMD regulatory requirements. Operation and maintenance conditions for the Substation are not expected to create any air quality issues related to corona discharge or odors.</p> <p><i>Decommissioning:</i> Equipment used for decommissioning would generally be similar to that used for construction. Decommissioning activities would likely require less heavy equipment than facility construction, since no vegetation clearing or site grading would be required. Because decommissioning would occur at least 30 years in the future, it is likely that equipment engine technology and fuels would be different from current technology and fuels. Consequently, it is not possible to provide reliable estimates of equipment emissions from decommissioning activities.</p>
Global Climate Change	<p>Impacts of the Red Bluff Substation project on climate change are analyzed in Section 4.5, Climate Change, page 4.5-6 et seq.</p> <p><i>Construction:</i> For greenhouse gas emissions from on-site construction activity, emission estimates are summarized in a series of tables which portray annual emissions in tons per year for 2011, 2012, and 2013. Annual and maximum day emissions for criteria pollutant emissions from construction-related vehicle traffic are also provided. Construction activities and associated vehicle traffic would generate emissions of greenhouse gas pollutants over a period of approximately 26 months. The Applicant proposes to implement a construction worker shuttle bus system that would greatly reduce the volume of traffic and resulting greenhouse gas emissions that would otherwise be generated by construction worker commute traffic for the solar farm.</p> <p><i>Operations and Maintenance:</i> There are few sources of greenhouse gas emissions associated with substation operation. The Substation would not have on-site employees, and would require only infrequent inspection and maintenance activities. The primary source of operational greenhouse gas emissions would be leaks of sulfur hexafluoride from circuit breakers and other equipment at the substation. SCE estimates that equipment at the Red Bluff Substation would contain about 9,000 pounds of sulfur hexafluoride, with an annual leak rate of 0.5 percent, or 45 pounds per year. Vehicles used for periodic facility inspection and necessary maintenance activities would be an intermittent and very small source of additional greenhouse gas emissions. The ozone that can be generated by corona discharge effects at high voltage equipment is also</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Global Climate Change (cont.)	<p>a greenhouse gas, but ozone in the lower atmosphere is so chemically reactive that it has a very short atmospheric lifetime and thus has little impact on climate change. Regarding changes in greenhouse gas storage potential of desert soils, desert ecosystems do not have a large capacity to store greenhouse gases. Consequently, operation of the Red Bluff Substation would have little impact on potential ecosystem carbon storage.</p> <p><i>Decommissioning:</i> Equipment used for decommissioning would generally be similar to that used for construction. Decommissioning activities would likely require less heavy equipment than facility construction, since no vegetation clearing or site grading would be required. Because decommissioning would occur at least 30 years in the future, it is likely that equipment engine technology and fuels would be different from current technology and fuels. Consequently, it is not possible to provide reliable estimates of equipment greenhouse gas emissions from decommissioning activities.</p>
Cultural Resources	<p>Impacts of the Red Bluff Substation project on cultural resources are analyzed in Section 4.6, Cultural Resources, page 4.6-5 et seq.</p> <p><i>Construction:</i> Construction of the Red Bluff Substation and its associated components would require clearing and grading that would directly impact archaeological sites, built environment resources, and historic landscapes. Specifically, resources that would be directly impacted by construction of the Substation and its associated components include 25 sites (23 historic, 1 multicomponent, and 1 prehistoric). The one prehistoric site recorded within the Substation (distribution line) is an NRHP-listed site that contributes to the North Chuckwalla Petroglyph District (CA-RIV-1383). As such, direct impacts would also occur on the landscape of the district. Indirect visual and audible impacts would occur on the historic landscapes of the Colorado River Aqueduct (NRHP-eligible), potential DTC-C-AMA historic district (potentially CRHR and NRHP eligible), the North Chuckwalla Mountains Quarry District (CA-RIV-1814, NRHP-listed), and prehistoric site CA-RIV-330 (NRHP-eligible).</p> <p>Physical disturbance of NRHP-eligible sites would constitute a significant impact under NEPA. The Memorandum of Agreement that is currently being developed to comply with Section 106 will also prescribe mitigation measures that would be implemented by the Applicant in coordination with applicable responsible agencies to resolve adverse effects to NRHP-eligible sites. However, given that the Memorandum of Agreement and associated consultations are still in progress, unmitigable impacts on cultural resources under NEPA may still occur.</p> <p><i>Operations and Maintenance:</i> Operation and maintenance of the Substation would indirectly impact the setting and historic landscapes of the potential DTC-C-AMA historic district, Colorado River Aqueduct (NRHP-eligible), the North Chuckwalla Petroglyph District (CA-RIV-1383, NRHP-listed), the North Chuckwalla Mountains Quarry District (CA-RIV-1814, NRHP-listed), and prehistoric site CA-RIV-330 (NRHP-eligible) by altering the historic settings of these resources.</p> <p>Native American consultations are continuing at this time. Although no sacred sites, TCPs or traditional use areas have been identified, such areas may be identified as the consultation process moves forward. If such areas are identified, the operation and maintenance of the Substation may have direct and indirect impacts on them.</p> <p><i>Decommissioning:</i> Decommission and removing substation components would eliminate the indirect impacts on cultural resources described above for construction of the Substation. The historic landscapes would be restored by restoring the natural and historic settings of these resources. The same effect would occur for the viewsheds of sacred sites, traditional use areas, or TCPs that may exist. Further, access to places of traditional importance to Native Americans would be restored. However, impacts on the potential DTC-C-AMA historic district and the North Chuckwalla Petroglyph District (CA-RIV-1383, NRHP-listed) would remain since archaeological sites that contribute to these districts would be permanently affected by construction of Alternative 1.</p>
Environmental Justice	<p>Impacts of the Red Bluff Substation project on environmental justice are analyzed in Section 4.13, Socioeconomics and Environmental Justice, page 4.13-6 et seq.</p> <p><i>Construction:</i> Any impacts on socioeconomics associated with construction of Red Bluff Substation would be temporary, and no impacts that could occur to environmental justice populations would be disproportionate to these populations. Construction of the Substation would not displace either local or regional businesses or residents, nor would it result in a substantial reduction in the employment or income in the regional and local economy. It would, however, result in short-term increases in regional employment and income if the construction crew hired to work on the substation were not previously employed. It could indirectly generate increased expenditures, income, and employment in the local economies in which the construction workforce spends its earnings and would generate direct expenditures in the regional economy.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Environmental Justice (cont.)	<p><i>Operations and Maintenance:</i> No additional employment would occur for the operation and maintenance of the Red Bluff Substation and its associated components, and there would be no further demand for water, waste, or other utilities and services. Therefore, there would be no further socioeconomic or environmental justice impacts from operation and maintenance of this facility.</p> <p><i>Decommissioning:</i> Impacts resulting from decommissioning the Red Bluff Substation are similar to those described above under Construction.</p>
Lands and Realty	<p>Impacts of the Red Bluff Substation project on lands and realty are analyzed in Section 4.9, Lands and Realty, page 4.9-4 et seq.</p> <p><i>Construction:</i> Construction of the Substation would be primarily on BLM-administered land designated as Multiple Use Class L (Limited Use) by the CDCA Plan. The exception would be the less than one-acre Telecom Site, which would be on land designated Class M (Moderate Use). Electrical generation, transmission, and distribution facilities may be allowed on both Moderate and Limited Use land within designated utility corridors after NEPA requirements are met and a plan amendment is approved.</p> <p>The Red Bluff Substation and Access Road 2 would be located within the Chuckwalla Desert Wildlife Management Area (DWMA) and Critical Habitat Unit (CHU). Temporary and permanent land disturbance would result in these areas. The BLM-administered portion of the DWMA is approximately 465,287 acres in size; therefore, the development the Red Bluff Substation would represent a negligible percentage (0.004 percent) of the allowable development within the DWMA.</p> <p>The Red Bluff Substation would not impact any agricultural lands.</p> <p><i>Operations and Maintenance:</i> The impacts resulting from operating and maintaining the Red Bluff Substation would be reduced compared to those discussed under construction of the Substation because land that was only impacted during construction such as staging areas would not be impacted during operation and maintenance, resulting in a reduced impact footprint.</p> <p><i>Decommissioning:</i> Decommissioning of the Red Bluff Substation would temporarily impact a footprint similar to that of construction. When decommissioning was complete, it would result in restoration of 172 acres of multiple use BLM-administered land, making the land available for other uses.</p> <p>Decommissioning would initially result in additional disturbance to the Chuckwalla DWMA and CHU. However, the amount of land disturbed would be much less than the one percent allowed by the NECO Plan, and the disturbance would be limited to the duration of decommissioning activities. When decommissioning was complete, this land would be restored and could once again be used as a habitat conservation area.</p>
Livestock and Grazing	There are no impacts of the Red Bluff Substation project on livestock grazing.
Mineral Resources	There are no impacts of the Red Bluff Substation project on mineral resources.
Multiple Use Classes	<p>Impacts of the Red Bluff Substation project on multiple use classes are analyzed in Section 4.9, Lands and Realty, page 4.9-4 et seq.</p> <p><i>Construction:</i> Construction of the Red Bluff Substation would be primarily on BLM-administered land designated as Multiple Use Class L (Limited Use) by the CDCA Plan. The exception would be the less than one-acre Telecom Site, which would be on land designated Class M (Moderate Use). Electrical generation, transmission, and distribution facilities may be allowed on both Moderate and Limited Use land within designated utility corridors after NEPA requirements are met and a plan amendment is approved. The Substation would be within utility corridor K. Construction of the Red Bluff Substation would convert 76 acres of multiple use BLM-administered land to an electrical substation and an additional 96 acres for associated facilities (e.g., distribution system, drainage improvements, Telecom Site and tower, and Access Road 2).</p> <p><i>Operations and Maintenance:</i> The impacts resulting from operating and maintaining the Red Bluff Substation would be reduced compared to those discussed under construction because land that was only impacted during construction such as staging areas would not be impacted during operation and maintenance, resulting in a reduced impact footprint.</p> <p><i>Decommissioning:</i> Decommissioning of the Red Bluff Substation would temporarily impact a footprint similar to that of construction. When decommissioning was complete, it would result in restoration of 172 acres of multiple use BLM-administered land, making the land available for</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Multiple Use Classes (cont.)	<p>other uses. Decommissioning would require coordination similar to that performed during construction where the Red Bluff Substation overlapped existing uses (including roads and transmission lines); however, once decommissioning was completed, the Red Bluff Substation would no longer overlap these uses.</p>
Noise	<p>Impacts of the Red Bluff Substation project on noise are analyzed in Section 4.10, Noise and Vibration, page 4.10-14 et seq.</p> <p><i>Construction:</i> Noise levels from on-site construction activity and construction-related traffic would not exceed Riverside County land use compatibility standards at existing residences. Temporary noise impacts to wildlife would be limited to the construction sites and immediately adjacent locations. Ground vibrations from construction equipment would not be perceptible at existing residences near the construction sites.</p> <p>There are no noise-sensitive land uses close to the location proposed for the Red Bluff Substation. Locations 400 feet or more from the construction site would have CNEL increments of less than 60 dBA during the construction period. Maximum 1-hour Leq noise levels would be less than 60 dBA at distances of 800 feet or more from the construction site. Construction-related traffic for the Red Bluff Substation generally would be limited to I-10 and an unpaved access road. There are no noise-sensitive land uses along either of the alternative access road alignments for the Substation. Construction-related traffic for the Red Bluff Substation would have little effect on noise levels from I-10, and there would be limited construction activity and few construction-related vehicle trips at the telecommunication site on SR-177.</p> <p>Construction noise and visible construction activity would have a temporary effect on wildlife in adjacent undisturbed areas, but noise levels would not exceed the general range of existing ambient noise levels at distances beyond 200 to 300 feet from the construction site. Construction activity at the Red Bluff Substation would not cause perceptible ground vibrations and would pose no risk of cosmetic damage to any existing buildings.</p> <p><i>Operations and Maintenance:</i> The Red Bluff Substation site is not located near any noise-sensitive land uses, and would be surrounded by a masonry security wall rather than by a chain link fence. The security wall would reduce off-site operational noise from the substation by an estimated 6 to 8 dBA. Thus, operational noise from the Red Bluff Substation would produce a CNEL level of about 60 dBA outside the substation property. Existing traffic volumes along I-10 are estimated to produce background CNEL levels of about 64 dBA at the north side of the substation location and about 55 dBA at the south side of the substation location. Noise levels adjacent to the substation would be periodically elevated during emergency generator testing; however, it is not anticipated that the associated noise levels would be audible at the closest sensitive receptor locations. Given the existing influence of I-10 on ambient noise levels in the substation vicinity, operational noise levels from the Red Bluff Substation would not be expected to affect off-site wildlife.</p> <p><i>Decommissioning:</i> Equipment used for decommissioning would generally be similar to that used for construction. Decommissioning activities would likely require less heavy equipment than facility construction, since no vegetation clearing or site grading would be required. Noise impacts from decommissioning activities at the Red Bluff substation would be similar to those for construction activities. Traffic volumes associated with decommissioning activities would likely be similar to traffic volumes associated with construction activities. Because decommissioning would occur at least 30 years in the future, it is likely that vehicle engine technology would be different from current technology. Engine technologies that do not rely on internal combustion engines would likely generate lower noise levels than those produced by current vehicles. This effect is already apparent with hybrid vehicles. Because traffic volumes associated with decommissioning activities for the Red Bluff Substation would be only a very small fraction of prevailing traffic volumes on I-10, there would be little change in noise levels along I-10 due to decommissioning of the substation. Noise impacts to wildlife and ground vibrations generated during decommissioning of the Red Bluff Substation would be similar to those discussed previously with respect to construction activities.</p>
Paleontological Resources	<p>Impacts of the Red Bluff Substation project on paleontological resources are analyzed in Section 4.7, Paleontological Resources, page 4.7-2 et seq.</p> <p><i>Construction:</i> The potential for direct or indirect impacts on paleontological resources as a result of constructing the Red Bluff Substation would be low, as the geologic units present at the site have low potential to contain vertebrate fossils and other scientifically valuable paleontological resources.</p> <p><i>Operations and Maintenance:</i> Indirect impacts that may occur during operation and maintenance include the potential for increased unauthorized collection of fossils and other paleontological resources resulting from increased numbers of people in the vicinity. The geologic</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Paleontological Resources (cont.)	<p>units present at the site have low potential to contain vertebrate fossils and other scientifically valuable paleontological resources. The potential for indirect impacts on paleontological resources is low.</p> <p><i>Decommissioning:</i> The potential for direct or indirect impacts on paleontological resources as a result of decommissioning the Red Bluff Substation would be low. The physical disturbance of the geologic units present at the site during decommissioning could directly impact (i.e., damage or destroy) any fossils that might be present. Once the Substation was removed, no additional direct impacts would be likely. The geologic units present at the site have low potential to contain vertebrate fossils and other scientifically valuable paleontological resources.</p>
Public Health and Safety	<p>Impacts of the Red Bluff Substation project on public health and safety are analyzed in Section 4.11, Public Health and Safety/Hazardous Materials, page 4.11-8 et seq.</p> <p><i>Construction:</i> The Project would use hazardous materials during construction, and exposure to hazardous materials may also be caused by discharge of disposal onto soils, or through upset or accidental release. Significant impacts would occur from the hazardous wastes generated during construction, though implementation of applicant measures would reduce the impacts from hazardous materials used.</p> <p>The Red Bluff Substation would not mobilize existing contaminants in groundwater or soil, or expose workers to contaminated or hazardous materials at levels in excess of those permitted by federal and state law. There would not be an increase in exposure of construction or permanent workers or the environment to potentially hazardous levels of chemicals due to the disturbance of previously contaminated soils. No impacts would occur and, therefore, no mitigation is required. However, studies have indicated that the site was historically used as a military training facility, and that there is potential for MEC to be present on portions of the site. As such, applicant measures would be incorporated as part of planning for the Substation in coordination with the BLM.</p> <p>Construction of the 185-foot microwave tower associated with the Red Bluff Substation could possibly create a safety hazard for the special use airport in the vicinity. Implementation of an applicant measure to follow Federal Aviation Administration (FAA) requirements for the microwave tower would reduce impacts.</p> <p>Construction of the Red Bluff Substation has the potential for impairing implementation of County of Riverside adopted emergency evacuation and emergency response plans, such as affecting traffic and emergency routes, including equipment and material delivery. Impacts to existing emergency evacuation and emergency response plans would be significant without implementation of applicant measures that would reduce impacts for emergency evacuation and emergency response plans during construction.</p> <p>The risk to workers or the public from damage to the Red Bluff Substation during construction as a result of accidental or intentional actions by outside parties is low because public access would be controlled, primarily by fencing. The construction of the Substation would not increase the risk for environmental impacts from intentionally destructive acts.</p> <p><i>Operations and Maintenance:</i> During operation, the Red Bluff Substation regularly scheduled maintenance plus any emergency repairs would require workers and the potential use of hazardous materials. To ensure worker health and safety and no impacts to the environment, an applicant measure would be implemented to reduce impacts.</p> <p>Operation of the 185-foot microwave tower associated with the Red Bluff Substation could possibly create safety hazards for the Special Use Airport in the vicinity. An applicant measure requiring adherence to FAA permit requirements for the microwave tower would reduce impacts.</p> <p>An Emergency Evacuation and Response Plan would be needed to provide directions for responding during an emergency. Regularly scheduled or emergency maintenance would be infrequent. To ensure adequate responses during an emergency as well as adequate response to the threat of wildfire during operation of the Red Bluff Substation, applicant measures would be implemented to reduce impacts.</p> <p>The risk to workers or the public from damage to the Red Bluff Substation as a result of accidental or intentional actions by outside parties is low because the Substation would not be staffed and because public access would be controlled by fencing. This would not preclude Intentionally Destructive Acts specifically targeting the Substation. Applicant measures would reduce impacts from Intentionally Destructive Acts to Red Bluff Substation.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Public Health and Safety (cont.)	<p><i>Decommissioning:</i> Decommissioning of the Red Bluff Substation and related facilities would require the use of hazardous materials plus the temporary storage of hazardous wastes. Hazardous materials use likely at the same level as used during construction could be used. As much of the waste as possible would be recycled. Non-recycled waste would be disposed of in an appropriate landfill. Decommissioning would include removing the 185-foot microwave tower, thereby removing a safety hazards for the special use airport in the vicinity. No air safety hazards would remain. No impact would occur.</p> <p>The decommissioning of the Red Bluff Substation has the potential for impairing implementation of County of Riverside adopted emergency evacuation and emergency response plans. During decommissioning, activities could affect traffic and emergency routes, including equipment and material delivery. Impacts to existing emergency evacuation and emergency response plans would be significant without implementation of applicant measures.</p> <p>The risk to workers or the public from damage to the Red Bluff Substation as a result of accidental or intentional actions by outside parties is low because public access would be controlled by fencing. The decommissioning of Red Bluff Substation A would not increase the risk for environmental impacts from intentionally destructive acts. Once all substation equipment and structures have been dismantled and removed, the potential for Intentionally Destructive Acts would be eliminated.</p>
Recreation	<p>Impacts of the Red Bluff Substation project on recreation are analyzed in Section 4.12, Recreation, page 4.12-3 et seq.</p> <p>There would be no impact related to the construction, operation or maintenance, or decommissioning of the substation because no off-highway vehicle (OHV) or recreational vehicle travel routes would be affected.</p>
Social and Economics	<p>Impacts of the Red Bluff Substation project on social economics are analyzed in Section 4.13, Socioeconomics and Environmental Justice, page 4.13-6 et seq.</p> <p><i>Construction:</i> Any impacts on socioeconomics associated with construction of Red Bluff Substation would be temporary. Construction of the Substation would not displace either local or regional businesses or residents, nor would it result in a substantial reduction in the employment or income in the regional and local economy. It would, however, result in short-term increases in regional employment and income if the construction crew hired to work on the substation were not previously employed. It could indirectly generate increased expenditures, income, and employment in the local economies in which the construction workforce spends its earnings and would generate direct expenditures in the regional economy.</p> <p><i>Operations and Maintenance:</i> No additional employment would occur for the operation and maintenance of the Red Bluff Substation and its associated components, and there would be no further demand for water, waste, or other utilities and services. Therefore, there would be no further socioeconomic impacts from operation and maintenance of this facility.</p> <p><i>Decommissioning:</i> Impacts resulting from decommissioning the Red Bluff Substation are similar to those described above under Construction.</p>
Soils Resources	<p>Impacts of the Red Bluff Substation project on soil resources are analyzed in Section 4.8, Geology and Soil Resources, page 4.8-4 et seq.</p> <p><i>Construction:</i> As the Red Bluff Substation is downslope of the Chuckwalla Mountains, surface runoff in the form of eroded channels traverses the site. Three of these channels would be needed to be altered to protect the Substation's southern exposure from flooding. Proposed drainage features would be properly engineered to prevent erosion of soils next to and downslope of the Substation. The proposed construction of the Red Bluff Substation would expose people and/or structures to potential substantial adverse effects, including the risk of loss, injury or death involving (i) rupture of a known earthquake fault; (ii) strong seismic ground shaking and (iii) seismic-related ground failure. Implementing mitigation would reduce these impacts. Other geologic hazards, including liquefaction, seismically induced subsidence, tsunamis, seiches and slope instability are considered generally low to nil to the construction of the Red Bluff Substation. Groundwater levels at the site may fluctuate with precipitation, irrigation, drainage, regional pumping from wells, and site grading. Groundwater levels would be determined in the geotechnical study completed prior to construction of the Red Bluff Substation. Construction of the Red Bluff Substation also has the potential to increase the probability of water and wind erosion. Implementing mitigation would reduce these impacts.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Soils Resources (cont.)	<p><i>Operations and Maintenance:</i> The proposed operation and maintenance of the Red Bluff Substation would expose people and/or structures to the same seismic and geologic hazards as described for construction. Implementation of mitigation would reduce these impacts. The operation and maintenance of the Red Bluff Substation does not have the potential to increase the probability of water and wind erosion.</p> <p><i>Decommissioning:</i> Prior to decommissioning of the SCE facilities or within a reasonable timeframe following termination of the BLM ROW grant, SCE would prepare a Decommissioning Plan for BLM review and approval. The Decommissioning Plan would address the decommissioning of SCE facilities from the permitted area, any requirements for habitat restoration and revegetation, if removal of SCE's facilities is required, activities and procedures for proper disposal of materials associated with the removal effort (if required), and compliance with applicable laws, regulations, and policies.</p> <p>The decommissioning of the Red Bluff Substation would increase the exposure of people and/or property to seismic hazards and increase the erosion of soils from wind and water. The potential soil erosion impacts from water and wind are considered slight. Implementation of applicant measures would reduce these impacts.</p>
Special Designations	<p>Impacts of the Red Bluff Substation project on special designations are analyzed in Section 4.14, Special Designations, page 4.14-1 et seq.</p> <p><i>Construction:</i> Construction of the Substation would result in the potential for direct impacts on the Chuckwalla Mountains and Palen-McCoy Wilderness Areas. In particular, noise and nighttime lighting could affect the wilderness experience within that area, making human presence more noticeable. Fugitive dust from construction would create a temporary visual distraction for a limited number of users of portions of these Wilderness Areas.</p> <p>The Red Bluff Substation would be adjacent to the Alligator Rock ACEC, which was established to protect archaeological resources. These resources would not be impacted due to construction of the Substation because they would not be disturbed by human presence, noise, and dust. There would be no impacts on the Alligator Rock ACEC from construction of the Red Bluff Substation. The access road for the Red Bluff Substation would be to the east from Corn Springs Road. As a result, there would be no impacts during construction on the Alligator Rock ACEC.</p> <p><i>Operations and Maintenance:</i> During operation and maintenance of the Substation, lights would normally be off. Where needed, lights would be shielded, would be directed downward, and would be motion sensitive to minimize glare in surrounding areas. As such, operation and maintenance are unlikely to cause direct impacts on users of the Chuckwalla Mountains Wilderness. Operating and maintaining the Red Bluff Substation and the access road from Corn Springs Road (Access Road 2) are unlikely to cause direct or indirect impacts that would disturb cultural resources within the Alligator Rock ACEC.</p> <p><i>Decommissioning:</i> Decommissioning the Red Bluff Substation would cause temporary direct disturbance to users of the Chuckwalla Mountains Wilderness Area, similar to those described for constructing this substation. No impact would occur to the Chuckwalla Mountains Wilderness Area or the Alligator Rock ACEC.</p>
Transportation and Public Access	<p>Impacts of the Red Bluff Substation project on transportation and public access are analyzed in Section 4.15, Transportation, Traffic and Public Access, page 4.15-10 et seq.</p> <p><i>Construction:</i> No road closures or rerouting would be required for the construction of the Substation. The level of service (LOS) LOS at impacted intersections would remain at LOS A during construction, with only slight increases in delay at those intersections. LOS A is the highest standard of performance for the roadway system, and intersections operating at LOS A are in conformance with Riverside County's LOS performance standards. Impacts would be further reduced with implementation of AM-TRANS-1. With respect to air traffic impacts, coordination with the FAA would be prudent, as the telecom site would be approximately 5,500 feet from the runway of the former Desert Center Airport, which is now a private special-use airport.</p> <p><i>Operations and Maintenance:</i> Because there would be less Project-generated traffic on area roads during operation and maintenance of the Red Bluff Substation (as compared to during construction), impacts related to performance of the roadway system (specifically, LOS and</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Transportation and Public Access (cont.)	<p>intersection delay) and road deterioration would be reduced. There would be no impact to air traffic as any necessary mitigation would have been implemented prior to construction. No road closures or rerouting would occur during operation and maintenance.</p> <p><i>Decommissioning:</i> Decommissioning impacts would be similar to construction impacts described above for transportation and public access.</p>
Vegetation Resources	<p>Impacts of the Red Bluff Substation project on vegetation resources are analyzed in Section 4.3, Vegetation, page 4.3-7 et seq.</p> <p><i>Construction:</i> Direct and indirect impacts from construction on native vegetation communities stem from the permanent removal of creosote desert scrub and desert dry wash woodland. All surface disturbances would have permanent impacts, though implementation of applicant measures and mitigation measures would be reduced or mitigated these impacts. Other potential impacts to vegetation communities include: dust generated during construction that could directly adversely affect offsite native vegetation communities immediately adjacent to the Substation; grading activities during construction which could also have direct effects on the water quality and hydrology of desert dry washes located downstream; and clearing and grading activities within the Substation site that would disturb soil and remove vegetation. Implementation of dust control measures, a Storm Water Pollution Prevention Plan (SWPPP) during construction, and applicant measures would be employed to reduce these impacts.</p> <p>Clearing and grading activities to construct the Red Bluff Substation and all of its associated improvements would cause the direct loss of two California ditaxis. Eight other species of cacti have been recorded in the Project locations as well and would be directly impacted by the 172 acres of permanent disturbance caused by construction of the Substation and substation-related features. Implementation of applicant measures and mitigation measures would reduce or mitigate these impacts. With respect to sensitive natural communities and jurisdictional resources, a total of 29 acres of desert dry wash woodland would be permanently removed and a total of 51 acres of CDFG jurisdictional resources would be permanently disturbed, respectively, to construct the elements of the Red Bluff Substation. Implementation of applicant measures and mitigation measures would reduce or mitigate these impacts. The Red Bluff Substation and its associated elements would be consistent with the open space protection policies of the County of Riverside's General Plan.</p> <p><i>Operations and Maintenance:</i> Impacts associated with operation and maintenance of the Red Bluff Substation would include a direct impact on the geomorphic conditions and hydrology of the site, resulting in adverse effects on downstream vegetation within dry wash woodlands. Proposed soil decompaction and additional mitigation measures are expected to substantially mitigate the potential for an increase in offsite channelization and sedimentation, bringing the change in hydrology down to within one percent of pre-development hydraulic conditions. Implementation of dust control measures would be employed to reduce impacts from dust generated during maintenance of access roads, while implementation of Applicant Measure BIO-2 would reduce invasive species impacts to areas of creosote desert scrub and desert dry wash woodland, as well as sensitive natural communities, immediately adjacent to the access roads.</p> <p>Red Bluff Substation would be consistent with the open space protection policies of the County of Riverside's General Plan.</p> <p><i>Decommissioning:</i> Decommissioning of the facility is anticipated to only directly impact areas previously disturbed by installation of the facility. Removal of native vegetation communities is not anticipated for decommissioning activities. However, potential impacts on the rate, volume, and quality of storm water runoff and the potential introduction of dust and invasive species associated with decommissioning activities could have direct and indirect effects on vegetation communities located immediately adjacent to the Substation, similar to the impacts associated with construction. Implementation of provisions in applicant and mitigation measures regarding the restoration of native vegetation during or following decommissioning would provide beneficial impacts to native vegetation. Implementation of the dust control mitigation measures, a SWPPP during decommissioning activities, and other applicant measures would be employed to reduce dust impacts and the potential for the introduction of invasive species.</p> <p>Removal of special status plant species is not anticipated for decommissioning activities. In addition, revegetation of the site would benefit special status plant species. However, dust impacts and the potential introduction of invasive species associated with decommissioning activities could have direct and indirect effects on special status plant species located immediately adjacent to the Substation, similar to the impacts discussed above under Construction.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Vegetation Resources (cont.)	<p>Regarding sensitive natural communities, and jurisdictional resources, impacts associated with decommissioning the Substation would be similar to those described above under construction. In addition, groundwater pumping for dust control during decommissioning would have the potential to reduce local groundwater levels and cause mortality of desert dry wash woodland trees off-site. This potential impact would be minimized by mitigation measures requiring the Project owner to monitor groundwater levels and plant health and vigor for adjacent desert dry wash woodland areas.</p>
Visual Resources	<p>Impacts of the Red Bluff Substation project on visual resources are analyzed in Section 4.16, Visual Resources, page 4.16-17 et seq.</p> <p><i>Construction:</i> Impacts from construction, equipment, and vehicles would be visible to affected viewer groups including dispersed recreationists on the valley floor, as well as Interstate 10 (I-10) travelers. Due to viewer proximity and the lack of screening elements to block direct views of the Substation, the degree of contrast would be strong, involving vegetation changes and structures from construction activities. Although viewers typically expect artificial elements next to highways, they also expect the elements to be clustered instead of spread across the landscape.</p> <p>Construction of the Red Bluff Substation would also affect views of the Chuckwalla Valley from adjacent Wilderness Areas (Chuckwalla Mountains Wilderness, Joshua Tree Wilderness, and Joshua Tree National Park), particularly from elevated viewpoints within the Project's viewshed. The overall visual change would be moderate-to-high, and in the context of the existing landscape's moderate-to-high visual sensitivity, the resulting visual impact on viewers in Joshua Tree Wilderness would be substantial. Construction-related dust plumes would be controlled using dust palliatives and limiting vehicle speeds, and light pollution would be minimized per lighting control mitigation measures.</p> <p><i>Operations and Maintenance:</i> Operation and maintenance would be visible to motorists on I-10. The form of the Red Bluff Substation would not resemble any other form in the landscape. The narrow vertical elements would create multiple prominent focal points on a relatively flat landscape and dwarf other landscape elements, which is mostly vegetation. In addition, artificial lighting would be introduced to the area, thereby decreasing nighttime darkness.</p> <p>The Red Bluff Substation and telecommunication facilities are in the foreground-middle ground distance zone for I-10 viewers. The degree of contrast described above would be strong because of the lack of screening elements to block direct views of the site, the height and number of artificial structures, and the proximity of viewers to the Project. Although viewers typically expect artificial elements next to highways, they also expect the elements to be clustered instead of spread across the landscape. Activity on I-10, however, partially distracts views away from the site. Also, because of the curving nature of I-10 and travelers moving at highway speed, the site would be visible in the foreground distance zone for a limited amount of time.</p> <p>The Red Bluff Substation would not meet Riverside County General Plan policies. The size, composition, style, color, and location of the Red Bluff Substation are incompatible with these policies.</p> <p>For some reasons described above, impacts to the visitor experience at BLM wilderness and Joshua Tree National Park from visual disturbances would be moderate-to-high.</p> <p><i>Decommissioning:</i> Removal of artificial structures would return the developed site to an undeveloped site. Decommissioning would return natural form and contours to the landscape. It would reestablish native vegetation and natural habitat, such as rocks or logs, to the land. The vegetation would be reestablished to resemble the form and line of the vegetation removed by the Project and monitored to assure successful revegetation. After decommissioning, the characteristic landscape would resemble the existing conditions. However, due to the slow pace of natural desert ecology, it would likely take decades after decommissioning for the landscape to resemble the existing conditions. From the KOP, the degree of contrast would be weak because decommissioning activities would leave the landscape in a condition that does not attract attention.</p> <p>Decommissioning would remove the buildings, structures, and activities that do not meet Riverside County General Plan policies. Therefore, there would be no buildings, structures, and activities at the site that would violate Riverside County General Plan policies.</p> <p>For the same reasons discussed under construction impacts, impacts to the visitor experience at BLM wilderness and Joshua Tree National Park from visual disturbances would be moderate-to-high during decommissioning. However, once site restoration is achieved, the impacts would be greatly reduced because the site would appear similar to the surrounding landscape.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Water Resources	<p>Impacts of the Red Bluff Substation project on water resources are analyzed in Section 4.17, Water Resources, page 4.17-12 et seq.</p> <p><i>Construction:</i> Construction of the Red Bluff Substation would require a total of approximately 300 acre-feet of water, and operation and maintenance will require less than 0.1 acre-feet per year. Therefore this alternative would not substantially deplete groundwater or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or the water table would be lowered. Construction of the Substation may alter the existing drainage pattern of the area. A channel would be constructed to route flows around the Substation, and potential changes in flooding patterns, both onsite and off site, associated with implementation of the Project would be minimal. Impacts to water quality are unlikely to occur at the Red Bluff Substation, and the proposed septic system would not substantially reduce groundwater quality.</p> <p>Construction of the Red Bluff Substation may alter the existing drainage pattern of the area, but construction of a channel to route flows around the Substation and construction of a detention basin at the substation would mitigate potential flooding impacts. Therefore, construction of the Substation along with a channel and on site detention basin would not substantially increase the potential for flooding or the amount of damage that could result from flooding. Furthermore, construction of Substation A would not expose people or structures to a significant risk of loss, injury or death involving flooding including flooding as a result of the failure of a levee or dam, inundation by seiche, tsunami, or mudflow, because the proposed Project site is not near a dam, levee or a coastline.</p> <p><i>Operations and Maintenance:</i> Operation of the substation would require additional groundwater pumping for sanitary needs, estimated at less than 100 gallons per month. Surface drainage would be routed around the facility to protect the site, and the design would meet building permit requirements. Most of the potential for water quality impacts would occur during construction, and no water quality impacts are expected during operation and maintenance of the Red Bluff Substation A. With respect to flooding, the natural drainage channels would be altered to prevent flooding and erosion of the Red Bluff Substation site, and the Project would not alter potential for flooding downstream of the site.</p> <p><i>Decommissioning:</i> Only small amounts of water would be required to control dust during decommissioning of the Red Bluff Substation. Therefore, impacts on groundwater supply are expected to be negligible, similar to those expected during construction. Decommissioning the Substation may or may not involve removal of channel protection structures installed to re-route storm drainage around the Substation site. If not maintained, the altered channels would probably be attacked by erosion during intermittent large runoff events as the channel attempts to reestablish its preconstruction flow path. Decommissioning could result in locally increased flooding potential at culverts along the access roadway, and along the stream channel that was altered in the construction phase, if the culverts or channels become blocked by sediment. Increased erosion may occur on the Substation site while vegetation becomes reestablished. However, since most erosion is caused by overland flow from upstream sources, rather than from direct precipitation, which is very low on the valley floor, and because the Substation site is relatively small, erosion on the surface of the Substation site would probably be relatively minor.</p>
Wild Horse and Burros	There are no impacts of the Red Bluff Substation project on wild horse burros.
Wildland Fire Ecology	<p>Impacts of the Red Bluff Substation project on wildland fire ecology are analyzed in Section 4.11, Public Health and Safety/Hazardous Materials, page 4.11-8 et seq.</p> <p><i>Construction:</i> The Red Bluff Substation would be constructed in an area of Riverside County that has been determined to have a low to moderate susceptibility to wildfire. However, construction of the Substation would increase the potential for a wildfire and could affect the public and environment by exposure to wildfire from construction activities and ground disturbance. The risk of wildfire would be related to combustion of native plants caused by smoking, refueling, and operating vehicles and other equipment off-road. Implementation of applicant measures would reduce these impacts.</p> <p><i>Operations and Maintenance:</i> During operation of the Red Bluff Substation, there would be an increased potential for a wildfire that could impact the public and environment by exposure to wildfire due to ongoing operation and maintenance activities. The risk of wildfire would be related to combustion of native plants caused by smoking and operating vehicles. Implementation of applicant measures would ensure adequate response to the threat of wildfire during operation.</p> <p><i>Decommissioning:</i> During decommissioning, there would be an increased potential for a wildfire that and could impact the public and environment by exposure to wildfire. The risk of wildfire would be related to combustion of native plants caused by smoking, refueling, and operating vehicles and other equipment off road. Implementation of applicant measures would reduce such impacts.</p>

**ANALYSIS OF THE RED BLUFF SUBSTATION PROJECT,
INCORPORATED BY REFERENCE FROM THE DESERT SUNLIGHT SOLAR FARM PROJECT EIS (Continued)**

Resource / Issue Area	Summary of Data and Information Incorporated and Citation to Desert Sunlight EIS
Wildlife Resources	<p>Impacts of the Red Bluff Substation project on wildlife resources are analyzed in Section 4.4, Wildlife, page 4.4-18 et seq.</p> <p><i>Construction:</i> Removal of 172 acres of habitat and installation of exclusion fencing around the Substation site and removal of habitat for other substation-related elements would have a direct affect on wildlife species through habitat loss. Implementation of a Habitat Compensation Plan would reduce this impact. Construction would also increase noise, night lighting, and dust which could disturb wildlife species adjacent to the construction zones, and have the potential to introduce invasive plant species into adjacent areas which could result in the degradation of additional wildlife habitat. Mitigation measures would reduce these indirect impacts. Regarding special status wildlife species, wildlife movement or nursery sites, and wildlife management areas and critical habitat, implementation of an Integrated Weed Management Plan, a Worker Environmental Awareness Program, a Habitat Compensation Plan, construction monitoring, and additional Mitigation Measures would reduce impacts. There would be no polarized light impacts to wildlife from construction of the Substation.</p> <p><i>Operations and Maintenance:</i> For operations and maintenance, implementation of the Habitat Conservation Plan, Integrated Weed Management Plan, and other mitigation measures would reduce impacts to wildlife habitat, special status wildlife species, wildlife movement or nursery sites, and wildlife management areas and critical habitat. The operation of the Red Bluff Substation would be would be consistent with the local open space policies of the County of Riverside's General Plan. There would be no polarized light impacts to wildlife from the operation of the Substation.</p> <p><i>Decommissioning:</i> Decommissioning impacts on wildlife species are expected to those discussed under construction impacts, with the exception of the fact that no new habitat would be removed. Revegetation of the site and removal of exclusion fencing would benefit wildlife in the area.</p>

APPENDIX F

Cultural Resources

**TABLE 1
PREVIOUS SURVEYS WITHIN THE STUDY AREA (RECORDS SEARCH LIMITS)**

Report No.	Date	Within APE	Author(s)	Title
00161	1975	Y	Greenwood	Paleontological, Archaeological, Historical, and Cultural Resources: West Coast-Midwest Pipeline Project, Long Beach to Colorado River.
00190	1981	Y	Hammond	Archaeological Survey Report for the Proposed Safety Project on Interstate 10 Between Chiriaco Summit and Wiley's Well Overcrossing, Riverside County, California
00220	1977	Y	Cowan & Wallof	Interim Report: Fieldwork and Data Analysis: Cultural Resource Survey of the Proposed Southern California Edison Palo Verde-Devers 500 kV Power Transmission Line
00221	1982	Y	Westec Services, Inc.	Cultural Resource Inventory and National Register Assessment of the Southern California Edison Palo Verde to Devers Transmission Line Corridor (California Portion)
00222	1977	Y	Wallof & Cowan	Final Report: Cultural Resource Survey of the Proposed Southern California Edison Palo Verde-Devers 500 kV Power Transmission Line
00813	1980	N	Bureau of Land Management	Eastern Riverside County Geothermal Temperature Gradient Holes
00982	1980	Y	Crew	An Archaeological Survey of Geothermal Drilling Sites in Riverside County
01341	1981	N	Ritter	Archaeological Appraisal of the Palen Dry Lake Area of Critical Environmental Concern, Riverside County, California
02210	1986	Y	Underwood et al.	Preliminary Cultural Resources Survey Report for the US Telecom Fiber Optic Cable Project, From San Timoteo Canyon to Socorro, Texas: The California Segment
05245	2005	Y	Schmidt	Negative Archaeological Survey Report: Southern California Edison Company, Blythe-Eagle Mountain 161-kV Deteriorated Pole Replacement Project
08181	2008	N	Martinez et al.	Cultural Resources Study Regarding Motorized Vehicle Routes of Travel on Lands Managed by the Bureau of Land Management California Desert District in Imperial, Riverside, and San Bernardino Counties, California
unknown	2009	Y	Wilson	Letter Report: Archaeological Monitoring for the Geotechnical Investigation of the proposed Devers-Palo Verde No. 2 Transmission Line Project, Riverside County, California

**TABLE 2
PREVIOUSLY RECORDED SITES WITHIN THE STUDY AREA (RECORDS SEARCH LIMITS)**

Period	Primary # (P-33-)	Site Trinomial (CA-Riv-)	Site Type	Constituents
Historic	13592		Tin can scatter	Church-key opened beverage cans, juice cans, meat tins
	13681		Isolate	Hole-in-cap can
	13964	7648	Tin can scatter & section marker	Tin cans & wood fragments
	14161		Isolate	General Infantry periscope style flashlight
	17137	8920	Tin can & glass scatter	Hole-in-top cans, evaporated milk cans, glass fragments
	17138	8921	Tin can & glass scatter	Tins cans, glass fragments, and milled lumber
	17766		Road Segment	Rte 60/70 w/ associated diversion dikes
Prehistoric	n/a	893T	Trail Segment	none
	n/a	1515	numerous widely dispersed loci of sparse lithics & FAR scatters over extensive area	FAR, core fragments, flakes, cores, hammer-stones, cobble chopper tools, millingtons, bone fragments, projectile point, pottery sherds, turquoise pendant, and ring of boulders. Rumored fishhooks, fish bone, and possible human remains (burials and cremations).
	13591		Isolate	Quartzite biface
	14160		Isolate	Incised pottery rim sherd and body sherd
	14177		Cleared Circle Ring	none

**TABLE 3
SUMMARY OF APPLICANT'S NATIVE AMERICAN CONSULTATION**

Contact	Affiliation	Sent	Response
Joseph R. Benitez	None provided by NAHC	Letter (5/5/2009)	6/17/2009 Indicated Chemehuevi Tribe should be contacted
Ann Brierty	San Manuel Band of Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Bennae Calac, Tribal Council Member	Pauma Band of Luiseño Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/30/2009)	None to date Requested information packet be resent (Sent 7/8/2009) (7/10/2009) E-mail requesting continued consultation about concerns for the Project area Asked to call at later date
Daryl Mike Chairperson	Twentynine Palms Band of Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Diana L. Chihuahua, Cultural Resources Coordinator	Torres-Martinez Desert Cahuilla Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Michael Contreras, Cultural Heritage Program Manager	Morongo Band of Cahuilla Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date No comment to date Referred to Torres-Martinez
Joseph Hamilton, Chairman	Ramona Band of Cahuilla Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
John A. James, Chairperson	Cabazon Band of Mission Indians	Letter (5/5/2009) Phone (7/8/2009)	None to date Referred to David Roosevelt
Linda Otero, Director	AhaMaKav Cultural Society, Fort Mojave Indian Tribe	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date Will contact with information
James Ramos, Chairperson	San Manuel Band of Serrano Mission Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Mary Resvaloso, Chairperson	Torres-Martinez Desert Cahuilla Indians	Letter (5/5/2009) Phone (7/8/2009) Response (7/14/2009)	None to date Requested information packet be resent (Sent 7/14/2009)
Luther Salgado, Sr.	Cahuilla Band of Mission Indians	Letter (7/8/2009) Phone (7/28/2009)	None to date Number disconnected
Alvino Silva	None provided by NAHC	Letter (5/5/2009) Phone (7/8/2009)	None to date Left message, call returned on 7/9/2009
Judy Stapp, Director of Cultural Affairs	Cabazon Band of Mission Indians	Letter (5/5/2009) Phone (7/8/2009)	5/18/2009 – No comment
David Roosevelt, Chairperson	Cabazon Band of Mission Indians	Phone (7/8/2009) Phone (7/28/2009)	None to date Will contact with information
Michael Tsosie	Colorado River Reservations	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Patricia Tuck, THPO	Agua Caliente Band of Cahuilla Indians	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date
Tim Williams, Chairperson	Fort Mojave Indian Tribe	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date Requested information packet be resent (Sent 7/8/2009) Referred to Linda Otero
Charles Wood, Chairperson	Chemehuevi Reservation	Letter (5/5/2009) Phone (7/8/2009) Phone (7/28/2009)	None to date

**TABLE 4
NEWLY DISCOVERED PREHISTORIC RESOURCES WITHIN THE APE**

Site Ref. (SMP-P-)	Resource Type	Size (m)	Landform	Constituents	Other
1015	Lithic scatter	90x30	Gravel terrace	31 flakes & 2 cores (cryptocryst, metavolcanic, basalt, rhyolite)	Surficial
1016	Lithic scatter	45x25	Gravel terrace	7 flakes (cryptocryst, metavolc, basalt, quartz)	Surficial
1017	Lithic & FAR scatter	50x18	Deflated dune terrace	3 flakes (metavolcanic), quartzite hammerstone, piece ground stone, 60+ FAR frags	Possible subsurface deposit
1018	Lithic & FAR scatter	25x9	Deflated dune terrace	13 pieces metavolcanic debitage, 35 pieces FAR, metate frag	Possible subsurface deposit
2014	Lithic scatter	30x20	Dune	3 flakes & core (metavolcanic)	Possible subsurface deposit
2015	Lithic & FAR scatter	47x22	Dune at base of alluvial fan	40+ flakes (metavolcanic cryptocryst), biface frag (basalt), domed scraper, core, 4 metate frags, 2 poss. metate frags, boulder with ground surface, and marine shell frag	Possible subsurface deposit
2018	Lithic & FAR scatter	54x28	Deflated dune on periphery of Dry Lake	Five clusters of FAR (126 pieces of basaltic, metavolcanic, and granitic rocks), a metavolcanic primary flake, cryptocrystalline bifacial thinning flake, a quartz secondary flake, a metavolcanic hammerstone/battered cobble	Possible subsurface deposit
2023	Lithic & FAR scatter	75x16	Alluvial fan	2 flakes, core, 8 metate fragments, 1 mano, & 6 pieces of FAR	Possible subsurface deposit
MT-001	Lithic scatter	60x20		1 rhyolite core/chopper, 1 rhyolite tested cobble, and 1 rhyolite core	Historic component, mid-20th century can scatter and one screw-top glass bottle

**TABLE 5
NEWLY DISCOVERED HISTORICAL ARCHAEOLOGICAL SITES WITHIN THE APE**

Site Ref SMP-H-	Type and Size (m.)	Land-form	Constituents	Dates	Other
1003	Refuse scatter 80x50	Alluvial fan & wash	11+ cans (motor oil, key-strip opened, beverage), clear glass bottle fragment	1930s-1940s	Surficial
1004	Refuse scatter 110x80	Alluvial fan	Cans (motor oil, beverage, fish tins), jadite ceramic fragment, modern milled lumber	1930s-1940s	Surficial
1005	Placer mining claim? 455x155	Wash	wooden post w/ wire nails 120+ cans (key-strip opened meat tins, beverage, motor oil, coffee), 2 amber glass bottles, clear glass bottle	1930s-1940s	Surficial
1006	Refuse scatter 140x27	Wash	9 cans (beverage, sanitary, milk, key-strip opened), clear glass medicine bottle	1930s-1940s	Surficial
1007	Placer mining claim? 460x175	Wash	2 wooden posts, a rock cairn 200+ cans (beverage, pull tab, tobacco tin, key-strip opened, sanitary, motor oil, meat tins), hand saw, glass fragments, automobile parts, rubber, metal pipe, milled lumber, bailing wire, shovel	1940s-1960s	Surficial, possibly multiple dumping episodes
1008	Refuse scatter 105x160	Alluvial fan	Cans (sanitary, beverage, single friction, key-strip opened, flat round/hinge lid/square meat tins), glass jar fragment, milled lumber, metal U.S. Army spoon	1930s-1940s	Surficial
1009	Refuse scatter 165x85	Wash	Cans (beverage, pull tab, milk, key-strip meat tins, fish tins), olive green glass bottle	1915-1971	Surficial, possibly multiple dumping episodes
1010	Refuse scatter with assoc. tank tracks 80x150	Alluvial fan	33+ Cans (beverage, fish tins) set of tank tracks, 140 feet long	1930s-1940s	Surficial
1011	Refuse scatter 40x90	Alluvial fan	13 cans (sanitary, kerosene, fish tin, pocket tobacco), amber glass bottle	1940s	Surficial
1013	Refuse scatter 65x110	Alluvial fan	30+ cans (sanitary, key-opened, pocket tobacco, key-wind sardine), piece of iron, clear glass condiment bottle	1908-present	Surficial
1020	Refuse scatter 390x110	Wash	200+ cans (beverage, sanitary, motor oil, cone top, key-opened, single friction, flat round, fuel)	1930s-1940s	Surficial, possibly multiple dumping episodes
1021	Refuse scatter 3x2	Dune	29 cans/lids (sanitary)	1920s-1940s	possible buried deposit
1022	Refuse scatter 155x130	Wash	24+ cans (sanitary, beverage, key-opened), clear glass jar, amber glass bottle, milled lumber, tar	1930s-1940s	Surficial
1023	Refuse scatter 1x1	Alluvial fan	7 coke bottles	1941-1942	Surficial
1025	Survey markers 8x60	Alluvial fan	Clear glass jar, modern wooden lath 2 wooden survey markers, one 5 feet and tall and one 1 foot tall	Possible 19th century	Surficial
1026	Tank tracks	Alluvial fan	2 sets tank tracks (106 and 85 meters in length) 1 half-track (53 m in length)	1942-1944	Surficial

TABLE 5 (Continued)
NEWLY DISCOVERED HISTORICAL ARCHAEOLOGICAL SITES WITHIN THE APE

Site Ref SMP-H-	Type and Size (m.)	Land-form	Constituents	Dates	Other
1032	Road 4 X 800	Alluvial fan & washes	graded dirt road	At least 1940s- 1950s	Surficial
2002	Refuse scatter 85x145	Wash	26+ cans (sanitary, beverage, hole-in cap, match-stick milk, coffee, non-reclosable), clear glass fragments & a medicine bottle	1930s- 1940s	Surficial
2003	Refuse scatter 70x140	Alluvial fan	19 cans (sanitary, motor oil, beverage, hole-in-cap, match-stick filled), clear glass condiment jar, amber beverage bottler, bailing wire	1920s- 1960s	Surficial
2004	Refuse scatter 45x20	Alluvial fan	4 cans (hole-in-cap), 2 amber beverage bottles, metal belt buckle	1930s- 1940s	Surficial
2006	Refuse scatter 55x105	Alluvial fan	14 cans (sanitary, motor oil, fish, hole-in-cap)	1930s- 1940s	Surficial
2007	Refuse scatter 28x60	Alluvial fan	11 cans (sanitary, beverage, key-opened, internal friction cocoa), metal pail, 10 aqua glass fragments, piece of amethyst glass, Colt 45 cartridge case, tar slag	1880- 1940s	Surficial
2008	Refuse scatter 80x35	no landform?	54 cans/lids, clear bottle glass frags, clear glass jar base	post- 1945	Surficial
2009	Tank tracks	Alluvial fan	1 set tank tracks (207 m in length)	1942- 1944	Surficial
2010	Refuse scatter 140x160	Alluvial fan & washes	111 cans/lids (sanitary, key-opened, oblong, flat round, hole-in-cap, match-stick), glass fragments (aqua, green, amethyst), ceramics (whiteware, crockery) 5 rock ring camp fire pits; 3 survey markers; tank tracks (466 feet)	1880- 1950s	Surficial, possibly multiple dumping episodes
2011/ 2012	Refuse scatter w/assoc. tank tracks 90x245	Alluvial fan & washes	60+ cans/lids (sanitary, beverage, key-opened, pocket tobacco, hole-in-cap), Coke bottle, amber glass jug fragments, pocket knife, spark plug two sets of tank tracks (130 and 43 m. in length)	1940s	Surficial
2016	Corral & assoc. features 119x70	Alluvial fan & dune terrace	wood/wire corral; 4 rock ring campfire pits; 1 collapsed wooden shed; 1 USGS survey marker 2 cans (beverage), milled lumber, wire/square nails	Early- mid 20th century	Surficial
2017	Refuse scatter 25x20	Alluvial fan	11+ cans/lids (sanitary, hole-in-cap, key opened meat tins)	Early 20th century	Surficial
2019	Refuse Scatter 130x50	Alluvial fan	21 cans (sanitary, motor oil, beverage, ham tin), glass medicine and whisky bottles	1940s	Surficial
2020	Tank Tracks	Gravel terrace	1 tank track (76 m in length)	1942- 1944	Surficial

TABLE 5 (Continued)
NEWLY DISCOVERED HISTORICAL ARCHAEOLOGICAL SITES WITHIN THE APE

Site Ref SMP-H-	Type and Size (m.)	Land-form	Constituents	Dates	Other
2021	Refuse Scatter 55x115	Wash & alluvial fan	30+ cans (hole-in-cap, match stick filled, sanitary, beverage, key opened), metal bowl	1919 on (1942- 1944)	Surficial
DS-326	Rock Cairn 4.5x1		small rock pile w/ small glass jar and small rock ring (26" diameter)	Post- 1945	Surficial
DS-327	Mining Claim 1x1		4x4" post, standing 5 ft high, supported by cobble base, with beverage can attached by 2 nails	Post- 1945	Surficial
DS-334	Rock Cairn 3x1		two rock cairns: 1) 42" high (30 cobbles stacked in 5 courses; 2) 29" high (20 cobbles stacked in 6 courses)	Unde- termined	
DS-452	Quartz Reduction <1x1		1 large quartz cobble and 14 smaller pieces, exhibit-ing strike marks from steel rock hammer	Unde- termined	Prospect-ing
DS-454	Quartz Reduction <1x1		six quartz cobble pieces exhibiting strike marks from steel rock hammer	Unde- termined	Prospect-ing
DS-455	Quartz Reduction <1x1		stockpile of 6 quartz cobbles; quartz fragments exhibit obvious stroke marks from steel rock hammer.	Unde- termined	Prospect-ing
DS-458	Quartz Reduction/Ref use Scatter 140x18		6 large quartz cobbles & 12 shatter pieces w/ strike marks from steel rock hammer 7 scattered cans (2 meat tins, 1 coffee can, 1 can with slits in bottom for a shaker, 1 aerosol shaving cream can, 1 condensed milk can, & 1 sanitary can)	Post- 1945	Prospect-ing
DS-459	Survey Marker 1x1		USGS marker (metal capped pipe embedded in ground, stamped 1955) adjacent metal fence post surrounded by cobble cairn	Post- 1945	
DS-465	Refuse Scatter 96x32		10 fragments green bottle glass (including 1 base), 50 brown glass fragments, 1 clear glass bottle, "Suncrest"; another clear glass bottle, "Nehi Beverage"; 25 sanitary cans, 1 meat tin, 1 rectangular can with screw top (lighter fluid container?) Concentration 1: Clorox bottle base, 1 metal bolt, ~40 green and brown glass frags, 20 sanitary cans, and can lid "For Coffee Pot or Percolator Regular Grind"; Concentration 2: 20 sanitary cans, cont top beverage can, large juice can, aqua glass jar fragment; Concentration 3: 10 beverage cans, coffee can, condensed milk can, and small meat can	Post- 1945	
DS-466	Refuse Scatter 2.5x2.5	Small Dune	10 metal fuel cans, oil filter, air or exhaust filter	Post- 1945	Partially buried
DS-467	Refuse Scatter 60x30	Wash & alluvial fan	~20 cans (5 condensed milk, 6 beverage, 5 sanitary food, 1 external friction lid can, 2 aluminum soft-top tear tab beverage can), blue enamel bowl	Multiple events post- 1945	

TABLE 5 (Continued)
NEWLY DISCOVERED HISTORICAL ARCHAEOLOGICAL SITES WITHIN THE APE

Site Ref SMP-H-	Type and Size (m.)	Land-form	Constituents	Dates	Other
DS-712	Refuse Scatter 1x1	Sandy terrace	6 rusted metal vehicle parts including a pedal embossed with a "C", 2 leaf springs, 1 strap, and 2 pieces of unidentified metal.	Undetermined	Surficial
DS-714	Rock Cairn <1 x1	Desert Pavement	collapsed/deflated cairn supporting broken wood lath (~10 cobbles)	Undetermined	Surficial
DS-716	Quartz Reduction 107x10	Desert Pavement	rock ring (5 ft dia) where 15 cobbles have been turned over, suggesting site of cobble extraction for prospecting two concentrations of shattered quartz rocks broken with steel rock hammer or large hammerstone: 1) 25 pieces in 3-ft-dia area; 2) 10 pieces n 2-ft-dia area	Undetermined	Surficial
JR-101	Refuse Scatter 10x10		3 pieces of wood lath, 4 cans (1 sanitary, 2 beverage, 1 sardine)	Post-1945	Surficial
JR-102	Refuse Scatter 120x60		26 cans, 75 glass bottle and jar fragments	Post-1945	Surficial
JR-109	Refuse Scatter 15x15	Alluvial fan	4 tin cans (church-key, 2 P-38-opened, crushed)	Post-1945	Surficial
JR-110	Refuse Scatter 125x100	Alluvial fan	6 tin cans	Post-1945	Surficial
Riv-9091	Rock Cairn/ Quartz Reduction 377x178	Desert Pavement at base of small hill	Six cairns, approx 3 ft in dia, 3 ft in height, 3-6 courses 2 small loci of quartz shatter from prospecting	Undetermined	Surficial
TC-008	Refuse Scatter 44x50	Alluvial fan	15 cans (sanitary, sardine, tobacco)	Post-1945	Surficial
TC-009	Refuse Scatter 55x66	Alluvial fan	11 cans, metal bucket, glass bottle	Post-1945	Surficial
TC-020	Refuse Scatter 34x36	Alluvial fan	8 tin cans, 2 milled wood fragments	Post-1945	Surficial
TC-032	Refuse Scatter 34x36	Alluvial fan	20 beverage cans, weathered milled lumber pieces, motor oil, whiskey bottle	Post-1945	Surficial

**TABLE 6
CUMULATIVE ANALYSIS RESULTS: ESTIMATED NUMBER OF CULTURAL RESOURCES PER ACRE**

Location	Acres	Number of Known Cultural Resources
Genesis PAAs Blythe PAAs Palen PAAs	19,184	329 = Average Density of 0.017 sites per acre
		Estimated Number of Cultural Resources (acres x 0.017)
I-10 Corridor	122,440	2,081
Southern California Desert Region	11,000,000	187,000
Existing Projects		
I-10 Corridor		
Chuckwalla Valley Prison and Ironwood Prison	1,720	29
I-10 Freeway	2,328	40
Devers-Palo Verde 1 Transmission Line	350	6
Kaiser Eagle Mountain Mine	3,500	59
Subtotal	7,898	133
Reasonably Foreseeable Future Projects		
I-10 Corridor		
13 Solar Projects and Chuckwalla Raceway	47,591	809
4 New Transmission Lines	465	17
Subtotal	48,056	816
Reasonably Foreseeable Future Projects		
Southern California Desert Region		
Solar Projects	567,882	9,654
Wind Projects	433,721	7,373
Subtotal	1,001,606	17,027

APPENDIX G

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APPENDIX H

Programmatic Agreement

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**PROGRAMMATIC AGREEMENT
AMONG THE
BUREAU OF LAND MANAGEMENT-CALIFORNIA,
THE CALIFORNIA ENERGY COMMISSION,
PALEN SOLAR I, LLC, AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE PALEN SOLAR POWER PROJECT- RIVERSIDE
COUNTY, CALIFORNIA**

TABLE OF CONTENTS

TABLE OF CONTENTS 1

INTRODUCTION..... 3

STIPULATIONS..... 7

I. DEFINITIONS..... 7

II. AREA OF POTENTIAL EFFECTS 9

III. IDENTIFICATION AND EVALUATION..... 11

IV. ASSESSMENT OF EFFECTS..... 13

V. TREATMENT AND MANAGEMENT OF HISTORIC PROPERTIES..... 14

VI. DISCOVERIES AND UNANTICIPATED EFFECTS..... 16

VII. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN 16

VIII. STANDARDS AND QUALIFICATIONS 17

IX. REPORTING REQUIREMENTS 18

X. IMPLEMENTATION OF THE UNDERTAKING 18

XI. AMENDMENTS TO THE AGREEMENT..... 19

XII. DISPUTE RESOLUTION..... 19

XIII. TERMINATION 20

XIV. ADDITION/WITHDRAWAL OF PARTIES FROM/TO THE AGREEMENT ... 20

XV. DURATION OF THIS AGREEMENT 21

XVI. EFFECTIVE DATE..... 21

SIGNATORY PARTIES 22

INVITED SIGNATORY PARTIES 23

CONCURRING PARTIES	26
APPENDIX A: IDENTIFICATION AND EVALUATION.....	38
I. IDENTIFICATION	38
II. EVALUATION.....	38
APPENDIX B: HISTORIC PROPERTIES TREATMENT PLAN(S).....	40
I. HISTORIC PROPERTIES TREATMENT PLAN(S) provide for the resolution or mitigation of effects to historic properties as a result of the project.	40
II. COORDINATION WITH ENERGY COMMISSION MEASURES UNDER CEQA	41
III. PERFORMANCE STANDARDS FOR NHPA SECTION 106 AND CEQA MITIGATION	41
IV. HISTORIC PROPERTY TREATMENT PLANS (HPTP).....	45
APPENDIX C: HISTORIC PROPERTIES MANAGEMENT PLAN.....	46
APPENDIX D: PROJECT DESCRIPTION	47
APPENDIX E: PROJECT MAPS AND ILLUSTRATIONS	49
2. Illustration Map showing configuration and layout of proposed project and components.....	49
4. Illustrations of Solar Parabolic Trough Assemblies.	49
Map 1 Showing the Northern Portion of the Area of Potential Effect and Survey Buffers	50
Map 2 Showing Southern Portion of the Area of Potential Effect:	51
Illustration Map showing configuration and layout of proposed project and components.	52
Illustration of the Power Block Arrangement	53
Illustrations of Solar Parabolic Trough Assemblies.....	54
Project Rendition: View Looking North From Corn Springs Road with Palen Mountains in Background.....	56
APPENDIX F: SUMMARY OF CULTURAL RESOURCES INVESTIGATIONS	57
APPENDIX G: AGENCY FINDINGS AND DETERMINATIONS.....	61
APPENDIX H: CULTURAL RESOURCES IDENTIFIED DURING CLASS III SURVEY	62
APPENDIX I: DOCUMENTATION OF TRIBAL CONSULTATION.....	67
APPENDIX K: EXAMPLE NAGPRA PLAN OF ACTION.....	123

INTRODUCTION

The purpose of this Programmatic Agreement (Agreement) is to provide the processes whereby the Bureau of Land Management (BLM), in consultation with the California State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), Indian Tribes and other consulting parties, take into account the effects of the Palen Solar I, LLC – Palen Solar Power Project on historic properties and provide the ACHP a reasonable opportunity to comment as required by Section 106 of the National Historic Preservation Act (Section 106). The California Energy Commission (Energy Commission) intends to use this Agreement to satisfy the requirements of the California Environmental Quality Act.

The BLM, in consultation with the consulting parties to this Agreement, will consider and incorporate within the Section 106 consultation process the performance standards (desired future condition), range of mitigation measures and commitment to mitigate, and monitoring requirements of the Energy Commission’s Staff Assessment for the Palen Solar I, LLC – Palen Solar Power Project (Application for Certification 09-AFC-7). The BLM and the Energy Commission will endeavor to make the historic properties treatment and management provisions of this Agreement as it applies to the project as consistent as possible with the objectives and terms of the Presiding Member Proposed Decision (PMPD) and Environmental Impact Statement (EIS) within the context of the consultation process required by Section 106.

Government agencies, consulting parties, and the public identified in the scoping and public notification process for the Staff Assessment and Environmental Impact Statement were advised in the Supplemental Staff Assessment and Final Environmental Impact Statement (FEIS) that historic properties associated with the Palen Solar I, LLC – Palen Solar Power Project would be treated consistent with the mitigation measures or performance standards identified in the Staff Assessment and adopted by the Energy Commission, and consistent with the stipulations of this Agreement. A proposed final draft of this Agreement was circulated for public comment as an attachment to the FEIS. The Signatories have consulted with the Invited Signatories, Concurring Parties and Tribes on this Agreement, and have taken into consideration the views and comments received regarding the draft Agreement in preparing this final Agreement.

Appendices to this Agreement provide additional information about the Project or guidance. The Appendices can also include examples or drafts of planning documents that may be required and tiered from this Agreement and for which Section 106 consultation will continue to develop a final version.

**PROGRAMMATIC AGREEMENT
AMONG THE
BUREAU OF LAND MANAGEMENT-CALIFORNIA,
THE CALIFORNIA ENERGY COMMISSION,
PALEN SOLAR I, LLC, AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE PALEN SOLAR POWER PROJECT- RIVERSIDE
COUNTY, CALIFORNIA**

WHEREAS, Palen Solar I, LLC (Applicant) has applied for a right of way (ROW) grant on public lands managed by the Bureau of Land Management (BLM) and has submitted a Plan of Development (POD) to construct, operate and maintain a solar energy electrical generating plant (hereinafter referred to as the Palen Solar Power Project), including construction of two independent 250 MW units (Units #1, #2), a 230 kilovolt (kV) transmission line, a propane tank, paved arterial roads and parking areas, unpaved perimeter roads, and unpaved access routes, laydown and staging areas, and support facilities and infrastructure which are more fully described in Appendix D: Project Description and illustrated in Appendix E: Project Maps and Illustrations attached hereto and incorporated by this reference; and

WHEREAS, the BLM has determined that since it requires the issuance of a ROW to the Palen Solar I, LLC (PSI) in accordance with the Federal Land Policy and Management Act (FLPMA) (Public Law 940-579; 43 U.S.C 1701), the Project is an Undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulations under 36 CFR Part 800 (2004) (Section 106); and

WHEREAS, in August 2005, the United States Congress enacted the Energy Policy Act of 2005 (Public Law 109-58). In Section 211 of that Act, Congress directed that the Secretary of the Interior (“Secretary”) should, before the end of the 10-year period beginning on the date of enactment of the Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity; and

WHEREAS, by Secretarial Order No. 3285 issued March 11, 2009, the Secretary stated as policy that encouraging the production, development, and delivery of renewable energy is one of the Department of Interior’s (DOI) highest priorities and that agencies and bureaus within the DOI will work collaboratively with each other, and with other federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation’s water, wildlife, and other natural resources; and

WHEREAS, the BLM, in consultation with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP), pursuant to 36 C.F.R. 800.4(b)(2), seek to phase final identification and evaluation of historic properties for the project pursuant to 36 C.F.R. 800.4(b)(2) because the alternatives under consideration consist of large

land areas. In accordance with the requirements of 36 C.F.R. 800.4(b)(2), the BLM is preparing this Agreement to set forth the process for completing phased compliance with Section 106 of the NHPA; and

WHEREAS, the BLM has consulted with the SHPO and the ACHP, pursuant to 36 C.F.R. 800.14(b)(3) and following the procedures outlined at 36 C.F.R. 800.6, and are in the process of considering alternatives for the Project that have the potential to adversely affect historic properties and may reach a decision regarding approval of the ROW for the Project before the effects of the Project's implementation on historic properties have been fully determined, the BLM chooses to continue its assessment of the undertaking's potential adverse effect and resolve any such effect through the implementation of this Agreement; and

WHEREAS, in accordance with regulations at 36 CFR 800.14(b)(3) BLM has notified and invited the ACHP per 36 CFR 800.6(a)(1)(C) to participate in consultation to resolve the potential effects of the Undertaking on Historic Properties, and as per their letter dated March 11, 2010, the ACHP has elected not to participate in this Agreement; and

WHEREAS, the California Energy Commission (Energy Commission) may certify the Project located on both public and private lands pursuant to Section 25519, subsection (c) of California's Warren-Alquist Act of 1974 and, for the purposes of consistency, proposes to manage all historical resources in accordance with the stipulations of this Agreement, and has participated in this consultation and is an Invited Signatory to this Agreement; and

WHEREAS, the BLM has prepared the *Draft Environmental Impact Statement and Draft California Desert Conservation Area Plan Amendment, Palen Solar Power Project (2010)* and the Energy Commission has prepared the *Staff Assessment Palen Solar Power Project, Application for Certification (09-AFC-7) Riverside County (2010)* to identify the Project alternatives for purposes of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and have comparatively examined the relative effects of the alternatives on known historic properties; and

WHEREAS, the Applicant has participated in this consultation per 36 C.F.R. 800.2(c)(4) and, will be the entity to whom the BLM may grant a ROW related to Project activities, and has the responsibility for carrying out the specific terms of this Agreement under the oversight of the BLM, and therefore is an Invited Signatory to this Agreement; and

WHEREAS, pursuant to the special relationship between the Federal government and Indian tribes, and Section 101(d)(6)(B) of the NHPA, 36 C.F.R. 800.2(c)(2)(ii), the American Indian Religious Freedom Act (AIRFA), Executive Order 13175, and Section 3(c) of the Native American Graves Protection and Repatriation Act (NAGPRA), the BLM is responsible for government-to-government consultation with federally recognized Indian Tribes and is the lead federal agency for all Native American consultation and coordination; and

WHEREAS, the BLM has formally notified and invited Federally recognized tribes including the Morongo Band of Mission Indians, the Fort Yuma Quechan Indian Tribe, the San Manuel

Band of Mission Indians, the Torres-Martinez Desert Cahuilla Indians, the Fort Mojave Tribal Council, the Twentynine Palms Band of Mission Indians, the Agua Caliente Band of Cahuilla Indians, the Augustine Band of Mission Indians, the Ramona Band of Mission Indians, the Chemehuevi Tribal Council, and the Colorado River Tribal Council (Tribes) to consult on this Project and participate in this Agreement as a Concurring Party. BLM has documented its efforts to consult with the Tribes and a summary is provided in Appendix I to this Agreement; and

WHEREAS, through consultation, Tribes have expressed their views and concerns about the importance and sensitivity of specific cultural resources to which they attach religious and cultural significance. Tribes have expressed the connection of these resources to the broader cultural landscape within and near the Project area; and

WHEREAS, the BLM shall continue to consult with the Tribes throughout the implementation of this Agreement regarding the adverse effects to historic properties to which they attach religious and cultural significance. BLM will carry out its responsibilities to consult with Tribes that request such consultation with the further understanding that, notwithstanding any decision by these Tribes to decline concurrence, BLM shall continue to consult with these Tribes throughout the implementation of this Agreement; and

WHEREAS, the BLM, in coordination with the Energy Commission, has authorized the Applicant to conduct specific identification efforts for this Project including a review of the existing literature and records, cultural resources surveys, ethnographic studies, and geomorphological studies to identify historic properties that might be located within the APE; and

WHEREAS, the BLM has defined the APE in which the Project may directly or indirectly adversely affect historic properties pursuant to the definition of APE at 36 C.F.R. 800.16(d). The basis of the APE is described in greater detail in Stipulation II of this Agreement; and

WHEREAS, the Applicant has retained an archaeological consultant to complete all of the investigations necessary to identify and evaluate the National Register of Historic Places (NRHP) eligibility for cultural resources located within the APE for both direct and indirect effects. The consultant has completed a review of the existing historic, archaeological and ethnographic literature and records to ascertain the presence of known and recorded cultural resources in the APE and buffered study area; conducted an intensive field survey for 4,594 acres of land, including all of the lands identified in APE for direct effects for all Project alternatives; and completed intensive field surveys for alternatives on lands that are no longer part of the Project. The consultant has also submitted a cultural resources inventory report (*Class III Survey Report, for the Proposed Palen Solar Power Project, Riverside County, California*, prepared by AECOM, January 2010) that presents the results of identification efforts and was submitted to the BLM and Energy Commission. The BLM has provided the report to the interested parties and Tribes for review and comment; and

NOW, THEREFORE, the BLM and SHPO (hereinafter “Signatories) and the Energy Commission and Applicant (hereinafter “Invited Signatories”), agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the

adverse effect of the undertaking on historic properties, resolve such adverse effects through the process set forth in this Agreement, and provide the ACHP with a reasonable opportunity to comment in compliance with Section 106.

STIPULATIONS

The BLM shall ensure that the following measures are implemented:

I. DEFINITIONS

The definitions found at 36 C.F.R. 800.16 and in this section apply throughout this Agreement except where another definition is offered in this Agreement.

- a) **Area of Potential Effect.** The APE is defined as the total geographic area or areas within which the Project may directly or indirectly cause alterations in the character or use of historic properties per 36 C.F.R. 800.16(d). The APE is influenced by the scale and nature of an undertaking and includes those areas which could be affected by a project prior to, during and after construction.
- b) **Concurring Parties.** Collectively refers to consulting parties with a demonstrated interest in the Project, who agree, through their signature, with the terms of this Agreement. Concurring Parties may propose amendments to this Agreement.
- c) **Cultural Resource.** A cultural resource is an object or definite location of human activity, occupation, use, or significance identifiable through field inventory, historical documentation, or oral evidence. Cultural resources are prehistoric, historic, archaeological, or architectural sites, structures, buildings, places, or objects and locations of traditional cultural or religious importance to specified social and/or culture groups. Cultural resources include the entire spectrum of objects and places, from artifacts to cultural landscapes, without regard to eligibility for inclusion on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR).
- d) **Consulting Parties.** Collectively refers to the Signatories, Invited Signatories and Concurring Parties who have signed this Agreement.
- e) **Historic Properties.** Properties (cultural resources) that are included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior and per the NRHP eligibility criteria at 36 CFR60.4 and may include any prehistoric or historic district, site, building, structure, traditional cultural property or object. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the NRHP criteria. The term “eligible for inclusion in the NRHP” refers both to properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the NRHP criteria.
- f) **Historical Resources.** Historical resources are cultural resources that meet the criteria for listing on the CRHR as provided at California Code of Regulations Title 14, Chapter 11.5, Section 4850 and may include, but are not limited to, any object, building, structure,

site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

- g) **Invited Signatories.** Invited Signatories are parties that have specific responsibilities as defined in this Agreement. Those Invited Signatories who actually sign this Agreement have the same rights with regard to seeking amendment or termination of this Agreement as the Signatory Parties, but whose signatures are not required for execution of the Agreement. Invited Signatories to this Agreement are the Energy Commission and Applicant.
- h) **Lands Administered by the U.S. Department of Interior, Bureau of Land Management (BLM)** means any federal lands under the administrative authority of the BLM.
- i) **Literature Review.** A literature review is one component of a BLM class I inventory, as defined in BLM Manual Guidance 8100.21(A)(1), and is a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data. The overview may also define regional research questions and treatment options.
- j) **Records Search.** A records search is one component of a BLM class I inventory and an important element of a literature review. A records search is the process of obtaining existing cultural resource data from published and unpublished documents, BLM cultural resource inventory records, institutional site files, State and national registers, interviews, and other information sources.
- k) **Signatories.** Signatories are parties that have the sole authority to execute, amend or terminate this Agreement. Signatories to this Agreement are the BLM and SHPO.
- l) **Traditional Cultural Property.** A traditional cultural property is defined generally as a property that is important to a living group or community because of its association with cultural practices or beliefs that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. It is a place, such as a traditional gathering area, prayer site, or sacred/ceremonial location, that may figure in important community traditions. These places may or may not contain features, artifacts, or physical evidence, and are usually identified through consultation. A traditional cultural property may be eligible for inclusion in the NRHP and the CRHR.
- m) **Tribes.** The federally recognized Indian Tribes that BLM is consulting with on this Project.
- n) **Tribal Organizations.** The non Federally recognized Indian tribes and Native American organizations that BLM is consulting with on this Project.
- o) **Windshield Survey.** A windshield survey is the driving or walking of surveyors along streets and roads of a community in order to observe and record the buildings, structures, and landscape characteristics seen from those vantage points. A windshield survey is a method commonly utilized in reconnaissance surveys to identify built-environment resources, such as buildings, objects, and structures.

II. AREA OF POTENTIAL EFFECTS

- a) The BLM has defined the APE for the Project based on both the direct and indirect impacts, to be a 15 mile radius around the block area of the Project. Below is a discussion about the APE and the methodology used to so define, and the survey methodology utilized within each APE. See Appendix E for APE map and Project illustrations.
 - i) The area within which historic properties could sustain direct effects as a result of the Project is defined to include:
 - (1) The block area of installation of the proposed Phase I and Phase II components of the Project, which includes approximately 2,970 acres of public lands. The area is generally bounded by Interstate 10 to the south, Desert Center-Rice Road to the west, The Palen Mountains to the east, and Palen Dry Lake to the North. Per Energy Commission requirements, a 200-foot wide buffer around the APE was included in the survey for cultural resources within the block area. This buffer is deemed sufficient to include any Project-related activity conducted near the edge of the Project footprint.
 - (2) All linear elements of the Project including:
 - (a) A 30-foot wide ROW for temporary or permanent access roads required outside the plant footprint. The survey corridor for cultural resources for this linear element included a 50-foot wide buffer on either side of the center line (100-foot wide corridor) to allow for changes in the ROW to avoid cultural resources.
 - (b) A ROW for the 230 kV transmission line is approximately 125-feet wide and 6.9 miles long and extends from the Project area to the proposed Southern California Edison (SCE) Red Bluff Substation. The survey corridor for cultural resources for this linear element was established as a 150-foot wide buffer on either side of the center line (300-foot wide corridor) to allow for changes in the ROW to avoid cultural resources.
 - ii) The area within which historic properties could sustain indirect effects, including visual, auditory, atmospheric, and contextual, as a result of the Project includes:
 - (1) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that are identified through a review of existing literature and records search, information or records on file with the BLM or at the Eastern Information Center (EIC), interviews or discussions with local professional or historical societies and local experts in history or archaeology. For example, specific areas of concern or cultural resources that were identified include:
 - (a) Cultural resources in the Alligator Rock, Area of Critical Environmental Concern (ACEC), and the Palen Dry Lake ACEC.

- (b) South Chuckwalla Mountains Petroglyph District (Site: CA-RIV-1383)
- (c) Historic properties or cultural resources identified through archaeological or other field investigations for this Project that, as a result of Project redesign to avoid direct effects to cultural resources, are no longer within the Project area.

(2) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that are included in the Native American Heritage Commission Sacred Lands Files, identified through a literature review or records search, or identified by a Tribe or Tribal organization, through consultation as having religious or cultural significance. Specific places or cultural resources that have been identified through tribal consultation include:

- (a) Alligator Rock (a geological feature)
- (b) Alligator Rock ACEC
- (c) Palen Dry Lake Shoreline
- (d) Palen Dry Lake ACEC
- (e) South Chuckwalla Mountains Petroglyph District (Site: CA-RIV-1383)

(3) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that have been identified by a consulting party, organization, governmental entity, or individual through consultation or the public commenting processes as having significance or being a resource of concern. Areas identified through consultation to date include:

- (a) The Desert Training Center California-Arizona Maneuver Area (DTC/C-AMA).
- (b) South Chuckwalla Mountains Petroglyph District (Site: CA-RIV-1383)

(4) Built-environment resources located within one-half mile of the Project footprint,

(a) whose historic settings could be adversely affected. Specific areas of concern or cultural resources have been identified both south and north of the Project location and include:

- (i) Historic Highway 60-70 (or the current “Chuckwalla Valley Road”)
- (ii) Interstate Highway 10

(b) On private property, historic properties or cultural resources within one-half mile of the direct effects APE that are identified through surveys, where access was granted, and windshield surveys, where access was not granted.

b) The APE, as currently defined, encompasses an area sufficient to accommodate all of the proposed and alternative Project components under consideration as of the date of the execution of this Agreement. If it is determined in the future that the Project may directly or indirectly affect historic properties located outside the currently defined APE, then the

BLM, in consultation with the Signatories, Invited Signatories, and Concurring Parties, shall modify the APE using the following process:

- i) Any consulting party to this Agreement may propose that the APE established herein be modified. The BLM shall notify the other Signatories, Invited Signatories, and Concurring Parties of the proposal and consult for no more than 15 days to reach agreement on the proposal.
- ii) If the Signatories agree to the proposal, then the BLM will prepare a description and a map of the modification to which the Signatories agree. The BLM will keep copies of the description and the map on file for its administrative record and distribute copies of each to the other Signatories, Invited Signatories and Concurring Parties within 30 days of the day upon which agreement was reached.
- iii) Upon agreeing to a modification to the APE that adds a new geographic area, the BLM shall follow the processes set forth in Stipulation III to identify and evaluate historic properties in the new APE, assess the effects of the undertaking on any historic properties in the new APE, and provide for the resolution of any adverse effects to such properties, known or subsequently discovered, per Stipulations IV and V.
- iv) If the Signatories cannot agree to a proposal for the modification of the APE, then they will resolve the dispute in accordance with Stipulation XII.

III. IDENTIFICATION AND EVALUATION

- a) The BLM, in coordination with the Energy Commission, has authorized the Applicant to conduct specific identification efforts for this undertaking including, but not limited to, a literature review, records search, cultural resources surveys, ethnographic studies, and geo-morphological studies to identify historic properties that might be located within applicable specific APE.
 - i) The Applicant has prepared and submitted a cultural resources inventory report (AECOM January 2010) to the BLM and the Energy Commission that presents the results of the Applicant's identification efforts. The report is currently under review by the BLM and Energy Commission to assess whether the report conforms with the field methodology and site description template required under BLM 3-year Cultural Use Permit (CA-09-31), BLM Fieldwork Authorization FA # 66.24 10-03, Fieldwork Authorization FA # 66.24 09-12, and Fieldwork Authorization FA# 66.24 09-20, and Energy Commission Docket number 09-AFC-7.
 - ii) The BLM, in consultation with the Energy Commission, may require additional field investigations to be conducted by the Applicant to ensure the accuracy of site recordation and to provide additional information to support site evaluations and the

assessment of effects. However, the BLM and Energy Commission, separately or together, have the right and the discretion, under this Agreement, to request additional field studies.

- iii) The BLM is consulting with interested Tribes, Tribal organizations or tribal individuals regarding the identification of historic properties within the APE to which they attach religious or cultural significance and shall respond to any additional request to consult with Tribes, Tribal organizations or tribal individuals.
- b) The BLM shall make determinations of eligibility consistent with 36 C.F.R. 800.4 prior to the Record of Decision (ROD) to the extent practicable, and will make any remaining determinations as soon as possible afterwards, on those cultural resources within the APE, and make the agency's determinations available to the consulting parties, Tribes and the public for a 45 day review and comment period.
 - i) The BLM will respond to any request for consultation on its determinations from a consulting party to this Agreement or a Tribe.
 - ii) A consulting party may provide its comments directly to the SHPO with a copy to the BLM within the 45 day comment period.
 - iii) The BLM will forward to the SHPO all comments regarding its determinations received during the 45 day comment period.
 - iv) After the 45 day comment period, the BLM may request SHPO concurrence for those determinations and findings for which there is no disagreement.
 - (1) SHPO will have 15 days in which to comment.
 - (2) Should SHPO not comment, BLM shall document that SHPO has elected not to comment and may proceed in accordance with its proposed determinations.
 - (3) If the BLM and SHPO disagree on a determination, BLM shall seek a determination from the Keeper of the National Register.
 - v) Where a consulting party or Tribe objects to the BLM's determination for a specific cultural resource within the 45 day review period, the BLM shall consult with the objecting party and the SHPO regarding the nature of the objection and reconsider its determinations.
 - (1) If the objection is not resolved, the BLM shall further consult with the SHPO and follow the processes provided at 36 C.F.R. 800.4(c)(2).
 - (2) The BLM may proceed with determinations for all cultural resources not subject to objection.
 - vi) The BLM and the Energy Commission shall coordinate to the extent feasible and practicable on determinations of eligibility for the NRHP and CRHR.

- vii) If adverse effects to a cultural resource can be avoided, the BLM may choose to prescribe avoidance without making an eligibility determination of that cultural resource.
- c) In only the following circumstances, the BLM may defer the final evaluation of significance of cultural resources
 - i) where BLM has determined significance is limited to scientific, prehistoric, historic or archaeological data and where testing or limited excavation is recommended to determine whether a site would be eligible under Criterion D for inclusion on the NRHP.
 - ii) where additional evaluation efforts are required to assess the scientific, prehistoric, historic or archaeological data values of a property, the BLM and Energy Commission shall ensure that such properties located within the APE are evaluated for the NRHP and CRHR pursuant to Stipulation III and the guidelines provided in Appendix A of this Agreement.

IV. ASSESSMENT OF EFFECTS

- a) The BLM shall make determinations of effect consistent with 36 C.F.R. 800.4(d) and identify the type of adverse effect for each affected property in accordance with the criteria established in 36 C.F.R. 800.5(a)(1) and (2)(i)-(vii) prior to the ROD to the extent practicable on those cultural resources within the APE that are listed on or determined eligible for the NRHP, and provide the SHPO, Tribes, and the consulting parties with the results of this finding.
 - iii) The Applicant shall submit to the BLM:
 - (1) a list of the cultural resources that the Project appears likely to affect.
 - (2) a list of the cultural resources that the Project has no potential to affect.
 - (3) a list of the cultural resources that the Applicant commits to avoiding through the implementation of formal avoidance measures.
 - (4) a list of the cultural resources that cannot be avoided and will need to be evaluated and/or treated by implementing the prescriptions of the Historic Properties Treatment Plan (HPTP) required in Stipulation V of the Agreement.
- b) The BLM shall issue a finding of effect, based on the BLM's own evaluation of the Applicant's analysis, and provide Tribes and consulting parties to this Agreement an opportunity to review the BLM's finding and the analysis to support its finding.
 - i) The BLM shall attempt to make its determinations and findings to the extent possible in a single consolidated decision and may submit findings of effect to the SHPO

concurrently with its determinations of eligibility per Stipulation III(b), otherwise, the consulting parties shall have 30 days to comment on BLM findings of effect.

- ii) The BLM will forward to the SHPO all comments regarding its findings of effect received during the comment period.
- iii) After the comment period, the BLM may request SHPO concurrence for those findings for which there is no disagreement.
 - (1) SHPO will have 15 days in which to comment.
 - (2) Should SHPO not comment, BLM shall document that SHPO has elected not to comment and may proceed in accordance with its proposed determinations.
 - (3) Should SHPO disagree with BLM's finding, they shall continue to consult to resolve the disagreement within a 30 day review period.
 - (4) If the SHPO and BLM are not able to resolve the disagreement within the review period, BLM will request ACHP review of the finding pursuant to 36 C.F.R. 800.5(c)(3)(i).
- iv) Where a consulting party or Tribe objects to the BLM's findings, the BLM shall consult with the objecting party and the SHPO regarding the nature of the objection and reconsider its findings.
 - (1) If the objection is not resolved, the BLM shall further consult with the SHPO and follow the processes provided at Stipulation IV(b)(iii).
- c) The Applicant, at the direction of the BLM and Energy Commission, may prepare the analysis required above in phases that correspond to the proposed sequence of development, provided that analyses are ultimately prepared for the entirety of the APE.
- d) If adverse effects to such cultural resources will not be avoided, the BLM must resolve the adverse effect by implementing the prescriptions of the HPTP. When developing these HPTPs, BLM does not need to consider those cultural resources that it has evaluated and determined are not eligible for inclusion in the NRHP consistent with the process under 36 C.F.R. 800.4.
- e) Where additional identification and evaluation efforts are required due to changes in the project and the APE, the BLM and Energy Commission shall ensure that cultural resources located within the APE are identified and evaluated for the NRHP and CRHR pursuant to Stipulation III of this Agreement.

V. TREATMENT AND MANAGEMENT OF HISTORIC PROPERTIES

- a) BLM will ensure the resolution of identified adverse effects to historic properties through avoidance, minimization, or mitigation and shall be described in one or more HPTP(s) that shall be written and finalized as described below and included in Appendix B.

- i) The BLM and Applicant, in consultation with the consulting parties and Tribes, shall develop a draft HPTP(s), prior to the ROD if feasible, or as soon as possible thereafter.
 - (1) Prior to the issuance of any Notice to Proceed by the BLM to initiate the Project or any component of it that may affect historic properties, the Applicant shall develop and submit to the BLM one or more HPTPs for the BLM's approval.
 - (2) The HPTP(s) will be implemented after the ROW is granted by the BLM and prior to the issuance of a Notice to Proceed for construction in those portions of the Project addressed by the HPTP. The process for developing the HPTPs is further described below in this stipulation.
 - (3) The BLM may authorize the phased implementation of the HPTP(s) (per Stipulation X), or if appropriate, the development of HPTPs for individual cultural resources, or HPTPs that are related to specific issues or geography.

- ii) The BLM and Energy Commission, consistent with the guidelines provided in Appendix B(2), shall make every effort within the legal limits imposed on each party to incorporate into the Historic Properties Management Plan (HPMP) and any HPTP the intent of the treatment or mitigation measures in the Energy Commission's Conditions of Certification and BLM's ROD. The purpose of this effort is to evidence that due consideration of the intent inherent in the Energy Commission's Conditions of Certification were fully considered and incorporated when possible. If the BLM and Energy Commission cannot agree to proposed treatment measures, then they will resolve the dispute in accordance with Stipulation XII(c)(iii).

- iii) The BLM shall submit the HPTP(s) to the consulting parties and Tribes for a 30-day review period. BLM will consider timely comments when finalizing the HPTP(s). A consulting party may provide its comments directly to the SHPO with a copy to the BLM within the 30-day comment period. The BLM will forward to the SHPO all comments regarding the HPTP(s) received during the comment period.
 - (1) Where an HPTP specifically addresses treatment for adverse effects to historic properties to which Tribes attach religious or cultural significance, the BLM shall submit the HPTP to the Tribes and seek their views and comments through consultation, regardless of the status of a Tribe as a Concurring party to this Agreement. BLM shall consult with involved Tribe(s) on the distribution to other consulting parties of any HPTP(s) that specifically addresses treatment for adverse effects to historic properties to which the Tribes attach religious or cultural significance. Such a specific HPTP(s) shall be governed by the consultation time frames as provided in Section V(a)(iii) and (iv).

- iv) BLM will provide the consulting parties with written documentation indicating whether and how the draft HPTP will be modified in response to any timely comments received. If the HPTP is revised in response to comments received within

that 30 day period, BLM shall submit the revised HPTP to all parties for a final, 15 day review period. BLM will consider any timely comments in finalizing the HPTP and provide the consulting parties and Tribes with a copy.

- b) BLM shall ensure that any HPTP developed in accordance with this Stipulation and Appendix B of this Agreement is completed and implemented. A finalized HPTP will be included in Appendix B of this Agreement
- c) BLM shall ensure that a HPMP, which provides for the protection and management of historic properties during the operational life and decommissioning of the solar energy power plant, is developed and implemented in accordance with Appendix C of this Agreement. A finalized HPMP will be included in Appendix C of this Agreement.
- d) An amendment to an HPTP or HPMP will go into effect when agreed to in writing by the Signatories. If the Signatories do not agree on an HPTP or HPMP amendment proposed by another Signatory, the disagreement will be resolved pursuant to the procedures in Stipulation XII of this Agreement.

VI. DISCOVERIES AND UNANTICIPATED EFFECTS

- a) The BLM, in consultation with the consulting parties and Tribes, will seek to develop a monitoring and discovery plan for the Project pursuant to 36 C.F.R. 800.13(a)(1). A finalized monitoring and discovery plan will be included as Appendix J to this Agreement.
- b) If the BLM determines that implementation of the Project or a HPTP will affect a previously unidentified property that may be eligible for the NRHP, or affect a known historic property in an unanticipated manner, and a monitoring and discovery plan has not been finalized, the BLM, in coordination with the Energy Commission, will address the discovery or unanticipated effect by following the procedures at 36 C.F.R. 800.13(b)(3) where a process has not been yet been agreed to pursuant to 36 C.F.R. 800.13(a)(1).
- c) The BLM at its discretion may assume any discovered property to be eligible for inclusion in the NRHP. The BLM's compliance with this stipulation shall satisfy the requirements of 36 C.F.R. 800.13(a)(1).

VII. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

- a) The BLM shall ensure that any that Native American burials and related items discovered on BLM administered lands during implementation of the terms of the Agreement will be treated in accordance with the requirements of the NAGPRA. The BLM will consult with concerned Tribes, Tribal organizations, or individuals in accordance with the requirements of Sections 3(c) and 3(d) of the NAGPRA and implementing regulations found at 43 C.F.R. Part 10 to address the treatment of Native American burials and related cultural items that may be discovered during implementation of this Agreement.

- b) In consultation with the Tribes, the BLM shall seek to develop a written plan of action pursuant to 43 C.F.R. 10.5(e) to manage the inadvertent discovery or intentional excavation of human remains, funerary objects, sacred objects, or objects of cultural patrimony. The finalized plan of action shall be included as Appendix K to this Agreement.
- c) The BLM shall ensure that Native American burials and related cultural items on private lands are treated in accordance with the applicable requirements of the California Public Resources Code at Sections 5097.98 and 5097.991, and of the California Health and Human Safety Code at Section 7050.5(c).

VIII. STANDARDS AND QUALIFICATIONS

- a) **PROFESSIONAL QUALIFICATIONS.** All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recordation, treatment, monitoring, and disposition of historic properties and that involve the reporting and documentation of such actions in the form of reports, forms or other records, shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (PQS), as appropriate (48 Fed. Reg. 44739 dated September 29, 1983). However, nothing in this stipulation may be interpreted to preclude any party qualified under the terms of this paragraph from using the services of persons who do not meet the PQS, so long as the work of such persons is supervised by someone who meets the PQS. Tribal consultants who are available to perform monitoring duties are assigned and approved of by each Tribe.
- b) **DOCUMENTATION STANDARDS.** Reporting on and documenting the actions cited in this Agreement shall conform to every reasonable extent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Fed Reg. 44716-40 dated September 29, 1983), as well as, the BLM 8100 Manual, the California Office of Historic Preservation's Preservation Planning Bulletin Number 4(a) December 1989, Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR Guidelines) for the Preparation and Review of Archaeological Reports, and any specific and applicable county or local requirements or report formats.
- c) **CURATION STANDARDS.** On BLM-administered land, all records and materials resulting from the actions cited in Stipulation III, IV, V and VI of this Agreement shall be curated in accordance with 36 C.F.R. Part 79, and the provisions of the NAGPRA, 43 C.F.R. Part 10, as applicable. To the extent permitted under Sections 5097.98 and 5097.991 of the California Public Resources Code, the materials and records resulting from the actions cited in Stipulations III through V of this Agreement for private lands shall be curated in accordance with 36 C.F.R. Part 79. The BLM will seek to have the materials retrieved from private lands donated through a written donation agreement. The BLM will attempt to have all collections curated at one local facility where possible unless otherwise agreed to by the consulting parties.

IX. REPORTING REQUIREMENTS

- a) Within twelve (12) months after the BLM, in consultation with the Energy Commission, has determined that all fieldwork required by Stipulations III through V has been completed, the BLM will ensure preparation and concurrent distribution to the consulting parties and Tribes a draft report that documents the results of implementing the requirements of each Stipulation. The consulting parties and Tribes will be afforded 45 days following receipt of each draft report to submit any written comments to the BLM. BLM will consider timely comments when making revisions to the draft report. A revised draft will be provided for a 14 day review. The BLM will consider timely comments in making final changes to the report. Thereafter, the BLM may issue the reports in final form and distribute these documents in accordance with Stipulation IX(b).
- b) Unless otherwise requested, the BLM will distribute one copy of final reports documenting the results of implementing the requirements of Stipulations III through V to each consulting party, Tribes and to the California Historical Resources Information System (CHRIS) Regional Information Center.
- c) The BLM shall ensure that any draft document that communicates, in lay terms, the results of implementing Stipulations III through V to members of the interested public is distributed for review and comment concurrently with and in the same manner as that prescribed for the draft technical report prescribed by Stipulation IX(a). If the draft document prescribed is a publication, such as a report or brochure, the BLM shall distribute the publication upon completion to the consulting parties and to other entities that the consulting parties may deem appropriate.

X. IMPLEMENTATION OF THE UNDERTAKING

- a) The BLM may authorize construction activities and manage the implementation of HPTP(s) in phases corresponding to the construction phases of the Project.
 - i) Upon approval of the HPTP(s) and implementation of the components of the HPTP(s) subject to determinations of compliance by the BLM for Phase I of the Project, BLM may authorize a Notice to Proceed for construction activities within the Phase I area only.
 - (1) An HPTP(s) for Phase II or other phases of the Project may be developed and implemented after approval of the HPTP(s) and issuance of the Notice to Proceed described above for the Phase 1 component.
- b) The BLM may authorize construction activities, including but not limited to those listed below, to proceed in specific geographic areas of the Project's APE where there are no historic properties; where there will be no adverse effect to historic properties; where a monitoring and discovery process or plan is in place per Stipulation VI(b); or where an HPTP(s) has been approved and initiated. Such construction activities may include:

- i) demarcation, set up, and use of staging areas for the Project's construction,
 - ii) conduct of geotechnical boring investigations or other geophysical and engineering activities, and
 - iii) grading, constructing buildings, and installing parabolic solar trough assemblies.
- c) Initiation of any construction activities on federal lands shall not occur until after the BLM issues the ROD, ROW grant, and Notice(s) to Proceed.

XI. AMENDMENTS TO THE AGREEMENT

- a) This Agreement may be amended only upon written agreement of the Signatories.
- i) Upon receipt of a request to amend this Agreement, the BLM will immediately notify the other consulting parties and initiate a 30 day period to consult on the proposed amendment, whereupon all parties shall consult to consider such amendments.
 - ii) If agreement to the amendment cannot be reached within the 30 day period, resolution of the issue may proceed by following the dispute resolution process in Stipulation XII.
- b) This Agreement may be amended when such an amendment is agreed to in writing by all Signatories.
- c) Amendments to this Agreement shall take effect on the dates that they are fully executed by the Signatories.
- d) Modifications, additions, or deletions to the appendices made as a result of continuing consultation among the consulting parties do not require the Agreement to be amended.

XII. DISPUTE RESOLUTION

- a) Should the Signatories or Invited Signatories object at any time to the manner in which the terms of this Agreement are implemented, the BLM will immediately notify the other Signatories and Invited Signatories and consult to resolve the objection.
- b) If the objection can be resolved within the consultation period, the BLM may authorize the disputed action to proceed in accordance with the terms of such resolution.
- c) If the objection cannot be resolved through such consultation, the BLM will forward all documentation relevant to the objection to the ACHP. Any comments provided by the ACHP within 30 days after its receipt of all relevant documentation will be taken into account by the BLM in reaching a final decision regarding the objection. The BLM will notify the other Signatories, Invited Signatories, and Concurring Parties in writing of its final decision within 14 days after it is rendered.

- d) The BLM's responsibility to carry out all other actions under this Agreement that are not the subject of the objection will remain unchanged.
- e) At any time during implementation of the terms of this Agreement, should an objection pertaining to the Agreement be raised by a Concurring Party or a member of the interested public, the BLM shall immediately notify the Signatories, Invited Signatories, and other Concurring Parties, consult with the SHPO about the objection, and take the objection into account. The other consulting parties may comment on the objection to the BLM. The BLM shall consult with the objecting party/parties for no more than 30 days. Within 14 days following closure of consultation, the BLM will render a final decision regarding the objection and proceed accordingly after notifying all parties of its decision in writing. In reaching its final decision, the BLM will take into account all comments from the parties regarding the objection.

XIII. TERMINATION

- a) If any Signatory or Invited Signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI above. If within sixty (60) days an amendment cannot be reached;
 - i) a Signatory or Invited Signatory may terminate the Agreement upon written notification to the other Signatories and Invited Signatories.
- b) If the Agreement is terminated, and prior to work continuing on the Project, the BLM shall continue to follow the process provided at 36 C.F.R. 800.4 – 6 until (a) a new Agreement is executed pursuant to 36 C.F.R. 800.6 or (b) the agency's request, take into account, and respond to the comments of the ACHP under 36 C.F.R. 800.7. The BLM shall notify the Signatories and Invited Signatories as to the course of action it will pursue.

XIV. ADDITION/WITHDRAWAL OF PARTIES FROM/TO THE AGREEMENT

- a) Should conditions of the Project change such that other state, Federal, or tribal entities not already party to this Agreement request to participate, the BLM will notify the other consulting parties and invite the requesting party to participate in the Agreement. The Agreement shall be amended following the procedures in Stipulation XI.
- b) Should a Concurring Party determine that its participation in the Project and this Agreement is no longer warranted, the party may withdraw from participation by informing the BLM. The BLM shall inform the other consulting parties to this Agreement of the withdrawal.

XV. DURATION OF THIS AGREEMENT

- a) This Agreement will expire if the Project has not been initiated and the BLM ROW grant expires or is withdrawn, or the stipulations of this Agreement have not been initiated, within five (5) years from the date of its execution. This Agreement will also expire 30 years after its execution. At such time, and prior to work continuing on the Project, the BLM shall continue to follow the process provided at 36 C.F.R. 800.4 – 6 until either (a) a new memorandum of agreement or programmatic agreement is executed pursuant to 36 C.F.R. 800.6, or (b) the BLM requests, takes into account, and responds to the comments of the ACHP under 36 CFR 800.7. The BLM shall notify the Signatories as to the course of action they will pursue within 30 days.
- b) The Signatories and Invited Signatories shall consult at year 4 to review this Agreement and every 5 years subsequently. Additionally, the Signatories and Invited Signatories shall consult not less than one year prior to the expiration date to reconsider the terms of this Agreement and, if acceptable, have the Signatories extend the term of this Agreement. Reconsideration may include continuation of the Agreement as originally executed or amended, or termination. Extensions are treated as amendments to the Agreement under Stipulation XI.
- c) Unless the Agreement is terminated pursuant to Stipulation XIII, another agreement executed for the Project supersedes it, or the Project itself has been terminated, this Agreement will remain in full force and effect until BLM, in consultation with the other Signatories, determines that implementation of all aspects of the Project has been completed and that all terms of this Agreement and any subsequent tiering requirements have been fulfilled in a satisfactory manner. Upon a determination by BLM that implementation of all aspects of the undertaking have been completed and that all terms of this Agreement and any subsequent tiered agreements have been fulfilled in a satisfactory manner, BLM will notify the consulting parties of this Agreement in writing of the agency's determination. This Agreement will terminate and have no further force or effect 30 days after BLM so notifies the Signatories to this Agreement, unless BLM retracts its determination before the end of that period.

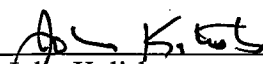
XVI. EFFECTIVE DATE

This Agreement and any amendments shall take effect on the date that it has been fully executed by the Signatories. The Agreement and any amendments thereto shall be executed in the following order: (1) BLM, (2) SHPO.


Execution and implementation of this Agreement is evidence that the BLM have taken into account the effect of this Project on historic properties, afforded the ACHP a reasonable opportunity to comment, and that the BLM have satisfied their responsibilities under Section 106. The Signatories and Invited Signatories to this Agreement represent that they have the authority to sign for and bind the entities on behalf of whom they sign.

SIGNATORY PARTIES

U.S. BUREAU OF LAND MANAGEMENT

BY:  DATE: OCT 04 2010
John Kalish
Manager, Palm Springs-South Coast Field Office

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

BY:  DATE: 7 OCT 2010
Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

INVITED SIGNATORY PARTIES

California Energy Commission
Palen Solar I, LLC

Invited Signatory

CALIFORNIA ENERGY COMMISSION

BY: _____ DATE: _____

TITLE: _____

Invited Signatory

PALEN SOLAR I, LLC

BY: _____ DATE: _____

TITLE: _____

CONCURRING PARTIES

MORONGO BAND OF MISSION INDIANS
RAMONA BAND OF MISSION INDIANS
FORT YUMA QUECHAN INDIAN TRIBE
SAN MANUEL BAND OF MISSION INDIANS
TORRES-MARTINEZ DESERT CAHUILLA INDIANS
FORT MOJAVE TRIBAL COUNCIL
TWENTYNINE PALMS BAND OF MISSION INDIANS
AGUA CALIENTE BAND OF CAHUILLA INDIANS
AUGUSTINE BAND OF MISSION INDIANS
CHEMEHUEVI TRIBAL COUNCIL
COLORADO RIVER TRIBAL COUNCIL

Concurring Party

MORONGO BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

RAMONA BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

FORT YUMA QUECHAN INDIAN TRIBE

BY: _____ DATE: _____

TITLE: _____

Concurring Party

SAN MANUEL BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

TORRES-MARTINEZ DESERT CAHUILLA INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

FORT MOJAVE TRIBAL COUNCIL

BY: _____ DATE: _____

TITLE: _____

Concurring Party

TWENTYNINE PALMS BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

AGUA CALIENTE BAND OF CAHUILLA INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

AUGUSTINE BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

CHEMEHUEVI TRIBAL COUNCIL

BY: _____ DATE: _____

TITLE: _____

Concurring Party

COLORADO RIVER TRIBAL COUNCIL

BY: _____ DATE: _____

TITLE: _____

APPENDIX A: IDENTIFICATION AND EVALUATION

I. IDENTIFICATION

- a) The BLM will ensure that all cultural resources identified during cultural resources survey are recorded on new or updated California Department of Parks and Recreation Form DPR 523 (Series 1/95), using the “Instructions for Recording Historical Resources” (Office of Historic Preservation, March 1995).
 - i) Previously unrecorded cultural resources which have religious or cultural significance to Tribes identified during cultural resources investigations and/or through consultations with Tribes may be recorded on the California DPR Form 523, unless a Tribe, Tribal organization, or an individual from a Tribe objects. If such objection arises, the properties may be recorded on a form and in a manner that is in accordance with the recommendations of the Tribe, Tribal organization, or of the individual. If the traditional cultural property is also a historical or archaeological site, those components of site will be recorded on the appropriate DPR form and filed with the California Historical Resources Information System (CHRIS).
- b) The cultural resources contractor will obtain permanent site numbers from CHRIS regional information center.
- c) The BLM, in consultation with the Energy Commission and the SHPO, shall review all site records for accuracy, adequacy of information, and completeness and determine whether they are sufficient to support agency determinations and findings. Final approved site records shall be submitted to the CHRIS. Permanent site numbers shall then be used in all final reports and other documents prepared pursuant to the requirements of this Agreement.
- d) The BLM, in consultation with the Energy Commission will ensure that cultural resources survey reports are responsive to Energy Commission Data Requests.

II. EVALUATION

- a) The BLM shall authorize field investigations by the Applicant for the purposes of evaluation of the potential site types identified in the APE listed below (but not limited to) and evaluation of the information potential and significance of the cultural resources in the APE.

Prehistoric Archaeological Resources

Chipped Stone Deposits

Sparse Lithic Scatters

Chipped and Ground Stone Deposits

Ceramic Deposits

Archaeological Deposits that Include FAR Concentrations

Trail Segments

Historical Archaeological Resources

Surveying Monuments

Historic Refuse Deposits

Pebble and Cobble Concentrations

Transportation and Trail segments

Potential Early Twentieth Century Mining Landscape

Unique Archaeological Resources

Desert Training Center/California-Arizona Maneuver Area (DTC/C-AMA)

South Chuckwalla Mountains Petroglyph District (Site: CA-RIV-1383)

- b) BLM shall consult with the Tribes and seek the views and comments of Tribal organizations and individual tribal members regarding any unevaluated cultural resource to which they may attach religious or cultural significance in order to ascertain the status of these places relative to NRHP and CRHR eligibility criteria.

APPENDIX B: HISTORIC PROPERTIES TREATMENT PLAN(S)

I. *HISTORIC PROPERTIES TREATMENT PLAN(S) provide for the resolution or mitigation of effects to historic properties as a result of the project.*

- a) Any HPTP tiered from the Agreement shall include but is not limited to:
 - i) A list of the historic properties subject to the HPTP, determined or treated as eligible for project management purposes, in the APE that the construction of the Project will unconditionally avoid,
 - ii) The measures that the Applicant will take to avoid, minimize, or mitigate the adverse effects on historic properties,
 - iii) If a separate monitoring and/or discovery plan is not already in place, provide a plan for monitoring during construction, which would include the treatment of inadvertent discoveries and the participation of tribal cultural specialists. The following shall be considered during development of these plans:
 - (1) Qualifications of archaeological monitors
 - (2) participation of tribal cultural specialists in monitoring
 - (3) areas in the APE requiring monitoring
 - (4) authority of monitors to halt work
 - (5) protective measures for historic properties
 - (6) communication protocols
 - (7) safety and resource training
 - (8) procedures upon discovery
 - (9) evaluation of the inadvertent discoveries
 - (10) implementation of standard treatment measures
 - (11) field protocol upon discovery of human remains
 - iv) The proposed disposition of recovered materials and records shall be curated in accordance with Stipulation VIII(c).
 - v) The procedures for treatment and disposition of any human remains, funerary objects, sacred objects, and objects of cultural patrimony in accordance with NAGPRA and the California Health and Safety Code 7050.5 as appropriate.
 - vi) A research design which addresses significant themes and questions for the types of historic properties to receive treatment.
 - vii) A schedule for completing treatment measures, including analysis, reporting and disposition of materials and records, as well as a schedule for completing the draft and final data recovery report(s).

viii) A description of alternative treatments for adverse effects that are not data recovery and that may include (but is not limited to):

- (1) Placement of construction within portions of historic properties that do not contribute to the qualities that make the resource eligible
- (2) Deeding cemetery areas into open-space in perpetuity and providing the necessary long-term protection measures
- (3) Public interpretation including the preparation of a public version of the cultural resources studies and/or education materials for local schools
- (4) Access by Indian tribes to traditional areas in property after the project has been constructed
- (5) Support by Applicant to cultural centers in the preparation of interpretive displays
- (6) Consideration of other off-site mitigation

b) Any treatment plan tiered from this Agreement or the HPTP shall reflect the ACHP archaeological guidance at <http://www.achp.gov/archguide/>, the BLM 8100 Manual, and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

II. COORDINATION WITH ENERGY COMMISSION MEASURES UNDER CEQA

- a) Guidelines for implementation codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq., requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. Pursuant to 13 CRR Section 15126.4(a)(1), feasible measures which could minimize adverse impacts must be described in the environmental assessment.
 - i) Section 15221(b) provides that because NEPA does not require separate discussion of mitigation measures, these points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR.
 - ii) Section 15126.4(a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time, but that measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

III. PERFORMANCE STANDARDS FOR NHPA SECTION 106 AND CEQA MITIGATION

- a) Cultural mitigation measures and performance standards considered within the Section 106 consultation and CEQA process include, but are not limited to:

- i) Avoidance
- ii) For cultural resources, the preferred method of mitigation is avoidance of all cultural resources to the maximum extent practicable. Mitigation measures which could include avoidance are normally developed through consultation to reduce impacts to significant cultural resources. The BLM through the consultation process and development of the HPTP(s) will determine which mitigation measures are applied to specific cultural resources.
- iii) Archaeological Data Recovery
 - (1) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.
 - (2) Data recovery shall not be required for an historical resource if the lead federal agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource.
- iv) Built-Environment Resources
 - (1) Documenting built-environment resources in accordance with the standards and guidelines provided by the Historic American Building Survey (HABS), Historic American Engineering Record (HAER), Historic American Landscapes Survey (HALS).
 - (2) Relocating or moving historic buildings, objects or structures out of the APE.
- v) Properties of Sacred or Cultural Significance to Indian Tribes
 - (1) Cremation/Burial Sites
 - (a) Avoidance of cremation or burial sites is the preferred management alternative.
 - (b) Where avoidance of direct physical effects is not achievable, treatment shall follow the provisions of the NAGRPA Plan of Action as provided in Appendix K.
 - (2) Trails
 - (a) Avoidance of direct physical effects to trails is the preferred management alternative.
 - (b) Where avoidance of direct physical effects is not achievable, treatment shall follow the provisions of the HPTP. A study of trails may be carried out to determine the nature and extent of the trails beyond the APE and may be considered within the context of a HALS study.

- (3) Geological landforms or other places of religious or cultural significance.
 - (a) BLM shall continue to seek information from the Tribe(s) or Tribal organizations to determine the character and use of places of religious or cultural significance.
 - (i) Maintenance of existing access to places of religious or cultural significance is the preferred management alternative.
 - (b) Engineering solutions to eliminate or minimize direct or indirect non-physical effects will be identified, including but not limited to, orienting the parabolic troughs to minimize glare, or erecting screens to eliminate glare.

vi) Discoveries

- (1) Following the discovery of any resources determined by BLM to be eligible to the NRHP, the Applicant shall ensure that the designated cultural resources contractor prepares a research design and a scope of work for any necessary data recovery or additional mitigation. The Applicant shall submit the proposed research design and scope of work to the BLM and Energy Commission's Compliance Project Manager for review and approval.
- (2) The proposed research design and scope of work shall include (but not be limited to): a discussion of the methods to be used to recover additional information and any needed analysis to be conducted on recovered materials; a discussion of the research questions that the materials may address or answer by the data recovered from the Project, and; discussion of possible results and findings.

vii) Monitoring

- (1) Prior to the start of vegetation clearance or earth disturbing activities or Project site preparation, the Applicant shall provide the designated cultural resources monitors and the BLM and/or Energy Commission's CPM with maps and/or drawings showing the footprint of the power plant and all linear facilities. Maps provided will include USGS 7.5-minute topographic quadrangle maps. If the designated cultural resource specialist requests enlargements or strip maps for linear facility routes, the Applicant shall provide them. If the footprint of the power plant or linear facilities changes, the Applicant shall provide maps and drawings reflecting these changes, to the cultural resources specialist within five days. Maps shall show the location of all areas where surface disturbance may be associated with Project-related access roads, and any other Project components.
- (2) The designated cultural resource specialist shall be available at all times to respond within 24 hours after pre-construction or construction activities have been halted due to the discovery of a cultural resource(s). The specialist, or representative of the Applicant shall have the authority to halt or redirect construction activities if previously undiscovered cultural resource materials are encountered during vegetation clearance or earth disturbing activities or project site preparation or construction. If such resources are discovered, the designated

cultural resource specialist shall be notified and the Applicant or Applicant's representative shall halt construction in order to protect the discovery from further damage and the BLM will be notified. Project construction may continue elsewhere on the Project if the BLM determines that it will not affect the cultural resource in question.

viii) Qualifications

(1) Prior to the start of construction-related vegetation clearance, or earth-disturbing activities or Project site preparation; or the movement or parking of heavy equipment onto or over the Project surface, the Applicant shall provide the BLM and/or the Energy Commission CPM with the name and statement of qualifications for its designated cultural resource specialist and alternate cultural resource specialist, if an alternate is proposed, who will be responsible for implementation of all BLM cultural resources conditions and Energy Commission cultural resources conditions of certification. The statement of qualifications for the designated cultural resource specialist and alternate shall include all information needed to demonstrate that the specialist meets at least the minimum qualifications specified by the National Park Service, Heritage Preservation Services.

(2) Training

(a) Prior to the start of vegetation clearance or earth disturbing activities or Project site preparation, the designated cultural resource specialist shall prepare an employee training program. The Applicant shall submit the cultural resources training program to the BLM, Energy Commission, and SHPO for review and written approval. If a video is used as part of the training program, the owner shall also submit the script for review and written approval.

(b) Prior to the start of vegetation clearance or earth disturbing activities or Project site preparation, and throughout the project construction period as needed for all new employees, the Applicant shall ensure that the designated cultural resource trainer(s) provide(s) approved cultural resources training to all Project managers, construction supervisors, or anyone coming on the construction site as an employee, contractor, subcontractor, or in any other capacity to complete work for the Applicant. The Applicant shall ensure that the designated trainer provides the workers with the approved a set of procedures for reporting any sensitive resources that may be discovered during Project-related ground disturbance. In addition, the Applicant shall communicate the work curtailment procedures that the workers are to follow if previously undiscovered cultural resources are encountered during construction.

IV. HISTORIC PROPERTY TREATMENT PLANS (HPTP)

- a) Finalized HPTPs will be included as an attachment to this Appendix.
- b) In developing the HPTPs, the HPTPs shall consider the following measures:
 - i) Prehistoric Period Historic Properties
 - (1) Avoidance
 - (2) Minimize
 - (a) Strategic placement of transmission towers in areas of a site that would not adversely affect the information values
 - (b) Data recovery for historic properties eligible under Criterion D only
 - (i) Research Design
 - ii) Historic Period Historic Properties
 - (1) Avoidance
 - (2) Minimize
 - (a) Data recovery for historic properties eligible under Criterion D only
 - (i) Research Design
 - (b) Historic built-environment Historic Properties with associative values
 - (i) Training Center/California-Arizona Maneuver Area (DTC/C-AMA)
 - (c) Resources of Native American religious and cultural significance and Traditional Cultural Properties
 - (i) Avoidance
 - (ii) Minimize
 - (iii) Monitor
 - (iv) Access

APPENDIX C: HISTORIC PROPERTIES MANAGEMENT PLAN

I. HISTORIC PROPERTIES MANAGEMENT PLAN

- a) A Historic Properties Management Plan (HPMP) will be developed to further manage or prescribe additional treatment to historic properties within the APE during the future operation, long-term maintenance and decommissioning of the Project and consider effects to historic properties in relation to those actions. The HPMP will include but is not limited to monitoring requirements for those cultural resources within the APE that were avoided through project redesign.
- b) The BLM shall submit the HPMP to the consulting parties to the Agreement and Tribes for a 60 day review period. Absent comments within this time frame, the BLM may finalize the HPMP. If comments are received, the BLM will provide the parties with written documentation indicating whether and how the draft HPMP will be modified. If the HPMP is revised in response to comments, the BLM shall submit the revised HPMP to all parties for an additional 30 day review period. Absent comments within this time frame, the BLM will finalize the HPMP. The BLM will provide each of the consulting parties and Tribes a copy of the final HPMP.

APPENDIX D: PROJECT DESCRIPTION

The Palen Solar Power Project (“Project”) is a proposed 500-megawatt (MW) nominal solar energy power plant comprised of two independent 250MW units (Units #1 and #2). The Project applicant is seeking a right-of-way grant for approximately 5,200 acres of land administered by the Bureau of Land Management (BLM) in Riverside County, California, approximately ten miles east of Desert Center. The disturbance area for construction and operation of the project is currently about 2,970 acres, but will be revised accordingly to reflect the final transmission line, temporary construction power line and telecommunications line. The units would be developed in phases. The proposed Project includes the following components:

- a) A solar thermal power plant facility located approximately 10 miles east of Desert Center, California in Riverside County, north of the Corn Springs Road Exit on I-10.
- b) Major Components Overview:
 - Unit #1 (east) Solar Field and Power Block;
 - Unit #2 (west) Solar Field and Power Block;
 - Access road from existing I-10 Corn Springs Road exit to site;
 - Office and parking;
 - Land Treatment Unit (LTU) for bioremediation/land farming of HTF-contaminated soil;
 - Warehouse/maintenance building and laydown area;
 - Onsite transmission facilities, including central internal switchyard;
 - Telecommunication lines;
 - Evaporation ponds;
 - Fencing (Wind, Security, and Desert Tortoise);
 - Dry wash rerouting; and
 - Groundwater wells used for water supply.

The CEC and BLM process for project approval is considering two additional project alternatives (Alternative 2 and Alternative 3) submitted for consideration on July 6, 2010. The Major Components and Project Details in this Appendix described are still in the Alternatives, but the ROW will vary in size with the proposed alternative projects. Both alternatives are within the boundaries of the PSPP record search. (see Table 1, Appendix G).

- c) Project Details:
 - i) Solar Fields: The proposed project would be constructed in 250 MW units using solar thermal parabolic trough technology. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation onto a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to a high temperature (approximately 750 degrees Fahrenheit [°F]) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

- ii) Power Blocks: Each power block unit would have its own solar field, composed of piping loops arranged in parallel groups, and its own power block, centrally located within the solar field. Each power block would have its own HTF pumping and freeze-protection system, solar steam generator, steam turbine generator, air-cooled condenser for cooling, transmission lines and related electrical system, and auxiliary equipment (e.g., water treatment system, emergency generators, evaporation ponds).
- iii) Roads: There is an existing highway exit near the southwest boundary of the proposed project site. Access to the project would be via a new, 24-foot wide paved access road starting at the existing Corn Springs Road north of I-10. It is anticipated that no improvements to I-10 would be needed. Only a small portion of the overall plant site would be paved, primarily the site access road, the service roads to the power blocks, and portions of the power block (paved parking lot and roads encircling the STG and SSG areas). The remaining portions of the power block would be gravel surfaced. In total, the power block would be approximately 18.4 acres with approximately 6 acres of paved area. The solar field would remain unpaved and without a gravel surface in order to prevent rock damage from mirror wash vehicle traffic; an approved dust suppression coating would be used on the dirt roadways within and around the solar field. Roads and parking areas located within the power block area and adjacent to the administration building and warehouse would be paved with asphalt.
- iv) Fencing and Security: The project solar field and support facilities perimeter would be secured with a combination of chain link and wind fencing. Chain link metal-fabric security fencing, 8 feet tall, with one-foot barbed wire or razor wire on top would be installed along the north and south sides of the facilities. Thirty-foot tall wind fencing, comprised of A- frames and wire mesh, would be installed along the east and west sides of each solar field. Tortoise exclusion fencing would be included. Controlled access gates would be located at the site entrance. The proposed drainage channels would be outside the plant facilities and the security fencing but still within the project ROW.
- v) Drainage and Earthwork: The existing topographic conditions of the Project plant site show an average slope of approximately one foot in 75 feet (1.33%) toward the northeast. The applicant filed a Streambed Alteration Agreement for the purposes of altering the terrain and installing channels. This application is currently being reviewed.
- vi) Existing SCE Distribution: There is an existing Southern California Edison 161-kV Eagle Mountain-Blythe power line which runs in a northwesterly direction across the southwest portion of the proposed project site. The applicant is working with SCE to relocate the SCE line within the BLM ROW.
- vii) Transmission System: The PSPP facility would be connected to the SCE transmission system at SCE's new Red Bluff substation. Currently, there are two locations proposed by SCE for the substation. The new single circuit, 230 kV generation tie line from PSPP to the proposed substation will be approximately 7.5 to 15 miles, depending upon which site is selected.

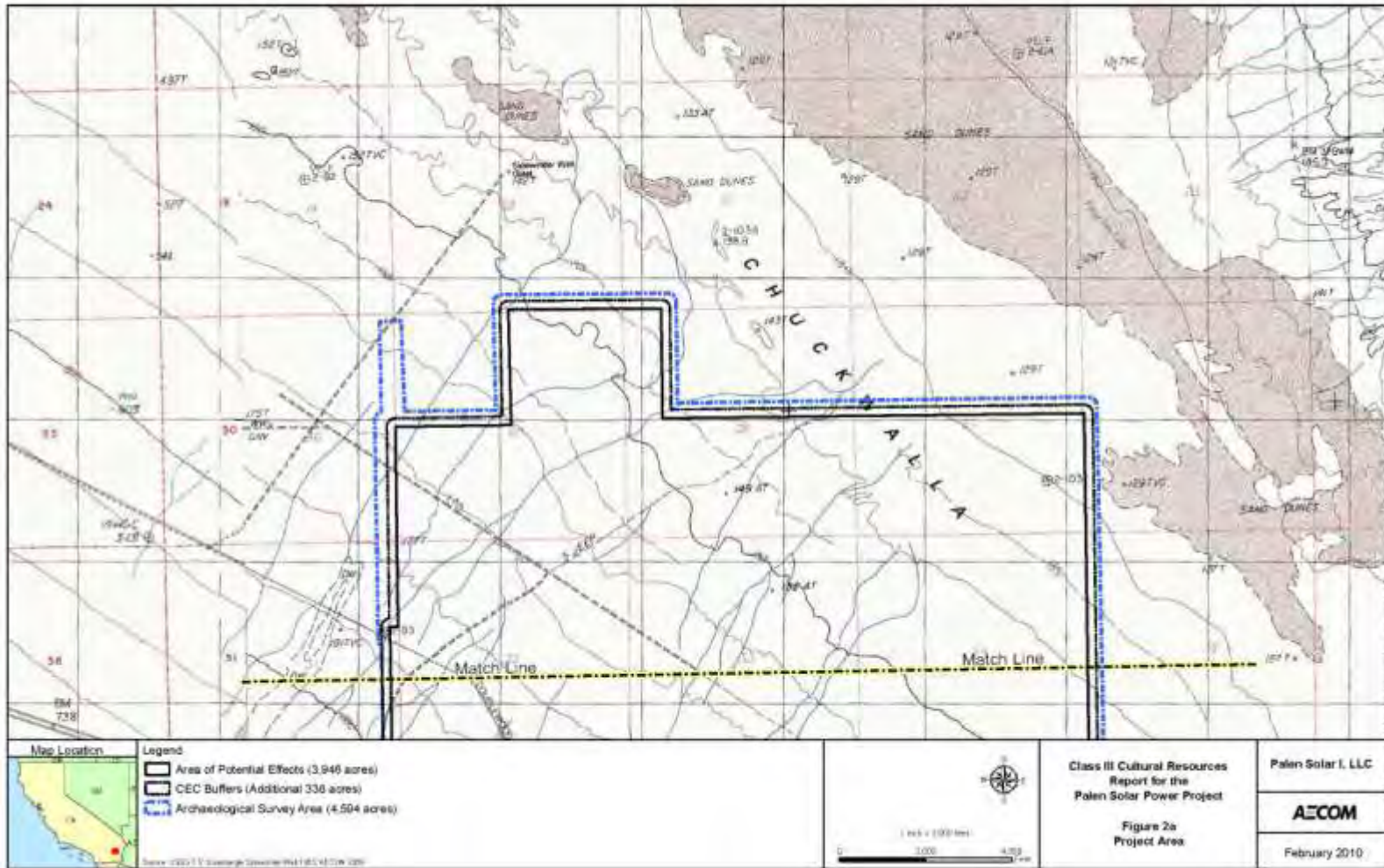
APPENDIX E: PROJECT MAPS AND ILLUSTRATIONS

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1. Maps 1 and 2 showing Area of Potential Effect.
- 2.** Illustration Map showing configuration and layout of proposed project and components.
3. Illustration of the Power Block Arrangement
4. Illustrations of Solar Parabolic Trough Assemblies.
- 5.** Project Rendition: View Looking North From Corn Springs Road with Palen Mountains in Background

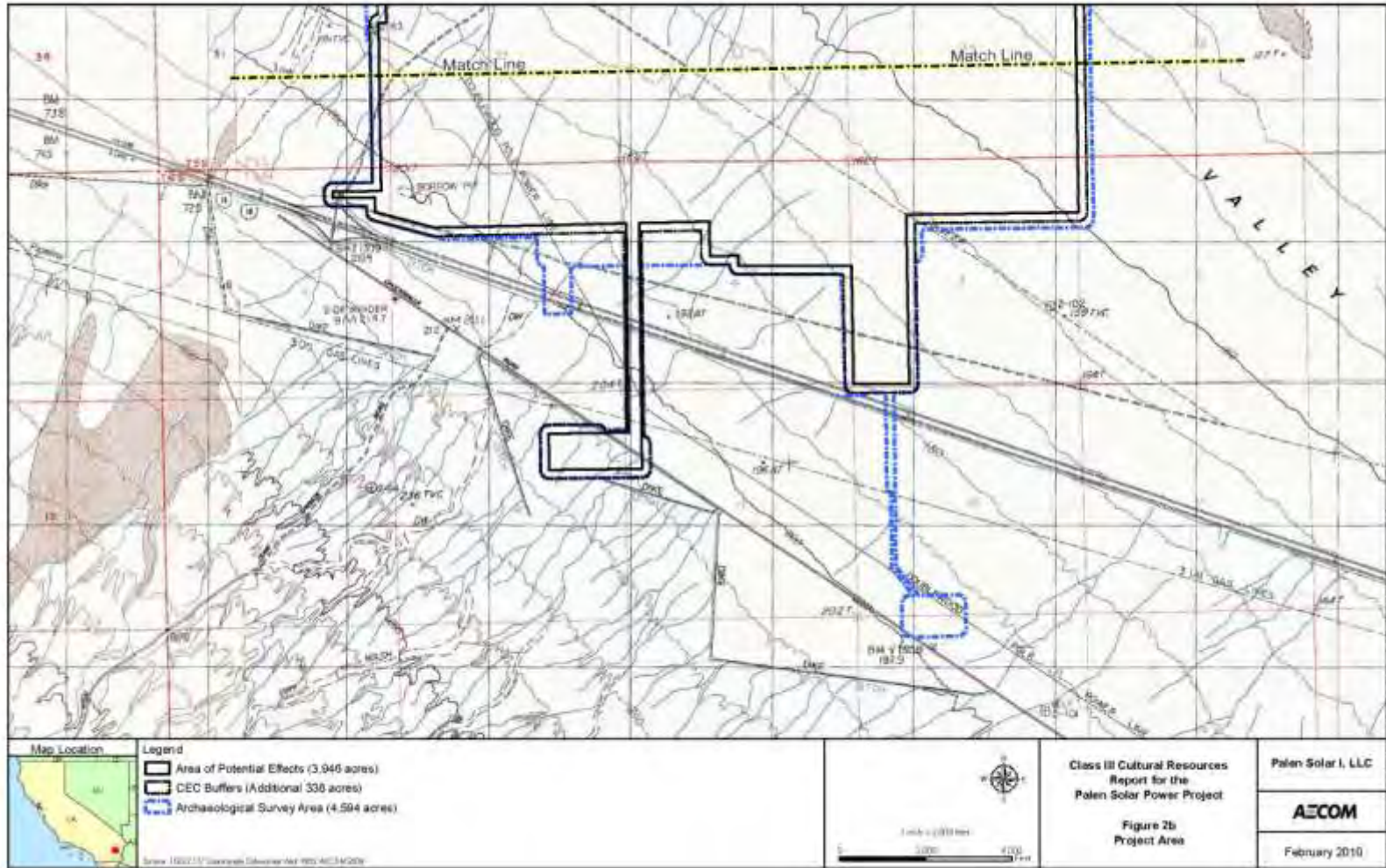
10 Map 1 Showing the Northern Portion of the Area of Potential Effect and Survey Buffers

H-53



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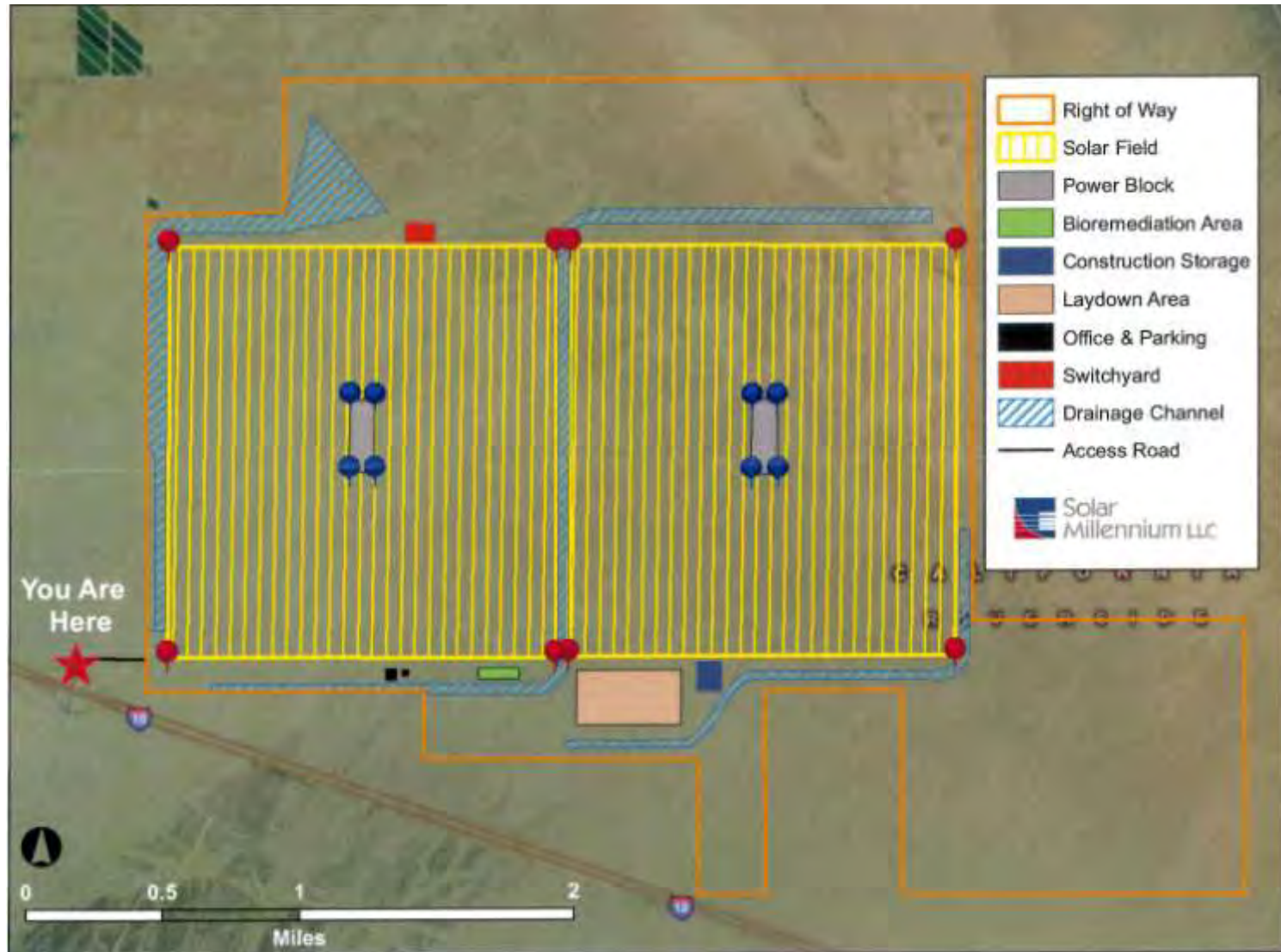
13 Map 2 Showing Southern Portion of the Area of Potential Effect:



H-54

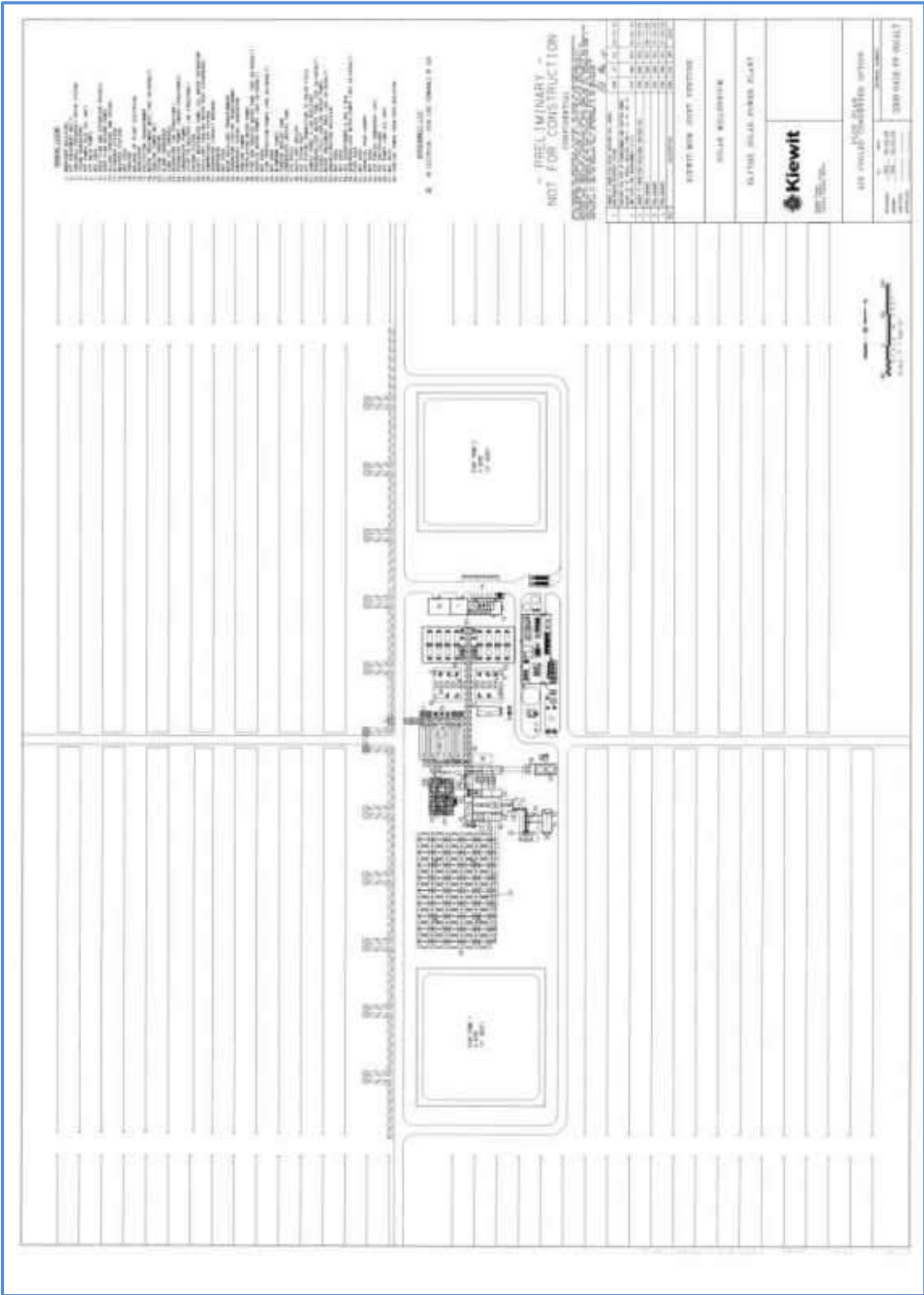
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15 **Illustration Map showing configuration and layout of proposed project and components.**



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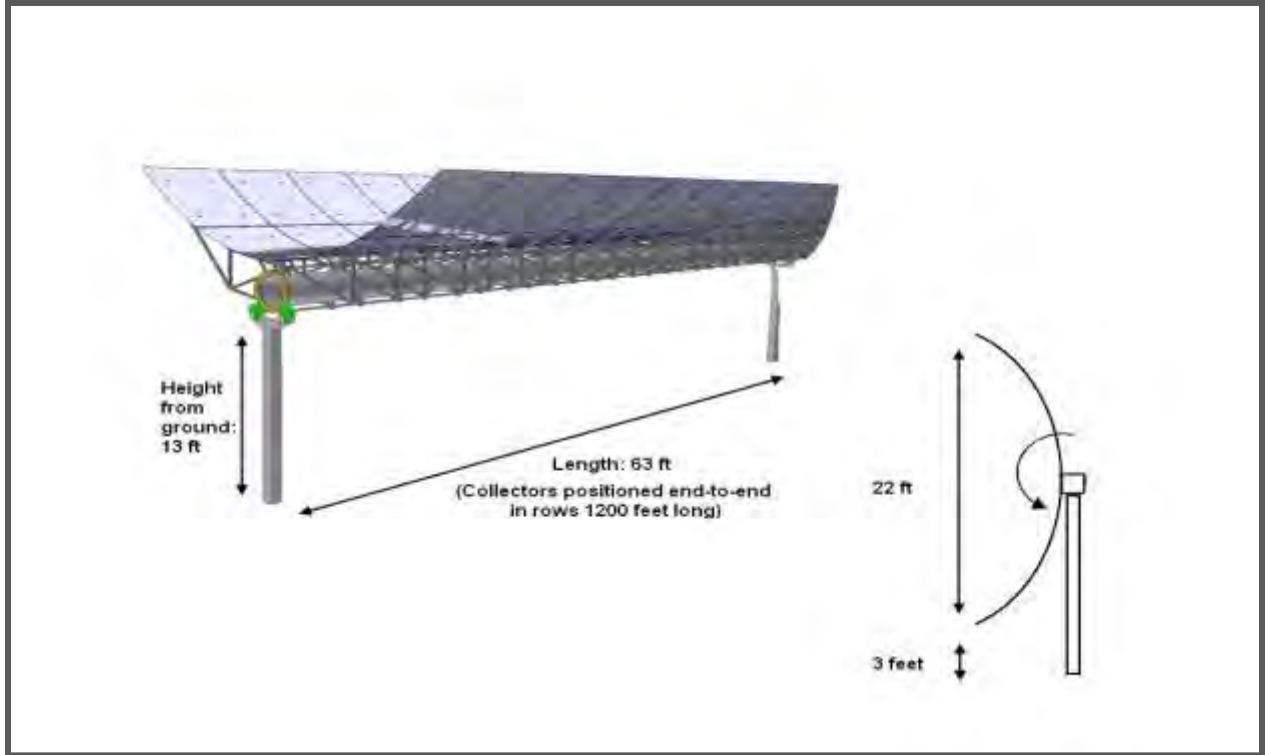
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18 Illustration of the Power Block Arrangement

19 Illustrations of Solar Parabolic Trough Assemblies



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H-58



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31 **Project Rendition: View Looking North From Corn Springs Road with Palen Mountains in Background**



H-59

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APPENDIX F: SUMMARY OF CULTURAL RESOURCES INVESTIGATIONS

The BLM, in coordination with the Energy Commission, has authorized the Applicant to conduct specific identification efforts for this undertaking including a review of the existing literature and records, cultural resources surveys, ethnographic studies, and geomorphological studies to identify historic properties that might be located within the APE.

The Applicant has retained AECOM to complete all of the investigations necessary to identify and evaluate cultural resources located within the Area of Potential Effect (APE) for both direct and indirect effects. AECOM is authorized to conduct cultural resources investigations on lands managed by the BLM under Cultural Resources Use Permits No CA-09-31 and CA-06-20 issued by the BLM California State Office. AECOM is authorized to conduct specific field investigations for the Solar Millennium Palen Solar Power Project under BLM Fieldwork Authorization CA-660-24-09 12, Fieldwork Authorization CA-66-24-09-20 and Fieldwork Authorization CA-660-24-10-03

AECOM has completed a review of the existing historic, archaeological and ethnographic literature and records to ascertain the presence of known and recorded cultural resources in the APE, has conducted an intensive field survey for all of the lands identified in APE for direct effects for all project alternatives, and has completed intensive field surveys for alternatives on lands that are no longer part of the project. Approximately 4,284 acres of pedestrian survey to identify cultural resources within the APE has been completed. The ROW that BLM would issue encompasses approximately 6,251 acres of land, including the proposed 230-kV substation, the solar energy power plant, the Main Services Complex and associated electric and utility services, the sanitary system, access and entry roads, and corridors for the electric transmission line and the water supply pipeline.

A draft cultural resources report (*Cultural Resources Class III Report, for the Proposed Palen Solar Power Project, Riverside County, California February 2010*), prepared by AECOM, February 2010) has been submitted by the Applicant that presents the results of identification efforts to the BLM, and the Energy Commission. The BLM, and the Energy Commission are currently reviewing all documentation to determine whether the report conforms with the field methodology and site description template required by BLM and the Energy Commission and is adequate to support to determinations and findings the agencies will render pursuant to Section 106 of the NHPA.

AECOM conducted a records search at the, California. The Eastern Information Center (EIC) searched all relevant previously recorded cultural resources site records and previous investigations completed within the project area and a 1-mile search radius around it. Information reviewed included location maps for all previously recorded trinomial and primary prehistoric and historical archaeological sites and isolates; site record forms and updates for all cultural resources previously identified; previous investigation boundaries; and National Archaeological Database citations for associated reports, historical maps, and historical addresses. The literature and records search identified 12 records related to cultural resources investigations conducted within 1-mile of the Project area. Several of these records were for prior projects which overlap the boundaries of the Palen Solar Power Project (PSPP) APE. The

record search also identified approximately 12 previously recorded cultural resources within the APE and extended survey areas (Appendix F: Prior Investigations and Recorded Resources).

AECOM conducted an intensive cultural resources survey (also referred to as a BLM Class III survey) of the APE. In 2010, additional fieldwork took place over the course of a number of separate field efforts as directed by the BLM and CEC. The additional field work was conducted to develop additional documentation for sites within the APE for the components of the 500 MW solar energy plant. This work involved re-visiting and updating two sites recorded in 2009. Other project-related components included in the APE were also examined during the cultural resources investigations. These included the following:

- A small triangle-shaped area (5.8 acre) in the southwest corner of the Right-of-Way (ROW). This area will be used for relocating an existing 161 kV Southern California Edison transmission line and required step-down equipment.
- Two approximate 4.6 acre areas encompassing above-ground water tanks. One area is located in the northwest corner of the ROW outside of previously surveyed areas. The second area is encompassed in the surveys for the alternative site plans; therefore, it was not resurveyed. These areas will be used to construct water lines from the tanks to the Project disturbance area during construction. The total acreage surveyed for the northwest water tank area was 2.3 acres.
- A rectangular strip of land (approximately 35.9 acres) within the ROW, but immediately south of previously surveyed areas. This area is being added for contingency to allow for more room in the construction laydown area. The total acreage surveyed for this additional area including the 200-ft. CEC buffer was 42.5 acres.
- One alternative route for transmission lines that will tie into two potential substation locations. In addition, portions of the route are located within areas previously surveyed by First Solar. These areas are currently excluded from this report. The total length of survey area for the two transmission-line alternatives is approximately 8 miles. This also includes a 200-foot corridor width per direction from Solar Millennium. The total acreage for the transmission-line alternatives to be surveyed plus CEC-mandated buffers of 50-feet from each edge is approximately 341 acres.
- A proposed re-routing for the Blythe-Eagle Mountain transmission line. (4.4 acres plus a 4.6-acre CEC buffer) was surveyed for a total area of 9 acres.

The cultural resources survey of the proposed 500 MW solar energy plant APE identified 74 total cultural resource sites, of which 17 are prehistoric, 56 are historic, and 1 is a multi-component site.. Six hundred and three isolate finds were also identified.

The transmission line corridors were also surveyed within the project site and off-site locations that are associated with the project.

The following describes the data collected within the over 500-MW APE. includes the over 500-MW solar field, the proposed transmission line route, small portions of the ROW that were

previously unsurveyed (see above), and a proposed re-routing of the Blythe-Eagle Mountain transmission line. Prehistoric sites appear to be related to Palen Dry Lake, located to the north/northeast of the project APE. Historic sites may be related to activities associated with the World War II-era Desert Training Center, historic mining and minerals prospecting, or livestock ranching and rangeland activities.

To date, AECOM has surveyed 4,594 acres for the Palen Solar Power Project. A complete list of cultural resources that are located within the APE for direct effects is provided in Appendix H. A tabular summary of the results of cultural resources investigations follows:

Table 1: Cultural resources Summary, Project Area (AECOM, 2010)

Project Component	Prehistoric	Historic	Multi-Component	Indeterminate	Isolated Finds	Total
PSPP Disturbance Area	5	21	0	0	107	133
GEN-TIE Corridor	0	10	1	0	13	24
Reconfiguration Alternative	0	13	0	0	70	83
CEC Buffer of PSPP Disturbance Area	2	3	0	0	16	21
CEC Buffer of GEN-TIE Corridor	0	0	0	0	4	4
CEC Buffer of Reconfiguration Alternative	0	2	0	0	10	12
PSPP Disturbance Area & Reconfiguration Alternative	2	11	0	0	158	171
PSPP Disturbance Area & Transmission Line Corridor	0	1	0	0	0	1
PSPP Disturbance Area & Reconfiguration Alternative & T-Line Corridor	0	1	0	0	0	1
PSPP Disturbance Area & CEC Buffer of Reconfiguration Alternative	0	4	0	0	19	23
CEC Buffer PSPP Disturbance Area & Reconfiguration Alternative	0	1	0	0	2	3
CEC Buffer PSPP Disturbance Area & CEC Buffer Reconfiguration Alternative	0	0	0	0	7	7
Out of Project Area	3	3	0	0	35	41
Total	12	70	1	0	441	524

In addition, AECOM completed an intensive historic architecture survey to account for the properties that appeared to be older than 45 years within the historic architecture APE, which extends one-half mile from the proposed project site and one-half mile on either side of its aboveground linear facilities. AECOM also completed a supplemental reconnaissance-level historic architectural survey for historic period properties located within a one-half-mile radius of the Palen Solar Power Project area. The historic-period properties included seven properties two bridges, four residences, and a communications tower.

APPENDIX G: AGENCY FINDINGS AND DETERMINATIONS

APPENDIX H: CULTURAL RESOURCES IDENTIFIED DURING CLASS III SURVEY

Primary No.	Site No.	Site Type	Cultural Context	Potential for Buried Deposits Based on Geomorphologic Information	Project Area Location
	SMP-H-1001	Historic Debris Scatter	Military	Low	CEC Buffer of Alternative 2 & 3
	SMP-H-1002	Historic Debris Scatter	Military	Low	CEC Buffer of Alternative 2 & 3
	SMP-H-1003	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & CEC Buffer of Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1004	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1005	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1006	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1007	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1008	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1009	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1010	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1011	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1012	Historic Debris Scatter	Military	Low	CEC Buffer PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1013	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-P-1015	Lithic Scatter	Lithic Technology	Moderate	PSPP Disturbance Area
	SMP-P-1016	Lithic Scatter	Lithic Technology	Moderate	PSPP Disturbance Area
	SMP-P-1017	Hearth Feature	Prehistoric Settlement, Lithic Technology	Moderate to High	PSPP Disturbance Area
	SMP-P-1018	Hearth Feature	Prehistoric Settlement, Lithic Technology	Moderate	CEC Buffer PSPP of Disturbance Area

H-65

Primary No.	Site No.	Site Type	Cultural Context	Potential for Buried Deposits Based on Geomorphologic Information	Project Area Location
	SMP-P-1019A	Hearth Feature	Prehistoric Settlement	Moderate	Out of Project
	SMP-P-1019B	Hearth Feature	Prehistoric Settlement	Moderate	Out of Project
	SMP-H-1020	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1021	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & CEC Buffer of Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1022	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1023	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-1024	Power Line and Access Road	Regional Development	Low	PSPP Disturbance Area & Reconfiguration Alternative & T-Line Corridor; Alternative 2 & 3
	SMP-H-1025	Survey Markers	Regional Development	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-1026	Tank Tracks	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
P-33-17766	SMP-H-1027	Historic Road	Transportation	Low	Alternative 2 & 3
	SMP-H-1032	Historic Road	Transportation	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-2002	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-2003	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-2004	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & CEC Buffer of Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-2006	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & CEC Buffer of Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-2007	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-2008	Historic Debris Scatter	Military	Low	CEC Buffer PSPP Disturbance Area; CEC Buffer of Alternative 2 & 3
	SMP-H-2009	Tank Tracks	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3

Primary No.	Site No.	Site Type	Cultural Context	Potential for Buried Deposits Based on Geomorphologic Information	Project Area Location
	SMP-H-2010	Historic Debris Scatter	Military, Regional Development	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-2011/2012	Historic Debris Scatter with military components	Military	Low to Moderate	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-P-2013A	Temporary Camp	Prehistoric Settlement	Moderate	Out of Project
	SMP-P-2013B	Lithic Scatter	Lithic Technology	Moderate	CEC Buffer PSPP Disturbance Area
	SMP-P-2014	Lithic Scatter	Lithic Technology	Moderate	PSPP Disturbance Area & Reconfiguration Alternative
	SMP-P-2015	Lithic Scatter	Lithic Technology	Moderate	PSPP Disturbance Area & Reconfiguration Alternative
	SMP-H-2016	Historic Corral	Agriculture/Ranching	Low	PSPP Disturbance Area & Transmission Line Corridor; Alternative 2 & 3
	SMP-H-2017	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-P-2018	Lithic Scatter	Lithic Technology	Moderate	PSPP Disturbance Area; CEC Buffer of Alternative 2 & 3
	SMP-H-2019	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-2020	Tank Tracks	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-2021	Historic Debris Scatter	Military	Low	PSPP Disturbance Area & Reconfiguration Alternative; Alternative 2 & 3
	SMP-H-2022	Historic Debris Scatter	Military	Low	CEC Buffer PSPP Disturbance Area & Reconfiguration Alternative*; CEC Buffer of Alternative 2 & 3
	SMP-P-2023	Temporary Camp	Prehistoric Settlement, Lithic Technology	Moderate to High	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-3001	Historic Debris Scatter	Military	Low	CEC Buffer of Reconfiguration Alternative
	SMP-H-3002	Historic Debris Scatter	Military	Low	Reconfiguration Alternative

Primary No.	Site No.	Site Type	Cultural Context	Potential for Buried Deposits Based on Geomorphologic Information	Project Area Location
	SMP-H-3004	Historic Debris scatter	Military	Low	Reconfiguration Alternative; Alternative 3
	SMP-H-3005	Historic Debris Scatter	Military	Low	Reconfiguration Alternative; Alternative 3
	SMP-H-3006	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4001	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4002	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4003	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4005	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4006	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4007	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4008	Historic Debris Scatter	Military	Low	CEC Buffer of Reconfiguration Alternative
	SMP-H-4009/4011	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4010	Historic Debris Scatter	Military	Low	Reconfiguration Alternative
	SMP-H-4012	Historic Debris Scatter	Military	Low	Reconfiguration Alternative; CEC Buffer of Alternative 2
	SMP-H-JR-101	Historic Debris Scatter	Recreation Land Use	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-JR-102	Historic Debris Scatter	Military	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-JR-103	Historic Debris Scatter	Recreational Land Use	Low	PSPP Disturbance Area; CEC Buffer of Alternative 2 & 3
	SMP-H-JR-104	Historic Debris Scatter	Recreational Land Use	Low	PSPP Disturbance Area; Alternative 2 & 3
	SMP-H-JR-105	Historic Debris Scatter	Recreational Land Use	Low	PSPP Disturbance Area; Alternative 2 & CEC Buffer of Alternative 3
	SMP-H-JR-107	Historic Debris Scatter	Recreational Land Use	Low	PSPP Disturbance Area; Alternative 2 & CEC Buffer of Alternative 3

Primary No.	Site No.	Site Type	Cultural Context	Potential for Buried Deposits Based on Geomorphologic Information	Project Area Location
	SMP-H-JR-108	Historic Debris Scatter	Mining Claim	Low	PSPP Disturbance Area; Alternative 2 & CEC Buffer of Alternative 3
	SMP-H-JR-109	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-JR-110	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-TC-001	Historic Debris Scatter	Military	Low	Transmission Line Corridor
	SMP-H-TC-006	Historic Debris Scatter	Military	Low	Transmission Line Corridor
	SMP-H-TC-007	Historic Debris Scatter	Recreational Land Use	Low	Transmission Line Corridor
	SMP-H-TC-008	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-TC-009	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-TC-020	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-TC-022	Historic Debris Scatter	Military	Low	Transmission Line Corridor
	SMP-H-TC-032	Historic Debris Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-M-MT-001	Historic Debris Scatter and Lithic Scatter	Military	Low	Transmission Line Corridor; Alternative 2 & 3
	SMP-H-RMA-1	Historic Encampment	Military	Low	CEC Buffer of PSPP Disturbance Area; CEC Buffer of Alternative 2 & 3

APPENDIX I: DOCUMENTATION OF TRIBAL CONSULTATION

Originator	Date	time	from	to	location	medium	Subj.
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chwmn Mary Resvaloso (Torres-Martines DCI)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Timothy Williams (Ft. Mojave Tribal Council)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Darrell Mike, (29Palms BMI)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Richard Milanovich, (Agua Caliente BMI)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chprsn. Maryann Green (Augustine BMI)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. James Ramos (San Manuel BMI)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Robert Martin (Morongo)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Charles Wood, (Chemehuevi TC)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Eldred Enas, (Colorado River TC)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Christobal Devers (Pauma)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Joseph Hamilton (Ramona)		cert Ltr.	Initial consultation
	07/01/09		J.Kalish, C.Dalu BLM PSSCFO	Pres. Michael Jackson, (Ft. Yuma TC)		cert Ltr.	Initial consultation
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Robert Martin (Morongo)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. James Ramos (San Manuel BMI)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chwmn Mary Resvaloso (Torres-Martines DCI)		cert Ltr.	Fed reg. NOI

H-70

Originator	Date	time	from	to	location	medium	Subj.
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Timothy Williams (Ft. Mojave Tribal Council)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Christobal Devers (Pauma)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Joseph Hamilton (Ramona)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Darrell Mike, (29Palms BMI)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Richard Milanovich, (Agua Caliente BMI)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chprsn. Maryann Green (Augustine BMI)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn John James (Cabazon BMI)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Charles Wood, (Chemehuevi TC)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Chmn. Eldred Enas, (Colorado River TC)		cert Ltr.	Fed reg. NOI
	11/23/09		J.Kalish, C.Dalu BLM PSSCFO	Pres. Michael Jackson, (Ft. Yuma TC)		cert Ltr.	Fed reg. NOI
	01/25/10	8:00am	WAPA BLM CEC ESA		Blythe City Hall	meeting	Environ. Scoping Meeting and site visit (Rice, Blythe, Genesis, and Palen)
Quechan	02/10/10	10:00	Quechan/BLM	BLM	Winterhaven	meeting	Present project information (all proj's)
	03/03/10		Pres. Michael Jackson (Ft. Yuma Quechan)	John Kalish (PSSCFO)		letter	states concerns over time- frames of solar projects
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Robert Martin (Morongo)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. James Ramos (San Manuel BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.

Originator	Date	time	from	to	location	medium	Subj.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chwmn Mary Resvaloso (Torres-Martines DCI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Timothy Williams (Ft. Mojave Tribal Council)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Darrell Mike, (29Palms BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Richard Milanovich, (Agua Caliente BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Dir. Patricia Tuck THPO (Agua Caliente BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chprsn. Maryann Green (Augustine BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn John James (Cabazon BMI)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Charles Wood, (Chemehuevi TC)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chwmn Sherry Cordova (Cocopah TC)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Eldred Enas, (Colorado River TC)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/03/10		J.Kalish, G.Kline BLM PSSCFO	Pres. Michael Jackson, (Ft. Yuma TC)		cert. letter	Intent to develop PA for Sect. 106 reqmt.
	03/11/10	9:01	Nancy Brown (ACHP)	G. Kline, BLM		e-mail	Ltr dtd. 3/11/2010 - ACHP not participating in the PA
SCA	03/18/10	1:30pm	Agua Caliente	Patty Tuck	Riverside Conv. Center	meeting	Discussed coming events, current issues
G.Kline	03/24/10	12:40	G.Kline, BLM	A.Brierty, San Man.		e-mail	CEC Public Workshop meeting notification
G.Kline	03/24/10	12:40	G.Kline, BLM	B. Nash Ft.Yuma Quechan		e-mail	CEC Public Workshop meeting notification
G.Kline	03/24/10	12:40	G.Kline, BLM	A.Madrigal Sr.San Man		e-mail	CEC Public Workshop meeting notification

Originator	Date	time	from	to	location	medium	Subj.
G.Kline	03/24/10	12:40	G.Kline, BLM	A.Madrigal Jr. 29Palms		e-mail	CEC Public Workshop meeting notification
G.Kline	03/24/10	12:40	G.Kline, BLM	S.Milanovich, Agua Caliente		e-mail	CEC Public Workshop meeting notification
G.Kline	03/24/10	12:40	G.Kline, BLM	L.Otero Ft. Mojave		e-mail	CEC Public Workshop meeting notification
G.Kline	03/24/10	12:40	G.Kline, BLM	P.Tuck, Agua Caliente		e-mail	CEC Public Workshop meeting notification
	03/25/10	18:32	Ann Brierty, San Man.	G. Kline, BLM		e-mail	announcement of Tribal renewable energy symposium
	03/26/10	13:39	G.Kline, BLM	Ann Brierty, San. Man.		e-mail	Req. seat at the Tribal Symposium on renewable energy
	03/26/10	16:34	Ann Brierty, San Man.	G. Kline, BLM		e-mail	Confirmed attendance at planned Native American Tribes Symposium on renewable energy
	03/29/10	7:23	G.Kline BLM	Ann Brierty, San. Man.		e-mail	information on all solar projects
29 Palms	03/29/10	9:22	A. Madrigal Jr., 29 Palms BMI	G. Kline, BLM		e-mail	Wishes to participate in PA development for the Blythe, Palen, and Genesis projects
G.Kline	04/02/10	15:37	G.Kline BLM	S. Milanovich, Agua Caliente		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	P.Tuck Agua Caliente		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	A. Brierty, San Man. BMI		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	A.Madrigal Jr. 29 palms		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	A. Madrigal Sr. San Man		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	J.Ontiveros, Soboba		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	L.Otero Ft.Mojave		e-mail	Notification of the PA Kick-off meeting

Originator	Date	time	from	to	location	medium	Subj.
G.Kline	04/02/10	15:37	G.Kline BLM	Manfred Scott Ft. Yuma		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	Colorado R. Indian Tribes		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/02/10	15:37	G.Kline BLM	Eldred Enas (CRIT Chair)		e-mail	Notification of the PA Kick-off meeting
G.Kline	04/05/10	8:18	G.Kline	Ann Brierty, San Man.		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	8:18	G.Kline	M. Levias, Sr. Chemehuevi		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	8:18	G.Kline	B. Nash, Ft. Yuma		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	8:18	G.Kline	A. Madrigal Sr., San.Man		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	8:18	G.Kline	Linda Otero, Ft. Mojave		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	8:18	G.Kline	P. Tuck, Agua Caliente		e-mail	PA Kick-off announcement meeting date established
G.Kline	04/05/10	12:45	G.Kline	A.Brierty San Man.		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	A. Madrigal Sr. San Man.		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	A. Madrigal Jr. 29 Palms		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	J.Ontiveros, Soboba		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	B.Nash Ft. Yuma Quechan		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	M. Levias Chemehuevi		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	S. Milanovich, Agua Caliente		e-mail	more meeting details...
	04/05/10	12:45	G.Kline	L.Otero Ft.Mojave		e-mail	more meeting details...
G.Kline	04/05/10	12:55	G.Kline	J.Ontiveros, Soboba		e-mail	answered questions re: PA Meeting
	04/05/10	13:45	S. Milanovich, Agua Caliente	G.Kline BLM		e-mail	Question re: Notification of the PA Kick-Off Meeting
	04/05/10	14:52	G.Kline BLM	S. Milanovich, Agua Caliente		e-mail	Answered questions about PA meeting content.

Originator	Date	time	from	to	location	medium	Subj.
G. Kline	04/06/10	9:50	G.Kkline, BLM	Joe Ontiveros, Soboba		telephone	Will participate in PA, discussed meeting details for the April 23rd meeting.
G. Kline	04/06/10	9:50		Joe Ontiveros, Soboba		e-mail	Will participate in PA, discussed meeting details for the April 23rd meeting.
G. Kline	04/06/10	11:16	G.Kline BLM	Joe Ontiveros, Soboba		e-mail	Solar Project meetings sched. In the next few weeks...
G. Kline	04/06/10	13:11	G.Kline BLM	A. Brierty, San Man. BMI		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	M. Levias Chemehuevi		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	J.Ontiveros, Soboba		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	B.Nash Ft. Yuma Quechan		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	A. Madrigal Sr. San Man.		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	A. Madrigal Jr. 29 Palms		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	S. Milanovich, Agua Caliente		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	L.Otero Ft.Mojave		e-mail	Solar proj. PA Kick-off announcement
G. Kline	04/06/10	13:11	G.Kline BLM	P.Tuck, Agua Caliente		e-mail	Solar proj. PA Kick-off announcement
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Robert Martin (Morongo)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. James Ramos (San Manuel BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chwmn Mary Resvaloso (Torres-Martines DCI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Timothy Williams (Ft. Mojave Tribal Council)		cert. letter	Solar proj. PA Kick-off announcement letter

Originator	Date	time	from	to	location	medium	Subj.
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Darrell Mike, (29Palms BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Richard Milanovich, (Agua Caliente BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Dir. Patricia Tuck THPO (Agua Caliente BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chprsn. Maryann Green (Augustine BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn John James (Cabazon BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Charles Wood, (Chemehuevi TC)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chwmn Sherry Cordova (Cocopah TC)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Eldred Enas, (Colorado River TC)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Pres. Michael Jackson, (Ft. Yuma TC)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Chmn. Manuel Hamilon, (Ramona BMI)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Act. Chwmn. Rosemary Morillo (Soboba)		cert. letter	Solar proj. PA Kick-off announcement letter
	04/09/10		J.Kalish, G.Kline BLM PSSCFO	Rachael E. Koss (CURE)		cert. letter	Solar proj. PA Kick-off announcement letter
G. Kline	04/20/10	10:32	29 Palms BMI	Anthony Madrigal Jr.		telephone	Will attend Kick-off meeting
G. Kline	04/20/10	10:44	Agua Caliente BCI	Patti Tuck THPO		telephone	Will attend Kick-off meeting
Cabazon	04/20/10	12:55	Cabazon BMI	Judy Stapp		telephone	Returned Telephone Message, Will not attend PA Kick-off meeting
G. Kline	04/21/10	10:40	San Manuel BMI	Ann Brierty		telephone	Will not be able to attend PA Kick-off, but requests follow-up info.
G. Kline	04/21/10	11:20	Augustine BMI	David Saldivar		telephone	Will not be attending PA Kick-off Mtg.

Originator	Date	time	from	to	location	medium	Subj.
G. Kline	04/21/10	11:31	Chemehuevi T. C.	Charles Wood (Office)		telephone	Will not be attending PA Kick-off Mtg.
G. Kline	04/21/10	2:44	CURE	Rachael Koss		telephone	Left Msg inq. Attendance at PA Kick-off.
San Man	04/22/10	4:23pm	San Manuel BMI	Anthony Madrigal		e-mail	Plans to Attend PA Mtg
G. Kline	04/23/10	9:30-16:00	BLM staff	A. Madrigal Jr, 29 Palms A. Madrigal Sr. San Manuel, P.Tuck, Agua Caliente	UCR Rivside	meeting	PA Kickoff meeting
CEC	04/26/10	13:15	G.Kline BLM	P.Tuck, Agua Caliente		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	A. Brierty, San Man. BMI		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	M. Levias Chemehuevi		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	B.Nash Ft. Yuma Quechan		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	A. Madrigal Jr. 29 Palms		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	A. Madrigal Sr. San Man.		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	S. Milanovich, Agua Caliente		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	J.Ontiveros, Soboba		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/26/10	13:15	G.Kline BLM	L.Otero Ft.Mojave		e-mail	relay notice of meeting RE: SA/DEIS Workshop
CEC	04/28/10	9:00 - 17:00	CEC	P.Tuck, Agua Caliente B. Nash, Ft. Yuma(via tel.) A.Brierty San.Man G.Kline, BLM also: CEC, AECOM.	BLM, PS	meeting	CEC SA/DEIS Workshop

Originator	Date	time	from	to	location	medium	Subj.
CEC	04/29/10	9:00 - 17:00	CEC	P.Tuck, Agua Caliente B. Nash, Ft. Yuma(via tel.) A.Brierty San.Man G.Kline, BLM also: CEC, AECOM.	BLM, PS	meeting	CEC SA/DEIS Workshop
Agua Cal.	05/17/10	12:59	Agua Caliente BCI	Patti Tuck THPO		e-mail	Send cult reports via FTP (Blythe, Palen, Ford DL.)
P.Tuck	05/17/10	12:59	P.Tuck Agua Caliente BCI	G.Kline BLM		e-mail	set up FTP for transferring cult report
G. Kline	05/24/10	1:10pm	Agua Caliente BCI	Patti Tuck THPO		T&E	Send cult reports via FTP (Blythe, Palen, Ford DL.)
G. Kline	05/24/10	1:10pm	Agua Caliente BCI	Patti Tuck THPO		T&E	Send cult reports via FTP (Blythe, Palen, Ford DL.)
P.Tuck	05/24/10	13:11	P.Tuck Agua Caliente BCI	G.Kline BLM et. al.		e-mail	Question re; CEQA/CEC
Sol. Millennium	05/25/10	9:30-14:00	Alice Harron/Sol. Millennium	S.Weidlich, and M. Tennyson of AECOM J. Kalish, and G. Kline, BLM P.Tuck and S. Milanovich, Agua Caliente B. Nash (via telephone) Ft Yuma Quechan	BLM Palm Sprs.	meeting	Informational meeting on the technology and cultural resources for Blythe and Palen Projects.
P.Tuck	05/26/10	10:42	P.Tuck, Agua Caliente	S. Weidlich Matt Tennyson (AECOM) A. Harron (Sol mill.) G.Kline, BLM		e-mail	req. additional info from previous day's meeting.
G.Kline	05/27/10	12:20	G. Kline BLM	P. Tuck, Agua Caliente		e-mail	Answers to meeting questions and requested information.
	06/01/10	1:20	P.Tuck Agua Caliente BCI	G. Kline, BLM		e-mail	verification of receipt of Cultural reports
P.Tuck	06/01/10	1:23	P.Tuck Agua Caliente BCI	G. Kline, BLM		e-mail	further verification of receipt of Cultural reports
	06/07/10	2:11	B.Nash Ft. Yuma Quechan	G.Kline BLM		e-mail	have not received reports for Genesis and Palen
G.Kline	06/07/10	3:26	G. Kline BLM	B.Nash Ft. Yuma Quechan		e-mail	Reports in the Mail
G.Kline	06/08/10	8:17	G.Kline	B.Nash Ft. Yuma Quechan		e-mail	notification of sending Palen and Genesis reports via USPS

Originator	Date	time	from	to	location	medium	Subj.
G. Kline	6/23/2010		J. Kalish	Chprsn. Maryann Green, Augustine Band of Mission Indians		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. Timothy Williams Ft. Mojave TC		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. Robert Martin Morongo BMI		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chwmn. Mary Resvaloso Torres-Martinez Desert Cahuilla Indians		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. Richard Milanovich Agua Caliente Band of Cahuilla Indians		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. Eldred Enas Colorado River Indian Tribal Council		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	President Michael Jackson Ft. Yuma Quechan Tribal Council		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn Manuel Hamilton Ramona BMI		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. James Ramos San Manuel BMI		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn. Charles Wood Chemehuevi TC		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010		J. Kalish	Chmn Darrell Mike Twenty-Nine palms BMI		letter	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
G. Kline	6/23/2010	2:10	G. Kilne	P. Tuck Agua Caliente THPO		e-mail	Draft PA development. Ltr and copy of Draft PA, with list of proposed CR eligibilities sent.
B. Nash	6/23/2010		B. Nash	G. Kline		e-mail	Confirm receipt of project maps
G. Kline	7/7/2010	12:09	G. Kline	B. Nash Ft. Yuma Quechan		e-mail	

APPENDIX J: EXAMPLE MONITORING AND DISCOVERY PLAN

**DRAFT EXAMPLE
MONITORING AND DISCOVERY PLAN**

**IMPERIAL VALLEY SOLAR PROJECT
IMPERIAL COUNTY, CALIFORNIA**

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Bureau of Land Management

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[table of contents](#)

1.0 INTRODUCTION 81

1.1 *PROJECT description* 81

1.2 *Regulatory Context* 82

1.3 *PROFESSIONAL QUALIFICATIONS* 82

1.4 *Key Personnel* 83

1.5 *DEFINITION OF RESOURCE TYPES* 84

2.0 AVOIDANCE AND PRESERVATION 89

2.1 *environmentally sensitive areas* 89

2.2 *Plan of ESA establishment and Designation* 89

3.0 monitoring plan 92

3.1 *Monitoring* 92

4.0 DISCOVERY PLAN 96

4.1 *Plan of Treatment of Discoveries* 96

5.0 DATA MANAGEMENT and CURATION 101

5.1 *TECHNICAL REPORT PREPARATION AND DISSEMINATION* 101

5.2 *CURATION IN PERPETUITY* 101

ATTACHMENTS

- A Specific Field and Analytical Methods
- B Daily Monitoring Log
- C Contact List

LIST OF TABLES

Table 1 Discovery Notification Procedures 94

INTRODUCTION

Tessera Solar is proposing to construct the Imperial Valley Solar Project (IVSP or Project) in Imperial County on lands under the jurisdiction of the Bureau of Land Management (BLM), and cultural resources have been documented in the Project's area of potential effects (APE). Efforts are being made to design the Project to avoid known cultural resources eligible for listing in the National Register of Historic Places (NRHP) and/or the California Register of Historic Resources (CRHR). The following will be discussed in this Monitoring and Discovery Plan:

- The measures necessary to avoid potential impacts to recorded cultural resources, including Environmentally Sensitive Areas (ESAs)
- Professional standards
- Monitoring plan
- Discovery plan
- Avoidance/protection procedures
- Cultural resources training
- Curation

The entire surface of the APE of the proposed Project has been surveyed. Multiple prehistoric and historic resources have been identified.

PROJECT DESCRIPTION

The IIVSP will construct a proposed 750-megawatt (MW) solar energy plant on approximately 6,500 acres of public lands in California administered by BLM California Desert District and the El Centro Field Office. Imperial Valley Solar will use existing roads and construct new roads in the Project area.

The Project is located in western Imperial County, California, immediately east of the town of Ocotillo, west of the town of Seeley, and north and south of Interstate 8 (I-8). The Project will utilize the SunCatcher technology of Stirling Energy Services. Each SunCatcher consists of a 25-kilowatt solar power electric-generating system. The system is designed to track the sun automatically and to focus solar energy onto a Power Conversion Unit, which generates electricity. The system consists of an approximate 38-foot-high by 40-foot-wide solar concentrator dish that supports an array of curved glass mirror facets. The 300-MW Phase I of the Project will consist of approximately 12,000 SunCatchers. The 450-MW Phase II portion of the Project will include approximately 18,000 SunCatchers.

The Project will include the construction of a new 230-kilovolt (kV) substation approximately in the center of the Project. A Main Services Complex, where key buildings and parking areas will be located, will be constructed at the northeastern end of

the Phase I Project. Main roads will be constructed with a combination of roadway dips and elevated sections across the dry washes on the Project.

The full Phase II expansion of the Project will require the construction of the 500-kV Sunrise Powerlink transmission line that San Diego Gas & Electric (SDG&E) has proposed. A 230-kV transmission line that will be built for Phase I will parallel the current transmission line corridor for the Southwest Powerlink transmission line within the existing right-of-way (ROW). The main entry for truck traffic to the Project during construction will be from I-8 to the Project entrance on Evan Hewes Highway. During Project operation, the secondary and emergency access will be from Dunaway Road.

REGULATORY CONTEXT

The proposed Project requires authorization and issuance of an ROW grant by BLM. The proposed Project is a federal undertaking. Therefore, compliance with 36 Code of Federal Regulations (CFR) Part 800, regulations implementing the National Historic Preservation Act (as amended), is required. In addition, BLM and the California Energy Commission (CEC), together, have prepared the *Staff Assessment and Draft Environmental Impact Statement and Draft California Desert Conservation Area Plan Amendment, SES Solar Two Project, and Application for Certification (08-AFC-5) Imperial County (2010)* to identify Project alternatives for purposes of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), and have comparatively examined the relative effects of the alternatives on known historic properties. Therefore, cultural resources on the Project are evaluated subject to criteria of both the federal NRHP and CEQA CRHR. As the Project may have an adverse effect on historic properties (resources eligible for or listed in the NRHP and/or CRHR), BLM prepared a Programmatic Agreement (PA) stipulating measures that will be implemented prior to construction. The preparation of a Monitoring and Discovery Plan is stipulated in the PA.

PROFESSIONAL QUALIFICATIONS

BLM shall ensure that all work is under the supervision of personnel meeting the *Secretary of the Interior's Standards and Guidelines* (as amended and annotated), *Professional Qualifications Standards*. The requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations (36 CFR Part 61). The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. BLM shall obtain résumés of prospective consultants and verify credentials of supervisory personnel and staff, as necessary.

ARCHAEOLOGY

The minimum professional qualifications for supervisory personnel in archaeology shall be a graduate degree in archaeology, anthropology, or closely related field plus the following:

- At least 1 year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
- At least 4 months of supervised field and analytic experience in general North American archaeology; and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least 1 year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least 1 year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

KEY PERSONNEL

Personnel involved in the archaeological monitoring, testing, and data recovery efforts will be responsible primarily for conducting the monitoring; archaeological fieldwork and laboratory analysis; report preparation; and (as necessary) coordination with BLM, construction contractors, and Native American consultants. The responsibilities of key personnel are outlined below.

PRINCIPAL INVESTIGATOR/CULTURAL RESOURCES SPECIALIST

The Principal Investigator (PI)/Cultural Resources Specialist (CRS) will have overall responsibility for the testing and data recovery investigations and will be the primary point of contact between the archaeological consultant and BLM for these programs. The PI will also be responsible for the analysis and the overall quality of the technical report of these investigations. The PI will meet the Secretary of the Interior's Qualification Standards for Archaeologists and be on the BLM Cultural Resources Use Permit.

MONITORING SUPERVISOR

The Monitoring Supervisor will have overall responsibility for the cultural resources monitoring program and will be the primary point of contact between the archaeological consultant and BLM for this program. The Monitoring Supervisor will also be responsible for the content and the overall quality of the monitoring report. The Monitoring Supervisor will meet the Secretary of the Interior's Qualification Standards for Archaeologists.

FIELD MONITORS

Field monitors will conduct the daily archaeological construction monitoring and will be responsible for making the initial discoveries, subsequent initial notifications, equipment diversions, preparing daily monitoring notes and logs, and recording and mapping for initial discovery documentation.

FIELD DIRECTOR

The Field Director will be responsible for the day-to-day activities of the testing and data recovery investigations, including management of field personnel and coordination of crews. The Field Director will also be responsible for compiling and ensuring the quality of the field data on a daily basis. Additionally, the Field Director will coordinate the work of subconsultants or other contractors participating in the archaeological field investigations, and will be responsible for implementing the requirements of the Health and Safety Plan, including daily safety briefings. The Field Director will also meet the Secretary of the Interior's Qualification Standards for Archaeologists and be on the Cultural Uses Permit.

CREW CHIEFS

The Crew Chiefs will, in consultation with the Field Director, be responsible for implementing the field strategies at individual sites. The Crew Chief will direct field crew, lay out excavations, and compile collections and field documentation on a daily basis. Additionally, the Crew Chief will be responsible for implementing on-site safety procedures.

FIELD CREW

Field crew members will conduct surface examinations and hand excavations, and monitor mechanical test investigation excavations. Each crew member will operate under the direct supervision of the Crew Chief and will conduct basic documentation of field operations, including completing excavation-level records, bag labeling, and trench monitoring forms.

LABORATORY DIRECTOR

The Laboratory Director will be responsible for directing all phases of laboratory processing of the data recovery collections, including check-in, cleaning, sorting, cataloguing, analyzing, distributing special samples, and preparing for curation. The Laboratory Director will coordinate closely with the PI and Monitoring Supervisor to ensure that the appropriate data are documented and compiled.

1.5 DEFINITION OF RESOURCE TYPES

Below are examples of archaeological site types that might be encountered in the Project APE during construction or additional surveys.

PREHISTORIC

HABITATION SITES. Sites have, at a minimum, flaked stone tools and evidence of food processing and fire affected rock/hearths. Sites contain a wide variety of artifacts and materials. Habitation sites within the IVSP area may include flakes, tools, groundstone, ceramics, fire-affected rocks, midden, rock features (domestic and storage), and human remains.

- Temporary camp: flaked stone tools, evidence of food processing, fire affected rock/hearths
- Long-term: multiple artifact categories, evidence of use of fire, midden

RESOURCE EXTRACTION/PROCESSING SITES. Sites contain artifacts associated with specific resource extraction or processing activities. Processing/extraction sites within the IVSP include the following:

- Plant processing: Associated artifacts include groundstone, manos, metates, pestles, bedrock storage facilities, and bedrock milling features. Groundstone was also used to process fish, small animals, and pigments, and for hide-tanning. Flaked lithics were also used for cutting/harvesting plants prior to grinding or for preparing vegetal construction materials.
- Animal processing: associated artifacts include lithics, fish traps, and faunal bone
- Lithic reduction: associated artifacts include lithic tools, flakes, debitage, cores, and blanks
- Lithic processing: evidence of heat treatment; associated artifacts include flakes, debitage, and/or cores
- Groundstone production: associated artifacts or features include sandstone and granite outcrops, basalt boulders, etc.

TRAVEL SITES. Trails/footpaths, including trail markers.

CERAMICS SITES. These sites can include both scatters of ceramics and single pot locales or “pot drops.”

ROCK FEATURES SITES. These sites contain cairns, rock alignments, rock rings, and/or cleared circles.

OTHER. All other prehistoric sites that do not fit into the above categories.

HISTORIC

HABITATION SITES. In addition to food-related refuse, these are sites that contain evidence of domestic activity. Features may include tent pads, cleared areas, campfire rings, foundations, or other evidence of more than casual use.

HISTORIC REFUSE. These sites contain primary or secondary refuse deposit or concentrations of debris.

– Food containers: primarily cans

– Beverage containers: bottles and cans

– Mixed domestic: in addition to food and beverage containers, a variety of materials such as crockery, glassware, buttons, wire, toys, etc.

– Construction: cement, milled lumber, nails, paint, tile, etc.

– Target practice: shell casings, fragmentary bullets, etc.

GRAVEL EXTRACTION/MINING. These sites are characterized by pits, scraping scars, rock piles, and/or access roads.

SURVEYING. These sites consist of trash piles associated with surveying activities and historic survey markers.

TRANSPORTATION. These sites are linear features designed to facilitate the transportation of people.

– Roads: unpaved

– Trails: wagon trails and footpaths

MILITARY. Any site associated with military activities.

ROCK FEATURES. Cairns, rock alignments, and/or rock rings.

WATER CONVEYANCE. Any subsurface feature or device constructed to transport water over a distance (irrigation canals, ditches, flumes, pipes, etc.) not associated or addressed as part of the built environment.

OTHER. All other sites that do not fit into the above categories.

BUILT ENVIRONMENT

HABITATION. Standing residential buildings.

INDUSTRIAL. Standing processing or manufacturing plant.

TRANSPORTATION. Existing linear feature designed to facilitate the transportation of people.

– Roads: paved

– Railroads: with intact crossties and rails

WATER CONVEYANCE. Any existing feature or device constructed to transport water over a distance: irrigation canals, ditches, flumes, pipes, etc.

2.0 AVOIDANCE AND PRESERVATION

Avoidance of all cultural resources is preferred and is the goal of BLM. If cultural resources are discovered during construction and they are determined eligible for listing in the NRHP and/or the CRHR, implementation of a data recovery program may be necessary. If avoidance and minimization alternatives are not feasible, then data recovery through archaeological excavation may be warranted. Archaeological sites are most often determined eligible for the NRHP under Criterion D (“have yielded or may be likely to yield, information important in prehistory or history”), and/or the CRHR under Criterion 4 (“potential to yield information important to the prehistory or history of the local area, California or the nation”). The important information can often be characterized by the physical data, the artifacts, and features in the ground. Archaeological excavations may recover this information. This form of mitigation is called data recovery and includes scientific analyses and the preparation of a technical report. The purpose of conducting excavation as mitigation is to recover, analyze, and document in written form the important information contained within an archaeological site. The report must meet professional standards discussed later in this plan.

As stated above, avoidance of cultural resources during construction is preferred. Whenever practicable, an archaeological site that is determined eligible for listing in the NRHP and/or CRHR should be left in place and preserved from damage. Avoidance and minimization alternatives should be also considered as the first option for sites not evaluated. Avoidance measures may include limiting the size of the undertaking to reduce the effect, modifying the undertaking through redesign, and monitoring ground-disturbance activities to record significant archaeological remains if they are encountered.

2.1 ENVIRONMENTALLY SENSITIVE AREAS

Newly discovered and previously known prehistoric and historic archaeological sites located within the Project’s APE shall be designated as ESAs. Construction personnel will be instructed on how to avoid ESAs.

All construction personnel will be trained regarding the recognition of possible buried cultural remains, including prehistoric and historic resources during construction, prior to the initiation of construction or ground-disturbing activities. BLM will complete training for all construction personnel. Training will inform all construction personnel of the procedures to be followed upon the discovery of archaeological materials, including Native American burials.

2.2 PLAN OF ESA ESTABLISHMENT AND DESIGNATION

1. The archaeological consultant shall flag and/or fence cultural resources.
2. The lead Construction Manager and all supervisory personnel shall be informed by the BLM archaeologist and/or its representative of the presence and location of all ESAs within the Project area and the need to maintain integrity of the ESAs.

3. The BLM archaeologist and/or its representative shall convey the archaeological sensitivity of the resource to the construction personnel.
4. Construction personnel shall be informed that ESAs are strictly off-limits to construction, and entrance is not allowed at any time. ESAs shall not be described as archaeological sites. The exact location of cultural resources will be confidential.
5. For prehistoric resources, the BLM archaeologist shall consult with interested Native American tribes regarding the sensitivity of the area and any new discoveries. BLM shall make a reasonable and good faith effort to address concerns. BLM shall consider the role of Native Americans regarding supporting the monitoring of significant Native American resources within and adjacent to Project impact areas.
6. Archaeological monitors shall maintain flagging/staking for ESAs to identify these as areas where no ground-disturbing activities are to take place. Results of this effort shall be presented in the monitoring report for the Project.
7. Archaeological monitors shall immediately report all violations to BLM.

If a resource cannot be avoided, then the resource will be evaluated for eligibility for listing in the NRHP and/or CRHR.

TRAINING

BLM will provide a background briefing for supervisory construction personnel describing the potential for exposing cultural resources, the location of any potential ESA, and procedures to treat unexpected discoveries. An IVSP training document has been prepared and will be provided to construction personnel in support of the on-site training described below. The training document provides prehistoric, historic, and regulatory contexts, the roles of BLM and the archaeological monitors, the responsibilities and authority of the monitors, an outline of discovery protocols, and examples of artifacts. The cultural resources training shall include the following:

1. A summary of the archaeological and cultural sensitivity of the area.
2. The regulatory context and BLM protocols.
3. Project roles and responsibilities for the BLM archaeologist and the archaeological monitors.
4. Authority of archaeological monitors to halt work.
5. Basic artifact recognition.
6. The understanding that if construction personnel observe cultural material or what appears to be a cultural resource, the BLM archaeologist and/or representative shall be contacted immediately. Construction personnel shall have the requisite contact information.
7. The explicit understanding that cultural resources and human remains are not to be disturbed.
8. The procedures to follow if cultural material or human burials are observed:

- Work halts immediately.
- The location is secured and made off-limits to ground-disturbing activities.
- The construction foreman and BLM archaeologist are called immediately.
- Work does not re-commence until authorized by the BLM archaeologist.

3.0 MONITORING PLAN

3.1 MONITORING

A consultant will be retained to provide archaeological monitors. An archaeological monitor or monitors will be present during construction. Additionally, monitoring of ground-disturbing activities within 50 feet of a known cultural resource is required. Monitors are to ensure that ESAs are properly (and adequately) marked and protected. A Native American monitor is required at all sensitive prehistoric resource locations. Safety is paramount, and all monitors will undergo safety briefings and abide by all Occupational Safety & Health Administration (OSHA) and Project safety requirements. Monitors have the authority to halt work. BLM will maintain a record of the safety briefings and require that all monitors participate. The following list outlines the qualifications and responsibilities of the archaeological monitors.

1. The qualifications of monitors shall be confirmed by BLM. The consultant shall provide résumés and references. The monitors must be familiar with the types of historic and prehistoric resources within the study area.
2. Monitors shall maintain a daily work log (see Appendix B) that includes the following:
 - a. Date and time of work
 - b. Area of work
 - c. Type of work and equipment present
 - d. Construction activities performed
 - e. Monitoring activities performed (e.g., protection of ESA)
 - f. Cultural resources present
 - g. Name of Native American monitor (if present)
3. Color digital photographs shall be taken, as appropriate, to document monitoring activities. All ESAs, at a minimum, shall be photographically documented prior to, during, and after construction in their vicinity. If previously unknown or inadequately documented cultural resources are encountered during monitoring, BLM and the monitors shall follow the procedures presented in the section titled *Discovery Treatment Plan*.
4. Monitors shall provide daily updates to the Monitoring Supervisor, who shall provide a summary to the BLM archaeologist. Written memo updates shall be provided weekly. The weekly memos shall identify the monitors present, dates worked, and their locations for that week. The memo shall present the results of monitoring for that week. Once monitoring is complete, a monitoring report shall be drafted for review and approval by the BLM archaeologist. The monitoring report shall present the following:
 - a. All monitoring activities
 - b. Location of monitoring

- c. Dates of monitoring
- d. Personnel participating and their qualifications
- e. Resources (ESAs) satisfactorily protected
- f. Damaged resources, including the effects and the significance
- g. Discovered resources and their significance (if any)
- h. Management and treatment measures implemented

The report shall be reviewed and approved by the BLM archaeologist and shall be prepared per *Archaeological Resources Management Reports (ARMR): Recommended Contents and Format* guidelines (OHP 1990).

- 5. Monitors shall maintain the flagging and staking to make sure that all ESAs are avoided and protected. This includes verification that the current conditions of known significant resources do not change as part of this Project. If protected sites exhibit physical changes, then protection measures need to be immediately changed and improved under direction from the BLM archaeologist. Earthmoving within 50 feet of a significant resource may be halted.
- 6. If individual artifacts are exposed during monitoring, they shall be mapped in situ with a submeter accuracy, global positioning system (GPS) unit, collected, analyzed in the consultant's laboratory, cataloged, and curated. A curation agreement shall be established with a curation facility that meets federal standards.
- 7. If a feature (cluster of in situ artifacts, intact hearth, historic foundation, etc.) is exposed during monitoring, construction activities shall be diverted briefly until the Monitoring Supervisor has had the opportunity to assess the find and make appropriate recommendations. Consultant recommendations shall be provided to BLM and in accordance with the *Discovery Treatment Plan* provided later in this document. Avoidance is preferred and, if a resource cannot be avoided, then it first must be evaluated. If the resource is significant, then avoidance must be considered. If a significant resource cannot be avoided, then treatment measures (including possibly data recovery) must be implemented prior to recommencing construction. The details of this process are also discussed in the *Discovery Treatment Plan* provided later in this document. During the field implementation of archaeological studies, earthmoving within 50 feet may be halted.

After mitigation of site impacts are complete, and if additional cultural material is exposed by grading in the same site, additional hand-excavation will not be required unless the additional material represents a new kind of data not recovered during previous data recovery at that site. Such new data would consist of artifact classes and features not recovered during previous mitigation. Features may include hearths, refuse pits, and burials. Even if no additional hand-excavation is required, the newly exposed material shall be mapped and collected.

8. If human remains are encountered, a course of action following the requirements set forth in 43 CFR 10 and the BLM Native American Graves Protection and Repatriation Act (NAGPRA) as presented in the NAGPRA Plan of Action shall be followed. This includes stopping work in the exclusion area for a period of no more than 30 days while the consultation requirements of NAGPRA are completed. Work on the undertaking can proceed outside of the exclusion area. Should these BLM NAGPRA protocols not be followed, a violation of NAGPRA and the Archaeological Resources Protection Act (ARPA) may take place. The ARPA allows the government to assess civil fines and to proceed with criminal prosecution depending on the nature of the violation.

9. Notification Procedures

When a potential discovery not involving human remains is made during construction monitoring, the cultural resources monitor shall temporarily halt or redirect the work at that location and create a temporary exclusion area (Table 1). The monitor shall then notify the on-site Native American monitor (if not present) if the find is prehistoric (or potentially prehistoric) and the Monitoring Supervisor, who shall inspect the find and perform an initial assessment. If the find appears to represent a potentially significant cultural resource, the Monitoring Supervisor shall notify BLM. BLM shall then notify the Construction Manager, who will issue a temporary stop work order for the location of the find. A list of contact information is provided in Appendix C.

If human remains or fragmentary bones that are suspected to be human are encountered during construction activities, work at that location shall be suspended. The archaeological monitor shall notify BLM and the Native American monitor on-site (if not present at the discovery location) immediately. This notification will be the initial step in the consultation procedures under the NAGPRA. The remains shall be left in place and exclusionary fencing shall be placed in a 50-foot radius around the discovery. Decisions regarding additional identification procedures and the continuation or permanent suspension of work at the discovery location shall then be made by BLM.

Table 1 Discovery Notification Procedures

Resource Type	Definition (in a 25 m ² area)	Procedure
Isolated find	Fewer than three artifacts	Monitor to record, photograph, map with GPS
Archaeological site	Three or more artifacts; feature	Monitor to redirect construction, contact Monitoring Supervisor, erect exclusionary flagging/fencing, and record; Monitoring Supervisor to assess

Potentially human remains		Monitor to redirect construction, and contact BLM, Native American monitor (if not present), and Monitoring Supervisor; erect exclusionary flagging/fencing
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4.0 DISCOVERY PLAN

4.1 PLAN OF TREATMENT OF DISCOVERIES

This Discovery Plan addresses the actions to be taken should discoveries occur during Project implementation. Potential discoveries in the IVSP area are divided into two categories, each requiring distinct management procedures: treatment of previously unknown artifacts, features, site components, or sites; and treatment of human remains discoveries. The procedures to be followed should such discoveries be made during the treatment program or during Project implementation are reviewed below.

If human remains are encountered, the course of action will follow the requirements set forth in 43 CFR 10 and the BLM NAGPRA Protocols. This includes stopping work in the exclusion area while the consultation requirements of NAGPRA are completed. Work on the undertaking can proceed outside of the exclusion area. Should these BLM NAGPRA Protocols not be followed, a violation of the NAGPRA and ARPA may take place. The ARPA allows the government to assess civil fines and to proceed with criminal prosecution depending on the nature of the violation.

Whereas the protocols below apply to all discoveries, specific management and treatment measures may vary according to the resource type discovered, the discovery location within the Project area, and anticipated Project effects. Specific field and laboratory methods are presented in Appendix A.

MANAGEMENT OF PREVIOUSLY UNKNOWN SITES, SITE COMPONENTS, OR FEATURES

Previously unknown artifacts, features, site components, or even sites may be encountered during archaeological monitoring. The spatial distribution of features and their functional types are important aspects of the research design, both in terms of intrasite structure and spatial organization, and in the distribution of features associated with the desert cultural landscape. Some potential for buried remains occurs within depositional environments present within the APE.

Recovery and documentation of cultural materials will, at minimum, include mapping the discovery location and may also include one or more of the following: photographs; illustrations of artifacts, features, or soil profiles; surface artifact collection; and test or data recovery excavations. The procedures outlined below will be adhered to should there be archaeological discoveries during construction monitoring for the Project. A discussion of the disposition and

curation of recovered artifacts is presented later in the section titled *Data Management and Curation*.

Guidelines for the treatment of new discoveries within the Project area are as follows:

- The archaeological monitor shall have the authority to halt work in discovery vicinities and redirect heavy equipment away from the discovery site.
- All ground-disturbing activities that would adversely impact a newly discovered cultural resource shall be halted. The horizontal and vertical limits of the resource within the impact area shall be determined. The resource shall be protected by physical barriers and the presence of monitors to ensure that further disturbance to the resource is avoided and to minimize impacts.
- BLM shall apply the criteria for listing in the NRHP:
 - (A) It is associated with events that have made a significant contribution to the broad patterns of history and cultural heritage;
 - (B) It is associated with the lives of persons important in our past;
 - (C) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or
 - (D) It has yielded, or may be likely to yield, information important in prehistory or history.

Properties found eligible for the NRHP are assumed to be eligible for the CRHR.

- If the cultural resource is determined by BLM to be a historic property (eligible for the NRHP), consultation shall take place to determine the appropriate treatment measures.
- BLM shall consult with Native American groups or other interested parties regarding the treatment of the find.
- As needed, a data recovery plan shall be developed by the consultant under direction and in coordination with BLM and to recover the significant values contained by newly discovered resources. Recovered data shall be processed, analyzed, and reported concurrent with other sites addressed during the treatment program. Refer to the specific field and laboratory methods in Appendix A.
- If individual non-diagnostic artifacts are exposed during monitoring or construction, they shall be mapped in situ. If diagnostic artifacts are exposed, they shall be mapped using a sub-meter accuracy GPS unit, collected, analyzed in the consultant laboratory, catalogued, and curated.
- If a feature (e.g., cluster of in situ artifacts, intact hearth, or foundation) is exposed during monitoring, construction activities shall be diverted until the find can be assessed and appropriate recommendations made. If excavation is required, it shall be accomplished expediently. Features shall be exposed and recovered using standard excavation techniques,

with care taken to maintain the provenance of the feature as a distinct unit. The feature shall be photographed and mapped in place prior to recovery. Samples shall be recovered for special analyses (e.g., radiocarbon, macrobotanical, palynological, or faunal) as appropriate to the character of the feature. Artifacts collected shall be analyzed in the consultant's laboratory, cataloged, and temporarily curated.

- A determination shall be made as to whether a new discovery is part of an existing site or a previously unknown cultural resource. Based on that determination, either new Department of Parks and Recreation (DPR) forms will be created or the existing DPR forms shall be updated to include the discovery. The potential significance of newly discovered sites or site components shall be evaluated relative to the research design.
- If a new site or significant component of a previously recorded site is discovered, construction activities will be halted in the area until an assessment of the find can be made. If it is determined that the site has the potential to yield important data that can address research questions, a sample of the site area shall be hand-excavated using the standard archaeological procedures described in Appendix A. BLM shall be informed by the consultant as to the estimated time necessary for an NRHP/CRHR eligibility determination. The assessment shall include mapping the locations and elevations of new discoveries. To the extent possible, boundary definition, assessment of content and integrity, and assessment of eligibility shall be accomplished with shovel test pit (STP) excavations. At minimum, the evaluation shall include recording, excavating, and reporting major features or artifact concentrations uncovered, and recovery/curation of a sample of uncovered artifacts where practicable.
- Construction activities in the discovery area shall not resume until the site evaluation is completed. The consultant shall prepare a brief report of the findings and eligibility evaluation, and propose avoidance measures and provisions to minimize impacts specific to that discovery. This shall be submitted to BLM for review and concurrence. If further disturbance cannot be minimized, then the cultural resources contractor shall provide justification and recommendations for data recovery to BLM. If BLM determines that disturbance is justified, then recommendations for data recovery shall be reviewed by BLM for adequacy and to evaluate the cost of treatment versus the cost of Project redesign. Interested Native American community members shall be consulted if the resource contains a Native American context. Only after BLM review and approval of a site-specific data recovery plan shall such excavation be performed. Data recovery shall collect a representative sample of the deposits that would be destroyed.
- The discovery of human remains during Project implementation shall require special procedures, as discussed below.
- If additional cultural material is exposed by construction, after mitigation of site impacts has been performed per the Discovery Treatment Plan, additional hand-excavation will not be required unless the material represents a new type of data. Such new cultural material would consist of artifact classes and features not recovered in previous excavations. However, even if no additional excavation is required, the newly exposed material shall be mapped and collected.
- Discoveries and their treatment relative to the research shall be reported in the final monitoring report for the Project. A separate report of findings and interpretation relative to a research design shall be prepared if data recovery excavations are employed for mitigative site treatment.

MANAGEMENT AND TREATMENT OF HUMAN REMAINS

Human remains may be discovered in situ during the field excavation program, which includes the test unit excavations. Additionally, human remains may be discovered during the laboratory processing and analysis phases of the treatment program. Archaeological monitoring both within and outside site areas is also planned, during which isolated or disarticulated human remains may be uncovered. One of the objectives of archaeological monitoring is to identify such remains while they are still in place so they and their context can be managed in a manner that is sensitive to the Native American community or other ancestors and to address existing regulations.

If human remains are encountered, the course of action will follow the requirements set forth in 43 CFR 10 and the BLM NAGPRA Protocols as presented in the NAGPRA Plan of Action. This includes stopping work in the exclusion area for a period of no more than 30 days while the consultation requirements of the NAGPRA are completed. Work on the undertaking can proceed outside of an exclusion area defined by BLM. Should these BLM NAGPRA Protocols not be followed, a violation of the NAGPRA and ARPA may take place. The ARPA allows the government to assess civil fines and to proceed with criminal prosecution depending on the nature of the violation.

While it is hoped that human remains will not be encountered during the treatment program, the possibility exists that such a discovery can occur, and procedures are included herein to address such an event. When skeletal remains that may be human are encountered, the following steps will be taken:

- For Project construction activities (as described in the Monitoring Section), if definite or suspected human remains are encountered, the archaeological monitor shall halt work in the discovery vicinity and redirect heavy equipment away from the discovery site to avoid ground-disturbing activities that could adversely impact the remains. The monitor shall also immediately contact/notify the on-site Native American monitor, the consultant Monitoring Supervisor, and BLM. BLM shall then direct the procedures for identification and/or verification of the remains as human. The horizontal and vertical extent of occurrence of the remains within the impact area shall be determined. The remains shall be protected by physical barriers and the presence of monitors to ensure that further disturbance to the remains is avoided. Subsequent to verification of the remains, as previously indicated, the course of action shall follow the requirements set forth in 43 CFR 10 and the BLM NAGPRA Protocols.
- For archaeological investigations, activities in the discovery area shall cease and the field supervising archaeologist shall notify the on-site Native American monitor and the Principal Investigator, who shall notify BLM. As with a discovery during construction, BLM shall then

direct the procedures for the identification and/or verification of the remains as human. Subsequent to verification of the remains, as previously indicated, the course of action shall follow the requirements set forth in 43 CFR 10 and the BLM NAGPRA Protocols.

- Human remains shall be treated with respect and dignity, with care taken to limit disturbance and maintain the association of the remains with any accompanying funerary items and their physical setting. Archaeological investigations or Project development work shall not resume in the discovery area until the appropriate recovery and management actions have been completed.
- The specific location of the discovery shall be withheld from public disclosure, as will the location of any reburial site.
- No excavation of human remains shall be put on public display in any manner, nor photographed, except for the purpose of scientific documentation. No photographs of human remains shall be distributed to the public or published.

For laboratory situations, where small bone or fragments may be identified as sensitive, similar notification and management procedures to field discovery will be followed, and strict provenance controls will be maintained. As with the field, the initial step is expert identification which shall proceed as directed by the BLM. Subsequent to verification of the remains, the course of action will follow the requirements set forth in 43 CFR 10 and the BLM NAGPRA Protocols, including consultation with tribes and preparation of a written plan for management of the remains.

5.0 DATA MANAGEMENT AND CURATION

5.1 TECHNICAL REPORT PREPARATION AND DISSEMINATION

Reports regarding training, monitoring, consulting, evaluating, and data recovery (if necessary), will be responsive to contemporary professional standards. This will include the *Secretary of Interior's Standards for Archaeological Documentation* (NPS 1983).

A comprehensive technical report may be required that will present the results of monitoring, evaluation, and treatment programs completed in relation to the Imperial Valley Solar Project. The production and dissemination of the technical report is the final step in treatment. The consultant is responsible for technical report preparation, with BLM oversight and final document approval. The technical report and ancillary studies will also be responsive to contemporary professional standards and consistent with *ARMR* (OHP 1990). Precise locational data may be provided in a separate appendix if it appears that its release could jeopardize archaeological sites.

The draft report(s) will contain cultural background; the results of Native American consultation; a description of the physical environment; research design, methods, and results sections; and a discussion of meaning (interpretation). Results of laboratory and specialized analyses will be given along with a discussion of spatial and temporal distributions, as appropriate to the individual report. At a minimum, final technical report(s) resulting from actions pursuant to this treatment plan will be provided by BLM to the South Coastal Information Center.

5.2 CURATION IN PERPETUITY

Following completion of cataloging and analytical procedures, Project collections will be prepared for permanent curation according to Smithsonian Institution guidelines and the requirements of the permanent curatorial facility. Materials to be curated include archaeological specimens and samples, site catalogs, field notes, field and analysis forms, feature and burial records, maps, plans, profile drawings, photo logs, photographic negatives, consultants' reports or special studies, and two copies of the final technical report. These materials will be curated at a facility that meets federal standards as promulgated at 36 CFR Part 79, *Curation of Federally Owned and Administered Archaeological Collections*.

REFERENCES

National Park Service (NPS)

1983 *Secretary of Interior's Standards for Archeological Documentation*. Washington, DC.

Office of Historic Preservation (OHP)

1990 *Archaeological Resources Management Report (ARMR): Recommended Contents and Format*. California Office of historic Preservation, Sacramento, CA.

APPENDIX A
SPECIFIC FIELD AND ANALYTICAL METHODS

ATTACHMENT A

SPECIFIC FIELD AND ANALYTICAL METHODS

Standard archaeological field, laboratory, and analysis methods that are consistent with current scientific and regional procedures will be used for the Imperial Valley Solar Project (IVSP or Project). This appendix addresses newly discovered sites that cannot be avoided by Project construction. Upon unanticipated discovery of intact cultural deposits, including features, these resources will be evaluated for listing in the National Register of Historic Places (NRHP) and/or the California Register of Historic Resources (CRHR).

Strategies will include controlled excavations, which consist primarily of Shovel Test Pits (STPs) that measure 0.5 by 1 meter (m), Test Excavation Units (TEUs) that measure 1 by 1 m, and/or larger block exposures that are hand-excavated with strict provenance controls using shovels, trowels, picks, and other tools. Supervised mechanical excavations may also be used, where appropriate, as well as remote sensing surveys.

Archaeological resources are normally determined eligible under NRHP Criterion D or CRHR Criterion 4, potential for important information. The resource must clearly demonstrate the potential and must exhibit the requisite physical integrity. The presence of diagnostic (datable) material and/or artifacts allowing the opportunity to date the site is imperative. Resources in disturbed contexts with no opportunity to be dated are often ineligible for the NRHP. If a resource is eligible and cannot be avoided by construction, the Bureau of Land Management (BLM) may decide to conduct data recovery and excavate a representative sample of the site employing the excavation strategies below.

FIELD METHODS

SURFACE SCRAPES

Surface scrapes are employed in areas of dense vegetation and involve scraping the ground with a shovel in large units to expose the surface for examination.

SHOVEL TEST PITS

STPs are preliminary tests for the presence of subsurface cultural deposits. It is expected that they will be used to delineate the boundaries of previously unknown sites, site components, or large diffuse features, should they be discovered during archaeological fieldwork or monitoring. STPs normally measure approximately 35 centimeters (cm) in diameter and are excavated in incremental 10-cm levels. The number and distribution of STPs depend on the size and geomorphic setting of each site. Each STP is excavated to bedrock or to soil strata that are clearly not of a culturally relevant age, with the ground surface serving as reference for depth

measurements. Excavated soil is reduced by dry-screening through ¼-inch mesh hardware cloth, and recovered artifacts are collected and bagged by level, with reference numbers assigned and typical labeling information provided. Stockpiled dirt is returned to the STP upon completion; shovel test forms are completed for each unit.

TEST EXCAVATION UNITS

Manually excavated TEUs afford larger subsurface exposures than STPs and are used to recover representative samples of subsurface artifacts with controlled depth information. In general, TEUs measure 0.5 square meter (0.5 by 1 m) to 4 square meters (2 by 2 m); however, dimensions may vary according to circumstances, and adjacent units may be excavated in various configurations to develop block exposures. For example, site depth is a determinant for defining unit size. Unit depths greater than 1.5 m (5 feet) require the opening of an adjacent unit for health and safety issues, as well as for facility of excavation and recording. Also, additional exploration and exposure of a feature that extends beyond the boundaries of a TEU may be necessary. Excavation proceeds by 10-cm arbitrary contour levels unless natural or cultural strata are present; then, levels are subdivided to maintain these distinctions. Contour levels are maintained by measuring depth from the existing surface. An excavation level record is completed for each level. As appropriate, other records are completed, including plan views, profiles of test units, and descriptions of features. In addition, test units are selectively photographed during excavation to show artifact and/or stratigraphic associations, profiles, features, or other data.

Test units will be numbered by a sequential designation. The highest corner of each test pit is designated the unit's datum for elevation control. This corner will be marked with a pin flag labeled with the test unit's number. Depths of units are determined by empirical site stratigraphy. In alluvial or aeolian deposits, units can range up to several meters below the surface of the site. Whenever possible, units will be excavated to bedrock or to sediments that are clearly not of a culturally relevant age.

Hand-excavation of test units will normally be accomplished using shovels, trowels, breaker bars, and picks, depending on the composition of the soil and the nature of the cultural deposits. In feature contexts, trowels, brushes, and other small implements may be most appropriate. Special methods are used in the excavation of features, including sample collections suitable for special study. Charcoal (for radiocarbon assay) is collected when present. Depending on excavation context and research design issues, other samples that may be collected include bulk sediment for humate analysis and/or chemical analysis, pollen and/or phytolith, and flotation. Excavated soils are typically dry-screened through ¼-inch mesh to reduce sediment volume and bagged and tagged as previously described.

AUGER EXCAVATION

Auger excavations are used to define soil stratigraphy, to locate bedrock, or to test for the presence of cultural remains at greater depth, including potentially buried deposits. With extension handles, this procedure can accurately locate and trace soil strata at depths of several meters. Augers can be placed in the bottom of STPs or other excavation units to further test for depth of deposit when additional excavation is otherwise impossible. However, the small volume of most auger borings limits the usefulness of this procedure for mapping the absence of subsurface cultural deposits with certainty. Auger excavations may or may not proceed using arbitrary levels (e.g., 10 cm or 20 cm), depending on the circumstances. Augered soils are typically screened through ⅛-inch mesh to recover cultural remains. On each site, auger tests are sequentially numbered, and recovered materials are bagged, labeled, transported, and processed in the same manner as other excavated materials. Reference log numbers are assigned to each provenance unit, and an auger form is completed. Auger test locations are plotted on the site plan views, and auger holes are covered upon completion with the dirt available from the initial screening reduction.

TRENCHING

Where trenching is conducted, an archaeologist and/or geoarchaeologist will direct backhoe operation. The duties of this person include selecting trench locations and their dimensions, monitoring the backhoe while in operation, and examining profiles. Depths of trenches are determined by the site context. For safety, trenches deeper than 1.5 m (5 feet) should be double width or shored. This is an Occupational Safety & Health Administration (OSHA) requirement. Trench walls are photographed and profiled, and stratigraphic units are described. To facilitate accurate sketching, elevation-control stakes are placed at 20-m intervals along the excavated portions of the trench. Trench profiles will be cleaned and examined at least every 5 m. The depth of stratigraphic boundaries is measured from the surface, with strata boundaries extrapolated between mapping points. Standard sedimentary and soil variables are recorded for each stratum. Recorded variables may include (1) description of contacts; (2) soil color; (3) textures; (4) boulder and gravel content; (5) large clast angularity (gravel size and larger); (6) large clast lithology; (7) soil structure, consistency, and plasticity; (8) root content and form; (9) sedimentary structure; (10) disturbance; and (11) organic content. Standard data on soils and sediments are recorded on the Soil Worksheet. As warranted, diagnostic artifacts and special samples may be collected from trench profiles. These collections will be point provenanced and assigned individual numbers.

Back dirt from the trenches will be sample screened at no less than 5-m intervals through ⅛-inch mesh. All features encountered will be exposed by hand. Features will be recorded and mapped on feature forms and photographically documented.

Each trench is marked with a wooden stake labeled with the trench designation. A master list of trenches with their locations, dimensions, and general observations is maintained, and trench locations are included on the site map. Backfilling of trenches is done by backhoe after manual excavations on a site are complete. The wooden stakes marking trench locations will be left in place for mapping.

FEATURE EXCAVATION

Features will be exposed in plain view. If necessary, additional excavation units will be opened as a block. All feature components will be mapped and photographed. If appropriate, the feature will be bisected and profiled, and soil samples will be collected to allow the studies discussed below.

GEOMORPHOLOGY

The use of geomorphology in archaeological excavations has increased substantially over the last decade. A trained geomorphologist/geoarchaeologist will determine and discuss landform context and site formation processes, including the issue of disturbance, and will profile select trenches and excavation units. The geomorphologist will also help determine where trenches should be placed to obtain the best cross-section of the site stratigraphy.

REMOTE SENSING

There are several types of remote sensing techniques that are useful to locate buried features and other anomalies on archaeological sites. These techniques are noninvasive and, when used in combination with hand-excavation, can greatly increase the efficiency of the latter by indicating areas worthy of investigation. Such techniques may be employed in circumstances where they can provide information not otherwise obtainable.

Ground Penetrating Radar (GPR). GPR is a geophysical method that has been developed over the past 30 years for shallow, high-resolution, subsurface investigations of the ground. GPR uses high-frequency pulsed electromagnetic waves to acquire subsurface information. Energy is propagated downward into the ground and is reflected back to the surface from boundaries where there are electrical property contrasts. GPR is a method that is commonly used for environmental, engineering, archeological, and other shallow investigations.).

Resistivity Survey. Another method, soil-resistivity survey, uses an electrical current introduced into the soil to locate anomalies. The ease or difficulty with which this current flows within the soil is then measured, and resistant areas are mapped. Results are useful when the resistivity contrasts between the archaeological record and the surrounding soil matrix.

Magnetic-Field Gradient Survey. Magnetic-field gradient survey consists of mapping deviations from the uniformity of Earth's magnetic field.. This technique is based on the magnetic field gradient being consistently zero, with deviations from this uniformity indicating archaeological features. Magnetic-field gradient surveys are particularly useful in detecting remnant magnetization that originates from heating iron oxides found in most soils in features such as hearths, fire pits, and ceramic concentrations.

MAPPING METHODS

Point Provenance Method. The point provenance method is employed to map the locations of diagnostic artifacts, tools, and other items or significant features prior to collection or excavation, or to collect the surface of low-density sites. The Global Positioning System (GPS) units with sub-meter accuracy are used for point provenance mapping of monitoring finds, surface scatters of artifacts, and collecting isolated diagnostic cultural materials. Monitors and field mapping personnel will use hand-held GPS units to map finds and to collect surface materials. Materials collected will be assigned sequential reference numbers that are logged on GPS recording forms for the location of each item or feature documented. The reference number is used to prepare a site or item location map and in the presentation of tabled data and artifact illustrations provided in the technical report.

Electronic Distance Measurer Method. During testing and data-recovery program, where provenance accuracy is critical for meaningful interpretation of cultural resources, the electronic distance measurer (EDM) method is typically used. The EDM method provides precise locational data in three dimensions. Because each mapping shot records the vertical azimuth, distance, and bearing, site topography can also be easily documented. To make maximum use of the precision afforded by this mapping technique, data are linked to AutoCAD and geographic information system (GIS) software data and downloaded or entered into an electronic mapping program for output. When the mapping data are plotted, the result is a precise scaled map.

An electronic total station is used for the EDM method, and a single primary mapping station is located in a central area of each property. Sub-data are established, as needed, especially on large sites or those with diverse topography. Stations are established with a well-embedded 9-inch-long nail, and demarked with black-and-pink striped surveyor's flagging. Station labeling includes the station number, site number (permanent designation if available, field number if not), research organization, and date. At large properties, secondary mapping data can be established, keyed to the primary datum, and properly labeled to facilitate recordation of cultural, topographic, and other data.

PHOTOGRAPHS AND ILLUSTRATIONS

Photographic documentation will include color digital photographs taken throughout the monitoring program and during all phases of individual site treatment activities such as testing and/or data recovery. Photographs taken during monitoring will be used to document the activities monitored and the initial recordation of any discoveries or finds made. During testing and/or data recovery activities, photographs will include site overviews to show a site's physiographic and environmental setting, hand and mechanical excavations in action, and features and unit wall profiles. Photographs will be recorded on standard photographic logs identifying the frame, day, month, year, time, subject, and direction of view. Illustrative photographs will be included in the draft technical report.

Sketches or illustrations of unique features and artifacts are also beneficial in depicting details that are sometimes not evident in photographs. These techniques will be used, as determined necessary, and also included in the draft technical report.

CATALOGING AND ANALYTICAL METHODS

Collected artifacts will be inventoried and organized during and following fieldwork and prior to sorting and detailed attribute recording. The Reference Number Log (bucket/bag log) that is completed in the field is submitted to the laboratory with the bagged and labeled residues. The Reference Number Log is the primary inventory document and serves as the list against which artifacts and forms are crosschecked when transferred to the laboratory. Checking assures that (1) collections and data forms are present; (2) the provenance designations (e.g., site, test unit, depth) on each collection bag match those on the data forms and in the Reference Number Log; and (3) other required data sheets (e.g., feature records or special sample forms) are present, accurate, and complete. Data sheets with incomplete or unclear information and those that contradict other data sheets for the same property are returned to the appropriate field personnel (e.g., crew chief, field monitor) for correction.

CLEANING

Prior to cataloging and analysis tasks, most artifacts and specimens will be cleaned and stabilized, either at the wet-screening station or in the laboratory. Specimens that will *not* be cleaned include (1) wood or fiber; (2) fragile/friable bone, antler, or shell; (3) selected groundstone (for possible pollen wash or immunological analysis); (4) selected lithic tools (for blood residue analysis); and (5) possible baked clay or ceramic items.

For other artifacts, adhering dirt will be removed by washing or dry brushing. Flaked stone, groundstone, and shell are typically cleaned using water. Depending on its condition, bone may be either dry brushed or quickly immersed in water, gently brushed, and then quickly rinsed. To

prevent accidental contamination between provenances, artifacts from a single provenance will be cleaned and/or stabilized at the same time, and washing should proceed one unit at a time. Once dry, individual artifacts from each provenance will be placed in clean polyethylene bags along with identification tags produced on archivally stable cardstock. Radiocarbon samples will be placed in either aluminum foil pouches or in glass vials, which will then be placed in clean polyethylene bags. Flotation, pollen, sediment, and other bulk samples will be left in double polyethylene bags until they are processed.

SORTING AND CATALOGING

Sorting and cataloging methods will follow the requirements of the curation standards for a facility that will meet minimum federal requirements as published in 36 Code of Federal Regulations (CFR) Part 79. Specific curation requirements at the facility selected to curate the Project materials will also be ascertained and followed.

Recovered data are separated hierarchically into material class, artifact type, material, quantity, and weight. Material class separates artifacts and other data into such major categories as stone, ceramic, bone, shell, glass, metal, and others. The second ordering variable (artifact type) places the artifact into a category such as debitage, biface, mano, or awl. Material is sorted by toolstone (e.g., chalcedony, obsidian, volcanic, quartzite, or granite), bone, shell, etc.

This information is recorded on the master catalog form with the following additional data: count, weight, locus, unit coordinates, depth/level, unit type, unit designation, and curation box number. Stone, bone, and shell artifacts are counted; unmodified shell, bone, and charcoal are not. Special samples and ecological data (ecofacts) are recorded on the same catalog form, with the same information required for artifacts. Where appropriate, feature number, sampling stratum designation, soil stratum (stratigraphic) designation, and screening mesh size are also included for each catalog entry. Attributes for cores, debitage, flaked stone tools, groundstone, bifaces or projectile points, and prehistoric ceramics are recorded on the corresponding sub- or detail catalogs.

After the information has been recorded, an artifact is given a three-part catalog number, with each part separated by a dash. The first part of the catalog number is the site number, the second part is the year excavated, and the third part is assigned consecutively in the order of entry. After assigning catalog numbers, the artifacts will be placed in clean polyethylene bags with the catalog number and provenance written with archival-quality black ink markers. Identification tags will be generated on adhesive archival-quality labels and applied to the interior of the bags. The tags will include, at a minimum, catalog number, artifact type, and provenance information. Each tag will show the catalog number along with other pertinent

information, such as site number and selected provenance information. Bagged artifacts are stored in 6-inch-square boxes, which are incorporated into the temporary boxing system. The catalog will be entered into the computerized data management system for ease in sorting and manipulating data within and between sites.

TEMPORARY CURATION METHODS

Processed artifacts will be physically organized by artifact type and grouped using archival bags and boxes. The boxes will be temporarily stored at the AECOM processing facility until transfer to the designated curation facility. The boxing system is set up by site, class, and project number. After cataloging, the artifacts are placed in appropriately sized boxes. These boxes will be labeled with the box number and the item type (e.g., debitage, groundstone, bone, soil samples). Smaller archival-quality boxes or plastic film canisters may be used for small or unusual artifacts that need further protection. The boxed artifacts are then placed in a 12- by 15- by 10-inch archival banker's box. The boxes are recorded on an Inventory Spread Sheet.

For a discussion of long-term curation and artifact disposition, refer to the chapter *Data Management and Curation*.

ARTIFACT AND ECOFACT ANALYSES METHODS

Following initial processing and interim curation, artifact and sample analyses will proceed. The recovered chipped and groundstone assemblages, bone and shell artifacts, shell and faunal assemblages, and other items will be subject to a variety of morphological, functional, technological, and typological analyses as appropriate to the data class and research goals. Brief overviews of standard analysis methods are provided in the following sections.

Chipped Stone. The analysis of chipped stone items is directed toward developing classes (and types) of artifacts that are based on morphological, functional, and technological attributes.

Bifaces. Finished bifacial tools include such formal items as points, knives, and drills. The trajectory of biface reduction yields progressively smaller flakes and an objective piece that becomes thinner and takes on a planned form. The objective piece can include the original cobble/core or any detached flake modified using the bifacial strategy. At any point in the production sequence, an incomplete or broken biface can be used as a tool. Bifaces are classified according to the stage of manufacture represented. Biface reduction/production is recognized as a continuum, and the stages reflect arbitrary divisions within this continuum. Biface reduction can be performed on flakes, cobbles, or split cobbles, and can result in cores, tools, and rejected items.

The following data will be recorded for analyzed bifaces: manufacturing stage; lithic material; color, condition, and portion present; overall shape; base shape; transverse cross-section; longitudinal cross-section; and maximum dimensions (length, width, and thickness). The stages of biface manufacture include the following:

- *Stage 1: Edging.* Deep and wide cortical removals originate from natural lateral surfaces. Twenty percent or more of the cortex is retained. The cross-section is irregular or blocky. The width-to-thickness ratio is greater than 3:1.
- *Stage 2: Primary Thinning.* Primary thinning includes second-row and some third-row flaking, loss of natural surface platform angles, prepared platforms, straightened edges, and the most prominent masses and ridges removed. Minimal cortex is retained by the end of Stage 2. The biface begins to form an ovate shape, but the cross-section is rectangular, trapezoidal, or very thick lenticular. The width-to-thickness ratio is less than 3:1.
- *Stage 3: Secondary Thinning.* Overlapping flake scars form opposing lateral margins, no cortex remains, and the biface assumes the desired shape. The cross-section is becoming more lenticular, and the width-to-thickness ratio is about 4:1. Often, change to soft hammer percussion techniques takes place during this stage.
- *Stage 4: Shaping to Preform Tool.* Shaping results in regular flake removals and uniform lateral edges. The cross-section is very lenticular, and optimal width-to-thickness ratios are reached (between 4:1 and 5:1). Optionally, a change to pressure flaking may be made for tool shaping.
- *Stage 5: Finishing.* The preform is finished by notching or fluting, basal grinding, or minor retouch and shaping, if necessary, accomplished through pressure flaking. Stage 5 bifaces can be further subdivided into morphological types.
- *Stage 6: Tool Maintenance and Resharpener.* Continued use of the tool results in dulled edges. Resharpener by pressure flaking reduces the size of the tool and produces a characteristic S-shaped edge cross-section.

Projectile Points. Projectile points are finished bifaces and are a morphologic variation of this chipped stone category. Points exhibit a wide range of styles that are chronologically and culturally diagnostic and are, therefore, treated in greater detail. Typological analysis of projectile points provides diagnostic artifact characteristics to the items and increases their importance for chronological, settlement, subsistence, and technological research.

Projectile points are well-shaped (although not always symmetrical) thin bifaces with uniform cross-sections, regular and non-sinuous edges, little to no cortex, and minute edge alteration and retouch. They often have a deliberately prepared haft element oriented near the center of one end. From the distal to proximal ends, attributes of points include the tip, blade, and stem, but reflect considerable morphological variability in tip form, blade edges,

shoulder/barb configurations, notch location and orientation, stem shape, tang morphology, and base configuration.

The attribute stage of analysis recognizes three subclasses: “dart” points/shafted knives, “arrow” points, and indeterminate points. Points are further classified into named types (where possible). The attributes recorded for projectile points include lithic material, condition and portion present, blade edge form, blade shape, base shape, shoulder form, stem form, presence of serration, presence of basal notching, presence of side notching, cross-section, actual maximum dimensions (length, width, and thickness), length at longitudinal axis, actual width, position of maximum width, maximum blade width, basal width, maximum stem width, position of maximum stem width, shoulder height, proximal shoulder angle, distal shoulder angle, notch opening, side notch width, basal notch width, side notch depth, and basal notch depth.

Cores. This class of artifacts refers to bulky objective pieces used in the preparation of chipped stone tools. Most of these items are pieces representing a wide range of lithic reduction strategies, with the main goal oriented toward testing the quality of material or producing large serviceable flakes suitable for use or for modification into formal tools. Cores can be minimally described by core type, maximum dimensions (length, width, and thickness), lithic material, total observable flake removals, and percentage of cortex.

Cores can be separated into the following categories:

- Test blocks largely reflect the morphology of the original cobble and have a high percentage of cortex. They are characterized by a minimum amount of flaking (usually fewer than five flake scars), which was used to assess the texture and knapping quality of the stone and to determine whether vugs or impurities are present. Test blocks tend to represent rejected materials (i.e., those excluded from tool production trajectories).
- Split cobble/pebbles are the result of splitting cobbles or pebbles into half sections for further reduction. A minimum number of flake scars may be present. The specimens are not shaped and have thick, irregular cross-sections approaching plano-convex. Cortex covers more than 50% of the dorsal surface. Some secondary flaking may occur around the perimeter of the split edge, but the modification has not substantially changed the morphology of the split sections. The edges may or may not be sinuous.
- Biface cores are virtually indistinguishable from Stage 1 and 2 bifaces, described previously.

- Unidirectional cores primarily have a single striking platform from which a series of flakes has been detached. The flake removal can reflect direct percussion or bipolar technique, but the vast majority of flakes should originate from the single platform.
- Bipolar cores resemble single platform cores, but differ in the existence of a second platform on the opposite end of the core. The orientation of flake removal is from both ends of the core along a single axis.
- Bidirectional cores are similar to bipolar cores, but differ in the location of the second striking platform. In bidirectional cores, the platforms are not in opposable locations.
- Multidirectional (also labeled amorphous or unpatterned cores) have multiple platforms and flake scar orientation that may either coincide with the ridges on the original cobble or lens geometry or utilize appropriate edge angles from previous flake scar removals. The flake scar removal patterning may appear haphazard and random.

Unifaces. Unifaces are shaped tools or incidentally shaped flakes or blades that have been retouched or display continuous modification along one or more edges of one face. Flakes with modification along different edges on alternate faces are also regarded as unifaces. Edge modification can occur on the dorsal or ventral surfaces. During analysis, unifaces will be typed according to existing morphological categories (e.g., keeled scraper, beaked scraper, or concave scraper). In addition, the following observations may be recorded for each specimen: material, shape, cross-section, longitudinal cross-section, condition, location of worked edge(s), maximum dimensions (length, width, and thickness), and edge angle. Unifaces can be subdivided into the following subclasses:

- Formally shaped unifaces are tools with extensive retouching that has substantially modified the morphology of the tool. The retouching consists of a continuous series of flake scars knapped from the edge and extend from at least one-quarter to the entire face of the tool. The tool morphology may or may not be symmetrical, but the modification is relatively extensive and clearly patterned.
- Informally shaped unifaces are tools with incidental edge modification or retouching not substantially modifying the outline morphology of the flake. These items are regarded as expedient tools selected for their natural morphology or edge characteristics and are believed to have been used for a limited number of tasks. The shape of the original flake is largely evident. Edge modification is restricted to a series of five or more continuous flake scars along the edge. Discontinuous nicks randomly occurring along the edge are not regarded as modified flake tools.

Debitage. This category of artifacts refers to unmodified, discarded knapping residues resulting from the production and maintenance of chipped stone tools. Represented are a wide range of remains, including complete and broken flakes, angular waste, and heat spalls and potlids from errors in heat treatment. The attributes recorded for debitage include lithic material, manufacturing stage, completeness, presence and percentage of cortex, evidence

of heat treatment, and size. Debitage generally can be defined within the following six categories:

- Core flakes have definable dorsal/ventral surfaces and predominantly unfaceted platforms with steep platform/dorsal edge angles. The dorsal surface flake scar patterns may have unidirectional or multidirectional orientations. Flake cross-sections may be thick, angular, and irregular. Cortex commonly occurs on platforms and/or dorsal faces of these specimens.
- Biface flakes have definable dorsal/ventral surfaces and predominantly faceted platforms, acute platform/dorsal edge angles, and dorsal surface flake scar patterns with mostly multidirectional orientations. Flake cross-sections tend to be thin and concave/convex. Cortex does not occur on platforms and is rarely present on dorsal faces of these specimens. Biface reduction may have resulted in cores or tools.
- Unidentified flakes are flakes or flake fragments that possess insufficient characteristics to be classified as either core or biface flakes. They have definable dorsal and ventral orientations, but platforms are generally absent. This subclass is a general “catch-all” category for non-diagnostic flakes.
- Blades are a special form of long, relatively thin flakes characterized by unidirectional flake scar patterns on the dorsal face and a length-to-width ratio in excess of 2:1.
- Angular waste consists of irregular pieces of knapping debris that do not possess sufficient morphological attributes to permit classification into a specific flake category. Most are angular and blocky without discernible platforms or dorsal/ventral surface orientations.
- Heat spalls and potlid flakes are derived from thermal damage and are morphologically distinct from knapping debitage. Heat spalls are often characterized by crazed exterior surfaces and sometimes thermally discolored lithic materials. Typically, the dorsal surface of heat spalled debris displays cortex or compression rings from previous flake removals. Potlids are plano-convex spalls, where the planar surface is the dorsal side and the convex surface is the ventral. Potlids and heat spalls are formed from differential expansion/contraction of stone materials under extreme thermal conditions; they characteristically lack the compression rings of force. This type of debris is usually derived from failed attempts at heat treatment or accidental exposure to fire.

Because debitage is generally the most frequent artifact class on prehistoric sites, and because minimal additional key conclusions can be obtained using size data on numerous individual specimens, size sorting of debitage can be accomplished. Debitage analysis is also useful for determining whether heat treatment was a phase in tool production. Characteristic heat treatment attributes or damage such as differential luster and crazed surfaces will be recorded during debitage analysis.

Groundstone. Groundstone is defined as lithic material whose shape is modified by repeated friction of stone against stone, as opposed to chipping. Groundstone is recorded using simple

morphological and technological attributes based on size and shape. For groundstone specimens, type, lithic material, number of ground surfaces, and maximum measurements (length, width, thickness, and weight) are recorded. In addition, evidence of formal shaping, rejuvenation, secondary use, and the presence and distribution of peck marks, polish, and striations can be recorded.

Common groundstone artifacts include the following:

- Milling stones or metates are large, tabular pieces of stone that exhibit flat to concave ground surfaces on one or both faces. They served as the surface against which materials were ground. They are separated into slab, block, and amorphous forms based on thickness and cross-section. Those that have rectangular cross-sections and are 6 cm or less in thickness are termed slab milling stones. Those with rectangular cross-sections but are greater than 6 cm in thickness are termed block metates. Milling stones with irregular, long cross-sections, without consideration of their thickness measurements, are termed amorphous. Surfaces may be classified as Type A (planar) or Type B (concave).
- Handstones or manos are handheld grinding stones used to mill food grains or other items against a metate. Typically, they are slabs or cobbles of a size to fit in one or two hands and exhibit a flattened, ground surface on one or more of their faces. Type 1 manos include amorphous to subrectangular handstones with no indication of intentional shaping. Type 2 manos are those that have been shaped into a regularized form. This type is further subdivided on the basis of size into one-handed and two-handed varieties, with two-handed manos defined as those greater than 15 cm along their longest axis.
- Mortars are deeply concave stones in which material was ground and/or pounded. They may be either bowl or bedrock forms.
- Pestles are handheld grinding stones used to press against and into a mortar. They are typically long, cylindrical, and rounded at one or both ends.
- Discoidals/cogstones are thick circular items that served an unknown function, but are associated with the Milling Stone tradition in California archaeological contexts.
- Abrading stones show parallel striations oriented longitudinally (rather than transversely) on one or more faces. Battering may also be present.
- Pendants/gorgetts are extensively ground on both surfaces and may have evidence of a biconically drilled hole.
- Unidentified groundstone are fragments that are too small to distinguish morphology or function. These have one or more ground/faceted surfaces, but the remaining portion is too small to infer artifact type.

Hammerstones. Typically, these artifacts are unmodified cobbles, initially reduced cores, or broken cores that exhibit battering on one or more edges. Three subclasses may be defined, two indicating the state of reduction of the artifact and the third indicating the degree of wear. The first subclass includes cobbles that lack signs of modification except for obvious battering at one

or more points on the cobble surface. The second subclass is cores that show battering on one or more previously flaked edges. The third subclass is pecking stones: pebbles or cobbles with lighter and more localized wear, often on a pointed projection of the cobble. For these specimens, lithic material, number of modified surfaces, and maximum measurements (length, width, thickness, and weight) can be recorded.

FAUNAL ANALYSES

A minimum number of individuals indexed will be developed for the vertebrate sample. The purpose of vertebrate faunal analysis is twofold: (1) to identify the variety of fauna present in the local environment over a long period of time, and (2) to identify the species of animals and birds that were included in the human diet, and their ratios diachronically. Both aspects—environmental change and subsistence base—are integral to understanding prehistoric adaptations and historic uses of the area. Special attention to the possibility of faunal remains related to the Anza expedition will be included in the analysis.

SPECIAL STUDIES

Special studies to be completed for the treatment program, as data facilitate, include the following:

- *Radiometric Analysis.* Selected charcoal and shell samples and other remains containing carbon (e.g., organics and bone) from key contexts will be submitted for radiocarbon assay. Approximately 10 samples will be submitted to establish the chronology of paleolandscapes for the paleoenvironmental reconstruction historic context, and another 10 will be submitted to date the chronology of sites and site components should sufficient data be recovered during the treatment program.
- *Obsidian Sourcing Analyses and Hydration.* Obsidian sourcing analysis is used for providing an idea of the regional exchange system within which prehistoric site occupants operated. Obsidian hydration analysis by source is useful for assigning relative chronological ages to the sites and associated materials.
- *Flotation, Pedological, and Chemical Analyses of Sediments.* Flotation analysis of cultural features, including subsequent macrobotanical identification, as necessary, is an important aspect of the evaluation program. Data can be used to address subsistence, site function, seasonality of occupation, internal site structure, and settlement type. Pedological and chemical analyses are useful for geomorphic studies, paleoenvironmental reconstructions, and postformation processes.
- *Ceramic Analyses.* Ceramic thin sectioning (sourcing).
- *Other Analyses and Assays.* Other types of artifact analyses and sample assays may be performed if sufficient data are recovered during the treatment program. These include (1) blood residue (immunological) analysis of selected lithic tools, (2) microscopic use/wear analysis of the edges of selected lithic tools, and (3) stable carbon isotope assay of bone samples from various taxa.

ATTACHMENT B
DAILY MONITORING LOG

IMPERIAL VALLEY SOLAR PROJECT
DAILY ARCHAEOLOGICAL MONITORING LOG

DATE: _____

ARCHAEOLOGICAL MONITOR: _____

FACILITY: _____

ARRIVAL: _____ LUNCH: _____ DEPARTURE: _____

PROJECT AREA(S): (Location) _____

TYPE OF WORK AND EQUIPMENT: _____

SUMMARY OF CONSTRUCTION ACTIVITIES PERFORMED: _____

MONITORING ACTIVITIES PERFORMED (e.g., protection of ESA): _____

CULTURAL RESOURCES PRESENT: _____

NATIVE AMERICAN MONITOR (If present): _____

NON-COMPLIANCE: _____

COMMENTS: _____

LOG FILED WITH MONITORING SUPERVISOR: _____

ATTACHMENT C
CONTACT LIST

CONTACT LIST

AFFILIATION	TELEPHONE	EMAIL	NAME
Bureau of Land Management Cultural Resources			
California Energy Commission			
Tessera			
Construction Manager			
Monitoring Supervisor			
Principal Investigator			
Imperial County Coroner			

APPENDIX K: EXAMPLE NAGPRA PLAN OF ACTION

DRAFT
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
PLAN OF ACTION:

A WRITTEN PLAN OF ACTION
FOR THE TREATMENT OF
INTENTIONALLY EXCAVATED OR INADVERTENTLY DISCOVERED
HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS,
OR OBJECTS OF CULTURAL PATRIMONY
FOR THE IMPERIAL VALLEY SOLAR PROJECT IN CALIFORNIA DESERT DISTRICT OF THE
BUREAU OF LAND MANAGEMENT CALIFORNIA

Prepared For:

Bureau of Land Management
1661 South 4th Street
El Centro, CA 92243

Prepared By:

LSA Associates, Inc.
703 Palomar Airport Road, Suite 260
Carlsbad, CA 92011
(760) 931-5471

May 28, 2010

and

Supplemented by AECOM
1420 Kettner Boulevard, Suite 500
San Diego, CA 92101
(619) 233-1454

August 13, 2010

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Introduction.....	L-1
Planned Action.....	L-1
Consultations.....	L-1
1) Objects to be considered as cultural items.....	L-2
2) Specific information to determine custody.....	L-3
3) Planned treatment, care, and handling of human remains.....	L-4
4) Planned archaeological recording of the human remains and cultural materials	L-6
5) Analysis planned for the human remains and cultural materials.....	L-6
6) Steps to be followed to contact Indian tribe officials at the time of intentional excavation ..	L-6
7) Kind of traditional treatment to be afforded the human remains	L-7
8) Nature of reports to be prepared	L-7
9) Planned disposition of human remains pursuant to 43 CFR 10.6	L-7
10) The role of tribal monitors during survey and excavation.....	L-8
11) BLM personnel and tribal representatives involved in this NAGPRA effort.....	L-8
Federal Officials.....	L-9
Invited Signatories	L-10
 <u>Attachments</u>	
A	Upon The Discovery of Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony
B	List of Native American Tribal Contacts

Introduction

This Plan of Action (POA) describes the procedures for the treatment and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony (hereinafter, cultural items) for inadvertent discoveries during construction of the Imperial Valley Solar Project (IVSP or Project) located in the California Desert District (CDD) of the Bureau of Land Management (BLM), California. This POA complies with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S. Code (USC) 3001 et seq. and its implementing regulations as set forth in 43 Code of Federal Regulations (CFR) Part 10 (specifically §10.5[e]), and the Archaeological Resources Protection Act (ARPA), 16 USC 470aa-mm., with its implementing regulations (43 CFR Part 7).

Planned Action

The IVSP would construct a 750-megawatt (MW) solar energy plant on approximately 6,500 acres of public lands in California administered by BLM CDD and the El Centro Field Office. The Project would use existing roads and construct new roads in the Project area.

The Project is located in western Imperial County, California, immediately east of the town of Ocotillo, west of the town of Seeley, and north and south of Interstate 8 (I-8). The Project will use the SunCatcher technology of Stirling Energy Services. Each SunCatcher consists of a 25-kilowatt solar power electric-generating system. The system is designed to track the sun automatically and to focus solar energy onto a Power Conversion Unit, which generates electricity. The system consists of an approximate 38-foot-high by 40-foot-wide solar concentrator dish that supports an array of curved glass mirror facets. The 300-MW Phase I of the Project will consist of approximately 12,000 SunCatchers. The 450-MW Phase II portion of the Project will include approximately 18,000 SunCatchers.

The Project will include the construction of a new 230-kilovolt (kV) substation approximately in the center of the Project. A Main Services Complex, where key buildings and parking areas will be located, will be constructed at the northeastern end of the Phase I Project. Main roads will be constructed with a combination of roadway dips and elevated sections across the dry washes on the Project. The full Phase II expansion of the Project will require the construction of the 500-kV Sunrise Powerlink transmission line that San Diego Gas & Electric (SDG&E) has proposed. A 230-kV transmission line that will be built for Phase I will parallel the current transmission line corridor for the Southwest Powerlink transmission line within the existing right-of-way (ROW). The main entry for truck traffic to the Project during construction will be from I-8 to the Project entrance on Evan Hewes Highway. During Project operation, the secondary and emergency access will be from Dunaway Road.

Consultations

Based on previous consultation, the Campo Band of Kumeyaay Indians, the Cocopah Indian Tribe, the Fort Yuma Quechan Indian Tribe, the Ewiiapaayp Band of Kumeyaay Indians, the Jamul Indian Village, the Kwaaymii Laguna Band of Indians, the La Posta Band of Kumeyaay Indians, the Manzanita Band of Kumeyaay Indians, the San Pasqual Band of Diegueno Indians,

and the Santa Ysabel Band of Diegueno Indians (tribes) have been contacted for the IVSP and have indicated that the project is within ancestral territory. Additionally, sensitive areas have been identified in association with relic shorelines of ancient Lake Cahuilla. Should remains subject to NAGPRA be discovered during the course of construction, BLM will continue to consult with the interested tribes. These groups have been consulted with and have received a copy of this plan.

BLM's duty to consult with tribes does not include any obligation, implied or expressed, to fund or pay tribes or tribal members for their participation to consult or confer with BLM.

1) Objects to be considered as cultural items:

For the purpose of this plan, the objects considered as cultural items are defined in 43 CFR 10.2 (d) and are as follows:

1. *Human remains* means the physical remains of a human body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets or individual teeth. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony, as defined below, must be considered as part of that item (43 CFR 10.2[d][1]).
2. *Funerary objects* means items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects must be identified by a preponderance of evidence as having been removed from a specific burial site of an individual affiliated with a particular Indian tribe or Native Hawaiian organization, or as being related to specific individuals or families or to known human remains. The term *burial site* means any natural or prepared physical location, whether originally below, on, or above the ground, into which, as part of the death rite or ceremony of a culture, individual human remains were deposited, and includes rock cairns or pyres that do not fall within the ordinary definition of a gravesite. For purposes of completing the summary requirements in §10.8 and the inventory requirements of §10.9 (43 CFR 10.2[d][2]), funerary objects can be further defined as follows:
 - (i) Associated funerary objects means those funerary objects for which the human remains with which they were placed intentionally are also in the possession or control of a museum or Federal agency. Associated funerary objects also means those funerary objects that were made exclusively for burial purposes or to contain human remains.
 - (ii) Unassociated funerary objects means those funerary objects for which the human remains with which they were placed intentionally are not in the possession or control of a museum or Federal agency. Objects that were displayed with individual human remains as part of a death rite or ceremony of a culture and

subsequently returned or distributed according to traditional custom to living descendants or other individuals are not considered unassociated funerary objects.

Funerary objects found in prehistoric burials in the Colorado Desert include, but are not limited to, arrowheads, shell beads, pendants, ceramic pots, and arrow shaft straighteners.

3. *Sacred objects* means items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. While many items, from ancient pottery sherds to arrowheads, might be imbued with sacredness in the eyes of an individual, these regulations are specifically limited to objects that were devoted to a traditional Native American religious ceremony or ritual and that have religious significance or function in the continued observance or renewal of such ceremony. *Traditional religious leader* means a person who is recognized by members of an Indian tribe or Native Hawaiian organization (43 CFR 10.2[d][3]) as follows:

- (i) Being responsible for performing cultural duties relating to the ceremonial or religious traditions of that Indian tribe or Native Hawaiian organization, or

- (ii) Exercising a leadership role in an Indian tribe or Native Hawaiian organization based on the tribe or organization's cultural, ceremonial, or religious practices.

4. *Objects of cultural patrimony* means items having ongoing historical, traditional, or cultural importance central to the Indian tribe itself, rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by an individual tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe or Native Hawaiian organization at the time the object was separated from the group (43 CFR 10.2[d][4]).

2) Specific information to determine custody:

In the event of the removal of NAGPRA material on Federal lands, the following specific information will be used to determine custody:

1. Information provided by a lineal descendant(s) that can trace his or her direct relationship, without interruption, between themselves and the deceased by means of the traditional kinship system of the appropriate Indian tribe (43 CFR 10.2[b] and 43 CFR 10.14[b]).
2. Information provided by a Native American tribe, people, or culture that is indigenous to the United States and that can establish cultural affiliation by means of a relationship of shared group identity that can reasonably be traced historically or prehistorically between members of a present day Indian tribe and an identifiable earlier group (25 USC 3001[9], 43 CFR 10.2[e] and 43 CFR 10.14[c]).

3. The Federal agency official will determine cultural affiliation between a present-day individual or Indian tribe by a preponderance of evidence based on geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion (25 USC 3005 [a][4], 43 CFR 10.2[e], and 43 CFR 10.14[e]).
4. Priority order of custody of the cultural materials will be consistent with 43 CFR 10.6 (a) as follows:
 - (1) In the case of human remains and associated funerary objects, in the lineal descendant of the deceased individual as determined pursuant to Sec. 10.14 (b);
 - (2) In cases where a lineal descendant cannot be ascertained or no claim is made, and with respect to unassociated funerary objects, sacred objects, and objects of cultural patrimony:
 - i. In the Indian tribe on whose tribal land the cultural items were excavated;
 - ii. In the Indian tribe that has the closest cultural affiliation with the cultural items as determined pursuant to Sec. 10.14 (c); or
 - iii. In circumstances in which the cultural affiliation of the cultural items cannot be ascertained, BLM is unable to prove a right of possession as defined at 43 CFR 10.10(a)(2), and the materials were excavated or removed from Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of an Indian tribe:
 - (A) In the Indian tribe aboriginally occupying the Federal land on which the cultural items were excavated, or
 - (B) If it can be shown by a preponderance of the evidence that a different Indian tribe has a stronger cultural relationship with the cultural items, in the Indian tribe that has the strongest demonstrated relationship with the objects.

BLM intends to repatriate human remains and associated funerary objects when cultural affiliation can be determined.

3) Planned treatment, care, and handling of human remains:

All discovered remains will be treated with respect and dignity. BLM will provide the tribes an opportunity to examine remains prior to removal and to conduct traditional religious activities, if

this is feasible without delay that would endanger the remains. While BLM will provide the opportunity to view the remains prior to removal, the tribes are responsible for their travel expenses to and from the location of the discovery.

The IVSP will avoid any unnecessary disturbance, physical modification, or breakage of remains and the transport, inventory, or storage of human skeletal remains in locations separate from their associated funerary objects. Treatment will proceed according to the following provisions:

1. Representatives of the tribes will have the opportunity to be present during the exposure and removal of remains whenever possible. If agreed upon by BLM and the tribes, and if feasible, specific tribes may be designated to take the lead in initially responding to discoveries.
2. Remains will be excavated in accordance with the stipulations of the Monitoring and Discovery Plan approved under the terms of the Project's Programmatic Agreement (PA) for compliance with Section 106 of the National Historic Preservation Act (NHPA).
3. No destructive analyses of remains will be permitted without the written permission from BLM, and only after BLM has consulted with tribes regarding the planned treatment, care, and handling of any recovered human remains, funerary objects, sacred objects, or objects of cultural patrimony.
4. Drawings of remains and the locations of associated funerary objects will be made and may be published with BLM approval unless the claimants determine funerary objects are of a sensitive nature.
5. No pollen or flotation samples will be removed from burial pit fill dirt without the written permission of BLM, and only after BLM has consulted with tribes regarding such removal.
6. Transportation of cultural items will be minimized under all circumstances and will be carefully packed to avoid disturbance or damage. Human remains may be packed separately from their associated funerary objects, but the containers will be kept together at all times.
7. Representatives of the tribes will be afforded the opportunity to view all artifact collections and records resulting from the archaeological investigation to identify funerary objects, objects of cultural patrimony, or sacred objects. If such objects are identified, BLM will be notified by the tribes and consultation will be initiated regarding their consistency with NAGPRA criteria for identification of these classes of objects and their treatment and disposition.
8. IVSP is responsible for ensuring the security of cultural items from vandalism or other disturbance through employment of security personnel, fencing, and other appropriate measures, as needed. If human remains are endangered by exposure or other factors, IVSP's approved cultural resources/archaeological contractor may be authorized by BLM

to proceed with removal of the cultural items to their facility to protect the cultural items. Written notice of this action must be provided to the claimants and agencies within 3 days of removal.

9. IVSP will not resume construction in the buffer area surrounding the discovery until it has received written authorization to proceed based on procedures established in the treatment plans as prescribed in the PA. In addition, no news releases, including photographs, videotapes, written articles, or other means of information, shall be released by any party unless approved by BLM and the tribe(s).

4) Planned archaeological recording of the human remains and cultural materials:

All cultural items, as defined in this POA, will be appropriately recorded and described using current standards and following current archaeological practices and methods. The archaeological documentation of human remains will be limited to visually evident characteristics that indicate such things as age, gender, obvious pathologies, and any obvious visual traits that may help to indicate cultural affiliation. Funerary objects will be recorded at a descriptive non-invasive level including measurements, type, and morphology. If human remains and/or cultural items are removed from the site, a catalogue of these items will be maintained.

5) Analysis planned for the human remains and cultural materials:

Initially, only non-destructive analyses will be carried out on the human remains. These can include anthropometric analyses (measurements/weight), mapping, drawing, measuring, weighing, and photo documentation. After consultation with the tribe(s), other tests may be determined appropriate by BLM.

Likewise, only non-destructive analyses will be carried out initially on the associated funerary objects, unassociated funerary objects, sacred items, and objects of cultural patrimony. These can include measuring and weighing, drawing, mapping, photographing, X-raying, and X-ray fluorescence analysis. After consultation with the tribe(s), other tests may be authorized by BLM.

6) Steps to be followed to contact Indian tribe officials at the time of intentional excavation:

In the event of a discovery, IVSP's approved cultural resources contractor/permittee will notify BLM and the appropriate land managing agency within 24 hours and may be authorized to undertake limited additional excavation and examination to assess whether the materials are within the protected classes of remains covered by the PA. The notification will include the following information:

- A. A verbal description of what was found and the context in which NAGPRA items are located
- B. The location of the NAGPRA items
- C. A preliminary assessment of the type of NAGPRA items

- D. An assessment of the complexity of the burial(s), human remains, and/or other NAGPRA items, and the likelihood of disturbance if left in place
- E. Any other pertinent information

BLM shall notify the tribes promptly after the initial discovery of items protected under NAGPRA and provide written confirmation by certified mail, or alternatively Express Mail, of the discovery within 3 working days (see Attachment A and B). The information to be provided to the tribes will include the following:

- A. A verbal and written description of what was found and the context in which NAGPRA items are located
- B. The location of the NAGPRA items
- C. A preliminary assessment of the type of NAGPRA items
- D. An assessment of the complexity of the burial(s), human remains, and/or other NAGPRA items, and the likelihood of disturbance if left in place
- E. A request that the tribe(s) respond within 24 hours if the tribe(s) wish to view the remains or objects in place
- F. Any other pertinent information

BLM will additionally afford the tribes the opportunity to conduct field visits, viewings of the items in question, and appropriate and reasonable ceremonies or rituals related to the items in question. The tribes are responsible for any costs to and from the discovery site.

7) Kind of traditional treatment to be afforded the human remains:

The tribes will be afforded the opportunity to examine the remains prior to and during removal unless the remains are in direct danger of further disturbance or destruction. Tribal representatives will be afforded the opportunity to perform traditional treatments, as needed, to the remains.

8) Nature of reports to be prepared:

A comprehensive report on the results of the archaeological investigation, including the recovery of cultural items, will be prepared and distributed in accordance with the terms of the aforementioned PA, developed in accordance with Section 106 of the NHPA.

9) Planned disposition of human remains pursuant to 43 CFR 10.6:

In the event that discovered NAGPRA items must be removed, BLM will determine, pursuant to 43 CFR 10.6, which Native American tribe will receive custody of the items. BLM intends to repatriate human remains and associated funerary objects when cultural affiliation can be determined. BLM will provide notification of intent to transfer possession and subsequently return the items to the appropriate tribe within the limitations of 43 CFR 10.15.

Upon determination of a lineal descendant(s) or culturally affiliated tribe that, under Federal regulations, appears to be entitled to custody of the human remains, the agency official will

transfer custody of the deceased to that lineal descendant or culturally affiliated tribe in accordance with 43 CFR 10.6(c).

Prior to any such disposition, the agency official will publish a general notice of the proposed disposition in three separate newspapers of general circulation in the areas where interested tribes now reside. The notices will be published at least two times at least 1 week apart, and the transfer will not take place until at least 30 days after publication of the second notice to allow time for any additional claimants to come forward.

If additional claimants do come forward and the agency official cannot clearly determine which claimant is entitled to custody, the agency official will not transfer custody of the deceased until such time as the proper recipient is determined, pursuant to regulations found at 43 CFR 10.

In the event the remains are of Native American descent, but are not claimed by any tribe within the geographical area, they will not leave the custody of the Federal agency. Should custody of remains be transferred to claimant tribes under 10.6, the tribes may request reburial on BLM land. Reburial of NAGPRA items on lands administered by BLM is subject to the provisions found in Instructional Memorandum No. 2007-002. The reburial locations will be determined through consultation with the tribes, and any locational information will be kept confidential to the extent allowed by law.

10) The role of tribal monitors during survey and excavation:

Individuals who are approved tribal monitors on the Project will notify the Principal Investigator(s) about items they feel are funerary objects, sacred objects, and/or objects of cultural patrimony. The Principal Investigator will notify BLM within 24 hours that monitors identified funerary objects, sacred objects, and/or objects of cultural patrimony. The report will include a description of the find(s), photograph(s) or drawing(s) were applicable, artifact(s) numbers or identification were applicable, and a description of the tribal monitor's opinion(s).

11) BLM personnel and tribal representatives involved in this NAGPRA effort:

As a result of tribal consultation, the following parties will be involved in this NAGPRA effort:

Campo Band of Kumeyaay Indians, the Cocopah Indian Tribe, the Fort Yuma Quechan Indian Tribe, the Ewiiapaay Band of Kumeyaay Indians, the Jamul Indian Village, the Kwaaymii Laguna Band of Indians, the La Posta Band of Kumeyaay Indians, the Manzanita Band of Kumeyaay Indians, the San Pasqual Band of Diegueno Indians, and the Santa Ysabel Band of Diegueno Indians (tribes), and the Ah-Mut Pipa Foundation and Kumeyaay Cultural Repatriation Committee (Tribal organizations).

The names and addresses of the tribal members are in Attachment B.

Federal Officials

California State Director, Bureau of Land Management

Date

California Desert District Manager, Bureau of Land Management

Date

Invited Signatories

Date

Date

Date

Date

Date

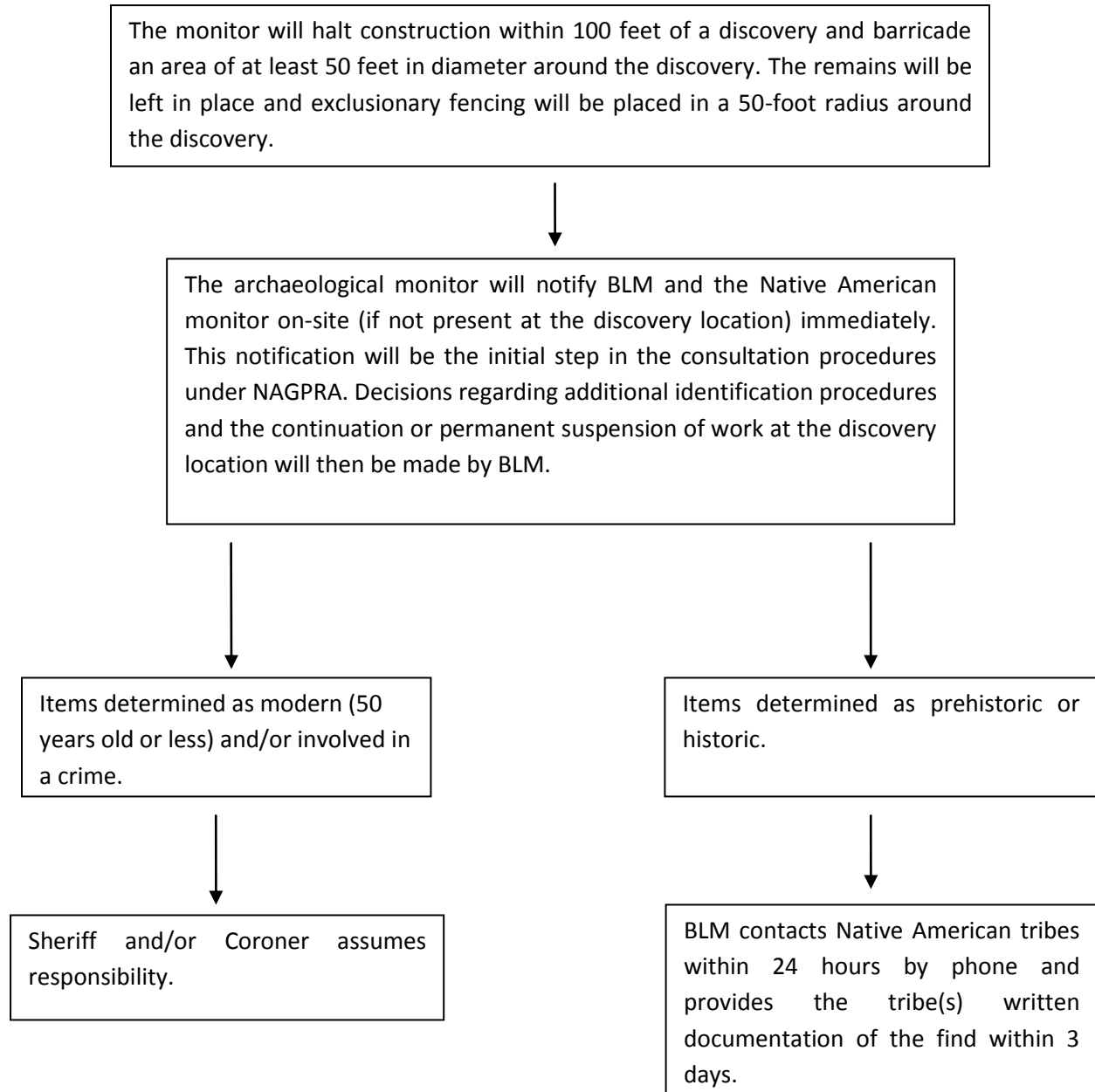
Date

Date

Date

Attachment A

Upon The Discovery of Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony



Attachment B

List of Native American Tribal Contacts

APPENDIX I

Biological Resources

I.1 Wildlife Movement and Desert Tortoise Habitat Connectivity

I.2 Cumulative Impacts

APPENDIX I.1

Wildlife Movement and Desert Tortoise Habitat Connectivity

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DOCKET
09-AFC-7

DATE	MAY 14 2010
RECD.	MAY 19 2010

May 17, 2010

Alan Solomon
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Palen Solar Power Project, Docket No. 09-AFC-7
Desert Tortoise Connectivity Letter
Technical Area: Biological Resources

Dear Mr. Solomon:

Attached please find the following *Desert Tortoise Connectivity Letter*.

If you have any questions on this submittal, please feel free to contact me directly.

Sincerely,



Alice Harron
Senior Director, Development

Wildlife Movement and Desert Tortoise Habitat Connectivity

Palen Solar Power Project

Docket No. 09-AFC-7

Alice Harron
Senior Director of Project Development
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161

May 14, 2010

Ms. Susan Sanders
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Subject: Wildlife Movement and Desert Tortoise Habitat Connectivity, Palen Solar Power Project (PSPP) Docket No. 09-AFC-7

Dear Ms. Sanders:

The purpose of this letter is to present findings of surveys and analysis of wildlife movement along the Interstate 10 (I-10) corridor in the vicinity of the Palen Solar Power Project (PSPP or Project), and also to evaluate the potential effects of the PSPP on desert tortoise (*Gopherus agassizii*) movement and population connectivity. Mark Massar with the Bureau of Land Management (BLM) requested the wildlife movement analysis on March 25, 2010. Per the request of the BLM, AECOM, Inc. (AECOM) surveyed all potential wildlife underpasses on I-10 between the Desert Center exit to the west and the Wiley Wells Road exit to the east (32 miles). It was requested that each of these 24 crossings be evaluated in terms of suitability for use by different classes of wildlife (i.e., large mammal, small mammal, reptile). A memorandum summarizing the survey findings was prepared and delivered to BLM under separate cover on April 13, 2010. No comments have been received from BLM to date.

Introduction

The proposed PSPP is located approximately 10 miles east of Desert Center, and 0.5 mile north of the I-10 corridor in eastern Riverside County, California. The Project would be located within a 5,212-acre right-of-way (ROW) owned by the Federal government and administered by the BLM. Environmental analysis of the Project presented in the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) determined there would be adverse effects to wildlife movement and genetic connectivity, particularly to species with normal dispersal distances smaller than the area of the project, including desert tortoise.

Methods

Based on direction received from BLM, opportunities for wildlife species to cross under I-10 were inventoried along a 32-mile segment of the freeway running from Desert Center to Wiley Well (Figure 1). Underpasses were evaluated for potential wildlife use by AECOM wildlife biologists Dana Morin and Michael Anguiano on April 5, and April 6, 2010.

All potential underpasses were recorded using Geographical Positioning System (GPS) equipment. Each potential crossing was then accessed by hiking from truck trails south of I-10. The type of underpass (e.g., box culvert, bridge, etc.) was recorded and the four corners of each underpass structure were recorded with GPS. The length (distance from the southern approach to the northern approach) and width (distance between the walls of an

Ms. Susan Sanders
May 14, 2010
Page 2

underpass) were calculated using Geographical Information System (GIS) software. In addition, the minimum height of each underpass was measured. The minimum height was used because many crossings were over washes with a natural substrate bottom and height varied with erosion through the underpass. These measurements were used to calculate an openness ratio for each underpass ($[\text{width} \times \text{height}] / \text{length}$). An openness ratio indicates the relative openness of a structure. Larger openness ratios are typically more conducive to wildlife use. Existing ROW fencing at each underpass was evaluated to determine if fencing along I-10 could prevent wildlife access to underpasses.

Photographs were taken at each underpass of the southern and northern approaches. All photographs taken are included in the attached CD. Any animal sign detected in the immediate vicinity of an approach or in an underpass was recorded and additional notes were taken if an approach would not be suitable for a specific wildlife species. Factors that may increase or restrict potential use of a wildlife underpass were also recorded. Examples of such factors would be presence of desert dandelion (*Malacothrix glabrata*), a known forage species for desert tortoise, or if there was evidence of human presence.

Vegetation cover was estimated for the southern approach, the middle of the crossing, and the northern approach. Surveys were conducted during spring when annual cover was high, but only perennial species were used to estimate cover. Cover was estimated visually using the following categories:

- Bare = 0%
- Sparse = 5% - 15%
- Moderate = 15% - 30%
- Medium = 30% - 60%
- Dense = 60% - 85%

Dominant perennial species were identified to genus and listed for the southern approach, middle of the crossing, and northern approach of each crossing.

Results

The location of each underpass is shown in Figure 1. Variables for each underpass are listed in the GIS database included on the CD with this submittal. A total of 24 underpasses were surveyed over 30 miles along I-10. Twenty-one of the 24 underpasses are open span bridges with openings in the median and wash habitat throughout. Sizes of the open span bridges varied from 10.7 to 59.4 meters in width, 2.2 to 4.5 meters in height, and 56.7 to 97.8 meters in length. Openness ratio for the open span bridges varied from 0.5 to 3.4, all of which indicate potential use for all wildlife species in the area.

Overall, two types of fencing were present along the I-10 ROW: 5-strand barbed wire and fencing with square netting chicken wire (openings 6 inches by 6 inches) at the bottom and 2 to 3 strands of barbed wire from 1.5 meters to the top of the fence. Both fencing types were approximately 2 meters in height. At most underpasses fencing is either cut away for the

Ms. Susan Sanders
May 14, 2010
Page 3

width of the crossing or cut away for at least one 3-meter segment at each approach. In addition, the fencing is not suitable to prevent access to the roadway as wildlife can easily move over or under it and the fencing does not funnel wildlife to the underpass openings, but allows access to the roadway. In addition, fencing in the openings between spans is often missing or in disrepair and thus allows access to the median and roadway.

Wildlife species detected at the undercrossings included lizards, rodent (*Peromyscus* sp., *Dipodomys* sp., *Neotoma* sp.), rabbit (*Sylvilagus* sp.), roadrunner (*Geococcyx californianus*), ground squirrel (*Spermophilus* sp.), fox, and coyote (*Canis latrans*). Bobcat (*Lynx rufus*) and mule deer (*Odocoileus hemionus*) sign were detected to the south of several underpasses to the west of PSPP.

In general, the washes on the western side of the 32-mile survey segment have greater cover and diversity with more distinct hydrology than those to the east. The northern approaches to the east were often dominated by grasses and mustard species, providing little protection for wildlife. Dominant perennial plant species identified at underpasses includes cheesebush (*Hymenoclea salsola*), brickellbush (*Brickellia* sp.) scorpion weed (*Phacelia* sp.), *Psoralea* sp., cattle saltbush (*Atriplex polycarpa*), brittlebush (*Encelia farinosa*), white bursage (*Ambrosia dumosa*), creosote (*Larrea tridentata*), mesquite, ironwood (*Olneya tesota*), and palo verde.

Five underpasses (10, 11, 12, 13, and 14) were surveyed in the immediate vicinity of the PSPP (Figure 2). Figure 2 also includes the boundary of the proposed PSPP and the Reconfigured Alternative disturbance area and DT observations gathered during protocol surveys conducted by AECOM in 2009 and 2010. All five underpasses in the vicinity of the PSPP are open span bridges with openings in the median and wash habitat throughout.

Underpass 10 (Figure 1, Sheet 3) is located to the southwest of the PSPP. It is 3.0 meters in height, 30.1 meters wide, and 60.3 meters in length resulting in an openness ratio of 1.5, suitable for all wildlife species in the area. There is 5-strand barbed-wire fencing between spans on the median, but the fencing has been cut at either approach. In addition, the fencing is not suitable to prevent access to the roadway as wildlife can easily move over or under it. There is moderate vegetative cover in the wash to the south and between spans including *Psoralea* sp. and cheesebush (*Hymenoclea salsola*). Additionally, there is ironwood (*Olneya tesota*), mesquite (*Prosopis glandulosa*), and palo verde (*Cercidium floridum*) in the wash to the north. Coyote (*Canis latrans*) and rodent (*Peromyscus* sp.) tracks were found through the underpass.

Underpass 11 (Figure 1, Sheet 4) is located south of the PSPP. It is 3.3 meters in height, 24.3 meters wide, and 58.4 meters in length resulting in an openness ratio of 1.4, suitable for all wildlife species in the area. The 5-strand barbed-wire fencing has been cut at both approaches and is not suitable to prevent access to the roadway as wildlife can easily move over or under it. There is no ROW fence between spans, and the western side of the underpass between spans slopes gently up to the roadway, providing easy access to all wildlife species. The southern approach and area between the spans has dense vegetative

Ms. Susan Sanders
May 14, 2010
Page 4

cover including cheesebush, *Psorothamnus* sp., creosote (*Larea tridentata*), and palo verde. The northern approach to the wash has moderate vegetative cover including *Psorothamnus* sp. cheesebush and ironwood. Coyote, rodent, rabbit (*Sylvilagus* sp.), lizard, and roadrunner (*Geococcyx californianus*) tracks were found through the underpass.

Underpass 12 (Figure 1, Sheet 4) is located to the south of the PSPP. It is 3.3 meters in height, 17.3 meters wide, and 57.8 meters in length resulting in an openness ratio of 1.0, suitable for all wildlife species in the area. The 5-strand barbed-wire fencing has been cut at either approach and is not suitable to prevent access to the roadway as wildlife can easily move over or under it. There is no ROW fence between spans. The southern approach contains moderate, diverse shrub cover including cheesebush, cattle saltbush (*Atriplex polycarpa*), and white bursage (*Ambrosia dumosa*). Between spans is sparsely vegetated with cheesebush and creosote and the northern approach has moderate cover including cheesebush and mesquite. Coyote, rodent, rabbit (*Sylvilagus* sp.), and lizard tracks were found through the underpass.

Underpass 13 (Figure 1, Sheet 5) is located to the southeast of the PSPP. It is 3.0 meters in height, 23.2 meters wide, and 56.9 meters in length resulting in an openness ratio of 1.2, suitable for all wildlife species in the area. The 5-strand barbed-wire fencing has been cut at either approach and is not suitable to prevent access to the roadway as wildlife can easily move over or under it. There is no ROW fence between spans. The southern approach contains moderate shrub cover including cheesebush, white bursage, and mesquite. There is sparse cover between spans including *Psorothamnus* sp. and cheesebush. The northern approach is open with a few large *Psorothamnus* sp. and mesquite. Coyote, rodent, rabbit, ground squirrel (*Ammospermophilus* sp.) and lizard tracks were found through the underpass.

Underpass 14 (Figure 1, Sheet 5) is located to the southeast of the PSPP beyond the eastern border of the Project footprint. The location of underpass 14 is in an area where the distance between the Palen Mountains and habitat to the south of I-10 is shortest, representing an area with a relatively high likelihood of movement between these areas. It is 4.5 meters in height, 10.7 meters wide, and 60.1 meters in length resulting in an openness ratio of 0.8, suitable for all wildlife species in the area. The 5-strand barbed-wire fencing extends across the southern approach but has been cut at the northern approach. The fencing is not suitable to prevent access to the roadway as wildlife can easily move over or under it. There is no ROW fence between spans. The southern approach contains moderate shrub cover including cheesebush and *Psorothamnus* sp. The wash is bare and sandy between spans and the northern approach is open with a few large *Psorothamnus* sp., palo verde and mesquite. Coyote, rodent, roadrunner, and lizard tracks were found through the underpass.

Conclusions

While current underpasses are located at washes for hydrological reasons, all habitat to the north and south of I-10 is suitable for wildlife habitation and movement. Thus, these

Ms. Susan Sanders
May 14, 2010
Page 5

underpasses provide connectivity and safe movement corridors between the habitat to the north and south of the I-10 corridor. However, there is likely attempted movement in upland areas as well. Current fencing does not keep wildlife from accessing I-10 or funnel animals to the underpasses.

Implementation of the PSPP would not affect undercrossings in the project vicinity. All would remain open and DT could still cross under I-10. No evidence of DT use of the undercrossings was detected during the survey. There are 24 underpasses occurring along the existing washes in the 32-mile stretch between Wiley Wells Road and Desert Center that could facilitate movement of a migrating DT in a north-south direction (see Figure 1). Although DT are more likely to utilize movement corridors to the west and east of the PSPP (discussed in more detail below), the proposed DT-proof fencing along the perimeter of the solar fields, as required by conditions proposed in the SA/DEIS, could impede DT movement. The Applicant *therefore* proposes to install a large box culvert underneath the project access road to facilitate the movement of DT and other wildlife (see location on Figure 2). The culvert will connect the undercrossings south of the PSPP with open areas to the west.

The shortest distance between higher value habitat in the Palen and Chuckwalla Mountains is to the east of the Project disturbance area. Results of 2010 DT buffer surveys, which were conducted further east than in 2009 near the base of the Palen Mountains, suggest greater DT activity in this area as compared to the PSPP study area. Additionally, the shortest distance to higher value habitat likely near the Eagle and Coxcomb Mountains is west of the Project disturbance area. Underpasses to the west and east of the Project disturbance area would continue to facilitate movement to these areas despite project implementation (see Figure 1).

It was determined that there are many points along I-10 suitable for wildlife undercrossing, including by desert tortoise. The proposed PSPP would place a barrier a short distance north of two of these crossings. Examining these particular undercrossings in a regional context, however, suggests that they may be less important than other available undercrossings to the east and west of the PSPP. As was discussed in the draft SA/DEIS, the PSPP site is located on the margins of a sand transport zone. To the north of the site sand dunes occur with increasing frequency as a result of the northwest to southeast orientation of the sand transport system. Further north is the Palen Dry Lake which is inhospitable for tortoises. While desert tortoises will cross desert pavement and dunes, areas of heavy dune concentration and areas consisting purely of dunes offer little in the way of forage and make burrowing difficult. These areas are likely not a regular part of tortoises' home ranges.

The need to retain routes providing opportunities for movement of tortoises between populations south of I-10 and areas further north is understood. This movement, ultimately providing connection and exchange of genetic material between desert tortoise populations, would likely occur, assuming suitable climatic conditions, through the combination of juvenile dispersal and gradual northerly and/or southerly expansion of the home ranges of succeeding generations of tortoises. The placement of the PSPP does not block areas important for this home range expansion. Tortoises moving north from south of I-10 would

Ms. Susan Sanders
May 14, 2010
Page 6

confront an obstacle in the form of dunes and the Palen Dry Lake. The same features provide a barrier to tortoises moving south from northern portions of the Chuckwalla Valley. Tortoises seeking to establish new home ranges in this region would be forced into the bajada to the west of the proposed PSPP or to areas at the foot of the Palen Mountains to the east of the dunes. The placement of the PSPP, surrounded by tortoise fencing, simply places a more definitive barrier further south in an area that likely does not function as an effective desert tortoise movement corridor due to physiographic features. Additionally, the shortest distance between higher value habitat in the Palen and Chuckwalla Mountains is several miles to the east of the Project disturbance area. The shortest distance between the Chuckwalla Mountains to higher value habitat likely near the Eagle and Coxcomb Mountains is west of the Project disturbance area.

The placement of the PSPP north of I-10 will not significantly impact desert tortoise movement and population connectivity. Such movement, and the resultant connectivity, would occur via routes to the east and west of the PSPP due to the presence of extensive dune systems and Palen Dry Lake. Ample undercrossings (more than 20), completely unaffected by the proposed PSPP, exist to facilitate this movement across I-10. As an additional measure to facilitate desert tortoise movement, the applicant agrees to install a concrete box culvert under the access road leading to the site from the Corn Springs interchange (see Figure 2). This will prevent tortoises from becoming enclosed in an area bounded by the highway and the PSPP tortoise fence.

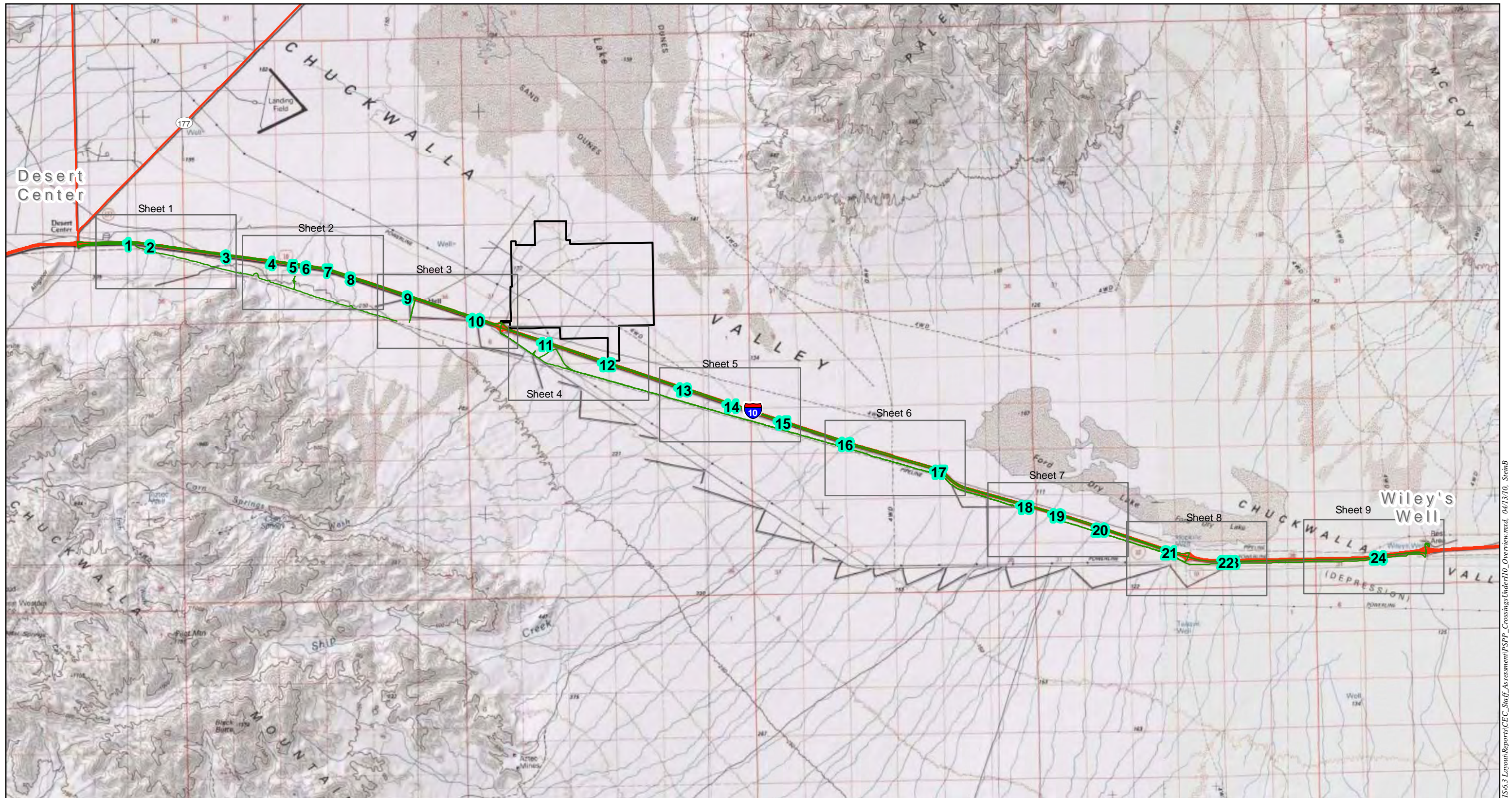
Sincerely,



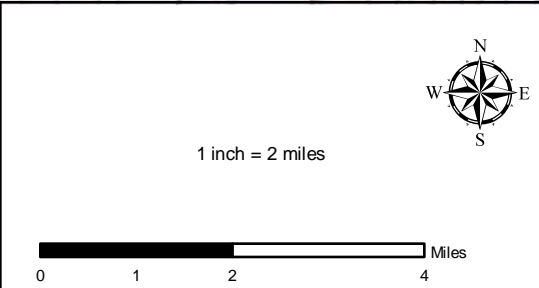
Mr. William Graham
Principal
AECOM

Enclosures: Figure 1. I-10 Wildlife Crossing Analysis in the Project Vicinity
Figure 2. Desert Tortoise Observations and Wildlife Connectivity
CD. Photos of underpasses, Shapefiles and Metadata

cc: Alan Solomon, CEC
Larry LePre, Bureau of Land Management
Alice Harron, Solar Millennium



- Legend**
- Project Disturbance Area
 - Access Routes
 - Crossings Under I-10
 - Map Extent
- Source: ESRI 2010; AECOM 2010



Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

AECOM

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 1

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity
 Sheet 2

AECOM

Date: April 2010



Figure 1



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

1 inch = 1,000 feet

A scale bar at the bottom shows distances of 0, 1,000, and 2,000 feet. Above the scale bar is a north arrow with 'N', 'S', 'E', and 'W' labels.

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 3

AECOM

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

1 inch = 1,000 feet

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 4

AECOM

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

1 inch = 1,000 feet

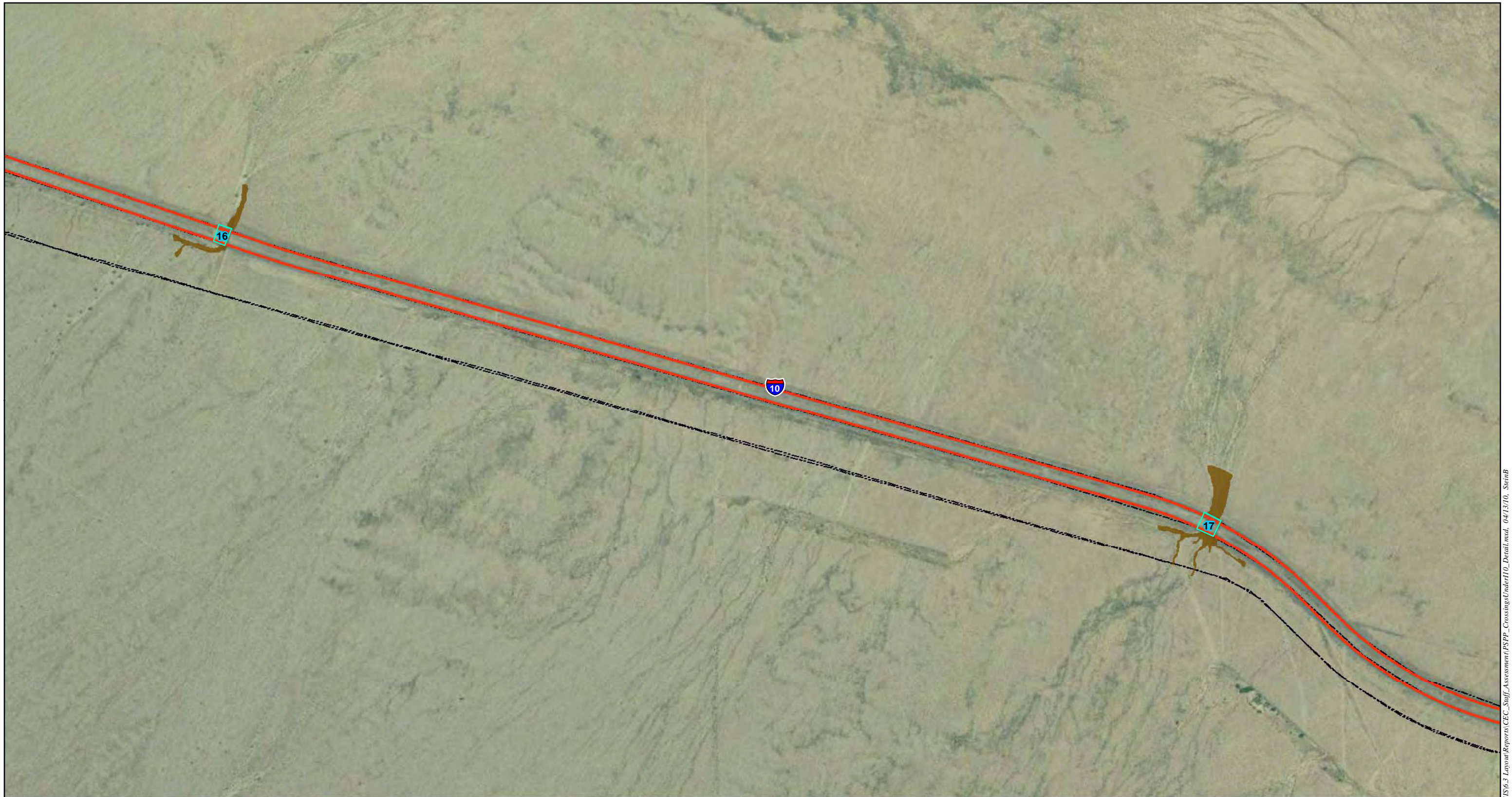
0 1,000 2,000 Feet

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 5

AECOM


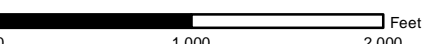
Date: April 2010




Legend

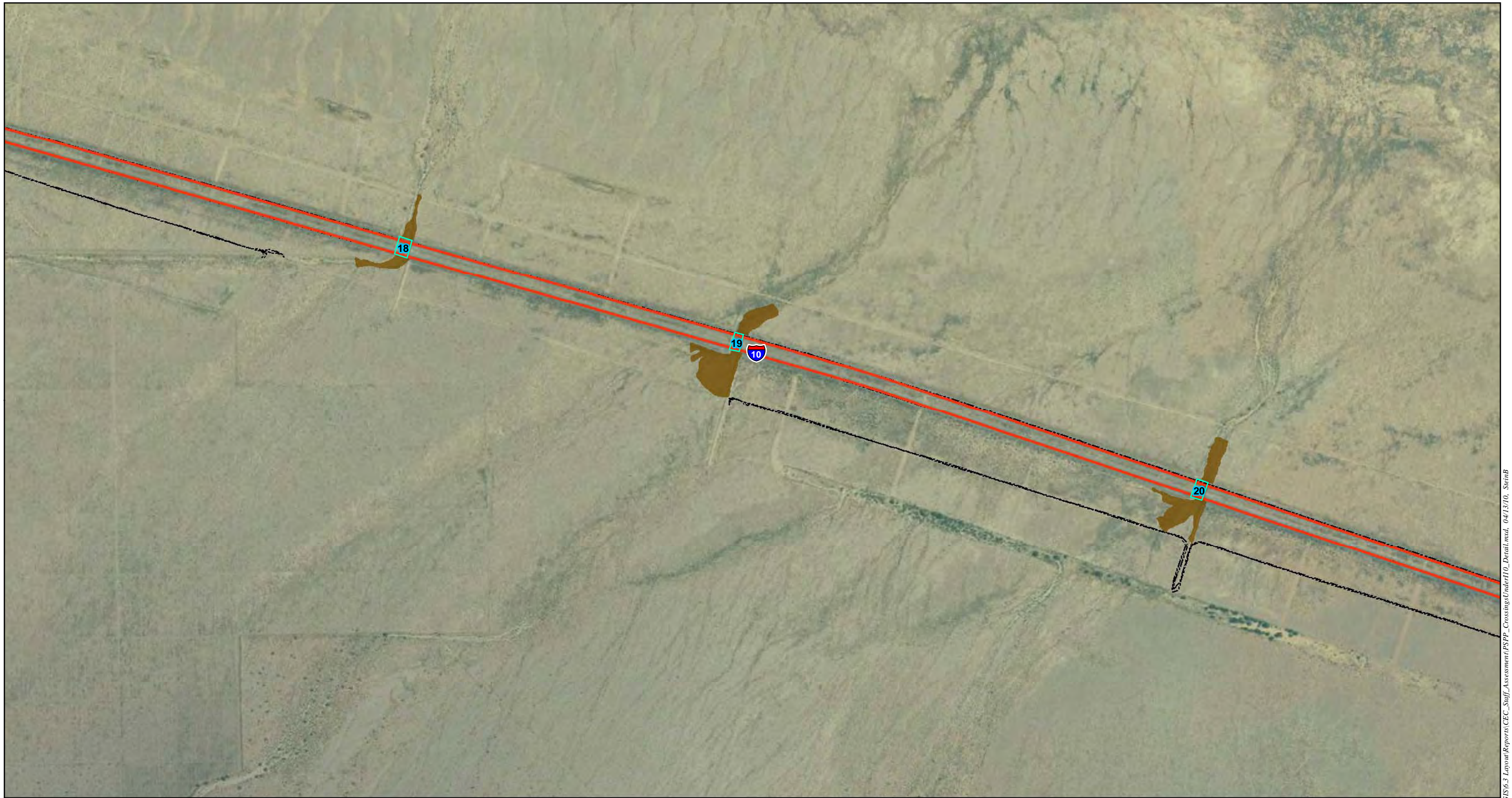
- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010


 1 inch = 1,000 feet


Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity
 Sheet 6


 Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

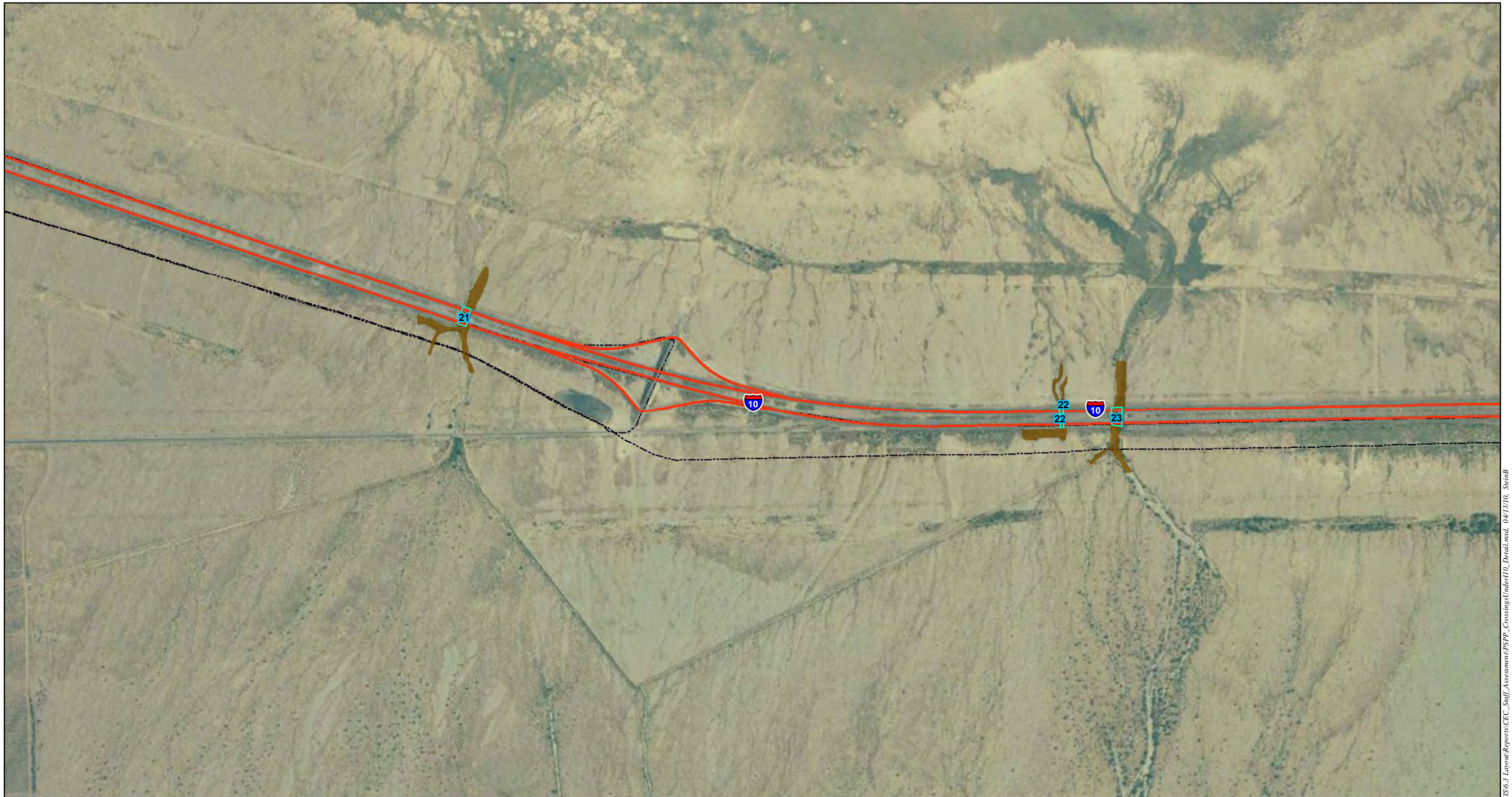
A north arrow is positioned at the top of the scale bar. Below it, a scale bar is marked with 0, 1,000, and 2,000 feet. The text '1 inch = 1,000 feet' is centered above the scale bar.

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 7

AECOM

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

1 inch = 1,000 feet

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 8

AECOM

Date: April 2010



Legend

- Crossings Under I-10
- Washes Within 500-feet of Crossing
- Access Routes

Source: ESRI 2010; AECOM 2010

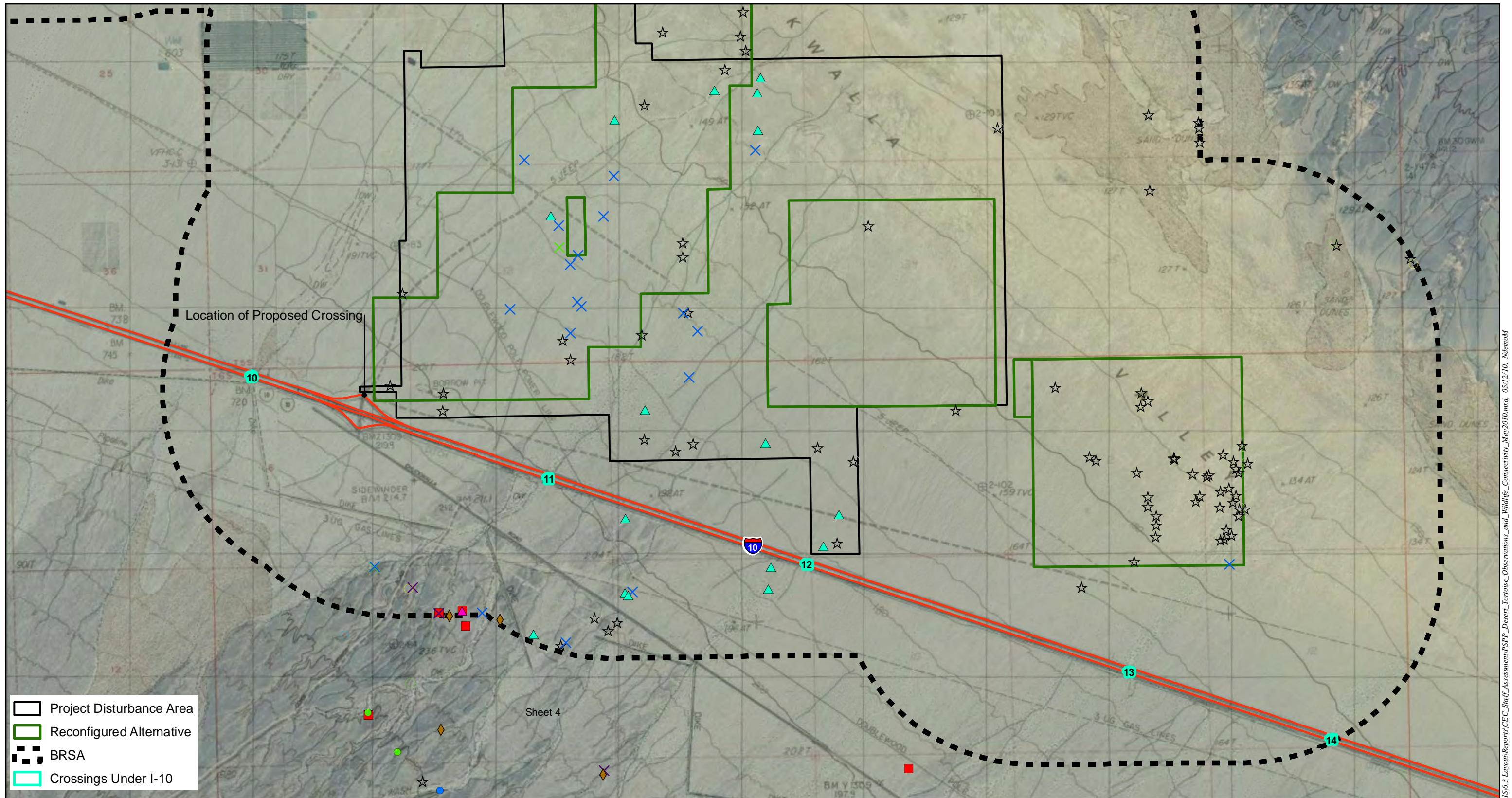
1 inch = 1,000 feet

Palen Solar Power Project
Figure 1
I-10 Wildlife Crossing Analysis
in the Project Vicinity

Sheet 9

AECOM

Date: April 2010



- Project Disturbance Area
- Reconfigured Alternative
- BRSA
- Crossings Under I-10

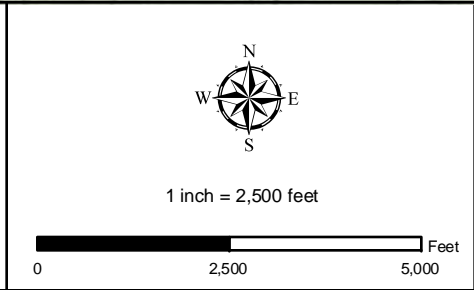


Legend

DETO Observations (as of May 11, 2010)

Adult Tortoise	Tortoise Burrow - Class 2	Tortoise Scat - Class 3	Tortoise Pallet - Class 4 or 5
Juvenile Tortoise	Tortoise Burrow - Class 3	Tortoise Scat - Class 4	Tortoise Tracks
Tortoise Burrow (Active) - Class 1	Tortoise Burrow - Class 4 or 5	Tortoise Carcass - Class 3	Tortoise Bone Fragment - Mineralized
	Tortoise Scat - Class 1	Tortoise Carcass - Class 4	Tortoise Bone Fragment - Not Mineralized
	Tortoise Scat - Class 2	Tortoise Pallet (Active) - Class 1	

Source: ESRI 2010; AECOM 2010



Palen Solar Power Project

Figure 2

Desert Tortoise Observations and Wildlife Connectivity

AECOM

Date: May 2010

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:
APPLICATION FOR CERTIFICATION
for the *PALEN SOLAR POWER PROJECT*

Docket No. 09-AFC-7
PROOF OF SERVICE
(Revised 5/14/2010)

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DECLARATION OF SERVICE

I, Carl Lindner, declare that on, May 17, 2010, I served and filed copies of the attached **Palen Desert Tortoise Connectivity Report**, dated May 14, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/solar_millennium_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen).

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

_____ sent electronically to all email addresses on the Proof of Service list;

___**X**___ by personal delivery or by overnight delivery service or depositing in the United States mail at Camarillo, California with postage or fees thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

___**X**___ sending an original paper copy and one electronic copy, mailed respectively, to the address below (preferred method);

OR

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CALIFORNIA ENERGY COMMISSION


Attn: Docket No. 09-AFC-7

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



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APPENDIX I.2

Cumulative Impacts

1. Introduction

1.1 Definitions

Regulations of the Council on Environmental Quality (CEQ) define cumulative effects as “the impact on the environment which results from the incremental impact 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 actions” (40 CFR 1508.7). Together, these actions comprise the cumulative scenario, which forms the basis of the cumulative impact analysis. As explained in Section 6.8.3 of BLM NEPA Handbook H-1790-1 (Jan. 2008), “The purpose of cumulative effects analysis is to ensure that Federal decision-makers consider the full range of consequences of actions (the proposed action and alternatives, including the No Action alternative).” See also CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act* (Jan. 1997). Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR §1508.7). Under NEPA, both context and intensity are considered. When considering intensity of an effect, we consider “whether the action is related to other actions with individually minor but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts” (40 CFR §1508.27(b)(7)).

1.2 Methodology

The following steps were used to develop the cumulative effects analysis described in this Appendix I:

1. Biological resources to be considered in the analysis were identified based on a review of the direct and indirect impacts of the proposed action and alternatives that might contribute to a cumulative impact (see, Section 4.17, *Impacts on Vegetation Resources*, and Section 4.21, *Impacts on Wildlife Resources*);
2. The geographic study area and timeframe within which the biological resource-related impacts of past, present and reasonably foreseeable future actions could combine with impacts of the proposed action and alternatives for each resource was determined;
3. The current health and historical context for each resource was described;
4. Other projects in the cumulative scenario were identified that could affect each resource;
5. Cumulative effects to biological resources were analyzed;
6. Results were reported; and
7. The need for mitigation was assessed.

1.3 Making Conclusions about the Severity of the Effect

“No net loss” does not necessarily mean there are no cumulative impacts; the analysis of each resource also describes the indirect and cumulative effects that cannot be quantified through a Geographic Information System (GIS) analysis of habitat impacts. Similarly, even seemingly minor impacts can be significant if they affect an extremely rare or limited resource; the cumulative impact may be substantial.

For each cumulative effect, the following questions were considered in making conclusions about the severity or significance of an effect:

1. The health, status or condition of the resource as a result of past, present and reasonably foreseeable impacts;
2. The contribution of the project to the overall cumulative impact to the resource;
3. The project's mitigated effect, when added to the effects of these planned future projects, and
4. Impact avoidance and minimization: any project design changes that were made or additional opportunities that could be taken to avoid or minimize potential impacts in light of cumulative impact concerns.

1.4 Analytical Tools and Study Limitations

This cumulative effects analysis employed a combination of quantitative and qualitative analyses: a Geographic Information System (GIS)-based quantitative analysis for assessing the direct cumulative effects to habitat loss, and a qualitative analysis of the cumulatively considerable indirect effects, based on consultations with agency biologists and regional experts, as well as a literature review of the threats to species and their habitats.

The GIS-based analysis of direct habitat loss was used for this cumulative effects analysis to:

1. Identify the overlap between existing and future projects and various biological data layers (e.g., landforms, soils, species occurrences, hydrographic data, vegetation mapping, wildlife habitat models, ownership and management layers);
2. Compile digital map information about each resource for purposes of display and analysis; and
3. Create statistical tables to summarize the direct impacts to these resources from existing and anticipated future projects, and the project's contribution to those effects.

Information on the datasets used, the sources of the data, and any limitations of the data, are provided in each biological resource section.

The large renewable projects proposed on BLM-administered and private land used in the cumulative analysis for Biological Resources (Table I-1, *Projects Considered in Biological Resources Cumulative Effects Analysis*, below) represent the projects that had applications to the BLM or the California Energy Commission as of February 5, 2010. The project list changes frequently; updates to the data used are presented below and in Section 4, *Projects Included in the Cumulative Scenario*. As stated in the Cumulative Scenario, not all of the projects shown on the table will complete the environmental review, and not all projects will be funded and constructed. At the same time, new applications may be submitted in the near future that will affect biological resources. Alternatively, it is possible—even likely—that new projects will be proposed in the near future that are not reflected in this analysis.

GIS is a widely used and effective tool for analyzing large amounts of spatial data, for documenting and quantifying assumptions about direct habitat loss, and the value of the habitat (where habitat models are available). However, the indirect impacts of projects are not easily captured in GIS and thus were only addressed qualitatively. The following indirect effects were considered in assessing the significance of cumulative impacts: habitat fragmentation and its effects on population viability; increased vehicle-related mortality; disturbance from noise, lighting and increased human activity; increase in predators such as ravens; spread of invasive non-native plants; downwind effects of facilities and wind fencing on sand transport corridors; bird collisions and electrocutions; climate change and its accompanying increased risk of drought, fire and exotics; indirect impacts to wildlife movement and connectivity, the downstream effects of channel diversions on fluvial sediment transport and riparian vegetation, and the long-term effects of groundwater pumping on groundwater-dependent vegetation. This qualitative analysis relied in part on the professional opinions of agency biologists and regional experts, and a review of literature and databases.

Finally, the GIS-based analysis requires the use of datasets that encompass the entire geographic scope of the analysis; the project-specific survey data could not be compared against data for the region that was derived from different methodologies. Consequently, the GIS analysis of impacts to plant communities, landforms and habitats is based on region-wide datasets for those resources (primarily NECO datasets), and not on project survey data. Acreages listed in the analysis below, for example, desert wash woodland or sand dunes, will not match the project-specific survey results. Notwithstanding the challenges presented by comparing region-wide and project-specific datasets, the GIS-based datasets for vegetation and landforms provide a powerful tool for conducting region-wide analyses.

2. Geographic and Temporal Scope

This cumulative impact analysis makes a broad, regional evaluation of the impacts of existing and reasonably foreseeable future projects that threaten plant and animal communities within the context or geographic scope of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) (BLM-CDD 2002). The NECO planning area is located in the southeastern California Desert Conservation Area (CDCA). It occurs primarily in the Sonoran Desert region but includes a small portion of the southern Mojave Desert region. For some biological resources, a different geographic scope was warranted, such as the use of watershed boundaries to analyze cumulative effects to desert washes and desert dry wash woodland, or the Chuckwalla Valley for locally significant populations and dune systems restricted to that geographic area. Where the geographic scope is different than the NECO planning area, it is noted in Section 5.

Project impacts related to biological resources could occur during the 39-month construction period, the planned 30-year operational life of the PSPP, and decommissioning. This analysis considers these timeframes.

3. Existing Regional Conditions

This overview of regional impacts is followed by a more detailed discussion of the effects of past, present, and future projects to biological resources of the Project vicinity, with an emphasis on resources found within the Chuckwalla Valley of eastern Riverside County.

The California Desert remained a desolate area for the first few decades of the 20th century. Disturbance was more or less restricted to highways, railroad, and utility corridors, scattered mining, and sheep grazing. In the 1940s, several large military reservations were created for military training, testing, and staging areas. The deserts of eastern Riverside County comprise 40% of the County's land area but less than 1% of its population. Outside of the small urban-agricultural center of Blythe, near the Colorado River and Arizona border, there are only a few scattered, small residential and agricultural areas between Indio (to the west) and Blythe; most of the lands are in BLM ownership.

Populations of many of the desert's sensitive plants and animals were considered relatively stable until recently, as the push for renewable energy development has placed many populations at risk. Energy providers have submitted project applications that would collectively cover more than one million acres of the region. However, renewable energy development has its own ecological consequences and portions of the Sonoran and Mojave deserts of California are bearing the brunt of these effects. Poorly planned development could contribute to habitat loss and fragmentation and barriers to species movement and gene flow. Although project permitting and regional planning evaluate basic environmental impacts of such projects, rarely do they consider impacts on connectivity, conduct thorough cumulative effects analyses, or implement regional monitoring of effects or the efficacy of mitigation.

In the areas identified for renewable energy development in eastern Riverside County, some of the many sensitive biological resources at risk include: desert washes and desert dry wash woodland, desert tortoise, Mojave fringe-toed lizard, western burrowing owl, fragile dune ecosystems, dry lakes, a wide variety of special-status wildlife, and the sensitive plants *Las Animas colubrina* and Harwood's milk-vetch. Approximately 209.5 acres of the southwestern corner of the Project overlaps the northern boundary of the Chuckwalla Desert Tortoise Critical Habitat Area. The Project also lies within a proposed Wildlife Habitat Management Area (Palen-Ford Wildlife Habitat Management Area), and is immediately northeast of the Chuckwalla Desert Wildlife Management Area.

The introduction of non-native plant species and increases in predators such as ravens has also contributed to population declines and range contractions for many special-status plant and animal species (Boarman 2002a). Combined with the effects of historical grazing and military training, and fragmentation of habitat and interruption of wildlife movement from highway and aqueduct construction, the proposed wind and solar energy projects have the potential to further reduce and degrade native plant and animal populations. In the context of this large scale habitat loss, the PSPP would contribute, at least incrementally, to the cumulative loss and degradation of habitat for desert plants and wildlife, including desert tortoise and Mojave fringe-toed lizards, in the Chuckwalla Valley and NECO planning area.

4. Projects Included in the Cumulative Scenario

This analysis evaluates the impacts of the proposed action and alternatives in addition to the current baseline of past effects, present (existing) projects, and reasonably foreseeable or probable future projects in the I-10 corridor as well as the greater NECO planning area. Figure 4.1-1 illustrates the numerous proposed renewable projects on BLM, State and private land in the I-10 corridor between Desert Center and the Colorado River, near Blythe, in eastern Riverside County. Table I-1 lists the existing and foreseeable future projects (proposed) that were included in the quantitative analysis of cumulative effects; these projects are illustrated spatially in Figure 4.21-1. See Figure 4.1-1 and Table I-1 for descriptions of these existing and future proposed projects. The GIS layer for foreseeable future projects used in the cumulative effects analysis was based largely on the BLM GIS data for renewable solar and wind projects available on February 5, 2010. Updates to the BLM projects data since February 5, 2010 are provided below.

4.1 Project Information Updates

Three updates occurred since the cumulative scenario projects list was developed for biological resources (see Table I-1):

1. The Altera Black Hills project included in the impact calculations has been denied by the BLM.
2. The LightSource Renewables – Mule Mountain II project, which is an active application in to the BLM, was not included in the impact calculations.
3. The Pacific Solar Investments – Ogilby project has refined the project boundaries from those used in the impact calculations

4.2 Cumulative Projects

Past, present and reasonably foreseeable future projects considered in this cumulative effects analysis are identified in Table I-1.

5. Analysis of Cumulative Effects to Biological Resources

5.1 Waters of the State

The geographic scope for the analysis of cumulative impacts to desert washes (including intermittent and ephemeral washes) included: 1) Palen watershed, and 2) the entire NECO planning area. The primary hydrologic feature in the Palen watershed is Corn Springs Wash; several branches of the wash pass through or around the site, some of which abate before reaching Palen Dry Lake. This dry lake is the receiving basin for the 1,496 miles of desert washes that drain the watershed (USGS 2010). Most of the desert washes that pass through the Project site are distributary channels of the alluvial fan—or bajada—that drains the northeastern flank of the Chuckwalla Mountains. Cumulative effects were analyzed within the context of the watershed because this relatively small watershed will be affected by several proposed solar projects: Palen

**TABLE I-1
PROJECTS CONSIDERED IN BIOLOGICAL RESOURCES CUMULATIVE EFFECTS ANALYSIS**

Existing Projects (analyzed quantitatively)	ROW Area¹ (acres)	Foreseeable Future Projects¹ [Proposed] (analyzed quantitatively)	ROW Area¹ (acres)
Chuckwalla State Prison	1044	Palen Solar Power Project (PSPP) ²	3001
Ironwood State Prison	681	Blythe Solar Power Project ²	7239
Eagle Mountain Pumping Plant (MDWSC)	378	NextEra Energy – McCoy (solar)	20560
Kaiser Mine	5772	Genesis Solar Energy Project ²	1768
I-10 Corridor (200-ft freeway buffer from CL)	6494	Bull Frog Green Energy – Big Maria Vista (solar)	22663
State highways (50-ft highway buffer from CL)	2640	Chuckwalla Solar 1	4091
DPV2 transmission line and existing access roads (100ft T-line Tower Buffer; 20-ft road width)	2861	Rice Solar Energy Project	3859
Landfills(BLM NECO dataset)		Desert Quartzite (solar)	7530
Blythe Energy Project I	153	Desert Sunlight (solar)	5119
BLM Campgrounds – Wiley’s Well, Coon Hollow, Cottonwood Spring, and Midland Long-Term Visitor Area	8042	EnXco 1 (solar)	1325
BLM Off-Road Vehicle- authorized/designated routes in Meccacopia SRMS. (BLM NECO Human Use LTVAs dataset)	3031	Chuckwalla Valley Raceway	493
Blythe area urban and agricultural lands (GAP Analysis vegetation dataset)	88,317	Mule Mountain Solar Project	6618
Desert Center area urban and agricultural lands (2005 NAIP imagery)	8424	Eagle Mountain Pumped Storage Project	252
Pipeline (NECO pipelines dataset)	4392		
Projects Considered Qualitatively	Area (acres)		
Existing			
BLM Grazing – Cattle and sheep allotments (Lazy Daisy, Chemehuevi, Rice Valley, and Ford Dry Lake (recently closed))	n/a	Paradise Valley (residential “new town” development)	6724
BLM Multiple Use – Intensive multiple-use classes	n/a	Blythe Airport Solar I Project	639
General Patton military training areas	n/a	Eagle Mountain Landfill	1633
Colorado Aqueduct – open portions	n/a	Blythe Energy Project II	153
Chocolate Mountains Aerial Gunnery Range	n/a	DPV2 proposed roads (2-foot width) and towers (100 sq ft/tower)	256
Four approved commercial and 12 residential developments near Blythe	n/a	Genesis Solar Project access road	29
Solar projects at Arizona border	n/a	Blythe Energy Project transmission line towers	148
BLM renewable energy study areas (future, proposed)	n/a	Genesis Solar Project gas line (100-ft width)	85
BLM transmission corridors	n/a	EnXco 2 Mule Mountain	~2021
		Red Bluff Substation – for Palen Solar Power Project	90
		Colorado Substation – for Blythe Solar Power Project	44
Total Future Projects^{1,3} – 02/05/2010			339,704 acres
Total Existing Disturbances^{1,3}			134,750 acres

NOTES:

- 1 Not all of the projects depicted here will complete the environmental review, not all projects will be funded and constructed, and many will not use the entire ROW area.
- 2 Acreage impacts depicted reflect the project footprint only; not the entire ROW. The unused portions of the ROW would be returned to BLM and not included in the final ROW grant
- 3 There is some overlap between existing and future project acreages as some future projects are proposed on disturbed lands; the numbers shown above subtracted for overlap and represent the acreages used in this cumulative effects analysis.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 9)

Solar Power Project; First Solar Desert Sunlight; enXco 2, and Chuckwalla Solar 1 (see Figures 3.18-4, 3.18-5, 4.1-1, and 4.21-1). Existing impacts to desert washes in the Palen watershed include: urban and agricultural lands around Desert Center, segments of the I-10 and Highway 177 corridors, Kaiser Mine, and various transmission corridors (gas and electric).

The watershed area analysis was based on the USGS National Hydrographic Dataset (2010) within the watershed boundary as defined by the California Interagency Watershed Map of 1999 (California Interagency Watershed Mapping Committee 1999) (Figure 3.18-5).

Table I-2, *Desert Washes in Palen Watershed – Cumulative Effects*, summarizes the direct loss of desert washes that would result from anticipated future projects within the Palen watershed, using lineal feet of affected washes as the metric. These effects are also illustrated spatially in Figure 3.18-5. The contribution of the proposed action to cumulative effects from future projects is provided as the sum of all drainages within the project site boundaries, and expressed as a percentage of all future projects effects.

**TABLE I-2
DESERT WASHES IN PALEN WATERSHED – CUMULATIVE EFFECTS**

Total Desert Washes¹ in Palen Watershed	Impacts to Habitat from Existing Projects² (percent of total watershed)	Impacts to Habitat from Foreseeable Future Projects³ (percent of total watershed)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
1,496 mi.	34 mi. (2.3%)	40 mi. (2.7%)	5.3 mi. (13%) (based on USGS dataset)

NOTES:

- 1 Based on the USGS National Hydrographic Dataset (2010) and CalWater Version 2.2.1 (California Interagency Watershed Mapping Committee 1999), each as cited in the CEC SA/DEIS, 2010.
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1.
- 3 Includes only BLM Renewables that had submitted a Plan of Development at the time of the analysis and those additional future projects listed in Table I-1.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 10)

The cumulative effects of channel diversions from all projects within the Palen watershed (40 miles of desert washes) are significant and the proposed action itself would be a major contributor to those effects (13%, or 5.3 miles of desert washes). The direct effects of all projects are compounded by the fact that they also cause impairment of hydrologic, geochemical, geomorphic, and habitat function and values of the remaining reaches downstream of the impact.

This GIS analysis does not reflect the extensive existing impacts to desert washes north of I-10. The highway roadbed and a series of collector ditches south of I-10 permanently have diverted stream flows into a few primary features and deprived flows from many miles of smaller washes. Standing dead ironwood trees, stunted, drought-stressed creosote bushes and other shrubs, sparse cover and very low diversity seen north of I-10 in the Palen watershed are a testament to the downstream effects that channel diversions can have on both upland and riparian plant communities. For the proposed action, these effects would be minimized somewhat by the

proposed redistribution of flows below the project at many discharge points but it is unclear to what extent sediment transport in the diverted channels would be affected.

Indirect effects of all future projects that cannot be adequately addressed with this GIS analysis but are expected to be cumulatively significant include: impacts to water quality and sediment transport from the numerous channel diversions, culverts and road crossings, fragmentation of the habitat and the corresponding loss of habitat function and values, including wildlife movement, and the effects of interrupted fluvial sand transport on the Chuckwalla Valley dune system. Impacts to connectivity and wildlife movement from these diversions are discussed in more detail later in this cumulative effects analysis.

Implementation of the mitigation measures imposed by the CEC as Condition of Certification would reduce the PSPP’s contribution to cumulative effects, including BIO-21 (acquisition of desert washes within or adjacent to the Palen watershed); BIO-7 (monitoring and reporting requirements); and BIO-8 (impact avoidance and minimization measures). However, minor residual impacts to fluvial sediment transport may remain that could contribute to cumulative impacts. The larger washes that would be diverted around the PSPP site contribute fresh sediment into the wind-sand transport corridor and contribute to the maintenance of the dunes. It is unclear to what extent sediment transport in the diverted channels would be affected and how significant the effect would be.

Table I-3, *Cumulative Effects: Desert Washes in the NECO Planning Area*, and Figure 3.18-4 illustrate the potential cumulative impacts to all desert washes within the entire NECO planning area, as depicted in the USGS National Hydrographic Dataset (USGS 2010) and cited in the CEC SA/DEIS. The cumulative impairment or loss of desert washes from channel diversion from all future projects within NECO are significant. Implementation of PSPP-specific mitigation measures would reduce the contribution of the proposed action or an alternative, including BIO-21 (acquisition of desert washes within or adjacent to the Palen watershed); BIO-7 (monitoring and reporting requirements); and BIO-8 (avoidance and minimization measures). Residual cumulative impacts are not anticipated. Impacts of the PSPP’s stream diversions on wildlife movement are discussed later in this cumulative effects analysis.

**TABLE I-3
CUMULATIVE EFFECTS: DESERT WASHES IN THE NECO PLANNING AREA**

Total Desert Washes¹ in NECO	Impacts to Habitat from Existing Projects² (percent of total washes in NECO)	Impacts to Habitat from Foreseeable Future Projects³ (percent of total washes in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
18,596 mi.	190 mi. (1.0%)	1,122 mi. (6.0%)	5.3 mi. (0.5%) (based on USGS dataset)

NOTES:

- 1 Based on the USGS National Hydrographic Dataset (USGS 2010), as cited in the CEC SA/DEIS, 2010.
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1.
- 3 Includes only BLM Renewables that had submitted a Plan of Development at the time of the analysis and those additional future projects listed in Table I-1.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 11)

5.2 Special-Status Wildlife

5.2.1 Desert Tortoise

This analysis addresses cumulative impacts to desert tortoise as defined by the current USGS Desert Tortoise Habitat Model (Nussear et al. 2009, as cited in CEC SA/DEIS, 2010). It is a predictive model for mapping the potential distribution of desert tortoise habitat and is useful tool for evaluating different land-use issues that tortoises face at a landscape scale. Figure 3.23-1 is a spatial representation of the predicted habitat potential index values for desert tortoise, based on the 2009 model. Table I-4, *Cumulative Effects: Desert Tortoise Habitat*, summarizes the results of this habitat model applied across the NECO planning area. The results are stratified by habitat value and are presented in acres of habitat and expressed as a percentage of all habitat affected. The model is not intended to be used, or viewed, as a substitute for ground-based and site-specific field surveys. Model scores reflect a hypothesized habitat potential given the range of environmental conditions where tortoise occurrence was documented. Nussear et al. (2009, p. 15, as cited in CEC SA/DEIS, 2010) specifically states:

As such, there are likely areas of potential habitat for which habitat potential was not predicted to be high, and likewise, areas of low potential for which the model predicted higher potential. Finally, the map of desert tortoise potential habitat that we present does not account either for anthropogenic effects, such as urban development, habitat destruction, or fragmentation, or for natural disturbances, such as fire, which might have rendered potential habitat into habitat with much lower potential in recent years.

GIS-based files for the boundaries of the Eastern and Northern Colorado Recovery Units from the 1994 Desert Tortoise Recovery Plan were not available from the USFWS and the proposed new boundaries as depicted in the USFWS 2008 Draft Revised Recovery Plan had not been adopted as of the time of this analysis. Consequently, the NECO planning area boundary was used for this analysis. The NECO boundary closely approximates the boundaries of the two USFWS recovery units; however, the USFWS boundaries extend slightly to the north and west of the NECO boundary.

The PSPP's unmitigated effects to desert tortoise habitat (based on the 2009 USGS habitat model) are quantified below in Table I-4 (and Figure 3.23-1). Most of the proposed projects in the NECO area would impact moderate- to low-quality desert tortoise habitat. The PSPP's contribution to cumulative habitat loss, even for moderate-to low-quality desert tortoise habitat, is considered substantial, given the species' decline and its present and future threats.

The PSPP also would make substantial contributions to loss of desert tortoise connectivity between the Chuckwalla and Chemehuevi DWMA's and critical habitat areas. One of the objectives for desert tortoise recovery in the NECO is to "mitigate effects on desert tortoise populations and habitat outside DWMA's to provide connectivity between DWMA's." Maintaining connectivity is particularly important given the threats posed by global climate change, according to the USFWS 2008 Draft Revised Recovery Plan, as cited in the CEC SA/DEIS (2010). Probable desert tortoise linkages between the Chuckwalla and Chemehuevi critical habitat areas and DWMA's are shown in Figure 3.23-2. The linkages depicted represent areas of the best habitat quality for tortoises between the DWMA's and critical habitat, and therefore represent the most

**TABLE I-4
CUMULATIVE EFFECTS: DESERT TORTOISE HABITAT¹**

Habitat Value ¹	Total Desert Tortoise Habitat ¹ in NECO	Impacts to Habitat from Existing ² Projects (percent of total in NECO)	Impacts to Habitat from Foreseeable Future ³ Projects (percent of total in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
0	243,679 acres	67,028 acres 27.5%	21,774 acres 8.9%	0 acres
0.1	233,260 acres	9,094 acres 3.9%	25,937 acres 11.0%	0 acres
0.2	373,170 acres	9,288 acres 2.5%	44,595 acres 12.0%	66 acres 0.15%
0.3	628,960 acres	11,987 acres 1.9%	38,163 acres 6.1%	1,422 acres 3.7%
0.4-0.5	787,882 acres	15,885 acres 2.0%	61,163 acres 7.8%	1,498 acres 2.5%
0.6-0.7	1,381,024 acres	10,279 acres 0.7%	94,944 acres 6.9%	16.4 acres 0.02%
0.8-0.9	1,868,475 acres	9,233 acres 2.8%	53,074 acres 2.8%	0 acres
1.0	30,883 acres	71 acres 0.2%	55 acres 0.2%	0 acres

NOTES:

- 1 Based on the USGS Desert Tortoise Habitat Model (Nussear et al. 2009, cited in CEC SA/DEIS, 2010).
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1.
- 3 Includes only BLM Renewables that had submitted a Plan of Development at the time of the analysis and those additional future projects listed in Table I-1.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 12)

probable linkages and most important areas to protect to maintain connectivity between the Chemehuevi and Chuckwalla DWMA's. The identified linkages are based on a review of information on existing vegetation and landform data (NECO datasets and PSPP-specific survey data), and depicted in the USGS habitat model. The location of private lands in "probable" linkages is a useful tool for identifying potential acquisition lands for desert tortoise mitigation, and for evaluating different land-use issues that tortoises face at a landscape scale. Figure 3.23-2 identifies these linkages based on the areas of moderate and high quality habitat between management areas for a qualitative analysis of cumulative effects; however, the impacts are not quantified here as the linkages have not been formalized or created as shape layers suitable for GIS analysis. Along with the linkages depicted in Figure 3.23-2, additional linkages through areas currently considered lower quality habitat that could be restored may also be important for long-term connectivity between the Chemehuevi and Chuckwalla DWMA's.

With implementation of recommended mitigation measure BIO-12 (acquisition of desert tortoise compensation lands), the PSPP-specific contribution to the cumulative loss of desert tortoise habitat would be substantially reduced. Mitigation measure BIO-12 specifies that compensation habitat acquisitions occur within the Colorado Desert Recovery Unit in areas that have potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve land. Other desert-tortoise-specific mitigation measures recommended to address the PSPP's contribution to

cumulative effects include the impact avoidance and minimization measures BIO-1 through BIO-11, monitoring and reporting requirements (BIO-7), and desert tortoise compliance verification (BIO-11).

Some residual effects could remain. These include fragmentation, impaired connectivity, and degradation of the function and values of remaining habitat from predators, invasive plants, fire, and disease. These residual cumulative effects can be addressed only through a regional and coordinated planning effort aimed at preserving and enhancing large, intact expanses of wildlife habitat and linkages, including maintaining connections between wildlife management areas and other movement corridors. Ongoing collaborative efforts by federal and state agencies to develop a Desert Renewable Energy Conservation Plan and BLM's Solar Energy Development Programmatic EIS offer an appropriate forum for such planning.

5.2.2 Nelson's Bighorn Sheep

The distribution and extent of the NECO-designated bighorn sheep WHMAs (occupied and unoccupied range) and connectivity corridors, overlaid with past and foreseeable future projects within the NECO planning area, are quantified in Table I-5, *Cumulative Effects: Bighorn Sheep WHMAs and Connectivity Corridors*, and illustrated in Figure 3.23-11. The GIS analysis of the NECO bighorn sheep WHMAs and connectivity corridors indicates that occupied and unoccupied ranges are relatively unaffected by past and future projects (from habitat conversion), due largely to their position in wilderness areas and at higher elevations. However, large-scale renewable energy development could significantly impact gene flow between sheep populations through significant cumulative impacts to connectivity corridors, potentially decreasing the viability of the metapopulation of bighorn sheep. The PSPP itself, however, has no direct contribution to the loss of habitat within the identified connectivity corridors or the WHMAs.

**TABLE I-5
CUMULATIVE EFFECTS: BIGHORN SHEEP WHMAS AND CONNECTIVITY CORRIDORS**

Bighorn sheep WHMAs & Connectivity Corridors¹	Total WHMA or Connectivity Corridor¹ in NECO	Impacts to WHMAs & Connectivity Corridors from Existing² Projects (percent of all WHMAs or corridors in NECO)	Impacts to WHMAs & Connectivity Corridors from Foreseeable Future³ Projects (percent of all WHMAs or corridors in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Total in NECO	2,552,074 acres	4,945 acres 0.2% of total NECO	93,295 acres 3.7% of total NECO	0 acres
Occupied Range	1,718,254 acres	4,312 acres 0.3% of total Occupied range	51,508 acres 2.3% of total Occupied range	0 acres
Unoccupied Range	232,506 acres	92 acres 0.04% of total Unoccupied range	8,134 acres 3.5% of total Unoccupied range	0 acres
Connectivity Corridors	601,313 acres	540 acres 0.9% of total Connectivity corridor	33,653 acres 5.6% of total Connectivity corridor	0 acres

NOTES:

1 Based on the BLM NECO Bighorn Sheep WHMAs dataset (BLM CDD 2002).

2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1.

3 Includes only BLM Renewables that had submitted a Plan of Development at the time of the analysis and those additional future projects listed in Table I-1.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 13)

Another consideration of this analysis was whether the proposed future projects would cumulatively and significantly affect bighorn sheep through the loss of spring forage on the upper bajadas adjacent to occupied range. Staff analyzed the impact of development within a one-mile buffer from the base of occupied ranges (or potentially restored populations in unoccupied ranges) to evaluate the potential impacts to bighorn foraging habitat. No direct or cumulative effects to bighorn sheep WHMAs or spring foraging habitat would result from the PSPP, and thus no mitigation measures relating to bighorn sheep are recommended.

The PSPP is located within the proposed Palen-Ford multi-species WHMA (BLM CDD 2002; map 2-21); however, bighorn sheep are not expected to use the I-10 box culvert undercrossing of Corn Springs Wash. Further, NECO identifies I-10 as a barrier to bighorn sheep movement (BLM CDD 2002). Although the PSPP is expected to affect wildlife movement and connectivity with important wildlife areas north and south of I-10, it is not expected to substantially affect—directly, indirectly, or cumulatively—bighorn sheep movement.

5.2.3 Mojave Fringe-Toed Lizard

The geographic scope for the first of two cumulative effects analyses for Mojave fringe-toed lizard is the entire NECO planning area; the second analysis looked only at the habitat for the Chuckwalla Valley population. The NECO dataset for Mojave fringe-toed lizard habitat includes all but the highest portions of the mountain ranges and thus it considerably over-represents the amount or extent of suitable habitat. The dataset was refined to more accurately represent the species restriction to sandier substrates. Using the NECO landforms dataset, this analysis was based on a simple habitat model created by selecting the following sandy landforms: crescentic dunes; longitudinal dunes; undifferentiated dunes; sandy dissected fans; sandy plains, and dry playas (which often have at least a veneer of sand). The selected landforms were overlaid with documented occurrences of Mojave fringe-toed lizard from CNDDDB and the detailed field survey data from four renewable energy projects within the Chuckwalla Valley. The occurrence data was in considerable agreement with the selected landforms; no corrections were necessary and no attempt was made to rank habitat value. Table I-6, *Cumulative Effects: Special-status Species Habitat*, presents the results of the Mojave fringe-toed lizard habitat model applied across the NECO planning area and overlaid with the existing and future projects layers to quantify the cumulative loss of habitat.

Anticipated cumulative effects to Mojave fringe-toed lizard that are not reflected in this quantitative GIS-based analysis of habitat conversion include: impacts to sand transport systems and the maintenance of dunes from renewable energy projects (wind fencing and the obstruction of sand-carrying winds and water-deposited sands); premature stabilization of dunes by the spread of noxious weeds, which also fuel wildfires; increased risk of fire from transmission lines and increased vehicle use; the effects of past and future grazing and off-road vehicle use; fragmentation of the remaining habitat and reduced gene flow; and an increase in predation by ravens and other predators from an increase in perching structures. Obstructions to the wind-sand transport corridor from structures and wind-fencing, and the indirect effects of the obstruction to the maintenance of dunes downwind of the obstruction, are expected to be significant, and would result in an additional—and significant—loss of Mojave fringe-toed lizard habitat. The direct and

indirect effects of the PSPP on the sand transport corridor are discussed in Section 4.14, *Impacts to Soils Resources*.

Table I-6 and Figure 3.23-3 illustrate the significant cumulative effects of habitat loss from existing and foreseeable future projects to Mojave fringe-toed lizards in the NECO planning area; future (proposed) projects alone will cumulatively cause a loss of over 16% of all Mojave fringe-toed lizard habitat.

Within Chuckwalla Valley (Table I-6 and Figure 3.23-4), approximately 13% of the Mojave fringe-toed lizard habitat would be directly impacted by the construction of all proposed projects, and the PSPP is a major contributor to that effect (8.8% of all future impacts). These effects are even more significant when combined with the expected indirect effects to Mojave fringe-toed lizard habitat, including: interruption of aeolian (wind-deposited) sand transport processes from projects and their wind fencing; diversions of desert washes and interruption of fluvial transport of sand that contribute to the maintenance of habitat; an increase in avian predators from the new perching structures provided by these projects, and the continuing spread of Sahara mustard.

These cumulative direct and indirect effects are considerable within the NECO planning area and for the Chuckwalla Valley Mojave fringe-toed lizard population. The cumulative impact of all the proposed projects would be to increase the already fragmented distribution of the Mojave fringe-toed lizards, and to increase the risk of extirpation of isolated populations within the Chuckwalla Valley.

5.2.4 Golden Eagle

Three different analyses of cumulative effects were evaluated on golden eagle foraging habitat: 1) the entire NECO planning area; 2) a 10-mile radius area centered on the nearest known nest site 95.5 miles from the PSPP site); and 3) foraging habitat within 10 miles of the base of all mountain landforms within the NECO planning area. All analyses used the NECO plant communities dataset to map and quantify cumulative effects on foraging habitat (Figures 3.23-7 and 3.23-8). Table I-7, *Cumulative Effects: Golden Eagle Foraging Habitat*, summarizes the analysis of foraging habitat within 10 miles of all mountains within NECO (using the NECO landforms dataset) and foraging habitat within 10 miles of the nearest known/documentated nest. For an analysis of foraging habitat within the entire NECO planning area (Figure 3.23-8), please refer to Table I-7: Plant Communities in NECO; all habitat types were considered potential foraging habitat but the analysis in Table I-9 defines the habitat by plant community. The NECO plant communities dataset is based on the 1996 California Gap Analysis Project conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division (Davis et al. 1998, cited in CEC SA/DEIS, 2010). The accuracy and resolution of the GAP mapping was improved for the NECO plant communities dataset (BLM CDD 2002; Appendix H), primarily to more accurately represent sensitive communities such as desert dry wash woodland, but should not be viewed as a substitute for site-specific habitat mapping.

Figure 3.23-7 depicts the locations of known and documented golden eagle nest locations and illustrates potential cumulative effects to foraging habitat within 10 miles of currently known

**TABLE I-6
CUMULATIVE EFFECTS: SPECIAL-STATUS SPECIES HABITAT**

Special-status Species Habitat	Total Habitat in NECO (or other study area)	Impacts to Habitat from Existing¹ Projects (percent of total habitat)	Impacts to Habitat from Foreseeable Future² Projects (percent of total habitat)	Contribution of PSPP to Future Cumulative Impacts (percent of total future impacts)
Mojave fringe-toed lizard habitat ³ (all NECO)	630,121 acres	14,541 acres 2.3%	103,604 acres 16.4%	1,136 acres 0.9%
Mojave fringe-toed lizard habitat ³ (Chuckwalla Population)	99,657 acres	8,290 acres 8.3%	12,845 acres 12.9%	1,136 acres 8.8%
American badger and desert kit fox habitat ⁴	4,795,631 acres	134,750 acres 2.8%	339,704 acres 7.1%	3,001.5 acres 0.9%
Burrowing owl habitat ⁴	4,795,631 acres	134,750 acres 2.8%	339,704 acres 7.1%	3,001.5 acres 0.9%
LeConte's thrasher habitat ⁵	3,718,357 acres	47,078 acres 1.3%	300,139 acres 8.1%	3001.5 acres 1.0%
Burro deer range ⁶	637,453 acres	10,236 acres 1.6%	47,640 acres 7.5%	5.4 acres 0.01%
Couch's spadefoot toad range ⁶	1,548,597 acres	88,992 acres 5.7%	115,218 acres 7.4%	0 acres
Harwood's milk-vetch habitat ⁷	1,555,915 acres	29,195 acres 1.9%	170,048 acres 10.9%	1,136 acres 0.7%

NOTES:

- 1 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1
- 2 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1
- 3 Total habitat based on the BLM NECO Landforms dataset (BLM CDD 2002), selecting following values: undifferentiated dunes; crescentic dunes, longitudinal dunes; sandy plains; sandy dissected fans. Does not include impacts from the transmission line and substation sites.
- 4 Total habitat based on the BLM NECO Landforms dataset (BLM CDD 2002), excluding mountains, playas, badlands, and lava flows
- 5 Total habitat based on NECO dataset for Le Conte's thrasher habitat (BLM CDD 2002)
- 6 Total habitat based on NECO dataset for burro deer range (BLM CDD 2002)
- 7 Total habitat based on the BLM NECO Landforms dataset (BLM CDD 2002), selecting following values: undifferentiated dunes; sandy plains; sandy dissected fans; undifferentiated plains

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 14)

(documented) nests. The source of this information include the "nest card" database--helicopter surveys conducted in 1978 and 1979 desert-wide—and locations depicted in a 1984 BLM California Desert Conservation Area (CDCA) map of "Sensitive, Rare, Threatened and Endangered Fish and Wildlife" that were digitized for this analysis (BLM, 1999). It is unknown whether these nests are still active and/or present; this analysis assumes that they could be active and, at a minimum, that the site is suitable for nesting. The nest locations depicted are approximate (with a margin of error +/- 1-2 miles) and the map should not be viewed as a substitute for site-specific nest surveys to assess project impacts.

The PSPP's contribution to the cumulative loss of foraging habitat is greater when combined with the reasonably foreseeable indirect effects of habitat fragmentation from the construction of proposed future projects. The USFWS and others (see, USFWS 2009b and Kochert et al. 2002, each cited in CEC SA/DEIS, 2010) estimate there are approximately 30,000 golden eagles in the western U.S., down from an estimated 100,000 in the late 1970s. Survey data from 2003 and

**TABLE I-7
CUMULATIVE EFFECTS: NATURAL COMMUNITIES IN NECO**

Plant Community ¹	Total Plant Communities ¹ in NECO	Impacts to Habitat from Existing ² Projects (percent of all community type in NECO)	Impacts to Habitat from Foreseeable Future ³ Projects (percent of all community type in NECO)	Contribution of PESP to Future Cumulative Impacts (percent of total impacts from future projects)
Mojave Creosote Bush Scrub	805,832 acres	6,233 acres 0.8%	43,320 acres 5.4%	0 acres
Sonoran	3,829,999 acres	22,815 acres	228,363 acres	3,422 acres ⁴
Creosote Bush Scrub		0.6%	5.9%	1.5%
Desert Dry Wash Woodland	682,027	8,457 acres 1.2%	48,167 acres 7.1%	148 acres 50.3%
Playa/Dry Lake	88,110 acres	961 acres 1.1%	18,634 acres 21.1%	0 acres ⁴
Sand Dunes	62,140 acres	14 acres 0.02%	175 acres 0.3%	285 acres 100% ⁴
Chenopod Scrub	2,113 acres	480 acres 22.7%	0 acres	0 acres
Agriculture, Developed	94,187 acres	n/a	1,017 acres 1.1%	0 acres
Pinyon-Juniper Woodland	1,928 acres	0 acres	0 acres	0 acres

NOTES:

- 1 Based on the BLM NECO Plant Communities dataset (BLM CDD 2002) conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division UC Santa Barbara GAP Analysis (1996), updated during the NECO planning effort (see Appendix H of the NECO (BLM and CDD 2002))
 - 2 Includes only those existing projects between Desert Center and the Colorado River for which GIS-based spatial data was available at the time of the analysis; see Table I-1
 - 3 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1
 - 4 – From Solar Millennium 2010b. The 285-acre sand dune value reflects the ground-based and field-verified delineation of natural communities (Solar Millennium 2010b). Differences in the methodology and accuracy of ground-based delineations versus aerial photo interpretation (as used in the NECO dataset) accounts for the discrepancy
- Reflects the field-verified, ground-based delineation of desert wash woodland (Galati and Blek 2009b)

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 17)

2006-2008 indicate a decline of 26% since 2003. Climate change is also expected to impact golden eagle by increasing drought severity, and the CO2 concentrations are expected to exacerbate the spread of invasive weeds, which displace native species and habitats, fuel wild fires and alter fire regimes. Additionally, the proposed transmission lines for this and other proposed future projects are also expected to increase raptor collisions and electrocutions.

Proposed future projects within 10 miles of all mountains in the NECO planning area would cumulatively displace over 300,000 acres of Sonoran and Mojave creosote bush scrub and desert dry wash woodland. The Project's contribution to the cumulative loss of foraging habitat within the NECO planning area would be minimized to level less than significant through mitigation measures for acquisition of 4,737 acres of Sonoran creosote bush scrub habitat, as specified in mitigation measure BIO-12. While acquisition does not address the net loss of foraging habitat in the immediate future, it is expected to prevent future losses of habitat by placing a permanent conservation easement and deed restrictions on private lands that could otherwise be converted for urban or agricultural uses or energy development.

In Figure 3.23-7, the analysis was based on a 10-mile swath around the base of all mountain landforms, as mountains were considered the most likely areas to support golden eagle nests; this analysis used both the NECO landforms and plant communities datasets.

The cumulative impacts to foraging habitat within 10 miles of the nearest known nest (south of the PSPP boundary in the Chuckwalla Mountains) amounts to a loss of 6,435 acres of Sonoran creosote bush scrub, and the PSPP is responsible for almost half of that impact (see, Table I-8 and Figure 3.23-7); if the nest were active, the pair of golden eagles nesting at the site would lose 3.8% of potential foraging grounds from all proposed projects. The BLM has no information as to whether the golden eagle nest 5.5 miles from the PSPP site is currently active, but the absence of any observations of golden eagles during the avian point counts and other field surveys conducted in spring 2009 does not provide an adequate basis for conclusions about golden eagle use of the project site, nor was information available about prey abundance relative to other foraging habitat available to eagles in the area. Since golden eagles are known to rely on ground squirrels as an important dietary component when available (Kochert et al. 2002, cited CEC SA/DEIS, 2010), the abundance of round-tailed ground squirrels in more sandy areas of the PSPP site suggests the project could eliminate important foraging habitat. The habitat loss from the PSPP contributes considerable impacts to golden eagles in the Chuckwalla Valley and the NECO planning area, and adds incrementally to the overall loss, fragmentation and degradation of foraging habitat for golden eagles.

5.2.5 American Badger and Desert Kit Fox

The geographic scope for the cumulative impact analysis for these two species encompasses the entire NECO planning area. Using the NECO landforms dataset, the extent of suitable habitat was refined by excluding the following landforms: playas, badlands (steep erosional features), lava flows, and mountains, and then overlaid by existing and foreseeable future projects to quantify cumulative impacts to badger and kit fox habitat (Table I-6 and Figure 3.23-10).

This quantitative analysis of habitat loss does not address use of the PSPP site and adjacent habitat for both foraging and movement pathways. Other reasonably anticipated cumulative effects not quantified here include habitat fragmentation and the diminished habitat values of remaining habitat from increased noise, lighting, exotic plant and wildlife invasion and their ability to fuel wildfires and alter fire regimes, dust and air pollution, an increase in predators, agriculture and urban development (which has eliminated much habitat in the immediate PSPP vicinity), and the consequences of human intrusion into previously undisturbed habitats: hunting, use of rodenticides and other poisons, road kills, trapping, and human disturbance.

An estimated 339,704 acres of American badger and desert kit fox habitat would be displaced by the proposed future projects within the NECO planning area, representing approximately 7% of the total habitat mapped in NECO (based on the simple habitat model described above). The effect, when combined with the anticipated indirect effects to remaining habitat and populations from all future projects, is considerable. The PSPP's contribution to the cumulative loss of habitat would be minimized by implementation of mitigation measure BIO-12 for acquisition of 4,737 acres of desert tortoise habitat, which is expected to contain suitable habitat for badger and desert kit fox. Mitigation measure BIO-21 for the acquisition and protection of desert washes would also

**TABLE I-8
CUMULATIVE EFFECTS: GOLDEN EAGLE FORAGING HABITAT**

**Cumulative Effects: Golden Eagle Foraging Habitat Within 10 miles of Nearest Known Nest
(see Figure 3.23-7)**

Foraging Habitat ¹ (by plant community)	Total Plant Communities ¹ within 10-mile Buffer of Nearest Known Nest	Impacts to Foraging Habitat from Existing ² Projects (percent of all community types in 10-mile buffer)	Impacts to Foraging Habitat from Foreseeable Future ³ Projects (percent of all community types in 10-mile buffer)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Sonoran Creosote Bush Scrub	171,088 acres	2,100 acres 1.2%	6,435 acres 3.8%	2,996 acres 46% of all future impacts (1.7% of total community in buffer)

**Cumulative Effects: Golden Eagle Foraging Habitat Within 10 Miles of Mountains in the NECO Planning Area
(see Figure 3.23-7)**

Foraging Habitat ¹ (by plant community)	Total Plant Communities ¹ within NECO	Impacts to Foraging Habitat from Existing ² Projects (percent of all community types in 10-mile buffer)	Impacts to Foraging Habitat from Foreseeable Future ³ Projects (percent of all community types in 10-mile buffer)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Mojave Creosote Bush Scrub	728,536 acres	1,691 acres 0.2%	33,920 acres 4.7%	0 acres
Sonoran Creosote Bush Scrub	3,571,797 acres	22,019 acres 0.6%	228,363 acres 6.4%	2,996 acres 1.3%
Desert Dry Wash Woodland ⁴	654,735	8,128 acres 1.2%	48,086 acres 7.3%	5.4 acres ⁴ 0.01%
Playa/Dry Lake	54,433 acres	961 acres 1.8%	15,713 acres 29%	0 acres
Sand Dunes	60,807 acres	1,465 acres 2.4%	175 acres 0.3%	0 acres
Chenopod Scrub	982 acres	72 acres 7.3%	0 acres	0 acres
Agriculture, Developed	94,187 acres	n/a	1,011 acres 1.3%	0 acres
Pinyon-Juniper Woodland	1,928 acres	0 acres	0 acres	0 acres

NOTES:

- 1 Based on the BLM NECO Plant Communities dataset (BLM CDD 2002) conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division UC Santa Barbara GAP Analysis (1996), updated during the NECO planning effort (see Appendix H of the NECO Management Plan (BLM CDD 2002))
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1
- 3 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1.
- 4 Does not reflect site-specific field delineation of desert dry wash woodland, which totals 141 acres of desert dry wash woodland.

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 15)

be expected to benefit badger and kit fox. Cumulative effects of wildlife movement are discussed below. Direct and indirect effects would also be minimized through the badger- and kit fox-specific avoidance and minimization measures in BIO-17.

5.2.6 Western Burrowing Owl

Using the NECO landforms dataset, the extent of suitable habitat for burrowing owl was refined by excluding the following landforms: dunes, mountains, playas, badlands (steep erosional features) and lava flows, and then overlaid by existing and foreseeable future projects to quantify cumulative impacts to burrowing owl habitat (Table I-6 and Figure 3.23-6).

The PSPP's contribution to the cumulative loss of habitat is comparable to the cumulative loss of badger and kit fox habitat, described above. However, the analysis does not quantify expected indirect cumulative effects such as habitat fragmentation, increased road kills, increased risk of fire from weed invasion and ignition sources, and the degradation of remaining habitat function and values. The effects of all proposed future projects (7.1% loss of habitat) is considerable, particularly when combined with the indirect effects described above. The PSPP's contribution to indirect effects and loss of habitat would be reduced through the implementation of the following mitigation measures: BIO-12 for acquisition of 4,737 acres of desert tortoise habitat; BIO-20 for acquisition of Mojave fringe-toed lizard habitat, which includes sandy plains and sand-covered alluvial fans; BIO-21 for the acquisition and enhancement of desert washes and desert wash woodland within the Palen watershed; and the avoidance and minimization measures for burrowing owl contained in BIO-18. The Raven Management Plan (BIO-13) and Weed Management Plan (BIO-14) are also expected to reduce the PSPP's contribution to the indirect effects of increased avian predators and the spread of invasive plants.

5.2.7 Le Conte's Thrasher

The scope of this analysis includes the entire NECO planning area and utilized the NECO Le Conte's thrasher habitat dataset to quantify cumulative effects of habitat loss from existing and foreseeable future projects. The NECO habitat model for this species is applicable to several other special-status bird species that inhabit desert dry wash woodland and adjacent upland habitat, including loggerhead shrike (Table I-6 and Figure 3.23-9). The cumulative indirect impacts to migratory birds not addressed in the quantitative analysis of habitat loss, and expected to be significant include: habitat fragmentation and degradation, and impacts to riparian and groundwater-dependent vegetation from water overdrafts and channel diversions.

The Le Conte's thrasher is showing steep population declines due to loss of habitat resulting from urbanization and water use combined with prolonged drought. Climate change is expected to exacerbate drought and compound the impacts of surface and groundwater use in the desert region. Further loss, fragmentation, and degradation of habitat could cause local extirpations and imperil Le Conte's thrashers in the Mojave and Sonoran deserts (CalPIF 2006, cited in CEC SA/DEIS, 2010). Current research indicates that many desert birds, including Le Conte's thrasher, are highly susceptible to habitat fragmentation and disturbance (Kershner, USFWS, pers comm., cited in CEC SA/DEIS, 2010). The Le Conte's thrasher is typically found in very low densities and has large territories, and is therefore at risk of local extirpation from habitat loss.

The cumulative effects from foreseeable future projects on habitat loss are substantial: 300,139 acres of desert scrubs and desert wash woodland would be lost to future renewable energy development within the NECO planning area alone; this represents 8.1% of all potential habitat in NECO. The PSPP's contribution to the cumulative loss of habitat would be reduced through implementation of recommended mitigation measures BIO-21, which requires acquisition and enhancement of 423 acres of desert dry wash woodland (3:1 mitigation for 141 acres of impacts) and 161 acres (1:1 mitigation) for unvegetated ephemeral washes within the same watershed as the PSPP. Mitigation measure BIO-12 requires compensatory habitat acquisition for desert tortoise habitat, which is also expected to benefit Le Conte's thrasher, and BIO-15 requires pre-construction nesting bird surveys. Mitigation measures BIO-23 and BIO-24 would require monitoring for impacts to groundwater-dependent vegetation around Palen Dry Lake and remedial action if adverse effects are detected. These additional mitigation measures also would reduce the PSPP's contribution to the anticipated cumulative indirect effects to habitat for Le Conte's thrasher habitat and other desert birds occupying similar habitat.

5.2.8 Burro Deer

Burro deer is a subspecies of mule deer found in the Colorado Desert of Southern California, primarily along the Colorado River and in Desert Wash Woodland communities away from the River. During the hot summers, water is critical, and deer concentrate along the Colorado River where water developments have been installed and where the microphyll woodland is dense and provides good forage and cover. Impacts are most important within 0.25 mile of natural or artificial watering sites; the water sources depicted in the bighorn sheep WHMA map, Figure 3.23-11, are based on the NECO dataset.

Table I-6 summarizes the anticipated cumulative effects to burro deer range; these effects are also illustrated in Figure I-1. Using the NECO dataset for burro deer range, approximately 5.4 acres of burro deer range would be displaced by the PSPP. Proposed future projects would cumulatively affect 7.5% of the burro deer range, as documented range in NECO (BLM CDD 2002). Implementation of mitigation measures BIO-21 for acquisition of 643 acres of desert washes within the same watershed as the PSPP, and BIO-12 for compensatory habitat acquisition for desert tortoise habitat, would offset the PSPP's contribution to the cumulative loss of burro deer range. However, wildlife dispersal between the Chuckwalla and Palen mountain ranges over the freeway via large underpasses is essential to maintain healthy populations for species such as burro deer that depend on mountainous habitat. Impacts of the PSPP would be considerable unless its footprint can be configured to facilitate habitat connectivity, leaving the central wash open and providing access to the I-10 underpass. The cumulative effects of future projects on wildlife movement and connectivity are discussed in more detail below.

The three I-10 bridges south of the PSPP site are rare infrastructure features in the region that provide a safe corridor for wildlife, including large mammals such as burro deer, to pass under the I-10. Burro deer have been documented using the I-10 undercrossings south of the PSPP site, and without access to this safe passage would be expected to experience higher levels of vehicular-related fatalities as they tried to cross the freeway. Diminished access to the I-10 culverts from construction of the PSPP would substantially affect wildlife connectivity. Reconfigured Alternatives 1 and 2 and the Reduced Acreage Alternative would avoid this

significant impact of the proposed action to wildlife connectivity by maintaining the primary wash through the site that provides wildlife access.

5.2.9 Couch's Spadefoot Toad

The NECO dataset for Couch's spadefoot toad range was used in the GIS-based analysis to quantify cumulative impacts to potential habitat (Table I-6 and Figure 3.23-5). Based on the NECO depiction of the range extending only as far east as the Palo Verde basin, the GIS analysis concludes that the PSPP would not contribute to the cumulative loss of habitat within its highly restricted range in California. The PSPP site is over 40 miles west of the known range for this species, and Dimmitt (1977, cited in CEC SA/DEIS, 2010) searched favorable areas in the region encompassing the PSPP and did not find toads. The 1977 Dimmitt report on spadefoot toads indicates the Palen Lake area as being an area of interest for potential marginal populations; however, Dimmitt indicated (in consultations with staff cited in CEC SA/DEIS, 2010) that the area containing suitable breeding habitat was observed on the north and east side of the Palen dunes, which intercept washes coming off the Palen Mountains. It is possible that the western boundary of the Couch's spadefoot toad range extends farther west than depicted in the Figure 3.23-5. However, based on consultation with and expert opinion of biologists from AECOM (as cited in CEC SA/DEIS, 2010) and Dr. Dimmitt, the BLM has determined that no suitable habitat (temporary pools at the base of dunes, in washes, channels, or playas) occurs in the PSPP area. Without survey results it is difficult to assess the potential for direct and indirect impacts to this species, but it tentatively has been concluded that Couch's spadefoot toads are not likely to occur in the Project Disturbance Area, and therefore the PSPP would not result in significant cumulative impacts to this species.

5.3 Wildlife Movement and Connectivity

Connectivity refers to the degree to which organisms can move among habitat patches and populations. Individuals must be able to move between patches to meet their resource needs, and in the long term populations must be connected to allow for dispersion, gene flow, and re-colonization. This discussion includes a qualitative assessment of cumulative effects to connectivity, and the estimated movement corridors are depicted spatially in Figure 3.23-2 "Desert Tortoise DWMA's & Connectivity Corridors", displayed on a base map of USGS desert tortoise habitat modeling (Nussear et al. 2009, cited in CEC SA/DEIS, 2010). Table I-5 and Figures I-2 and I-3, "Bighorn Sheep WHMA's & Connectivity Corridors" provide a summary of cumulative effects to bighorn sheep movement corridors as defined in the NECO Plan (BLM CDD 2002). Table I-9, *Cumulative Effects: WHMA's and Plant Communities*, and Figure I-2 and I-3 look at the cumulative effects to plant communities and landforms within three Multi-Species WHMA's in the Project vicinity: Big Maria Mountains WHMA, Palen-Ford WHMA, and the Continuity DWMA, which provides connectivity between the Chuckwalla DWMA/ACEC south of I-10 and the Palen-Ford WHMA north of I-10. This analysis utilized the NECO Plant Communities and Landforms datasets to describe the type of habitat affected within each separate WHMA.

In both the Palen-Ford WHMA and the DWMA Continuity WHMA, the PSPP is a major contributor to the cumulative effects of future projects on the loss of Sonoran creosote bush scrub within the WHMA's. Thus, the PSPP could impede wildlife movement in these corridors and

**TABLE I-9
CUMULATIVE EFFECTS: WHMAS AND PLANT COMMUNITIES**

Palen-Ford WHMA				
Plant Community¹ within WHMA	Total Plant Communities¹ in WHMA	Impacts to Habitat from Existing² Projects (percent of all community type in WHMA)	Impacts to Habitat from Foreseeable Future³ Projects (percent of all community type in WHMA)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts to WHMA from Future projects)
Sonoran Creosote Bush Scrub	39,366 acres	2,087 acres 5.3%	5,488 acres 14%	2,359 acres 43% of all future (6% of total in WHMA)
Desert Dry Wash Woodland ⁴	13,104 acres	932 acres 7.1%	202 acres 1.5%	5.4 acres ⁴ 2.7%
Sand Dunes	17,690 acres	0 acres	44 acres 0.25%	0 acres
Chenopod Scrub	381 acres	62 acres 16.3%	0 acres	0 acres
Playas	13,696 acres	950 acres 6.9%	0 acres	0 acres
Agriculture, Urban	152 acres	n/a	0 acres	0 acres

Big Maria Mountains WHMA				
Plant Community¹ within WHMA	Total Plant Communities¹ in WHMA	Impacts to Habitat from Existing² Projects (percent of all community type in WHMA)	Impacts to Habitat from Foreseeable Future³ Projects (percent of all community type in WHMA)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts to WHMA from future projects)
Sonoran Creosote Bush Scrub	24,436 acres	317 acres 1.3%	3,105 acres 12.7%	0 acres
Desert Dry Wash Woodland ⁴	9,308 acres	507 acres 5.4%	1,008 acres 10.8%	0 acres ⁴
Agriculture, Urban	50 acres	n/a	0 acres	0 acres

DWMA Continuity WHMA				
Plant Community¹ within WHMA	Total Plant Communities¹ in WHMA	Impacts to Habitat from Existing² Projects (percent of all community type in WHMA)	Impacts to Habitat from Foreseeable Future³ Projects (percent of all community type in WHMA)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts to WHMA from future projects)
Sonoran Creosote Bush Scrub	12,804 acres	856 acres 6.7%	988 acres 7.7%	637 acres 64% of all future (5% of total in WHMA)
Desert Dry Wash Woodland ⁴	275 acres	2.9 acres 1.1%	1.4 acres 0.5%	0 acres ⁴

NOTES:

- 1 Based on the BLM NECO Plant Communities dataset (BLM CDD 2002), updated from the California Gap Analysis Project, conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division UC Santa Barbara GAP Analysis (1996, as cited in CEC SA/DEIS, 2010).
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1
- 3 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1
- 4 Does not reflect the field-verified, ground-based delineation of desert wash woodland (Galati and Blek 2010a, as cited in CEC SA/DEIS, 2010), which totals 141 acres in PSPP (69.8% of all future impacts in WHMA, or 1.5% of total community in WHMA).

obstruct connectivity for wide ranging wildlife such as burro deer, kit fox, coyotes, and badgers, and on a population level could impede gene flow for desert tortoises. These effects are considerable. Mitigation measures BIO-12 and BIO-21, requiring off-site habitat acquisition, would considerably reduce the PSPP's contribution to habitat loss within the Palen-Ford WHMA and the DWMA Continuity WHMA. Impacts to connectivity could be minimized if the acquisitions were targeted for areas that would enhance wildlife connectivity within the same WHMA and corridor.

No mitigation measures are currently available that can adequately minimize the proposed action's contribution to cumulative impacts to wildlife connectivity. The proposed action's contribution to cumulative effects can only be minimized by leaving the primary wash open—with an adequate buffer—for continued movement and connectivity between the Chuckwalla DWMA and critical habitat area, and the valley north of I-10. Adoption of Reconfigured Alternatives 1 or 2 or the Reduced Acreage Alternative would considerably minimize the proposed action's contribution to cumulative effects on movement and connectivity.

Although the implementation of the recommended mitigation measures and adoption of an alternative to keep the primary wash open would reduce the proposed action's contribution to cumulative impacts to wildlife movement and connectivity, there some residual impacts may remain that contribute to cumulative impacts. These residual cumulative effects from all future projects can only be addressed through a regional and coordinated planning effort aimed at preserving and enhancing large, intact expanses of wildlife habitat and linkages, including maintaining connections between wildlife management areas and other movement corridors. Ongoing collaborative efforts by federal and state agencies to develop a Desert Renewable Energy Conservation Plan and BLM's Solar Energy Development Programmatic EIS offer an appropriate forum for such planning.

5.4 Natural Communities

The geographic scope of the analysis of cumulative effects on plant communities and general wildlife habitat encompasses the NECO planning area and uses the NECO plant communities dataset to map and quantify cumulative effects on foraging habitat (Table I-10, *Cumulative Effects: Natural Communities*, and Figure 3.18-1 and 3.18-6). The NECO plant communities dataset is based on the 1996 California Gap Analysis Project (Davis et al. 1998, cited in CEC SA/DEIS, 2010), a project of the Biogeography lab at UC Santa Barbara. The accuracy and resolution of the GAP mapping was improved for the NECO plant communities dataset (BLM CDD; Appendix H) using aerial photos and extensive ground-truthing but should not be viewed as a substitute for site-specific habitat mapping. Table I-9 quantifies the cumulative effects to plant communities, stratified by community type. Mojave creosote scrub refers to the creosote bush-dominant desert scrubs that occur within the Mojave Desert region of the California Desert geographic subdivision (Hickman 1993, cited in CEC SA/DEIS, 2010). The transition to Sonoran Desert is mapped at the Bristol Mountains near the Twenty-Nine Palms Marine Corps Base and extends east and south through the NECO planning area.

Considerable cumulative effects to plant communities from proposed future projects are seen in many community types, particularly Sonoran creosote bush scrub (5.9%), desert dry wash

**TABLE I-10
CUMULATIVE EFFECTS: NATURAL COMMUNITIES**

Plant Community¹	Total Plant Communities¹ in NECO	Impacts to Habitat from Existing² Projects (percent of all community type in NECO)	Impacts to Habitat from Foreseeable Future³ Projects (percent of all community type in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Mojave Creosote Bush Scrub	805,832 acres	6,233 acres 0.8%	43,320 acres 5.4%	0 acres
Sonoran Creosote Bush Scrub	3,829,999 acres	22,815 acres 0.6%	228,363 acres 5.9%	2,959 acres 1.3%
Desert Dry Wash Woodland ⁴	682,027	8,457 acres 1.2%	48,167 acres 7.1%	5.4 acres ⁴ 0.01%
Playa/Dry Lake	88,110 acres	961 acres 1.1%	18,634 acres 21.1%	0 acres
Sand Dunes	62,140 acres	14 acres 0.02%	175 acres 0.3%	0 acres
Chenopod Scrub	2,113 acres	480 acres 22.7%	0 acres	0 acres
Agriculture, Developed	94,187 acres	n/a	1,017 acres 1.1%	0 acres
Pinyon-Juniper Woodland	1,928 acres	0 acres	0 acres	0 acres

NOTES:

- 1 - Based on the BLM NECO Plant Communities dataset (BLM CDD 2002) conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division UC Santa Barbara GAP Analysis (1996, cited in CEC SA/DEIS, 2010), updated during the NECO planning effort (see Appendix H of the NECO (BLM and CDD 2002)
- 2 - Includes only those existing projects between Desert Center and the Colorado River for which GIS-based spatial data was available at the time of the analysis; see Table I-1
- 3 - Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1
- 4 - Does not reflect the field-verified, ground-based delineation of desert wash woodland (Galati and Blek 2009a), which totals 141 acres in Project (0.3% of all future impacts)

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 17)

woodland (7.1%), and playa (21.1%). These figures do not address the indirect effects to remaining habitat from fragmentation, alteration of the surface drainage patterns (which support many common and rare species), and an increase in the risk of fire and the introduction and spread of noxious weeds. Sahara mustard is a particular problem because it is already infesting many areas on and adjacent to the PSPP and has the potential to spread explosively if not carefully managed. Climate change is expected to exacerbate the effects of drought and noxious weed spread. The cumulative effects of groundwater pumping by all projects are expected to have adverse effects on groundwater-dependent vegetation in some portions of the Chuckwalla Valley.

The PSPP would contribute at least incrementally to the cumulative loss of Sonoran creosote bush scrub and desert dry wash woodland. Sonoran creosote bush scrub is a common and widespread community in the southeastern deserts of California; however, this broad designation does not reflect the importance of large, intact blocks of habitat to wildlife movement, or to foraging and breeding habitat for wildlife, including state and federal listed species. The NECO mapping of plant communities also does not reflect the many uncommon and even rare plant assemblages within creosote scrub that have been documented and are monitored by the CNDDDB (CDFG 2003, cited in CEC SA/DEIS, 2010).

Implementation of mitigation measures BIO-12 for acquisition of 4,737 acres of desert tortoise habitat (Sonoran creosote bush scrub) in Chuckwalla Valley, and BIO-21 for acquisition and protection of 643 acres of desert washes and desert dry wash woodland, would considerably reduce the PSPP's contribution to the cumulative loss of these habitats. While acquisition does not address the net loss of habitat in the immediate future (a temporal net loss of habitat), it is expected to prevent future losses of habitat by placing a permanent conservation easement and deed restrictions on private lands that could otherwise be converted for urban, agricultural or energy development.

Mitigation measure BIO-14 for weed management would offset the PSPP's contribution to the indirect cumulative effects of all projects on the spread of invasive non-native plants and their effects on wildlife and fire risk. BIO-23 and BIO-24 for monitoring of groundwater-dependent vegetation (and remedial action in the event of adverse effects) would considerably reduce the PSPP's contribution to this effect. Playas and dry lakebeds appear to be disproportionately affected by the cumulative effects of potential future projects across NECO; 21.1% of this community type would be directly affected. Due to their limited extent and potential status as jurisdictional state waters, and their hydrologic importance and seasonal value to wildlife, this would be a considerable cumulative effect. However, the PSPP does not contribute, even incrementally, to this effect. Consequently, no mitigation measures are recommended to address it.

Table I-11, *Cumulative Effects: Desert Dry Wash Woodland – Palen Watershed*, and Figure 3.18-6 highlights the cumulative effects of existing and future projects to desert dry wash woodland within the immediate watershed encompassing the PSPP. The NECO plant communities dataset was used for this analysis. The PSPP's field-verified, ground-based delineation (Galati and Blek 2010a, cited in CEC SA/DEIS, 2010) documented 141 acres of desert dry wash woodland in the PSPP footprint.

Seemingly minor impacts can be significant if they affect an extremely rare or limited resource, and the cumulative impact may be substantial. Desert dry wash woodland is a sensitive natural community recognized under many laws, ordinances, regulations, standards, and area plans. Because it has a limited distribution (relative to common and widespread communities such as Sonoran creosote bush scrub) and carries an ecological importance that is disproportionate to its limited extent, this would be a significant cumulative effect, particularly in light of the PSPP's contribution to cumulative effects to desert washes in the Palen watershed. The PSPP's contribution to the cumulative loss of desert dry wash woodland would be reduced considerably by the implementation of mitigation measure BIO-22, which specifies acquisition and enhancement of desert wash woodland within or near the Palen watershed a 3:1 mitigation ratio. However, the impacts of channel re-routing on wildlife movement and connectivity, and on fluvial sand transport would not be adequately mitigated through acquisition; these effects could be minimized only by adopting Reconfigured Alternative 1 or 2 or the Reduced Acreage Alternative, each of which would leave the desert dry wash woodland on the primary wash unaffected and the channel unobstructed with an adequately broad buffer zone on both sides of the wash.

**TABLE I-11
CUMULATIVE EFFECTS: DESERT DRY WASH WOODLAND – PALEN WATERSHED+**

Plant Community¹	Total Plant Communities¹ in Palen Watershed	Impacts to Habitat from Existing² Projects (percent of all community type in Palen Watershed)	Impacts to Habitat from Foreseeable Future³ Projects (percent of all community type in Palen Watershed)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Desert Dry Wash Woodland	148,856 acres	4,566 acres 3.1%	10,950 acres 7.4%	5.4 acres ⁴ 0.05%

NOTES:

- 1 Based on the BLM NECO Plant Communities dataset (BLM CDD 2002) conducted by the Biogeography Lab at the University of California, Santa Barbara and coordinated through the USGS Biological Resources Division UC Santa Barbara GAP Analysis (Davis et al. 1998, cited in CEC SA/DEIS, 2010), updated during the NECO planning effort (see Appendix H of the NECO (BLM and CDD 2002)
- 2 Includes only those existing projects for which GIS-based spatial data was available at the time of the analysis; see Table I-1.
- 3 Includes only BLM Renewables that had submitted a Plan of Development at the time of the analysis and those additional future projects listed in Table I-1.
- 4 Based on the California Interagency Watershed Map of 1999 (California Interagency Watershed Mapping Committee 1999, cited in CEC SA/DEIS, 2010). Does not reflect the field-verified, ground-based delineation of desert wash woodland (Galati and Blek 2010a, cited in CEC SA/DEIS, 2010), which totals 141 acres in Project (3.1% of all future impacts within the watershed)
- 5 Does not reflect site-specific field delineation of desert dry wash woodland, totaling 141 acres affected by PSPP.

Table I-12, *Cumulative Effects: Landforms/Wildlife Habitat*, and Figure 3.18-2 reflect the cumulative impacts to uncommon landforms (such as dunes and playas) and common or widespread landforms (such as alluvial fans and bajadas) within the NECO Planning Area, stratified by landform. There is some overlap with the GAP Analysis/NECO Plant Communities dataset (dunes and playa); differences in extent reflect the different data sources and mapping methodology.

As illustrated below, the cumulative effects of all future (proposed) projects to dunes, playas, and plains (including sandy plains, which make up a large portion of Mojave fringe-toed lizard habitat) would be significantly and adversely affected. Dunes and sandy plains also provide habitat for several rare plants in the region, including Harwood’s milk-vetch. The PSPP’ contribution to these effects, even when “seemingly minor can be significant if they affect an extremely rare or limited resource, and the cumulative impact may be substantial”, according to CEQ guidance. The PSPP’s contribution to cumulative effects to sand dunes significant, particularly when considering the anticipated indirect effects from obstructed winds and sand transport, upon which the maintenance and sustainability of the dunes depends.

Mitigation measure BIO-20 requires implementation of impact avoidance and minimization measures and acquisition of dune habitat at a 3:1 ratio for the sand dune habitat loss attributable to the PSPP, and a 1:1 ratio for other sandy habitats that support Mojave fringe-toed lizards (e.g., sandy plains, sand-covered fans, and sand-covered playas). These acquisitions would need to be targeted for dune habitat within the Chuckwalla Valley with potential to contribute to Mojave fringe-toed lizard habitat connectivity. Implementation of BIO-20 would offset the PSPP’s contribution to the loss of habitat.

However, acquisition alone would not mitigate significant indirect effects of disrupted sand transport on habitat down-wind of the PSPP. Substantially minimizing the direct and indirect effects of the proposed action on dune maintenance and Mojave fringe-toed lizard could be

**TABLE I-12
CUMULATIVE EFFECTS: LANDFORMS/WILDLIFE HABITAT**

NECO Landform ¹	Total Landform ¹ in NECO	Impacts to Habitat from Existing ² Projects (percent of all landform type in NECO)	Impacts to Habitat from Foreseeable Future ³ Projects (percent of all landform type in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
Alluvial Fans/Bajadas	2,997,468 acres	42,619 acres 1.4%	217,761 acres 7.3%	1,565 acres 0.7%
Sand Dunes	150,136 acres	3,755 acres 2.5% of total	17,027 acres 11.3% of total	268 acres 1.6%
Pediments	139,282 acres	1,715 acres 1.21% of total	1,263 acres 0.9% of total	0 acres
Plains	408,453 acres	75,687 acres 18.5% of total	48,117 acres 11.8% of total	869 acres 1.8%
Badlands	79,141 acres	40 acres 0.05% of total	1,203 acres 1.5% of total	0 acres
Lava Flows	180 acres	0 acres	0 acres	0 acres
Riverwashes	137,265 acres	1,475 acres 0.1% of total	6,896 acres 5.0% of total	0 acres
Dry Playas	62,106 acres	1,348 acres 2.2% of total	9,423 acres 15.2% of total	0 acres
Mesas	6,843 acres	2 acres 0.001%	0 acres	0 acres
Tilted Plateaus	8,979 acres	0.1 acres 0.001%	3,762 acres 42.0% of total	0 acres
Mountains	609,023 acres	1,468 acres 0.2% of total	8682 acres 1.4% of total	0 acres
Hills	947,205 acres	4,774 acres 0.5% of total	25,495 acres 2.7% of total	0 acres

NOTES:

- 1 Based on the NECO Landforms dataset (BLM CDD 2002)
- 2 Includes only those existing projects between Desert Center and the Colorado River for which GIS-based spatial data was available at the time of the analysis; see Table I-1
- 3 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1

SOURCE: CEC SA/DEIS, 2010 (Biological Resources Table 19)

addressed only by removing the obstruction from the active sand transport corridor. Reconfigured Alternative 1 considerably would reduce the proposed action's impacts on desert washes, desert dry wash woodland, and connectivity, but would not reduce its considerable impacts to dune habitat and Mojave fringe-toed lizard habitat.

5.5 Active Dune Habitat in Chuckwalla Valley

This analysis highlights the cumulative effects of the many BLM renewable energy projects on this important habitat within Chuckwalla Valley, a dune system that is distinct from other dunes in the NECO planning area, and an area that may be disproportionately affected by proposed renewable energy projects. Dunes provide habitat for a variety of special-status plants and animals; locally these include Chuckwalla Valley population of Mojave fringe-toed lizard, and Harwood's milk-vetch. Table I-13, *Cumulative Effects: Active Dune Habitat*, and Figure I-4

quantifies the cumulative effects of the BLM renewable energy projects and other existing and future projects on “active” dune formations in the Chuckwalla Valley.

The NECO landforms dataset was used for this analysis of the most active dune formations; only the following values selected: crescentic dunes, longitudinal dunes, and undifferentiated dunes. Table I-13 quantifies the cumulative effects of the BLM renewable energy projects and other existing and future projects on “active” dune formations in the NECO planning area. The extent of other less active aeolian (wind)-deposited and stream-deposited sands are better reflected in the habitat model for Mojave fringe-toed lizard (Figures 3.23-3 and 3.23-4 and Table I-6). The mapping and model for Mojave fringe-toed lizard includes sandy plains and sand-covered alluvial fans; portions of these landforms may be located within the wind-sand transport corridor but occur in the less active outer portions beyond the active dunes.

Cumulative effects to dune habitat not reflected in this quantitative analysis include: obstruction of wind and fluvial sand transport systems (which are essential for the maintenance of the dunes) by new structures and wind fencing, fragmentation and degradation of remaining habitat by roads, development, off-road vehicles, altered drainage patterns, and the spread of noxious weeds and other invasive plants, such as Russian thistle and Sahara mustard. Habitat values for dune-dependent wildlife are also affected by increased predation from avian predators, which benefit from new perching structures.

Table I-13 illustrates the considerable contribution of the PSPP to cumulative impacts to active dune habitat (16.7%) resulting from foreseeable future projects in the NECO planning area. This effect may not be adequately mitigated through habitat acquisition proposed under mitigation measure BIO-20 when considering the PSPP’s indirect impacts: solar fields and wind fencing constructed within the active (dune building) sand transport corridor obstruct the corridor (on which the dunes sustainability depends) and deprive large areas of dune habitat down-wind of the PSPP. Other mitigation measures to address effects of the PSPP on dunes and dune-dependent wildlife and plants include the raven and weed management plans (BIO-13 and BIO-14) and the specification for preparation of a detailed revegetation plan for temporary disturbance contained in BIO-8. However, as described above under “Landforms”, the impacts of the proposed action on sand transport and related impacts to Mojave fringe-toed lizard habitat could only be adequately minimized by the Reduced Acreage Alternative.

5.6 Groundwater-dependent Vegetation

Groundwater extraction during construction and operation of this and other foreseeable projects would place the Chuckwalla Valley groundwater basin into an overdraft condition. This impact could be exacerbated by other unidentified renewable energy projects in the I-10 corridor, which has been targeted as a potential area for further renewable energy development. However, the PSPP’s contribution (300 acre feet per year) to this cumulative effect is not considerable. Groundwater pumping could have a significant impact to biological resources if it lowers the water table in areas where deep-rooted phreatophytes occur, such as mesquite bosques and succulent chenopod scrubs or alkali sink scrub. To minimize the PSPP’s contribution to cumulative effects, mitigation measures SOIL&WATER-3 through SOIL&WATER-5 would substantially reduce impacts to groundwater levels. BIO-23 would ensure that the PSPP would

**TABLE I-13
CUMULATIVE EFFECTS: ACTIVE DUNE HABITAT**

Total Dune Habitat¹ in Chuckwalla Valley	Impacts to Dune Habitat from Existing² Projects (percent of all dune habitat in Chuckwalla Valley)	Impacts to Dune Habitat from Foreseeable Future³ Projects (percent of all dune habitat in Chuckwalla Valley)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
25,463 acres	1,049 acres 4.1%	1,607 acres 6.3%	268 acres 16.7%
Total Dune habitat¹ in NECO	Impacts to Dune Habitat from Existing² Projects (percent of all dune habitat in NECO)	Impacts to Dune Habitat from Foreseeable Future³ Projects (percent of all dune habitat in NECO)	Contribution of PSPP to Future Cumulative Impacts (percent of total impacts from future projects)
150,136 acres	3,755 acres 2.5%	17,027 acres 11.3% of total	268 acres 1.6%

NOTES:

- 1 Based on the BLM NECO Landforms dataset (BLM CDD 2002) for the following values: crescentic dunes, longitudinal dunes, and undifferentiated dunes; does not include sandy plains or sand-covered fans.
- 2 Includes only those existing projects between Desert Center and the Colorado River for which GIS-based spatial data was available at the time of the analysis; see Table I-1.
- 3 Includes only BLM Renewables that had submitted a Plan of Development (POD) at the time of the analysis and those additional future projects listed in Table I-1.

not adversely affect groundwater-dependent vegetation within 2 to 3 miles of the project well for the life of the PSPP. BIO-24 requires a remedial action plan that would be triggered in the event that adverse effects to groundwater-dependent vegetation are detected.

5.7 Special-Status Plants

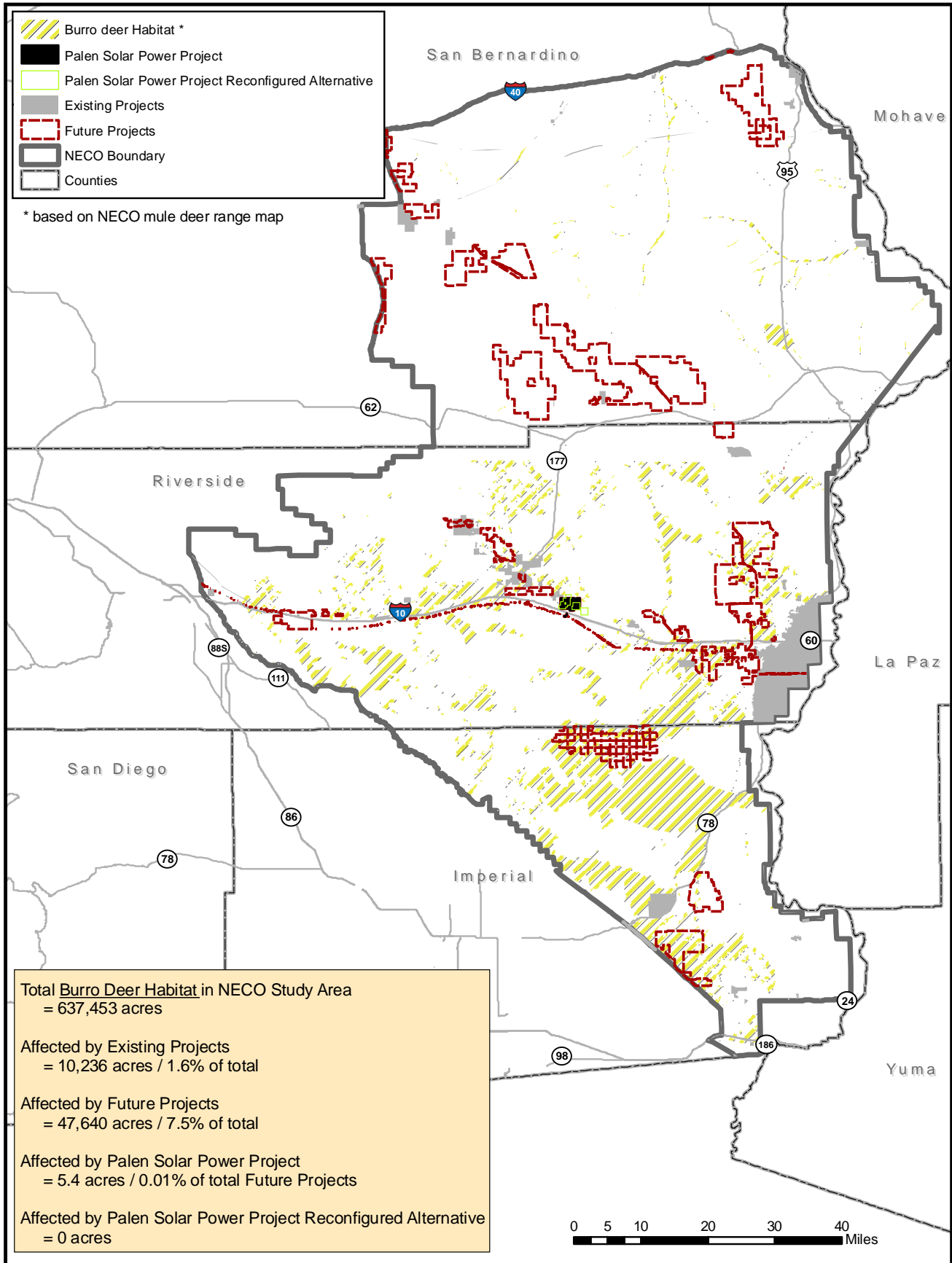
5.7.1 Harwood's Milkvetch

Small populations of Harwood's milkvetch were found just downstream of the northern boundary of the PSPP. Direct effects to plants are not expected, but the PSPP could have indirect effects to the population from altered surface drainage patterns; the occurrence is located below a discharge point on the engineered channel that would divert all washes around the perimeter of the site, and discharge the flows at the northern boundary.

Populations of Harwood's milkvetch, like many other rare plants of the eastern California deserts, were considered relatively stable until recently, as the push for renewable energy development has placed many at risk. Because the occurrence records for this taxon are spotty in portions of its range, this analysis was based instead on threats to potential habitat. However, the mapping of habitat should not be misconstrued as potentially occupied; rare plants have very specific microhabitat requirements that are often poorly understood. Actual distribution within mapped habitat is often confined to small or scattered and infrequent occurrences within an already restricted range. Rare plants can sometimes be locally abundant but highly restricted in their range.

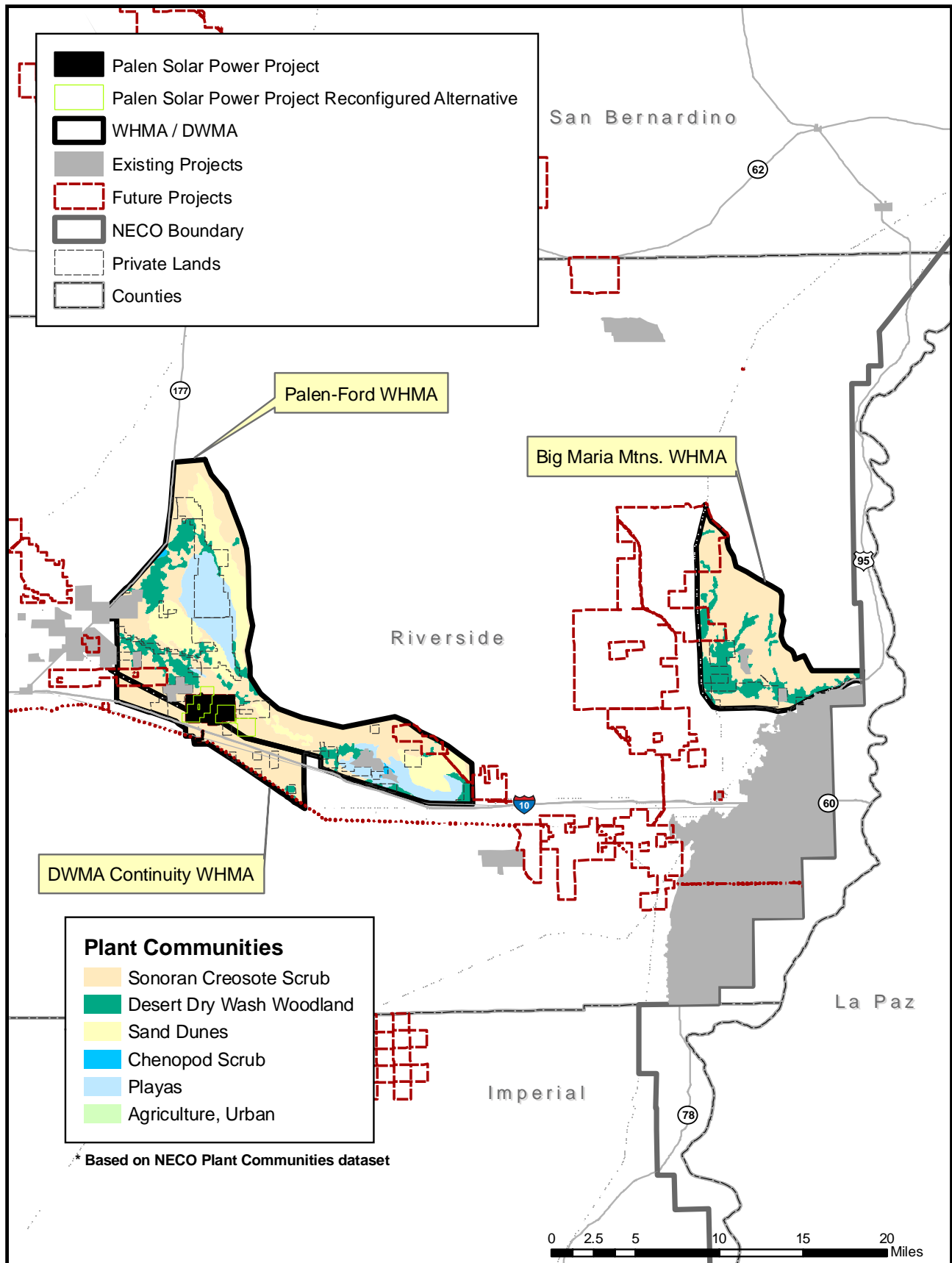
Table I-6 quantifies and Figure 3.18-8 shows the cumulative effects of the BLM renewable energy projects and other existing and future projects on the very sandy substrates associated with this special-status plant. The NECO landforms dataset was used; landforms selected to create the simple model of potential habitat include: sandy dissected fans; sandy plains; fans; dissected fans; undifferentiated plains, and undifferentiated dunes. This was based on a careful review of the landforms dataset overlaid with known occurrences of Harwood's milkvetch from CNDDDB occurrences and the PSPP-specific survey data. This model somewhat over-represents actual suitable habitat for Harwood's milkvetch but cannot be refined until the more detailed soil mapping for the region (currently in development by the Natural Resources Conservation Service) is available.

Cumulative impacts to Harwood's milkvetch habitat from all proposed future projects are considerable, and would affect nearly 11% of all potentially suitable habitat. The effects to actual populations or verified occupied habitat are unknown until applicants submit site-specific survey data. The PSPP's contribution to cumulative effects would be reduced through the mitigation measures designed to avoid and minimize indirect effects and accidental effects to plants or their habitat during construction. These are described in the Draft Special-Status Plant Protection Plan (AECOM 2010a, cited in CEC SA/DEIS, 2010) and in mitigation measure BIO-19. The PSPP's contribution to the loss of the species' sandy and dune habitat in Chuckwalla Valley would be considerable significant, particularly in light of the indirect effects of interrupted sand-carrying winds, and altered drainage patterns. Mitigation measure BIO-20 requires acquisition of sand dune habitat, and would substantially mitigate the loss of habitat. Mitigation measure BIO-14 (Weed Management Plan) would reduce the PSPP's contribution to the indirect effects of introduction and spread of invasive non-native plants; Sahara mustard has the potential to spread exponentially and is already present in portions of the project site.



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure I-1
 Burro Deer Range

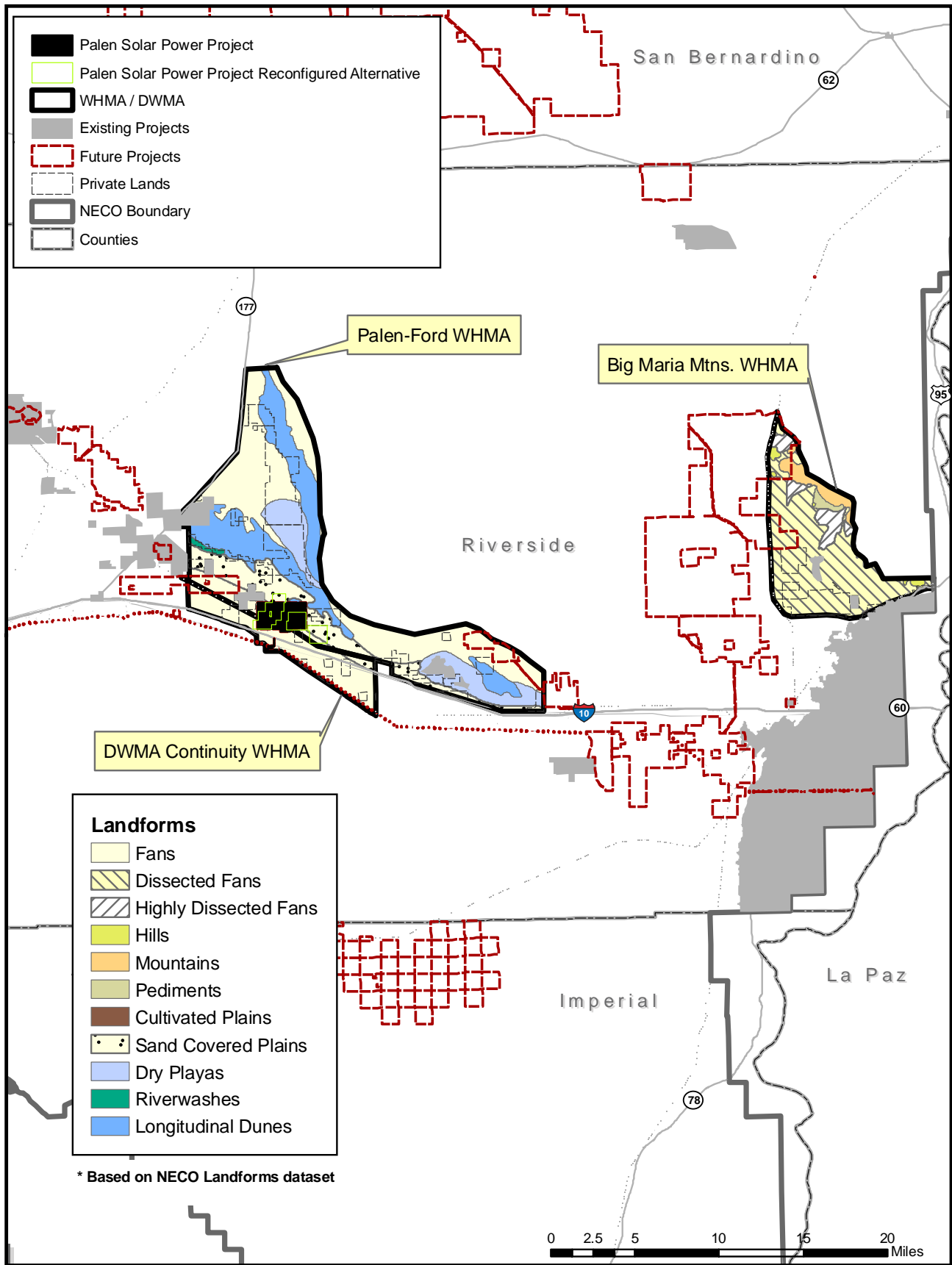


SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

Figure I-2

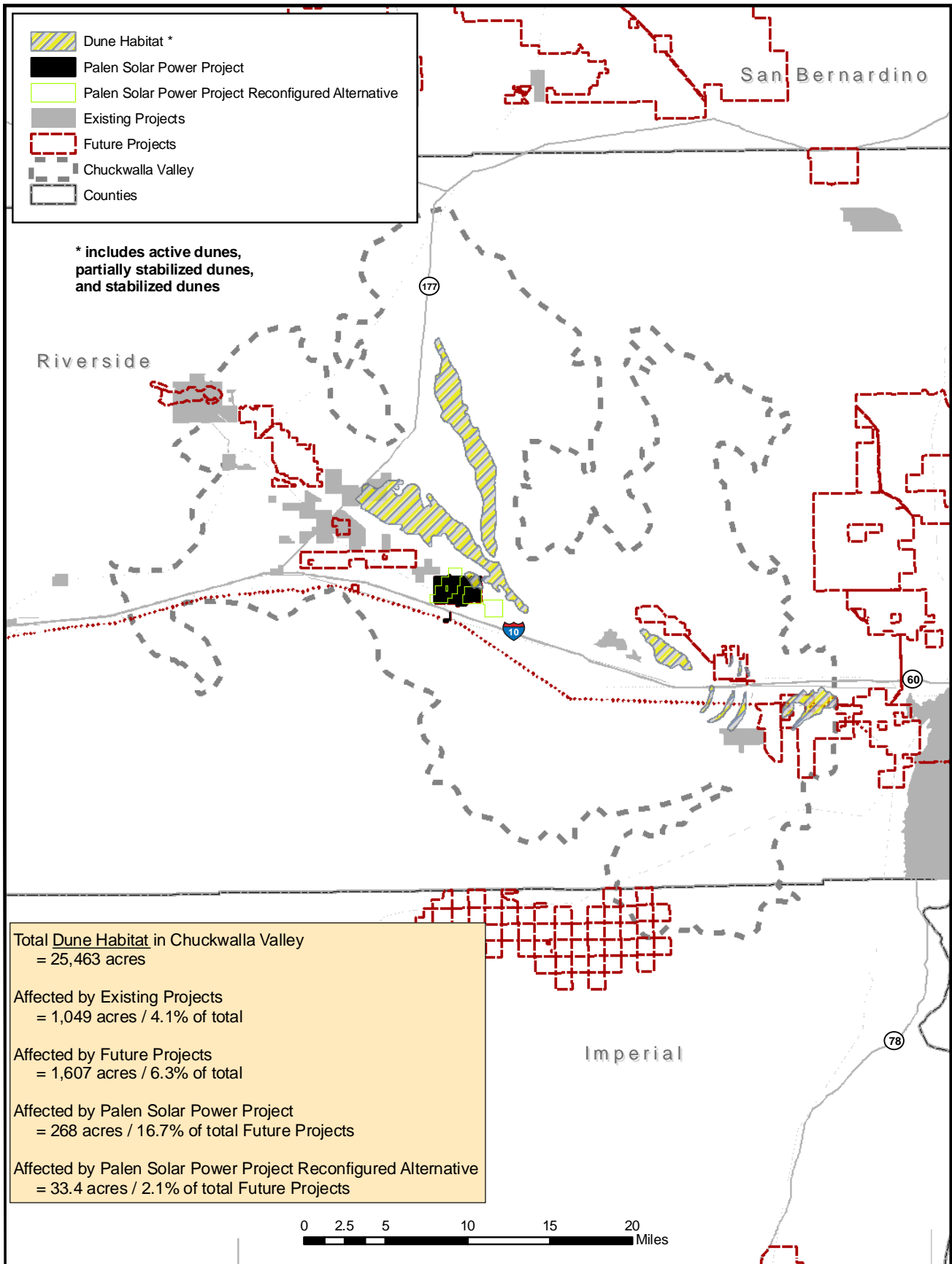
Multi-Species WHMAs - Plant Communities



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01

Figure I-3
Multi-Species WHMAs - Landforms



SOURCE: CEC RSA, 2010

Palen Solar Power Project FEIS . 210291.01
Figure I-4
 Dune Habitat - Chuckwalla

APPENDIX J

VRM Contrast Rating Summary

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**United States Department of the Interior Bureau of Land Management
Scenic Quality Field Inventory**

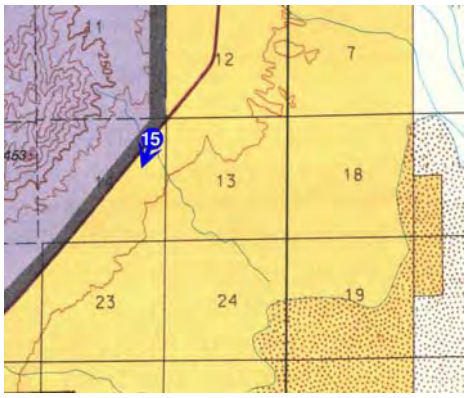

Date 8/19/05		
District California Desert		
Field Office Palm Springs		
Scenic Quality Rating Unit 10		
Viewpoint 14 : Eagle Mountain Road		
Evaluator(s) Michael Clayton		

LANDSCAPE CHARACTER			
	LANDFORM / WATER	VEGETATION	STRUCTURES
Form	Predominantly flat valley floor. More distant Coxcomb Mountains (not part of the unit) provide a backdrop that adds visual interest.	The irregular clumps of low shrubs and grass transition to an indistinct and more uniform distribution at distance with a smooth appearance.	None
Line	Horizontal for the valley floor. Irregular to angular for intermediate ridge.	Irregular defined by individuals and clumps in the immediate foreground and terrain variations beyond.	None
Color	Light-tan to gray foreground soils with some reddish tone rocks; dark-brown rock and soil on intermediate ridge.	Yellowish-tan grasses and light- to dark-green shrubs with some gray shrub branches.	None
Texture	Soils appear granular to coarse.	Smooth to medium grain and uneven and random in the immediate foreground. Smooth with a more even distribution at distance.	None

Narrative: The western portion of SQRU 10 encompasses the northwestern portion of Chuckwalla Valley north of Desert Center and I-10. Although the Coxcomb Mountains and a portion of Joshua Tree Wilderness provide a backdrop of visual interest, these features are beyond the Unit 10 boundary at a distance of approximately eight miles. Unit 10 is flat and relatively non-descript with low growing grasses and shrubs. The western portion of the Unit 10 landscape is not substantially influenced by built cultural features (structures) though there is some utility and road infrastructure within the unit.

Score					SCENIC QUALITY CLASSIFICATION
	High	Medium	Low	Explanation or Rationale	
a. Landform			1	Flat valley floor	
b. Vegetation		2			
c. Water			0		
d. Color		3			
e. Adjacent Scenery		2		Coxcomb Mountains backdrop	
f. Scarcity			1		
g. Cultural Modifications			0	None noticeable	
TOTALS	0	7	2	9	<input type="checkbox"/> A 19 or more <input type="checkbox"/> B 12 - 18 <input checked="" type="checkbox"/> C 11 or less

**United States Department of the Interior Bureau of Land Management
Scenic Quality Field Inventory**

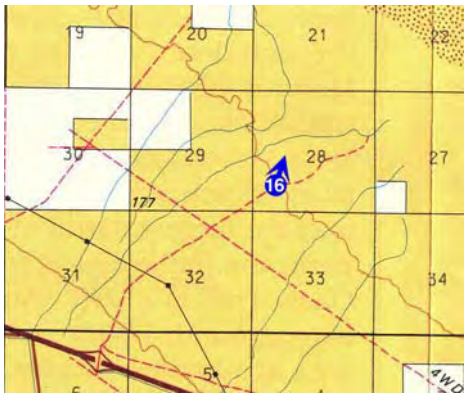

Date 8/19/05		
District California Desert		
Field Office Palm Springs		
Scenic Quality Rating Unit 10		
Viewpoint 15 : Rice Road		
Evaluator(s) Michael Clayton		

LANDSCAPE CHARACTER			
	LANDFORM / WATER	VEGETATION	STRUCTURES
Form	Predominantly flat valley floor. More distant Chuckwalla Mountains (not part of the unit) provide a backdrop that adds visual interest.	The irregular clumps of low shrubs and grass.	Linear (utility poles and road). Road side utility infrastructure is prominent when viewing down the road.
Line	Horizontal for the valley floor.	Irregular defined by individuals and clumps.	Vertical
Color	Light-tan to gray soils and rocks.	Muted yellowish-tan grasses and light- to dark-green shrubs.	Gray to white (road) to dark brown (utility poles)
Texture	Soils appear granular to coarse.	Smooth to medium grain to matte. Smooth at greater distance.	Smooth to granular

Narrative: The central portion of SQRU 10 encompasses the central portion of Chuckwalla Valley east of Rice Road and north of I-10. Although the Chuckwalla Mountains provide a backdrop of visual interest, these features are beyond the Unit 10 boundary at a distance of approximately eleven miles. Unit 10 is flat and relatively non-descript with low growing grasses and shrubs. The majority of the central portion of the Unit 10 landscape is not substantially influenced by built cultural features (structures) though there is some utility and road infrastructure within the unit as illustrated from this viewpoint.

Score					SCENIC QUALITY CLASSIFICATION
	High	Medium	Low	Explanation or Rationale	
a. Landform			1	Flat valley floor	
b. Vegetation		2			
c. Water			0		
d. Color		2			
e. Adjacent Scenery		2		Coxcomb Mountains backdrop	
f. Scarcity			1		
g. Cultural Modifications			-2	Rice Road and roadside utilities	
TOTALS	0	6	0	6	<input type="checkbox"/> A 19 or more <input type="checkbox"/> B 12 - 18 <input checked="" type="checkbox"/> C 11 or less

**United States Department of the Interior Bureau of Land Management
Scenic Quality Field Inventory**

Date 8/23/05		
District California Desert		
Field Office Palm Springs		
Scenic Quality Rating Unit 10		
Viewpoint 16 : Palen Dry Lake Access		
Evaluator(s) Michael Clayton		

LANDSCAPE CHARACTER			
	LANDFORM / WATER	VEGETATION	STRUCTURES
Form	Predominantly flat valley floor. More distant Palen Mountains (not part of the unit) provide a backdrop that adds visual interest.	Consistent distribution of low growing grasses interspersed with occasional individual shrubs.	None (though strip of bladed road is prominent when viewing in-line with the road).
Line	Horizontal for the valley floor. Curvilinear for the access road (not pictured).	Irregular for individual shrubs. Horizontal to curvilinear as demarcated by valley floor and bladed road.	None (though curvilinear for the bladed 4WD track).
Color	Light-tan soils.	Tan to pale- and golden-yellow grasses with muted greens for the shrubs.	None.
Texture	Soils appear smooth to granular	Smooth to medium grain to matte.	None

Narrative: The eastern portion of SQRU 10 encompasses the eastern portion of Chuckwalla Valley north of I-10 in the vicinity of Palen and Ford Dry Lakes. Although the Palen Mountains and the Palen McCoy Wilderness provide a backdrop of visual interest, these features are beyond the Unit 10 boundary. Unit 10 is flat and relatively non-descript with low growing grasses and few shrubs. Unlike Unit 12 immediately to the south, the majority of the eastern portion of the Unit 10 landscape is not substantially influenced by built cultural features (structures) though 4-wheel drive access roads within the unit are noticeable when traveling one.

Score					SCENIC QUALITY CLASSIFICATION
	High	Medium	Low	Explanation or Rationale	
a. Landform			1	Flat valley floor	
b. Vegetation			1	Relatively uniform vegetation	
c. Water			0		
d. Color			1	Monotone	
e. Adjacent Scenery		3		Palen Mountains	
f. Scarcity			1		
g. Cultural Modifications			0	Access road is noticeable	
TOTALS	0	3	4	7	<input type="checkbox"/> A 19 or more <input type="checkbox"/> B 12 - 18 <input checked="" type="checkbox"/> C 11 or less

**United States Department of the Interior Bureau of Land Management
Visual Resource Management (VRM) Classification**

Date October 13, 2005		Evaluator(s) Michael Clayton	
District California Desert		Field Office Palm Springs	
Scenic Quality Rating Unit (SQRU) 10	Viewpoint 14 : Eagle Mountain Road	VRM Class III	

		Visual Sensitivity Levels						
		High			Medium			Low
Special Areas		I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II
	B	II	III*	III	III	IV	IV	IV
			IV*					
C	III	IV	IV	IV	IV	IV	IV	
		f/m	b	s/s	f/m	b	s/s	s/s
		Distance Zones						

* Note: If adjacent area is Class III or lower, assign Class III, if higher assign Class IV

Basis for Determining Visual Resource Inventory Classes

Class I. Class I is assigned to all special areas where the current management situations require maintaining a natural environment essentially unaltered by man.

Classes II, III, and IV. These classes are assigned based on combinations of scenic quality, sensitivity levels, and distance zones as shown in the matrix above.

**United States Department of the Interior Bureau of Land Management
Visual Resource Management (VRM) Classification**

Date October 13, 2005		Evaluator(s) Michael Clayton	
District California Desert		Field Office Palm Springs	
Scenic Quality Rating Unit (SQRU) 10	Viewpoint 15 : Rice Road	VRM Class III	

		Visual Sensitivity Levels						
		High			Medium			Low
Special Areas		I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II
	B	II	III*	III	III	IV	IV	IV
			IV*					
C	III	IV	IV	IV	IV	IV	IV	
		f/m	b	s/s	f/m	b	s/s	s/s
		Distance Zones						

* Note: If adjacent area is Class III or lower, assign Class III, if higher assign Class IV

Basis for Determining Visual Resource Inventory Classes

Class I. Class I is assigned to all special areas where the current management situations require maintaining a natural environment essentially unaltered by man.

Classes II, III, and IV. These classes are assigned based on combinations of scenic quality, sensitivity levels, and distance zones as shown in the matrix above.

**United States Department of the Interior Bureau of Land Management
Visual Resource Management (VRM) Classification**

Date October 13, 2005		Evaluator(s) Michael Clayton	
District California Desert		Field Office Palm Springs	
Scenic Quality Rating Unit (SQRU) 10	Viewpoint 16 : Palen Dry Lake Access	VRM Class III	

		Visual Sensitivity Levels						
		High			Medium			Low
Special Areas		I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II
	B	II	III*	III	III	IV	IV	IV
			IV*					
C	III	IV	IV	IV	IV	IV	IV	
		f/m	b	s/s	f/m	b	s/s	s/s
		Distance Zones						



* Note: If adjacent area is Class III or lower, assign Class III, if higher assign Class IV

Basis for Determining Visual Resource Inventory Classes

Class I. Class I is assigned to all special areas where the current management situations require maintaining a natural environment essentially unaltered by man.

Classes II, III, and IV. These classes are assigned based on combinations of scenic quality, sensitivity levels, and distance zones as shown in the matrix above.

**United States Department of the Interior Bureau of Land Management
Scenic Quality Field Inventory**

Date 8/23/05		
District California Desert		
Field Office Palm Springs		
Scenic Quality Rating Unit 12		
Viewpoint 18 : Chuckwalla Valley Rd.		
Evaluator(s) Michael Clayton		

LANDSCAPE CHARACTER			
	LANDFORM / WATER	VEGETATION	STRUCTURES
Form	Flat valley floor.	Irregular distribution of low growing grasses and shrubs. Coverage appearing more consistent at distance.	Linear and complex for transmission line towers and h-frame structures. Linear for I-10 (in distance).
Line	Horizontal for the valley floor.	Irregular for individual shrubs. Horizontal as defined by the valley floor. Diagonal as demarcated by access road.	Vertical, horizontal, and diagonal for lattice and h-frame structures, horizontal for I-10.
Color	Light-tan soils.	Tan to pale-yellow grasses with tanish-gray to green shrubs.	Gray to brown.
Texture	Soils in the immediate foreground appear granular.	Medium grain to matte.	Smooth

Narrative: SQRU 12 encompasses the central-eastern portion of Chuckwalla Valley in the vicinity of the exiting transmission lines on both the north and south side of I-10. The landform of the valley floor is flat and non-descript with grass and low-growing shrubs of subdued color. Though distant mountain ranges (McCoy Mountains to the north and Chuckwalla Mountains to the south) provide limited backdrops of visual interest (not part of this unit), SQRU 12 is primarily influenced by the dominant presence of existing utility infrastructure and Interstate 10.

Score					SCENIC QUALITY CLASSIFICATION
	High	Medium	Low	Explanation or Rationale	
a. Landform			1	Chuckwalla Valley Floor	
b. Vegetation			1		
c. Water			0		
d. Color		2			
e. Adjacent Scenery		2		Distant McCoy and Chuckwalla Mountains	
f. Scarcity			1		
g. Cultural Modifications			-4	Transmission Lines and I-10	
TOTALS	0	4	-1	3	<input type="checkbox"/> A 19 or more <input type="checkbox"/> B 12 - 18 <input checked="" type="checkbox"/> C 11 or less

**United States Department of the Interior Bureau of Land Management
Scenic Quality Field Inventory**

Date 8/23/05		
District California Desert		
Field Office Palm Springs		
Scenic Quality Rating Unit 12		
Viewpoint 19 : Mule Mtns. Access Rd.		
Evaluator(s) Michael Clayton		

LANDSCAPE CHARACTER			
	LANDFORM / WATER	VEGETATION	STRUCTURES
Form	Flat mesa and valley floor.	Irregular distribution of low growing grasses and shrubs. Coverage appearing more consistent at distance.	Linear and complex for transmission line towers.
Line	Horizontal for the mesa/valley floor.	Irregular for individual shrubs. Horizontal as defined by the mesa/valley floor.	Vertical, horizontal, and diagonal for lattice structures.
Color	Light-tan soils.	Tan to pale-yellow grasses with tanish-gray to green shrubs.	Gray.
Texture	Soils in the immediate foreground appear granular.	Medium grain to matte.	Smooth

Narrative: Viewpoint 19 is located on Palo Verde Mesa at the eastern end of SQRU 12. Viewing to the west toward Chuckwalla Valley, the landform is flat with relatively non-descript vegetation of subtle hues of yellow and green. Though distant mountain ranges (McCoy Mountains to the north, Chuckwalla Mountains to the southwest, Mule Mountains to the south) provide backdrops of visual interest (not part of this unit), SQRU 12 is primarily influenced by the dominant presence of existing utility infrastructure.

Score					SCENIC QUALITY CLASSIFICATION
	High	Medium	Low	Explanation or Rationale	
a. Landform			1	Palo Verde Mesa / Chuckwalla Valley Floor	
b. Vegetation			1		
c. Water			0		
d. Color		2			
e. Adjacent Scenery		3		McCoy, Chuckwalla, and Mule Mountains	
f. Scarcity			1		
g. Cultural Modifications			-3	Transmission Line	
TOTALS	0	5	0	5	<input type="checkbox"/> A 19 or more <input type="checkbox"/> B 12 - 18 <input checked="" type="checkbox"/> C 11 or less

**United States Department of the Interior Bureau of Land Management
Visual Resource Management (VRM) Classification**

Date October 13, 2005		Evaluator(s) Michael Clayton	
District California Desert		Field Office Palm Springs	
Scenic Quality Rating Unit (SQRU) 12	Viewpoint 18 : Chuckwalla Valley Road	VRM Class III	

		Visual Sensitivity Levels						
		High			Medium			Low
Special Areas		I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II
	B	II	III*	III	III	IV	IV	IV
			IV*					
C	III	IV	IV	IV	IV	IV	IV	
		f/m	b	s/s	f/m	b	s/s	s/s
		Distance Zones						

* Note: If adjacent area is Class III or lower, assign Class III, if higher assign Class IV

Basis for Determining Visual Resource Inventory Classes

Class I. Class I is assigned to all special areas where the current management situations require maintaining a natural environment essentially unaltered by man.

Classes II, III, and IV. These classes are assigned based on combinations of scenic quality, sensitivity levels, and distance zones as shown in the matrix above.

**United States Department of the Interior Bureau of Land Management
Visual Resource Management (VRM) Classification**

Date October 13, 2005		Evaluator(s) Michael Clayton	
District California Desert		Field Office Palm Springs	
Scenic Quality Rating Unit (SQRU) 12	Viewpoint 19 : Mule Mtns. Access Road	VRM Class III	

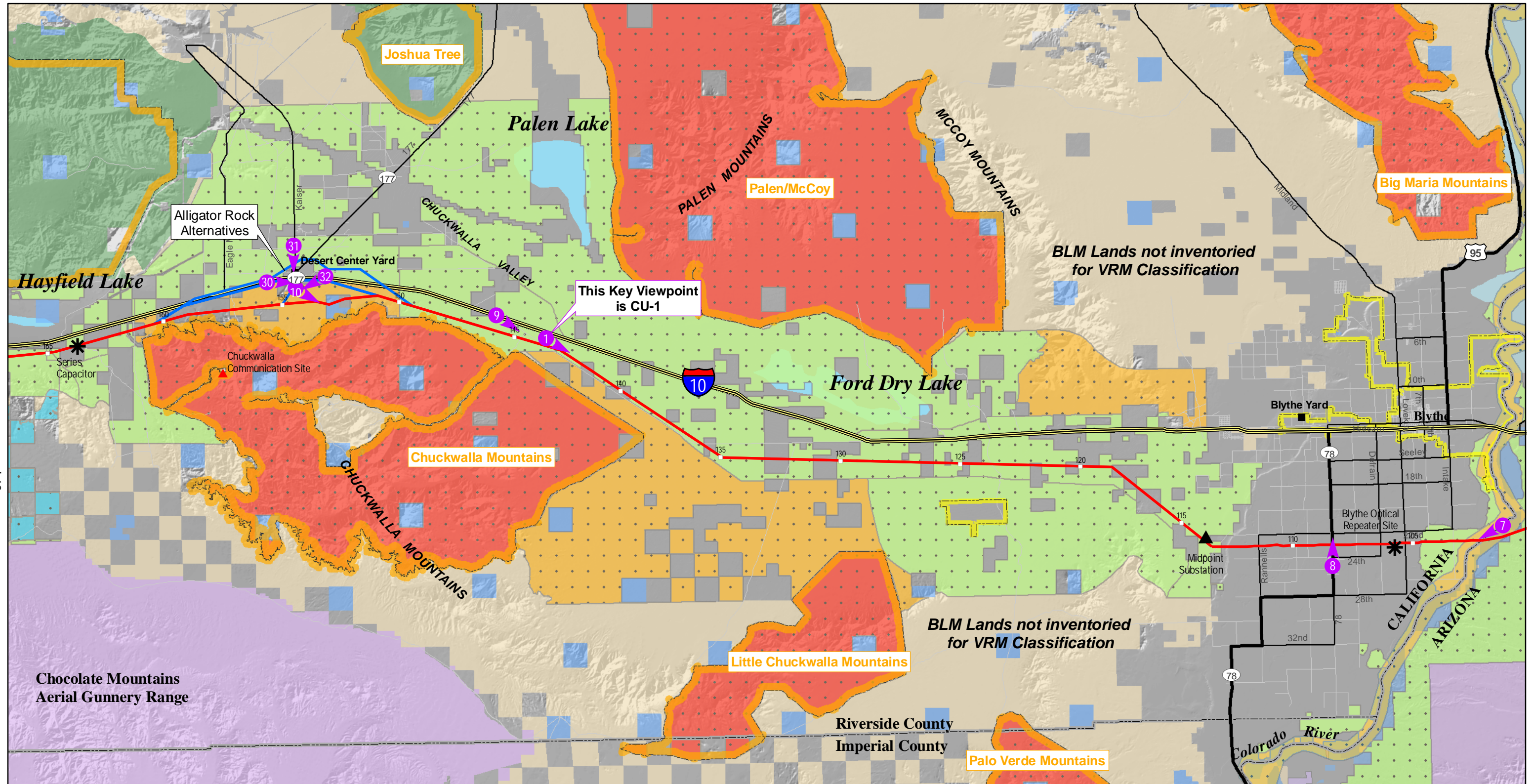
		Visual Sensitivity Levels						
		High			Medium			Low
Special Areas		I	I	I	I	I	I	I
Scenic Quality	A	II	II	II	II	II	II	II
	B	II	III*	III	III	IV	IV	IV
			IV*					
C	III	IV	IV	IV	IV	IV	IV	
		f/m	b	s/s	f/m	b	s/s	s/s
		Distance Zones						

* Note: If adjacent area is Class III or lower, assign Class III, if higher assign Class IV

Basis for Determining Visual Resource Inventory Classes

Class I. Class I is assigned to all special areas where the current management situations require maintaining a natural environment essentially unaltered by man.

Classes II, III, and IV. These classes are assigned based on combinations of scenic quality, sensitivity levels, and distance zones as shown in the matrix above.



J-13



- Proposed Project
- Mileposts
- Alternative Routes



- OWNERSHIP/JURISDICTIONS (unincorporated areas)**
- BLM
 - Indian Lands
 - Military
 - National Park Service
 - State
 - Private
 - Wilderness Areas
 - Incorporated Areas
 - Substations
 - Series Capacitor
 - Construction Yard
 - Communications Site

- VRM Classes**
- Class I
 - Class II
 - Class III
 - Class IV
 - Key Viewpoint Location and View Direction

**Devers-Palo Verde No. 2
Transmission Line Project**

**Figure D.3-1C
Visual Resources
Colorado River to Desert Center**

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#1	Township	See Figure 5.15-2
3. VRM Class	Class III	Range	
		Section	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

1. LAND/WATER		2. VEGETATION		3. STRUCTURES	
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs		NA	
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular		NA	
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens		NA	
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs		NA	

SECTION C. PROPOSED ACTIVITY DESCRIPTION

1. LAND/WATER		2. VEGETATION		3. STRUCTURES	
FORM	Graded planar, horizontal	Removed		Planar solar arrays, cubed structures and rectangular t-lines	
LINE	Graded horizontal	Removed		Horizontal solar arrays and vertical structures and t-lines	
COLOR	Light tans to dark, reddish browns and blacks	Removed		Blue to grey solar arrays, light tan structures and t-lines	
TEXTURE	Smooth surfaces	Removed		Smooth arrays, and structures	

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

I.	DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
ELEMENTS	Form	x					x				x			3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
	Line		x				x					x		
	Color			x			x				x			
	Texture			x			x				x			
												Evaluator's Names Merlyn Paulson	Date 08/12/09	

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#2	Township 5 S	See Figure 5.15-2
3. VRM Class	Class II, III	Range 17 E	
		Section Multiple	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
	x				x				x				
Form	x											3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)	
Line		x							x				
Color			x						x				
Texture			x						x				
ELEMENTS												Evaluator's Names Merilyn Paulson	Date 08/12/09

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#3	Township 5 S	See Figure 5.15-2
3. VRM Class	Class II, III	Range 17 E	
		Section Multiple	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)	
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None		
Form	x				x			x				Evaluator's Names Merilyn Paulson	Date 08/12/09	
Line		x			x				x					
Color			x			x			x					
Texture			x			x				x				

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5 S 17 E Multiple	5. Location	See Figure 5.15-2
2. Key Observation Point	KOP#4	Township			
3. VRM Class	Class II, III	Range		Section	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
ELEMENTS	Form	x				x			x				3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
	Line		x			x			x				
	Color			x		x			x				
	Texture			x		x			x				
											Evaluator's Names Merilyn Paulson	Date 08/12/09	

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#5	Township	See Figure 5.15-2
3. VRM Class	Class II, III	Range	
		Section	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Strong planar highway, scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Dark grays, whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, course mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)	
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					3. Additional mitigating measures recommended <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None		
				x				x		x				
ELEMENTS	Form			x				x		x				
	Line			x				x			x			
	Color			x				x		x				
	Texture			x				x			x			
											Evaluator's Names Merilyn Paulson	Date 08/12/09		

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location See Figure 5.15-2	
2. Key Observation Point	KOP#6	Township		5 S
3. VRM Class	Class II, III	Range		17 E
		Section	Multiple	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Strong planar roadway, scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Whites and light and medium tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, course mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1.	DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
					x				x		x			
ELEMENTS	Form				x				x					3. Additional mitigating measures recommended <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	Line				x				x			x		
	Color				x				x			x		
	Texture				x				x			x		
												Evaluator's Names Merilyn Paulson	Date 08/12/09	

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#7	Township	See Figure 5.15-2
3. VRM Class	Class II, III	Range	
		Section	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Strong planar roadways, scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Whites and light and medium tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to grey solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)		
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)						
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None			
													3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)		
ELEMENTS	Form		x							x				Evaluator's Names Merilyn Paulson	Date 08/12/09
	Line		x								x				
	Color	x								x					
	Texture		x								x				

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#8	Township	See Figure 5.15-2
3. VRM Class	Class II, III	Range	
		Section	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Strong planar highway, scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Dark grays, whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to gray solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
													3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
Evaluator's Names Merilyn Paulson												Date 08/12/09	
ELEMENTS	Form												
	Line		X			X			X				
	Color		X			X			X				
	Texture		X			X			X				

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

VISUAL CONTRAST RATING WORKSHEET

Date	08/08/2009
District	Palm Springs
Resource Area	
Activity (program)	Solar arrays, power blocks transmission lines, roads

SECTION A. PROJECT INFORMATION

1. Project Name	Palen Solar Power Project	4. Location	5. Location
2. Key Observation Point	KOP#9	Township 5 S	See Figure 5.15-2
3. VRM Class	Class II, III	Range 17 E	
		Section Multiple	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat valley floor, rounded sand dunes, steep-sided and pyramidal mountain backdrops	Irregular organic mosaics of shrubs and complex irregular patterns of woodland scrub trees and shrubs	Strong planar highway, scattered cubes and rectangular blocks
LINE	Complex horizontal, inclined, angular mix of valley and mountains	Horizontal, curvilinear, inclined angular	Horizontal and vertical
COLOR	Light tans to dark, reddish browns	Light golds and tans to reddish browns and light sage greens	Dark grays, whites and light tans
TEXTURE	Moderate valley and fine sand dune and lakebed patterns, coarse mountain mosaics	Fine to moderate shrub patterns, moderate scrub shrubs	Fine, smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar, horizontal	Removed	Planar solar arrays, cubed structures and rectangular t-lines
LINE	Graded horizontal	Removed	Horizontal solar arrays and vertical structures and t-lines
COLOR	Light tans to dark, reddish browns and blacks	Removed	Blue to gray solar arrays, light tan structures and t-lines
TEXTURE	Smooth surfaces	Removed	Smooth arrays, and structures

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)																								
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					3. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)																							
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None																									
	x				x				x																												
ELEMENTS	Form							Line							Color								Texture								Evaluator's Names Merilyn Paulson				Date 08/12/09		

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
VISUAL CONTRAST RATING WORKSHEET

Date: _____
 District/ Field Office: _____
 Resource Area: _____
 Activity (program): _____

SECTION A. PROJECT INFORMATION

1. Project Name: Palen Solar Power Project	4. Location Township _____	5. Location Sketch
2. Key Observation Point: KOP 10	Range _____	
3. VRM Class: III	Section _____	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat desert floor, pyramidal mountainous backdrop	Low growing grasses coincident with form of valley; scrub trees and shrubs in foreground create small, irregular, round forms	Few to none visible
LINE	Straight flat lines on valley floor, gently curved concave lines along valley edges	Irregular edges in foreground, background lines are straight and dull at edge of Palen dry lake	Few to none visible
COLOR	Light tans to dark, reddish and greenish browns	Light gold, tan, and sage greens	Light grey
TEXTURE	Smooth texture in background zone, scattered patchwork/mosaic and granular texture in foreground/midground zones	Same as land/water	Few to none visible

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Graded planar and horizontal	Cleared/grubbed	Flat solar arrays, rectilinear/boxy power black structures
LINE	Graded horizontal	Cleared/grubbed, sharper edges	Straight, horizontal to oblique, sharp
COLOR	Light tan	Cleared/grubbed	Blue to grey
TEXTURE	Smooth surfaces	Cleared/grubbed	smooth

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverses side)
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		STRONG	MODERATE	WEAK	NONE	STRONG	MODERATE	WEAK	NONE	STRONG	MODERATE	WEAK	NONE	
ELEMENTS	FORM			X					X	X				3. Additional mitigating measures recommended <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverses side)
	LINE			X		X			X				Evaluator's Names _____ Date _____	
	COLOR			X	X				X					
	TEXTURE			X				X	X					

SECTION D. (Continued)

Comments from item 2.

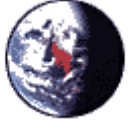
Additional Mitigating Measures (See item 3)

APPENDIX K

Comment Letters

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Comment Letter 1



Cheri_Vocelka@nps.gov

06/30/2010 11:21 AM

To CAPSSolarPalen@blm.gov

cc Woody_Smeck@nps.gov, Curt_Sauer@nps.gov,
Andrea_Compton@nps.gov, Carol_McCoy@nps.gov,
David_A_Reynolds@nps.gov, Alan_Schmierer@nps.gov

bcc

Subject JOTR Response to DEIS for Palen Solar Power Project

Attached you will find Joshua Tree National Park's response to the Draft Environmental Impact Statement for the Palen Solar Power Project.

(See attached file: Palen Solar Project Comments.PDF)

Cheri Vocelka
Program Assistant
Joshua Tree National Park
760-367-5502

"Unless someone like you cares a whole awful lot,



Nothing is going to get better. It's not." --Dr. Seuss Palen Solar Project Comments.PDF



United States Department of the Interior

NATIONAL PARK SERVICE

Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, California 92277-3597

IN REPLY REFER TO

L7619 (JOTR-RM)

June 30, 2010

Allison Shaffer, Project Manager
Palm Springs - South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, California 92262

COMMENTS ON THE STAFF ASSESSMENT AND DRAFT ENVIRONMENTAL IMPACT (DEIS) STATEMENT, PALEN SOLAR POWER PROJECT, Application For Certification (09-AFC-7), March 19 2010

Dear Ms. Shaffer:

Joshua Tree National Park, National Park Service (NPS), appreciates the opportunity to provide comments on the above noted document. The proposed Palen Solar Power Project is located approximately 10 miles east of the southern portions of Joshua Tree National Park.

We commend the Bureau of Land Management (BLM) for its cooperative approach with the State of California Energy Commission (CEC) to jointly evaluate the environmental implications of the Palen Solar Power Project. Joshua Tree National Park is very supportive of the proposed land use plan alterations to the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) in the Pinto-Basin-Chuckwalla Desert Wildlife Management Area (DWMA), Palen Dunes Exclusion Area, and Palen Wilderness-Chuckwalla DWMA Wildlife Linkage Area. The NPS recognizes and commends the objectives to preserve connected physical attributes and habitat to link populations of a wide diversity of organisms, both flora and fauna. These areas, as mentioned in the DEIS would also offset some of the cumulative effects from this and other projects proposed for the area. To facilitate this further, the park recommends the following expansion of these areas to incorporate BLM lands in proximity to these areas:
- Pinto Basin-Chuckwalla DWMA Tortoise Linkage Area: include BLM lands west of Highway 177 and south and southwest of the Coxcomb Mountains, to more effectively link the habitat from the Chuckwalla DWMA to habitat to the north.
- Palen Dunes Exclusion Area: include BLM lands to the north and northwest of this area, on both sides of Highway 177 in the Palen Valley, to encompass additional habitat and the dunes and playas.
- Palen Wilderness-Chuckwalla DWMA Wildlife Linkage Area: include BLM lands east and south of Highway 177, north of I-10, and west of the Palen Mountains, to more effectively protect the sand dunes, habitat for the desert tortoise, and cultural sites.

1-01
1-02
1-03

In addition, the park suggests that the designations of "Solar Exclusion" areas for Palen Dunes and Palen Wilderness/Chuckwalla DWMA Linkage be changed to match that of the Pinto-Basin-Chuckwalla Tortoise Linkage to be defined as Right-of-Way (ROW) Exclusion. It is our interpretation that this ROW

1-04

exclusion would limit future applications for projects in the areas, while the Solar Exclusion designation allows for additional projects which do not have major ground disturbing activities, but which could include additional public utility scale use of these areas. To facilitate the best preservation of habitat and for other reasons stated in the DEIS, additional disturbances should be minimized rather than allowing partial development which requires some evaluation for the interpretation of the definition of “major” ground disturbing activities.

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1-04
cont.

The park continues to have significant concerns about the concentration of proposed public utility-scale projects, especially in the Chuckwalla Valley Groundwater Basin (as shown in Figure 2, Cumulative Impacts). Impacts to water resource as a result of this project are anticipated to be mitigatable, but the document then also states that cumulative groundwater extraction will put the basin into overdraft condition. This project alone will result “in a substantial adverse impact to existing scenic resource values as seen from several viewing areas” and identified that these cannot be mitigated. This will be magnified for every project that is added in the Basin. The park would like to reiterate the request that was submitted through the Solar Energy Development Programmatic Environmental Impact Statement (dated 11/30/09), that the area west of the Palen Mountains be removed from consideration for public utility scale development projects. These projects cumulatively are incompatible with trying to maintain the existing experiences that visitors have on the eastern portions of the park for air quality, viewsheds, wilderness values, and night sky qualities.

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1-05

Specific resource comments follow.

Water Resources

The significance criteria used to evaluate the potential impact to groundwater resources are broadly and/or incompletely defined. The NPS recommends that the CEC and BLM better define the thresholds and significance criteria used to evaluate individual and cumulative impacts to groundwater resources in the Chuckwalla Valley Groundwater Basin. For example, in the second bulleted item on page C.9-3 of the SA/DEIS, does this criterion apply to individual and cumulative impacts, and how is “substantial depletion” and “substantial interference” to be interpreted from one solar project to another? Terms like substantial, significant, and considerable, unless constrained by quantitative (i.e., numerical) limits or bounds, are open to broad interpretation, which leads to confusion.

↑
1-06

On pages C.9-38 and C.9-68, how is “a significant percentage of the total amount of groundwater in storage” defined? No quantitative, percentage value has been identified by which the reader can understand the agencies’ intent of significance. Furthermore, there is little or no discussion on how the groundwater storage value of 15,000,000 acre-feet was derived. A more conservative estimate of 9,100,000 acre-feet was estimated and proposed for groundwater storage in the basin by Eagle Crest Energy for their groundwater pumped storage project. However, it unclear whether either of these two storage estimates represents the total amount of water in storage versus the recoverable amount of water in storage, which is a smaller portion of the total amount of water in storage. For example, assuming a total amount of water in storage of 15,000,000 acre-feet and using the average aquifer storage (i.e., drainable porosity) values of 0.05 and 0.0002 reported for the alluvium and the Bouse Formation in Soil & Water Table 7 (page C.9-26), the recoverable amount of water in storage would be reduced to 750,000

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1-07
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1-08

acre-feet and 3,000 acre-feet, respectively. For the analysis, the recoverable amount of water in storage should be utilized to evaluate whether or not “a significant percentage of the total amount of groundwater in storage” has been exceeded. If both of these total storage estimates prove to be recoverable storage estimates, the NPS suggests using the more conservative value (9,100,000 acre-feet) so that this and other forthcoming SA/DEIS’s and foreseeable groundwater development projects are consistent in their evaluation of potential individual and cumulative impacts produced by these projects. It will be important for the CEC and BLM to utilize a consistent set of hydrologic parameter values (groundwater storage, water balance parameters, etc.) in this and future SA/DEIS’s so that the impact evaluations are comparable from one project to another.

1-08
cont.

1-09

On page C.9-70, first paragraph, the statement is made that “the project’s contribution to the cumulative impact to basin balance is less than cumulatively considerable.” Please elaborate on what is meant by this statement as it is unclear to the NPS. How much is cumulatively considerable and how do we know when this threshold has been exceeded?

1-10

The water balance estimate proposed for the Chuckwalla Valley Groundwater Basin is not substantiated by the available water level data. In the water balance presented in Table 6 on page C.9.22, the current annual amount of water recharging the basin exceeds the amount of water discharging from the basin by 2,600 acre-feet (representing an overbalance of 23%). If an annual surplus is occurring, then the amount of groundwater stored within the basin should be increasing and one should see evidence of groundwater levels rising over time. To date, no evidence has been presented that water levels are rising in the basin to support this position, with the exception of some water levels suspected to be recovering from known periods of significant groundwater pumping in the basin. As a result of this overbalance, the NPS believes the preliminary analysis understates the potential individual and cumulative impacts that might result in the basin related to the proposed solar project and other reasonably foreseen projects.

Groundwater hydrologists commonly assume that a relatively undeveloped desert basin like the Chuckwalla Valley Groundwater Basin is in a quasi-equilibrium condition with respect to estimating a water balance for such a basin. Therefore, over a sufficiently long period of time, the amount of water coming into the basin (from precipitation and inflow from other basins) should be closely balanced by the amount of water leaving the basin (from natural evapotranspiration and outflow to other basins). This balance is disturbed when human activity disrupts inflow into the basin and/or the outflow from the basin (e.g., by pumping groundwater). In general, hydrologists have much better control in estimating outflow volumes than inflow volumes, and therefore, the outflow estimate should be used as the ultimate constraint on the water balance for the basin. This is an approach commonly adopted by the United States Geological Survey (USGS) when they conduct water resource investigations in the region.

1-11

Assuming a pre-development, quasi-equilibrium condition existed, the NPS believes the water balance inflow estimate should be adjusted downward to more closely match the reported water balance outflow estimate of 11,111 acre-feet per year (afy). For example, adjusting the annual recharge rate downward to a rate similar to the BLM’s and County of Riverside’s estimate of 5,600 afy and adjusting the combined subsurface inflow from Pinto Valley and Orocopia Valley to 2,500 afy and 1,700 afy, respectively (values reported in Eagle Crest Energy, 2009), results in an adjusted water balance inflow estimate of 10,431 afy. When compared to the current outflow estimate of 11,111 afy, this adjusted inflow estimate would

produce a water balance deficit of 680 acre-feet, or an imbalance of about 6 percent, which is an improvement over the current imbalance. Closer examination of the hydrographs presented for wells 4/17-6C1, 5/17-19Q1, and 5/17-33N1, though hard to distinguish at the scale presented in the DEIS document, suggests that slow declines in the basin groundwater level have been occurring since the 1960s, which is consistent with a deficit in the water balance (i.e., an overdraft condition). Unless it is shown through additional water level analysis that the higher water balance inflow value is justified, the NPS believes a lower inflow value provides a more “conservative” and correct estimate to use in the water balance analysis and subsequent evaluation of impacts to regional water level declines and storage depletion. If the CEC and BLM agree with the NPS’s contention, several tables will need to be revised to reflect the updated water balance estimates.

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1-11
cont.

Revise hydrographs on Figure 7 to aid evaluation of long-term water level trends. On pages C.9-24 and C.9-25, reference is made to Soil and Water Resources Figure 7 and discussion is presented about long-term water level trends in several wells distributed around the Chuckwalla Valley Groundwater Basin. Please revise the vertical axis scale of the hydrographs presented in Figure 7 so that the reader can discern whether or not a long-term increase or decrease in water levels is occurring in the basin. The current vertical axis scale of the hydrographs makes it nearly impossible to determine these conditions. While stylistically pleasing, a consistent scale of 400 feet of elevational change for each hydrograph is not conducive to detecting changes in water level on the order of several feet. There is nothing preventing the vertical axis scale of each hydrograph from being unique relative to the range of water level change occurring within each hydrograph. Another solution would be to change the vertical axis from groundwater elevation to change in water level so that a smaller scale (e.g., 50 to 100 feet of change) could be developed.

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1-12

Corrections to Table 11 are needed. Please correct the “Net Budget Balance” estimates in Table 11 on page C.9-38. The two values presented are incorrect and should be the difference between the “Annual Basin Budget Balance” estimate minus the “Project Requirements” estimate. If the CEC and BLM agree with the NPS’s contention in Comment #2 above, this table will need to be revised to reflect the updated water balance estimates.

↑
1-13

Corrections to Table 17 are needed. Please correct the “Cumulative Project Requirements” and “Net Budget Balance” estimates for Year 2019 in Table 17 on page C.9-69. The values presented are incorrect. Additionally, in the second and third full paragraphs on this same page, please correct the numbers quoted in the discussion as they seem to be different from the numbers presented in Table 17. If the CEC and BLM agree with the NPS’s contention in Comment #2 above, this table will need to be revised to reflect the updated water balance estimates.

↑
1-14

Expand the discussion on how the individual and cumulative impacts to groundwater levels in the Chuckwalla Valley Groundwater Basin were determined. In the discussion on page C.9-41 concerning individual impacts resulting from the project, a maximum drawdown estimate of 57 feet is stated but no additional discussion is presented on how this drawdown estimate was derived. On page C.9-39, a reference is made to a groundwater model developed by Worley-Parsons that was used to estimate impacts to the basin’s water balance, including subsurface flow from the valley, resulting from the operation of another proposed solar energy project in the valley (Genesis Solar Energy Project). Was this

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↓

model also used to predict the maximum drawdown value of 57 feet? Little or no discussion is provided to give the public confidence in how the model was developed and whether it meets acceptable standards and results for a groundwater model under CEQA/NEPA. If a groundwater model was used to estimate the maximum drawdown that might occur from the Palen Solar Power Project, please provide additional discussion on the development and use of this model, including how it was calibrated (steady-state and transient), the results of the different modeling runs, and any sensitivity analyses that were conducted.

1-15
cont.

Similarly, in the discussion on pages C.9-70 and C.9-71 of cumulative water level impacts resulting from the proposed solar project and other reasonably foreseeable projects in the basin, a reference is made to a groundwater model used by AECOM which appears to have been developed for the Parker-Palo Verde-Cibola area to evaluate impacts from groundwater pumping on the Colorado River. Is this model different from the Worley-Parsons model noted above or might this be the model developed recently by the USGS used to define the Colorado River accounting surface? Please provide additional discussion on the origin and use of the model referenced in the discussion as it pertains to this DEIS, including how it was calibrated (steady-state and transient), and the results of the different modeling runs and sensitivity analyses that were conducted. While it appears that results from modeling runs and sensitivity analyses are presented in Table 18 (page C.9-71), additional discussion would help the reader to better understand what this information is supposedly conveying with respect to cumulative impacts to water levels. For example, what do Zone 1 and Zone 2 represent in the model, and what foreseeable projects were considered in the model?

1-16

A single Groundwater Monitoring and Reporting Plan should be developed and managed for the Chuckwalla Valley Groundwater Basin. The NPS commends the CEC and BLM for requiring the applicant to comply with the measures stated on pages C.9-93 through C.9-96, in an attempt to evaluate possible individual and cumulative impacts resulting from the proposed project. However, the NPS has concerns on how these measures will be applied to other foreseeable projects in the basin and how this information will be interpreted with respect to the degree of individual and cumulative impacts produced by each potential entity. To avoid potential conflicting interpretations of impacts by individual project operators, the NPS recommends that a single Groundwater Monitoring and Reporting Plan be developed cooperatively by the appropriate regulatory agencies, solar energy operators and interested stakeholders, and managed and evaluated on a regular basis by an independent, scientifically respected organization such as the California Department of Water Resources or the USGS. Funding for developing and implementing the plan should be provided by the applicant and other foreseeable project operators in an equitable manner as a condition of granting their right-of-way and operating permits. This funding would cover costs for installing and monitoring new wells needed in the network, monitoring existing wells in the network, processing and interpreting the water level and water quality data, and report production. Given that much of the basin may be developed as a solar energy study area, it may make more sense to develop and manage one Groundwater Monitoring and Reporting Plan and monitoring network for the solar energy study area instead of developing and managing several individual plans and monitoring networks for each project. Several individually managed plans invites several differing interpretations of potential individual and cumulative impacts to the groundwater resources of the hydrologically connected basins and conflicts concerning who may be responsible for mitigating specific impacts to existing water users in these basins. Utilizing an independent third-party to manage and evaluate the information will

1-17

provide assurances to existing water users that unbiased science is being utilized to evaluate whether potential impacts are occurring and whether mitigation is necessary.

↑ 1-17
cont.

Air Quality

Mitigation measures to control fugitive dust at the completion of the grading operation and during operations should be addressed. The proposed development is planned in an area identified as containing desert pavements and sandy washes. Competing theories or attempts to rationalize the development of desert pavements is still at the forefront of debate by most experts. However, not in debate is the material type that underlies all desert pavements. The finest soil particles ranging from silt to silty clay underlie all desert pavements. The disruption of large areas of desert pavement during grading, post-grading and for the life of the project is likely to produce fugitive dust storms during mild to moderate wind activity. Heavier sand particles dislodged and transported over short distances by saltation¹, require high winds to become airborne. Fine soil particles do not require high winds to become airborne and are suspended for long periods of time. During high wind events, saltation of larger sand grains over fine particulate landscapes may exacerbate the fugitive dust issue, possibly to a level of complete white-out events downwind from the project.

1-18

Impacts from fugitive dust have been addressed during the construction phase of the proposed project. Large areas of disturbance, unmitigated for the control of fugitive dust, have the potential to create white-out conditions. Some (or substantial) grading will be required to facilitate the proposed development. Project plans should consider alternatives to full grading of the area (e.g., leaving strips of vegetation) as other solar projects are doing. Mitigation measures to control fugitive dust at the completion of the grading operation should be addressed (e.g. will the site be compacted or treated to control fugitive dust?). Controlling fugitive dust during normal operations should also be clearly addressed.

1-19

Viewshed/Recreation

The preservation of viewshed, in effect visibility, needs to be addressed. As presented above, fugitive dust may likely be a result of the grading operation and exposing the fine particulate soils that underlie the desert pavements. Fine particle soils brought to the surface during grading will remain at the surface possibly creating fugitive dust problems for the life of the project. Significant viewshed impacts pose serious problems in other areas where fine particulate soil particles are exposed at the surface by anthropogenic activities (e.g. Owens Valley).

1-20

The DEIS states that the viewshed will be significantly impacted by the proposed project as well as other renewable energy projects in the same vicinity (cumulative impacts). However, the DEIS needs to clearly communicate that in addition to visual impacts associated with fugitive dust, visitors to Joshua Tree National Park will experience the same significant degradation of the viewshed (for the life of the project), as described for other areas such as the I-10 corridor, when the project is viewed from park lands. The DEIS should include a description of the current view from prominent overlooks in the park toward the proposed project area and include detailed maps and photos that clearly define the park and

1-21

¹ Saltation is a geologic process by which sand or larger particles are transported by a fluid (air or water) over short distances that can impact other particles causing more particles to become airborne.

project boundaries. Each of the project alternatives addressing project footprint or equipment design (cooling towers, transmission towers, and power stations) should also contain the same descriptive, map, and photo information to specifically inform the public and decision makers about potential impacts to Joshua Tree National Park.

↑
1-21
cont.

Night Sky

The proposed project is located in one of the most pristine areas for night sky viewing. Mitigation measures from light trespass, relating to security, nighttime operations for aircraft and other activities appear to have been properly addressed. We strongly encourage and support any further mitigation that would prevent light trespass from the proposed project.

↑
1-22

Wildlife resources

Measures to reduce impacts to habitat of the Mojave fringe-toed lizard are encouraged (e.g., the Reduced Acreage Alternative). Found in locations within the park near the project site, the Mojave fringe-toed lizard is dependent on the Chuckwalla Valley as it provides nearby habitat that is important to park populations for the purposes of migration. The protection of the habitat and associated corridors will be essential in ensuring strong genetic structure within isolated Mojave fringe-toed lizard populations found in the Chuckwalla Valley and Pinto Basin.

↑
1-23

The plan BIO-20 outlines the mitigation planned by the project owner for reducing the impact to the Mojave fringe-toed lizard. Careful attention to that plan will aid in the future protection of quality habitat for the lizard and will attempt to mitigate for the loss of habitat realized from the implementation of the project.

↑
1-24

If you have any questions or need additional information, please contact the park superintendent's office at 760-367-5502, or Andrea Compton, Chief of Resources at 760-367-5560, Andrea.Compton@nps.gov.

Sincerely,



John Slaughter
Acting Superintendent

Cc: Curt Sauer, Superintendent, Joshua Tree National Park
George Turnbull, Acting Regional Director, Pacific West Region
Carol McCoy, Geologic Resources Division, Natural Resource Program Center
David Reynolds, Land Resources Program, Pacific West Region
Alan Schmierer, Environmental Coordinator, Pacific West Region
Andrea Compton, Chief of Resources, Joshua Tree National Park

Comment Letter 2



Brendan Hughes
<jesusthedude@hotmail.com>

07/01/2010 06:43 PM

To <capssolarpalen@blm.gov>,
<asolomon@energy.state.ca.us>

cc

bcc

Subject: Comments on Palen Solar Power Project DEIS

To whom it may concern:

My name is Brendan Hughes and I would like to comment on the proposed Palen Solar Power Project Staff Assessment/Draft EIS. I encourage BLM and CEC to choose the No Action Alternative and amend the CDCA Plan to place this area off-limits to future development. This project will have immitigable impacts to biological and visual resources. Additionally, viable alternatives exist that will not destroy intact desert habitat.

2-01
2-02 & 03
2-04

The proposed project will have negative impacts on several endangered or special-status species. This project will destroy 210 acres of the Chuckwalla Critical Habitat Unit for the desert tortoise. Additionally, it will destroy thousands of acres of suitable habitat for desert tortoises. These are unacceptable impacts to a federally-threatened species. The cumulative impacts of all of these solar projects on desert tortoises could lead to the demise of the entire species in the wild. CEC should not enable the extirpation of the California state reptile. Furthermore, habitat will be lost for the Mojave fringe-toed lizard and the burrowing owl, which are sensitive species, as well as many other important plants and animals. This project will also hinder the creation of new Mojave fringe-toed lizard habitat by obstructing sand movement in the northern Chuckwalla Valley. As BLM and CEC staff acknowledge, the biological impacts of this project are immitigable, and therefore it should be denied.

2-05
2-06
2-07

Severe impacts will also occur to the visual resources of the area, including the Coxcomb Mountains and Eagle Mountains of Joshua Tree National Park, and the Palen-McCoy, Chuckwalla, and Little Chuckwalla Mountains Wilderness Areas. I have hiked in the Palen-McCoy and Little Chuckwalla Wilderness Areas, and I enjoyed the vast, unconfined landscapes that I observed during those hikes. A project such as this would taint future hikes and reduce my ability to enjoy the California Desert.

2-08

Finally, CEC staff identified a "Desert Center" Alternative that would be sited on and in the vicinity of former agricultural fields. I suggest that, if a utility-scale plant needs to be constructed, CEC should only authorize siting to occur on previously-disturbed agricultural land. Very little, if any, undisturbed desert should be required to build such a plant. Solar Millennium should be able to work within these limits. Smaller solar plants are perhaps even more viable than larger ones, as the current Harper Dry Lake and Kramer Junction solar fields demonstrate. CEC should begin encouraging applicants to use previously-disturbed land, and deny outright applications for intact, viable desert habitat.

2-09

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Again, I would like to ask BLM and CEC to choose the No Action Alternative for this project, and amend the CDCA plan to place this area off-limits to future development.

2-11

Thank you for your consideration.

Brendan Hughes
61093 Prescott Trail
Joshua Tree, CA 92252

Comment Letter 3



"Ileene Anderson"
<ianderson@biologicaldiversity.org>

07/01/2010 02:59 PM

To <CAPSSolarPalen@blm.gov>, "Allison Shaffer"
<Allison_Shaffer@blm.gov>
cc "Lisa Belenky" <lbelenky@biologicaldiversity.org>,
<asolomon@energy.state.ca.us>,
<docket@energy.state.ca.us>, <brian_croft@fws.gov>,
bcc

Subject CBD comments on Palen Solar Power Plant DEIS

Hello Allison Shaffer,
Please find attached the Center for Biological Diversity's comments on BLM's DEIS for the Palen Solar Power Plant Project. I will be sending a hardcopy with references via overnight mail.
Please feel free to contact me with any questions.
Best regards,
Ileene Anderson

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"Our good fortune will only last as long as our natural resources" Will Rogers

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CBD comments Palen DEIS final 7-1-10.pdf



CENTER *for* BIOLOGICAL DIVERSITY

VIA EMAIL AND FEDERAL EXPRESS OVERNIGHT DELIVERY

July 1, 2010

Allison Shaffer, Project Manager,
Palm Springs South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, California 92262
CAPSSolarPalen@blm.gov.

Re: Comments on the Draft Environmental Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant (PSPP) and Possible California Desert Conservation Area Plan Amendment (CEC Application For Certification (09-AFC-7))

Dear Project Manager Shaffer:

These comments are submitted on behalf of the Center for Biological Diversity’s 255,000 staff, members and on-line activists in California and throughout the western states, regarding the Draft Environmental Impact Statement/Staff Assessment Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant (PSPP) (“DEIS”) and Possible California Desert Conservation Area Plan Amendment (CEC Application For Certification (09-AFC-7)) (“proposed project”) , issued by the Bureau of Land Management (“BLM”).

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions set by AB 32 and Executive Orders S-03-05 and S-21-09. The Center for Biological Diversity (the “Center”) strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, proposed solar power projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitats, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

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As proposed, the project right of way includes over 5,000 acres of public lands and the project as proposed would permanently disturb approximately 3,000 acres of public lands in the Colorado desert that provide habitat for many species including the threatened desert tortoise and the imperiled Mojave fringe-toed lizard. The proposed project also includes new a new gas line,

3-02

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a gen-tie line, and a new substation. The DEIS for the proposed plan amendment and right-of-way application: fails to provide adequate identification and analysis of all of the significant impacts of the proposed project on the desert tortoise, the Mojave fringe-toed lizard, rare plants including Colorado desert microphyll woodlands, and other biological resources; fails to adequately address the significant cumulative impacts of the project; and lacks consideration of a reasonable range of alternatives.

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cont.

Of particular concern is the BLM’s failure to include adequate information regarding the impacts to resources and the failure to fully examine the impact of the proposed plan amendment to the California Desert Conservation Act Plan (“CDCA Plan”) along with other similar proposed plan amendments and as a result the current piecemeal process may lead to the approval of industrial sites sprawling across the California Desert generally, and the Chuckwalla Valley in particular, within habitat that should be protected to achieve the goals of the bioregional plan as a whole. The DEIS fails to consider potential alternative plan amendments that would protect the most sensitive lands from future development. Alternative siting and alternative technologies (including distributed PV) should have been fully considered in the DEIS, because they could significantly reduce the impacts to many species, soils, and water resources in the Colorado desert. Although the area of the proposed project is currently part of the evaluation being undertaken by the BLM for the solar PEIS for solar energy zones, within the western portion of the “Riverside East” proposed solar energy study area (“SESA”), unfortunately, there has been no environmental documentation yet provided for that process and there is as yet no way to discern if the proposed project siting will be compatible with that planning. In scoping comments on the PEIS, the Center raised concerns about the impacts that development in this portion of the proposed SESA would have to species and habitats and particularly to connectivity. As the Center has emphasized in our comments on the various large-scale industrial solar proposals in the California desert, planning should be done *before* site specific projects are approved in order to ensure that resources are adequately protected from sprawl development and project impacts are avoided, minimized and mitigated.

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The Center has been informed that the project applicant continues to work with the agencies on alternative site configurations that may avoid or minimize some of the impacts of the project, however, the DEIS does not provide that information. Any new site configuration alternative will need to be circulated for public review and comment in a Supplemental or Revised DEIS that should also include additional information on those resources that were inadequately identified and analyzed in the DEIS and additional consideration of off-site alternatives and other alternatives. The Center urges the BLM to revise the DEIS to adequately address these and other issues detailed below and re-circulate the DEIS or a supplemental DEIS for public comment.

3-07

In the sections that follow, the Center provides detailed comments on the ways in which the DEIS fails to adequately identify and analyze many of the impacts that could result from the proposed project, including but not limited to: impacts to biological resources, impacts to water resources, impacts to soils, direct and indirect impacts from the gen-tie line and substation, and cumulative impacts.

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Because the project approval process includes a quasi-judicial process in the California

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Energy Commission, the Center hereby incorporates by reference all of the materials before the California Energy Commission regarding the approval of this project. BLM is a party to the CEC process, which is being conducted in concert with the BLM approval process, and BLM has access to all of the documents (most of which are also readily accessible on the internet), therefore, BLM should incorporate all of the documents and materials from that process into the administrative record for the BLM decision as well.

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cont.

I. The BLM’s Analysis of the Proposed Plan Amendment and Proposed Project Fail to Comply with FLPMA.

As part of FLPMA, Congress designated 25 million acres of southern California as the California Desert Conservation Area (“CDCA”). 43 U.S.C. § 1781(c). Congress declared in FLPMA that the CDCA is a rich and unique environment teeming with “historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources.” 43 U.S.C. § 1781(a)(2). Congress found that this desert and its resources are “extremely fragile, easily scarred, and slowly healed.” *Id.* For the CDCA and other public lands, Congress mandated that the BLM “shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.” 43 U.S.C § 1732(b).

The sum total of the plan amendment to the CDCA plan is one sentence: Permission granted to construct solar energy facility (proposed PSPP Project). DEIS at A-6. The DEIS then lists the criteria for consideration of the plan amendment and right of way application and BLM’s responses to each issue. DEIS at A-6 to A-9. The Center appreciates BLM’s effort in this regard (which were absent in other recent environmental documents prepared for large-scale solar projects), however, given the impact of the proposed project on other multiple uses of these public lands at the proposed site as well as other aspects of the bioregional planning, it is clear that BLM may also need to amend other parts of the plan as well and should have looked at additional and/or different amendments as part of the alternatives analysis.

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Although not clearly included *as part of the proposed plan amendment*, BLM did provide some additional information in the DEIS regarding potential plan amendments that would adopt 3 right of way exclusion areas as part of a mitigation strategy. *See* DEIS, Biological Resources Appendix B: Northern and Eastern Colorado Desert Coordinated Management Plan NECO Land Use Plan Amendments. The DEIS discusses plan amendments that would increase protection for the desert tortoise by designation of a Pinto Basin-Chuckwalla DWMA Tortoise Linkage Area (B-1), a Palen Dunes Solar Exclusion Area (B-2), and a Palen Wilderness- Chuckwalla DWMA Wildlife Linkage Area (B-2 to B-3) as exclusion areas for rights of way. Unfortunately, the proposals do not clearly limit any other threats to protect key habitat values and species.

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While the Center supports additional protections for species and habitats on public land, we have several concerns with the proposed land use amendments not the least of which is the BLM’s failure to accurately address the limits of those protections on the ground under the current regulatory and statutory framework that applies to these public lands. For example, most of the lands that would be excluded from new solar ROW siting under the proposal are MUC

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class M lands that are open to multiple other high intensity uses. See CDCA Plan at 13. Specific comments on the proposal are discussed below: ↑ 3-12
| cont.

Pinto Basin-Chuckwalla DWMA Tortoise Linkage Area: The Center supports protection of the key linkage area between Joshua Tree National Park/Pinto Basin DWMA and the Chuckwalla DWMA. However, this proposal is unclear (no map is provided) and it is inadequate to provide the needed protections. For example, the reference to the “unused portions of the First Solar Right of Way” appears to assume that the First Solar proposed project will be permitted although a DEIS has not even been issued for that project yet and certainly no decision has been made. As a result, such an assumption is unlawfully pre-decisional. *Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000) (“the comprehensive ‘hard look’ mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.”) | 3-13
| 3-14

The “analysis” provided, such as it is, was clearly rushed. For example, the appendix states in error that this would provide linkage between the Chuckwalla and the Chemehuevi critical habitat units (DEIS at B-1). Moreover, while the DEIS states in a general way that the proposed plan amendment would “preclude further development from all major ground disturbing activities” it would also continue to allow “casual” uses (including ORV use) and does not withdraw the area from mining location – both of these activities and others could lead to significant ground disturbance and impacts to the linkage area under the proposal as stated. | 3-15
| 3-16

Palen Dunes Solar Exclusion Area: The Center supports protection of the Palen Dunes system and additional habitat protections for the imperiled Mojave fringe-toed lizard and other dune dependent species. However, the proposal is unclear and there is no map of the proposed exclusion area. The DEIS states that the area would be managed to maintain “the most essential portion of the Palen Dune system” but provides no map or other description of which portions BLM considers “most essential” nor does it explain why. Moreover, the area appears to include significant amounts of private land but no discussion is provided on that issue. Finally, as with the linkage area proposal, the primary “protection” is simply not allowing additional solar projects in the dunes exclusion area. While solar projects clearly represent a threat to dunes habitat they are not the *only* threat and as the DEIS states a “wide variety of uses would still be expected to occur in this area.” As a result it is unclear whether this proposal will result in significant conservation for the dunes or the species dependent on them. | 3-17
| 3-18

Palen Wilderness- Chuckwalla DWMA Wildlife Linkage Area: The Center supports protection of a linkage between the Palen Wilderness and the Chuckwalla DWMA. However, as with the other proposals, the protections only limit the threat from solar, there is no map or other clear delineation of the proposed protected linkage, and appears to also assume that another proposed solar project – the Genesis Ford Dry Lake Project—will be approved. | 3-19

The Center has repeatedly sought stronger protections for desert tortoise and tortoise critical habitat in the DWMA’s within the CDCA as a whole and particularly within the NECO planning area. Despite the fact that desert tortoise populations in the NECO DWMA’s continue to decline, BLM has continued to allow activities that significantly impact tortoise and critical | 3-20
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habitat within the DWMA. For example, the BLM’s NECO plan amendment adopted ORV “open wash zones” on 218,711 acres (25%) in the Chemehuevi DWMA and 352,633 acres (43%) in the Chuckwalla DWMA, and in an additional 1,042 square miles (666,880 acres) of desert tortoise habitat outside of both the DWMA and critical habitat. As a result the NECO plan currently allows virtually unlimited ORV use in large parts of the DWMA and allows significant damage to desert tortoises and their critical habitat to occur.

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cont.

The Center strongly supports greater protections for the desert tortoise and its habitat and urges BLM to amend the plan to remove all “open wash zones” from all critical habitat and DWMA in the planning area. The BLM should also provide ongoing monitoring of critical habitat and the DWMA (and make all reports publically available) to ensure that all *existing* route closures and other protections in the DWMA are implemented and any *new* protective measures have the intended effect. In addition, BLM should consider a plan amendment that would change the MUC class of any of the lands in the Palen dunes and the linkage areas that are currently class M to either class C (controlled use) or class L (limited use). The Center believes that at least portions of these areas may well be suitable for class C which is generally used for areas that are suitable for wilderness protection and these linkages and dunes would thereby gain additional long term protections. In addition to a change in MUC class, the BLM should consider amending these essential areas into ACEC designation, to clearly identify and manage these areas for conservation of species.

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Even taking into account the proposed plan amendments that would exclude additional solar rights of way as part of the mitigation, BLM has failed to take a comprehensive look at the proposed plan amendment for the ROW to determine: 1) whether industrial scale projects are appropriate for any of the public lands in this area; 2) if so, how much of the public lands are suitable for such industrial uses given the need to balance other management goals including preservation of habitat and water resources; and 3) the location of the public lands suitable for such uses. As noted above, the BLM has also failed to explain how this proposed project would interface with the Solar PEIS process that is already under way and was intended to consider these questions. The Center remains concerned that the result of the current process is a piecemeal approach to project review with site-specific approvals made before planning is completed which threatens to undermine the “bioregional” approach in the CDCA Plan as a whole as well as violate the fundamental planning principles of FLPMA.

3-25

A. The DEIS Fails to Adequately Address the Plan Amendment in the Context of the CDCA Plan.

Unfortunately, the DEIS fails to adequately consider the impacts of the proposed project and plan amendment and reasonable alternatives in the context of FLPMA and the CDCA Plan. FLPMA requires that in developing and revising land use plans, the BLM consider many factors and “use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences . . . consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values.” 43 U.S.C. § 1712(c). As stated clearly in the CDCA Plan:

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The goal of the Plan is to provide for the use of the public lands, and resources of the California Desert Conservation Area, including economic, educational, scientific, and recreational uses, in a manner which enhances wherever possible—and which does not diminish, on balance—the environmental, cultural, and aesthetic values of the Desert and its productivity.

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CDCA Plan at 5-6. The CDCA Plan also provides several overarching management principles:

MANAGEMENT PRINCIPLES

The management principles contained in the law (FLPMA)—*multiple use, sustained yield, and the maintenance of environmental quality*—are not simple guides. Resolution of conflicts in the California Desert Plan requires innovative management approaches for everything from wilderness and wildlife to grazing and mineral development. These approaches include:

—Seeking simplicity for management direction and public understanding, avoiding complication and confusing in detail which would make the Plan in comprehensive and unworkable.

—Development of decision-making processes using appropriate guidelines and criteria which provide for public review and understanding. These processes are designed to help in allowing for the use of desert lands and resources while preventing their undue degradation or impairment.

—*Responding to national priority needs for resource use and development, both today and in the future, including such paramount priorities as energy development and transmission, without compromising the basic desert resources of soil, air, water, and vegetation, or public values such as wildlife, cultural resources, or magnificent desert scenery. This means, in the face of unknowns, erring on the side of conservation in order not to risk today what we cannot replace tomorrow.*

—*Recognizing that the natural patterns of the California Desert, its geological and biological systems, are the basis for planning, and that human use patterns, from freeways to fence lines, define its boundaries. Only in this way can the public resources can be understood and protected by the Plan that can be publicly comprehended, accepted, and followed.*

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CDCA Plan 1980 at 6 (first emphasis in original, second emphasis added).

The CDCA Plan anticipated that there would be multiple plan amendments over the life of the plan and provides specific requirements for analysis of Plan amendments. Those requirements include determining “if alternative locations within the CDCA are available which would meet the applicant’s needs without requiring a change in the Plan’s classification, or an amendment to any Plan element” and evaluating “the effect of the proposed amendment on BLM management’s desert-wide obligation to achieve and maintain a balance between resource use and resource protection.” CDCA Plan at 121. BLM reads this portion of the CDCA plan extremely narrowly and attempts to divorce it from the required NEPA analysis and alternatives.

Looking at the CDCA Plan requirement in context with the NEPA review it is clear that the BLM was required to analyze not only whether alternative locations were available that would not require a plan amendment, but also how the proposed amendment would affect desert-wide resource protection and whether alternative locations and alternative plan amendments would avoid or lessen those impacts—BLM fails to address the latter issue and did not look at any site alternatives. The inclusion of multiple “no action” alternatives, a reduced acreage alternative, and a reconfigured alternative as part of the NEPA analysis failed to cure this omission.

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cont.

The CDCA Plan includes the Energy Production and Utility Corridors Element which is focused primarily on utility corridors with brief discussion of powerplant siting. Even in 1980 the CDCA Plan contemplated that alternative energy projects would likely be developed in the future but did not expressly provide planning direction for solar energy production. Nonetheless, the overarching principles expressed in the Decision Criteria are also applicable to the proposed project here including minimizing the number of separate rights-of-way, providing alternatives for consideration during the processing of applications, and “avoid[ing] sensitive resources wherever possible.” CDCA Plan at 93. Nothing in the DEIS shows that BLM considered the landscape level issues and management objectives or alternatives to the proposed plan amendment *in the DEIS*.

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In addition, BLM should have considered the impacts to existing land use plans for these public lands across several scales including, for example: in the Chuckwalla valley, in the Colorado Desert in California; and in the CDCA as a whole.

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B. The DEIS Fails to Adequately Address Impacts to Multiple Use Class M Lands and Loss of Multiple Use in Favor of a Single Use for Industrial Purposes.

As FLPMA declares, public lands are to be managed for multiple uses “in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.” 43 U.S.C. § 1701(a)(7) & (8). The CDCA Plan as amended provides for four distinct multiple use classes based on the sensitivity of resources in each area. The proposed project site is in MUC class M lands. DEIS at C.12-35. Under the CDCA Plan, Multiple-use Class M (Moderate Use) “protects sensitive, natural, scenic, ecological, and cultural resources values. For public lands designated as Class M the CDCA Plan intends a “*controlled balance* between higher intensity use and protection of public lands. This class provides for a wide variety of [f] present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is *also* designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.” CDCA Plan at 13 (emphasis added). The proposed project is a high-intensity, single use of resources that will displace all other uses and that will significantly diminish (indeed, completely destroy) of approximately 5,000 acres of habitat including impacting aeolian transport in the dunes ecosystem, directly impacting habitat for desert tortoise and blocking a key tortoise habitat linkage area, and other impacts to species and habitats. The DEIS does consider alternative configurations that would avoid some impacts to some resources but still fails to consider how the impacts to sand dunes and Aeolian transport along with the loss of a large area of habitat will affect the biological resources of this area. Moreover, BLM does not address how

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the loss of multiple uses in such a large area might affect other nearby public lands in the CDCA such as creating greater pressures on those land for the remaining multiple uses. 3-30 cont.

The DEIS does not consider whether and how new access roads created for the proposed project may increase off-road vehicle use in this area and thereby significantly increase impacts from ORVs on species and habitats surrounding the proposed project. As another example, the DEIS is unclear as to the extent that the proposal would require changes in the route network resulting in several routes which would need to be moved—those changes to the route network are simply not addressed in the DEIS (nor are the likely direct, indirect and cumulative impacts of changing those route designations adequately identified or analyzed, as discussed in detail below). Any changes to routes would require BLM to amend the route designations in the area because these routes are part of a network that was adopted through a plan amendment. When BLM does consider these issues, as it must, in a revised or supplemental DEIS, a range of alternatives must be considered in addition to the fact that such changes will undoubtedly change use of the previously existing nearby routes, most likely causing increased use on other nearby routes. Even if BLM attempts to simply reroute along the fenceline for the proposed project a plan amendment would be required and BLM must then consider that new unauthorized routes to provide connections to the other routes, and/or entirely new unauthorized routes may be created by off-road vehicle users to avoid the industrial site entirely. There is no evidence that recreational off-road vehicle users will be content to drive for miles along a fence adjoining an industrial site rather than striking off cross-country to connect with more scenic routes. Past experience shows that the latter is quite understandably a much more likely outcome and BLM should recognize this in analyzing the impacts of this project on the existing route network and any proposal to amend that network. 3-31

C. Fails to Adequately Address Other Ongoing Planning Efforts

As noted above, the DEIS fails to adequately address the proposed project in the context of other connected projects (including multiple renewable energy projects, substations and additional transmission lines) and the ongoing PEIS planning process for solar development in six western states undertaken by BLM and DOE. The scoping and early maps for the PEIS did identify this area as a proposed solar energy study area.¹ Unfortunately, that planning process has been slow to move forward. Without prior planning, there is a high risk that the direct, indirect and cumulative impacts of the proposed project in conjunction with others may lead to sprawl development in the area and undermine the planning for renewable energy industrial zones that BLM has undertaken. 3-32

Of particular concern is the failure of the DEIS to analyze the impacts of the gen-tie and the Red Bluff substation which is listed as a cumulative project but no location is provided and the BLM has failed to explore alternatives that would minimize impacts of the placement of that substation. The Devers to Palo Verde No. 2 environmental review preferred alternative (as revised for the California-only line adopted by the CPUC) did not analyze a substation in this area. The BLM cannot lawfully piecemeal this project approval. Moreover, the BLM has failed to explain how this site specific approval would interface with, or alternatively undermine, the solar programmatic planning by federal agencies for the western states. This critical issue 3-33

¹ http://solareis.anl.gov/documents/maps/studyareas/Solar_Study_Area_CA_Lt_7-09.pdf

regarding planning on public lands is not adequately addressed in the DEIS which only mentions the PEIS process briefly, and then includes the PEIS as a foreseeable future project with no explanation (DEIS at B.3-13). The BLM does not analyze how the PEIS could be affected by the approval of this and other projects in the area and does not address how the piecemeal analysis of the substation and gen-tie line may undermine the planning for a solar zone in this area. Such analysis *after the fact* is not consistent with the planning requirements of FLPMA or, indeed, any rational land use planning principles.

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cont.

D. BLM Failed to Inventory the Resources of these Public Lands Before Making a Decision to Allow Destruction of those Resources

FLPMA states that “[t]he Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values,” and this “[t]his inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.” 43 U.S.C. § 1711(a). FLPMA also requires that this inventory form the basis of the land use planning process. 43 U.S.C. § 1701(a)(2). *See Center for Biological Diversity v. Bureau of Land Management*, 422 F.Supp.2d 1115, 1166-67 (N.D. Cal. 2006) (discussing need for BLM to take into account known resources in making management decisions); *ONDA v. Rasmussen*, 451 F.Supp. 2d 1202, 1212-13 (D. Or. 2006) (finding that BLM did not take a hard look under NEPA by relying on outdated inventories and such reliance was inconsistent with BLM’s statutory obligations to engage in a continuing inventory under FLPMA). It is clear that BLM should not approve a management plan amendment based on outdated and inadequate inventories of affected resources on public lands.

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As detailed below in the NEPA sections, here BLM has failed to compile an adequate inventory of the resources of the public lands that could be affected by the proposed project *before* preparing the DEIS (including, e.g., rare plants, golden eagle surveys, and other biological resources) which is necessary in order to adequately assess the impacts to resources of these public lands in light of the proposed plan amendment and BLM has also failed to adequately analyze impacts on known resources. Indeed, the DEIS states that surveys are ongoing after the DEIS was issued See DEIS at C.2-10 (“Follow-up spring and fall 2010 special-status plant surveys will be performed for 10 plant species within the Project Disturbance Area and along the proposed transmission line alignment and substation.”) Similarly for golden eagles, inadequate surveys were conducted before the DEIS was prepared. *See* DEIS at C.2-4, C.2-39. Although the Center understands that golden eagle surveys have now been completed, because that information was not included in the DEIS and no analysis of impacts is provided, the BLM must revise and recirculate the DEIS or a supplement to include that new information. Moreover, for the Red Bluff substation which is a necessary project component, no site has been identified and the potential impacts have not been disclosed or analyzed and, as a result, the location of the gen-tie line has also not been fully examined.

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Therefore, it appears that a revised DEIS or supplemental DEIS must be prepared to include several categories of new information including new survey data about the resources of the site and potential impacts of the project on resources of our public land and water, and that document must be circulated for public review and comment.

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E. The DEIS Fails to Provide Adequate Information to Ensure that the BLM will Prevent Unnecessary and Undue Degradation of Public lands

FLPMA requires BLM to “take any action necessary to prevent unnecessary or undue degradation of the lands” and “minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved.” 43 U.S.C. §§ 1732(b), 1732(d)(2)(a). Without adequate information and analysis of the current status of the resources of these public lands, BLM cannot fulfill its duty to prevent unnecessary or undue degradation of the public lands and resources. Thus, the failure to provide an adequate current inventory of resources and environmental review undermines BLM’s ability to protect and manage these lands in accordance with the statutory directive.

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BLM has failed to properly identify and analyze impacts to the resources including the impacts from all of the project components. As detailed below, the BLM’s failure in this regard violates the most basic requirements of NEPA and in addition undermines the BLM’s ability to ensure that the proposal does not cause unnecessary and undue degradation of public lands. *See Island Mountain Protectors*, 144 IBLA 168, 202 (1998) (holding that “[t]o the extent BLM failed to meet its obligations under NEPA, it also failed to protect public lands from unnecessary or undue degradation.”); *National Wildlife Federation*, 140 IBLA 85, 101 (1997) (holding that “BLM violated FLPMA, because it failed to engage in any reasoned or informed decisionmaking process” or show that it had “balanced competing resource values”).

II. The DEIS Fails to Comply with NEPA.

NEPA is the “basic charter for protection of the environment.” 40 C.F.R. § 1500.1(a). In NEPA, Congress declared a national policy of “creat[ing] and maintain[ing] conditions under which man and nature can exist in productive harmony.” *Or. Natural Desert Ass’n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1120 (9th Cir. 2008) (quoting 42 U.S.C. § 4331(a)). NEPA is intended to “ensure that [federal agencies] ... will have detailed information concerning significant environmental impacts” and “guarantee[] that the relevant information will be made available to the larger [public] audience.” *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998).

Under NEPA, before a federal agency takes a “‘major [f]ederal action[] significantly affecting the quality’ of the environment,” the agency must prepare an environmental impact statement (EIS). *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1067 (9th Cir. 2002) (quoting 43 U.S.C. § 4332(2)(C)). “An EIS is a thorough analysis of the potential environmental impact that ‘provide[s] full and fair discussion of significant environmental impacts and ... inform[s] decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.’” *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 993 (9th Cir. 2004) (citing 40 C.F.R. § 1502.1). An EIS is NEPA’s “chief tool” and is “designed as an ‘action-forcing device to [e]nsure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government.’” *Or. Natural Desert Ass’n*, 531 F.3d at 1121 (quoting 40 C.F.R. § 1502.1).

An EIS must identify and analyze the direct, indirect, and cumulative effects of the proposed action. This requires more than “general statements about possible effects and some risk” or simply conclusory statements regarding the impacts of a project. *Klamath Siskiyou Wildlands Center v. BLM*, 387 F.3d 989, 995 (9th Cir. 2004) (citation omitted); *Oregon Natural Resources Council v. BLM*, 470 F.3d 818, 822-23 (9th Cir. 2006). Conclusory statements alone “do not equip a decisionmaker to make an informed decision about alternative courses of action or a court to review the Secretary’s reasoning.” *NRDC v. Hodel*, 865 F.2d 288, 298 (D.C. Cir. 1988).

NEPA also requires BLM to ensure the scientific integrity and accuracy of the information used in its decision-making. 40 CFR § 1502.24. The regulations specify that the agency “must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential.” 40 C.F.R. § 1500.1(b). Where there is incomplete information that is relevant to the reasonably foreseeable impacts of a project and essential for a reasoned choice among alternatives, the BLM must obtain that information unless the costs of doing so would be exorbitant or the means of obtaining the information are unknown. 40 C.F.R. § 1502.22. Here the costs are reasonable to obtain information needed to complete the analysis and the BLM must provide additional information in the EIS—through a supplement or revised EIS. Even in those instances where complete data is unavailable, the EIS also must contain an analysis of the worst-case scenario resulting from the proposed project. *Friends of Endangered Species v. Jantzen*, 760 F.3d 976, 988 (9th Cir. 1985) (NEPA requires a worst case analysis when information relevant to impacts is essential and not known and the costs of obtaining the information are exorbitant or the means of obtaining it are not known) *citing Save our Ecosystems v. Clark*, 747 F.2d 1240, 1243 (9th Cir. 1984); 40 C.F.R. § 1502.22.

3-38

A. Purpose And Need and Project Description are Too Narrowly Construed and Unlawfully Segment the Analysis

1. Purpose and Need:

Agencies cannot narrow the purpose and need statement to fit only the proposed project and then shape their findings to approve that project without a “hard look” at the environmental consequences. To do so would allow an agency to circumvent environmental laws by simply “going-through-the-motions.” It is well established that NEPA review cannot be “used to rationalize or justify decisions already made.” 40 C.F.R. § 1502.5; *Metcalf v. Daley*, 214 F.3d 1135, 1141-42 (9th Cir. 2000) (“the comprehensive ‘hard look’ mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.”) As Ninth Circuit noted an “agency cannot define its objectives in unreasonably narrow terms.” *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1155 (9th Cir. 1997); *Muckleshot Indian Tribe v. U.S. Forest Service*, 177 F. 3d 900, 812 (9th Cir. 1999). The statement of purpose and alternatives are closely linked since “the stated goal of a project necessarily dictates the range of ‘reasonable’ alternatives.” *City of Carmel*, 123 F.3d at 1155. The Ninth Circuit recently reaffirmed this point in *National Parks Conservation Assn v.*

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BLM, 586 F.3d 735, 746-48 (9th Cir. 2009) (holding that “[a]s a result of [an] unreasonably narrow purpose and need statement, the BLM necessarily considered an unreasonably narrow range of alternatives” in violation of NEPA).

The purpose behind the requirement that the purpose and need statement not be unreasonably narrow, and NEPA in general is, in large part, to “guarantee[] that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). The agency cannot camouflage its analysis or avoid robust public input, because “the very purpose of a draft and the ensuing comment period is to elicit suggestions and criticisms to enhance the proposed project.” *City of Carmel-by-the-Sea*, 123 F.3d at 1156. The agency cannot circumvent relevant public input by narrowing the purpose and need so that no alternatives can be meaningfully explored or by failing to review a reasonable range of alternatives.

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cont.

The BLM’s purpose and need for the proposed Palen project is “respond to Palen Solar I’s application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other Federal applicable laws” (DEIS at A-11), and also states that the “BLM authorities include:

- Executive order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the “production and transmission of energy in a safe and environmentally sound manner.”
- The EPAct, which requires the Department of the Interior (BLM’s parent agency) to approve at least 10,000 MW of renewable energy on public lands by 2015.
- Secretarial Order 3285, dated March 11, 2009, which “establishes the development of renewable energy as a priority for the Department of the Interior.”

DEIS at A-12. The DEIS notes that an amendment to the CDCA Plan is needed in order to approve the project but does not clearly identify the plan amendment as a part of the project being evaluated. Rather, the DEIS states: “If the BLM decides to approve the issuance of a ROW grant, the BLM will also amend the CDCA Plan as required.” DEIS at A-11. BLM’s purpose and need is very narrowly construed to the proposed project itself and an amendment to the Plan *for the project only*. The purpose and need provided in the DEIS is impermissibly narrow under NEPA for several reasons, most importantly because it foreclosed meaningful alternatives review in the DEIS. Because the purpose and need and the alternatives analysis are at the “heart” of NEPA review and affect nearly all other aspects of the EIS, on this basis and others, BLM must revise and re-circulate the DEIS.

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The DOE purpose and need statement provides:

The Applicant has applied to the Department of Energy (DOE) for a loan guarantee under Title XVII of the Energy Policy Act of 2005 (EPAct 05), as amended by Section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the “Recovery Act”). DOE is a cooperating agency on this EIS

pursuant to an MOU between DOE and BLM signed in January 2010. The purpose and need for action by DOE is to comply with its mandate under EPAct by selecting eligible projects that meet the goals of the Act.

DEIS at A-12.

In discussing the cumulative scenario, the DOE loan guarantee program is also described as one of the incentive programs for funding renewable energy projects:

Example[s] of incentives for developers to propose renewable energy projects on private and public lands in California, Nevada and Arizona, include the following:

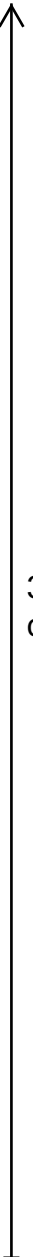
- U.S. Treasury Department's Payments for Specified Energy Property in Lieu of Tax Credits under §1603 of the American Recovery and Reinvestment Act of 2009 (Public Law 1115) - Offers a grant (in lieu of investment tax credit) to receive funding for 30% of their total capital cost at such time as a project achieves commercial operation (currently applies to projects that begin construction by December 31, 2010 and begin commercial operation before January 1, 2017).
- U.S. Department of Energy (DOE) Loan Guarantee Program pursuant to §1703 of Title XVII of the Energy Policy Act of 2005 - Offers a loan guarantee that is also a low interest loan to finance up to 80% of the capital cost at an interest rate much lower than conventional financing. The lower interest rate can reduce the cost of financing and the gross project cost on the order of several hundred million dollars over the life of the project, depending on the capital cost of the project.

DEIS at B.3-2.

The Center is well aware that deadlines for funding, particularly for the American Recovery and Reinvestment Act (“ARRA”) funds, have driven the pace of the environmental review for this project and others and, while such funding mechanisms are important, deadlines cannot be used as an excuse for rushed and inadequate NEPA review. The BLM and DOE must be concerned with the adequate NEPA review and even if the agencies can properly have an objective of *timely* approval of projects they cannot properly have as purpose and need of the project a *rushed* inadequate environmental impact review.

Moreover, in its discussion of the need for renewable energy production the DEIS fails to address risks associated with global climate change in context of including both the need for climate change mitigation strategies (e.g., reducing greenhouse gas emissions) and the need for climate change adaptation strategies (e.g., conserving intact wild lands and the corridors that connect them). All climate change adaptation strategies underline the importance of protecting intact wild lands and associated wildlife corridors as a priority adaptation strategy measure.

The habitat fragmentation, loss of connectivity for terrestrial wildlife, and introduction of predators and invasive weed species associated with the proposed project in the proposed



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location may run contrary to an effective climate change adaptation strategy. Siting the proposed project in the proposed location impacting sand dune ecosystems, occupied habitat and important habitat linkage areas, major washes and other fragile desert resources could undermine a meaningful climate change adaptation strategy with a poorly executed climate change mitigation strategy. Moreover, the project itself will emit greenhouse gases and the DEIS contains no discussion of ways to avoid, minimize or off set these emissions although such mitigation is clearly feasible and other technologies have far less or no GHG emissions during operations are also likely to have fewer emissions when calculated on a lifecycle basis. The way to maintain healthy, vibrant ecosystems is not to fragment them and reduce their biodiversity.

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cont.

B. The DEIS Does Not Adequately Describe Environmental Baseline

BLM is required to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 CFR § 1502.15. The establishment of the baseline conditions of the affected environment is a practical requirement of the NEPA process. In *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit states that “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.” Similarly, without a clear understanding of the current status of these public lands BLM cannot make a rational decision regarding proposed project. See *Center for Biological Diversity v. U.S. Bureau of Land Management, et al.*, 422 F. Supp. 2d 1115, 1166-68 (N.D. Cal. 2006) (holding that it was arbitrary and capricious for BLM to approve a project based on outdated and inaccurate information regarding biological resources found on public lands).

3-42

The DEIS fails to provide adequate baseline information and description of the environmental setting in many areas including in particular the status of rare plants, animals and communities including golden eagles, rare plants, and the sand dune ecosystem.

The baseline descriptions in the DEIS are inadequate particularly for the areas where surveys are ongoing. As discussed below, because of the deficiencies of the baseline data for the proposed project area, the DEIS fails to adequately describe the environmental baseline. Many of the rare and common but essential species and habitats have incomplete and/or vague on-site descriptions that make determining the proposed project’s impacts difficult at best. Some of the rare species/habitats baseline conditions are totally absent, therefore no impact assessment is provided either. A supplemental document is required to fully identify the baseline conditions of the site, and that baseline needs to be used to evaluate the impacts of the proposed project.

C. Failure to Identify and Analyze Direct and Indirect Impacts to Biological Resources

The EIS fails to adequately analyze the direct, indirect, and cumulative impacts of the proposed project on the environment. The Ninth Circuit has made clear that NEPA requires agencies to take a “hard look” at the effects of proposed actions; a cursory review of environmental impacts will not stand. *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150-52, 1154 (9th Cir. 1998). Where the BLM has incomplete or insufficient information,

NEPA requires the agency to do the necessary work to obtain it where possible. 40 C.F.R. §1502.22; see *National Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001) (“lack of knowledge does not excuse the preparation of an EIS; rather it requires [the agency] to do the necessary work to obtain it.”)

Moreover, BLM must look at reasonable mitigation measures to avoid impacts in the DEIS but failed to do so here. Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, BLM is not relieved of its responsibility under NEPA to discuss mitigation of reasonably likely impacts at the outset. Even if the discussion may of necessity be tentative or contingent, NEPA requires that the BLM provide some information regarding whether significant impacts could be avoided. *South Fork Band Council of Western Shoshone v. DOI*, 588 F.3d 718, 727 (9th Cir. 2009).

The lack of comprehensive surveys is particularly problematic. Failure to conduct sufficient surveys prior to construction of the project also effectively eliminates the most important function of surveys - using the information from the surveys to minimize harm caused by the project and reduce the need for mitigation. Often efforts to mitigate harm are far less effective than preventing the harm in the first place. In addition, without understanding the scope of harm before it occurs, it is difficult to quantify an appropriate amount and type of mitigation.

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The DEIS recognizes (at pg. ES-15) that based on the information provided in the biological resources analysis does not comply with all of the laws, ordinances, regulations, and standards (LORS). Additionally impacts are not fully mitigated. For this reason alone, a supplemental or revised DEIS needs to be provided that complies with all the LORS and additional alternatives are included (including a preferred alternative) that avoids and reduces the impacts to biological resources.

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The DEIS also acknowledges that the 2009 biological surveys are inadequate and supplementary 2010 surveys will be done (DEIS at C.2-3). However the results of those surveys are not available in the DEIS. Therefore, it is impossible to evaluate the potential impact of the proposed project based on the lack of adequate survey data.

3-45

The DEIS recognizes that the project is within two Wildlife Habitat Management Areas (WHMAs) as established under NECO – the Palen-Ford WHMA and Desert Wildlife Management Area (DWMA) Connectivity WHMA (DEIS at C.2-14). No mitigation is proposed to mitigate the identified losses of these important WHMAs (DEIS at C.2-64).

3-46

1. *Desert Tortoise*

The desert tortoise has lived in the western deserts for tens of thousands of years. In the 1970’s their populations were noted to decline. Subsequently, the species was listed as threatened by the State of California in 1989 and by the U.S. Fish and Wildlife Service in 1990, which then issued a Recovery Plan for the tortoise in 1994. The U.S. Fish and Wildlife Service is in the process of updating the Recovery Plan, and a Draft Updated Recovery Plan was issued

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in 2008, however it has not been finalized. Current data indicate a continued decline across the range of the listed species² despite its protected status and recovery actions. ↑ 3-47
| cont.

The original and draft Updated Recovery Plans both recognize uniqueness in desert tortoise populations in California. This particular subpopulation of tortoise at the proposed project site are part of the Eastern Colorado Recovery unit³. Recent population genetics studies⁴ have further confirmed 1994 Recovery Plan conclusions the Eastern Colorado Recovery unit was one of the most genetically unique recovery units. While the proposed project site may have low desert tortoise densities (the DEIS fails to identify the actual number of desert tortoise estimated to be onsite), this particular recovery unit has also been documented to have the second highest declines in population over the last two years – 37% decline⁵. The DEIS fails to identify and consider the localized impact to this recovery unit that is already in steep decline. | 3-48

While Bio-10 requires a Desert Tortoise Relocation/Translocation Plan (DEIS at pg. C.2-130), no desert tortoise relocation/translocation plan was included in the DEIS. Recent desert tortoise translocations have resulted in significant short-term mortality up to 45%⁶ and unknown long-term survivorship. It is imperative to have this important plan available in the revised DEIS in order for the public and decision makers to be able to evaluate the effectiveness of the proposed strategies. | 3-49

Mechanisms need to be included to assure that any and all mitigation acquisitions will be conserved in perpetuity for the conservation of the desert tortoise. If those acquisitions are within existing Desert Wildlife Management Areas (DWMAs), higher levels of protection than are currently in place for DWMAs need to be put in place. NEPA mandates consideration of the relevant environmental factors and environmental review of “[b]oth *short- and long-term* effects” in order to determine the significance of the project’s impacts. 40 C.F.R. § 1508.27(a) (emphasis added). BLM has clearly failed to do so in this instance with respect to the impact to the desert tortoise. | 3-50

The 1:1 mitigation ratio of desert tortoise habitat outside of critical habitat is actually inadequate to mitigate for the destruction of habitat. Mitigation presumes that acquisition will be appropriate tortoise habitat (occupied or unoccupied) which is currently existing and providing benefits to the species, to off-set the elimination of the proposed project site. However, this strategy is still *a net loss of habitat* to the desert tortoise, as currently they are using or could use both the mitigation site and the proposed project site. Therefore, in order to aid in recovery of this declining species, at a minimum a 2:1 mitigation ratio should be required as mitigation for the total elimination of desert tortoise habitat on the proposed project site. | 3-51

If tortoises are relocated or translocated, then the relocation and/or translocation areas need to be secured for tortoise conservation, to preclude moving the animals subsequently if additional projects move forward on the relocation or translocation site(s). | 3-52

² USFWS 2009
³ USFWS 1994
⁴ Murphy et al. 2007
⁵ USFWS 2009.
⁶ Gowan and Berry 2010.

2. *Desert Bighorn Sheep*

The DEIS completely dismisses any desert bighorn sheep impacts from the proposed project because of the I-10 interstate. While we agree that the I-10 is currently a barrier to the movement of bighorn (and other species), clearly the DEIS fails to evaluate the opportunity via the propose project to re-establish historic linkage for bighorn sheep across the Chuckwalla Valley between the Palen Mountains (Bighorn Wildlife Habitat Management Area [WHMA]) and the Chuckwalla Mountains (Bighorn WHMA). The DEIS simply proposes to add another significant block to bighorn and wildlife movement in the area, without considering ways to ameliorate or improve the existing conditions.

3-53

3. *Mojave fringe-toed lizard/Sand dunes/Sand Transport System*

We agree with the DEIS conclusion that the impacts of the proposed project to the sand transport corridor, the sand dune habitat and the Mojave fringe-toed lizard will be significant impacts that cannot be mitigated unless the Project is reconfigured to avoid the obstruction of sand transport processes and the sand habitat of the Mojave fringe-toed lizard (DEIS at C.2-1). Clearly a supplemental DEIS must examine alternatives that reduce the significant impact to these rare communities, processes and species.

3-54

The proposed project would “directly impact 1,735 acres of Mojave fringe-toed lizard habitat and would interfere with part of a regional sand transport corridor, affecting approximately 1,412 acres of downwind sand dunes” (DEIS at pg. C.2-4). The DEIS proposes to mitigate Mojave fringe-toed lizard habitat at different mitigation ratios based on unexplained reasoning. For example occupied habitat of stabilized and partially stabilized dunes are proposed to be mitigated at 3:1, while occupied sand fields are to be mitigated at 1:1 (DEIS at pg C.2-65). Additionally indirect impacts (i.e. impacts caused to downwind sand deposits from impacts to the sand transport system) are proposed at only 0.5:1 (DEIS at pg. C.2-65). Other solar energy projects proposed to impact Mojave fringe-toed lizard habitat have identified mitigation ratios of 5:1 and 3:1 for direct impacts to all occupied Mojave fringe-toed lizard habitat and lesser ratios for indirect impacts. The DEIS fails to identify why different mitigation ratios are being used in different areas, when clearly the direct impacts will eliminate all occupied habitat of Mojave fringe-toed lizards on the site, and really directly impact down wind sand deposits as well. In addition, Table 6 notes that the acreage of stabilized and partially stabilized sand dunes to be directly impacted “may change upon verification of the extent of stabilized and partially stabilized sand dunes present in the Project Disturbance Area” (DEIS at pg.66). Clearly a supplemental DEIS needs to clarify exactly how much Mojave fringe-toed lizard habitat would be impacted by the proposed project and identify a consistent mitigation ratio for impacts to the Mojave fringe-toed lizard.

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The DEIS also fails to evaluate the impacts of the proposed project on Mojave fringe-toed lizard outside of the project site. As Barrows et al. (2006)⁷ found, edge effects are significant for fringe-toed lizards and, in addition, the increase in predators associated with

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⁷ Barrows et al. 2006

developed edges may also have a significant adverse effect on fringe-toed lizards and other species.

↑ 3-56
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4. *Rare and Special Status Plants*

As mentioned above, the botanical surveys were one of the inadequate surveys identified, and 2010 surveys were/are being done (DEIS at C.2-3). These incomplete data sets preclude evaluation of the impacts, or more importantly the ability to design the project to avoid and minimize impacts. Clearly a supplemental DEIS is required to present these missing data.

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5. *Migratory and Other Birds and Burrowing Owls*

Birds

The DEIS downplays the fatalities that have been documented to occur from birds running into mirrors⁸. Adjacent to the proposed project site are agricultural fields, which also attract birds. The DEIS does not quantify the number of birds (rare, migratory or otherwise) that use/traverse the project site from the avian point count surveys, nor does it evaluate the impact to birds. McCrary⁹ estimated 1.7 birds deaths per week on a 32 ha site with mirrors and a power tower configuration. The proposed project site is approximately 1,578 ha (almost 50 times larger). While it is a solar trough technology and has a different kind of mirror and power plant configuration other researchers have evaluated, impacts to avian species from reflective surfaces and power lines¹⁰ are also a concern. The DEIS states that “there is insufficient information available to conclude with certainty that the PSPP would not be an ongoing source of mortality to birds for the life of the project” (DEIS at C.2-98). We note that because of insufficient information the opposite conclusion could also be drawn. The revised DEIS needs to analyze likely impacts to birds from the proposed project and mirror configuration based on the point counts. The failure to provide the baseline data from which to make any impact assessment violates NEPA. This failure to analyze impacts is not only a NEPA violation, but for migratory birds, may also lead to a violation of the Migratory Bird Treaty Act, 16 U.S.C. §§ 703 -711, because migratory birds may be “taken” if the proposed project is constructed. Bio-16 requires an Avian Protection Plan which is proposed to “provide the information needed to determine if operation of the Project posed a collision risk for birds, and would provide adaptive management measures to mitigate those impacts to less than significant levels” (DEIS at pg. C.2-98). However, the Avian Protection Plan is not available to provide an assessment of impacts to migratory birds.

| 3-58

While evaporation ponds noted as being part of the project in the DEIS (DEIS at pg. ES-11) we could not actually locate additional discussion of them in the DEIS. Open water of any kind in the desert is an attractant to wildlife, and this very important issue needs to be addressed in the supplemental DEIS particularly with regards to the number and size of the basins,

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⁸ McCrary 1986
⁹ Ibid
¹⁰ Klem 1990, Erickson et al. 2005

attraction to animals including birds (including ravens), and strategies to keep them from attracting animals. ↑ 3-60
cont.

Additionally Executive Order 13186 states “Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations.”¹¹ Furthermore the EO states that goals pursuant to the MOU include “(3) prevent or abate the pollution or detrimental alteration of the Environment for the benefit of migratory birds, as practicable;” and “(6) ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern;”. Clearly, the supplemental DEIR needs to adequately identify the migratory bird issues on site and evaluate the impact to those species in light of the guidance in Executive Order 13186. 3-61

Burrowing Owls

The DEIS notes that burrowing owl including mated pairs are located in the proposed project area (DEIS at C.2-86-87). Preliminary results from the 2006-7 statewide census identified that the Sonoran desert harbors few Western burrowing owls.¹² The DEIS fails to evaluate the potential impact of the proposed project on this regional distribution of owls. 3-62

While “passive relocation” does minimize immediate direct take of burrowing owls, ultimately the burrowing owls’ available habitat is reduced, and “relocated” birds are forced to compete for resources with other resident burrowing owls and may move into less suitable habitat, ultimately resulting in “take”. While Bio-18 requires a Burrowing Owl mitigation plan, that plan is not provided. Bio-18 also requires a Burrowing Owl Relocation and Translocation Plan which is also not provided. As with other species, the lack of these plans does not enable the evaluation of proposed mitigation. Additionally, the requirements of the plan do not explicitly include long-term monitoring of passively relocated birds in order to evaluate survivorship of passively relocated birds. 3-63

Golden Eagle

While no golden eagles were documented on the project site, as the DEIS notes “focused surveys for nest sites were not conducted, nor was an assessment made of use of the Project site by wintering golden eagles” (DEIS at pg. C.2-4). In addition, it appears that 2 golden eagle nests are located less than 10 miles away from the project site (DEIS Figure 10b – no page number). The DEIS fails to present exactly how to mitigate the loss of a substantial amount of foraging habitat for the golden eagle. The fact still remains that significant amounts of foraging habitat will decrease carrying capacity of the landscape and could result in a potential loss of habitat needed to support a nesting pair, which would impact reproductive capacity. 3-64
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¹¹ <http://ceq.hss.doe.gov/nepa/regs/eos/eo13186.html>

¹² IBP 2008

Scientific literature on this subject is clear - the presence of humans detected by a raptor in its nesting or hunting habitat can be a significant habitat-altering disturbance even if the human is far from an active nest¹³. Regardless of distance, a straight-line view of disturbance affects raptors, and an effective approach to mitigate impacts of disturbance for golden eagles involves calculation of viewsheds using a three-dimensional GIS tool and development of buffers based on the modeling¹⁴. Golden eagles have also been documented to avoid industrialized areas that are developed in their territory.¹⁵ Additionally, the DEIS does not actually clearly analyze the impacts to and mitigations for the golden eagle under the Bald Eagle and Golden Eagle Protection Act, which prohibits, except under certain specified conditions, the take, possession, and commerce of such birds.

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cont.

6. *Badger and Desert Kit Foxes*

Badgers and desert kit foxes were identified to occur throughout the project area (DEIS C.2-4). Literature on the highly territorial badger indicates that badger home territories range from 340 to 1,230 hectares¹⁶. Therefore, the proposed project could displace *at least* one badger territory. While surveys prior to construction are clearly essential, even passive relocation of badgers into suitable habitat may result “take”. Excluding badger from the site is likely to cause badgers to move into existing badger’s territory. The same scenario of passive relocation for kit fox may also result in “take”. Studies need to be provided on both on- and off-site badger and kit fox territories if animals are to be passively relocated in order to increase chances of persistence. At a minimum, the revised or supplemental DEIS should identify suitable habitat nearby if the project is relying on passive relocation as a mitigation strategy.

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7. *Cryptobiotic soil crusts and Desert Pavement*

The proposed project is located in the Mojave Desert Air Quality Management District area, which is already in non-attainment for PM-10 particulate matter¹⁷. The construction of the proposed project further increases emissions of these types of particles because of the disruption and elimination of potentially thousands of acres of cryptobiotic soil crusts. Cryptobiotic soil crusts are an essential ecological component in arid lands. They are the “glue” that holds surface soil particles together precluding erosion, provide “safe sites” for seed germination, trap and slowly release soil moisture, and provide CO₂ uptake through photosynthesis¹⁸.

3-66

The FEIS does not describe the on-site cryptobiotic soil crusts. The proposed project will disturb an unidentified portion of these soil crusts and cause them to lose their capacity to stabilize soils and trap soil moisture. The DEIS fails to provide a map of the soil crusts over the project site, and to present any avoidance or minimization measures. It is unclear how many acres of cryptobiotics soils will be affected by the project. The DEIS must identify the extent of

¹³ Richardson and Miller 1997

¹⁴ Camp et al. 1997; Richardson and Miller 1997

¹⁵ Walker et al. 2005

¹⁶ Long 1973, Goodrich and Buskirk 1998

¹⁷ <http://www.mdaqmd.ca.gov/index.aspx?page=214>

¹⁸ Belnap 2003, Belnap et al 2003, Belnap 2006, Belnap et al. 2007

the cryptobiotic soils on site and analyze the potential impacts to these diminutive, but essential desert ecosystem components as a result of this project. ↑ 3-66
| cont.

While desert pavements are mentioned as occurring on the proposed project site (DEIS at C.2-16), quantitative acreage of pavement are not identified. The impact to air quality from disturbance of desert pavement is not analyzed. | 3-67

8. Insects

The DEIS fails to address insects on the proposed project site. In fact no surveys or evaluation of rare or common insects are included in the DEIS. Dune habitats are notorious for supporting endemic insects, typically narrow habitat specialists¹⁹. | 3-68

9. Decommissioning and Reclamation Plan

Desert lands are notoriously hard to revegetate or rehabilitate²⁰ and revegetation never supports the same diversity that originally occurred in the plant community prior to disturbance²¹. The task of revegetating almost eleven square miles will be a Herculean effort that will require significant financial resources. In order to assure that the ambitious goals of the revegetation effort is met post project closure, it will be necessary to bond the project, so that all revegetation obligations will be met and assured. The bond needs to be structured so that it is tied to meeting the specific revegetation criteria.

The project will cause permanent impacts to the on-site plant communities and habitat for wildlife despite “revegetation”, because the agency’s regulations based on the Northern and Eastern Colorado Plan’s rehabilitation strategies²² only requires 40% of the original density of the “dominant” perennials, only 30% of the original cover. Dominant perennials are further defined as “any combination of perennial plants that originally accounted cumulatively for at least 80 percent of relative density”.²³ These requirements fail to truly “revegetate” the plant communities to their former diversity and cover even over the long term. While Bio-22 requires the development of a Decommissioning Plan, that plan is not available for public review. In fact the DEIS states that “Draft Conceptual Decommissioning Plan (AECOM 2010d) does not provide sufficient information to guide the decommissioning of the channel or restoration of the Project Disturbance Area, nor does it provide any information that could be used to develop an estimate of the funding needed for those activities (DEIS at pg. C.2-99). BLM’s own regulations 43 CFR 3809.550 et seq. require a detailed reclamation plan and a cost estimate, they need to be included in the revised EIS. A comprehensive decommissioning plan must be developed not just for the proposed channels, but for the whole project site. This plan must be included in the revised or supplement DEIS in order to evaluate the effectiveness as mitigation. | 3-69

10. Fire Plan

¹⁹ Dunn 2005.

²⁰ Lovich and Bainbridge 1999

²¹ Longcore 1997

²² <http://www.blm.gov/ca/st/en/fo/cdd/neco.html>

²³ Ibid

Fire in desert ecosystems is well documented to cause catastrophic landscape scale changes²⁴ and impacts to the local species²⁵. The DEIS mentions the impacts of fire via the proliferation of nonnative weeds (DEIS at C.2-17), it fails to analyze the impacts of fire on adjacent natural desert habitat. The DEIS fails to adequately analyze the impact that an escaped on-site-started fire could have on the natural lands adjacent to the project site if it escaped from the site. The DEIS also fails to address the mitigation of this potential impact. Instead it defers it to the Worker Environmental Awareness Program (WEAP) and only requires “a discussion of fire prevention measures to be implemented by workers during project activities” (DEIS at C.2-153). A fire prevention and protection plan needs to be developed and required to prevent the escape of fire onto the adjacent landscape (avoidance), lay out clear guidelines for protocols if the fire does spread to adjacent wildlands (minimization) and a revegetation plan if fire does occur on adjacent lands originating from the project site (mitigation) or caused by any activities associated with construction or operation of the site even if the fire originates off of the project site.

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11. *Failure to Identify Appropriate Mitigation*

Because the DEIS fails to provide adequate identification and analysis of impacts, inevitably, it also fails to identify adequate mitigation measures for the project’s environmental impacts. “Implicit in NEPA’s demand that an agency prepare a detailed statement on ‘any adverse environmental effects which cannot be avoided should the proposal be implemented,’ 42 U.S.C. § 4332(C)(ii), is an understanding that an EIS will discuss the extent to which adverse effects can be avoided.” *Methow Valley*, 490 U.S. at 351-52. Because the DEIS does not adequately assess the project’s direct, indirect, and cumulative impacts, its analysis of mitigation measures for those impacts is necessarily flawed. The DEIS must discuss mitigation in sufficient detail to ensure that environmental consequences have been fairly evaluated.” *Methow Valley*, 490 U.S. at 352; *see also Idaho Sporting Congress*, 137 F.3d at 1151 (“[w]ithout analytical detail to support the proposed mitigation measures, we are not persuaded that they amount to anything more than a ‘mere listing’ of good management practices”). As the Supreme Court clarified in *Robertson*, 490 U.S. at 352, the “requirement that an EIS contain a detailed discussion of possible mitigation measures flows both from the language of [NEPA] and, more expressly, from CEQ’s implementing regulations” and the “omission of a reasonably complete discussion of possible mitigation measures would undermine the ‘action forcing’ function of NEPA.”

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Although NEPA does not require that the harms identified actually be mitigated, NEPA does require that an EIS discuss mitigation measures, with “sufficient detail to ensure that environmental consequences have been fairly evaluated” and the purpose of the mitigation discussion is to evaluate whether anticipated environmental impacts *can be avoided*. *Methow Valley*, 490 U.S. at 351-52. As the Ninth Circuit recently noted: “[a] mitigation discussion without at least *some* evaluation of effectiveness is useless in making that determination.” *South Fork Band Council of Western Shoshone v. DOI*, 588 F.3d 718, 727 (9th Cir. 2009) (emphasis

²⁴ Brown and Minnich 1986, Lovich and Bainbridge 1999, Brooks 2000, Brooks and Draper 2006, Brooks and Minnich 2007

²⁵ Dutcher 2009

in original).

Here, the DEIS does not provide a full analysis of possible mitigation measures to avoid or lessen the impacts of the proposed project and therefore the BLM cannot properly assess the likelihood that such measures would actually avoid the impacts of the proposed project.

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D. Key Plans Not Included

The DEIS fails to include key plans for public review. Plans identified in the DEIS and relied upon for adequate mitigation but which are unavailable include:

- Weed Management Plan (DEIS at C.2-170)
- Biological Resources Mitigation Implementation and Monitoring Plan (DEIS at C.2-153)
- Raven Management and Monitoring Plan (DEIS at C.2-169)
- detailed revegetation plan for temporary disturbance (DEIS at C.2-158)
- Decommissioning and Reclamation Plan (for permanent closure) (DEIS at C.2-181)
- Burrowing Owl Mitigation and Monitoring Plan (DEIS at C.2-173)
- Burrowing Owl Relocation/Translocation Plan (DEIS at C.2-86)
- Avian Protection Plan (DEIS at C.2-171)
- Desert Tortoise Relocation/Translocation Plan (DEIS at C.2-162)
- Desert Tortoise Management Plan for Compensatory Mitigation Lands (DEIS at C.2-89)
- Special-status Plant Impact Avoidance and Mitigation Plan (DEIS at C.2-175)
- Management Plan for Sand Dune/Fringe-toed Lizard Compensation lands (DEIS at C.2-177)
- Ground Water Dependent Vegetation Monitoring Plan (DEIS at C.2-182)
- Compensatory Mitigation Plan for State Waters (DEIS at C.2-179)
- Desert Tortoise Compensatory Mitigation Plan (DEIS at C.2-89)

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Plans that are not currently required but need to be included:

- Bat Protection Plan
- Plan for restoring sheet flow to the terrain downslope of the Project boundaries
- Management Plan for Sand Dune/Fringe-toed Lizard
- Fire Plan

All of these plans are key components to evaluating the avoidance, minimization and mitigation to biological resources by the proposed project. Their absence makes it impossible to evaluate the impacts from the proposed project. Each of these plans needs to be included in the supplemental EIS.

E. Impacts to Water Resources— Surface and Groundwater Water Impacts

As the DEIS notes, the proposed project will impact a large number of washes and ephemeral streams and is on an alluvial fan. These areas provide important habitat values that will be completely lost by the grading proposed for the project site. Moreover, the loss of natural surface water flows and the re-direction of surface waters will have significant impacts to the

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dunes ecosystems. The impacts on soils and particularly on sand transport from the proposed project have not been adequately addressed in the DEIS.

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The Center appreciates that the proposed Palen project would be dry-cooled with water use averaging 300 acre-feet/year. DEIS at C.9-4. While this proposed project would use significantly less water than proposed for other projects (particularly the proposed Genesis project which seeks to use an average of 1,644 acre-feet/yr), even with dry cooling, the amount of water use by the project will be significant in this arid area and the DIES does not contain sufficient information to show that surface resources on other public lands will not be affected by the drawdown of the water table *over the life of the project*. Moreover, the cumulative impacts to groundwater resources from this project and others in the area could be significant annually and over the life of the project.

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Reserved Water Rights: As BLM is well aware, the California Desert Protection Act (“CDPA”) expressly reserved water rights for wilderness areas that were created under the act including the Palen-McCoy Wilderness and others. 16 U.S.C. §410aaa-76.²⁶ The CDPA reserved sufficient water to fulfill the purposes of the Act which include to “preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes,” “perpetuate in their natural state significant and diverse ecosystems of the California desert,” and “retain and enhance opportunities for scientific research in undisturbed ecosystems.” 103 P.L. 433, Sec. 2. The priority date of such reserved water rights is 1994 when the CDPA was enacted. Therefore, at minimum, the BLM must ensure that use of water for the proposed project (and cumulative projects) *over the life of the proposed projects* will not impair those values in the wilderness that depend on water resources (including perennial, seasonal, and ephemeral creeks, springs and seeps as well as any riparian dependent plants and wildlife).

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Although no *express* reservation of rights has been made for many of the other public lands in the CDCA, the DEIS should have addressed the federal reserved water rights afforded to the public to protect surface water sources on all public lands affected by the proposed project. Pursuant to Public Water Reserve 107 (“PWR 107”), established by Executive Order in 1926, government agencies cannot authorize activities that will impair the public use of federal reserved water rights.

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PWR 107 creates a federal reserved water right in water flows that must be maintained to protect public water uses. *U.S. v. Idaho*, 959 P.2d 449,453 (Idaho, 1998) *cert. denied*; *Idaho v. U.S.* 526 U.S. 1012 (1999); *Cappaert v. U.S.*, 426 U.S. 128, 145 (1976). PWR 107 applies to reserve water that supports riparian areas, reserve water that provides flow to adjacent creeks and isolated springs that are “nontributary” or which form the headwaters of streams. *U.S. v. City & County of Denver*, 656 P.2d 1, 32 (Colo., 1982). Accordingly, BLM cannot authorize activities that will impair the public use of reserved waters covered by PWR 107.

²⁶ The reservation excluded two wilderness areas with regard to Colorado River water. See 103 P.L. 433; 108 Stat. 4471; 1994 Enacted S. 21; 103 Enacted S. 21, SEC. 204. COLORADO RIVER. (“With respect to the Havasu and Imperial wilderness areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.”)

BLM must examine the federal reserved water rights within the area affected by the proposed project and other proposed projects in this area that will use significant amounts of groundwater. This examination must include a survey of the any water sources potentially affected by the proposed project. The BLM must ensure that any springs, seeps, creeks or other water sources on public land and particularly within the wilderness areas are not degraded by the proposed projects' use of water and continue meet the needs of the existing wildlife and native vegetation that depend on those water resources.

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PWR 107 also protects the public lands on which protected water sources exist. Accordingly, BLM should not only consider the impact of projects on water sources present on public lands, but also the direct and indirect impacts of the proposed project on the surrounding lands as well as impacts to the ecosystem as a whole.

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The Center is also concerned that the discussion in the DEIS is also incomplete because it fails to address any potential water rights that could arguably be created from use of groundwater by the proposed project on these public lands. While the Center recognizes that this issue may involve somewhat complex legal issues, at minimum, the BLM must address this question and to ensure that any water rights that could *arguably* be created will be conveyed back to the BLM owner and run with the land at the end of the proposed project ROW term. The BLM must provide a mechanism to insure that in no case will the use of water for the proposed project on these public lands result in water rights accruing to the project applicant that it could arguably convey to any third party. Therefore, any water rights *arguably* created by groundwater pumping on these public lands for the proposed project must not ultimately accrue to any third party for use *off-site or on-site* in the future for any other project. Moreover, BLM should ensure that the applicant will not use the groundwater associated with the project off-site for any purpose.

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The DEIS states (at pg. ES-16) that based on the information provided in the soils and water analysis it is undetermined if the project proposal and mitigations complies with all of the LORS –based primarily on the lack of a jurisdictional determination from the Army Corps of Engineers. However, the DEIS then assumes impacts can be mitigated.

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F. The DEIS Fails to Adequately Identify, Analyze and Off-set Impacts to Air Quality and GHG Emissions.

Federal courts have squarely held that NEPA requires federal agencies to analyze climate change impacts. *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508 (9th Cir. 2007). As most relevant here, NEPA requires consideration of greenhouse gas emissions (“GHG emissions”) associated with all projects and, in order to fulfill this requirement the agencies should look at all aspects of the project which may create greenhouse gas emissions including operations, construction, and life-cycle emissions from materials. Where a proposed project will have significant GHG emissions, the agency should identify alternatives and/or mitigation measures that will lessen such effects.

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As part of the NEPA analysis federal agencies must assess and, wherever possible, quantify or estimate GHG emissions by type and source by analyzing the direct operational

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impacts of proposed actions. Assessment of direct emissions of GHG from on-site combustion sources is relatively straightforward. For many projects, as with the proposed project, energy consumption will be the major source of GHGs. The indirect effects of a project may be more far-reaching and will require careful analysis. Within this category, for example, the BLM should evaluate, GHG and GHG-precursor emissions associated with construction, electricity use, fossil fuel use, water consumption, waste disposal, transportation, the manufacture of building materials (lifecycle analysis), and land conversion. Moreover, because many project may undermine or destroy the value of carbon sinks, including desert soils, projects may have additional indirect effects from reduction in carbon sequestration, therefore both the direct and quantifiable GHG emissions as well as the GHG effects of destruction of carbon sinks should be analyzed.

The discussion of greenhouse gas emissions (“GHG”) in the DEIS notes that the solar project will produce GHGs primarily from the gas boilers and Heat Transfer Fluid (“HTF”) heaters. The GHG emissions from the boilers during project operations is estimated to be 7,408 metric tons CO2 equivalent (however the emissions from the HTF heaters are not listed), with the metric tons CO2 equivalent annually for total operations emissions (including all sources) of 10,124 metric tons CO2 equivalent annually. DEIS at C.1-68 (Greenhouse gas table 3). The boilers and heaters are stated to be for start up or freeze control (DEIS at C.1-69), but the DEIS assumes that they may be allowed to be used for very long periods of time – up to 12 hours per day for the boilers up to 5,100 hours per year (no clear limits on the HTF heaters is provided) . See DEIS at C.1-25. No explanation is provided for these long hours of supplemental natural gas use for this solar power plant and no additional limits are discussed or analyzed in violation of NEPA. The DEIS also fails to adequately explore whether an alternative solar technology (such as PV) would reduce greenhouse gas emissions both during operations and over the life-cycle of the components of the proposed project. There is no discussion of reducing these sources by using alternative fuels or highly efficient vehicles and equipment and no discussion of providing off sets for these GHG emissions.

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Another GHG emission source for this proposed project is SF6 from electrical equipment leakage. DEIS at C.1-68. However, the DEIS does not mention additional sources of SF6 from transmission lines associated with the project. Moreover, leakage of SF6 is of particular concern as it is many times more potent greenhouse gas than CO2—indeed, its potential as a GHG has been estimated at 23,900 times that of CO2 (for a 100 year time horizon) and it can persist in the atmosphere far longer than CO2 as well—up to 3,200 years.²⁷ The DEIS fails to state the actual amount of SF6 that is estimated to leak from equipment and provides only that 12 MTCO2E is expected in emissions each year. No information is provided on the calculation. Moreover, the DEIS does not analyze any alternatives to avoid or minimize the long-term emissions of this powerful GHG from operations and no mitigation measures are provided.

²⁷ P. Forster et al., *Changes in Atmospheric Constituents and in Radiative Forcing*, in CLIMATE CHANGE 2007: THE PHYSICAL SCIENCE BASIS. CONTRIBUTION OF WORKING GROUP I TO THE FOURTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (Solomon, S., et al. eds., Cambridge University Press 2007) at p. 212, Table 2.14.

The GHG emissions from the construction phase of the project are stated to be over 101,000 metric tons CO2 equivalent (Greenhouse gas table 2, DEIS C.1-68). Again, there is no discussion of reducing these emissions by using more efficient equipment or vehicles.

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The DEIS also fails to adequately address other air quality issues including PM10 both during construction and operation which is of particular concern in this area which is a nonattainment area for PM10 and ozone. It is clear that extensive on-site grading will result in significant amounts of bare soils and increased PM10 may be introduced into the air by wind and that the use of the area during construction and operations will lead to additional PM10 emissions from the site. Although some mitigation measures are suggested they are not specific and enforceable and because the extent of the impact has not been adequately addressed as an initial matter there is no way to show that the mitigation measures proffered will reduce the impacts to less than significance.

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BLM fails to identify any significant GHG emissions and therefore does not provide for avoidance, minimization, or mitigation. BLM has also failed to include the loss of carbon sequestration from soils in its calculations or to provide a lifecycle analysis of GHG emissions that include manufacturing and disposal. Moreover, it is undisputed that in the near-term GHG emissions will increase emissions during construction, and in the manufacturing and transportation of the components. BLM fails to consider any alternatives to the project that would minimize such emissions or to require that these near-term emissions be off set in any way.

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Although the proposed project may reduce GHG's overall it will also emit GHGs during both construction and operations that are not accounted for or off-set, BLM completely fails to explore this aspect of the impacts of the project in the DEIS in violation of NEPA.

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G. The Analysis of Cumulative Impacts in the DEIS Is Inadequate

A cumulative impact is “the impact on the environment which results from the incremental impact 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. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7. The Ninth Circuit requires federal agencies to “catalogue” and provide useful analysis of past, present, and future projects. *City of Carmel-By-The-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997); *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 809-810 (9th Cir. 1999).

“In determining whether a proposed action will significantly impact the human environment, the agency must consider ‘[w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.’ 40 C.F.R. § 1508.27(b)(7).” *Oregon Natural Resources Council v. BLM*, 470 F.3d 818, 822-823 (9th Cir. 2006). NEPA requires that cumulative impacts analysis provide “some quantified or detailed information,” because “[w]ithout such information, neither courts nor the public . . . can be assured that the Forest Service provided the hard look that it is required to provide.” *Neighbors*

of *Cuddy Mountain v. United States Forest Service*, 137 F.3d 1372, 1379 (9th Cir. 1988); see also *id.* (“very general” cumulative impacts information was not hard look required by NEPA). The discussion of future foreseeable actions requires more than a list of the number of acres affected, which is a necessary but not sufficient component of a NEPA analysis; the agency must also consider the actual environmental effects that can be expected from the projects on those acres. See *Klamath-Siskiyou Wildlands Ctr. v. BLM*, 387 F.3d 989, 995-96 (9th Cir. 2004) (finding that the environmental review documents “do not sufficiently identify or discuss the incremental impact that can be expected from each [project], or how those individual impacts might combine or synergistically interact with each other to affect the [] environment. As a result, they do not satisfy the requirements of the NEPA.”) Finally, cumulative analysis must be done as early in the environmental review process as possible, it is not appropriate to “defer consideration of cumulative impacts to a future date. ‘NEPA requires consideration of the potential impacts of an action before the action takes place.’” *Neighbors*, 137 F.3d at 1380 quoting *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1313 (9th Cir. 1990) (emphasis in original).

The DEIS identifies many of the cumulative projects but does not meaningfully analyze the cumulative impacts to resources in the California desert from the many proposed projects (including renewable energy projects and others). Moreover, because the initial identification and analysis of impacts unfinished, the cumulative impacts analysis cannot be complete. For example, the identification of plant communities on site is unfinished and incomplete as is the evaluation of the impacts of the gen-tie line and the Red Bluff substation, the cumulative impacts are also therefore inadequate.

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The DEIS also fails to consider all reasonably foreseeable impacts in the context of the cumulative impacts analysis. See *Native Ecosystems Council v. Dombek, et al*, 304 F.3d 886 (9th Cir. 2002) (finding future timber sales and related forest road restriction amendments were “reasonably foreseeable cumulative impacts”). The DEIS also fails to provide the needed analysis of how the impacts might combine or synergistically interact to affect the environment in this valley or region. See *Klamath-Siskiyou Wildlands Ctr. v. BLM*, 387 F.3d 989, 995-96 (9th Cir. 2004).

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The NEPA regulations also require that indirect effects including changes to land use patterns and induced growth be analyzed. “Indirect effects,” include those that “are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include *growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.*” 40 C.F.R. s.1508.8(b) (emphasis added). See *TOMAC v. Norton*, 240 F. Supp.2d 45, 50-52 (D.D.C. 2003) (finding NEPA review lacking where the agency failed to address secondary growth as it pertained to impacts to groundwater, prime farmland, floodplains and stormwater run-off, wetlands and wildlife and vegetation); *Friends of the Earth v. United States Army Corps of Eng’rs*, 109 F. Supp.2d 30, 43 (D.D.C. 2000) (finding NEPA required analysis of inevitable secondary development that would result from casinos, and the agency failed to adequately consider the cumulative impact of casino construction in the area); see also *Mullin v. Skinner*, 756 F. Supp. 904, 925 (E.D.N.C. 1990) (Agency enjoined from proceeding with bridge project which induced growth in island community until it prepared an adequate EIS identifying and discussing in detail

the direct, indirect, and cumulative impacts of and alternatives to the proposed Project); *City of Davis v. Coleman*, 521 F.2d 661 (9th Cir. 1975) (requiring agency to prepare an EIS on effects of proposed freeway interchange on a major interstate highway in an agricultural area and to include a full analysis of both the environmental effects of the exchange itself and of the development potential that it would create).

Among the cumulative impacts to resources that have not been fully analyzed are impacts to desert tortoise, impacts to Mojave fringe-toed lizard and sand dunes ecosystems, impacts to golden eagles, and impacts to water resources. The cumulative impacts to the resources of the California deserts has not been fully identified or analyzed, and mitigation measures have not been fully analyzed as well.

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H. The EIS’ Alternatives Analysis is Inadequate

NEPA requires that an EIS contain a discussion of the “alternatives to the proposed action.” 42 U.S.C. §§ 4332(C)(iii),(E). The discussion of alternatives is at “the heart” of the NEPA process, and is intended to provide a “clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. §1502.14; *Idaho Sporting Congress*, 222 F.3d at 567 (compliance with NEPA’s procedures “is not an end in itself . . . [but] it is through NEPA’s action forcing procedures that the sweeping policy goals announced in § 101 of NEPA are realized.”) (internal citations omitted). NEPA’s regulations and Ninth Circuit case law require the agency to “rigorously explore” and objectively evaluate “all reasonable alternatives.” 40 C.F.R. § 1502.14(a) (emphasis added); *Envtl. Prot. Info. Ctr. v. U.S. Forest Serv.*, 234 Fed. Appx. 440, 442 (9th Cir. 2007). “The purpose of NEPA’s alternatives requirement is to ensure agencies do not undertake projects “without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means.” *Envtl. Defense Fund, Inc. v. U.S. Army Corps of Engrs.*, 492 F.2d 1123, 1135 (5th Cir. 1974). An agency will be found in compliance with NEPA only when “all reasonable alternatives have been considered and an appropriate explanation is provided as to why an alternative was eliminated.” *Native Ecosystems Council v. U.S. Forest Serv.*, 428 F.3d 1233, 1246 (9th Cir. 2005); *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228-1229 (9th Cir. 1988). The courts, in the Ninth Circuit as elsewhere, have consistently held that an agency’s failure to consider a reasonable alternative is fatal to an agency’s NEPA analysis. *See, e.g., Idaho Conserv. League v. Mumma*, 956 F.2d 1508, 1519-20 (9th Cir. 1992) (“The existence of a viable, but unexamined alternative renders an environmental impact statement inadequate.”).

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If BLM rejects an alternative from consideration, it must explain why a particular option is not feasible and was therefore eliminated from further consideration. 40 C.F.R. § 1502.14(a). The courts will scrutinize this explanation to ensure that the reasons given are adequately supported by the record. *See Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 813-15 (9th Cir. 1999); *Idaho Conserv. League*, 956 F.2d at 1522 (while agencies can use criteria to determine which options to fully evaluate, those criteria are subject to judicial review); *Citizens for a Better Henderson*, 768 F.2d at 1057.

Here, BLM too narrowly construed the project purpose and need such that the DEIS did not consider an adequate range of alternatives to the proposed project.

The alternatives analysis is inadequate even with the inclusion of the alternative site configuration and a reduced acreage alternative. Additional feasible alternatives should be considered which would avoid all of the dunes habitat as well as alternatives that would have looked at alternative sites for the Red Bluff substation to avoid impacts to additional resources. In addition a phased alternative should have been included which would allow the portions of the project that have the fewest impacts to move forward while also affording the project proponent time to find and acquire permits for more appropriate sites for one or more additional phases of the project reconfigured on other BLM lands or on previously degraded disturbed lands in this area (for example such as the lands discussed in the North of Desert Center alternative) and also to explore other off-site alternatives.

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The document also includes other alternatives that were stated as being “Site Alternatives Evaluated only under CEQA” which includes the proposed site and one off-site alternative – the North of Desert Center alternative. The document eliminated from consideration a distributed renewable energy alternative. The BLM (as well as the CEC) should have also looked alternative siting on previously degraded lands such as nearby farmlands, distributed solar alternatives, and other alternatives that could avoid impacts of the proposed project as well as impacts of the associated transmission lines and substations. In addition, as discussed above, the BLM should have looked at alternatives for construction and operations that would reduce GHG emissions by using alternative technology and/or on site conservation measures and offsets.

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The BLM failed to consider any off-site alternative that would significantly reduce the impacts to biological resources including dunes ecosystems, desert tortoise habitat and key movement corridors, golden eagles, and others. Because such alternatives are feasible, on this basis and other the range of alternatives is inadequate. The Center urges the BLM to revise the DEIS to adequately address a range of feasible alternatives and other issues detailed above and then to re-circulate a revised or supplemental DEIS for public comment.

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In addition, in order to meet the DOE’s purpose and need states that: “The two principal goals of the loan guarantee program are to encourage commercial use in the United States of new or significantly improved energy-related technologies and to achieve substantial environmental benefits. The purpose and need for action by DOE is to comply with their mandate under EPAct by selecting eligible projects that meet the goals of the Act.” DEIS at B.2-12. Assuming for the sake of argument alone that these are proper project objectives, the DEIS should have considered alternatives that would provide funding to other types of projects. Such alternatives could include, for example, conservation and efficiency measures that both avoid and reduce energy use within high-energy use load-centers including the Los Angeles area and the Inland Empire.

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Alternative measures could include funding community projects for training and implementation of conservation measures such as increased insulation, sealing and caulking, and new windows for older buildings and new or improved technologies for accomplishing these important goals. For example, air conditioning creates the largest demand for energy during peak times and there already exist methods to reduce the energy use from air conditioning but implementation has lagged well behind technology. Conservation and efficiency measures are an excellent and quick way of reducing demand in both the short- and long-term and reduce the

need for additional power sources. In addition, many of the existing conservation and efficiency measures can provide immediate jobs and training in high population areas with significant unemployment (particularly among low skilled workers and youth).

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The existence of these and other feasible but unexplored alternatives shows that the BLM's analysis of alternatives in the DEIS is inadequate.


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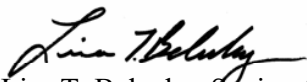
IV. Conclusion

Thank you for your consideration of these comments. In light of the many omissions in the environmental review to date, we urge the BLM to revise and re-circulate the DEIS or prepare a supplemental DEIS before making any decision regarding the proposed plan amendment and right-of-way application. In the event BLM chooses not to revise the DEIS and provide adequate analysis, the BLM should reject the right-of-way application and the plan amendment. Please feel free to contact us if you have any questions about these comments or the documents provided.

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Sincerely,


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Comment Letter 4



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Subject Palen Solar comments, Sierra Club

Attached please find Sierra Club comments on the above referenced project.



Comments re Palen Solar Power Project.pdf



July 1, 2010

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BY EMAIL, FAX AND US MAIL

RE: Sierra Club comments on the proposed Palen Solar Power Project Staff Assessment and Draft Environmental Impact Statement

On behalf of the Sierra Club, we are writing to provide you with comments on the Staff Assessment and Draft Environmental Impact Statement (SA/DEIS) for the Palen Solar Power Project (08-AFC-13). The United States Department of the Interior, Bureau of Land Management's (BLM) SA/DEIS is a joint document prepared with the California Energy Commission ("Commission") in order to meet the requirements of the National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA").



The Sierra Club is the oldest conservation organization in the United States, with over 600,000 members nationwide, and 151,000 members in California alone. Sierra Club is steadfastly committed to preserving the legacy of California's wildlands for future generations, while simultaneously recognizing that climate change has the potential to make radical changes in our habitats and landscapes. Sierra Club is working aggressively to reduce carbon emissions by supporting large scale renewable projects and by quickly ramping up energy efficiency and rooftop solar.

In order to help meet California's and the nation's renewable energy goals, the Sierra Club supports appropriately sited large-scale renewable development, i.e. projects that avoid or greatly minimize environmental impacts to wildlife and plants and the ecosystems they depend upon. For example, there are hundreds of thousands of acres of privately held agricultural lands in California that have marginal productivity or no longer support farming. These lands, with relatively high solarity and poor habitat values, present many opportunities to help meet our goals for large scale solar. The Sierra Club encourages companies and agencies to prioritize these types of lands going forward.

4-01

I. Introduction

The applicant Solar Millenium proposes to develop an electric-generating facility with a nominal capacity of 500 megawatts (MW) using a concentrated solar "trough" generating system. The Palen project is proposed to be located in the eastern portion of Riverside County, California, north of Interstate 10 near Desert Center. The site is approximately 80 miles east of Palm Springs and 34 miles west of Blythe. Except for one 40 acre private parcel which has been incorporated, the proposed project is comprised entirely of BLM managed lands. Construction and operation of the project would directly disturb 3,899 acres (6 square miles) and indirectly disturb an undetermined number of acres off-site.

The project also includes an electrical transmission line, wells, propane supply tanks, a bioremediation site, and a site access road. The project would consume approximately 1500 acre feet of water during construction and 300 acre feet of local groundwater per year thereafter for operations, washing mirrors, etc. Propane stored in two 18,000 tanks would be used to heat project operating fluid at night and bring it up to operating temperature in the morning in an auxiliary boiler. The project would be connected to the proposed new SCE Red Bluff Substation via 10 miles of a new gen-tie line, and its power would be transmitted to load centers via either the existing Devers to Palo Verde line or the new Devers to Palo Verde 2 line, which the Sierra Club supports. The project would have a several acre bioremediation site to deal with small amounts of leaking hazardous fluids; larger amounts would have to be removed and treated offsite. The actual electrical capacity factor would be a small fraction of the nameplate 500 MW. The project will

be “dry cooled” but will have some wet cooling of components during summer. There is no proposal at this site to “store” thermal energy for use after sundown.

The Palen project is proposed in a portion of the Colorado Desert of California that is an intact, functioning ecosystem.¹ The immediate project area, however, is already subject to edge effects because of adjacent existing rural development on one side and Interstate 10 on another. But the Project site is also located in the main Aeolian sand transport corridor, supplying sand dunes that are onsite and down-wind from the project. If built as proposed, the project would not only destroy onsite sand dunes but would also sever this critical sand transport system, causing severe impacts to the downwind dune ecosystem. It also has potential to sever an important tortoise corridor connection between the Chuckwalla Desert Wildlife Management Area (DWMA) and the Palen Valley and Wilderness. These and other significant impacts of the project remain to be adequately addressed.

4-02

II BLM & the Commission’s Responsibilities under NEPA & CEQA

The National Environmental Policy Act (“NEPA”) is our “basic national charter for the protection of the environment.” 40 C.F.R. § 1500.1. Congress enacted NEPA “[t]o declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the Nation.” 42 U.S.C. § 4321. To accomplish these purposes, NEPA requires all agencies of the federal government to prepare a “detailed statement” that discusses the environmental impacts of, and reasonable alternatives to, all “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). This statement is commonly known as an environmental impact statement (“EIS”). See 40 C.F.R. Part 1502.

The EIS must “provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” 40 C.F.R. § 1502.1. This discussion must include an analysis of “direct effects,” which are “caused by the action and occur at the same time and place,” as well as “indirect effects which . . . are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8. An EIS must also consider the cumulative impacts of the proposed federal agency action together with past, present and reasonably foreseeable future actions, including all federal and non-federal activities. 40 C.F.R. § 1508.7. Furthermore, an EIS must

¹ Sierra Club scoping comments on Palen Solar Power Project, December 2009

“rigorously explore and objectively evaluate all reasonable alternatives” to the proposed project. 40 C.F.R. § 1502.14(a).

The regulations implementing NEPA identify several factors that, when present, indicate that the environmental effects of a proposed action are significant. These include the presence of highly uncertain impacts, impacts to species listed as threatened under the Endangered Species Act, and cumulatively significant impacts. 40 C.F.R. §§ 1508.27(b)(5), (b)(7), (b)(9). This project contains federally listed sensitive species, California special status species, flood hazards, and will have a cumulatively significant impact on the desert environment.

The California Energy Commission, as the lead agency under CEQA, is responsible for preparing a document to inform the public and decision makers as to the project’s environmental impacts. Pub. Res. Code § 25519(c), 21080.5. CEQA is designed to fulfill two important goals in the protection of the environment. EIR’s (or their functional equivalent) must inform the public and decision makers about all potential, significant environmental effects of a project. Pub. Res. Code § 21100(b)(1). It is necessary to highlight the potential environmental effects “with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” 14 Cal. Code Reg. § 15151. An agency must diligently examine these effects and “must use its best efforts to find out and disclose all that it reasonably can.” Id. § 15144.

This SA/DEIS is legally and technically flawed under both NEPA and CEQA. As drafted, it is inadequate as an informational document because essential information was omitted, or is not available to the public or key agencies. The SA/DEIS also fails under substantive provisions of California law requiring the full mitigation of impacts to threatened species. This project will have serious negative impacts to at least two sensitive desert species: threatened Desert Tortoise and Mojave Fringe-Toed Lizard. As such the SA/DEIS should have contained all feasible mitigation measures and reasonable alternatives available. Accordingly, the BLM and the Commission must conclude that the Calico Project will cause significant and irreparable environmental harm and reject the Project. Alternatively, we request that BLM and the Commission fully and completely address the following deficiencies and concerns surrounding the SA/DEIS.

4-03

III. The SA/DEIS is Inadequate Because it Lacks Critical Data For Issues that Will Impact the Environment and Defers Information Gathering and Analysis

A major flaw with the SA/DEIS is the omission of relevant critical data in several important respects. Boiled down, the SA/DEIS omitted disclosure of the full-range of potentially significant impacts associated with the Project. Although the

4-04

SA/DEIS acknowledged these data gaps, it provided no legal reason under NEPA or CEQA as to why these gaps were permitted.

This is inadequate under both NEPA & CEQA. Under NEPA's implementing regulations: "If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement." 40 C.F.R. § 1502.22. The agency did not claim that this information was cost prohibitive to obtain, and the information that is omitted from the SA/DEIS is certainly "essential to a reasoned choice." 40 C.F.R. § 1502.22(a).

NEPA's implementing regulations make it clear that "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. 1501.1 (emphasis added). CEQA contains similar requirements; public participation is at the heart of CEQA, therefore the public must be able to review and comment on technically accurate and complete EIR's. CEQA requires agencies to inform the public and responsible officials of the environmental consequences of their decisions before they are made, thereby protecting the environment and informed self-government. (Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs. (2001) 91 Cal.App.4th 1344, 1354.)

The following are a sample of the acknowledged areas where there is missing data in the SA/DEIS.

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- Biological Resources Mitigation and Monitoring Plan, Revegetation Plan, Decommissioning Plan, Drainage Erosion and Sedimentation Control Plan, Groundwater Level Monitoring and Reporting Plan, Programmatic Agreement for Cultural Resources, and other essential Project elements have not been developed due to critical data that is lacking.
- Waste Discharge Requirements have not been developed. SA/DEIS C.9-97
- Spring and fall surveys for special status plant species within the disturbance areas are planned but not yet performed or available. SA/DEIS C.2-3
- Information related to translocation of the tortoise, specifically location of the proposed site for relocating tortoise and verification of disease testing requirements is missing or located in an appendix not accessible by the public, and as such that program can not be assessed. SA/DEIS C.2-161-2

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These and other omissions and data gaps violate both NEPA and CEQA. The role of a SA/DEIS under NEPA is to provide the public with enough information to adequately assess the environmental dangers of a particular project. Indeed, if reasonably complete information is not included, "neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." *Robertson v. Methow Valley Citizens Council*, U.S. 332, 352 (1989). Under CEQA, courts have made clear that environmental assessments must provide sufficient information to allow both decision-makers and the public to understand the consequences of the project. *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors*, (2001) Cal.App.4th 342, 356. The information presented in an EIS must be of high quality. 40 C.F.R. § 1500.1(b). "Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." *Id.* "Agencies shall insure the professional integrity, including scientific integrity, of the decisions and analysis in environmental impact statements." 40 C.F.R. § 1502.24. "They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement." *Id.* The amount of missing, incomplete, or incorrect data requires the BLM and the Commission to deny the Applicant's proposal, or at the very least, complete gathering all of the necessary information for public review and comment.

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IV. The Analysis of Impacts to Sensitive Animals, Plants, and Other Biological Resources is Inadequate Under NEPA and CEQA

a. The SA/DEIS Inadequately Analyzed Impacts to Sensitive Reptiles

1. Desert Tortoise

The Mojave population of the desert tortoise (*Gopherus agassizii*) was listed as a federally threatened species in 1990. 55 FR 12,178. In California, state laws have been in place since 1939 to protect the desert tortoise. The species was listed as threatened under the California Endangered Species Act in 1989 and is considered a "Species at Risk" under California's Wildlife Action Plan. According to the final federal listing, construction projects and energy development have significantly contributed to the destruction of native habitat. *Id.* Under NEPA, the BLM's SA/DEIS was required to fully disclose all project-related adverse environmental effects which cannot be avoided. 42 U.S.C.S. § 4332(2)(C). The SA/DEIS did not adequately address the Project's impacts on desert tortoise.

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The Project site lies within a broad alluvial plain which drains the Palen Mountains to the north. SA/DEIS C.2-1. It contains 210 acres of designated critical habitat for desert tortoise, which will be mitigated at a ratio of 5:1, and 3,899 acres of suitable habitat proposed to be mitigated at a ratio of 1:1; this mitigation,

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however does not account for indirect impacts to tortoise of predation, road kill, harassment, etc. SA/DEIS c.2-62

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The desert tortoise in and around the Project site are part of the Eastern Colorado Recovery Unit, which is primarily found in desert washes and creosote bush dominated valleys. SA/DEIS C.2-14. Desert tortoise recovery plans emphasize that activities occurring outside the boundaries of existing tortoise conservation areas can negatively affect tortoise populations. See U.S. Fish and Wildlife Service, Draft revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*) at 33 (2008). Both the 1994 and draft 2008 Recovery Plans recommend that land managers focus recovery efforts toward tortoise conservation areas; however, the Plans also emphasize that land managers should try to limit the loss of habitat outside conservation areas as much as possible. Id. The SA/DEIS acknowledges that the proposed project will “result in the direct and permanent loss of all occupied tortoise habitat onsite. SA/DEIS C.2-67.

4-07

Protocol surveys for desert tortoise were performed in 2009, and relatively low numbers of tortoise were found on the project site. SA/DEIS C.2-35. However, as proposed the Project is located in the Tortoise Connectivity DWMA identified in the Northern and Eastern Colorado Desert Management (NECO) Plan, and will block the north-south movement corridor of the desert tortoise from the Chuckwalla DWMA to the Palen Valley and Palen-McCoy Wilderness. SA/DEIS C.2-4. Little information is provided discussing the effects this permanent limitation will have on the overall health of the species or on their genetic diversity. This is a significant burden for the desert tortoise, and as such, the habitat fragmentation of the project should be considered too high to approve. The Reduced Project Alternative may resolve this issue for desert tortoise, but fails to adequately do so for Mojave fringe-toed lizard, see below.

Additionally for desert tortoise, the SA/DEIS fails to adequately identify the dangers that disease poses to trans-located tortoises. Relocating tortoise without disease testing could imperil the health of both the animals to be moved and the resident populations into which tortoises will be released. Based on the reports of Berry, et al. (2008), Mack, et al. (2008) and Mack and Berry (2009) that disease is not uniformly distributed across geographical areas, it is reasonable to assume that there will be pockets of diseased animals and pockets of healthy animals within the 5 kilometer range of the project site. Not fully testing animals that are to be “relocated” could result in the introduction of diseases into otherwise healthy populations. Also, as noted by the CDFG, “moving tortoises up to 5 km distance without disease testing presents risks to other populations.” SA/DEIS C.2-57. Not testing the host populations within the 5 kilometer range could result in the introduction of healthy tortoises from the project site into a population that is diseased. Therefore, any translocation should follow the Desert Tortoise Council Guidelines for Handling Desert Tortoise During Construction. Additionally, any tortoises that are moved more than 1000’ should be fully tested for disease and the host population should be tested to the same extent as well.

4-08

2. Mojave Fringe-toed Lizard

The Mojave fringe-toed lizard (MFTL) is a BLM sensitive species that is found in sandy, hot, sparsely vegetated habitats. SA/DEIS C.2-28. It is restricted to habitats with fine, loose sand. Id. Because it is restricted to these sandy locations, and because of increasing development pressures, its habitat has become highly fragmented. Id. The habitat fragmentation has in turn left the species vulnerable to local extirpations. It is important to protect the fragile sandy ecosystem upon which the Mojave fringe-toed lizard is dependent. Id.

4-09

The SA/DEIS acknowledges that of the 3,899 acre project footprint, nearly half the acreage is suitable habitat for the Mojave fringe-toed lizard. SA/DEIS C.2-36, and that direct, indirect and cumulative impacts of the Project to this sensitive species will be significant and unmitigable. SA/DEIS C.2-1 and 4. However, although the SA/DEIS recognizes the fact that this population of MFTL is at the southernmost extreme of the species' range, it only identifies impacts to the local population and the species in general (SA/DEIS C.2-4) but fails to fully consider the importance of this population to genetic diversity and climate adaptation of the species.² With the hotter and drier conditions expected with climate change,³ the southernmost, lower elevation populations of MFTL are likely better adapted to extremes of heat and aridity than those in the higher, cooler areas of the Mojave desert.⁴ Thus it is essential to conserve the populations at the southern extreme of the species for genetic diversity, species fitness⁵ and ability of the species to adapt to climate change stressors.

4-10

In analyzing the Reduced Project Alternative, the SA/DEIS asserts that this alternative would avoid significant unmitigated impacts to MFTL. SA/DEIS C.2-2 and 5. However, this alternative still intrudes on an identified active shallow sand dune area ("Zone III") which is identified MFTL habitat SA/DEIS Biological Resources Figure A and MFTL Observations Figure 5.3-9 from scoping package. The SA/DEIS has an affirmative obligation to avoid impacting this zone, not only because of onsite loss of habitat but also because of offsite impacts to sand flow and resultant species-level impacts to MFTL. The project should be realigned and reconfigured closer to the Interstate, and also there are BLM lands to the west of the Project that could be utilized to configure an acceptable Alternative.

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Additionally, the SA/DEIS has analyzed the potential for the various configurations of the Project and their fences to serve as perches for birds of prey,

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² Issue identified by Alan Muth at CEC/BLM Palm Springs workshop for Palen project.

³ California Resources Agency *California Climate Change Adaptation Strategy Discussion Draft* 2009 p 4, Figures 5&6

⁴ Personal communication, Cameron Barrows to Joan Taylor

⁵ Booy et al, *Genetic Diversity and the Survival of Populations*, 2000

increasing the impact to desert tortoise, but it has failed to do so for MFTL (and other vulnerable species) outside the Project foot print.

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The SA/DEIS must be revised and pertinent information and analysis on the above, including a feasible alternative to avoid impacts to MFTL and sand transport must be provided to the public.

| 4-13

b. The SA/DEIS does not Adequately Address the Impacts to Sensitive Mammals

2. Desert Kit Fox and American Badger

The desert kit fox and American Badger are found on the project site. SA/DEIS C.2-5. Although the Applicant has not performed focused surveys for these species for the kit fox, there is suitable habitat on site, and several individuals as well as many burrows and scat were observed throughout the site. Id. The SA/DEIS provides no information as to the number of kit foxes that will be affected. The SA/DEIS does acknowledge that kit fox and American badger are protected species. Id. Nevertheless, the SA/DEIS provides almost no information as to how the species will be avoided. The only suggestion is that a preconstruction survey should be done, and dens should be flagged, and further that habitat acquired for desert tortoise would suffice as mitigation for these mammals SA/DEIS C.2-64. However, the SA/DEIS offers no assurance that habitat suitable for desert tortoise will have the carrying capacity or the primary constituent elements required for desert kit fox and American badger. Once again, this is insufficient under NEPA & CEQA as it provides virtually no scientific information for the public or agencies to use in determining the adequacy of proposed mitigation.

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c. The Cumulative Impacts Analysis is Deficient

A discussion of the cumulative environmental effects of a proposed action is an essential part of the environmental review process, otherwise the agency cannot evaluate the combined environmental effect of related actions. Cumulative impact is defined in NEPA’s implementing regulations as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7

Under NEPA, an EIS must provide a sufficiently detailed catalogue of past, present, and reasonably foreseeable future projects, and provide an adequate analysis of how these projects, in conjunction with the proposed action, are thought to have impacted or are expected to impact the environment. See *Muckleshoot Indian Tribe v. United States Forest Serv.*, (9th Cir.1999) 177 F.3d 800, 810 (per

curiam) (quoting 40 C.F.R. § 1508.7). In addition to an adequate cataloging of past projects, NEPA also requires a discussion of consequences of those projects. However, the SA/DEIS fails to properly assess and address the severe cumulative biological and other impacts of the project.

Considered in the context of other proposed large energy projects in the region, the cumulative impacts of the Project are significant in nearly every issue category. On a human time scale, these cumulative impacts will be pervasive, causing landscape-level biological, cultural, visual and other impacts that will be permanent or last hundreds of years after the expected lifetime of the Project. The SA/DEIS fails to provide adequate analysis, identification, and mitigation or avoidance of Project cumulative impacts.

4-16

Inter alia, the SA/DEIS fails to provide an adequate analysis of how these related projects, in conjunction with the proposed action, are thought to have impacted or are expected to impact the environment. The acreages and intent of the identified related projects are given, but actual cumulative impacts of these projects on the affected environment are not analyzed in adequate specificity. In particular, the cumulative biological context is deficient. The SA/DEIS fails to analyze the threshold questions about the cumulative context: What is the existing condition for the species at risk? What is the expected future condition for the species and biological processes at risk from the cumulative impacts of this and other existing and reasonably foreseeable actions? And what relative contribution to these impacts is the proposed project expected to make?

4-17

Clearly, the SA/DEIS has not assembled enough information and performed the requisite analysis (and the responsible agencies do not have adequate planning guidance) to determine: 1) the level of cumulative impacts to habitats, species and ecosystems, especially in the context of likely climate-change-necessitated habitat and species migration, or: 2) the limits of acceptable change; or 3) how to avoid significant cumulative impacts that would foreclose future opportunities to sustain desert ecosystems and species. This is a violation not only of NEPA and CEQA, but of State and Federal mandates requiring sustainable resource protection, such as FLPMA and the 2009 California Climate Change Adaptation Strategy (herein incorporated by reference). The latter stated, "In the face of a changing climate it is imperative that Departments work to maintain healthy, connected, genetically diverse populations" to "aids [sic] the movement of species within reserve areas as they adjust to changing conditions associated with climate change." 2009 California Climate Change Adaption Strategy, 56. This guidance document also directed California Department of Fish and Game to ensure that CEQA review addressed climate change issues in this context.⁶

4-18

⁶ CEQA Review/Department Guidance – The Department of Fish and Game will initiate the development of internal guidance for staff to help address climate adaptation and to ensure climate change impacts are appropriately addressed in CEQA documents. Id. 61.

At c.2-4 the SA/DEIS acknowledges that even with mitigation, certain cumulative Project impacts remain significant. To offset cumulative biological impacts to the I-10 region, the SA/DEIS proposes new plan designations to designate two new linkage areas and one solar exclusion area. SA/DEIS Appendix B 1-3. In context with the vast land conversion contemplated with renewable energy development, the concept of setting aside landscape-level conservation areas to mitigate for severe cumulative impacts of the project is laudable, and in fact it is mandated by NEPA and CEQA. However, there are some serious deficiencies in the proposed mitigation. Plan amendments can be changed; they are not permanent. The proposed mitigation of only Plan amendments does not provide the necessary permanent, unchangeable mitigation for severe cumulative impacts that will persist at least for hundreds of years beyond the life of the cumulative projects. The mitigation also does not specify management prescriptions, and it allows undefined activities, "Casual use of the area would remain unaffected." (Biological Resources, Appendix B-3)

4-19

As a thorough cumulative impact analysis is required for public and the agencies to make an informed decision regarding the consequences of a proposed action, the SA/DEIS must be revised to thoroughly examine the above-referenced deficiencies.

4-20

V. The Alternatives Analysis is Inadequate Because BLM Unlawfully Rejected Feasible Alternatives

a. BLM's Statement(s) of Purpose and Need Reflects the Applicant's Needs, and Is Too Narrowly Drawn.

The Alternatives Analysis "is the heart of the environmental impact statement."⁷ CEQ regulations require that an alternatives analysis presents the environmental impacts of the proposal and the alternatives in comparative form, sharply defining issues and providing a clear basis for choice among options by the decision-maker and the public. 43 CFR § 1502.14. In the SA/DEIS Alternatives Analysis, BLM did not consider the Private Land and other private offsite alternatives under NEPA on the basis that these alternatives would not accomplish the purpose and need of the proposed action.⁸

4-21

The decision not to examine these alternatives was incorrect because BLM's statement of purpose and need for the SA/DEIS is too narrowly drawn. Courts have held that although an agency has discretion to define the purpose and need of a project, it cannot use "unreasonably narrow" terms to define a project's objective.

⁷ 40 C.F.R. § 1502.14.

⁸ "since the proposed actions under review in this document are whether to approve or deny, or approve with modification an application for the Calico Solar project to be sited on public land, analysis of a private land alternative would not be consistent with the stated purpose and need of the proposal." SA/DEIS B.2-18.

The Department of Interior (“DOI”) regulation, 40 C.F.R. § 1502.13 merely requires that an EIS briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action. DOI’s NEPA handbook explains 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.” Department of Interior, Bureau of Land Management, National Environmental Policy Act Handbook 35 (citing 40 C.F.R. § 1502.13) (emphasis added).



Here, however, in contravention of NEPA guidelines, the BLM only looked to the Applicant’s purpose and need. The SA/DEIS stated that the purpose and need is “to respond to Palen Solar I, LLC’s application under Title V of FLPMA, 43 U.S.C. § 1761, for a ROW grant to construct, operate, and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other Federal applicable laws.” SA/DEIS ES-6. Based on this narrow statement of purpose and need, BLM has declined to examine any private land off-site alternatives (as well as dismissing alternative technologies, distributed generation, energy efficiency and demand response). In so doing, BLM impermissibly rejected reasonable alternatives that resolved most if not all significant biological impacts of the project ⁹on the basis of inconsistency with the applicant’s purpose and need. Moreover, BLM did so in spite of numerous scoping comments requesting consideration of a private/disturbed land alternative.¹⁰

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cont.

As the Energy Policy Act, and related Secretarial and Executive Orders direct BLM to “encourage the development of environmentally responsible renewable energy” while complying with existing environmental laws, – the project purpose and need statement need not be so narrowly drawn as to preclude the consideration of alternative locations and technologies. To do so reflects the needs of the project applicant, not the needs of BLM, in violation of NEPA. In fact, an agency’s refusal to consider an alternative that would require some action beyond that of its congressional authorization is counter to NEPA’s intent to provide options for agencies. See 40 C.F.R. 1502.14. BLM’s decision to narrow its purpose and need to preclude the analysis of alternative sites, and to avoid analysis of offsite alternatives because they are outside of its jurisdiction, renders the SA/DEIS deficient.

4-22

⁹ The North of Desert Center alternative would have less severe cultural, visual and biological impacts, SA/DEIS B.2-82, and would reduce Project impacts to less than significant.” B.2-49

¹⁰ SA/DEIS ES-9ff.

VI Conclusion

For these reasons, the SA/DEIS violates NEPA, CEQA and potentially FLPMA. Accordingly, it should be revised and re-released. Also, the CDCA and NECO Plans should be revised to give desert-wide guidance, prior to approval of the substantial public land conversion currently proposed by renewable energy projects. In terms of specific local impacts, we would like to reiterate that we support development of a reduced or reconfigured Project that would avoid impacts to Mojave fringe-toed lizard and ensure NECO-mandated tortoise connectivity.

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Thank you for the opportunity to comment on this important project.

Very truly yours,



Joan Taylor, Chair
California/Nevada Desert Energy Committee
Sierra Club
1850 Smoke Tree Lane
Palm Springs, CA 92264

Comment Letter 5



Alice Bond
<alice_bond@tws.org>
07/01/2010 03:21 PM

To "CAPSSolarPalen@blm.gov" <CAPSSolarPalen@blm.gov>
cc "jim_abbott@ca.blm.gov" <jim_abbott@ca.blm.gov>, Alan
Solomon <Asolomon@energy.state.ca.us>, "jwald@nrdc.org"
<jwald@nrdc.org>, Jeff Aardahl <jaardahl@defenders.org>,
bcc

Subject comments on proposed Palen Solar Power Plant

To Whom It May Concern:

Please accept and fully consider the following comments on the Draft EIS for the Palen Solar Power Project on behalf of The Wilderness Society, Natural Resources Defense Council, and Defenders of Wildlife.

Thank you,

Alice Bond
The Wilderness Society
California/Nevada Office
655 Montgomery Street, Suite 1000
San Francisco, CA 94111
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Palen DEIS comments Final.pdf Exhibit 1 - Desert Siting Criteria Memo June 29.pdf

THE WILDERNESS SOCIETY
NATURAL RESOURCES DEFENSE COUNCIL
DEFENDERS OF WILDLIFE

July 1, 2010

CAPSSolarPalen@blm.gov

Re: Draft Environmental Impact Statement and California
Desert Conservation Area Plan Amendment for the
Proposed Palen Solar Power Project

Ms. Allison Shaffer:

This letter constitutes the comments on the above-captioned proposed solar project and draft environmental impact statement (DEIS) of The Wilderness Society (TWS), the Natural Resources Defense Council (NRDC), and the Defenders of Wildlife, all national environmental membership organizations with long histories of advocacy on behalf of the lands and resources administered by the Bureau of Land Management (BLM). More recently these organizations have been intensively involved in the Bureau's work to develop a comprehensive solar program as well as its efforts to "fast track" the permitting of individual utility-scale solar projects in California so that they may be eligible for grant funding under the American Recovery and Reinvestment Act of 2009 (ARRA).

Introduction. Our organizations recognize the need to develop the nation's renewable energy resources and to do so rapidly in order to respond effectively to the challenge of climate change. Unique natural resources here in California are already being affected by climate change, including, for example, the pikas of Yosemite National Park and the Joshua trees in Joshua Tree National Park. We also recognize that renewable energy development can help create jobs in communities that are eager for them, because of the nation's economic crisis. For these and other related reasons, our organizations are working with regulators and project proponents to move renewable energy projects forward. That said, renewable development is not appropriate everywhere on the public lands and must be balanced against the equally urgent need to protect unique and sensitive resources of the California Desert Conservation Area (CDCA). California is lucky indeed that we have sufficient renewable resources, including solar resources, to do their development in an environmentally and fiscally sensitive way.¹

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As we and our colleagues at sister organizations have repeatedly stated, the best way to develop the solar resources of the CDCA is through comprehensive, pro-active planning by both the federal government and the state to identify the most appropriate areas for such development -- *i.e.*, solar development zones -- and to guide development to those zones. *See, e.g.*, letter dated June 29, 2009 to Interior Secretary Salazar and California's Governor Schwarzenegger and signed by 11 organizations, including our own, attached as Exhibit 1.

We support the BLM's adoption of zone designation for its forthcoming solar programmatic EIS because of the benefits inherent in this approach, including but not limited to clustering

5-02

¹ California's Renewable Energy Transition Initiative found, for example, that the state potentially could access 500 GW of renewable energy, an order of magnitude greater than the state's peak demand and far beyond the ability of our electric grid could handle.

development of large-scale projects in appropriate places, rather than permitting them to be located across the landscape in numerous locations. We also applaud the agency's – and the Interior Department's – commitment to work closely with the State of California in the development of the Desert Renewable Energy Conservation Plan which, as you may already know, will designate not only renewable energy development zones, but also zones for conservation as well as include a comprehensive mitigation strategy. The integration and completion of both of these efforts offers the promise of a balanced plan that will facilitate development of renewable resources in the Desert while protecting desert resources.

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cont.

Despite our fundamental belief in the critical importance of agency-guided development of renewable energy, rather than developer-initiated development, we have, as indicated, been investing a great deal of time and effort into the fast track projects. We have done so in response to the emphasis the Department, the BLM and the developers place on meeting ARRA deadlines as well as the potential role these projects could play in meeting the renewable generation and economic goals of the state and federal governments. We have also done so because we wanted to make the projects, and especially the utility-scale solar projects, as environmentally sensitive as they can be and because we wanted to ensure, to the extent possible, that their accompanying environmental documents are as sound as they can be. It is now apparent to us that not even the best of the environmental documents being produced for the fast track projects and/or the best projects should be models or precedents for the future.

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The fast track project sites were chosen without the benefit of siting criteria developed either by desert activists, environmental organizations, scientists and others, *see* Renewable Siting Criteria for California Desert Conservation Area, attached to June 29, 2009 letter referred to above, or by the BLM. The BLM in fact has yet to develop any siting guidance that would help field staff, developers and others identify appropriate sites – i.e., those with relatively low resource values and fewer resource conflicts. Moreover, the projects themselves were designated by Interior and the BLM as fast track projects without consideration of potential environmental issues. And, equally important, the timetable established for review of these projects did not take into account their scale, the agency's lack of experience with the technologies involved, and the agency's lack of expertise permitting these kinds of projects.

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Regardless of the outcome of the environmental review process for this or any other fast track project, we urge the BLM and the Interior Department to acknowledge publicly the deficiencies of the current process and to commit publicly to improving it. More specifically, we urge both entities to affirm that neither the current process, nor any of the project sites, nor any of the environmental documents, establish any legal or procedural precedents for future decision-making, siting or environmental review. We make this urgent recommendation notwithstanding the fact that this particular project appears to be proposed for a site with acceptable areas and the accompanying DEIS represents a slight improvement in several respects over other such documents.

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The Palen Solar Power Plant Project. The proposed project site has some characteristics that are conducive to solar development including a location near to existing infrastructure. The proposed site is 0.5 miles north of Interstate 10, which is also a designated utility corridor with existing and planned transmission lines. See Palen Solar Power Plant Project CEC-BLM SA/DEIS at A-4 and B.2-14. It is also 10 miles from the unincorporated area of Desert Center, id. A-4, and there are approximately 750 acres of agricultural land and 149 acres of developed land (roadways and cleared land) within a one-mile buffer to the east and southeast of the proposed project site. Id. C.2-16. Another characteristic conducive to solar development is the transmission capacity that exists approximately ten miles west of the Palen project site. It appears that a gen-tie line would be

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Comment Letter 5

built to connect to the Southern California Edison transmission system near Desert Center (the exact location is unknown at this time). Id. B.3-12.

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Equally important, portions of this ROW application appear to be of comparatively lower natural resource values than some of the other ROW applications currently being considered for ARRA funding. The entire site implicates no Area of Critical Environmental Concern (ACEC) designated by the BLM or other special agency designation. Although the proposed site overlaps with approximately 210 acres of desert tortoise critical habitat, id. C.2-63, it is our understanding that this is because the habitat boundaries had been adjusted to follow section lines and are not necessarily an accurate representation of habitat suitability. The Desert Wildlife Management Area boundary (DWMA), located outside of the proposed project area, is a more accurate representation of habitat suitability for desert tortoise. Although the site does provide habitat and connectivity for desert tortoise, a federally endangered species, and signs indicating the presence of and use by desert tortoise were found in the study area, no live desert tortoise were found on the site, id. C.2-35, unlike other ARRA project sites such as Tessera's Calico project and Solar Millennium's Ridgecrest project which support sizable populations of this endangered species. See Calico Solar Power Project CEC-BLM SA/DEIS at C.2-3 and Ridgecrest Solar Power Project CEC-BLM SA/DEIS 5.3-1. While the above characteristics render some portions of the site more appropriate than some other locations for solar development, we do still have concerns about project impacts and the DEIS document.

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Our principal concerns with the impacts of the Palen Solar project at this time relate to four biological resources: impacts to the sand transport corridor and stabilized and partially stabilized sand dunes in the eastern portion of the proposed project; impacts to desert tortoise connectivity and other wildlife movement corridors; impacts to the Chuckwalla DWMA and desert tortoise critical habitat from the proposed Red Bluff substation; and the availability of sufficient water for the proposed project.

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Biological Resources: The proposed project would have direct impacts to 1,735 acres of Mojave fringe-toed lizard habitat in the eastern portion of the proposed project site where fine sandy soils are present in the active and stabilized sand dunes. Id. C.2-83. Because of impacts to downwind active sand dunes from the disruption of the sand transport corridor, the project would also have significant impacts to the downwind habitat for this species. Id. Populations of the Mojave fringe-toed lizard are naturally fragmented which "leaves the species vulnerable to local extirpations from additional habitat disturbance and fragmentation." Id. C.2-84. The Mojave fringe-toed lizard is considered sensitive by state and federal agencies and impacts from this project, as currently configured, are significant and unmitigable. Id. In light of this finding, we strongly urge the BLM to continue to modify this project in order to avoid impacts to the sand transport corridor and Mojave fringe-toed lizard habitat. One modification we support is an alternative that largely avoids the eastern one-half of the proposed project in order to provide a suitable level of protection for this sensitive species and its habitat.

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A second area of concern is impacts to desert tortoise connectivity and other wildlife movement corridors. While this site is mostly considered low to moderate quality desert tortoise habitat (3,899 acres), id. C.2-63, the proposed project would significantly affect a desert tortoise habitat connectivity zone established pursuant to the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) to provide for movements north and south under I-10 and through existing drainage crossings. Id. ES-11 and C.2-82. This habitat connectivity zone connects high-quality desert tortoise habitat in between the Chuckwalla DWMA, Chuckwalla Valley, and the Chemehuevi DWMA. Id. ES-11. Large washes through the center of the project site (running southwest to northeast) provide wildlife movement corridors for various species and habitat

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Comment Letter 5

connectivity for desert tortoise. Id. C.2-82. Impacts to desert tortoise connectivity from the proposed project are unmitigable as the project is currently configured. Id. C.2-83. Again, we urge the BLM to modify the project in order to avoid and significantly reduce impacts to desert tortoise connectivity and wildlife movement corridors.

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A third area of concern is the potential environmental impacts from the construction and operation of the proposed Red Bluff substation and the gen-tie line. Although the exact location of the substation is unknown, id. B.3-12, the DEIS states that it will be located in the Chuckwalla DWMA and desert tortoise critical habitat unit. Id. C.2-110. We urge the BLM to evaluate alternative sites for the substation to avoid impacts to the desert tortoise and Mojave fringe-toed lizard.

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Finally, the letter from the Colorado River Board of California dated March 22, 2010 indicates that the issue of groundwater availability for this project has not yet been settled. No new water from the Colorado River is available for this project including groundwater from lands underlying the “accounting surface” “except through the contract of an existing BCPA Section 5 contract holder”, page 2. The availability of sufficient water for the construction and operation of this facility is a key issue for this project and must be addressed in subsequent environmental analysis. The BLM must document for itself and the public that the developer in fact has the water needed for this project in hand; otherwise the agency cannot approve this proposed project.

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Cultural Resources: Analysis of the proposed project’s impacts to cultural resources is still ongoing. Id. C.3-1. The agencies are currently undertaking a negotiated stakeholder Programmatic Agreement (PA) that they expect to complete midsummer. Id. C.3-15. The PA will also address mitigation for project impacts to cultural resources. In addition, cultural resources data compilation for the reconfigured alternative is ongoing and the analysis of impacts to cultural resources will be included in the Supplemental Staff Assessment that the CEC has already committed to prepare. Id. ES-17. The BLM must also incorporate this information into its review of this proposed project and assess all project impacts – direct, indirect and cumulative – to cultural resources. Pending additional information and analysis on cultural resources, we reiterate our recommendation from our scoping comments that the BLM develop strategies to minimize and mitigate impacts on the area’s outstanding cultural resources and engage in consultation with local Native American tribes. Finally, we do not believe the BLM can finalize a NEPA document for this project without fully complying with the Section 106 requirements of the National Historic Preservation Act. The relevant findings regarding impacts to cultural resources and Native American values associated with the proposed project must be disclosed in the NEPA analysis.

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DEIS Elements: Our concerns with the draft environmental review document itself relate to three key elements: the purpose and need statement, the alternatives considered, and the cumulative impact analysis, all of which were problems with the Bureau’s first solar DEIS, the Ivanpah DEIS, and are showing incremental improvement with subsequent DEIS documents including the Palen Solar Power Plant DEIS. We are also concerned about how the BLM will ensure that the new proposal(s) and new information that have come to light or will come to light after publication of the DEIS will be fully analyzed and made available to the public. To maximize the legal defensibility of the Palen environmental review process, the BLM should seriously consider issuing a supplemental DEIS. Our organizations also believe that the DEIS should have addressed the impacts that climate change will have on species and their habitats.

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The purpose and need statement for this project is slightly broader than the one in the Ivanpah draft, but it remains too narrow. Ivanpah’s original purpose and need was explicitly limited to a

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stark dichotomy: “approve” or “deny” the company’s application for a solar project and, as the result, the first draft document addressed only the “no action” option and the “proposed project.” A supplemental draft with a revised purpose and need and additional alternatives was issued in an attempt to remedy this egregious approach to “the heart” of the process established by the National Environmental Policy Act (NEPA).

The Palen EIS draft states that the BLM’s purpose and need is “to respond to” the company’s ROW application. Id. A-11. The BLM should avoid both this mindset as well as too narrow a statement of purpose and need in order to help ensure that its EISs are legally defensible documents. In place of the statement that was used here, our organizations urge the adoption of the following to achieve these goals:

The purpose of the proposed action is to “facilitate environmentally responsible commercial development of solar energy projects”² consistent with the statutory authorities and policies applicable to the Bureau of Land Management, including those providing for contributions towards achieving the renewable energy and economic stimulus and renewable energy development objectives under the Energy Policy Act of 2005 (EPAct), the American Recovery and Re-Investment Act, and Presidential and Secretarial orders as well as the Federal Land Policy and Management Act (FLPMA).

The need for this action is to implement Federal policies, orders and laws that mandate or encourage the development of renewable energy sources, including the Energy Policy Act of 2005, which encourages the Department of the Interior to seek to approve at least 10,000 MW of non-hydropower renewable energy on public lands by 2015, and the Federal policy goal of producing 10% of the nation's electricity from renewable resources by 2010 and 25% by 2025; to enable effective implementation of the economic incentives for qualifying projects intended by the American Recovery and Reinvestment Act; and to support the State of California's renewable energy and climate change objectives, consistent with BLM’s mandates and responsibilities under FLPMA.

This kind of purpose and need statement would clearly satisfy applicable legal requirements, see, e.g., National Parks Conservation Assn v. BLM, 586 F.3rd 735 (9th Cir. 2009), and thus help ensure that environmentally acceptable projects – which this project may end up being –will not only be permitted but will also be built without unnecessary delays.

Alternatives: The DEIS for the Palen Solar project shows some improvement over the Ivanpah DEIS in its treatment of alternatives – in addition to the proposed project, two build alternatives are presented for NEPA analysis and three no project approval alternatives.³ See Palen DEIS at B.2-3.

We recommended in previous comments on this proposed project that the BLM consider alternative configurations for this project that avoid impacts to the northeast and eastern portions of the site where the stabilized and partially stabilized sand dunes are located. We also urged the BLM to work to address impacts from the project to Mojave fringe-toed lizard and desert tortoise



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² This quotation is from Secretary Salazar himself.
³ One CEQA-only alternative is analyzed. See Palen DEIS at B.2-19.

Comment Letter 5

movement including a desert tortoise connectivity zone established to provide for movements north and south under I-10 through existing drainage crossings. Id. C.2-82.

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The BLM has included two alternatives that reduce impacts to biological resources in comparison to the proposed project: the reconfigured alternative modifies the shape of the western and eastern power blocks to avoid some impacts to desert washes and wildlife movement corridors, id. B.2-1, and the reduced acreage alternative further eliminates portions of the proposed project that would have unmitigable impacts to both the sand transport corridor in the northern and northeastern portion and the wildlife movement corridor and reduces the project to 375 MW, id. B.2-1.

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It appears that the reconfigured project would reduce impacts to the main wash through the project site (that acts as a local sand source, provides Mojave fringe-toed lizard habitat and a wildlife movement corridor), but would still have substantial indirect impacts to stabilized and partially stabilized sand dunes. Id. C.2-2 and C.2-5. The 375 MW smaller project alternative would provide the benefits described above from the reconfigured alternative and would also substantially reduce the impacts to the sand transport corridor, sand dune habitat, and Mojave fringe-toed lizard of the construction and operation of the proposed project. Id.

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The reduced acreage alternative also eliminates the project overlap with 210 acres of Critical Habitat for desert tortoise in the southwestern portion of the project area. Id. B.2-1. However, as indicated above, it is our understanding that the project's overlap with desert tortoise Critical Habitat is because the critical habitat boundaries had been adjusted to follow section lines and are not necessarily an accurate representation of habitat suitability. In fact, almost the entirety of the Chuckwalla Desert Critical Habitat Unit is located south of I-10, while the small area that overlaps with the proposed project is north of the interstate. It is unclear that avoiding this area would reduce significant biological impacts.

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We are pleased that the BLM recognizes the significant impacts that would occur to the Mojave fringe-toed lizard, its habitat, and the sand transport corridor from the proposed project footprint as well as the reconfigured alternative. Id. B.2-12, C.2-5 and C.2-83. We urge the BLM to continue to work with the applicant to address potential impacts to biological resources. The most effective way of mitigating significant impacts is through avoidance, which would entail consideration and adoption of an alternative that ensures important habitat and sensitive species in the northeast and eastern portions of the project site. Changes to the configuration and size of the project to reduce such impacts that have been developed after the release of the DEIS must be fully analyzed and made available to the public.

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However, we are still concerned that the BLM's approach to the analysis of alternatives for the proposed project has unnecessarily limited the range of alternatives. The BLM states that it considers alternatives proposed to be located on lands outside of its jurisdiction to be "unreasonable." Id. B.2-2. In defining what is a "reasonable" range of alternatives, NEPA requires consideration of alternatives "that are practical or feasible" and not just "whether the proponent or applicant likes or is itself capable of carrying out a particular alternative"; in fact, "[a]n **alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable.**" Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Questions 2A and 2B*, available at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>; 40 C.F.R. §§ 1502.14, 1506.2(d). The California Energy Commission (CEC) considers alternatives that include private lands provided site control can be obtained in a reasonable timeframe and with some certainty. In the case of the North of Desert Center private land alternative, the CEC found this alternative includes approximately 151

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parcels with 40 separate landowners and that site control could be challenging to obtain due to the number of private land owners. See Palen DEIS at B.2-2.

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Finally, we are concerned with the BLM’s failure to include adequate information regarding the environmental impacts from the construction and operation of the proposed Red Bluff substation and the gen-tie line in the DEIS. Although the exact location of the substation is unknown, id. B.3-12, the DEIS states that it will be located in the Chuckwalla DWMA and desert tortoise critical habitat unit. Id. C.2-110. The DEIS should have included alternatives for the substation location that would have avoided this DWMA and impacts to the desert tortoise and Mojave fringe-toed lizard. We urge the BLM to address this deficiency in subsequent environmental review documents.

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Cumulative Impacts: In order to properly site renewable energy projects, it is essential that a cumulative impacts analysis be conducted to fully evaluate the implications of this type of development on public lands. Cumulative impact is defined as the impact on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future action regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7.

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There are multiple solar and transmission projects proposed in the vicinity of the Palen Solar power plant that will contribute to overall cumulative impacts to sensitive resources in this area. A list of existing and future foreseeable projects along the 1-10 corridor in Eastern Riverside County is included in the DEIS. See Palen DEIS at B.3-8 to B.3-13. In addition to the proposed solar and transmission projects, the DEIS identifies residential development projects, a large race track, and several other projects that will also contribute to cumulative impacts. Id. B.3-9 to B.3-13. While not all of these projects are being permitted by the Bureau, all reasonable efforts must be made to obtain information regarding their potential impacts and construction timing so that a full picture of cumulative impacts can be presented in the final EIS.

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The DEIS utilizes qualitative information about these existing and foreseeable projects to develop estimates and model impacts to key topics such as air quality and biological resources. More quantitative information is highly desirable, to supplement this qualitative material. In addition, the DEIS should address impacts from this project in the context of other connected projects including the associated Red Bluff substation. Further, the cumulative impact analysis should evaluate at-risk species and their habitats in the region to identify the condition and trend for these species and whether additional impacts from current and foreseeable future projects would conform to BLM policy on special status species management (Manual 6840), wildlife habitat management (Manual 6500), as well as legal mandates for public land management established by FLPMA.

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FLPMA mandates that 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 pro-vide for outdoor recreation and human occupancy and use;” (Sec. 5 102(8)). FLPMA also addresses management of public lands within the CDCA: “the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed. (Sec. 601(a)(2)); and “the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures

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of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California; (Sec. 601(a)(3)); and lastly, “ It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality. (Sec. 601(b)).

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Climate Change Impacts: The DEIS’s discussion of climate change focuses on the reduction of greenhouse gases and the development of renewable energy resources. That is, it looks at the effects of the proposed action on climate change. It does not, however, analyze the impacts of climate change on species of concern in the project area, on their habitats, or on the importance of maintaining habitat connectivity in the sustaining species diversity and landscape level movements. The latter impacts are clearly relevant. *See, e.g.*, Secretarial Order 3289, Addressing the Impacts of Climate Change on America’s Water, Land, and Other Natural and Cultural Resources (February 22, 2010). Such an analysis will allow the BLM to assess and reduce the vulnerabilities of the proposed action to climate change, integrate climate change adaptation into the proposed action and alternatives and produce accurate predictions of environmental consequences of the proposed actions and alternatives.

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New Information: Lastly, we are concerned, as indicated above, about the new information, including information on the proposed project’s impacts to cultural resources in the reconfigured alternative, id. C.3-1, information about the location of the Red Bluff substation, id. B.3-12, information on further modifications to the configuration of the preferred alternative, id. A-2, and the complete survey results including data from special status plant and golden eagle surveys conducted this year, id. C.2-94, that has been developed since the DEIS was printed. In addition, the California Energy Commission will release a new document, the Palen Revised Staff Assessment, with relevant information to this project and information that was not available in the Palen DEIS. Id. A-2. If BLM issues a supplemental DEIS, new information in the Palen Revised Staff Assessment should be incorporated into that document.

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BLM should make every effort to ensure that all this new information is made available to the public (and other agencies) along with assessments and analyses of the information as well as that the public is given an opportunity to comment thereon. Public input on agency proposals is one of the hallmarks of NEPA review and it is to prevent the undermining of that critical aspect that limits have been imposed on agency efforts to “load up” final EISs with excessive amounts of new information.

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Conclusion. In conclusion, some areas within the site proposed for this project appear to have fewer resource conflicts than some of the other sites currently being reviewed for fast-track projects, but nonetheless the impacts to the resources identified in these comments and to other desert resources must be fully analyzed, avoided, and mitigated through the BLM process. As we have previously noted, renewable development is not appropriate everywhere on the public lands and must be balanced against the equally urgent need to protect unique and sensitive resources of the CDCA. California is lucky indeed that we have sufficient renewable resources, including solar resources, to do their development in an environmentally responsible manner.

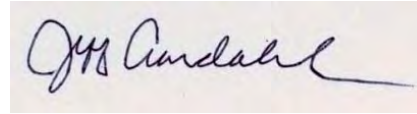
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Thank you in advance for considering our comments. If you have any questions about them, please do not hesitate to contact us.

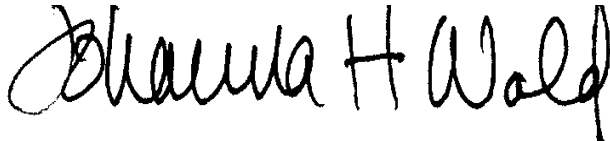
Sincerely,



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Helen O'Shea
Director and Deputy Director, Western Renewable Energy Project
NRDC
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cc: Jim Abbott, Acting California State Director, BLM
cc: Alan Solomon, Project Manager, California Energy Commission

Audubon California
California Native Plant Society * California Wilderness Coalition
Center for Biological Diversity * Defenders of Wildlife
Desert Protective Council * Mojave Desert Land Trust
National Parks Conservation Association
Natural Resources Defense Council * Sierra Club * The Nature Conservancy
The Wilderness Society * The Wildlands Conservancy

Renewable Siting Criteria for California Desert Conservation Area

Environmental stakeholders have been asked by land management agencies, elected officials, other decision-makers, and renewable energy proponents to provide criteria for use in identifying potential renewable energy sites in the California Desert Conservation Area (CDCA). Large parts of the California desert ecosystem have survived despite pressures from mining, grazing, ORV, real estate development and military uses over the last century. Now, utility scale renewable energy development presents the challenge of new land consumptive activities on a potentially unprecedented scale. Without careful planning, the surviving desert ecosystems may be further fragmented, degraded and lost.

The criteria below primarily address the siting of solar energy projects and would need to be further refined to address factors that are specific to the siting of wind and geothermal facilities. While the criteria listed below are not ranked, they are intended to inform planning processes and were designed to provide ecosystem level protection to the CDCA (including public, private and military lands) by giving preference to disturbed lands, steering development away from lands with high environmental values, and avoiding the deserts' undeveloped cores. They were developed with input from field scientists, land managers, and conservation professionals and fall into two categories: 1) areas to prioritize for siting and 2) high conflict areas. The criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy in an effort to help California meet its ambitious renewable energy goals in a timely manner.

Areas to Prioritize for Siting

- Lands that have been mechanically disturbed, i.e., locations that are degraded and disturbed by mechanical disturbance:
 - Lands that have been “type-converted” from native vegetation through plowing, bulldozing or other mechanical impact often in support of agriculture or other land cover change activities (mining, clearance for development, heavy off-road vehicle use).¹
- Public lands of comparatively low resource value located adjacent to degraded and impacted private lands on the fringes of the CDCA:²
 - Allow for the expansion of renewable energy development onto private lands.
 - Private lands development offers tax benefits to local government.
- Brownfields:
 - Revitalize idle or underutilized industrialized sites.
 - Existing transmission capacity and infrastructure are typically in place.

- Locations adjacent to urbanized areas:³
 - Provide jobs for local residents often in underserved communities;
 - Minimize growth-inducing impacts;
 - Provide homes and services for the workforce that will be required at new energy facilities;
 - Minimize workforce commute and associated greenhouse gas emissions.
- Locations that minimize the need to build new roads.
- Locations that could be served by existing substations.
- Areas proximate to sources of municipal wastewater for use in cleaning.
- Locations proximate to load centers.
- Locations adjacent to federally designated corridors with existing major transmission lines.⁴

High Conflict Areas

In an effort to flag areas that will generate significant controversy the environmental community has developed the following list of criteria for areas to avoid in siting renewable projects. These criteria are fairly broad. They are intended to minimize resource conflicts and thereby help California meet its ambitious renewable goals. The criteria are not intended to serve as a substitute for project specific review. They do not include the categories of lands within the California desert that are off limits to all development by statute or policy.⁵

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant⁶ populations of federal or state threatened and endangered species,⁷ significant populations of sensitive, rare and special status species,⁸ and rare or unique plant communities.⁹
- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed HCP and NCCP Conservation Reserves.¹⁰
- Lands purchased for conservation including those conveyed to the BLM.¹¹
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes.¹²
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas.¹³
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands.¹⁴
- National Historic Register eligible sites and other known cultural resources.
- Locations directly adjacent to National or State Park units.¹⁵

EXPLANATIONS

¹ Some of these lands may be currently abandoned from those prior activities, allowing some natural vegetation to be sparsely re-established. However, because the desert is slow to heal, these lands do not support the high level of ecological functioning that undisturbed natural lands do.

² Based on currently available data.

³ Urbanized areas include desert communities that welcome local industrial development but do not include communities that are dependent on tourism for their economic survival.

⁴ The term "federally designated corridors" does not include contingent corridors.

⁵ Lands where development is prohibited by statute or policy include but are not limited to:

National Park Service units; designated Wilderness Areas; Wilderness Study Areas; BLM National Conservation Areas; National Recreation Areas; National Monuments; private preserves and reserves; Inventoried Roadless Areas on USFS lands; National Historic and National Scenic Trails; National Wild, Scenic and Recreational Rivers; HCP and NCCP lands precluded from development; conservation mitigation banks under conservation easements approved by the state Department of Fish and Game, U.S. Fish and Wildlife Service or Army Corps of Engineers a; California State Wetlands; California State Parks; Department of Fish and Game Wildlife Areas and Ecological Reserves; National Historic Register sites.

⁶ Determining “significance” requires consideration of factors that include population size and characteristics, linkage, and feasibility of mitigation.

⁷ Some listed species have no designated critical habitat or occupy habitat outside of designated critical habitat. Locations with significant occurrences of federal or state threatened and endangered species should be avoided even if these locations are outside of designated critical habitat or conservation areas in order to minimize take and provide connectivity between critical habitat units.

⁸ Significant populations/occurrences of sensitive, rare and special status species including CNPS list 1B and list 2 plants, and federal or state agency species of concern.

⁹ Rare plant communities/assemblages include those defined by the California Native Plant Society’s Rare Plant Communities Initiative and by federal, state and county agencies.

¹⁰ ACECs include Desert Tortoise Desert Wildlife Management Areas (DWMAs). The CDCA Plan has designated specific Wildlife Habitat Management Areas (HMAs) to conserve habitat for species such as the Mohave ground squirrel and bighorn sheep. Some of these designated areas are subject to development caps which apply to renewable energy projects (as well as other activities).

¹¹ These lands include compensation lands purchased for mitigation by other parties and transferred to the BLM and compensation lands purchased directly by the BLM.

¹² Landscape-level linkages provide connectivity between species populations, wildlife movement corridors, ecological process corridors (e.g., sand movement corridors), and climate change adaptation corridors. They also provide connections between protected ecological reserves such as National Park units and Wilderness Areas. The long-term viability of existing populations within such reserves may be dependent upon habitat, populations or processes that extend outside of their boundaries. While it is possible to describe current wildlife movement corridors, the problem of forecasting the future locations of such corridors is confounded by the lack of certainty inherent in global climate change. Hence the need to maintain broad, landscape-level connections. To maintain ecological functions and natural history values inherent in parks, wilderness and other biological reserves, trans-boundary ecological processes must be identified and protected. Specific and cumulative impacts that may threaten vital corridors and trans-boundary processes should be avoided.

¹³ Proposed Wilderness Areas: lands proposed by a member of Congress to be set aside to preserve wilderness values. The proposal must be: 1) introduced as legislation, or 2) announced by a member of Congress with publicly available maps. Proposed National Monuments: areas proposed by the President or a member of Congress to protect objects of historic or scientific interest. The proposal must be: 1) introduced as legislation or 2) announced by a member of Congress with publicly available maps. Citizens' Wilderness Inventory Areas: lands that have been inventoried by citizens groups, conservationists, and agencies and found to have defined “wilderness characteristics.” The proposal has been publicly announced.

¹⁴ The extent of upland habitat that needs to be protected is sensitive to site-specific resources. For example: the NECO Amendment to the CDCA Plan protects streams within a 5-mile radius of Townsend big-eared bat maternity roosts; aquatic and riparian species may be highly sensitive to changes in groundwater levels.

¹⁵ Adjacent: lying contiguous, adjoining or within 2 miles of park or state boundaries. (Note: lands more than 2 miles from a park boundary should be evaluated for importance from a landscape-level linkage perspective, as further defined in footnote 12).

Comment Letter 6



Bonnie Heeley
<bheeley@adamsbroadwell.com>

07/02/2010 10:30 AM

To "CAPSSolarPalen@blm.gov" <CAPSSolarPalen@blm.gov>

cc "Jason W. Holder" <jholder@adamsbroadwell.com>

bcc

Subject FW: CURE's Comments Concerning DEIS for Palen Solar Power Project (1)

Ms. Shaffer:

Yesterday I mistakenly emailed CURE's Comments Concerning the Draft Environmental Impact Statement for Palen Solar Power Project (09-AFC-7) to CAPSSolarBlythe@blm.gov rather than CAPSSolarPalen@blm.gov. I apologize for this error and hope that it has not caused your office any inconvenience. I am forwarding the emails. The hardcopy was sent via overnight mail yesterday.

We also note that on the Energy Commission's Proof of Service List CAPSSolarBlythe@blm.gov is shown as the email address for the Palen matter. We are not sure if this is intentional or an error.

See below for the Comments; exhibits to follow.

Bonnie Heeley
Adams Broadwell Joseph & Cardozo
(650) 589-1660
bheeley@adamsbroadwell.com

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From: Bonnie Heeley
Sent: Thursday, July 01, 2010 5:19 PM
To: 'CAPSSolarBlythe@blm.gov'
Subject: CURE's Comments Concerning DEIS for Palen Solar Power Project (1)

Ms Shaffer:

I will be sending CURE's Comments and Attachments in several emails. The original will follow via overnight mail.

Bonnie Heeley
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CURE Comments (2).pdf

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July 1, 2010

VIA E-MAIL [ORIGINAL TO FOLLOW VIA OVERNIGHT MAIL]

Allison Shaffer, Project Manager
Palm Springs South Coast Field Office
Bureau of Land Management
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Palm Springs, CA 92262
Email: CAPSSolarPalen@blm.gov

Re: CURE's Comments Concerning Draft Environmental Impact Statement for Palen Solar Power Project (09-AFC-7)

Dear Ms. Shaffer:

On behalf of California Unions for Reliable Energy ("CURE"), please accept these comments on the Draft Environmental Impact Statement ("DEIS"), prepared pursuant to the National Environmental Policy Act ("NEPA"),¹ for Palen Solar I, LLC's ("Applicant") proposed 500- MW Palen Solar Power Project (the "Project," "Proposed Action," or "PSPP"). The Project requires an amendment to the California Desert Conservation Area ("CDCA") Plan, a right-of-way ("ROW") from the Bureau of Land Management ("BLM") to construct, operate and decommission the facility, California Energy Commission ("CEC") certification to construct and operate the facility, a cultural resources Programmatic Agreement ("PA"), a streambed alteration agreement, certification of waste discharge requirements and incidental take permits, among other agency actions.

As explained more fully below, the DEIS does not comply with the requirements of NEPA, or the California Environmental Quality Act ("CEQA")² for required discretionary approvals by California State agencies. Therefore, BLM may

6-001

¹ 42 U.S.C. §§ 4321 et seq. (2010).

² Public Resources Code, § 21000 et seq.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 2

not approve the CDCA Plan amendment or ROW until an adequate DEIS is prepared and circulated for public review and comment.

↑ 6-001
| cont.

CURE is a coalition of labor unions whose members construct, operate, and maintain power plants throughout California. CURE encourages sustainable development of California's energy and natural resources. Environmental degradation jeopardizes future growth and jobs by causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited fresh water resources, and imposing other stresses on the environmental carrying capacity of the state. This in turn reduces future employment opportunities for CURE's members. Additionally, union members live and work in the communities and regions that suffer the impacts of projects that are detrimental to human health and the environment. CURE therefore has a direct interest in enforcing environmental laws to minimize the adverse impacts of projects that would otherwise degrade the environment. Finally, CURE members are concerned about projects that risk serious environmental harm without providing countervailing economic benefits. The NEPA process allows for a balanced consideration of a project's socioeconomic and environmental impacts, and it is in this spirit that we offer these comments.

The BLM and the CEC have prepared a joint Staff Assessment/Draft Environmental Impact Statement for the Project to satisfy the requirements of NEPA and CEQA. We have been informed that the BLM's NEPA document and the CEC's CEQA functional equivalent document are no longer proceeding along a joint track towards completion. These comments are directed toward the BLM's Draft Environmental Impact Statement ("DEIS") document, and the extent to which the analyses comply with the requirements of NEPA.

We have reviewed the DEIS and its technical appendices in conjunction with other studies and materials developed as part of the concurrent review of the Project by BLM and CEC. The following technical consultants assisted us:

- Jim Cornett, M.S. (biological resources impacts).
- Matt Hagemann, P.G. (hazards and hazardous materials impacts)

Their comments and qualifications are appended hereto as Attachment A ("Cornett Comments") and Attachment B ("Hagemann Comments"). **We request that you consider and respond to these consultants' comments separately and individually.**

2357-037a

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 3

I. INTRODUCTION

California is experiencing an unprecedented wave of new alternative energy power plant development throughout its territory. As of January 2010, 244 renewable projects have been proposed in California.³ 10 of these proposed projects would be located within 15 miles of the Project, and an additional 12 future projects would be located further away along the I-10 corridor. The DEIS acknowledges that 125 renewable energy projects would be “scattered throughout the California Desert Conservation Area” managed by the BLM.⁴ While these plants will employ relatively clean solar thermal, solar photovoltaic, or wind technology and each would presumably be equipped with modern pollution control technologies, each one will unavoidably tax the state’s limited air, water, land, and biological resources to a potentially significant cumulative extent. The final toll taken by this historic energy boom on California’s environment, public health, and natural resource base may not be known for several years or longer, but currently available and substantial evidence shows that the effects will be severe. The public lands managed by the BLM will be similarly taxed. The DEIS for this Project is wholly inadequate, because it fails to adequately consider, among other impacts, the cumulative effects in the region that will cause environmental degradation.

6-002

This Project, as well as numerous other pending renewable energy projects, seeks funding through the American Recovery and Reinvestment Act of 2009. As recently stated in a proclamation by President Obama, the ARRA “reaffirmed NEPA’s role in protecting public health, safety, and environmental quality, and in ensuring transparency, accountability, and public involvement in our Government.”⁵

Under these unprecedented circumstances, it is even more imperative that this environmental document identify and analyze all foreseeable direct, indirect, and cumulative project impacts with the utmost degree of accuracy, care and detail. It is equally if not more imperative that any and all reasonable alternatives that are less environmentally damaging be presented and discussed as thoroughly as

³ DEIS, p. B.3-1; see also *Id.*, Cumulative Impacts Tables 1A and 1B; see also Press Release, Office of the Governor, Governor Schwarzenegger Announces 244 Proposed Renewable Energy Projects Throughout the State (Dec. 29, 2009), available at <http://gov.ca.gov/press-release/14092/>.

⁴ *Id.* at p. C.12-33.

⁵ Presidential Proclamation regarding the 40th Anniversary of the National Environmental Policy Act, December 31, 2009.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 4

possible, together with any and all feasible mitigation measures. The strictures of NEPA and the maxims of sound public policy and informed environmental planning require nothing less. Based on these concerns, CURE and its members have a strong interest in ensuring that this Project complies with all applicable federal, State and local laws and regulations.

With that said, we must conclude with disappointment that this particular DEIS, while evidently drafted by skilled and conscientious experts, is so rife with omissions, incomplete analyses, and obsolete information regarding a changing Project that it simply does not even come close to complying with NEPA standards. As these comments will demonstrate, the DEIS is fatally deficient and must be substantially revised and recirculated for further public review and comment before it may be finalized.⁶

6-003

As explained at length below, the Project will generate a multitude of impacts in a number of impact areas, including: land use, air quality, public health, water supply, water quality, biological resources, and cultural resources. The DEIS either mischaracterizes, misanalyzes, underestimates, or fails to identify many of these impacts. The DEIS, for example, fails entirely to identify the impacts that will be caused by the proposed 8-12 mile-long transmission line⁷ to the planned Red Bluff substation. Furthermore, the DEIS fails to mention or discuss a number of reasonable and perfectly feasible measures that could avoid or mitigate impacts to levels of insignificance with relative ease and with minimal expense. At the same time, many of the mitigation measures described in the DEIS will not in fact mitigate impacts to the extent claimed and in some instances will generate additional impacts that are not evaluated. For example, the DEIS does not describe the locations of available compensation habitat and does not address the impacts that may be caused by habitat enhancement. Finally, the DEIS impermissibly truncates the scope of alternatives discussed, and consequently fails to consider reasonable feasible alternative approaches to the project footprint, floodwater drainage facilities, and wildlife movement that would avoid altogether several of the project's most serious impacts. The only justification for eliminating these

6-004

6-005

6-006

⁶ 40 C.F.R. § 1502.9(a) (2009) ["If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion"].

⁷ The DEIS and other documents prepared by the Applicant inconsistently describes the length of the transmission line. *Compare Id.* at p. D.5-5 [describing 8-mile long transmission line], B.1-11 [describing 10-mile distance to Red Bluff substation] with Updated Plan of Development, dated July 20, 2009, p. 35 [describing 12-mile long gen tie line].

6-007

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 5

alternatives appears to be that the Applicant believes they are too costly. This simply flies in the face of both the letter and spirit of NEPA.

↑ 6-006
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Below, after a brief summary of applicable legal requirements governing EIS preparation, we present our general comments and our more specific comments organized according to resource category. The general comments address analytical flaws that pervade the DEIS, while the specific comments address errors in individual analyses.

II. THE DEIS FAILS TO SATISFY NEPA'S PURPOSE AND GOALS

NEPA requires that agencies take a "hard look" at the environmental consequences of a proposed action.⁸ A hard look is defined as a "reasoned analysis containing quantitative or detailed qualitative information."⁹ The level of detail must be sufficient to support reasoned conclusions by comparing the amount and the degree of the impact caused by the proposed action and the alternatives.¹⁰ An EIS must provide a "full and fair discussion of significant environmental impacts and shall inform the decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment."¹¹ "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."¹² "[L]ack of knowledge does not excuse the preparation of an EIS; rather it requires [the agency] to do the necessary work to obtain it."¹³

⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989); *Dubois v. U.S. Dep't of Agric.*, 102 F.3d 1273, 1284 (1st. Cir. 1996); see also *South Fork Band Council Of Western Shoshone Of Nevada v. U.S. Dept. of Interior*, 588 F.3d 718, 727 (9th Cir. 2009) ["NEPA requires that a hard look be taken, if possible, before the environmentally harmful actions are put into effect"].

⁹ BLM, NEPA HANDBOOK, P. 55 (Jan. 2008) ("NEPA Handbook"), available at: http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_ha_ndbook.Par.24487.File.dat/h1790-1-2008-1.pdf.

¹⁰ NEPA Handbook, p. 55; see also 40 C.F.R. § 1502.1 (2009).

¹¹ 40 CFR 1502.1.

¹² *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998).

¹³ *National Parks & Conservation Association v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001), abrogated on other grounds by *Monsanto Co. v. Geertson Seed Farms*, 2010 WL 2471057, 12 (U.S.) (U.S., 2010) [An injunction should issue only if the traditional four-factor test is satisfied].

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 6

NEPA review makes information on the environmental consequences of a proposed action available to the public, which may then offer its insight to assist the agency's decision-making.¹⁴ An EIS is more than just a disclosure device, however, it is an "action-forcing device" which ensures that NEPA's requirements are infused into the ongoing programs and actions of the federal government.¹⁵ An EIS must provide a full and fair discussion of every significant impact, as well as inform decision-makers and the public of reasonable alternatives which would avoid or minimize adverse impacts.¹⁶ The impacts analysis must include a discussion of the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.¹⁷ The discussion of impacts must include both "direct and indirect effects (secondary impacts) of a proposed project."¹⁸ The agency need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.¹⁹ In this context, reasonable foreseeability means that "the impact is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision."²⁰

In addition to a scientifically defensible analysis of project impacts, an EIS must also include a discussion of "appropriate mitigation measures not already included in the proposed action or alternatives."²¹ An EIS is not complete unless it contains "a reasonably complete discussion of possible mitigation measures."²² Mitigation includes "avoiding the impact altogether by not taking a certain action or parts of an action."²³ It also includes "minimizing impacts by limiting the degree or magnitude of the action and its implementation."²⁴ The mandate to thoroughly

¹⁴ See *Robertson*, 490 U.S. at 350; *Dubois*, 102 F.3d at 1284.

¹⁵ 40 C.F.R. § 1502.1.

¹⁶ *Id.*

¹⁷ *Id.* at § 1502.16.

¹⁸ *Id.* at § 1502.16(b); see also *Sierra Club v. Marsh*, 976 F.2d 763, 767 (1st Cir. 1992).

¹⁹ *Sierra Club v. Marsh*, 976 F.2d at 767.

²⁰ *Ibid*; see also *Dubois v. Dept. of Agriculture*, 102 F.3d 1273, 1286 (1st Cir. 1996).

²¹ 40 C.F.R. § 1502.14(f).

²² *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

²³ 40 C.F.R. § 1508.20(a).

²⁴ *Id.* at subd. (b).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 7

evaluate all feasible mitigation measures is critical to NEPA’s purposes.²⁵ Hence, a “perfunctory description” or a “mere listing” of possible mitigation measures is not adequate to satisfy NEPA’s requirements.²⁶ That individual harms are somewhat uncertain due limited understanding of the Project characteristics and baseline conditions does not relieve BLM of the responsibility under NEPA to discuss mitigation of reasonably likely impacts at the outset.²⁷

An EIS must “[r]igorously 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.”²⁸ This requirement is discussed in greater detail in a subsequent section of this letter.

Finally, an EIS should be “concise, clear, to the point, and supported by evidence that the agency has made the necessary environmental analyses.”²⁹ A concise and clear EIS that is supported by evidence ensures that federal agencies are informed of environmental consequences *before* making decisions and that the information is available to the public.³⁰ As the Council on Environmental Quality (“CEQ”) explains in its regulations, “[e]nvironmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”³¹

The DEIS for the proposed Project fails to comply with these basic requirements. First, the lack of complete, accurate and consistent information in the DEIS precludes an informed comparison of the alternatives and an analysis of the Proposed Action. Second, the BLM failed to take a hard look at all of the Project’s impacts. Finally, the BLM impermissibly limited its alternatives analysis by relying on an arbitrarily narrow purpose and need statement. For these reasons, the DEIS precludes a meaningful analysis of the Project, and the BLM must revise

6-008
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²⁵ *Id.* at § 1500.1(c.)

²⁶ *Neighbors of Cuddy Mountain*, 137 F.3d at 1380; *Idaho Sporting Cong. v. Thomas*, 137 F.3d 1146, 1151 (9th Cir. 1998).

²⁷ *See South Fork Band Council of Western Shoshone of Nevada*, 588 F.3d at 727, citing *National Parks*, 241 F.3d at 733.

²⁸ 40 C.F.R. § 1502.14(a).

²⁹ *Id.*

³⁰ *Inland Empire Pub. Lands Council v. U.S. Forest Serv.*, 88 F.3d 754, 758 (9th Cir. 1996).

³¹ 40 C.F.R. § 1502.2(g).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 8

the DEIS and recirculate the revised DEIS for public review and comment before making a decision.

↑ 6-008
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III. GENERAL COMMENTS

A. Information in the DEIS Concerning the Size and Characteristics of the Proposed Action is Incomplete and Inaccurate.

A complete and consistent description of the Proposed Action and the affected environment is necessary for the public and decision makers to understand the effects of the proposed action and its alternatives.³² A clear description results in more focused and meaningful public input and BLM participation, a more complete identification of issues, development of reasonable alternatives, sound analysis and interpretation of effects, focused analysis and a sound and supportable decision.³³

It follows that information in the DEIS that is incomplete, inconsistent and/or inaccurate will skew the environmental consequences analysis and prevent informed public input. Courts have held that “[w]here the information in the initial EIS was so incomplete or misleading that the decisionmaker and the public could not make an informed comparison of the alternatives, revision of an EIS [was] necessary to provide a reasonable, good faith, and objective presentation of the subjects required by NEPA.”³⁴

The DEIS contains incomplete, inconsistent and inaccurate information that precludes a full understanding of the Proposed Action, a meaningful analysis of all Project impacts, and prevents an informed comparison of the alternatives. This violates the basic requirements of NEPA.

↓ 6-009

The importance of an accurate and complete description of the Project and its environmental impacts is especially critical here, given the immense scale of the Project. At 5,200 acres (8.125 square miles), the ROW for this single power plant project is larger than many cities in California including Monterey Park, Alhambra,

³² See 40 C.F.R. § 1502.15; see also *State of Cal. v. Block*, 690 F.2d 753, 761 (9th Cir. 1982) [starting point for analysis of whether a “critical decision” with respect to site development is “to describe accurately the ‘federal action’ being taken”].

³³ NEPA Handbook pp. 42-45.

³⁴ *Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 811 (9th Cir. 2005), citing *Animal Def. Council v. Hodel*, 840 F.2d 1432, 1439 (9th Cir. 1988).

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 9

La Habra, and Daly City.³⁵ A map of the Project lay-out demonstrates that nearly the entire area will be disturbed by roads, power units, buildings, underground utilities and support structures. This will dramatically impact every aspect of the ecosystem on the Project site and surrounding the Project area.

↑
 6-009
 cont.

The DEIS inconsistently describes the number of acres that will be disturbed by the proposed Palen Solar Power Project (“PSPP” or “Project”): the figures range from 2,740 to 3,899 disturbed acres.³⁶ These inconsistent figures appear to reflect the varying ways in which the total “Project disturbance” area was considered (i.e., Project footprint, solar fields, transmission line, etc.), but this is not clear from the various DEIS references. The Application for Certification (“AFC”) for the Project at the CEC similarly provided inconsistent figures for the Project disturbance area and facility footprint.³⁷

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 6-010

Significantly, none of the inconsistently reported amounts of disturbed acreage took into account the proposed transmission line to the planned Red Bluff substation and the associated road.³⁸ Thus, as discussed in the following section, the DEIS failed to consider *any* of the impacts associated with this transmission line route.

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 6-011

The introduction to Applicant’s responses to Energy Commission staff’s Data Requests (“DR” or “DRs”) regarding biological resources attempts to clarify the Project disturbance area.³⁹ This explanation only induces further confusion. The introduction recites the AFC Disturbance Area as 3,874 acres and the revised Project Disturbance Area as 3,945.8 acres. These figures suggest that at least some of the DEIS analyses failed to consider the impacts of the Project as a whole. Moreover, the revised Project Disturbance Area reported in the introduction to DR responses took into account the Transmission Line Disturbance Area for the

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 6-012
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³⁵ See 2000 Census: US Municipalities Over 50,000: Ranked by 2000 Population, available at: <http://www.demographia.com/db-uscity98.htm>.

³⁶ See, e.g., DEIS, Proposed Project, pp. B.1-1 [2,970 acres disturbed], B.2-16 [2,740 occupied by Units 1 and 2], Biological Resources, C.2-1 [3,899 acres disturbed], Health and Safety, C.5-21 [2,740 acres disturbed], C.9-3 [2,970 acres disturbed], C.12-14 [4.5 square miles].

³⁷ See AFC, § 2.0, Fact Sheet [2,970 acres disturbed]; see also *id.* at pp. 5.3-9 [3,871 acres disturbed and 2,970-acre facility footprint], 5.4-1 [3,871 acres disturbed].

³⁸ See *Id.* at p. C.6-1.

³⁹ See BIO-1.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 10

formerly proposed transmission line to the south of the Project site, not the current much longer transmission line to the west of the Project site.⁴⁰

↑ 6-012
| cont.

The estimated amount of cut and fill for the Project is also inconsistent. In the Streambed Alteration Notification submitted to the California Department of Fish and Game (“CDFG”) and in the DEIS, only 4.5 million cubic yards of earth movement is reported.⁴¹ In contrast, the response to DR-S&W-181 states that 16.3 million cubic yards will be moved. Thus, the DEIS may have underreported the amount of earth movement by a factor of almost four.

| 6-013

As discussed further below, the DEIS also failed to accurately identify all Project characteristics. Project characteristics not considered in the DEIS, include:

- The transmission line to the Red Bluff substation and associated access roads and spur roads,
- Redesigned drainage facilities for the Project site,
- Newly proposed evaporation ponds for wastewater, and
- A new on-site concrete batch plant.⁴²

| 6-014

The BLM must revise the DEIS to provide a reasonable, consistent, good faith and objective presentation of the Proposed Action characteristics, the qualities of the affected environment, and the environmental consequences of the Proposed Action and its alternatives.

| 6-015

⁴⁰ *Ibid.*

⁴¹ See Attachment C, Notification of Lake or Streambed Alteration, § 10, Project Description [describing preliminary site grading plan]; see also DEIS, p. C.9-35.

⁴² See Attachment D, document entitled “Environmental Evaluation of Project Updates,” submitted to CEC as Attachment 2 to Applicant’s Initial Comments on SA/DEIS.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 11

B. The DEIS Impermissibly Segments Environmental Review by Failing to Consider Project Impacts Associated with the Proposed Transmission Line, Redesigned Drainage Facilities, Evaporation Ponds, and On-site Concrete Batch Plant.

1. *Scoping Under NEPA Requires Evaluation of All Impacts Associated with a "Single Course of Action."*

"Major Federal actions" include not only those actions undertaken by federal agencies, but also "actions with effects that may be major and which are potentially subject to Federal control and responsibility."⁴³ This includes "projects and programs entirely or *partly* financed, assisted, conducted, *regulated*, or *approved* by federal agencies"⁴⁴

When evaluating a project's environmental impacts under NEPA, a federal agency must consider the entire project. "Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."⁴⁵ This principle was established early in the development of NEPA law, and applies even when the federal involvement is limited to approving a relatively small aspect of the project.⁴⁶

For example, in *Cady*, the U.S. Geological Survey approved a mining plan to be undertaken by a private mining company.⁴⁷ The mining plan covered 770 acres over 5 years; but the mining company had leased over 30,000 acres for a 20-year period. The court held that the agency was required to prepare an EIS for the whole project.⁴⁸

⁴³ 40 C.F.R. § 1508.18.

⁴⁴ *Id.* at § 1508.18, subd. (a) (emphasis added).

⁴⁵ *Id.* at § 1502.4, subd. (a).

⁴⁶ *E.g.*, *Maryland Conservation Council, Inc. v. Gilchrist*, 808 F.2d 1039, 1042 (4th Cir. 1986); *Sierra Club v. Hodel*, 544 F.2d 1036, 1040-41 (9th Cir. 1976); *Cady v. Morton*, 527 F.2d 786, 795 (9th Cir. 1975).

⁴⁷ 527 F.2d at 795.

⁴⁸ *Ibid.* An agency's duty to evaluate all environmental impacts associated with a privately undertaken project may even be triggered by its duty to protect lands adjacent to the project area. *Sierra Club* dealt with a County's plan to improve a road within an existing BLM right-of-way. (848 F.2d at 1073.) Portions of the road were adjacent to wilderness study areas. The court held that

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Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 12

The DEIS must address closely related “connected actions,” as well as similar actions and cumulative actions.⁴⁹ Under NEPA, actions are connected if they:

- (i) Automatically trigger other actions which may require environmental impact statements.
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.⁵⁰

The BLM’s Processing Guidance document, which addresses general requirements for processing solar power projects in the California Desert District, is consistent with the requirement that transmission lines must be treated as part of the Proposed Action.⁵¹ The guidance documents states that the transmission line and associated infrastructure must be analyzed in the DEIS, to the extent information concerning the transmission line is available at the time the analysis is prepared.⁵² Further, the BLM NEPA handbook instructs BLM to evaluate whether studying connected actions in a single NEPA document would improve the quality of analysis and efficiency of the NEPA process, and provide a stronger basis for decision-making.⁵³

The DEIS only covers the Project’s footprint and a formerly proposed transmission line ROW and substation to the south of the Project site.⁵⁴ While some chapters of the DEIS mention the proposed route to the Red Bluff

↓ 6-016

BLM’s statutory duty to protect wilderness study areas from unnecessary degradation “injects an element of federal control for the required action that elevates this situation to one of major federal action.” (*Id.* at 1090-91.)

⁴⁹ 40 CFR §1508.25(a).

⁵⁰ 40 CFR §1508.25(a)(1).

⁵¹ Processing Guidance, pp. 2, 6.

⁵² References in the DEIS and the July 2009 Updated Plan of Development to the Red Bluff substation indicate information regarding this transmission line route was available at the time the DEIS was prepared. *See, e.g.* DEIS, D.5-5 [describing 8-mile long transmission line], B.1-11 [describing 10-mile distance to Red Bluff substation]; *see also* Updated Plan of Development, dated July 20, 2009, p. 35 [describing 12-mile gen tie line].

⁵³ NEPA Handbook, p. 45.

⁵⁴ *See, e.g.*, DEIS, C.2-13 [Biological Resources chapter description of proposed project, describing original 1.2-mile transmission line corridor to the south of Project site].

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 13

substation,⁵⁵ the DEIS does not address the impacts associated with transmission lines now under consideration. The DEIS also fails to consider several new Project components that the Applicant has proposed since release of the DEIS.⁵⁶ Failure to consider all aspects of the proposed action violates NEPA because it improperly segments the Project.

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 6-016
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The transmission line to the Red Bluff substation is an integral component of the Project. The Project requires the transmission line in order to deliver the power it will generate to Southern California Edison (“SCE”) and to the grid.⁵⁷ As such, the transmission line is a necessary conduit for the Project’s electricity, and is merely one aspect of the larger Project. By authorizing the transmission line ROW, BLM would enable the Project to proceed. Similarly, the concrete batch plant is necessary for Project construction, and the evaporation ponds are necessary for Project operations. Thus, BLM must also consider these Project characteristics during its environmental review under NEPA, and must provide an opportunity for the public to comment on revisions to the proposed Project and the associated impacts.

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 6-017

NEPA requires responsible opposing viewpoints to be included in the final EIS. [Citations.] This reflects the paramount Congressional desire to internalize opposing viewpoints into the decision-making process to ensure that an agency is cognizant of all the environmental trade-offs that are implicit in a decision. [Citations.] To effectuate this aim, NEPA requires not merely public notice, but public participation in the evaluation of the environmental consequences of a major federal action. [Citation.] ¶ *Failure to disclose a Proposed Action before the issuance of a final EIS can defeat this aim, at least when the Proposed Action differs radically from the alternatives mentioned in a draft EIS.*⁵⁸

⁵⁵ See DEIS, p. B.1-11 [describing 10-mile distance to Red Bluff substation]; see also *Id.* at pp. C.11-1, C.11-4; see also Updated Plan of Development, dated July 20, 2009, p. 35 [describing 12-mile gen tie line]; see also Applicant’s Responses to CEC Data Requests Set 1, Vol. A, Biological Resources, (January 6, 2010), Figures: DR-BIO-60-2, DR-BIO-63-1, DR-BIO-64-1, DR-BIO-91, DR-BIO-98-2, DR-BIO-98-3, DR-BIO-98-4, DR-BIO-101.

⁵⁶ See generally Attachment D, Environmental Evaluation of Project Updates.

⁵⁷ DEIS, p. D.5-1.

⁵⁸ *State of Cal. v. Block*, 690 F.2d 753, 771 (9th Cir. 1999), citations omitted and italics added.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 14

Further, NEPA requires preparation of a supplement to a draft EIS when “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.”⁵⁹ A supplemental EIS is required if a new proposal “will have a significant impact on the environment in a manner not previously evaluated and considered.”⁶⁰

The change in the transmission line route from the route analyzed in the DEIS (from the Project site to a nearby proposed Substation to the south) to a proposed substation that is substantially further away is one example of new information that necessitates recirculation of a supplemental EIS. The newly proposed transmission line route and its associated roads will cross numerous desert washes and will traverse a substantially longer expanse of undisturbed desert. This aspect of the Project will have impacts to biological resources and to drainage features within the transmission line ROW.

6-018

Here, it is undisputed that the proposed Project cannot be constructed or operated without a transmission line connecting the Project to the electricity grid, a concrete batch plant, evaporation ponds, and redesigned drainage infrastructure. Because these Project characteristics are necessary parts of the Project, they are connected actions with potentially significant impacts that must be analyzed in a revised DEIS or a supplement to the DEIS that is circulated for public review and comment.

6-019

2. The DEIS Failed to Analyze Project Impacts Associated with the New Transmission Line Route, the Evaporation Ponds, the Concrete Batch Plant, and Redesigned Drainage Facilities.

NEPA “promotes its sweeping commitment” to environmental integrity “by focusing Government and public attention on the environmental effects of proposed agency action. [citation] By so focusing agency attention, *NEPA ensures that the*

⁵⁹ 40 C.F.R. § 1502.9 [agencies shall “prepare supplements to either draft or final environmental impact statements if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts”].

⁶⁰ *S. Trenton Residents Against 29 v. Fed. Highway Admin.* (1999) 176 F.3d 658, 663; *see also* NEPA Handbook, pp. 29-30.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 15

*agency will not act on incomplete information, only to regret its decision after it is too late to correct.*⁶¹

With respect to this DEIS, the BLM has not taken the required “hard look” at impacts associated with the transmission upgrades it has already identified as necessary. Nor has the BLM analyzed the impacts associated with other newly proposed Project features. Potentially significant impacts not identified or evaluated in the DEIS include the following:

- Air quality – Equipment used for construction of the transmission lines and associated access and spur roads would emit nitrogen oxides (“NO_x”), volatile organic compounds (“VOC”), particulate matter (“PM₁₀” and “PM_{2.5}”), carbon monoxide (“CO”) and carbon dioxide (“CO₂”). The Project area is classified non-attainment for ozone and PM₁₀.⁶² Operation of the concrete batch plant during Project construction will also produce emissions that were not considered in the DEIS. 6-020

- Water Quality – An access road and spur roads will be built along the transmission line route. These roads will impact natural drainage patterns in numerous washes flowing north from the Chuckwalla Mountains to the south. The redesigned drainage facilities will also cause unaddressed impacts to water quality. 6-021

- Cultural resources – Construction of the new transmission line has the potential to impact recorded archaeological and historical sites.⁶³ 6-022

- Biological resources – The area that will be impacted by the transmission line supports a variety of biological resources, including threatened and endangered species. Transmission line construction and operation would temporarily and permanently disturb habitat supporting these species. 6-023

We note that this is not a complete list of the potentially significant impacts associated with the transmission line to the planned Red Bluff substation and other 6-024

⁶¹ *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371, 109 S.Ct. 1851, 104 L.Ed.2d 377 (1989), italics added.

⁶² DEIS, p. C.1-10.

⁶³ Such impacts trigger BLM’s duties under the National Historic Preservation Act, 16 U.S.C. § 470 et seq. See *The Extent to Which the National Historic Preservation Act Requires Cultural Resources to be Identified and Considered in the Grant of a Federal Right of Way*, 87 Interior Dec. 27 (1979).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 16

newly proposed Project features. The CEC's licensing process and the BLM's permitting process are underway and issues are still being developed. The EIS should identify, evaluate and mitigate, where feasible, all of the potentially significant impacts associated with all Project features, including those identified above.

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6-025
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C. The DEIS Fails to Adequately Analyze the Project's Contribution to Several Acknowledged Categories of Significant Cumulative Impacts.

A proper consideration of a Project's cumulative impacts requires "some quantified or detailed information; ... [g]eneral statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided."⁶⁴ The analysis "must be more than perfunctory; it must provide a useful analysis of the cumulative impacts of past, present, and future projects."⁶⁵

The DEIS Fails to consider the Project's contribution to adverse cumulative impacts to wildlife connectivity and other cumulative impacts that will be caused by the influx of immense solar facilities in the CDCA Plan area. The Project's contribution must be considered together with nearby proposed large-scale solar projects, including but not limited to:

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6-026
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⁶⁴ *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 361 F.3d 1108, 1128 (9th Cir. 2004), quoting *Neighbors of Cuddy Mountain*, 137 F.3d at 1379-80.

⁶⁵ *Id.*, internal quotations and citations omitted.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 17

Table 1: Proposed Large Scale Solar Projects in the Vicinity of PSPP

Project Name/ Serial No.	Applicant	Type	BLM Acreage ⁶⁶	CEC Acreage ⁶⁷	DEIS Acreage ⁶⁸
Chuckwalla Solar 1, CACA 48808	Chuckwalla Solar, LLC	Photo-voltaic ("PV")	4,099	Not Available	ROW: 4,091 (or 4,083)
Blythe, CACA 48811	Solar Millennium	Solar Thermal ("ST")	11,056	ROW: 9,400 Disturbed: 7,030	ROW: 7,239 (or 9,400)
Genesis Ford Dry Lake, CACA 48880	NextEra Energy/ Florida Power & Light ("FPL")	ST	18,083	ROW: 4,640 Disturbed: 1,800	ROW: 1,768
Genesis McCoy, CACA 48728	FPL	ST	20,608	Not Available	Not Available*
CACA 49097	Bullfrog Green Energy, LLC	ST	6,634	Not Available	Not Available*
Desert Sunlight, CACA 48649	First Solar, Inc.	PV	14,905	Not Available	ROW: 5,119 (or 5,000-6,000)
Desert Quartzite, CACA 49397	First Solar, Inc.	PV	7,548	Not Available	ROW: 7,530 (or 7,724)

6-026
cont.

⁶⁶ See Attachment E, First-In-Line Solar Applications, dated December 21, 2009, available at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Renew_Energy_2_09_solar.pdf (as of June 11, 2010).

⁶⁷ See links to CEC descriptions of pending solar projects, available at: http://www.energy.ca.gov/sitingcases/all_projects.html#review (as of June 11, 2010). Some acreage figures were taken from the environmental review documents prepared for the respective project, when available.

⁶⁸ See DEIS, Biological Resources Table 9; see also *id.* at Cumulative Scenario Table 2 [figures in parenthesis included where DEIS inconsistently reports the size of some pending projects].

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 18

Project Name/ Serial No.	Applicant	Type	BLM Acreage ⁶⁶	CEC Acreage ⁶⁷	DEIS Acreage ⁶⁸
CACA 49488	EnXco Development, Inc. ("EnXco")	ST	1,327	Not Available	Not Available*
CACA 49489	EnXco	ST	16,088	Not Available	Not Available*
CACA 49490	EnXco	ST	20,608	Not Available	Not Available*
CACA 49491	EnXco	ST	1,327	Not Available	Not Available*
Big Maria Vista, CACA 49702	Bullfrog Green Energy, LLC	ST	22,717	Not Available	ROW: 22,663 (or 2,864)
CACA 50379	Lightsource Renewables, LLC	ST	2,446	Not Available	Not Available*
Totals:			47,336		

6-026
cont.

* The DEIS apparently did not consider these projects in the cumulative impacts analyses.

Together, these nearby pending projects would occupy almost **150,000 acres** (the amount of disturbed acres has been inconsistently reported by the CEC and BLM), primarily within desert valleys where groundwater and vegetation generally are more plentiful than in upland areas.⁶⁹

D. The Baseline for Analyzing Environmental Impacts is Improper.

The BLM must analyze the Project's impacts on the affected environment.⁷⁰ This process begins by describing "the present condition of the affected resources within the identified geographic scope" and by providing "a baseline for cumulative effects analysis."⁷¹

Once a project begins, the "pre-project environment" becomes a thing of the past, thereby making evaluation of the project's effect on pre-project resources

⁶⁹ See Attachment F, BLM Map: Renewable Energy Projects and Utility Corridors, Projects as of May 21, 2010.

⁷⁰ NEPA Handbook, p. 53.

⁷¹ *Ibid.*

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 19

impossible.⁷² Without establishing the baseline conditions which exist in the vicinity of the proposed Project before it is built, there is simply no way to determine what effect the proposed large-scale solar facility will have on the environment and, consequently, no way to comply with NEPA.⁷³

An accurate description of the affected environment is an essential prerequisite for an adequate analysis of Project impacts. For example, information on the type(s) and level(s) of habitat disturbance in the Project area is necessary to make inferences about the presence, abundance, and distribution of the special-status species that may be impacted by the Project. Here, however, baseline information was collected after release of the DEIS. The Spring 2010 surveys were conducted in part to identify the environmental baseline information for the transmission line corridor for the Project, a portion of the Project that was not adequately addressed in the DEIS.⁷⁴ BLM staff apparently recognized that the transmission line for the Project and its associated access road and spur roads are parts of the Project that must be analyzed in the RSA.⁷⁵ Numerous wildlife and plant species with special-status listing were identified as present in the Project study area and the proposed transmission line alignments or have the potential to occur in these areas.⁷⁶ These include desert tortoise (“DT”), Mojave fringe-toed lizard (“MFTL”), Western burrowing owl (“WBO”), the golden eagle, and Coachella Valley milk-vetch. Therefore, information regarding the likelihood of their occurrence along the transmission line corridor is relevant to the BLM’s basic assessment of the “affected environment.”

6-027
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⁷² *Half Moon Bay Fishermans’ Marketing Ass’n v. Carlucci* 857 F.2d 505, 510 (9th Cir. 1988), citing *LaFlamme v. FERC*, 842 F.2d 1063, 1071 (9th Cir.1988)

⁷³ *Ibid.*

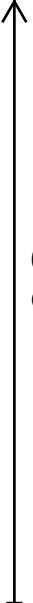
⁷⁴ *See, e.g.*, DEIS, p. C.2-13 [describing transmission line as extending 1.2 miles to the south of the Project site, rather than extending approximately 10 miles to the west of the site]; *see also id.* at C.9-35 [describing minor excavation required for transmission line, but omitting discussion of excavation required for access and spur roads]; *see also* Attachment G, Survey Approach and Methodologies for the Solar Millennium Parabolic Trough Palen Solar Power Project, April 10, 2010 (“2010 Survey Protocol”) [acknowledging need for surveying along westward transmission line corridor].

⁷⁵ *See, e.g.*, DEIS, pp. C.11-1, C.11-4 [chapter regarding transmission line safety acknowledges need to analyze impacts associated with transmission line and correctly identifies transmission line route].

⁷⁶ *See* DEIS, pp. C.2-27 – C.2-60; *see also* Attachment G, 2010 Survey Protocol, pp. 1-14; *see also* Attachment H, Letter regarding Preliminary Spring 2010 Survey Results for Desert Tortoise, Rare Plants and Jurisdictional Waters, dated May 7, 2010 (“Preliminary Spring 2010 Survey Results”).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 20

The transmission line corridor will be approximately 8-12 miles long.⁷⁷ The DEIS recognized that the transmission line route had changed from the route identified in the AFC and that additional information and analysis would be required in order to properly address the impacts associated with developing the transmission line.⁷⁸ The Applicant also evidently recognized that the description of the environmental baseline and the analysis of Project impacts would have to be modified in a Revised Staff Assessment, after conducting surveys along the new transmission line corridor.⁷⁹



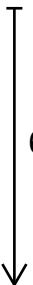
6-027
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According to the survey protocol provided by the Applicant, the 2010 surveys were only conducted in Project disturbance and buffer areas that were not surveyed in 2009.⁸⁰ As a result, the Spring 2010 surveys did not provide a thorough or robust sampling and may not have yielded a representative capture of the species present within the Project disturbance area, along the transmission line route and in the buffer areas.

The DEIS must be revised to accurately describe the affected environment.

E. The DEIS Fails to Adequately Address the Irreversible Commitment of Resources Associated with the Project.

The impacts analysis must include a discussion of the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.⁸¹ Here, the Project lifespan is projected to be 30 years. While the DEIS purports to



6-028

⁷⁷ Documents submitted to and prepared by the CEC and BLM inconsistently describe the length of the transmission line. See, e.g., SA/DEIS, pp. B.1-11 [describing 10-mile distance to substation], D. 5-5 [describing 8-mile gen tie line]; see also Updated Plan of Development, dated July 20, 2009, p. 35 [describing 12-mile gen tie line].

⁷⁸ See DEIS, pp. B.1-11, C.2-13, C.11-1.

⁷⁹ See PSI's Initial Comments on SA/DEIS, dated May 4, 2010, p. 2 ["The required biological resources and cultural resources surveys for [the selected gen-tie] route are underway and results will be reported when they are available later this spring"].

⁸⁰ See Attachment G, 2010 Survey Protocol, pp. 2-6, 10.

⁸¹ 40 C.F.R. § 1502.16.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 21

analyze Project decommissioning, it does not adequately address the long-term ramifications of disturbing the landscape to build and operate this Project.⁸² This type of problem solving must occur now, before the BLM approves a proposed Project that will disturb thousands of acres of habitat and the wildlife that currently occupy this habitat.

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6-028
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F. Under NEPA, the DEIS Must Integrate All Applicable Federal and State Environmental Laws.

If a Project requires State approval, the federal agency must cooperate with State and local agencies “to the fullest extent possible to reduce duplication between NEPA and State and local requirements.”⁸³ In California, this requires that federal agencies cooperate with State and local agencies to prepare a joint EIS/EIR under CEQA.⁸⁴ BLM policy recommends that State agencies be identified as joint lead agencies at the earliest possible stage.⁸⁵

The Project will require site certification from the CEC and will also require approval of a streambed alteration agreement from the CDFG and waste discharge requirements (“WDRs”) by the Regional Water Quality Control Board (“RWQCB”). Thus, the Applicant will require approval under CEQA before it can proceed with Project construction. The BLM must work with the CEC, CDFG and RWQCB to facilitate this process. It is essential for the BLM to encourage preparation of a joint EIS/EIR at the earliest possible stage to avoid duplication of materials and resources and unnecessary delay.

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6-029

The DEIS does not comply with CEQA. First, California courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document].”⁸⁶ Compliance with CEQA, therefore, requires that the environmental document provide an accurate, consistent and complete description of the Project. As discussed above, the DEIS fails to do so.

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6-030

⁸² See, e.g., DEIS, pp. C.2-99 – C.2-100 [acknowledging Applicant’s Draft Conceptual Decommissioning Plan inadequate for evaluating success of site restoration].

⁸³ 40 C.F.R. § 1506.2(b).

⁸⁴ 14 C.C.R. §§ 15222(a)(1), 15226, 15227 (2010).

⁸⁵ NEPA Handbook p. 114.

⁸⁶ *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (Cal. Ct. App. 1977).

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 22

Second, CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.⁸⁷ The DEIS does not propose sufficient mitigation measures, however, to reduce or avoid the Project's impacts. For example, the DEIS states that impacts to cultural resources will be mitigated through implementation of unspecified requirements in a yet-to-be-developed programmatic agreement ("PA").⁸⁸ Because the terms of the PA have not been developed, it is impossible to determine whether the Project's impacts to cultural resources will be sufficiently mitigated. The mitigation measures proposed to address impacts to biological resources are similarly flawed because they impermissibly defer the formulation of measures that will effectively avoid the impacts or reduce them to less-than-significant levels.

6-031

Because the CDFG and the RWQCB must issue permits *before* the Applicant can begin *any* development on the Project site, the BLM must abide by the requirements of NEPA and work with the State agencies to develop a joint EIS/EIR. This will avoid duplication of government materials and resources.

6-032

IV. SPECIFIC COMMENTS REGARDING IMPACT ANALYSES AND MITIGATION MEASURES

In an EIS, the agency must consider every significant aspect of a proposed action.⁸⁹ An EIS's discussion of environmental impacts forms the scientific and analytic basis for comparison of the alternatives.⁹⁰ The discussion of impacts must include both "direct and indirect effects (secondary impacts) of a proposed project."⁹¹ An agency need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.⁹² Reasonable foreseeability means that "the impact is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision."⁹³

⁸⁷ Cal. Pub. Res. Code §§ 21002, 21002.1.

⁸⁸ DEIS, p. C.3-93.

⁸⁹ *Balt. Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 97 (1983); *Dubois v. U.S. Dep't of Agric.*, 102 F.3d 1273, 1286 (1st Cir. 1996).

⁹⁰ 40 C.F.R. § 1502.16; *Dubois*, 102 F.3d at 1286.

⁹¹ 40 C.F.R. § 1502.16 (a), (b); *Sierra Club v. Marsh*, 976 F.2d at 767; *Dubois*, 102 F.3d at 1286.

⁹² *Sierra Club v. Marsh*, 976 F.2d at 768.

⁹³ *Dubois*, 102 F.3d at 1286, citing *Sierra Club v. Marsh*, 976 F.2d at 767.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 23

The DEIS does not consider all of the Project’s significant and foreseeable environmental impacts to biological resources, water resources, transmission and communication systems, hazards and cultural resources and land use, among others. The BLM’s failure to take a hard look at the Project’s impacts violates the basic requirements of NEPA. The BLM must revise its impacts analysis and issue a substantially revised or supplemental DEIS for public review and comment.

6-033

A. Impacts to Biological Resources and Special-Status Species

Jim Cornett, a certified wildlife biologist, reviewed the portions of the DEIS addressing impacts on biological resources and special status species. His comments, summarized below, are attached, together with copies of his *curriculum vitae*.

1. The Analysis of Impacts to Biological Resources Fails to Consider Impacts Associated With the Transmission Line, Evaporation Ponds, Concrete Batch Plant and Redesigned Drainage Facilities

As stated above, the DEIS fails to consider impacts associated with the transmission line to the planned Red Bluff substation, the newly proposed evaporation ponds, the on-site concrete batch plant, and the redesigned drainage facilities for the Project site.

6-034

The Applicant has recently provided a more detailed and presumably accurate description of the transmission line design, including the access and spur roads that will be built along the transmission line route.⁹⁴ The same document from the Applicant briefly describes the four proposed evaporation ponds and the concrete batch plant.⁹⁵

The preliminary results for the Spring 2010 surveys reveal the presence of DT, WBO, and desert washes along the transmission line route.⁹⁶ The evaporation

6-035

⁹⁴ See Attachment D, Environmental Evaluation of Project Updates, pp. 7-8. According to the Applicant, Southern California Edison (“SCE”) is considering two alternative locations for the Red Bluff substation. *Ibid.* The transmission line to one alternative location would be approximately 5.25 miles long. The transmission line to the other alternative location would be 11.75 miles long. *Ibid.* The transmission line route considered in the DEIS biological resources analysis was only 1.2 miles long. DEIS, p. C.2-13.

⁹⁵ See *id.* at pp. 1-4.

⁹⁶ See generally, Attachment H, Preliminary Spring 2010 Survey Results.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 24

ponds may pose a hazard to migratory birds. The redesigned drainage facilities will directly impact the desert washes on the Project site and will also impact downstream drainage features and associated habitats. The DEIS must be revised to consider these impacts.

6-035
 cont.

2. Inadequate Analysis Of Impacts On The Threatened Desert Tortoise

Desert tortoises are listed as a threatened species under both the ESA and the California Endangered Species Act (“CESA”). Despite the protected status of desert tortoises, the BLM failed to take a hard look at the direct, indirect, and cumulative impacts caused by the Proposed Action and the action alternatives.

6-036

a. Inadequate baseline for measuring Project impacts

In surveys conducted by the Applicant’s consultant in Spring 2009, no live DT were observed on-site, but fresh DT sign such as scat and active burrows were observed.⁹⁷ A total of 5 live DT and extensive DT sign were detected during surveys conducted in Spring 2010: 1 on the proposed Project site and 4 within the buffer area.⁹⁸ The DEIS failed to report the number of DT individuals and their sign found present on the Project site.⁹⁹ The DEIS recognizes that the Project will cause both short- and long-term, as well as direct and indirect impacts, to tortoises, but it underestimates the severity of these impacts because it is based on inadequate survey data and assumes the Project site offers low quality DT habitat.¹⁰⁰ The results of the Spring 2010 survey undermines this assumption. As stated by Mr. Cornett in his attached comments, the presence of active burrows on the Project site suggests the presence of multiple DT individuals.¹⁰¹ Based on his observations during a recent site visit and his review of the DEIS and other materials, Mr. Cornett has found that the Project site offers “excellent tortoise habitat,” not moderate or low quality habitat as stated by the Applicant and repeated in the DEIS.¹⁰²

6-037

⁹⁷ See AFC, Table 5.3-7.

⁹⁸ See Attachment H, Preliminary Spring 2010 Survey Results, Table 1.

⁹⁹ See DEIS, pp. C.2-73 – C.2-76.

¹⁰⁰ See *Ibid.*; see also Attachment A, Cornett Comments, pp. 3-5 [identifying flaws in survey methodology].

¹⁰¹ See Cornett Comments, p. 3.

¹⁰² Compare *id.* at pp. 5-8 with DEIS, p. C.2-77.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 25

b. Inadequate analysis of direct and indirect impacts

Direct and indirect impacts to desert tortoises will be severe. For example, the tortoises would be susceptible to mortality from collisions with vehicles entering and leaving the site and vehicles using the transmission line access and spur roads.¹⁰³ This latter hazard was not considered in the DEIS. Clearing of the site, construction of the security fence, and Project operations would pose additional collision risks to the DT and would increase DT predators such as the common raven, the Desert kit fox, coyote, and feral dogs.¹⁰⁴ While the DEIS acknowledged the risk of increased predation due to the introduction of raven perching sites, it failed to consider the 8-12-mile long transmission line as an additional source of raven perching sites.¹⁰⁵

6-038

The DEIS did not consider several sources of DT impacts. For example, during Project construction, vibrations of heavy equipment could cause burrows to collapse, burying the tortoises alive and destroying their habitat. In addition, relocated/translocated tortoises that are forced to construct new burrows would be exposed to death by dehydration or upper respiratory tract disease. In addition, the spread of invasive plant species on the site, especially Sahara mustard, would cause an indirect loss to foraging habitat.

6-039

c. Inadequate analysis of cumulative impacts

The DEIS concludes that there would be cumulative effects to the DT, such as loss of connectivity between the Chuckwalla and Chemehuevi DWMA and critical habitat areas.¹⁰⁶ However, the methodology for analyzing the Project's contribution to cumulative DT impacts does not follow the BLM's guidance.¹⁰⁷ For example, the analysis does not define the geographic scope for analysis of DT cumulative impacts.¹⁰⁸ Nor does the analysis address short-term versus long-term cumulative impacts, as recommended in BLM's guidance.¹⁰⁹ Short-term impacts include the

6-040

¹⁰³ *Id.* at p. C.2-81.

¹⁰⁴ *Id.* at p. C.2-80.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Id.* at p. C.2-123.

¹⁰⁷ See NEPA Handbook, pp. 57-61.

¹⁰⁸ See DEIS, pp. C.2-122 – C.2-124.

¹⁰⁹ See *ibid.*; see also NEPA Handbook, p. 58.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 26

immediate loss of at least 3,899 acres of occupied DT habitat and dislocation of the DT present on the Project site. Long-term impacts include the loss of connectivity between a large expanse of habitat in the Chuckwalla Valley and the upland designated critical habitat in the Chuckwalla DWMA.

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 6-040
 cont.

The following six solar project ROWs are proposed within just 10 miles of the Project,¹¹⁰ totaling almost 56,000 acres of land devoted to solar projects within the Chuckwalla Valley and Palen Valley: Chuckwalla Solar (CACA 48808), Genesis (CACA 48880), Desert Sunlight (CACA 48649), EnXco (#1) (CACA 49488), EnXco (#2) (CACA 49489), and EnXco (#3) (CACA 49491).¹¹¹ The discussion of cumulative impacts in the DEIS fails to accurately report the total number of ROW acres for each project.¹¹² The BLM must analyze what impact the loss of thousands of acres of habitat land within a 10-mile radius will have on the long-term success of the species. As Mr. Cornett states in his comments “Even though the desert tortoise is an officially threatened species, it is now facing the greatest assault on its habitat in the history of the United States.”¹¹³

6-041

The above comment regarding cumulative impacts to DT applies not just to the analysis of cumulative impacts to DT but to the cumulative impacts to all species that are present on multiple sites in the region that are currently planned for intensive large-scale industrial development.

6-042

The BLM must also rigorously compare the Proposed Action’s cumulative effects with the reduced cumulative effects of the Reconfigured Alternative, the revised Reduced Acreage Alternative and the use of alternate sites.¹¹⁴

6-043

¹¹⁰ See Attachment F, Regional Setting with Vicinity Projects, dated April 14, 2009; see also Attachment E, First-In-Line Solar Applications, dated December 21, 2009, available at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Renew_Energy_2_09_solar.pdf (as of June 24, 2010).

¹¹¹ *Ibid.* Two projects proposed by Solel, Inc. (CACA 49493 and CACA 49494) were omitted from the total acreage calculation because these ROW applications have apparently been rejected.

¹¹² See DEIS, pp. C.2-118 – C.2-119 [describing, for example, the ROW for the Project as 3,001 acres instead of the accurate ROW area, 5,200 acres (not including the transmission line ROW)].

¹¹³ Cornett Comments, p. 9.

¹¹⁴ See NEPA Handbook, p. 59.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 27

3. *Inadequate Analysis Of Impacts On The Mojave Fringe-Toed Lizard*

a. *Inadequate baseline for measuring Project impacts*

Although the resource agencies have not issued survey guidelines for the MFTL, Jones and Lovich (2009) indicate that MFTLs are most commonly detected from late spring (May) through early fall (into October).¹¹⁵ Because MFTLs are generally difficult to detect, they are more easily detected by teams of at least two people.¹¹⁶ In the past, CDFG and FWS has required both pitfall trapping and intensive area searches to effectively survey Colorado Desert fringe-toed lizards.¹¹⁷ These surveys were to be conducted monthly between March and November.¹¹⁸

6-044

Here, nothing resembling a protocol survey was conducted for the MFTL even though some survey parameters exist for this species.¹¹⁹ Observations on the project site, therefore, were incidental.¹²⁰ These observations were made during surveys conducted in the early spring of 2009 and early spring of 2010, before the most active period for MFTL. There is no evidence that the surveys were conducted by two or more people. Likewise, pitfall trapping and intensive surveys for MFTL were not conducted. Thus, the presence of MFTL on the Project site was likely underreported.

Nonetheless, during the 2009 spring surveys, 112 incidental observations were recorded within the PSPP disturbance area and dozens of additional sightings

6-045

¹¹⁵ Jones LC, RE Lovich, eds. 2009. *Lizards of the American Southwest: A Photographic Field Guide*. Rio Nuevo Publishers, Tucson (AZ). p. 567.

¹¹⁶ *Ibid.*

¹¹⁷ CH2MHILL. 2002. *Final Environmental Impact Report /Environmental Impact Statement*. Imperial Irrigation District: Water Conservation and Transfer Project. Appendix F. Available at: <http://iid.com/Media/Appendix-F-General.pdf>.

¹¹⁸ *Id.*

¹¹⁹ See, e.g., Cablk, M.E. and J.S. Heaton. 2002 Nov. *Mojave Fringe-Toed Lizard surveys at the Marine Corps Air Ground Combat Center at Twentynine Palms, California and nearby lands administered by the Bureau of Land Management*. California: Marine Corps Air Ground Combat Center. Report M67399-00-C-0005, available at: http://www.dri.edu/People/mcablk/Cablk_Heaton_Final_Report.pdf (as of June 23, 2010).

¹²⁰ Palen Solar Power Project Biological Technical Report, Riverside County, California, August, 2009, p. 82; see also Attachment I, Preliminary Spring 2010 Survey Results Corrected and Preliminary Impact Calculations for Biological Resources, dated May 27, 2010 ("Corrected Preliminary Spring 2010 Survey Results"), Table 3.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 28

were recorded in the BRSA. In 2010, field surveyors made a total of 388 incidental observations of MFTL in previously unsurveyed areas, including the transmission line corridor.¹²¹ These latter survey results are not reflected in the DEIS. Consequently, the DEIS fails to address all of the Project's impacts to MFTL.

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 6-045
 cont.

b. Inadequate analysis of direct and indirect impacts

The DEIS appropriately recognizes some but not all of the direct and indirect impacts to MFTL habitat.¹²² More MFTL individuals are likely present on the Project site and within the disturbance area that were reported in the DEIS and in the more recent Spring 2010 survey results.

6-046

Furthermore, as discussed above, the DEIS failed to address the impacts to MFTL that may occur along the transmission line route to the Red Bluff substation. In addition, the DEIS fails to address the impacts to MFTL associated with the proposed Sand Replenishment Program.

6-047

c. Inadequate analysis of cumulative impacts

As with the DT, cumulative impacts to the MFTL would surely occur as a consequence of building the eight currently proposed solar projects in the Project vicinity. The DEIS acknowledges that these cumulative impacts would be significant, but it fails to acknowledge the extent of these impacts and the Project's contribution to them.¹²³ For example, the analysis overestimated the total habitat in the NECO area and in the Chuckwalla Valley because it included lands, such as dry playas, that do not offer similar quality habitat for MFTL and the analysis made no attempt to rank habitat value.¹²⁴ The analysis also did not include habitat land that would be indirectly impacted by a number of factors including interruption of sand transport systems and premature stabilization of dunes due to the spread of noxious weeds.¹²⁵

6-048

¹²¹ Attachment I, Corrected Preliminary Spring 2010 Survey Results, Table 3.

¹²² DEIS, p. C.2-83 [acknowledging direct loss of 1,735 acres of habitat and indirect impacts to downwind habitat].

¹²³ *Id.* at p. C.2-84 [acknowledging cumulative impacts to MFTL]; *see also id.* at pp. C.2-125 – C.2-127.

¹²⁴ *Id.* at pp. C.2-125 – C.2-127.

¹²⁵ *Id.* at p. C.2-126.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 29

The analysis of the Project's contribution to cumulative impacts must be revised to specifically address the cumulative impacts that will occur as a consequence of approving numerous immense solar projects within a confined geographic area. The discussion of pending projects that may disturb dune-dependant species including the MFTL appears to ignore the large projects proposed by enXco adjacent to the proposed Genesis project (CACA 49489 and CACA 49488). According to information provided by the BLM, these two projects alone will occupy approximately 17,415 acres of what appears to be predominantly dune habitat.¹²⁶ The analysis also appears to underestimate the amount of acres the First Solar Desert Sunlight project will impact: while the DEIS states that this project will occupy only 5,119 acres, other documents produced by the BLM state that this Project will occupy 14,905 acres.¹²⁷ The DEIS must be revised to address the Project's contribution to cumulative impacts to MFTL habitat.

6-049

4. *Inadequate Analysis Of Impacts On The Western Burrowing Owl*

The WBO is protected by the Migratory Bird Treaty Act, considered a Bird of Conservation Concern by the USFWS, and Sensitive species by the BLM.¹²⁸ The burrowing owl's special status both federally and within the State mandates that the BLM take a hard look at any potential impacts the Project may have on the species. Due to the inadequacies described below, the BLM must revise the DEIS analysis of impacts to the WBO.

6-050

a. *Inadequate baseline for measuring Project impacts*

The DEIS acknowledges that suitable habitat exists on the site and that the species was observed in the area in the past.¹²⁹ During the burrowing owl survey, two owl pairs with two juveniles each and four active burrows with sign were identified within the survey area.¹³⁰ The DEIS only reported one of these pairs and

6-051

¹²⁶ See Attachment E, First-In-Line Solar Applications, dated December 21, 2009, available at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Renew_Energy_2_09_solar.pdf (as of June 24, 2010); see also DEIS, Exhibit A to Soil and Water Report, Figure 4, Regional Geology Map.

¹²⁷ Compare *Ibid.* with DEIS, p. C.2-144.

¹²⁸ U.S. Fish & Wildlife Serv., Status Assessment & Conservation Plan for the Western Burrowing Owl in the United States, pp. 4-5 (2003).

¹²⁹ DEIS, pp. C.2-38, C.2-86 – C.2-87.

¹³⁰ See Draft Burrowing Owl Plan, dated January 2010, Introduction.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 30

two of the four juveniles, underreporting the WBO observed onsite by at least half.¹³¹

↑ 6-051
| cont.

According to the CDFG, a site should be assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years.¹³² Thus, the BLM should assume that the site is occupied by the WBO.

| 6-052

The WBO Technical Report indicates the Applicant conducted burrowing owl surveys in 2009 according to California Burrowing Owl Consortium (“CBOC”) Guidelines.¹³³ Survey protocols require that tracks, feathers, pellets, or other items (prey remains, animal scat) at burrows should be reported. The Applicant determined several burrows to be “inactive.”¹³⁴ However, the Applicant does not describe the analysis used to determine inactivity, including the estimated age and condition of sign. Thus, the Applicant may have underreported the amount of active WBO burrows on the Project site and within the buffer area.

| 6-053

In addition, the biologists may have missed observing additional burrowing owls because the surveys were deficient. Owl surveys are frequently conducted with binoculars and involve looking upward to identify flushed owls and listening for owl calls. The Phase II WBO surveys conducted in 2009 for the Project, however, were conducted in conjunction with DT surveys.¹³⁵ Phase II of the 2010 Surveys appear to have also been conducted in conjunction with DT surveys.¹³⁶ If the surveys were in fact conducted at the same time, it is likely that biologists may have missed observing the burrowing owl because they were looking down. Tortoise surveys do not require the biologist to look upward towards flushing owls, listen for calls or use binoculars.

| 6-054

The Applicant has not yet released the results of WBO surveys conducted in Spring 2010. Only these surveys examined the presence or absence of burrowing owl along the transmission line corridor and in areas that would be disturbed by

| 6-055
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¹³¹ *Id.* at p. C. 2-87.

¹³² Dep’t of Fish & Game, Staff Report on Burrowing Owl Mitigation, 2 (Oct. 17, 1995).

¹³³ Attachment J to BRTR, WBO Technical Report, p. 5.

¹³⁴ Attachment J to BRTR, WBO Technical Report, pp. 7-8; *see also* Draft Burrowing Owl Plan, dated January 2010, § II (B) 2009 Burrowing Owl Survey Results.

¹³⁵ Attachment J to BRTR, WBO Technical Report, p. 5.

¹³⁶ *See* Attachment G, 2010 Survey Protocol, p. 4.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 31

alternative Project configurations. The DEIS must be revised to consider the impacts to WBO (and other species) that are associated with the transmission line for the Project and with Project alternatives. It is essential that the BLM specifically determine the extent to which the WBO is present on the site in order to adequately mitigate potentially significant impacts and in order to decide between feasible Project alternatives.

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6-055
cont.

b. Inadequate analysis of direct and indirect impacts

Because the surveys for WBO were inadequate and incomplete, the DEIS failed to sufficiently analyze the Project’s impacts to WBO.

6-056

c. Inadequate analysis of cumulative impacts

The inadequacies of the cumulative impacts analysis concerning WBO are very similar to those described for the DT and MFTL described above. While the DEIS acknowledges some of the cumulative impacts to this species, it fails to provide the required “hard look” at the Project’s contribution to these impacts.¹³⁷

6-057

5. Inadequate Analysis Of Impacts On The Golden Eagle

The Golden eagle is protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. The DEIS contains a simplistic impact analysis concerning Golden eagles and their habitat.¹³⁸

6-058

a. Inadequate baseline for measuring Project impacts

The DEIS recognizes that Golden eagles are present in the Mojave Desert and that a Golden eagle nest is located approximately 5.5 miles from the Project site.¹³⁹ No Golden eagles were identified during the avian point-count survey.

6-059

The USFWS has developed protocol for Golden eagle surveys. In February 2010, the USFWS released its “Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations.”¹⁴⁰ According to this protocol, “[t]he

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¹³⁷ DEIS, p. C.2-131.

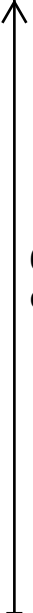
¹³⁸ *Id.* at pp. C.2-87 – C.2-88.

¹³⁹ DEIS, p. C.2-39.

¹⁴⁰ 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. 2357-037a

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 32

Applicant is responsible for providing up-to-date biological information about eagles that breed, feed, shelter, and/or migrate in the vicinity of the activity that may potentially be affected by the proposed activity.”¹⁴¹ The USFWS reports “[t]hese field efforts are the mutual responsibility of agencies authorizing activities and their permittees.”¹⁴² Despite these requirement, the DEIS relies on outdated information concerning the locations of nests in the region.¹⁴³



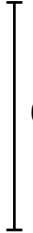
6-059
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The Applicant has apparently conducted helicopter surveys for Golden eagle nests in Spring 2010, following the release of the DEIS. On June 24, 2010, the Applicant submitted the results of the helicopter surveys. It is not clear whether the surveyors complied with the requirements for aerial and ground surveys described in the USFWS guidance document.¹⁴⁴

Because nesting sites are within ten miles of the Project site and typical prey species occur on the Project site, the Project site likely lies within the hunting territory of the Golden eagle. The BLM must therefore consult with the USFWS and conduct a focused survey for this species.

b. Inadequate analysis of direct and indirect impacts

The DEIS assesses the impacts of the Project to golden eagle foraging habitat, based on incomplete and outdated information and no survey data, and concluded that the Project would not result in direct or indirect impacts to golden eagles.¹⁴⁵ The DEIS must be revised to take into consideration the results of the Spring 2010 golden eagle surveys. The DEIS must also resolve whether a permit from the USFWS would be required for the “take” of golden eagle(s).



6-060

Fish and Wildlife Service (“2010 Golden Eagle Survey Protocol”), available at: http://www.fws.gov/southwest/es/oklahoma/Documents/Wind%20Power/Documents/USFWS_Interim_GOEA_Monitoring_Protocol_10March2010.pdf (as of June 23, 2010).

¹⁴¹ *Id.* at p. 4.

¹⁴² *Id.* at p. 4.

¹⁴³ DEIS, p. C.2-128 [reported nest locations rely on data developed in 1978, 1979, and 1984].

¹⁴⁴ 2010 Golden Eagle Survey Protocol, pp. 11-17.

¹⁴⁵ DEIS, pp. C.2-87 – C.2-88.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 33

c. Inadequate analysis of cumulative impacts

The DEIS acknowledges the Project would contribute to the cumulative loss of golden eagle foraging habitat within the NECO planning area.¹⁴⁶ In addition, Staff concluded the Project would reduce the availability of foraging habitat in the Project area and could degrade foraging habitat through the introduction and spread of noxious weeds and an increase in human activity in the area.¹⁴⁷

6-061

6. Inadequate analysis of impacts to migratory/special-status bird species

a. Inadequate baseline for measuring Project impacts

The DEIS discussion concerning impacts to migratory/special-status bird species fails to acknowledge that surveys of the current transmission line route had not been conducted.¹⁴⁸ The preliminary results of the Spring 2010 surveys indicate that additional Desert Dry Wash Woodland will be impacted by the Project.¹⁴⁹ As reported in the DEIS, this type of riparian habitat supports 90% of birdlife within the Sonoran Desert.¹⁵⁰ Thus, the amount of acreage of habitat for migratory and special-status bird species reported in the DEIS is not accurate and must be revised.

6-062

b. Inadequate analysis of direct and indirect impacts

Because the surveys for jurisdictional waters along the transmission line route were inadequate and incomplete, the DEIS failed to sufficiently analyze the Project's impacts to migratory and special-status bird species that depend on the associated riparian vegetation for habitat.

6-063

¹⁴⁶ *Ibid.*

¹⁴⁷ *Id.* at p. C.2-88.

¹⁴⁸ DEIS, p. C.2-89.

¹⁴⁹ Attachment I, Corrected Preliminary Spring 2010 Survey Results, Figure 3, Preliminary Results State Waters Spring 2010 Surveys.

¹⁵⁰ DEIS, p. C.2-89.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 34

c. Inadequate analysis of cumulative impacts

The section of the analysis concerning cumulative impacts to biological resources fails to mention (much less address) the cumulative impacts to migratory and special-status bird species.¹⁵¹ The DEIS must be revised to address the Project's contribution to these cumulative impacts.

6-064

7. Inadequate analysis of impacts to rare plants

a. Inadequate baseline for measuring Project impacts

The DEIS acknowledges that the types and quantities of rare plants had not been determined at the time that the DEIS was published due to the inadequacy of the Applicant's botanical survey efforts.¹⁵² The DEIS proposed that surveys be conducted for special status plants in the spring *and fall* of 2010.¹⁵³

6-065

As the DEIS acknowledges, the Spring 2009 surveys were inadequate for several reasons, not least of which is the fact that certain rare plants are difficult if not impossible to detect outside of their blooming period.¹⁵⁴ Additional rare plant surveys were conducted in Spring 2010, after the release of the DEIS. The Applicant's protocol for the Spring 2010 rare plant surveys was similarly inadequate.¹⁵⁵ As of yet, no Fall rare plant surveys have been conducted. Several species have been identified as target species for Fall surveys, including Abram's spurge (*Chamaesyce abramsiana*), Flat-seeded spurge (*Chamaesyce platysperma*), Harwood's phlox (*Eriastrum harwoodii*) but targeted Fall surveys for these species have not been conducted.¹⁵⁶

Despite incomplete information regarding the presence of rare plants both on and near the Project disturbance area, the DEIS concludes that the Project's impacts to rare plants will be reduced to less-than-significant levels through

¹⁵¹ See *id.* at pp. C.2-118 – C.2-146.

¹⁵² DEIS, p. C.2-94.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ See Attachment G, Spring 2010 Protocol Doc.

¹⁵⁶ See DEIS, pp. C.2-30, C.2-44 – C.2-53.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 35

mitigation.¹⁵⁷ The Applicant's botanical surveys, however, have not provided an adequate basis for analyzing potential Project impacts. The results of the Spring 2010 surveys for rare plants, for example, were not considered in the DEIS analysis.¹⁵⁸

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 6-065
 cont.

b. Inadequate analysis of direct and indirect impacts

The analysis of Project direct and indirect impacts to the two species identified during Spring 2009 surveys fails to consider the direct and indirect impacts to plant specimens that were not discovered during the surveys. Because the surveyors walked wide transects, they certainly could not have observed every rare plant present on the Project site and in the buffer area. Because some rare plants were observed, the site should be considered occupied by those species and the direct and indirect impacts to the species must be considered significant.

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 6-066

c. Inadequate analysis of cumulative impacts

The analysis of cumulative impacts to dune-dependant rare plants relied on inaccurate and incomplete information concerning the size of the PSPP project and other pending projects in the region. This analysis describes the Project's disturbance area as 3,001 acres, when, earlier in the chapter, the Project is described as disturbing 3,899 acres.¹⁵⁹ In addition, the discussion of pending projects that may disturb dune-dependant rare plant habitat also appears to ignore the large projects proposed by enXco adjacent to the proposed Genesis project (CACA 49489 and CACA 49488). According to information provided by the BLM, these two projects alone will occupy approximately 17,415 acres of what appears to be predominantly dune habitat adjacent to Ford Dry Lake.¹⁶⁰

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 6-067

¹⁵⁷ *Ibid.*

¹⁵⁸ See Attachment I, Corrected Preliminary Spring 2010 Survey Results, Table 2, Rare Plant Population Counts Spring 2010, Figure 2, Rare Plant Spring 2010 Surveys.

¹⁵⁹ See DEIS, p. C.2-144. Again, this figure fails to consider the transmission line to the planned Red Bluff substation.

¹⁶⁰ See Attachment E, First-In-Line Solar Applications, dated December 21, 2009, available at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.45875.File.dat/Rencw_Energy_2_09_solar.pdf (as of June 24, 2010); see also DEIS, Exhibit A to Soil and Water Report, Figure 4, Regional Geology Map.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 36

8. *Inadequate analysis of impacts to desert washes as wildlife movement/genetic exchange corridors*

a. *Inadequate baseline for measuring Project impacts*

In desert environments such as the Chuckwalla Valley, wildlife movement corridors allow long-term genetic exchange between animal and plant populations. The DEIS acknowledges the importance of desert washes as wildlife movement corridors and the impacts that past projects have had on the Palen watershed.¹⁶¹

6-068

As with the surveys for individual species discussed above, the 2009 surveys for the desert washes failed to consider the washes that traverse the proposed transmission line to the proposed Red Bluff substation. While the 2010 surveys attempted to identify jurisdictional waters that traverse the transmission line corridors, the survey results provided by the Applicant do not attempt to identify or measure the function and value of these washes as wildlife movement corridors.¹⁶²

In response to Staff's requests for information about potential wildlife use of desert washes within the Project site as movement corridors, the Applicant provided information and a qualitative analysis, based on reconnaissance level surveys which were confounded by rainstorms.¹⁶³ The Applicant concluded that a movement study conducted throughout the course of an entire year would be necessary to determine the extent of wildlife movement within the washes versus the uplands.¹⁶⁴ However, the Applicant did not provide any information about the methodology of such a survey, and committed only to make note of wildlife sign in washes during subsequent visits.¹⁶⁵ The most recent information concerning the Spring 2010 surveys does not mention wildlife sign observations.¹⁶⁶ The DEIS description of the

6-069

¹⁶¹ See DEIS, pp. C.2-120 – C.2-121, C.2-135; see also *id.* at p. C.2-120 ["Standing dead ironwood trees, stunted, drought-stressed creosote bushes and other shrubs, sparse cover and very low diversity seen north of I-10 in the Palen watershed are a testament to the downstream effects that channel diversions can have on both upland and riparian plant communities"].

¹⁶² See Attachment G, Spring 2010 Survey Protocol, pp. 11-12; see also Attachment I, Corrected Preliminary Spring 2010 Survey Results, Figure 3, Preliminary Results State Waters Spring 2010 Surveys.

¹⁶³ See Applicant's Response to DR-BIO-70, DR-BIO-71, and DR-BIO-76.

¹⁶⁴ See Applicant's Response to DR-BIO-76, p. BIO-49.

¹⁶⁵ *Ibid.*

¹⁶⁶ See Attachment I, Corrected Preliminary Spring 2010 Survey Results, p. 1.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 37

desert washes as wildlife movement corridors was therefore based on incomplete and inadequate information.

↑ 6-069
cont.

b. Inadequate analysis of direct and indirect impacts

The Applicant notes that the Project would impact movement by large mammals such as coyote, desert kit fox, mule deer, bobcat, American badger, mountain lion, and Nelson’s bighorn sheep.¹⁶⁷ The DEIS incorporates some of this information regarding impacts to wildlife movement, acknowledging that the Project “could impede wildlife movement.”¹⁶⁸ However, the DEIS fails to accurately conclude that the massive Project *would* impede movement and fails to provide any information or analysis concerning impacts to the movement of invertebrates, small mammals, amphibians and reptiles (except DT), and the impacts to species at both individual and intergenerational movement levels.

6-070

c. Inadequate analysis of cumulative impacts

Biological Resources Table 16 fails to accurately report the Project’s contribution to the cumulative loss of several habitat types, including Desert Dry Wash Woodland, Sand Dunes, Chenopod Scrub, and Playas.¹⁶⁹ The table erroneously reports that the Project will not contribute to any cumulative loss of these habitat types. This conclusion is inconsistent with other information provided in the DEIS, which indicates the presence of Desert Dry Wash Woodland, Sand Dunes, and Playas within the Project disturbance area and one-mile buffer.¹⁷⁰

6-071

The cumulative impacts to desert washes did not adequately address the cumulative direct and indirect impacts caused by projects in the Palen watershed.¹⁷¹ While the DEIS acknowledged these impacts would be significant, there was no attempt to quantify these impacts or measure the Project’s contribution to these cumulatively significant impacts. For example, the DEIS failed to specifically address the Project’s contribution to cumulative impacts to wildlife movement,

6-072
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¹⁶⁷ See Applicant’s Response to DR-BIO-80, p. BIO-52.

¹⁶⁸ See DEIS, pp. C.2-67, C.2-120 – C.2-121, C.2-133 – C.2-135.

¹⁶⁹ See *id.* at pp. C.2-134 – C.2-135.

¹⁷⁰ See *id.* at pp. C.2-2-15, Biological Resources Table 2.

¹⁷¹ See DEIS, pp. C.2-119 – C.2-120.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 38

when combined with the nearby proposed large-scale projects such as Chuckwalla Solar I (CACA 48808) and Genesis (CACA 48880).

↑ 6-072
cont.

In addition, the transmission line and drainage facilities for the Projects have been redesigned since the DEIS was released. Depending on the desert washes traversed by the transmission line and the modifications to on-site natural drainage features, the Project's incremental contribution to cumulative impacts to desert washes may be significant. The analysis of this issue must be revised to consider the westward transmission line and associated roads and the modified drainage plan.

6-073

9. Inadequate Analysis Of Toxicity Impacts From Wildlife Exposure To HTF Soil Remediation Areas and Evaporation Ponds.

As discussed in the DEIS, the Project will use two land treatment units to bioremediate or land farm soil contaminated with heat transfer fluid ("HTF").¹⁷² The DEIS lacks sufficient information to gauge the magnitude of the impacts to biological resources associated with the land treatment units and therefore does not comply with NEPA. The DEIS fails to identify wildlife exposure to HTF as a potential issue. There is no meaningful information, for example, on the concentration of toxic minerals that would be present in the land treatment units, no information on what measures would be taken to reduce use of the HTF land treatment units by birds, and no information on what potential adverse biological effects would result. This is a potentially significant impact that must be discussed in the DEIS.

6-074

Similarly, the DEIS does not address the potential hazards to wildlife posed by the recently proposed evaporation ponds for the Project.¹⁷³ The DEIS could not have addressed these potential impacts because the evaporation ponds were not proposed as part of the Project until after the DEIS was prepared. The DEIS must therefore be revised to consider the impacts associated with this Project component.

6-075

¹⁷² See DEIS, pp. C.13-15 – C.13-16.

¹⁷³ See Attachment D, Environmental Evaluation of Project Updates, pp. 3-4.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 39

10. The DEIS Fails to Disclose BLM's Consultation and Potential Permit under the Endangered Species Act.

a. General obligations under the ESA

Section 7(a)(2) of the federal Endangered Species Act prohibits agency action that is “likely to jeopardize the continued existence” of any endangered or threatened species or “result in the destruction or adverse modification” of its critical habitat.¹⁷⁴ To “jeopardize the continued existence of” means “to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.”¹⁷⁵ An action is “jeopardizing” if it keeps recovery “far out of reach,” even if the species is able to cling to survival.¹⁷⁶ Thus, “an agency may not take action that will tip a species from a state of precarious survival into a state of likely extinction. Likewise, even where baseline conditions already jeopardize a species, an agency may not take action that deepens the jeopardy by causing additional harm.”¹⁷⁷ To satisfy this obligation, the federal agency undertaking the action (here, the BLM) must prepare a “biological assessment” that evaluates the action’s potential impacts on species and species’ habitat.¹⁷⁸

If the proposed action “is likely to adversely affect” a threatened or endangered species or adversely modify its designated critical habitat, the BLM must engage in “formal consultation” with the USFWS to obtain its biological opinion as to the impacts of the proposed action on the listed species.¹⁷⁹ Once the consultation process has been completed, USFWS must give the BLM a written biological opinion “setting forth [USFWS’s] opinion, and a summary of the

¹⁷⁴ 16 U.S.C. § 1536(a)(2).

¹⁷⁵ 50 C.F.R. § 402.02; *see also Nat'l Wildlife Fed'n v. NMFS*, 524 F.3d 917 (9th Cir. 2008) (*NWF v. NMFS II*) [rejecting agency interpretation of 50 C.F.R. § 402.02 that in effect limited jeopardy analysis to survival and did not realistically evaluate recovery, thereby avoiding an interpretation that reads the provision “and recovery” entirely out of the text].

¹⁷⁶ *NWF v. NMFS II*, *supra*, 524 F.3d at 931.

¹⁷⁷ *Id.* at 930.

¹⁷⁸ 16 U.S.C. § 1536(c); 50 C.F.R. § 402.12(a).

¹⁷⁹ 16 U.S.C. § 1536(a)(2), (b)(3); *see also* 50 C.F.R. § 402.14(a), (g).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 40

information on which the opinion is based, detailing how the agency action affects the species or its critical habitat.”¹⁸⁰

If USFWS determines that jeopardy, destruction or adverse modification of critical habitat is likely, USFWS “shall suggest those reasonable and prudent alternatives which [it] believes would not violate subsection (a)(2) of this section and can be taken by the Federal agency or applicant in implementing the agency action.”¹⁸¹ “Following the issuance of a ‘jeopardy’ opinion, the [BLM] must either terminate the action, implement the proposed alternative, or seek an exemption from the Cabinet-level Endangered Species Committee pursuant to 16 U.S.C. § 1536(e).”¹⁸²

b. The Draft Biological Assessment fails to satisfy ESA requirements

Like NEPA, federal agency action is broadly defined under the Endangered Species Act. The ESA regulations define agency “action” as follows:

[A]ll activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to: [¶¶]

(c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid;¹⁸³

When fulfilling their duties under the ESA, federal agencies must also take a broad view of the project and its potential effects, as demonstrated by the following definitions in the ESA regulations:

Action area - “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.”

¹⁸⁰ 16 U.S.C. § 1536(b)(3)(A); *see also* 50 C.F.R. § 402.14(h).

¹⁸¹ 16 U.S.C. § 1536(b)(3)(A).

¹⁸² *National Ass’n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 652 (2008).

¹⁸³ 50 C.F.R. § 402.02. These regulations implement 16 U.S.C. § 1536(a)(2), which requires federal agencies to consult with the Secretary of Interior and/or Secretary of Commerce to “insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an ‘agency action’) is not likely to jeopardize the continued existence of any endangered species or threatened species”

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 41

Effects of the action - “the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.”¹⁸⁴ “Effects of the action” include both direct and indirect effects of an action “that will be added to the environmental baseline.”¹⁸⁵

Environmental baseline - includes “the past and present impacts of all Federal, State or private actions and other human activities in the action area” and “the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation.”¹⁸⁶

As the above discussion demonstrates, what constitutes agency action and the scope of environmental review required for agency action is virtually the same under NEPA and ESA. Both statutes require the BLM to broadly consider actions related to the proposed action. The Draft Biological Assessment submitted by the Applicant, however, fails to accurately describe the transmission line to the planned Red Bluff substation and the redesigned drainage channels for the Project site. Consequently, the Draft Biological Assessment fails to address the associated impacts to listed species such as the DT. As discussed below, the transmission lines, as well as other project features, would have the potential to significantly impact the DT and its habitat in numerous respects not considered in the DEIS.

6-076

c. *The DEIS fails to disclose Section 7 Consultation*

The DEIS fails to disclose the details of BLM’s required consultation under the ESA with the USFWS for the federally and State threatened DT.¹⁸⁷ The DEIS also fails to analyze the USFWS’s potential issuance of a biological opinion and

6-077

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*; see also *National Wildlife Federation v. National Marine Fisheries Service*, 524 F.3d 917, 924 (9th Cir. 2008)

¹⁸⁷ See, e.g., DEIS, p. C.2-148 [describing BO requirement]

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Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 42

incidental take permit under Section 7 of the ESA. Therefore, the DEIS is wholly inadequate. The BLM must disclose and analyze these activities in a revised DEIS that is circulated to the public for review and comment.

↑ 6-077
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The ESA prohibits “take” of threatened and endangered species.¹⁸⁸ “Take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.”¹⁸⁹ “Harm” includes “the destruction or adverse modification of habitat resulting in potential injury to a species, including injury from impairment of essential behavioral patterns, such as breeding, feeding or sheltering.”¹⁹⁰ Under ESA Section 7, a federal agency must initiate consultation with the USFWS “at the earliest possible time” whenever the agency proposes to undertake an action that “may affect” a listed species or species’ critical habitat.¹⁹¹ If a “may affect” determination is made, which is certain for the proposed Project, then the USFWS must develop and issue a biological opinion containing terms and conditions to ensure that the activities are not likely to jeopardize protected species.¹⁹² Furthermore, USFWS’s issuance of a biological opinion requires environmental review under NEPA.

Here, despite protected species on the proposed Project site, there is no indication in the DEIS or its appendices that the BLM has initiated consultation under Section 7 of the ESA, or that the DEIS reviews the environmental effects of the USFWS’s issuance of a biological opinion and incidental take permit.¹⁹³ A total of four desert tortoises were detected during surveys conducted in Spring 2010 within the transmission line ROW and buffer areas.¹⁹⁴ Incidental DT observations were also made during surveys conducted in 2009, and numerous DT burrows, bones, and other sign were identified within the site and buffer zone.¹⁹⁵ As explained by Mr. Cornett, the observed DT and DT sign indicate the presence of DT

↓ 6-078

¹⁸⁸ 16 U.S.C. § 1538 (2010).

¹⁸⁹ 16 U.S.C. § 1532(19).

¹⁹⁰ 50 C.F.R. § 17.3 (2009).

¹⁹¹ 50 C.F.R. § 402.14(a).

¹⁹² See 16 U.S.C. § 1536.

¹⁹³ DEIS pp. A-3, C.2-148.

¹⁹⁴ See Attachment I, Corrected Preliminary Spring 2010 Survey Results, Table 1.

¹⁹⁵ DEIS p. C.2-35; see also Attachment I, Corrected Preliminary Spring 2010 Survey Results, Table 1 [three DT detected outside buffer area].

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 43

in greater numbers than the amount observed.¹⁹⁶ The DEIS recognizes that the Project will cause both short- and long-term, as well as direct and indirect impacts to federally protected tortoises.¹⁹⁷

↑ 6-078
cont.

Direct and indirect impacts to desert tortoises will be severe. For example, the tortoises could be susceptible to mortality from collisions with vehicles entering and leaving the site.¹⁹⁸ Clearing of the site and construction of the security fence and transmission line could introduce feral dogs and the presence of ravens, raptors, and other DT predators.¹⁹⁹ Vibrations of heavy equipment could cause burrows to collapse, burying the tortoises alive and destroying their habitat. Relocated tortoises forced to construct new burrows would be exposed to death by dehydration or upper respiratory tract disease.²⁰⁰ In addition, the spread of invasive plant species on the site would cause an indirect loss to foraging habitat.²⁰¹

6-079

Because desert tortoises have been found on the site, and the Project will clearly impact the species, the BLM must undertake Section 7 consultation. The DEIS acknowledges that the BLM must initiate consultation with the USFWS, but it does not describe the status of such consultation and it fails to confirm that all terms and conditions associated with these consultations would be implemented.²⁰² In addition, the DEIS fails to disclose any of the terms and conditions the USFWS and CDFG would require the Applicant to implement.

6-080

In sum, the DEIS must disclose the status of BLM consultation with the USFWS and must incorporate the terms and conditions imposed by the USFWS. Without this information, it is impossible for the public to meaningfully assess the environmental effects and mitigation for impacts to the DT. Furthermore, without full public disclosure and opportunity for comment, USFWS will be required to conduct further environmental review under NEPA.

6-081

¹⁹⁶ Cornett Comments, p. 3.
¹⁹⁷ DEIS, pp. C.2-73 – C.2-83.
¹⁹⁸ *Id.* at p. C.2-73.
¹⁹⁹ *Id.* at p. C.2-80.
²⁰⁰ *Id.* at p. C.2-76.
²⁰¹ *Id.* at p. C.2-81.
²⁰² *Id.* at p. C. 2-148.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 44

11. Inadequate Analysis of the Impacts Associated with Nighttime Noise and Lighting

The DEIS recognized that nighttime noise and lighting associated with Project construction and operation may significantly impact biological resources.²⁰³ The Applicant recently proposed changes to the construction schedule for the Project, which will result in more noise and lighting at night than the amount considered in the DEIS.²⁰⁴ The DEIS does not consider the modified construction schedule, which will result in increased nighttime noise and lighting impacts to wildlife.

6-082

12. Inadequate and Incomplete Discussion of Feasible Mitigation Measures

An EIS is not complete unless it contains “a reasonably complete discussion of possible mitigation measures.”²⁰⁵ Mitigation expressly includes “avoiding the impact altogether by not taking a certain action or parts of an action.”²⁰⁶ It also includes “minimizing impacts by limiting the degree or magnitude of the action and its implementation.”²⁰⁷ In this case, the discussion of mitigation measures to avoid or minimize impacts to special-status and other species is inadequate.

6-083

a. Failure to incorporate feasible measures to avoid or reduce impacts to desert tortoise and its habitat

Mitigation Measure BIO-12 calls for the acquisition of 4,737 acres of DT habitat to compensate for the Project’s direct and indirect impacts to DT.²⁰⁸ This compensation land has not been identified. There is no evidence that this amount of privately-owned acreage of equivalent habitat function and value is available for purchase. Due to the high quality of DT habitat on the Project site, Mr. Cornett recommends substantially more mitigation acreage.²⁰⁹ In addition, there is insufficient evidence that this proposed mitigation will be adequate for the *recovery*

6-084

²⁰³ See DEIS, pp. C.2-91 – C.2-92, C.2-95.

²⁰⁴ See Attachment D, Environmental Evaluation of Project Updates, pp. 12-14.

²⁰⁵ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

²⁰⁶ 40 C.F.R. § 1508.20(a).

²⁰⁷ *Id.* at subd. (b).

²⁰⁸ DEIS, pp. C.2-165 – C.2-166.

²⁰⁹ Cornett Comments, p. 8.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 45

of the species as required in the NECO plan and under the Federal ESA. For these reasons, the proposed mitigation is inadequate under both NEPA and CEQA.²¹⁰ 6-084
cont.

b. Failure to incorporate feasible measures to avoid or reduce impacts to Mojave fringe-toed lizards and their habitat

According to a report published by the BLM regarding MFTL, “[s]and dune ecosystems, including their source sand and sand corridors, are necessary for the long-term survivorship of aeolian sand specialists, such as, fringe-toed lizards.”²¹¹ The criteria for compensation lands included in measure BIO-20 reflects this fact.²¹²

There are several steps that may and should be taken to avoid or minimize direct project impacts on MFTL habitat, as described in Mr. Cornett’s comments. First, the Reduced Acreage Alternative (Revised) should be selected. This would entirely avoid any impact to the sand transport corridor adjacent to the Project site. In the event the Project is configured over the existing MFTL habitat, a mitigation/habitat restoration plan should incorporate carefully crafted success criteria that are strictly abided, as well as adaptive management provisions that facilitate adjustments to the restoration effort if success criteria are not met. The DEIS should be revised to discuss these measures in greater detail. 6-085
6-086

The Applicant has proposed a “Sand Replenishment Program” as mitigation for the Project’s indirect impacts to areas that are downwind from the Project’s footprint.²¹³ This mitigation proposal, however, would result in impacts to MFTL and other species that must be addressed. For example, vehicles collecting sand along the Project’s fence-line and depositing sand in areas downwind from the Project site could crush or bury MFTL and other animals. The Sand Replenishment Program proposed by the Applicant does not address these impacts.²¹⁴ 6-087

²¹⁰ See *Sierra Club v. Marsh* 816 F.2d 1376, 1389 (9th Cir. 1987) [Under ESA, “if an agency plans to mitigate its project's adverse effects on an endangered species by acquiring habitat and creating a refuge, it must insure the creation of that refuge before it permits destruction or adverse modification of other habitat”].

²¹¹ Bradford D. Hollingsworth and Kent R. Beaman, Mojave Fringe Toed Lizard, available at: http://www.blm.gov/ca/pdfs/cdd_pdfs/fringe1.PDF.

²¹² DEIS, pp. C.2-176 – C.2-177.

²¹³ See Draft Aeolian Sand Mitigation Summary Report, dated May 14, 2010.

²¹⁴ *Ibid.*

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 46

To the extent mitigation is achieved through compensation habitat, it is essential that the mitigation measure include performance standards such as “no net loss” of habitat and equivalent functions and values. Potential compensation habitat should be identified to ensure that this type of mitigation is feasible. According to one BLM resource regarding MFTL:

6-088

Protected land should contain viable, long-term habitat, encompassing ecosystem-level processes that lead to the formation of these habitats. The physical mechanisms attributed to the formation of sand dunes should be integrated into management plans. Protected land should include areas for source sand, wind and sand corridors, as well as the sand dune habitat and its associated shade plants.²¹⁵

c. Failure to incorporate feasible measures to avoid or reduce impacts on WBO

6-089

As with mitigation to impacts to the DT and MFTL, the DEIS proposes acquisition of 78 acres of habitat as mitigation for impacts to the WBO.²¹⁶ The amount of acreage required for mitigation, however, is deficient. According to the California Burrowing Owl Consortium (“CBOC”), the amount of compensation habitat required depends on whether the habitat is occupied or unoccupied and contiguous or not contiguous with the disturbed habitat.²¹⁷ The proposed mitigation does not take into consideration these factors.

d. Failure to incorporate feasible measures to avoid or reduce impacts on golden eagles

6-090

The DEIS did not recommend mitigation to reduce impacts to golden eagle.²¹⁸ Without the inventory data from the recent golden eagle aerial surveys, one cannot conclude mitigation will reduce potentially significant Project impacts on golden eagles. Acquisition of desert tortoise and state waters within 10 miles of *potential* nesting sites for golden eagles does not necessarily mitigate Project impacts. To help stem the decline in eagle populations, acquisition lands need to be within the foraging territory of *actual* nesting sites.

²¹⁵ Hollingsworth and Beaman, Mojave Fringe Toed Lizard, *supra*, p. 4.

²¹⁶ DEIS, p. 2-87.

²¹⁷ *Id.* at p. C. 2-86.

²¹⁸ DEIS, p. 2-90.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 47

e. Failure to incorporate feasible measures to avoid or reduce impacts on rare plants

Without reliable information on the rare plant species that occur—and as a result, the level and types of Project impacts on those species—the DEIS cannot conclude proposed mitigation would reduce Project impacts to less than significant levels. A conclusion of this nature would rely on the presumption that all impacts can be mitigated to a less than significant level. Such a presumption is unrealistic for two reasons. First, it is difficult to predict the outcomes of surveys due to the new and unexpected discoveries that have been occurring in the desert (and thus the inability to pre-assign mitigation). Second, the flora of the Desert Floristic Province is poorly understood and therefore surveys may yield completely unexpected results that cannot be mitigated by standard conditions.

6-091

Although the DEIS attempts to analyze the impacts and formulate mitigation measures before adequate survey data are obtained, the analysis and mitigation may change after the additional survey efforts are better able to identify impacts to rare plants. The revised baseline data that makes up the affected environment must be shared with the public and the public should have the opportunity to comment. Without this information, the affected environment is inadequately defined in the DEIS.

6-092

f. Failure to incorporate feasible measures to avoid or reduce impacts on wildlife movement and connectivity

The DEIS concludes that the habitat acquisition requirements of BIO-12 and 21 would be sufficient to reduce the Project’s impacts to wildlife movement and connectivity to less-than-significant levels. The analysis, however, does not provide any evidence to support this conclusion. Neither BIO-12 nor BIO-21 require the Applicant to purchase contiguous acreage for habitat, and neither measure requires the compensation habitat to provide wildlife movement function and value. Specific mitigation measures must be proposed to address the Project’s substantial impacts to wildlife movement and connectivity.

6-093

The conclusion that no mitigation measures are available to address the Project’s contribution to cumulative impacts to wildlife movement is incorrect and lacks any supporting evidence.²¹⁹ The Project could, for example, contribute funds

6-094

²¹⁹ See DEIS, p. C.2-134.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 48

for the purchase of conservation easements on private land that would provide wildlife connectivity between WHMAs and DWMA's.

↑ 6-094
| cont.

g. Failure to incorporate feasible measures to avoid or reduce impacts from wildlife exposure to HTF soil remediation areas and evaporation ponds

| 6-095

The DEIS does not propose any mitigation measures designed to avoid or reduce the impacts to wildlife species that may be caused by land farming of HTF contaminated soil and operation of the recently proposed evaporation ponds.

Any body of water situated in this arid region will attract birds and terrestrial species. A complete discussion of the measures that will be taken to prevent bird and wildlife exposure to HTF land treatment units and evaporation ponds, ideally in the form of a monitoring and action plan, must be presented in the DEIS.

| 6-096

h. Failure to evaluate the impacts of herbicide use for weed abatement

The BLM must take a hard look at impacts associated with herbicide use for weed abatement. The DEIS recognizes that the Project would directly affect native vegetation by allowing the increase of invasive weeds, such as Sahara mustard, to spread in the disturbed areas.²²⁰ Neither the Weed Management Plan submitted by the Applicant nor the DEIS describe the specific types of herbicides that would be used to control the weeds.²²¹ In addition, the Weed Management Plan identifies only Saharan mustard as a potentially noxious weed that must be controlled, but omits discussion of tamarisk, Russian thistle and Mediterranean grass, weed species identified as present in the Project area.²²²

| 6-097

The BLM must not approve use of herbicides unless and until specific studies have been conducted indicating that they are harmless. Herbicides that may be approved can still cause a cancer outbreak in humans and/or serious mutations in wildlife.²²³ The BLM must identify which herbicides will be used and disclose any

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²²⁰ *Id.* at pp. C.2-94 – C.2-95.

²²¹ *See id.* at p. C.2-170 [description of measure BIO-14]; Attachment to Response DR-BIO-100, Draft Weed Management Plan (Jan. 2010), pp. 17-18, 23, 25-29.

²²² *See ibid.*

²²³ Cornett Comments, p. 14.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 49

studies that prove the herbicides are harmless, or take a hard look at the Project's impacts to human health and biological resources.

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B. Impacts to Air Quality

1. The DEIS Fails to Consider the Emissions from Changed and Newly Added Project Components and From an Expanded Daily Construction Schedule

Since the release of the DEIS, the Applicant has proposed using a concrete batch plant on-site during Project construction, rather than trucking concrete in from an off-site producer.²²⁴ The operation of the batch plant will produce emissions that were not considered in the DEIS.

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The Applicant has also added four evaporation ponds to the Project design.²²⁵ These ponds will be used to process the Project's industrial wastewater. Evaporation from these ponds may result in the release of toxic contaminants, a possible impact the DEIS has failed to consider.

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Unlike other chapters of the DEIS, the air quality analysis considered the air quality impacts that would result from constructing an 11.5 mile-long transmission line to the planned Red Bluff substation.²²⁶ It's not clear from the air quality analysis, however, whether the associated access and spur roads for the transmission line were considered. The DEIS must be revised to describe and address all air quality emissions associated with constructing and operating the transmission line and associated roads.

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The Applicant recently submitted a revised construction schedule that would result in additional daily construction emissions not considered in the DEIS.²²⁷ The Applicant proposes to conduct concrete pours, some electrical work, and some welding at night to avoid high daytime ambient temperatures, and to conduct solar collector assembly work 24 hours per day in order to meet the construction schedule.²²⁸ The Applicant claims that the most polluting activities (associated

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²²⁴ See Attachment D, Environmental Evaluation of Project Updates, pp. 1-3.
²²⁵ See *id.* at pp. pp. 3-4.
²²⁶ DEIS, p. C.1-16.
²²⁷ See Attachment D, Environmental Evaluation of Project Updates, pp. 12-13.
²²⁸ See *ibid.*

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 50

with heavy earthwork) would only occur during the day, but this limitation is not included as a condition of Project approval. If heavy earthwork and other polluting activities are conducted for longer periods each day than that assumed in the DEIS, Project construction will result in emissions that exceed those analyzed in the DEIS. Due to the accelerated schedule for Project approval and construction, the Applicant may be tempted to conduct other construction activities at night. As such, the DEIS should include measures limiting the construction activities that may be conducted beyond the 8-10 hour workday.

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 6-103

2. The Air Quality Model Did not Provide a Worst-Case Analysis Because it Focused on a Location Upwind from the Project

In responses to data requests from CEC staff, the Applicant claimed that the air quality model used to measure Project construction and operation emissions provides a “worst-case” analysis because it focused on Unit #1, a location the Applicant claimed was downwind from the locations where Project construction emissions will occur.²²⁹ This assertion is incorrect, however, because the prevailing wind direction is from the west and north-west, not the south and south-east as the Applicant claims.²³⁰ By focusing on the northwest quadrant of the Project site, the model fails to reflect the full amount of Project construction emissions.

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3. The Project Does Not Comply with all LORS

As explained at considerable length in the CURE’s comments regarding the Preliminary Determination of Compliance (“PDOC”) issued by the South Coast Air Quality Management District (the “Air District”), the Air District’s analysis of air quality impacts failed to use the correct methodology for calculating the volatile organic compounds (VOCs) that will be emitted from the HTF ullage and piping systems. Our comments regarding this issue, and the comments of Dr. Pless, are incorporated herein by reference.

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²²⁹ See Response to DR-AIR-10.

²³⁰ See DEIS, Appendix A to Soil and Water Report, Figures 8 and 9 [figures prepared by Applicant’s consultant depicting prevailing wind direction from west and northwest].

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 51

4. Underestimation of HTF Ullage Tank and Piping System VOC Emissions

It appears that, like the PDOC, the DEIS underestimated HTF ullage tank and piping system emissions. The DEIS states that the HTF ullage tank vents and the HTF piping system would emit 1.90 tons/yr of VOCs.²³¹ As Dr. Pless explained in her comments regarding the PDOC, these emissions were calculated using a novel and incorrect procedure that departed significantly from the approach recommended by CEC staff, and consequently substantially underestimates Project-related VOC emissions. Indeed, the Applicant's methodology (accepted by the Air District) produces an emissions rate almost 10 times lower than the result produced by the recommended procedure. Had the recommended procedures been employed, the VOC emissions from the HTF ullage tank and piping system would increase from 1.90 tons/yr to approximately *19 tons/yr*.

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5. Failure to Consider all Pending Projects in Cumulative Impacts Analysis

The DEIS states that it considered projects within a 6-mile radius that were either under construction or permitted when conducting the analysis of localized cumulative impacts.²³² The preparers should have also considered pending projects that were reasonably foreseeable at the time the analysis was prepared.²³³ By failing to consider pending projects, the preparers failed to consider the Project's contribution to localized cumulative impacts caused by the Chuckwalla Valley Raceway, the Chuckwalla Solar 1 project, the Genesis project, and the two pending enXco projects: each of these projects is within 6 miles of the proposed Project site and each will contribute substantially to cumulative air quality impacts.

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6. Inadequate Discussion Of Mitigation Measures For Air Quality Impacts During Project Construction And Operation

The DEIS' discussion of available measures to mitigate air quality impacts is substantially incomplete, omitting mention of a wide variety of feasible, cost-effective technical solutions that other agencies routinely require developers of powerplants and other industrial facilities throughout the west to implement.

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²³¹ DEIS, Air Quality Table 9, p. C.1-19.

²³² DEIS, p. C.1-40.

²³³ See NEPA Handbook, pp. 58-59.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 52

a. Inadequate mitigation for construction vehicle emissions

The DEIS lists several mitigation measures to control emissions during project construction.²³⁴ These measures are primarily directed at mitigating fugitive dust impacts. Only measure AQ-SC6 addresses exhaust emissions from construction equipment.

As explained further below, numerous reasonable and feasible mitigation measures are available to alleviate the environmental impacts of construction equipment exhaust emissions. These are routinely employed in powerplant construction in California and elsewhere. They include: (1) low-sulfur diesel fuel to limit emissions of VOCs, NOx, PM10, PM10 precursors, and toxic emissions; (2) fuel additives to improve engine efficiency; (3) use of low-emissions construction equipment; (4) post-combustion controls such as soot filters, oxidation catalysts, and oxidizing particulate traps; and (5) SCR. There are also a number of additional fugitive dust control measures that are routinely implemented throughout the country that the DEIS fails to identify or discuss.

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b. Inadequate mitigation of fugitive dust emissions

Fugitive dust has long been a major problem in the arid southwest. Several agencies in the area have conducted comprehensive studies of methods to alleviate emissions of dust during construction and other activities, published the results in agency guidance, and promulgated regulations to control these dusts. The DEIS does not recognize any of this work, including the resulting best management practices for dust control. At the same time, the mitigation program proposed in the DEIS is inadequate because the measures are not enforceable, the proposed measure would reduce very little of the emissions, and all feasible mitigation measures have not been identified. Further, please note that the Record of Decision must include a monitoring and enforcement program for each mitigation measure that is a condition of project approval.²³⁵ This information must be presented in the DEIS.

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Further, there are a number of routinely implemented measures to mitigate fugitive dust emissions that are neither identified nor discussed in the DEIS. These include: (1) applying moisture to backfilled areas when not in use; (2) prewetting

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²³⁴ DEIS, pp. C.1-45 – C.1-46 [descriptions of AQ-SC2 – AQ-SC4].

²³⁵ 40 C.F.R. § 1505.2(c).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 53

surface soils during clearing and grubbing; (3) prewatering during cut and fill activities; (4) preventing access to disturbed areas using fences or other barriers; and numerous other measures. The following section provides more comprehensive list of measures that other permitting agencies, including Clark County, Nevada, have imposed on construction projects.

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c. Mitigation for Construction Air Quality Impacts

i. CARB-certified construction equipment

Both the U.S. EPA and CARB have established emission limits on new off-road engines. CARB-certified off-road engines are engines that are 3 years old or less at the time of use and which comply with these new low emission limits. This equipment is widely available in the construction fleet. The use of CARB-certified equipment should be required for this Project. For example, the SMAQMD and other agencies require the use of at least 20 percent CARB-certified off-road engines in the mix of construction equipment operating on-site, or alternatively, setting a NOx, ROG, and/or PM10 emission reduction goal for the construction fleet.

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ii. Post-combustion Controls

Post-combustion controls, such as oxidation catalysts and particulate filters, are devices that are installed downstream of the engine on the tailpipe to treat the exhaust. These devices are now widely used on construction equipment and are capable of removing over 90% of the PM10, CO, and ROG from engine exhaust, depending on the fuel and specific engine. The most common and widely used post-combustion control devices are particulate traps (*i.e.*, soot filters), oxidation catalysts, and combinations thereof. The many variants of these devices have been identified, evaluated, and comprehensively reviewed by CARB²³⁶ and others.²³⁷

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All of these post-combustion controls are feasible for construction of this Project. Therefore, the air quality mitigation measures should be revised to require

²³⁶ California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000; California Air Resources Board, Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines, October 2000.

²³⁷ Manufacturers of Emission Controls Association, Demonstration of Advanced Emission Control Technologies Enabling Diesel-Powered Heavy-Duty Engines to Achieve Low Emission Levels, Final Report, June 1999.

2357-037a

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 54

the use of post-combustion controls on off-road equipment specifying target control levels.

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d. Mitigation measures for Project operational impacts

A number of California air districts have identified numerous other feasible measures for commercial/industrial operations. Some of these additional measures, include:

- Use electrically or CNG-powered specialty equipment, *e.g.*, utility carts (BAAQMD);
- Use propane-powered specialty equipment, *e.g.*, forklifts, utility carts, etc. (BAAQMD);
- Use lighting controls and energy-efficient lighting (SLOAPCD, SCAQMD, SBAPCD, BCAQMD);
- Use energy-efficient low sodium parking lot and street lights (SLOAPCD, SCAQMD);
- Use light-colored roof materials (SCAQMD) and paint (SBAPCD) to reflect heat;
- Use concrete or other non-pollutant materials for parking lots instead of asphalt (SBAPCD);
- Pay an air quality mitigation fee;
- Secure emission offsets; and
- Reduce standard paving by 20%.

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Further, some air districts recommend that large projects that cannot be fully mitigated with on-site measures should implement off-site mitigation measures. For example:

- Retrofit existing homes and businesses in the project area with approved energy conservation devices (SLOAPCD);
- Replace/repower school/transit bus with cleaner vehicles (SLOAPCD);
- Construct satellite work stations (SLOAPCD);
- Fund a program to buy and scrap older, high-emission vehicles (SLOAPCD);
- Contribute to an off-site TDM fund (VCAPCD);
- Repair smog-check waived vehicles (SLOAPCD);
- Introduce electric lawn and garden equipment exchange program (SLOAPCD); and

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Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 55

- Retrofit/purchase clean heavy-duty trucks, construction equipment, diesel locomotives, and marine vessels (SLOAPCD).

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The BLM should consider incorporating the mitigation measures described above in order to address the Project's underreported construction and operation air quality impacts.

C. Impacts to Land Use, Recreation, and Wilderness

As part of the Federal Land Policy and Management Act of 1976 ("FLPMA"), Congress designated 25 million acres of southern California as the CDCA.²³⁸ In establishing the CDCA, Congress declared that the California desert is a "total ecosystem that is extremely fragile, easily scarred, and slowly healed," and that it is a rich and unique environment with "historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources."²³⁹ Congress also stated that "the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment. . . ."²⁴⁰

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The DEIS fails to adequately describe or address the direct, indirect, and cumulative impacts to land use that will be caused by the Project's proposed amendment to the CDCA and multiple other amendments that will be required for the numerous energy projects in the region.²⁴¹ These solar thermal, solar voltaic, and wind energy projects will have direct impacts on wildlife species and their obligate habitat and will reduce wildlife habitat connectivity. These impacts directly conflict with goals and purposes of the CDCA, as amended in 2002 by the Northern & Eastern Colorado Coordinated Management Plan ("NECO").²⁴² For

²³⁸ 43 U.S.C. § 1781(c).

²³⁹ *Id.* § 1781(a)(1)-(2).

²⁴⁰ *Id.* § 1781(a)(4)

²⁴¹ *See* DEIS, p. C.6-24.

²⁴² As mandated by Congress, the CDCA is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. *See* CDCA, As Amended, p. 5, available at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pdfs/cdd_pdfs.Par.aa6ec747.File.pdf/CA_Desert.pdf (as of June 27, 2010). "Congress directed BLM to prepare and implement a comprehensive, long-range plan for the management, use, development and protection of the public lands within the CDCA." BLM website regarding CDCA, available at: http://www.blm.gov/ca/st/en/fo/cdd/cdca_q_a.html (as of June 27, 2010).

2357-037a

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 56

example, the impacts to the threatened desert tortoise conflict with multiple CDCA and NECO policies designed to not only protect the survival of this species but promote its *recovery*.²⁴³

While the DEIS acknowledges some of these impacts, it does not grapple with them in the manner required by NEPA. Instead, the DEIS defers meaningful analysis to a “regional and coordinated effort aimed at preserving and enhancing large, intact expanses of wildlife habitat and linkages.”²⁴⁴ The CDCA and the NECO were products of such regional and coordinate efforts.²⁴⁵ The NECO, for example, took years of analysis and policy debate to develop, but the goals of the NECO are being compromised by multiple amendments which each contribute to habitat fragmentation.

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1. Inadequate Baseline for Measuring Project Impacts

The DEIS inconsistently describes the land use designation for the Project site. In the chapter concerning alternatives to the Project, the site is described as designated Multiple Use Class (“MUC”) L (Limited Use), whereas in the chapter concerning Land Use, the site is described as within the MUC M (Moderate Use) category. The DEIS must be revised to consistently and accurately describe the MUC designation(s) for the Project site. The BLM must provide adequate notice to the public regarding Project impacts, but has not due to these errors in the DEIS.

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Class L lands “are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. They provide for generally lower-intensity, carefully controlled multiple uses that do not significantly diminish resource values.”²⁴⁶ In contrast, more intense uses are allowed on Class M lands, but all damage that results from the permitted use must be mitigated.²⁴⁷

²⁴³ See NECO Coordinated Management Plan/Final Environmental Impact Statement (“NECO CMP/FEIS”), July 2002, pp. 2-17 – 2-18, available at: <http://www.blm.gov/ca/st/en/fo/cdd/neco.html> (as of June 29, 2010).

²⁴⁴ *Id.* at p. C.6-27.

²⁴⁵ See NECO CMP/FEIS, July 2002, pp. 1-1 – 1-3.

²⁴⁶ See http://www.blm.gov/ca/st/en/fo/cdd/cdca_highlights.html (as of June 27, 2010); see also CDCA, As Amended, p. 13.

²⁴⁷ *Ibid.*

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 57

The proposed Project site is within two Multiple-species Wildlife Habitat Management Areas (“WHMAs”).²⁴⁸ The DEIS does not indicate whether a portion of the Project site is within a 2,300 acre area designated in the NECO as the “Chuckwalla Valley Dune Thicket Area of Critical Environmental Concern” or within the 3,632-acre Palen Dry Lake ACEC.²⁴⁹ The DEIS must also clearly describe the protective land use designations both on the Project site and in the surrounding area.

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As with other categories of impacts, the impacts to land use, recreation and wilderness cannot be adequately identified without complete surveys of the entire area that will be disturbed by the Project, including the transmission line corridor. The recent surveys along this corridor must be considered in a revised discussion of the Project’s impacts to land use, recreation, and wilderness.

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2. Inadequate Analysis of Direct and Indirect Impacts

As stated above, the Project site is located within areas designated MUC L or M. Unlike MUC I (Intensive), these land use designations restrict the intensity of development. The Project site may be within or adjacent to two ACECs established by the NECO. Because the proposed Project may conflict with the land use restrictions established by the NECO, these potential land use conflicts must be addressed in a revised DEIS.

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The Project site is located directly between the Palen/McCoy Wilderness Area and the Chuckwalla Mountain Wilderness Area, two areas designated MUC C (Controlled) in the CDCA, and therefore subject to the highest level of protection under the NECO plan.²⁵⁰ As discussed in the section regarding biological resources above, the Project will result in unmitigated impacts to wildlife connectivity, including connectivity between the Palen and Chuckwalla mountain ranges.

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3. Inadequate Analysis of Cumulative Impacts

The DEIS concludes that some of the Project’s contributions to cumulative impacts can only be addressed at a regional level. This approach to acknowledging and addressing the Project’s significant contribution to cumulative impacts is

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²⁴⁸ DEIS, p. C.2-14.

²⁴⁹ See NECO CMP/FEIS, p. 4-21.

²⁵⁰ See DEIS, pp. C.6-10 – C.6-11.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 58

unacceptable. As stated repeatedly above, the Project must address its contribution to cumulatively considerable impacts caused by multiple pending large-scale renewable energy projects in the nearby vicinity and in the region. For example, the DEIS must address how the BLM's response to the current wave of renewable energy projects meets the recovery criteria for the DT, including the criteria that "[l]and management commitment is sufficient to ensure long-term protection of tortoise populations and habitat."²⁵¹ The DEIS must also address how the following objectives are satisfied by this Project and the other Projects in the region that will impact DT:

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- Reduce tortoise direct mortality resulting from interspecific (e.g., raven predation) and intraspecific (e.g., disease) conflicts that likely result from human-induced changes in ecosystem processes.²⁵²

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4. *Inadequate Mitigation for Project Impacts*

In lands designated Class M under the CDCA, "[a]ny damage, which permitted uses cause, *must be mitigated*."²⁵³ Moreover, the NECO requires the BLM to "[m]itigate effects on tortoise populations and habitat outside DWMA's to provide connectivity between DWMA's."²⁵⁴ While the DEIS states that BIO-12 will provide the necessary mitigation, there is no evidence that sufficient land is available to provide such connectivity.

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D. Impacts to Cultural Resources

The analysis regarding the Project's impacts to cultural resources is not supported by substantial evidence. The DEIS acknowledges that additional surveys must be completed in order to reach conclusions regarding the Project's impacts and to propose effective and feasible mitigation measures to address such impacts.²⁵⁵

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²⁵¹ See NECO CMP/FEIS, p. 2-17.

²⁵² *Ibid.*

²⁵³ See CDCA, As Amended, p. 13; see also http://www.blm.gov/ca/st/en/fo/cdd/cdca_highlights.html (as of June 27, 2010).

²⁵⁴ See NECO CMP/FEIS, p. 4-21.

²⁵⁵ See, e.g., DEIS, pp. C.3-1, C.3-86 – C.3-87 [acknowledging need for further surveys and studies to identify extent of cultural resources impacts and to formulate appropriate mitigation measures].

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 59

The incomplete analysis in the DEIS does reveal that the Project will adversely affect hundreds of cultural resources including ancient cremation zones, trails and village sites, and will directly block at least one major prehistoric trail. As discussed in a subsequent section, the DEIS failed to provide ANY mitigation for impacts to cultural resources and instead explained that a future consultation process would work out the details of a mitigation proposal.

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1. Project Impacts to Pre-historic and Historic Resources

The discussion regarding the Project’s construction-related effects is incomplete on its face. It includes, for example, the placeholder “(yet to be determined)” in the description of the various ground disturbing activities.²⁵⁶

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The DEIS does not reach a conclusion regarding the Project’s impacts to the Halchidhoma Trail and the possible designation of a Prehistoric Trails Network/Historic District.²⁵⁷ Similarly, the DEIS fails to reach a conclusion regarding the Project’s impacts to the DTC/C-AMA Cultural Landscape/Historic District.²⁵⁸ These incomplete analyses constitute a failure to take the required “hard look” at Project impacts.

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A 3,632-acre area adjacent to Palen Dry Lake has been designated an Area of Critical Environmental Concern (“ACEC”): the ACEC was established to protect cultural resources.²⁵⁹ Native American artifacts have been observed on the former shoreline of what is now a playa. The DEIS does not analyze the Project’s potential to significantly impact these cultural resources or the designated ACEC.

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2. Project Impacts to Native American Traditional Cultural Properties

The DEIS did not disclose the significance of the area on and around the Project site to contemporary tribal members. The DEIS focused almost solely on archeological resources and failed to analyze traditional cultural properties, which are areas on and around the Project site that have importance to tribes and Native Americans today. More specifically, a “traditional cultural property” is a property, a place, that is eligible for inclusion on the National Register of Historic Places

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²⁵⁶ DEIS, p. C.3-84.

²⁵⁷ *Id.* at p. C.3-82.

²⁵⁸ *Id.* at p. C.3-83.

²⁵⁹ See CDCA, As Amended, Table 15, Areas of Critical Environmental Concern, p. 104.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 60

because of its association with cultural practices and beliefs that are (1) rooted in the history of a community, and (2) are important to maintaining the continuity of that community's traditional beliefs and practices.²⁶⁰

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The purpose of an EIS is to address any major federal action significantly affecting the quality of the human environment.²⁶¹ The definition of "human environment," as defined in the NEPA regulations, "shall be interpreted comprehensively to include the natural and physical environments and the relationship of people with that environment."²⁶²

Section 101 of NEPA declares it is a matter of national policy to preserve important historic, cultural, and natural aspects of our national heritage. Policy direction in BLM Manual 8100, section 8110.05D, further provides that BLM should "[i]ncorporate cultural resource considerations into all aspects of planning and decision making."

The cultural resources section of the DEIS fails to acknowledge the traditional cultural properties in and around the proposed action. Tribal members and other Native Americans have described significant non-archeological cultural resources within the Project boundaries and surrounding the Project.²⁶³ These cultural resources include biological resources on the Project site that are sacred to local tribes and the impacts of the Project on sacred areas on or near the Chuckwalla and Palen Mountains. The Project may result in visual, audible, and atmospheric impacts to these sites.

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These resources were not analyzed in the DEIS; in fact, the DEIS included no information about the direct, indirect or cumulative effects on potential traditional cultural properties. The BLM should conduct an ethnographic study and interviews with local Native Americans and tribal representatives to further refine the BLM's understanding of the importance of these potential traditional cultural properties. At a minimum, the scope of analysis in the DEIS must include areas where the Project would have direct, indirect and cumulative impacts on areas which could be directly impacted by views and sounds from the property.

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²⁶⁰ National Register Bulletin 38.

²⁶¹ 40 CFR § 1502.1.

²⁶² *Id.* at § 1508.14.

²⁶³ See Attachment J, Testimony of Alfredo Acosta Figueroa on Issues Concerning U.S. BLM Cultural Resources Data.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 61

E. Hazardous Materials Impacts

1. The DEIS Fails to Adequately Analyze Hazards Associated with HTF

a. Inadequate evaluation of potential public health and safety hazards from HTF transport

As stated, the project will involve the transportation, storage, and use of substantial quantities of HTF, a known hazardous substance. HTF would likely be imported to the site by tanker truck from a major population center, likely from Southern California. Accidents involving tankers can be catastrophic, as indicated by the accident descriptions presented in Matt Hegemann’s comments.

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The discussion regarding impacts associated with decommissioning the Project does not address the potential impacts of transporting the HTF off the Project site. None of the mitigation measures concerning Hazardous Materials address transporting such materials from the Project site.²⁶⁴ The DEIS must be revised to specifically address the severity of this potentially significant impact and the specific measures proposed to address this impact.

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b. Insufficient analysis of toxic air contaminant emissions associated with Project equipment

The DEIS states that the only toxic air contaminant (“TAC”) that would be emitted from the Project would be diesel particulate from emergency diesel-fueled engines.²⁶⁵ This statement is not accurate. Later in the discussion regarding TAC emissions, the DEIS acknowledges that the Project will have TAC emissions from the auxiliary boilers, emergency fire water pump and generator engines, and HTF ullage system vent.

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According to the Preliminary Determination of Compliance (“PDOC”) issued by the SCAQMD, the TAC emissions from the Project will be greater than those reported in the DEIS. The DEIS may be underreporting these emissions.

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²⁶⁴ *Id.* at p. C.4-21 – C.4-24.

²⁶⁵ DEIS, p. C.5-4.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 62

c. *Requirements for monitoring equipment fail to address a toxic component of HTF: benzene.*

As Mr. Hagemann states in his comments, the DEIS fails to analyze potential soil and groundwater contamination that could be caused by HTF leaks and by bioremediation of HTF in improperly lined land treatment units. The DEIS must be revised to address this potentially significant impact.

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d. *The geographic scope for considering other projects in the cumulative impacts analysis is too narrow*

The DEIS concludes, without substantial evidence, that the geographic scope for considering other past, present, and foreseeable future projects in the cumulative health and safety impacts analysis is “within the project boundaries or within ½ mile of the project.”²⁶⁶ As discussed above, numerous similar solar thermal power projects are being proposed in the region.²⁶⁷ Each of the projects will emit TACs similar to those emitted by the Project. The DEIS must consider whether the Project’s incremental contribution to the overall increase of TAC emissions is cumulatively considerable.

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e. *Inadequate discussion of feasible mitigation measures to minimize the likelihood of an accidental release*

Because the DEIS did not discuss the hazards of HTF transport, it did not discuss any mitigation measures for potential impacts associated with it. Several mitigation measures exist that are routinely implemented at power generating facilities in California and elsewhere. These include: (a) improving driver hiring and training; (b) improving vehicle inspection and maintenance procedures; (c) restricting delivery routes and times; (d) requiring more solidly built tanker trucks; (e) and improving emergency response. The DEIS should be expanded to include a discussion of these additional measures and recirculated for public review.

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²⁶⁶ DEIS, p. C.5-26.

²⁶⁷ For example, as the DEIS acknowledges, the Chuckwalla Solar I project would be approximately 2 miles from the Project site. *See id.* at pp. C.5-26 – C.5-27.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 63

f. Inadequate discussion of measures to mitigate impacts of an accidental release after it occurs

As already stated, the consequences of an accidental HTF spill are potentially catastrophic. Fortunately, these can often be readily mitigated by reducing the exposed surface area of spilled HTF; using relief, recirculation, block and check valves; or by improving the tank design. Several other mitigation measures are available,²⁶⁸ none of which was identified or discussed in the DEIS. The DEIS must be revised to identify and evaluate these and any other feasible mitigation measures.

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2. The DEIS Fails to Adequately Analyze Hazards Associated with Former Military Use of the Site.

Although the DEIS identified unexploded ordinance (“UXO”) in the Project area, and generally described the history of the DTC-CAMA, the BLM failed to take a hard look at potential health risks associated with previous military activities on the site.²⁶⁹ Mr. Hagemann, an expert in hazardous materials, reviewed the DEIS with respect to hazards associated on the site from remnants of the military’s use of the site in the 1940s. In his comments, he concludes that unevaluated significant impacts to construction workers and future site workers from UXO and hazardous debris may occur.²⁷⁰ Those impacts include dermal contact and ingestion of dust with soils that may contain metals and chemicals at concentrations that are hazardous to human health.²⁷¹

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Mr. Hagemann recommends that the BLM conduct a Phase I Environmental Site Assessment to specifically evaluate these potential human health risks. If the Phase I Assessment finds the UXO and hazardous debris to represent potential human health risks, a Phase II Environmental Site Assessment should be conducted to include sampling of the debris.²⁷² To assess the Project’s impacts

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²⁶⁸ Center for Chemical Process Safety, Guidelines for Safe Storage and Handling of High Toxic Hazard Materials, 1988; Center for Chemical Process Safety, Guidelines for Design Solutions for Process Equipment Failures, 1998; Center for Chemical Process Safety, Plant Guidelines for Technical Management of Chemical Process Safety, 1992.

²⁶⁹ See DEIS, pp. 13-10.

²⁷⁰ Hagemann Comments pp. 9-10.

²⁷¹ *Id.*

²⁷² *Id.*

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 64

adequately, the BLM must conduct a Phase I Assessment and include the results in a revised DEIS that is circulated for public review. ↑ 6-142
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F. Project Impacts to Drainage

1. *Inadequate Analysis Impacts Caused by Drainage Facilities.*

The description of the Project’s impacts to numerous dry washes traversing the site is inadequate because the drainage facilities for the Project are currently being redesigned. In addition, the DEIS does not address modifications to natural drainage patterns that will be necessary for the transmission line access and spur roads. The BLM must revise the description of the drainage facilities and provide a complete analysis of the Proposed Action’s impacts to natural drainage systems. | 6-143

The information regarding modifications to natural drainage patterns that will occur is fundamental and is required to provide the public an opportunity to meaningfully compare the Proposed Action with the alternatives. For example, to compare alternatives, the public must know whether the Proposed Action would modify the same drainages as the Reconfigured Alternative and the revised Reduced Acreage Alternative. In addition, there may be other alternate site designs that would impact drainages less than the proposed Project and the alternatives considered in the DEIS.²⁷³ Because desert washes provide valuable wildlife habitat, the BLM must consider alternatives that would reduce impacts to these washes. | 6-144
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The DEIS must also adequately describe what fill material the Applicant will use to modify the drainages.²⁷⁴ If soil cement is used for bank stabilization and protection for transition and curve segments, the Project will significantly impact the ability of wildlife to utilize the surrounding area.²⁷⁵ If the Applicant will use natural substrate (i.e. compacted earthen material along with rip rap), however, impacts to biological resources may be reduced.²⁷⁶ It is not clear, however, that adequate compaction can be achieved using natural substrate. | 6-146

²⁷³ See DEIS, pp. C.9-57 – C.9-62.

²⁷⁴ *Id.* at p. C.9-49 [acknowledging requested information regarding drainage design and modeling information was not provided by applicant].

²⁷⁵ *Id.*

²⁷⁶ *Id.*

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 65

The BLM must provide the public with a complete and final Hydrology Report and Storm Water Pollution Prevention Plan (“SWPPP”) before approving the Project. Information normally contained in these reports helps the public understand and assess the water table, the natural flow pattern onsite and offsite and the Applicant’s measures to address flooding. Without the basic information contained in these reports, the public cannot meaningfully assess the Project’s impacts.

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The BLM’s failure to provide accurate information on impacts to drainages precludes meaningful public input on the Proposed Action’s effect on drainages and on alternatives to the Proposed Action. The BLM must provide this information so that it can take a hard look at impacts to the drainages and provide mitigation where feasible. Feasible mitigation measures include compensation to restore and enhance bioswales and downstream drainages.

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6-149

2. Failure to Consider Compliance with Section 1602 of the California Fish & Game Code

The Project requires a streambed alteration agreement from the CDFG under Section 1602 of the Fish & Game Code. Under NEPA, the BLM’s effects analysis must identify possible conflicts between the Project and State laws and regulations.²⁷⁷

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The California Fish & Game Code requires project Applicants to obtain a streambed alteration agreement from the CDFG before substantially diverting, obstructing, or changing a river, stream, or lake.²⁷⁸ A “stream” is defined as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life.²⁷⁹ This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.²⁸⁰

²⁷⁷ 40 C.F.R. §§ 1506.2(d), 1502.16(c); NEPA Handbook p. 55.

²⁷⁸ Cal. Fish & Game Code § 1602.

²⁷⁹ Dep’t of Fish & Game, A Field Guide to Lake and Streambed Alteration Agreements Sections 1600-1607 (1994).

²⁸⁰ *Id.*

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Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 66

The CDFG must issue a streambed alteration agreement before this Project can proceed. The proposed Project site contains several washes under the jurisdiction of the CDFG. Construction of the Project and the transmission line road will alter the natural flow patterns of these washes where concrete pads and structures are installed, and within the solar array field. Thus, development of the proposed Project will temporarily and permanently impact these washes. The Applicant submitted a Streambed Alteration Notification to the CDFG, but this document failed to identify the washes along the transmission line that will be impacted by the Project.²⁸¹ The CDFG must issue a streambed alteration agreement covering the entire Proposed Action before the Project Applicant impacts these drainage systems.

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Because a streambed alteration agreement is required from the CDFG before modifications to the drainages can occur, the BLM must ensure that the Applicant complies with Section 1602 of the Fish & Game Code before approving the Project.²⁸² Failure to receive the necessary permits could jeopardize downstream drainages and wildlife, as well as violate California law. The BLM must revise the EIS to reflect and disclose compliance with the Fish & Game Code.

G. Impacts to Surface and Groundwater Resources

After the release of the DEIS, the Applicant submitted information regarding a proposed concrete batch plant that will be used on site during Project construction. This new Project component will increase the Project's construction water demands from approximately 1,440 af during the 3 year construction period to approximately 5,750 af.²⁸³ The impacts to water resources caused by the increased Project construction water demand was, of course, not analyzed in the DEIS.

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The Project will consume up to 300 acre-feet per year (ac-ft/yr), of fresh local groundwater during its projected 30-year life. The Applicant intends to further develop the groundwater resources of the aquifer underlying the Project vicinity. All this fresh, potable water will be permanently lost to evaporation.

²⁸¹ See Attachment C, Notification of Lake or Streambed Alteration, § 10, Project Description [describing preliminary site grading plan].

²⁸² DEIS p. 2-19.

²⁸³ See Attachment D, Environmental Evaluation of Project Updates, pp. 1-2; see also DEIS, p. C.9-38.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 67

Unfortunately, the DEIS' analysis of project impacts to surface and groundwater resources is as flawed as its analysis of other Project impacts.

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1. *Inaccurate Analysis Of Potential Impacts From Groundwater Pumping*

a. *Failure to address impacts to Colorado River flows and surface water rights*

The DEIS acknowledges the project's potential to induce additional recharge to the Chuckwalla Valley Groundwater Basin ("CVGB") from Colorado River percolation, which in turn could reduce instream flows and affect existing surface water rights.²⁸⁴ Rather than allow the Applicant to conduct a revised impact analysis using a refined model following Project approval, the BLM must now take a hard look at the Project's water supply.²⁸⁵

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In March 2010, The Colorado River Board of California wrote to the CEC to inform the agency that the Applicant would likely need to acquire a contractual entitlement for the necessary construction and operation water requirements from the Metropolitan Water District of Southern California ("MWD") in order to avoid conflicts with senior water rights holders.²⁸⁶

It is thus manifestly foreseeable that project-related groundwater pumping from the aquifer will induce leakage from shallow zones that will necessarily be replenished by percolation from the Colorado River. Much of the Colorado's streamflow infiltrates into the alluvium, and much of this water is either transpired by plants or evaporated. By lowering water levels, groundwater pumpage results in diminished baseflows, increased floodflow infiltration, and potentially die-off of riparian habitat.

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In 2008, the USGS prepared a report that clearly demonstrated that the "river aquifer" as stated in the 2006 Supreme Court Consolidated decree extends

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²⁸⁴ See DEIS, p. C.9-39.

²⁸⁵ See *ibid.*; see also *id.* at pp. C.9-106 – C.9-108 [mitigation measure Soil & Water 18, which would allow the Applicant to conduct a future analysis of Project impacts to water supply and potentially revise the requirements for mitigation].

²⁸⁶ See Attachment K, letter from Executive Director of CRBC to CEC Project Manager, dated March 22, 2010, pp. 2-3.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 68

into the tributary valleys of the Colorado River aquifer including the Chuckwalla Valley.²⁸⁷ The USGS states:

Ground water in the river aquifer beneath the flood plain is considered to be Colorado River water regardless of water levels. Water pumped from wells on the flood plain is presumed to be river water and is accounted for as Colorado River water.²⁸⁸

The concept of distance from the Colorado River had no bearing on whether the underlying groundwater was indicated as part of the “river aquifer.” The USGS characterized the “river aquifer” as:

The river aquifer consists of permeable, partly saturated sediments and sedimentary rocks that are hydraulically connected to the Colorado River so that water can move between the river and the aquifer in response to withdrawal of water from the aquifer or differences in water-level elevations between the river and the aquifer. The subsurface limit of the river aquifer is the nearly impermeable bedrock of the bottom and sides of the basins that underlie the Colorado River valley and adjacent tributary valleys, which is a barrier to ground-water flow.²⁸⁹

Consequently, any well in the CVGB is considered to be taking Colorado River water regardless of water level and are extracting water from the “river aquifer.” As such, the Applicant is required to obtain a contractual entitlement to pump groundwater to meet its construction and operation water needs.

The foregoing analytic deficiencies must be corrected, and potential impacts to surface flows in the Colorado, which are foreseeable, must be thoroughly evaluated in the DEIS in order to comply with NEPA.

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²⁸⁷ Wiele et al., Update of the Accounting Surface Along the Lower Colorado River, 2008, available at: http://pubs.usgs.gov/sir/2008/5113/sir2008-5113_text.pdf (as of July 1, 2010); see also <http://pubs.usgs.gov/sir/2008/5113/> (as of July 1, 2010).

²⁸⁸ *Id.* at p. 5.

²⁸⁹ *Id.* at p. 6.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 69

b. Failure to address impacts from groundwater overdraft

The DEIS fails to include an adequate discussion of potential indirect impacts from groundwater overdraft. These impacts, which include land subsidence, earth fissuring and potential interference with other wells, would worsen if development in the basin continues or increases beyond the project period.

6-157

In sum, the Project will result in long-term groundwater overdraft. This will interfere with and/or preempt other current and future beneficial uses of groundwater, and may induce land subsidence and earth fissuring. These impacts are not sufficiently discussed in the DEIS. The DEIS must therefore be substantially revised to include sufficient evaluation of the foreseeable impacts.

V. THE DEIS FAILS TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES.

A. The Purpose and Need Statement is Arbitrarily Narrow and Promotes Private Interests

An EIS must briefly describe the underlying purpose and need to which the agency is responding in proposing the alternatives, including the Proposed Action.²⁹⁰ The BLM's *NEPA Handbook* mandates that the purpose and need statement for an externally generated action must describe the BLM's purpose and need, not an applicant's or external proponent's purpose and need.²⁹¹ The "need" for the action is the underlying problem or opportunity to which the BLM is responding with the action.²⁹² The "purpose" is the goal or objective that the BLM is trying to reach.²⁹³ Clearly distinguishing the purpose and the need clarifies for the public and decision makers why the agency is proposing to spend large amounts of taxpayers' money, while at the same time causing significant environmental

²⁹⁰ 40 C.F.R. § 1502.13.

²⁹¹ NEPA Handbook p. 35 (citing 40 C.F.R. § 1502.13).

²⁹² *Id.*

²⁹³ *Id.*

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 70

impacts.²⁹⁴ As recently repeated by the Ninth Circuit, “an agency cannot define its objectives in unreasonably narrow terms.”²⁹⁵

The DEIS contains an arbitrarily narrow purpose and need statement that impermissibly promotes private objectives. The purpose and need statement states that the BLM’s purpose and need for the PSPP is to respond to the application for the ROW.²⁹⁶ This narrowly defined statement implies that BLM stands to gain nothing more than a rubber-stamped document at the end of this process. It is nonsensical to think that the BLM would spend taxpayer money and impact the environment for such an inconsequential result. While the introduction to the purpose and need statement recites statutes, regulations and orders that encourage the development of renewable energy on public lands, these sources of authority do not encourage the development of some parcels over others.²⁹⁷

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B. Reasonable Alternatives Omitted from Analysis

Under NEPA, federal agencies must consider alternatives to their proposed actions as well as their environmental impacts.²⁹⁸ The alternatives analysis has been called the “linchpin” of the Environmental Impact Statement.²⁹⁹

An EIS must “[r]igorously 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.”³⁰⁰ It is “absolutely essential to the NEPA process that the decisionmaker be provided with a detailed and careful analysis of the relative environmental merits and demerits of the proposed action and possible alternatives, a requirement that courts have characterized as ‘the

²⁹⁴ Ronald E. Bass et al., *The NEPA Book* 89 (2d. ed. 2001).

²⁹⁵ *National Parks & Conservation Ass’n v. Bureau of Land Management* (2010) 2010 WL 1980717, 8 (9th Cir. 2010), quoting *City of Carmel-By-The-Sea v. United States Dep’t. of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997).

²⁹⁶ DEIS p. B.2-11; *see also id.*, Executive Summary, p. 6 (“The BLM’s purpose and need for the PSPP is to respond to [PSI’s] application . . . for a right-of-way (ROW) grant. . .”).

²⁹⁷ *Ibid.*

²⁹⁸ 40 CFR § 1502.14.

²⁹⁹ *Monroe County Conservation Council, Inc. v. Volpe* (2d Cir. 1972) 472 F.2d 693.

³⁰⁰ 40 C.F.R. § 1502.14(a).

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 71

linchpin of the entire impact statement.”³⁰¹ This is particularly true in cases where there may be “unresolved conflicts concerning alternative uses of available resources.”³⁰²

The alternative discussion must include not only primary alternatives, *i.e.*, substitutes for the agency’s proposed action that accomplish the action in another manner, but also secondary alternatives, which are means of carrying out the action in a different manner.³⁰³ The range of alternatives to be discussed is governed by a “rule of reason.” Agencies have a duty “to study all alternatives that appear reasonable and appropriate for study . . . , as well as significant alternatives suggested by other agencies or the public during the comment period.”³⁰⁴ Reasonable alternatives are those that may be feasibly carried out based on technical, economic, environmental, and other factors. **It is well established that an alternative is not infeasible merely because the project proponent does not like it or is not capable of implementing it.**³⁰⁵ “The ‘existence of a viable but unexamined alternative renders an environmental impact statement inadequate.’”³⁰⁶

Thus, if an EIS is prepared in connection with an application for a permit or other federal approval, the EIS must rigorously analyze and discuss alternatives that are “reasonable,” *regardless of whether the proponent or applicant likes or is*

³⁰¹ *NRDC v. Callaway*, 524 F.2d 79, 92 (2d Cir. 1975) (citation omitted); see *Silva v. Lynn*, 482 F.2d at 1285; *All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir. 1992) [a thorough discussion of the alternatives is “imperative”].

³⁰² See 42 U.S.C. § 4332(2)(E); *California v. Block*, 690 F.2d 753, 766-767 (9th Cir. 1982).

³⁰³ See *Methow Valley Citizens Council v. Regional Forester*, 833 F.2d 810 (9th Cir. 1987), *rev’d on other grounds*, 490 U.S. 332 (1989); see also Mandelker, *NEPA Law and Litigation* (2d ed., rel. 8, 2000).

³⁰⁴ *Roosevelt Campobello Int’l Park Comm’n v. United States EPA*, 684 F.2d 1041, 1047 (1st Cir. 1982) (quotations omitted); *City of Carmel-By-The-Sea v. U.S. Dept. of Transp.*, 95 F.3d 892, 903 (9th Cir. 1996).

³⁰⁵ See CEQ, *Forty Most Asked Questions Concerning CEQ’s NEPA Regulations* (1981), question No. 2(a), 46 Fed.Reg. 18026, 18027 (March 23, 1981).

³⁰⁶ *Resources Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993), quoting *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992); see *Grazing Fields Farm v. Goldschmidt*, 626 F.2d 1068, 1072 (1st Cir. 1980) [Even the existence of supportive studies and memoranda contained in the administrative record but not incorporated in the EIS cannot “bring into compliance with NEPA an EIS that by itself is inadequate”].

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 72

itself capable of carrying out a particular alternative. “Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”³⁰⁷ Courts have shown little reluctance in striking down EIS’s that fail to include a thorough discussion of reasonable, less environmentally damaging alternatives.³⁰⁸ Finally, please note that an EIS must include a discussion of “natural or depletable resource requirements *and conservation potential of various alternatives and mitigation measures.*”³⁰⁹

1. Alternative Analysis Relies on Inaccurate Description of the Proposed Project

As with other analyses in the DEIS, the comparison between alternatives relies on inaccurate information concerning the amount of acreage that would be disturbed by the Proposed project. The discussion regarding the Reduced Acreage Alternative, for example, states that the proposed Project would occupy approximately 2,740 acres, whereas other sections of the DEIS state that this area would be 2,970 acres or 3,899 acres.³¹⁰

6-159

2. Feasibility of Revised Reduced Acreage Alternative

During the CEC workshops following the release of the DEIS, the applicant expressed concern regarding the feasibility of the Revised Reduced Acreage Alternative. Specifically, the Applicant’s legal counsel stated that the Project may not be viable at the 375 MW generating capacity that could be achieved under the Revised Reduced Acreage Alternative. The DEIS does not address the economic feasibility of this preferred alternative. The applicant has not provided any other information and analysis demonstrating this alternative is infeasible. Thus, there is no substantial evidence in the record substantiating the claim that this alternative is infeasible.

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³⁰⁷ Forty Most Asked Questions Concerning CEQ’s [NEPA] Regulations at Question 2a.

³⁰⁸ See, e.g., *Marble Mountain Audubon Society v. Rice*, 914 F.2d 179 (9th Cir. 1990); *Dubois v. U.S. Dept. of Agriculture*, 102 F.3d 1273 (1st Cir. 1996).

³⁰⁹ 40 C.F.R. § 1502.16(f), emphasis added.

³¹⁰ See, e.g., SA/DEIS, Proposed Project, pp. B.1-1 [2,970 acres disturbed], B.2-16 [2,740 occupied by Units 1 and 2], Biological Resources, C.2-1 [3,899 acres disturbed], Health and Safety, C.5-21 [2,740 acres disturbed], C.9-3 [2,970 acres disturbed], C.12-14 [4.5 square miles].

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 73

3. *The BLM Must Consider an Alternative Design that Reduces Impacts to Drainage Systems*

The BLM must consider an alternative design that reduces impacts to drainage systems. As discussed above, the Project will impact the natural drainage systems that run through the Project site, which will in turn impact water quality and biological resources, as well as increase the potential for flooding on the Project site. The BLM should consider a site design that avoids, or significantly minimizes, these impacts.

6-161

4. *The DEIS Failed to Seriously Consider Alternative Sites*

The DEIS states “all site alternatives proposed to be located on lands not under the jurisdiction of the BLM are considered unreasonable by the BLM because none would accomplish the purpose and need for the proposed action, which is to respond to [PSI’s ROW application].”³¹¹ The BLM’s decision not to consider alternate sites on private land is impermissible because it is based on an arbitrarily narrow purpose and need statement. The BLM may not adopt private interests to draft a narrow purpose and need statement that excludes alternatives that fail to meet specific private objectives.³¹²

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Yet, that was the result of the process here. The BLM must consider reasonable alternatives, even if the Applicant does not like the alternative or is incapable of implementing the Project on an alternative site.³¹³ Here, the only alternative location for the Project evaluated in the DEIS was the North of Desert Center location, but this alternative was rejected primarily because the parcels are owned by numerous landowners and would be more difficult to acquire.³¹⁴ (Ironically, while the DEIS admits that it is difficult to purchase private parcels for the purpose of acquiring sufficient acreage for the Project itself, it fails to admit that it would be difficult to acquire private parcels for the purpose of mitigating the Project’s impacts to biological resources.)

³¹¹ DEIS, p. B.2-51.

³¹² NEPA Handbook p. 50.

³¹³ See CEQ, Forty Most Asked Questions Concerning CEQ’s NEPA Regulations No. 2(a) (1981).

³¹⁴ DEIS, p. B.2-49. Four other alternative sites were considered but not evaluated in detail. *Id.* at p. B.2-50.

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 74

Thus, as drafted, the DEIS violates NEPA’s basic requirement to consider alternatives to the proposed Project. Numerous environmental organizations have recommended criteria to consider when selecting land for siting renewable energy projects.³¹⁵ The proposed site for the Project does not satisfy any of these criteria. The proposed Project site is not ideal for long-term energy generation. This particular site lies within undisturbed desert habitat that contains untouched and intact environmental resources. As discussed at length in the preceding sections, the site is characterized by desert scrub vegetation, desert washes, sand dunes, and sand fields. Special-status species, such as the desert tortoise, were observed on the site. In addition, many prehistoric and historic sites have been recorded on and around the Proposed Action site.

6-163

The BLM should consider an alternate site on disturbed land. In the desert to the northwest of the Project site, for example, there is an extensive amount of abandoned farmland that would facilitate long-term energy generation while reducing the Project’s impacts on environmental resources.³¹⁶ These areas have existing infrastructure and are near roads and existing power lines. The BLM must evaluate siting the Proposed Action on these alternate sites, or risk failing to evaluate a viable alternative.

5. The DEIS Improperly Eliminated Alternative Solar Energy Technologies From Consideration

The DEIS includes a basic discussion regarding Fresnel solar technology.³¹⁷ Despite the smaller footprint required for this technology, and the corresponding reduced environmental impacts, this technological alternative to the proposed solar thermal project was improperly rejected without adequate review.

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The DEIS does not adequately consider distributed solar technologies as viable alternatives to the proposed Project. Because such technologies could be installed in urban and other developed areas that have already been disturbed, they would have substantially fewer environmental impacts.

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³¹⁵ See Attachment L, Renewable Siting Criteria for California Desert Conservation Area.

³¹⁶ See Attachment M, Map: Abandoned Farmland – Eastern Riverside County, Coachella Valley Assoc. of Governments.

³¹⁷ DEIS, pp. B.2-58 – B.2-59.

Allison Shaffer, Project Manager
 Bureau of Land Management
 July 1, 2010
 Page 75

6. *The DEIS Must Consider The Above Alternatives Regardless of The Applicant's "Preference"*

Lest there be any lingering belief that the applicant's desires dictate the range of alternatives that NEPA requires be discussed in an EIS, we wish to state emphatically that this is **not** the case under applicable law. The fact that the CEC and BLM are acting in permitting roles, rather than initiating the project themselves, in no way limits the extent of their obligations under NEPA. CEQ and the courts have repeatedly declared that the duty to discuss alternatives in an EIS is no different when the action is initiated by a Federal agency or by private parties.³¹⁸ The agencies here must therefore consider all alternatives that are reasonably related to the project and evaluate them in the EIS.

6-166

In this case, the project's purpose and need could be fully satisfied by an off-site alternative or by a technological alternative that requires less acreage and resources. Each of these approaches is feasible, economic, and will minimize or avoid potentially significant impacts. Under NEPA, it is imperative that they be evaluated in detail irrespective of the applicant's preference.

VI. CONCLUSION

The DEIS fails as an informational document because it fails to establish the Project setting, it does not fully and fairly describe the Proposed Action, it provides incomplete analysis of some Project impacts and wholly omits discussion of a number of other potentially significant environmental impacts, and it fails to provide a reasonable range of alternatives to avoid or mitigate the Project's adverse impacts. The DEIS must be revised to fully describe the project setting, the Project, the impacts from the Project, mitigation and alternatives; and the revised DEIS should be circulated for public review and comment, as required by NEPA. We respectfully urge the BLM to do so prior to taking any action of any kind on the Applicant's pending federal permit applications.

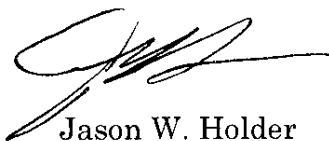
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³¹⁸ CEQ, *Guidance Regarding NEPA Regulations*, 58 Fed.Reg. 34263 (1983), available at: <http://ceq.hss.doe.gov/nepa/regs/1983/1983guid.htm> (as of July 1, 2010).

Allison Shaffer, Project Manager
Bureau of Land Management
July 1, 2010
Page 76

Please do not hesitate to call if you have any questions or require any further information in support of these comments.

Sincerely,



Jason W. Holder

JWH:bh

Attachments

ATTACHMENT A



James W. Cornett — Ecological Consultants

June 30, 2010

Jason W. Holder
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Subject: Palen Solar Power Project -- Draft Environmental Impact Statement

Dear Mr. Holder:

Per your request, I have reviewed the Draft Environmental Impact Statement (hereinafter the SA/DEIS) for the Palen Solar Power Project (hereinafter the “PSPP”) which would be located on public lands managed by the Bureau of Land Management (hereinafter the “BLM”). My review focuses on the Biological Resources analysis of the SA/DEIS. My qualifications to perform this review include thirty years experience as a professional California desert ecologist, hundreds of protocol desert tortoise surveys, and published papers on fringe-toed lizards. I have both prepared and reviewed the biological resources sections of environmental documents. My professional resume is attached hereto.

6-168

My comments on the SA/DEIS follow.

INTRODUCTORY COMMENTS

The Palen Solar Power Project (PSPP) offers Southern California a much needed clean and renewable source of energy. The creation of the facility, however, can be expected to result in significant adverse impact to biological resources in the region. Though there are some adverse impacts that can be mitigated to a level of insignificance, there are several impacts that cannot be mitigated. The Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) for the PSPP acknowledges some but not all of the significant unmitigable impacts that the PSPP would cause.¹

6-169

Direct adverse impacts to the officially Threatened desert tortoise (DT), sensitive Mojave fringe-toed lizard (MFTL) and sensitive desert wash environments (DDWW) will be adverse, significant, and not adequately mitigated both on the project site itself as well as in the general region. With regard to the DT, this is primarily because it is highly unlikely that thousands of acres of appropriate compensatory habitat in the Chuckwalla

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¹ Staff Assessment and Draft Environmental Impact Statement, Palen Solar Power Project, Application for Certification, March, 2010 (09-AFC-7) CEC-700-2010-007 (SA/DEIS), Executive Summary, pp. 16-17.

Valley can be acquired. The inability to identify compensatory habitat also applies to mitigation for the MFTL but is compounded by the inability of the SA/DEIS or the Project Proponent to assess indirect impacts to the lizard’s habitat. In short, the SA/DEIS does not include any evidence demonstrating there is adequate, private compensatory land in the region available for mitigation of impacts to not only the DT, but the MFTL, western burrowing owl (WBO), and other special-status species.

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In several instances the ability to assess potential impacts on listed and sensitive species and habitats has been compromised by inadequate or inappropriate data-gathering methods and faulty data analysis. Based upon my examination of field conditions and data from the project site, survey transects for DT were too widely spaced, searches for rare plants were not sufficiently comprehensive, and focused surveys for the sensitive MFTL were lacking. The analysis of field data regarding the DT, western burrowing owl (WBO) and rare plants failed to adequately analyze variations in precipitation from year to year and, with regard to the DT, the significance of a long-term decline in numbers. As a result, impacts to certain listed and sensitive species could not be determined or were minimized.

6-171

Indirect effects resulting from the PSPP are significant in the number of sensitive species affected, expanse of offsite acreage potentially altered, and impacts at the ecosystem level. Of particular note is the absence in the SA/DEIS of a regional analysis of the significance of the Desert Dry Wash Woodland habitat within the project boundaries. In addition, there is no analysis of potential impacts to species, habitats and ecosystems as a result of the application of toxic compounds that are intended to be used to suppress dust and control weeds.

6-172

LISTED AND SENSITIVE SPECIES – Desert Tortoise

As stated in the SA/DEIS for the PSPP, desert tortoise populations within California are listed as Threatened by both the state and federal governments.² Nonetheless, the applicant has applied for a “take” of Threatened tortoises within the project boundaries.³ The applicant also urges changes to proposed mitigation measures that would substantially diminish and compromise the level of protection afforded this species.

6-173

The applicant’s arguments in favor of granting a take permit and adopting diluted mitigation measures essentially embrace the position that (1) there are few, if any, tortoises on the project site and that (2) poor habitat is to blame for the inability to find live tortoises. These arguments are not supported by evidence.

6-174

² Staff Assessment and Draft Environmental Impact Statement, Palen Solar Power Project, Application for Certification, March, 2010 (09-AFC-7) CEC-700-2010-007 (SA/DEIS), Executive Summary, p C.2-1.

³ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), January, 2010.

(1) Though only two active burrows were found within the initial project boundaries in 2009, the spring 2010 surveys found three live tortoises within the power line corridor which is now part of the disturbance area.⁴ Four additional tortoises were observed in the buffer area.⁵ Since no tortoise surveys were conducted within the original project boundaries during the spring of 2010, no one knows how many tortoises might be present one year later in 2010.

6-175

(2) No zone of influence surveys were conducted in either 2009⁶ or 2010.⁷ No one knows how dense the tortoise population may be from the original disturbance area boundary to $\frac{3}{4}$ of a mile beyond the boundary, the distance of the closest offsite transect.

6-176

(3) The take application states that “two active DT burrows were found” during the 2009 tortoise surveys.⁸ Active means the burrow is in use and that it should be assumed that tortoises are within the project boundaries. Studies by Woodbury and Hardy demonstrate that up to 23 tortoises may occupy a single burrow.⁹ An active burrow can be used by more than one tortoise.

6-177

(4) There was no measureable precipitation in January of 2009, usually the wettest month of the year in the California deserts. Based upon long-term data, there was also markedly below average precipitation for the entire year.¹⁰ Tortoises are known to reduce or cease activity when food resources are in short supply as a result of below average precipitation.¹¹ Tortoises on and near the site may have been less active in the spring of 2009 and, therefore, would be less likely to be observed as compared with a year of above average precipitation.

6-178

(5) I conducted a site visit on June 18, 2010, and found that in and near washes visibility was obstructed by dense vegetation. Visibility was also obstructed across open flatlands because of dense skeletons of Sahara mustard (*Brassica tournefortii*) that were present. The biologists who conducted the tortoise surveys walked transects at intervals slightly in

6-179

⁴ Preliminary Results, Desert Tortoise Spring 2010 Surveys, Figure 1.

⁵ Ibid. Figure 1.

⁶ Palen Solar Power Project Biological Technical Report, Riverside Co., California, August, 2009, page 34.

⁷ Survey Approach and Methodologies for the Solar Millennium Parabolic Trough Palen Solar Power Project 2010, p. 2.

⁸ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), January, 2010, page 12.

⁹ Woodbury, A.M. and R. Hardy. 1948. Studies of the desert tortoise, *Gopherus agassizii*. Ecological Monographs 18:145-200.

¹⁰ Precipitation records for five localities at the Boyd Deep Canyon Research Center, Colorado Desert, California. Available at http://deepcanyon.ucnrs.org/weather_data.htm.

¹¹ Ernst, C.H. and J. E. Lovich. 2009. *Turtles of the United States and Canada*. The John Hopkins University Press, Baltimore, Maryland, p. 551.

excess of 32 feet in 2009¹² and at 30 feet in 2010.¹³ The Report indicates that the 1992 Survey Protocol was followed.¹⁴ The Protocol, however, says that in addition to walking transects at 30-foot intervals, “In some locations belt transects less than 30 feet wide may be appropriate.”¹⁵ The protocol description further states that “If the project area contains locations with vegetation or topography that obscures or reduces that surveyor’s ability to see tortoise sign at distances of up to 15 feet on the ground, the width of the survey should be reduced to 10 feet.” My site visit indicated that across half the site vegetation obscured the ground to such a degree that evidence of tortoise presence could easily go undetected by even the most observant biologist at 15 feet. Therefore, surveys should have been conducted at 20-foot, rather than 30-foot intervals through washes and areas of heavy concentration of Sahara mustard plants. In short, due to inadequate survey techniques it is probable that much evidence of tortoise presence went undetected.

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(6) Related to the above deficiency, is the fact that approximately half of all tortoise survey field time was conducted in the early morning when tortoises would have been in burrows or beneath dense vegetation and around midday when tortoises would have been hidden beneath dense vegetation.¹⁶ Hidden tortoises are very difficult to detect and can be easily missed.

6-180

(7) The report minimized the significance of evidence of tortoise presence found within the project boundaries. For example, in spite of the presence of much ground-obscuring vegetation, 18 desert tortoise shell remains were found within the project’s original disturbance area in 2009 (even more tortoise shell remains were found in previously unsurveyed areas during subsequent 2010 surveys). Because live tortoises had been observed in the area along with numerous tortoise burrows, the most logical assumption was that origin of the fragments was from the project site. Yet the report authors sought a less logical explanation: “The DT bone fragments observed on site are probably from carcasses that washed down to the BRSA over time from adjacent higher elevations where DT populations are larger.”¹⁷ This assumption requires that the shell fragments be carried several miles to the project site during a flash flood, the fragments remain intact during such a violent event and most importantly, the fragments would not be buried under alluvium but be completely exposed on the surface. Furthermore, it should be mentioned that no statistically valid evidence has been provided indicating desert tortoises are actually more abundant south of the project site.

6-181

¹² Palen Solar Power Project Biological Technical Report, Riverside Co., CA, August, 2009, page 34.

¹³ Survey Approach and Methodologies for the Solar Millennium Parabolic Trough Palen Solar Power Project 2010, p. 2.

¹⁴ Field Survey Protocol for Any Non-Federal Action That May Occur within the Range of the Desert Tortoise, U.S. Fish & Wildlife Service, 1992, page 6.

¹⁵ Ibid.

¹⁶ Palen Solar Power Project Biological Technical Report, Riverside Co., California, August, 2009, Attachment 3, Field Data Sheets.

¹⁷ Palen Solar Power Project Desert Tortoise Technical Report, page 13.

(8) In the desert regions of California desert tortoise habitat is primarily defined by the presence of friable soils suitable for the construction of burrows.¹⁸ Using this criterion, the entire project site is suitable habitat.¹⁹ I agreed with the report finding on this issue as a result of my site visit of June 18, 2010. Although some portions of the site are more richly vegetated than others, I consider large portions of the project site to be excellent habitat with both appropriate soil characteristics and vegetation. The observation that “ephemeral plant production is higher and longer lasting” elsewhere in the region reveals an ignorance of the shift in ephemeral plant production at varying elevations.²⁰ Ephemeral blooms are not longer lasting at higher regions but simply later in the season. Had the biologists been on the site in January they would have observed the initial flowering of spring ephemerals. Additionally, the observation in the report that “the BRSA does not currently provide the groundwater necessary to support a long-lived annual plant population that could support a large onsite population of DT”²¹ is supported by no data and, again, fails to recognize a seasonal shift in ephemeral plant production rather than a decrease in plant production.

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(9) No attempt is made to explain the report findings in light of recurring droughts in recent years.²² Recurring droughts in close succession can result in significant tortoise mortality yet this was not considered in explaining why there were few tortoise sightings during the surveys.

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In summary, the inability of survey personnel using inadequate field methods to locate tortoise evidence is not justification for indicating the project site is low quality or even moderate quality tortoise habitat as stated in the SA/DEIS.²³ The only thing known is that an unknown number of desert tortoises occupy the project disturbance area and that most of the project site appears to be excellent tortoise habitat. It would appear that a conclusion was reached prior to the analysis.

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Mitigation for Impacts to Desert Tortoise Habitat

From the outset let me state that I am in complete disagreement with implication made in the SA/DEIS²⁴ and the statement made in the Incidental Take Permit Application²⁵ that

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¹⁸ Ernst, C.H. and J. E. Lovich. 2009. *Turtles of the United States and Canada*. The John Hopkins University Press, Baltimore, Maryland p.542-543.

¹⁹ Desert Tortoise Technical Report, Solar Millennium Palen Solar Power Project, Riverside County, California, January 2010, p. 16.

²⁰ Ibid., p. 17.

²¹ Ibid., p. 18.

²² Precipitation records for five localities at the Boyd Deep Canyon Research Center, Colorado Desert, California. Available at http://deepcanyon.ucnrs.org/weather_data.htm.

²³ SA/DEIS, p C.2-63.

²⁴ SA/DEIS, p C.2-1.

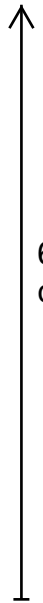
²⁵ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), Jan., 2010, p. 10.

the project site is low-quality desert tortoise habitat and, therefore, not deserving of a maximum replacement mitigation ratio of 5 acres acquired for each acre lost. The rationale for determining the low-quality-habitat determination is presented in the SA/DEIS²⁶ and elucidated in the ADTTP.²⁷ According to the U.S. Fish & Wildlife Service,²⁸ desert tortoise critical habitat consists of six primary constituent elements with regard to habitat quality:

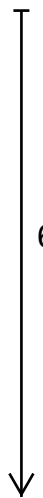
1. Sufficient space to support viable populations for movement, dispersal, and gene flow.
2. Sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species.
3. Suitable substrates for burrowing, nesting, and overwintering.
4. Burrows, caliche caves, and other shelter sites.
5. Sufficient vegetation for shelter from temperature extremes and predators,
6. Habitat protected from disturbance and human-caused mortality.

The Application concedes that items 3, 4, and 5, are present. As a result, I will only discuss the qualities claimed to not be present on the site: items 1, 2, and 5.

#1 The ADTTP asserts there is insufficient space to support viable tortoise populations for movement, dispersal and gene flow. This conclusion is reached in spite of the fact that the SA/DEIS and BRTR indicate there are significant, unavoidable impacts to this site characteristic.²⁹ The BRTR asserts Interstate 10 isolates the bulk of the project site from critical tortoise habitat to the south. However, the *Wildlife Movement and Desert Tortoise Habitat Connectivity study* commissioned by the Applicant indicates there are numerous freeway underpasses suitable for wildlife crossing including three adjacent to the project site.³⁰ The idea of freeway underpasses functioning as movement corridors was first advanced in the SA/DEIS.³¹ Furthermore, on my site visit of June 18, 2010, I found no impediments to dispersal to the north or east of the project site. Suitable tortoise habitat extends continuously from the project site to potential habitat against the Palen Mountains to the north and Chuckwalla Valley to the east. Only to the west are there dispersal barriers in the form of agricultural plots. However, even these do not form a complete barrier to tortoise movements from east to west and vice versa. In



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²⁶ SA/DEIS, C.2-74.

²⁷ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), Jan., 2010, p. 13.

²⁸ Draft revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, 2008, California, p. 11-12.

²⁹ SA/DEIS, p C.2-63, and Palen Solar Power Project Biological Technical Report, Riverside County, California, August, 2009, page x.

³⁰ Wildlife Movement and Desert Tortoise Habitat Connectivity report dated May 14, 2010, page 2.

³¹ SA/DEIS, p. C.2-82.

summary, the project sites offer important connectivity to tortoise habitat in all compass directions.³²

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#2 There is an implication in the SA/DEIS³³ and statement in the ADTTP³⁴ that there is insufficient quantity and quality of food resources on the PSPP site for foraging tortoises. However, there was no attempt to measure quality and quantity of forage variables. Instead vague reference is made to a lack of water (presumably precipitation, runoff, and/or groundwater) though there were no measurements of these variables made on the project site. Although most ephemeral plant species had dried up in June, 2010 when I visited the site, it was clear over most of the project site that there had been abundant ephemeral growth as I counted up to a dozen plant skeletons per square yard. Apparently there was also considerable ephemeral growth in 2009, sufficient to conduct a rare plant survey in the spring of that year.³⁵

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#6 The Incidental Take Application asserts the project site is not protected from disturbance and human-caused mortality. However, I found very little human impacts to the project site during my site visit. What impacts I did find were extremely minor. Although the project site lies near Interstate 10 only a miniscule portion of the site actually comes in contact with it. The “vehicles commonly parked in this area”³⁶ appear to be trucks confined wholly an extremely small area adjacent to the freeway off ramp. I found two examples of trash dumping, both decades old. With regard to domestic dogs on the site I saw none and find it difficult to believe that dogs from the agricultural areas would, or even could, move onto the project site with sufficient regularity to have even the smallest impact on fauna.

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The Applicant argues that because only a few live tortoises were found on the project site and because it lacks three of the six criteria said to be essential that for tortoise presence, replacement habitat should be at the level of one-half acre for each of the 3,945.8 acres lost as a result of the installation of the Palen Solar Power Project.³⁷ (The SA/DEIS requests one acre of mitigation habitat for each acre lost, a 1:1 ratio.)³⁸ However, as I have argued above, desert tortoises are currently living on the site and most likely in numbers greater than indicated in the Desert Tortoise Technical Report. Numbers may be temporarily depressed because of (1) mortality resulting from recent, recurring

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³² See Figure 2, Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), January, 2010.

³³ SA/DEIS, pp. C.2-74 - C.2-77.

³⁴ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), Jan., 2010, p. 14.

³⁵ Palen Solar Power Project Biological Technical Report, Riverside Co., CA, August, 2009, p. 32.

³⁶ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), Jan., 2010, p. 15.

³⁷ Ibid., p. 37.

³⁸ SA/DEIS, pp. C.2-2.

drought and (2) as stated in the Application “due to various factors, including the spread of a fatal respiratory disease; increases in raven populations that prey on juvenile tortoises; mortality associated with roads and off-highway-vehicle use; and fragmentation.”³⁹

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Because the Project Site is (1) clearly tortoise habitat, (2) that the tortoise carrying capacity of the site may be either high or low but cannot be determined due to the unreliability of survey data as well as recent temporary adverse impacts to tortoise populations, and (3) because the desert tortoise has been officially listed as a Threatened species by both state and federal governments (and thereby deserving of maximum protection) the mitigation ratio should be the maximum: 5 acres acquired for each of the 3,945.8 acres of tortoise habitat lost as a result of the Palen Solar Power Project.⁴⁰ Both the SA/DEIS and the ADTTP accept this ratio for that portion of the project site that lies within Chuckwalla Desert Critical Habitat Unit because the CDCRU contains six Primary Constituent Elements (PCEs).⁴¹ Based upon my analysis, however, the PSPP site clearly contains all six of these elements as well.

6-190

Acquisition of Tortoise Mitigation Habitat in the Region

Under my recommendation, the Applicant would be required to purchase 19,729 acres of habitat in the region currently occupied by the desert tortoise. Under the Applicant’s recommendation, 1,972.9 acres of tortoise habitat would be purchased from private landowners. Either scenario, in order to offer effective mitigation, must first identify privately owned potential replacement habitat. The location of potential replacement habitat is necessary here in order to demonstrate that the proposed mitigation is feasible and that it will actually work as advertised. Replacement habitat must also be currently occupied by desert tortoises, which is the only way to demonstrate that it is suitable replacement habitat. Not only must the replacement habitat be privately held and demonstrated to be currently occupied by desert tortoises, the site must be owned by a willing seller. To insure that the habitat can and will actually be acquired, the sale of the property must be in escrow pending project approval.

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The Applicant has, thus far, has been unable and unwilling to demonstrate that suitable (tortoise occupied) replacement habitat in the region is available for his figure of 1,972.9 acres, let alone the recommended figure of 19,729 acres.⁴² An inability to locate and acquire suitable mitigation habitat will result in a significant unmitigated adverse impact.

³⁹ Application for the California Endangered Species Act Section 2081 (B) Incidental Take Permit and Revised Desert Tortoise Technical Report (including fall 2009), Jan., 2010, p. 9.

⁴⁰ Ibid., p. 36.

⁴¹ SA/DEIS, p. C.2-74.

⁴² Palen Solar I, Objections and Notice of Inability to Respond to CURE’s Data Requests, May 25, 2010.

Cumulative Impacts to Desert Tortoise Habitat

There are dozens of alternative energy projects presently being constructed or in the planning process in the California deserts and in known tortoise habitat. Considered together, the total loss of tortoise habitat may easily exceed 100,000 acres in the California deserts alone.⁴³ Even though the desert tortoise is an officially Threatened species, it is now facing the greatest assault on its habitat in the history of the United States. This threat alone requires a maximum amount of replacement habitat for each and every project proposed within its range and on tortoise-occupied lands.

6-192

SENSITIVE SPECIES – Mojave Fringe-toed Lizard

The Mojave fringe-toed lizard (MFTL), *Uma scoparia*, is considered a Species of Special Concern by the California Department of Fish & Game and a Sensitive Species by the Bureau of Land Management.⁴⁴ As a result of these classifications, CEQA requires that the Applicant mitigate impacts to the lizard to a level of insignificance.⁴⁵

6-193

Nothing resembling a protocol survey was conducted for the MFTL even though some protocol survey parameters exist for this species.⁴⁶ Observations on the project site, therefore, were incidental.⁴⁷ Nonetheless, during the 2009 spring surveys, 112 incidental observations were recorded within the PSPP disturbance area and dozens of additional sightings were recorded in the BRSA. In 2010, field surveyors recorded a total of 388 incidental observations.⁴⁸ Additionally, almost half the site (approximately 1,735 acres) is considered habitat for the MFTL.⁴⁹

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As stated in the biological report, “disruption of the dune ecosystem, including source sand, wind transport, or sand transport corridors, poses a threat to the habitat needed for MFTL. Preservation of sand dune ecosystems, including their source sand and sand corridors, is necessary for the long-term survivorship of Aeolian sand specialists such as

⁴³ Palen Solar Power Project Biological Technical Report, Riverside Co., California, August, 2009, p. 128; see also Preliminary Spring 2010 Survey Results Corrected and Preliminary Impact Calculations for Biological Resources, dated May 27, 2010 (Corrected Preliminary Spring 2010 Survey Results), Table 3.

⁴⁴ Palen Solar Power Project Biological Technical Report, Riverside Co., CA, Aug., 2009, p. vi.

⁴⁵ California Environmental Quality Act, 1970, Appendix G. CEQA Guidelines.

⁴⁶ Cablk, M.E. and J.S. Heaton. 2002 Nov. Mojave Fringe-Toed Lizard surveys at the Marine Corps Air Ground Combat Center at Twentynine Palms, California and nearby lands administered by the Bureau of Land Management. California: Marine Corps Air Ground Combat Center. Report M67399-00-C-0005. 115 p.

⁴⁷ Palen Solar Power Project Biological Technical Report, Riverside County, California, August, 2009, page 82.

⁴⁸ Corrected Preliminary Spring 2010 Survey Results, Table 3.

⁴⁹ Palen Solar Power Project Biological Technical Report, Riverside County, California, August, 2009, Figure 11.

fringe-toed lizards.”⁵⁰ The authors of the biological report further state that “loss of occupied breeding and foraging habitat is considered to be a significant impact if left unmitigated since this habitat is declining in availability in the region.”⁵¹

Resolving this issue might be relatively straightforward if purchasing compensatory replacement habitat was all that was necessary. However, the issue is compounded because there will be significant indirect impacts to fringe-toed lizard habitat beyond the area of disturbance. As stated in the biological report:

“The installation of wind fencing is likely to disrupt source sand, wind transport, or sand transport corridors that are important to MFTL habitat in the dune ecosystem, resulting in an indirect impact to the species. In addition, the potential degradation or loss of habitat resulting from indirect impacts to this species would be significant if left unmitigated because similar or higher quality habitat is not common in the vicinity of the Project site. These indirect impacts would potentially impact offsite MFTL breeding habitat or burrows and adjacent foraging habitat.”⁵²

The SA/DEIS goes even further by concluding that these indirect impacts caused by the PSPP cannot be mitigated.⁵³

The level of impacts to the habitat of the MFTL is not known. No formal study of sand transport in the region around the BRSA has been conducted and, apparently, none are planned. (The *Aeolian Sand Mitigation Summary Report* prepared by Miles Kenney is completely inadequate. It is a crude estimate of what might happen and how the issue might possibly be resolved and is based on observations from completely different environments.⁵⁴) That there will be adverse impacts is not in dispute. When I visited the site on June 18, 2010, I found suitable MFTL habitat along most of the northern boundary of the disturbance area as well as the entire eastern boundary. This assessment supports the continuity of habitat suitability shown in Figure 11 of Dr. Kenney’s report.⁵⁵ It would appear that indirect impacts to MFTL habitat offsite could be substantial. Mitigation, therefore, would need to offset not just the loss of MFTL within the disturbance area but also large tracts of land along the northern and eastern boundaries of the project site.

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⁵⁰ Ibid., p. 83.

⁵¹ Ibid., p. 119.

⁵² Ibid.

⁵³ SA/DEIS, pp. 2-69.

⁵⁴ Aeolian Sand Mitigation Summary Report, Palen Solar Power Project prepared by Miles D. Kenney and dated May 14, 2010.

⁵⁵ Palen Solar Power Project Biological Technical Report, Riverside Co., CA, August, 2009, Figure 11.

Mitigation for Impacts to MFTL Habitat

In an attempt to mimic the natural movement of blowsand after construction of the PSPP, the Applicant proposes to mechanically transport wind-deposited sand along the 30-foot-tall fence at the northern and western edges of the PSPP site downwind to the eastern edge of the site.⁵⁶ The wind would then blow the mechanically deposited sand deeper into the Chuckwalla Valley. The assumption is that a constant supply of sand to the east of the Project site will maintain suitable habitat for populations the MFTL offsite. The mechanical movement of sand and grading of offsite habitat would be done on a “frequent” basis and for the life of the project.⁵⁷

6-196

The frequent use of heavy equipment to accomplish this task notwithstanding, the plan is, at best, an experiment. As stated in the sand mitigation report, previous studies involved “agricultural regions” and “shoreline beaches.”⁵⁸ No mention is made of projects in desert environments. This fact along with the lack of any comprehensive study of wind patterns in the Chuckwalla Valley, make any sand replenishment program very risky for the continued, offsite existence of the MFTL. The Applicant apparently desires that the PSPP be allowed to proceed in the hope that the sand program will work and that dune and hummock habitat to the east will not stabilize.

Realistically, there seem two viable alternatives that can resolve the issue of offsite damage to MFTL habitat: (1) Scale back the project footprint so the project does not intrude upon MFTL habitat. This would also reduce if not eliminate the project acting as an impediment to wind-carried sand, or (2) Acquire approximately 4,000 acres of privately held active dune and hummock habitat offsite. This acreage reflects the direct loss of aeolian habitat within the site boundaries as well as a comparable area of offsite habitat. As with the desert tortoise, suitable habitat (occupied by MFTL and connected or nearly connected to other habitat areas known to be occupied), would need to be located and willing sellers identified.

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The Project Applicant is already faced with the acquisition of up to 19,729 acres as mitigation for impacts to the desert tortoise. The acquisition of another 4,000 acres of habitat as mitigation to impacts to MFTL cannot be piggy-backed onto tortoise mitigation. The lizard lives on a loose, unconsolidated sand substrate. The tortoise resides on compact soils that will not collapse as a tortoise digs its burrow. In both cases suitable habitat available for sale has not been identified. (A letter prepared by William Graham stating that there are thousands of acres of suitable MFTL habitat for acquisition is of no value since it is not known if the habitat is occupied by MFTL, possesses similar

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⁵⁶ Draft Aeolian Sand Mitigation Summary Report, Palen Solar Power Project, Riverside County, CA

⁵⁷ Ibid., p. 4.

⁵⁸ Ibid., p. 2.

functions and values offered by the habitat present onsite, or even if the land is available for sale.⁵⁹⁾

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A reduced footprint alternative to the Applicant’s proposal is described in the *Staff Assessment and Draft Environmental Impact Statement*.⁶⁰ Referred to as the “Reduced Acreage Alternative,” this alternative plan would dramatically reduce impacts to the MFTL and its habitat. It pulls most site development to the south and west, avoiding the primary aeolian deposits shown to support a population of the MFTL. It would, of course, substantially reduce or even eliminate the need to acquire compensatory mitigation habitat elsewhere.

| 6-199

SENSITIVE SPECIES – Plant Species

Ribbed Cryptantha and Harwood’s Milkvetch

Based upon the data presented in the BRTR⁶¹ and 2010 Plant Survey Results⁶² there will be significant impacts to the ribbed cryptantha and Harwood’s milkvetch. Both of these species are closely associated with the areas of loose sand that dominate the northeastern half of the project site. Both of these are considered sensitive species and require mitigation under CEQA. The arguments against relying upon the experimental sand replenishment program as mitigation in favor of the Reduced Acreage Alternative apply both to these two sensitive plant species as well as to the MFTL.

| 6-200

Coachella Valley Milk Vetch

After examining three freckled milkvetch subspecies from the project region, Mr. Andy Sanders decided that they were not the Coachella Valley milkvetch subspecies that has been listed as endangered by the USFWS. Participating agencies, therefore, elected to not conduct focused surveys for the Coachella Valley milkvetch in 2010. This decision was in error. The specimens examined by Mr. Sanders did not come from the PSPP site and Mr. Sanders acknowledged that additional examination might result in him changing his finding.⁶³ Furthermore, although Mr. Sanders is an excellent field taxonomist, he has never published a peer-reviewed taxonomy paper on the Coachella Valley milkvetch. His opinion is helpful but not definitive. Electing to not do a focused survey for an endangered plant species based upon such limited information is a serious oversight that must be corrected.

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⁵⁹ Letter dated May 14, 2010, written by William Graham and sent to Ms. Alan Solomon in response to questions raised at the CEC Workshop held on April 16, 2010.

⁶⁰ SA/DEIS, p. B.2-1 – B.2-2, C.2-105 – C.2-107.

⁶¹ Palen Solar Power Project Biological Technical Report, Riverside Co., CA, August, 2009.

⁶² Preliminary Spring 2010 Survey Results Corrected and Preliminary Impact Calculations for Biological Resources, dated May 27, 2010.

⁶³ Ibid., p. 8.

Sensitive Plant Surveys in Fall

There are several sensitive ephemeral plant species surveys that appear only in late summer and fall and that may occur on the PSPP site. To date there have been no fall plant surveys. Since impacts to sensitive plant species are considered significant under CEQA, an attempt should be made to conduct such surveys. Until such an attempt has been made, the SA/DEIS is incomplete.

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IMPACTS TO DESERT DRY WASH WOODLAND

The Project Applicant proposes to eliminate 256.7 acres of sensitive Dry Wash habitat including 133.1 acres of a sensitive plant community referred to as Desert Dry Wash Woodland.⁶⁴

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My site visit on June 18, 2010, indicated that a number of ancient ironwood trees (*Olneya tesota*) are located within Desert Dry Wash Woodland habitat within the project boundaries. Some of these trees are likely to be hundreds of years old, and a few might have an age exceeding 1,000 years. A survey should be conducted to determine whether or not such ancient trees are present. If they are, they should be preserved in place.

The Desert Dry Wash Woodland present on the PSPP site is certainly among the densest stand of ironwood trees in California. In size and density it may also be the finest example of Desert Dry Wash Woodland dominated by ironwood anywhere in the California Deserts. The possible uniqueness of this stand may be a result of an unusually large watershed as a result of (1) the concentrating of flows from the Chuckwalla Mountains to the south via a few freeway culverts, (2) the expanse of the Chuckwalla Mountains themselves (probably the largest isolated drainage in the Colorado Desert), and (3) rapidly leveling topography north of Interstate 10 that allows runoff to spread over a large area near the center of the PSPP site, and (4) a near absence of competitors in the form of blue palo verde (*Cercidium floridum*) and smoke trees (*Psoralea argophylla*). Some effort should be made to determine the significance of the site ironwood forest with respect to other areas of ironwood concentration. If it is found to be truly unique, then it should be preserved on site since there could be no comparable compensatory mitigation lands.

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If it is determined that impacts to the Dry Wash and Desert Dry Wash Woodland communities must be mitigated to a level of insignificance through the acquisition of replacement habitat, the ratio should be the maximum allowed under existing rules and regulations. The mitigation measure must also include specific performance standards, such as no net loss of habitat function and value, to ensure the replacement habitat actually mitigates the loss of the Desert Dry Wash Woodland onsite.

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⁶⁴ Palen Solar Power Project Biological Technical Report, Riverside Co., California, August, 2009, p. 110.

USE OF CONTAMINENTS

The SA/DEIS states that both chemical dust control agents and weed eradication compounds will be used.⁶⁵ The use of chemical dust control agents or weed eradication compounds should be prohibited unless independent field studies have been done indicating the chemicals are harmless to wildlife.⁶⁶ Since it is highly unlikely that such studies have been done, the use of such chemicals should be strictly prohibited.

6-206

The Weed Management Plan (WMP)⁶⁷ contains over 50 pages describing the kind of weeds that may be present on the Project site, the importance of qualified staff in the use of toxic chemicals, and the importance of proper handling and application of herbicides. However, it says nothing of the actual qualifications needed by personnel, how the chemicals should be handled or how they should be applied. Less than a single page is allocated to what should be done in case of a toxic chemical spill. On that page it lists the equipment needed in case of a spill and includes such things as “bucket, dust pan, and a shovel.”⁶⁸ The WMP says absolutely nothing with regard to what is to be done if chemicals are misapplied or misused. The comprehensiveness of the WMP is probably best summarized in the statement below:

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“The following general precautions will be implemented for pesticide application: It is the responsibility of the pesticide user to observe all directions, restrictions, and precautions on pesticide labels. It is dangerous, wasteful, and illegal to do otherwise.”⁶⁹

In other words, so long as everyone reads the directions on the label and knows that he or she will be blamed if they don’t, there will be no problem with herbicides or other toxic chemicals. This is naïve at best and intentionally misleading at worst.

If the weed problem cannot be controlled manually through the use of weed wrenches, hoes, shovels and hand pulling,⁷⁰ then a finding should be made that the introduction and spread of weed species as a result of the Project is a significant, adverse, and unavoidable impact.

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⁶⁵ SA/DEIS, pp. C.2-95 – C.9-36; see also Draft Weed Management Plan.

⁶⁶ Ibid., pages B.1-9, C.2-170.

⁶⁷ Draft Weed Management Plan, Palen Solar Power Project, prepared by AECOM, January, 2010.

⁶⁸ Ibid., p. 33.

⁶⁹ Ibid., p. 28.

⁷⁰ Ibid., p. 23-25

CONCLUSIONS

I find it difficult to conceive that the Project Applicant can locate adequate compensatory mitigation habitat in the immediate region of the PSPP site. If this is the case, consideration may need to be given to the acquisition of habitat beyond the immediate region.

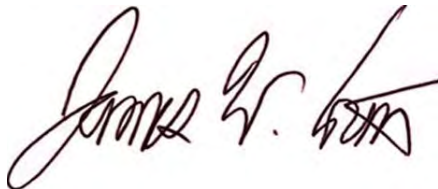
6-209

Based upon impacts to the MFTL and Desert Wash Woodland, serious consideration should be given to the Reduced Acreage Alternative discussed in detail in the SA/DEIS.⁷¹ This alternative would generate nearly as much energy as the proposed project (375 MW or 75%), avoids most of the MFTL habitat and also avoids the primary Desert Dry Wash Woodland occurring within the project boundaries. There is also some avoidance of desert tortoise habitat as well. The Reduced Acreage Alternative could be improved even further if all project acreage were pushed as far south as the initially proposed boundaries would allow.⁷²

6-210

This concludes my current comments regarding the findings and recommendations in the SA/DEIS, BRTR, and subsequent biological studies and findings completed in 2010.

Sincerely,



James W. Cornett

⁷¹ SA/DEIS, p. B.2-16.

⁷² Ibid., Alternatives Figure 1.

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Owner-principal, JWC Ecological Consultants, P.O. Box 846, Palm Springs, California 92263

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January, 1980 – December, 1995

Curator of Natural Sciences, Palm Springs Desert Museum

September, 1976 - December, 1979

Assistant Curator of Natural Science, Palm Springs Desert Museum

September, 1975 - June, 1976

Natural Science Instructor, Palm Springs Desert Museum

January, 1973 - Present

Environmental Columnist (weekly), Desert Sun-Gannett Newspapers, P.O. Box 2734, Palm Springs, California 92263.

6-211

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Biology Instructor, University of California Extension, Riverside, California 92521, 909-787-4105. Courses taught include: Mammals of the Colorado Desert, Endangered Species of the California Deserts, Ecology of Joshua Tree National Park, Ecology of The North American Deserts, Ecology of The Colorado Desert and Ecology of the Coachella Valley.

October, 1975 - June, 1983

Biology and Natural Resources Instructor (part-time), College of The Desert, 43500 Monterey Road, Palm Desert, California 92260, 760-346-8041.

January, 1973 - June, 1974

Assistant Naturalist (part-time), The Living Desert, 47900 Portola Avenue, Palm Desert, California 92260, 760-346-5694.

Current and Past Professional Affiliations

American Society of Mammalogists
Bureau of Land Management Colorado Desert Advisory Committee
California Botanical Society
California Native Plant Society
Ecological Society of America
Herpetologists League
International Palm Society
Joshua Tree National Park Association, Board Member
Southern California Academy of Sciences
Southern California Botanists
Southwestern Naturalists' Society
Western Field Ornithologists



6-211
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Written by James W. Cornett

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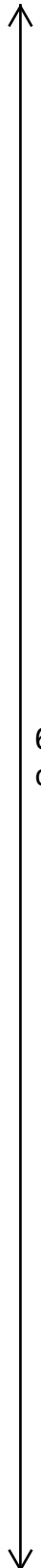
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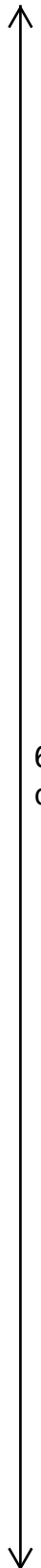
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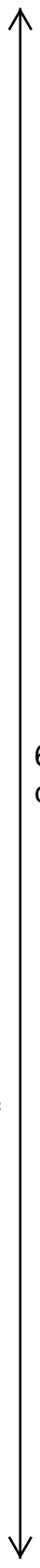
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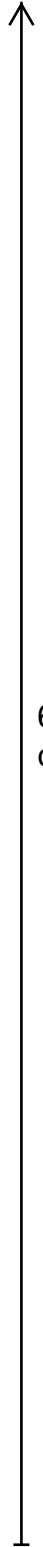
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July 1, 2010

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South San Francisco, CA 94080-7037

Subject: Comments on the Palen Solar Power Project -- Draft Environmental Impact Statement

Dear Mr. Holder:

Per your request, I have reviewed the Staff Assessment/Draft Environmental Impact Statement (hereinafter the SA/DEIS) for the Palen Solar Power Project (hereinafter the "PSPP") which would be located on public lands managed by the Bureau of Land Management (hereinafter the "BLM"). My review focuses on the Hazardous Materials, Waste Management and Worker Safety analyses of the SA/DEIS.

6-213

My qualifications to perform this review include over 25 years of experience in the assessment, cleanup, and regulation of hazardous waste. A summary of my education and experience is attached to this testimony as Attachment 1. My comments on the SA/DEIS, as follow, are based on my review of the SA/DEIS and my own investigations and analysis.

I. Introduction

I have been working for the California Unions for Reliable Energy ("CURE") as a consultant on the Application for Certification ("AFC") for the Palen Solar Power Project ("Project" or "PSPP") since the data adequacy phase. I have reviewed numerous documents and have conducted my own investigations and analyses regarding the Project's potential environmental and health and safety impacts. I have found that the SA/DEIS fails to adequately predict the severity of spills of hazardous materials and fails to provide for adequate response and monitoring of the spilled material and the chemical degradation products. The SA/DEIS also fails to plan for an adequate evaluation of potential unexploded ordnance at the project site.

6-214

II. Failure to Estimate Annual and Reasonably Foreseeable Spill Volumes

The Project proposes to use parabolic mirror solar trough technology. The SA/DEIS states that PSPP would circulate 1,300,000 gallons of Therminol VP-1 heat transfer fluid (HTF) through a piping system to generate high pressure steam.¹ This is the same technology and the same HTF used at the Luz Solar Energy Generating Stations (SEGS) III through IX facilities Kramer Junction, California.²

6-215

Past HTF spills at the SEGS facilities have generated significant quantities of contaminated soil and the generation of liquid waste. For example, a July 27, 2007 HTF spill of 30,000 gallons (more than the capacity of a backyard swimming pool) resulted in the offsite transport of 6,408 cubic yards of impacted soil for disposal (Attachment 2). Numerous other large spills have occurred at the SEGS facilities.

The SA/DEIS does require, in Condition of Certification HAZ-4, the use of isolation valves to limit the volume of a spill of HTF to 600 gallons.³ However, no drawings or design specifications are included in the SA/DEIS to evaluate if this requirement is attainable.

6-216

The SA/DEIS states that PSPP will include a land treatment unit (LTU) to bioremediate or land farm soil contaminated from releases of HTF.⁴ The SA/DEIS estimates that 1,500 cubic yards of HTF-contaminated soil would be sent each year to the LTU.⁵ The SA/DEIS does not state the capacity of the LTU nor is the capacity of the LTU stated in supporting documents, including the Application for Certification.

6-217

The SA/DEIS provides no analysis to support the estimate that no more than 1,500 cubic yards of HTF-contaminated soil would need to be treated per year in the LTU. Additionally, no attempt is made in the SA/DEIS or supporting documentation to quantify a reasonably foreseeable maximum spill volume and to identify measures that would be taken to respond to such a spill, including testing, transport, and disposal of the contaminated soil and of the spilled HTF in excess of the capacity of the LTU.

Failure to substantiate the annual estimate of HTF-contaminated soil and to identify a worst-case scenario is a significant shortcoming of the SA/DEIS. Large spills, on the order of tens of thousands of gallons as documented at SEGS may also occur at PSPP and could overwhelm the capacity of the LTU that is proposed to treat contaminated soil. For example, two past spills at SEGS generated large volumes of contaminated soil: a May 1999 spill of 21,000 gallons which generated 2,000 cubic yards of HTF-contaminated soil and the July 2007 spill of 30,000 gallons which generated more than 6,500 cubic yards of HTF-contaminated soil (Attachment 2).

6-218

Spills of HTF are likely to generate significant amounts of hazardous waste at PSPP, potentially in excess of the capacity of the LTU, as evidenced by records of spills at the analogous SEGS

¹ SA/DEIS, p. B.2-34

² http://en.wikipedia.org/wiki/Solar_Energy_Generating_Systems

³ SA/DEIS, p. C.4-22

⁴ *Id.* at p. B.1-7

⁵ *Id.* at p. C.13-16

facilities. The SA/DEIS makes no provisions for treatment or offsite disposal of contaminated soils that would exceed the LTU capacity. The SA/DEIS states only that 10 cubic yards of contaminated soil per year would require offsite disposal as hazardous waste.⁶

↑ 6-218
cont.

A revised SA/DEIS must be prepared to state the capacity of the LTU and to substantiate the annual estimates of HTF-contaminated soil that could be effectively treated in the LTU. A revised SA/DEIS must be prepared to identify reasonably foreseeable scenarios that would estimate maximum spill volumes of HTF and the amount of contaminated soil that would be generated by such spills.

6-219

III. Conditions of Certification are Inadequate to Mitigate Spills of Heat Transfer Fluid

The SA/DEIS defers the establishment of a concentration for HTF-contaminated soils that would define whether the waste is hazardous or non-hazardous. Condition of Certification WASTE-9 states:

The project owner shall submit to the Compliance Project Manager (CPM), BLM Authorized Office (AO) and Department of Toxic Substances Control (DTSC) for approval the applicant’s assessment of whether the HTF contaminated soil is considered hazardous or non-hazardous under state regulations. HTF-contaminated soil that exceeds the hazardous waste levels must be disposed of in accordance with California Health and Safety Code (HSC) Section 25203. HTF-contaminated soil that does not exceed the hazardous waste levels may be discharged into the land treatment unit (LTU).⁷

6-220

Because the concentration that would define whether HTF-contaminated soil is hazardous has yet to be established, the impact of such spills on the environment and the necessary response to such spills cannot be predicted at this time. The SA/DEIS must be revised to specifically define the concentration of HTF contamination that would result in hazardous waste. Condition of Certification WASTE-10, as proposed in the SA/DEIS, states:

The project owner shall ensure that all accidental spills or unauthorized releases of hazardous substances, hazardous materials, and hazardous waste are documented and remediated, and that wastes generated from accidental spills and unauthorized releases are properly managed and disposed of in accordance with all applicable federal, state, and local requirements.⁸

6-221

WASTE-10 is inadequate because the concentration that would establish whether a spill is hazardous has not been established. Because the concentration of hazardous waste has not been established, appropriate spill response cannot be specified in the SA/DEIS. A condition of certification should be included in a revised SA/DEIS to establish the concentration at which point soils contaminated with HTF would be considered hazardous. Without a hazardous waste criterion for HTF in soils, impacts cannot be adequately predicted, and response plans cannot be

⁶ *Id.* at p. C.13-17

⁷ *Id.* at p. C.13-32

⁸ *Id.* at p. C.13-33

formulated to address spills. Without this information, it is impossible to find that the potential impacts caused by HTF spills will be mitigated to less-than-significant levels.

↑ 6-221
| cont.

IV. Plans for Field Response to HTF Spills are Inadequate

A condition of certification must be prepared to identify specific measures to respond to spills of HTF, including field testing, staging of contaminated soils, and measures to address liquid HTF wastes that can be reasonably anticipated on the basis of experience at the SEGS facilities. The SA/DEIS states only that cleanup and temporary staging of HTF contaminated soils shall be conducted in accordance with a plan, an Operation Waste Management Plan, prepared as a requirement of Condition of Certification of WASTE-8.⁹ The Plan is to include:

a detailed description of all operation and maintenance waste streams, including projections of amounts to be generated, frequency of generation, and waste hazard classifications; management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to ensure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans; information and summary records of conversations with the local Certified Unified Program Agency and the Department of Toxic Substances Control regarding any waste management requirements necessary for project activities. Copies of all required waste management permits, notices, and/or authorizations shall be included in the plan and updated as necessary; a detailed description of how facility wastes will be managed and any contingency plans to be employed, in the event of an unplanned closure or planned temporary facility closure; and a detailed description of how facility wastes will be managed and disposed upon closure of the facility.

6-222

WASTE-8, by simply requiring a plan, is insufficient in anticipating adequate response to HTF spills which include free liquids. At ambient temperatures, the HTF is of a liquid consistency at temperatures above 54 degrees Fahrenheit.¹⁰ As at the SEGS facilities, when spilled, the HTF will form wax-like piles of free standing liquids on the ground surface.¹¹ The piles are scooped up or are vacuumed in cleanup efforts documented at the SEGS facilities. The SA/DEIS makes no provisions for the management of the free standing liquids following a spill.

Additionally, the SA/DEIS makes no provisions for sampling HTF-contaminated soil at the point of the spill origin. The SA/DEIS states only that cleanup and temporary staging of HTF-contaminated soils shall be conducted in accordance with the approved Operation Waste Management Plan required in Condition of Certification of WASTE-8.¹² The SA/DEIS does not specifically provide for the handling of contaminated soil or contaminated HTF product which may be considered a hazardous waste at the point of the spill's origin. Further, movement of contaminated soil without testing prior to placement in the LTU may result in transport and

6-223

⁹ *Id.* at C.13-32
¹⁰ *Id.* at p. C.4-7
¹¹ *See* Attachment 2
¹² SA/DEIS, p. C.13-33

placement of hazardous waste which is prohibited by state law, as discussed further in section VIII below.

↑ 6-223
| cont.

As noted above, the Operation Waste Management Plan is to be prepared in the future and is thus not included in the SA/DEIS or other supporting materials; therefore, the adequacy of the response plans for HTF spills cannot be evaluated. The Operation Waste Management Plan, to include a corrective action plan for cleanup of spills of HTF-contaminated soils, should be prepared for evaluation in a revised SA/DEIS. The Operation Waste Management Plan should identify a numeric cleanup standard for HTF-contaminated soils to ensure the adequacy of cleanup in protecting human health and the environment at the point of spill origin. The plan should also include sampling procedures, cleanup goals, and methods for long term monitoring.

6-224

V. The Presence of Benzene as an HTF Degradation Product in Vapor and Soil May Put Workers and the Environment at Risk

Benzene is identified as a degradation product of Therminol VP-1.¹³ However, benzene is not identified in the SA/DEIS as a potential soil and groundwater contaminant and, because of this oversight and lack of mitigation, workers and the environment may be at risk from releases of HTF to soil.

6-225

The SA/DEIS states that because of the viscous and insoluble nature of HTF, it is not likely to mobilize from the soil downwards to the water table.¹⁴ While major components of HTF may be relatively immobile, benzene is mobile in the subsurface and may therefore contaminate underlying soil and groundwater. The SA/DEIS fails to consider benzene as a degradation product of the HTF in the subsurface and therefore fails to consider benzene as a potential soil and groundwater contaminant.

6-225

The SA/DEIS also fails to consider potential health impact from benzene exposure to workers who respond to HTF spills. Personnel who respond may be exposed to benzene vapors from the spilled HTF and from vapors that originate from HTF-contaminated soil, both at the spill origin and in the LTU. Additionally, workers may be exposed to benzene through dermal contact with the HTF.

6-226

Benzene is a known human carcinogen.¹⁵ Without proper precautions and protective equipment, including respirators and appropriate gloves and clothing, workers who respond to the spills may be exposed to benzene while breathing the vapor or when touching contaminated soil. Additionally, workers who tend to the HTF-impacted soil in the LTU may be at risk from inhalation of vapors and from dermal contact without precautions.

6-226

Condition of Certification WORKER SAFETY-2 only requires plans to be prepared and submitted to the CPM, to include an Operation Injury and an Illness Prevention Plan Hazardous Materials Management Program.¹⁶ This condition improperly defers the formulation of effective

6-227
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¹³ Response to Data request DR-PH-176, p. PH-4

¹⁴ SA/DEIS, p. B.2-41

¹⁵ <http://www.atsdr.cdc.gov/tfacts3.html>

¹⁶ SA/DEIS, p. C.14-30

mitigation that would protect worker safety from the hazards posed by HTF constituent elements, including benzene. 6-227
cont.

Measures to ensure that HTF components and byproducts, including benzene, do not pose a risk to worker safety and the subsurface environment must be prepared and incorporated into the appropriate plans. These plans must be included in a revised SA/DEIS to ensure an opportunity to review the adequacy of the protective measures. 6-228

VI. Analytical Methodology for Testing HTF-Contaminated Soil is Inappropriate

The SA/DEIS identifies EPA Method 8015 to be used in testing HTF-contaminated soil or another method to be reviewed and approved by regulatory agencies and the CPM.¹⁷ EPA Method 8015 is not an appropriate analytical testing methodology for the detection of benzene.¹⁸ Given that benzene is a known HTF degradation product, a method to detect benzene should be specified in the SA/DEIS for the analysis of benzene in HTF-contaminated soil. 6-229

At the proposed Abengoa solar thermal facility, the Lahontan RWQCB staff determined that EPA Method 8015 was not appropriate as the sole analytical method for Therminol VP-1.¹⁹ For soil testing at the LTU at Abengoa, the Lahontan RWQCB required analysis using EPA Method 1625B for HTF and Method 8260 for volatile degradation products of HTF such as benzene and toluene. 6-229

The main ingredients of Therminol VP-1, biphenyl and diphenyl oxide, are not considered to move readily through soil whereas benzene is known to move rapidly through soil. Therefore, monitoring for the presence of benzene with EPA Method 8260 is critical to determine if a release has occurred from the LTU. Appropriate analytical methodology must be incorporated into the SA/DEIS as a condition of certification. 6-229

VII. A Groundwater Monitoring Program has not been Prepared to Detect Releases from the LTU

The SA/DEIS or supporting materials provide no information about a groundwater monitoring well network that will be needed to ensure that releases of HTF and related contaminants, including benzene are detected and addressed. At other large solar projects undergoing licensing review by the CEC, groundwater monitoring well networks are detailed in a Report of Waste Discharge (ROWD), to be submitted to the Regional Water Quality Control Board.²⁰ No ROWD has been submitted for the PSPP. 6-230

Instead, the SA/DEIS states that a ROWD may be required by the Colorado River RWQCB and that PSPP will file the ROWD if required.²¹ Given that other projects included a ROWD, and 6-231

¹⁷ *Id.* at p. C.13-33

¹⁸ See for example <http://www.caslab.com/EPA-Method-8015B/>

¹⁹ <http://www.energy.ca.gov/sitingcases/abengoa/documents/others/2010-02-25-HTF-Conditions-From-James-Brathovde-TN-55665.pdf>

²⁰ See CEC web site (<http://www.energy.ca.gov/siting/solar/index.html>) for ROWDs for the Beacon Energy Solar Project and the Genesis Solar Energy Project

²¹ SA/DEIS, p. C.9-74

given the potential for groundwater contamination from HTF-contaminated soils in the LTU, a ROWD must be prepared and included in a revised SA/DEIS. The ROWD must be submitted for concurrent review by the RWQCB to ensure that monitoring provisions are adequate for the protection of the underlying groundwater.

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6-231
cont.

VIII. Plans for Staging HTF Spills may Violate the California Health and Safety Code

The LTU will be used for the staging of soil that is contaminated by HTF spills. The SA/DEIS states:

The LTU will be constructed with a 2-foot-thick clay layer on the floor (underlain by 3-feet of native soil that has been compacted to 95% compaction) that will serve as a protective barrier to the downward movement of contaminants from the LTU. Moreover, should any contaminants escape the LTU, the water table is approximately 195 feet beneath the LTU. In summary, because of the viscosity of HTF at ambient temperatures, the insolubility of HTF, the depth of the water table, and the placement of protective berms around the LTU, it is expected that surface water and groundwater quality beneath the site will not be impacted by LTU operation.²²

Section 25203 of the California Health and Safety Code prohibits the disposal of hazardous waste except at a hazardous waste facility. “Disposal” means either of the following:

- (1) The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste so that the waste or any constituent of the waste is or may be emitted into the air or discharged into or on any land or waters, including groundwaters, or may otherwise enter the environment.
- (2) The abandonment of any waste. (Health and Safety Code §25113(a).)

If a leak occurs, section 25123.3 of the California Health and Safety Code sets forth the requirements for temporarily staging waste. Temporary waste staging is appropriate for hazardous waste only if, among other criteria:

- the hazardous waste being accumulated does not contain free liquids;
- the hazardous waste is accumulated on an impermeable surface, such as high density polyethylene (HDPE) of at least 20 mills that is supported by a foundation, or high density polyethylene of at least 60 mills that is not supported by a foundation, among other requirements.

If any of the requirements are not met, then the Project must be regulated as a hazardous waste storage facility under Health and Safety Code Section 25200 et seq.

The staging area of the Project’s LTU as described in the SA/DEIS does not meet the requirements for a temporary staging area under Section 25123.3(a)(2) of the Health and Safety Code for two reasons. First, the hazardous waste being accumulated would likely contain free liquids. Spills of HTF will generate free liquids at temperatures above approximately 54 degrees

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6-232

²² *Id.* at p. C.9-45

Fahrenheit. The SA/DEIS makes no mention of liquid wastes that will be generated when HTF is spilled. Second, contaminated soil would not be “accumulated on an impermeable surface, such as high density polyethylene (HDPE) of at least 20 mills that is supported by a foundation, or high density polyethylene of at least 60 mills that is not supported by a foundation.” The SA/DEIS states only that the LTU will be underlain by a clay layer that will serve as a protective barrier to the downward movement of contaminants from the LTU.

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6-232
cont.

The SA/DEIS must incorporate as conditions of certification all measures necessary for compliance with all cited sections of the California Health and Safety Code, including preventing waste from containing free liquids and the use of an impermeable surface in the LTU.

IX. A UXO Survey Should be Conducted Under Regulatory Oversight

The SA/DEIS states that PSPP is near Palen Pass which was the site of some of the largest mock battles in the California-Arizona Maneuver Area during WW II.²³ Live-fire training occurred in camps and facilities in the area and land mines and other unexploded ordnance have been found in the former camps. Because of the proximity of the PSPP site to Palen Pass and the camps, the applicant plans to conduct pre-construction UXO surveys with qualified technicians (that meet Department of Defense requirements) and employ UXO experts during ground disturbances in areas that may contain UXO. The applicant also provided an outline for a UXO recognition training program in its response to staff data request WM-280. Accordingly, staff proposes Condition of Certification WASTE-1, which would formalize UXO training, investigation, removal, and disposal.²⁴

In addition to the proximity of the PSPP site to Palen Pass, the site is in close proximity to an area identified as a “gunnery range” on a map of the Desert Training Center/California Maneuver Area (Figure included as Attachment 3 is excerpted below – PSPP is depicted in orange).

6-233



Figure 1: Map of “Gunnery Range, CDC AAB” and the approximate location of PSPP

Additionally, a WWII-era map of the CAMA shows a feature, labeled No. 29, to be located in the vicinity or beneath the Project right of way (Figure included as Attachment 4 is excerpted below). The feature is identified as the Headquarters of the Army Ground Forces, 1943.²⁵

²³ *Id.* at p. C.13-10

²⁴ *Id.* at p. C.13-10

²⁵ The Desert Training Center/California Maneuver Area, 1942 – 1944, Volume 2, Historical and Archeological Contexts for the Arizona Desert. p.38, Prepared for the Bureau of Land Management

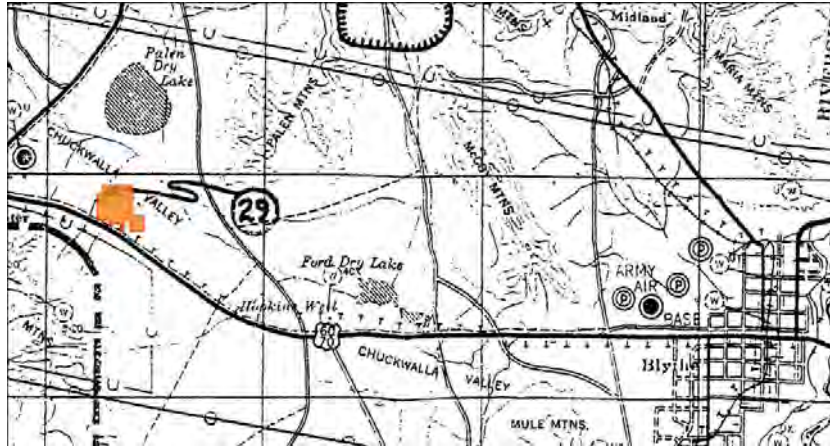


Figure 2: Headquarters, Army Ground Forces and the approximate location of PSPP

Given the intensity of the military maneuvers in the general vicinity of PSPP, the SA/DEIS must include a condition of certification that would require a UXO survey to be conducted for the project right of way and transmission line right of way under the oversight of the Department of Toxic Substances Control, the agency responsible for military site cleanup in the State of California. Without such regulatory oversight, the UXO survey may not be adequate to ensure construction worker safety.

6-234

Sincerely,

Matt Hagemann, P.G.



Attachment 1



2503 Eastbluff Dr.
Suite 206
Newport Beach, California 92660
Tel: (949) 887-9013
Fax: (949) 717-0069
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G.

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Regulatory Compliance
CEQA Review
Expert Witness**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist, License Number 8571.

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);
- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);

- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Lead analyst in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.

- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Geologist licensing examination, 2009-2010.

Attachment 2

Comment Letter 6



41100 highway 395
boron, california 93516-2109

phone 760-762-5562
facsimile 760-762-5546
www.kjcsolar.com

June 4, 1999

Ms. Diane Ventura
Lahontan Regional Water Quality Control Board
15428 Civic Drive, Suite 100
Victorville, CA 92392

Re: Spill Report for 5/22/99 Incident

Dear Ms. Ventura:

Attached is a report of the spill, which occurred at SEGS III on May 22. If you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM Rib (for D. Rib)'. The signature is written in a cursive, somewhat stylized script.

David M. Rib
Manager of Regulatory Affairs

DR/pd
DR99-006

Attachment

cc: Joe Koutsky / LRWQCB
Steve Munro / CEC

SPILL REPORT

OWNER: Kramer Junction Company

OPERATOR: KJC Operating Company

PERMITS: Board Order #6-97-58, WDID #6B364550002
(site and evaporation ponds)
Board Order #6-95-102, WDID #6B368909005
(bioremediation)

DATE: May 22, 1999

TIME: 11:30 a.m.

SITE ADDRESS: 41100 Highway 395

LOCATION: SEGS III solar field, northwest quadrant

MATERIAL SPILLED: Heat Transfer Fluid (HTF), Biphenyl-Diphenyl Oxide

APPROXIMATE VOLUME SPILLED: Approximately 21,000 gallons where released, at least 10,000 spilled to soil

APPROXIMATE VOLUME OF CONTAMINATED SOIL: Approximately 2000 cubic yards

CONTAMINATED SOIL DISPOSITION: Soil was removed and staged in the on-site bioremediation facility. The volume of the contaminated soil is beyond the current permit capacity of the bioremediation facility, so the soil will be sent to the TPS Technologies thermal treatment facility in Adelanto.

LRWQCB CONTACT: Diane Ventura at 12:55 on 5/24/99. Follow-up message left for Ms. Ventura on 6/1/99 at 12:50.

CIRCUMSTANCE OF SPILL:

The spill was caused by the failure of a "flexhose," which is the flexible connection between segments of the "Solar Collection Assemblies" (SCA) that allows each SCA to individually track the sun angle. This particular flexhose was at the end of a row where the local isolation valve is located, so it took longer to stop the leak by isolating a larger section of the solar field. There was a strong flow of HTF spilling onto the ground for about 15 minutes. There was a loss of approximately 21,000 gallons of HTF from the system, approximately 1,500 gallons of which was recovered from standing puddles. The HTF-contaminated soil in the area to a depth ranging from a few inches to several feet deep.

There is an ongoing program to replace the flexhoses with "balljoint" connections. This conversion is approximately 40% complete throughout the SEGS III-VII site. The flexhoses are periodically inspected, and most failures can be detected as they usually leak for several days before failing completely. Some failures can occur much more rapidly, as is thought to have happened in this case.



**SECOND SEMESTER AND ANNUAL 2007
BIOREMEDIATION MONITORING REPORT
LUZ SOLAR PARTNERS III – VII LTD.
SEGS III THROUGH VII FACILITIES
BORON, CALIFORNIA**

Submitted by:

FPL Energy Operating Services, Inc. for
Luz Solar Partners III – VII Ltd.
SEGS III – VII Facilities
41100 Highway 395
Boron, CA 93516

A handwritten signature in black ink, appearing to read "Gregg Sellers", written over a horizontal line.

Gregg Sellers
Agent For
Luz Solar Partners III – VII Ltd.



**SECOND SEMESTER AND ANNUAL 2007
BIOREMEDIATION MONITORING REPORT
LUZ SOLAR PARTNERS III – VII LTD.
SEGS III THROUGH VII FACILITIES
BORON, CALIFORNIA**

10 January 2008

Prepared for:

Luz Solar Partners III – VII Ltd.
c/o FPL Energy Operating Services, Inc.
41100 Highway 395
Boron, CA 93516

Prepared by:

AMEC Earth & Environmental
221 – 18th Street SE
Calgary, Alberta
T2E 6J5

Project No. CE03501

A handwritten signature in black ink, appearing to read "Ian E. Hattie".

Ian E. Hattie, M.Sc.
Associate



TABLE OF CONTENTS

	PAGE
1.0 INTRODUCTION.....	1
2.0 HTF RELEASES AND TREATMENT MONITORING.....	1
3.0 OPERATION AND MAINTENANCE REPORTING	2
4.0 SAMPLING SUMMARY AND LABORATORY ANALYTICAL RESULTS.....	2

LIST OF TABLES

Table 1: Summary of 2007 HTF Releases.....	2
Table 2: Laboratory Analytical Results.....	3

LIST OF FIGURES

- Figure 1: Site Layout
- Figure 2: Bioremediation Unit Layout SEGS III – VII

LIST OF APPENDICES

- Appendix A: Second Semester 2007 Routine Soil Sampling – Laboratory Data Sheets and Chain-of-Custody Records



1.0 INTRODUCTION

Luz Solar Partners III through VII Ltd. Solar Electric Generating Systems (SEGS) III through VII sites are located at 41100 Highway 395 in Boron, California (Kramer Junction). The SEGS III through VII sites are authorized to operate soil bioremediation cells and a landfarm the location of which are shown on Figure 1. The treatment facilities were designed and constructed in accordance with the requirements of Title 23, subchapter 15, of the California Code of Regulations. Under the terms of Revised Waste Discharge Requirements (WDRs) Board Order No. 6-95-102 issued by the California Regional Water Quality Control Board - Lahontan Region (RWQCB), the bioremediation treatment facility is referred to as the "Bioremediation Unit" and the landfarm is referred to as the "Landfarm". The combined facilities are simply referred to as the "Facility". The bioremediation facility receives soils impacted with heat transfer fluid (HTF) for treatment whereas the landfarm contains a combination of partially and fully-remediated soils or soils staged for treatment in the bioremediation cells as shown on Figure 2.

Soil treatment within the bioremediation facility involves manipulation of environmental controls such as moisture content, soil nutrients (nitrate fertilizer), and aeration of the soils through weekly to bi-weekly tilling to achieve the desired conditions for enhancing biodegradation of the constituents of concern. Soils treated to below 1,000 parts per million (ppm) HTF may be transferred to the Landfarm where passive treatment (natural attenuation) is allowed to occur.

Periodic testing of the soils undergoing treatment is conducted and analyzed by an independent laboratory to confirm the concentration of HTF. Once treatment has been completed and soil HTF concentrations are below 100-ppm (the permitted limit), remediated soils are available for reuse within the sites.

2.0 HTF RELEASES AND TREATMENT MONITORING

During the First Semester of 2007 approximately 125-130 cubic yards of HTF-impacted soils were generated. These HTF-affected soils were the result of remedial actions related to unanticipated releases that occurred on-site on 27 March and 27 February 2007. In both instances recovery of free-standing HTF product was implemented as soon as the release area was secured. The largest release occurred on 27 February 2007 which involved approximately 1,000 gallons of HTF in the SEGS VI solar field. Removal of HTF-impacted soil is typically initiated once free product is removed, however in the case of the 27 February 2007 event soil removal was temporarily suspended on 28 February due to high winds.

During the Second Semester of 2007 a release of approximately 30,000 gallons occurred on 16 July 2007 in the SEGS VII Power Block resulting in the generation of approximately 6,558 cubic yards of HTF-impacted soils. Recovery of free-standing HTF product was implemented as soon as the release area was secured.

Notification of releases was made to the California Regional Water Quality Control Board – Lahontan Region (RWQCB), National Response Center, California Office of Emergency Services, San Bernardino County Fire Department Hazardous Materials Division, and California Energy Commission on 01 March 2007, 30 March 2007, and 17 July 2007.

Soils affected with HTF as a result of the releases were promptly excavated and transported to the Landfarm facility for temporary storage. In the case of the 16 July 2007 release at the SEGS VII Power Block, approximately 6,408 cubic yards of HTF-affected soils were removed and transported offsite to an approved disposal facility and another 150 cubic yards was taken to the Bioremediation facility on site. Soil samples were subsequently collected from the excavations to determine if further soil removal was required. Soil sampling reports were prepared for each of the releases that summarized the methods employed for sample collection and laboratory analytical results. These reports have previously been submitted to the RWQCB.



Releases that occurred during 2007 are summarized in Table 1 below.

Table 1: Summary of 2007 HTF Releases

Release Date	Location	Volume of HTF Released
27 February 2007	SEGS VI SCA 39P	1,000 gallons
27 March 2007	SEGS V SCA 23P	35 gallons
16 July 2007	SEGS VII Power Block	30,000 gallons

3.0 OPERATION AND MAINTENANCE REPORTING

FPL Energy Operating Services, Inc. has not experienced any technical issues since assuming operational control of the Facility. Visual observations indicate that the structure of the bioremediation Unit is in good working order and that no obvious defects or structural damage is evident.

The Bioremediation Unit is constructed with two rectangular cells and a row of concrete blocks dividing the facility into two portions, a north and south half. One half of the structure is typically used to store HTF-impacted material prior to treatment and the other half for active soil remediation.

Visual inspection of the primary concrete containment structure was last conducted in 2007 on 31 December. No structural damage or signs of weakening or failure were visible at the time of inspection.

The drainage sumps for the Bioremediation Unit are checked approximately once a week. No significant accumulation of water has been noted in the sumps, suggesting that no leakage is occurring.

4.0 SAMPLING SUMMARY AND LABORATORY ANALYTICAL RESULTS

On 08 March 2007 Northstar Environmental Remediation (Northstar) conducted a random sampling of soil from the Landfarm. Northstar also collected compliance soil samples from the Bioremediation Unit on 11 June 2007. The sampling was performed to determine the concentration of HTF in impacted soils undergoing treatment. The 08 March soil samples were collected from materials which were generated from the February HTF release at SEGS VI and which were subsequently stored on plastic sheeting in the Landfarm. Remaining soil in the Landfarm represents materials generated from an accidental HTF release at SEGS III in October 2005 which was subsequently tested and found to be below the 1,000 mg/kg limit.

On 19 December 2007 Northstar collected the annual "unsaturated zone monitoring system" soil sample at a depth equal to approximately one foot below the native ground surface grade (approximately 5.5 feet below the top of the landfarm for HTF. Both HTF analytes were found to be non-detectable as shown on Table 2.

The results of the laboratory analytical analyses for the First Semester 2007 reporting period are summarized in Table 2. Laboratory reports for the First Semester sampling events were previously included in the First Semester 2007 report. Laboratory data sheets and chain-of-custody record for the annual landfarm "unsaturated zone monitoring" soil sampling event are included in Appendix A.



Soil samples were collected using a stainless-steel hand-auger, and stainless-steel drive sampler equipped with clean 2-inch diameter by six-inch long stainless-steel sample sleeves. Samples were first collected in the stainless steel sleeves and then immediately transferred into laboratory-supplied, certified clean glass jars and properly labeled. The samples were then placed into a cooler, chilled with ice in sealed Ziploc™ bags and transported under chain-of-custody to Del Mar Analytical Laboratories in Irvine, California for analysis of HTF component concentrations using EPA Method 8015 Modified for HTF. Soil was collected from four randomly selected locations in the Bioremediation Unit, composited in the field and submitted to the laboratory to be analyzed as one representative sample. The same procedure was followed for the Landfarm soil sample.

All equipment was cleaned using non-phosphate detergent and triple-rinsed with deionized water between sampling locations in order to prevent cross-contamination.

Table 2: Laboratory Analytical Results

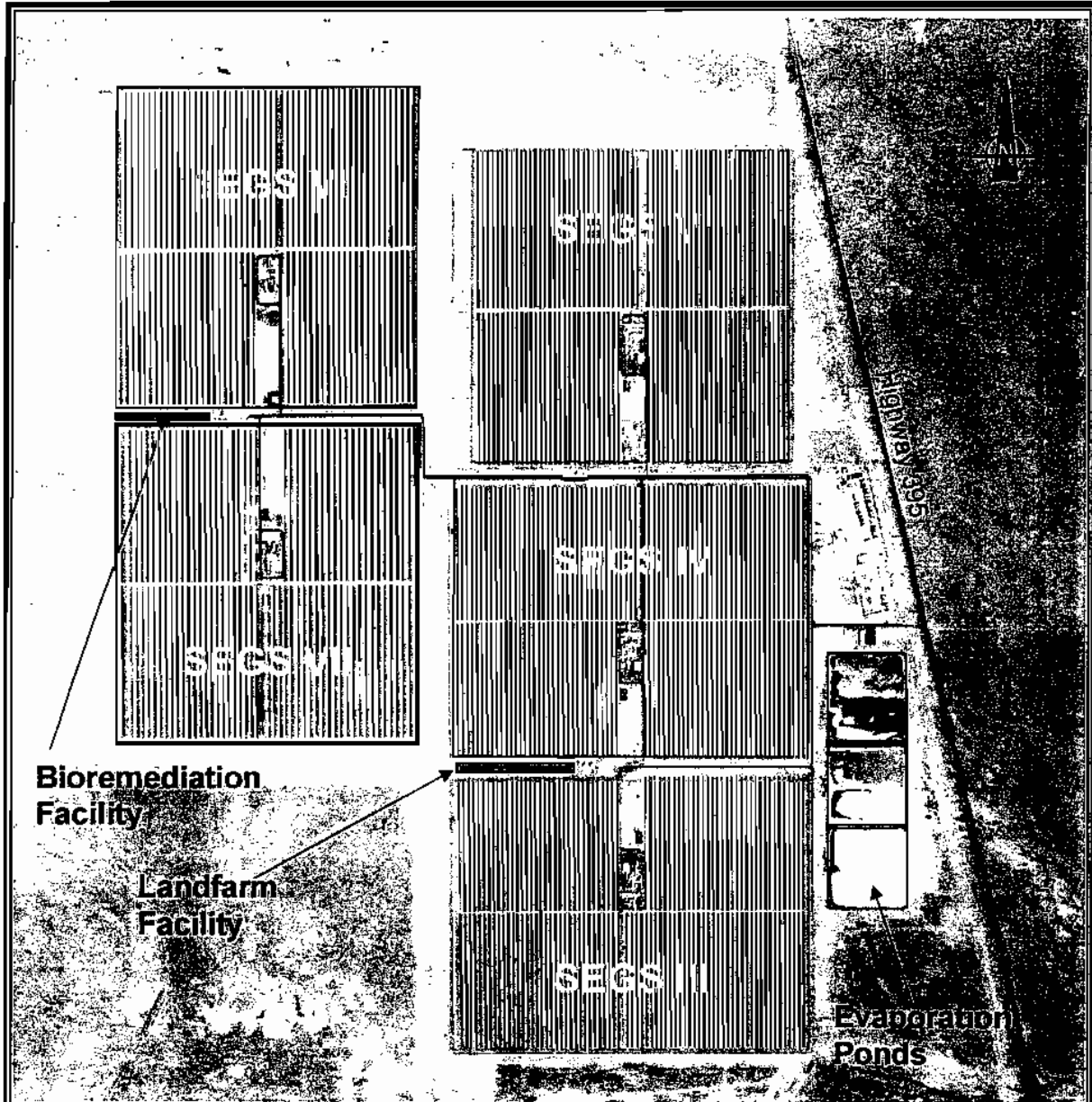
Sample Identification	Date	1,1'-Biphenyl (mg/kg)	1,1'-Oxybisbenzene (mg/kg)
LF-1 ¹	08 March 2007	7,900	8,200
LF-2 ¹	08 March 2007	6,200	6,200
LF-3 ¹	08 March 2007	1,700	1,800
BRN (EAST) 6-11-07 ²	11 June 2007	ND	2.1
BRN (WEST) 6-11-07 ²	11 June 2007	ND	33
KJ-LF-5.5'-12-19-07	19 December 2007	ND	ND

Notes:

¹ sample collected from the Landfarm facility between SEGS III & IV

² sample collected from the Bioremediation facility between SEGS VI & VII

Samples analyzed by EPA Method 8015B Modified for HTF. The analytes 1, 1'-Biphenyl and 1, 1'-Oxybisbenzene are components of the HTF used at the site. ND = Not Detectable



Aerial photograph courtesy of Luz Solar Partners III through VII Ltd.

No scale

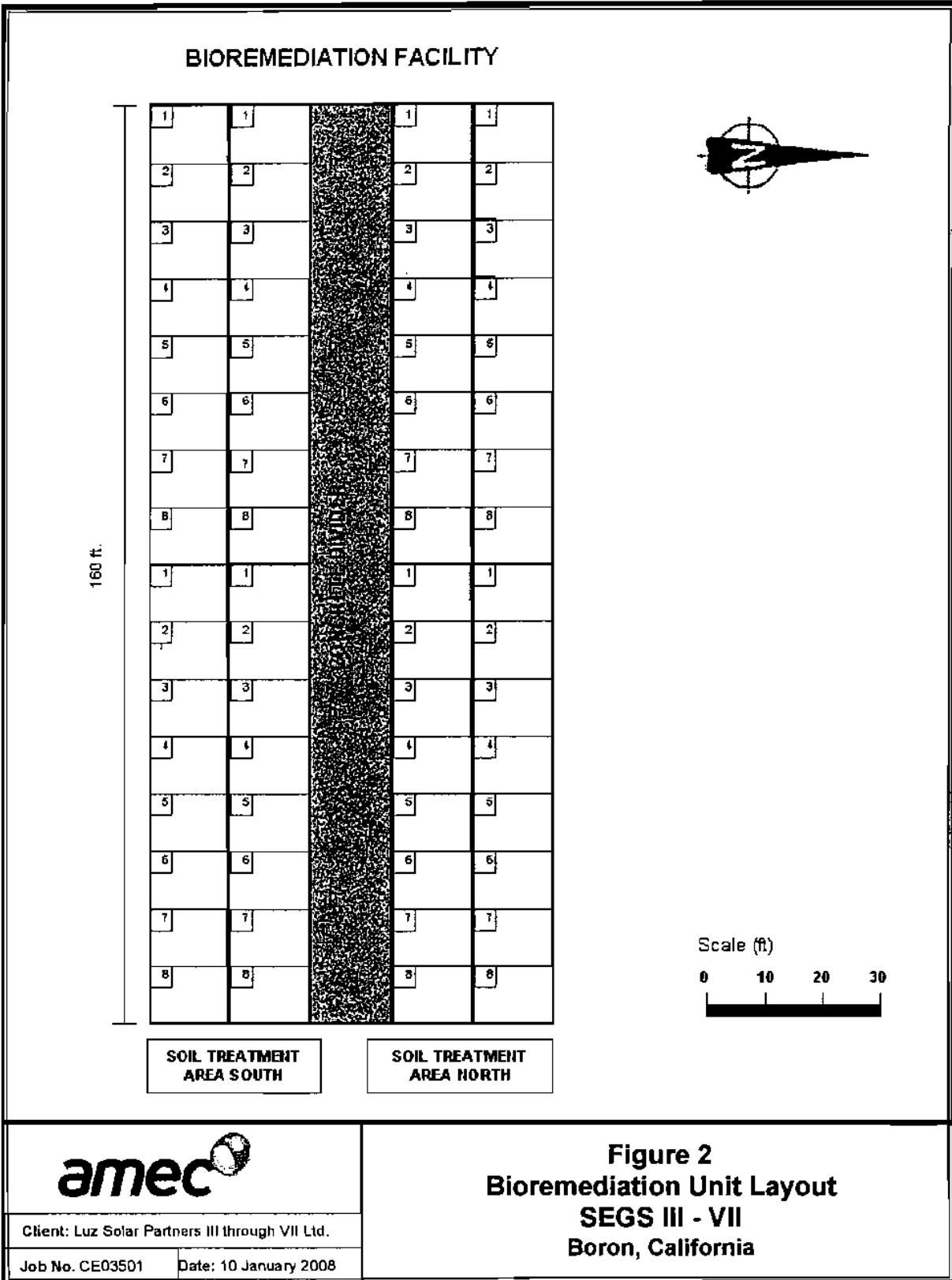


Client: Luz Solar Partners III through VII Ltd.

Job No. CE03501

Date: 26 June 2007

Figure 1 – Site Plan
SEGS III - VII
Boron, California





Appendix A

**Laboratory Data Sheets and
Chain-of-Custody Record**

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

17461 Denan Avenue, Suite 100, Irvine, CA 92614 (949) 261-1022 Fax:(949) 260-3297

LABORATORY REPORT

Prepared For: FPL Energy Operating Systems
 43880 Harper Lake Rd
 Hinkley, CA 92347
 Attention: Glen King

Project: FPL Kramer Junction

Sampled: 12/19/07
 Received: 12/21/07
 Issued: 01/03/08 11:40

NELAP #01108CA California ELAP#1197 CSDLAC #10256

The results listed within this Laboratory Report pertain only to the samples tested in the laboratory. The analyses contained in this report were performed in accordance with the applicable certifications as noted. All soil samples are reported on a wet weight basis unless otherwise noted in the report. This Laboratory Report is confidential and is intended for the sole use of TestAmerica and its client. This report shall not be reproduced, except in full, without written permission from TestAmerica. The Chain of Custody, 1 page, is included and is an integral part of this report.

This entire report was reviewed and approved for release.

CASE NARRATIVE

SAMPLE RECEIPT: Samples were received intact, at 4°C, on ice and with chain of custody documentation.

HOLDING TIMES: All samples were analyzed within prescribed holding times and/or in accordance with the TestAmerica Sample Acceptance Policy unless otherwise noted in the report.

PRESERVATION: Samples requiring preservation were verified prior to sample analysis.

QA/QC CRITERIA: All analyses met method criteria, except as noted in the report with data qualifiers.

COMMENTS: No significant observations were made.

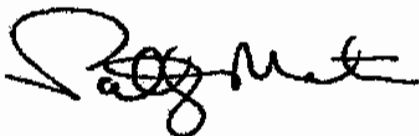
SUBCONTRACTED: No analyses were subcontracted to an outside laboratory.

LABORATORY ID
 IQL2412-01

CLIENT ID
 KJ-LF@5.5'-12-19-07

MATRIX
 Soil

Reviewed By:



TestAmerica Irvine

Patty Mata
 Project Manager



THE LEADER IN ENVIRONMENTAL TESTING

17461 Derian Avenue, Suite 100, Irvine, CA 92614 (949) 261-1022 Fax:(949) 260-3297

FPL Energy Operating Systems 43880 Harper Lake Rd Hinkley, CA 92347 Attention: Glen King	Project ID: FPL Kramer Junction Report Number: IQL2412	Sampled: 12/19/07 Received: 12/21/07
---------------------------------------------------------------------------------------------------	---------------------------------------------------------------	-----------------------------------------

THERMINOL (CADHS LUFT/8015B MOD)

Analyte	Method	Batch	Reporting Limit	Sample Result	Dilution Factor	Date Extracted	Date Analyzed	Data Qualifiers
Sample ID: IQL2412-01 (KJ-LF@5.5'-12-19-07 - Soil)								
Reporting Units: mg/kg								
1,1'-Biphenyl	EPA 8015 MOD.	7L21094	2.0	ND	1	12/26/2007	12/27/2007	
1,1'-Oxybisbenzene	EPA 8015 MOD.	7L21094	2.0	ND	1	12/26/2007	12/27/2007	C
Surrogate: n-Octacosone (40-125%)				79 %				

TestAmerica Irvine
Patty Mata
Project Manager

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THE LEADER IN ENVIRONMENTAL TESTING

17461 Derian Avenue, Suite 100, Irvine, CA 92614 (949) 261-1022 Fax:(949) 260-3297

FPL Energy Operating Systems 43880 Harper Lake Rd Hinkley, CA 92347 Attention: Glen King	Project ID: FPL Kramer Junction Report Number: IQL2412	Sampled: 12/19/07 Received: 12/21/07
---------------------------------------------------------------------------------------------------	---------------------------------------------------------------	-----------------------------------------

METHOD BLANK/QC DATA

THERMINOL (CADHS LUFT/8015B MOD)

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Data Qualifiers
Batch: 7L21094 Extracted: 12/26/07										
Blank Analyzed: 12/26/2007 (7L21094-BLK1)										
1,1'-Biphenyl	ND	2.0	mg/kg							
1,1'-Oxybisbenzene	ND	2.0	mg/kg							
Surrogate: n-Octacosane	6.00		mg/kg	6.67		90	40-125			
LCS Analyzed: 12/26/2007 (7L21094-BS1)										
1,1'-Biphenyl	2.64	2.0	mg/kg	3.33		79	50-115			
1,1'-Oxybisbenzene	2.71	2.0	mg/kg	3.33		81	50-115			
Surrogate: n-Octacosane	5.50		mg/kg	6.67		82	40-125			
Matrix Spike Analyzed: 12/26/2007 (7L21094-MS1)					Source: IQL2265-03					
1,1'-Biphenyl	3.10	2.0	mg/kg	3.33	ND	93	35-120			
1,1'-Oxybisbenzene	3.17	2.0	mg/kg	3.33	ND	95	35-120			
Surrogate: n-Octacosane	6.15		mg/kg	6.67		92	40-125			
Matrix Spike Dup Analyzed: 12/26/2007 (7L21094-MSD1)					Source: IQL2265-03					
1,1'-Biphenyl	2.87	2.0	mg/kg	3.33	ND	86	35-120	8	30	
1,1'-Oxybisbenzene	2.95	2.0	mg/kg	3.33	ND	88	35-120	7	30	
Surrogate: n-Octacosane	5.97		mg/kg	6.67		90	40-125			

TestAmerica Irvine

Patty Mata
Project Manager

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IQL2412 <Page 3 of 5>



THE LEADER IN ENVIRONMENTAL TESTING

17461 Derian Avenue, Suite 100, Irvine, CA 92614 (949) 261-1022 Fax:(949) 260-3297

FPL Energy Operating Systems
43880 Harper Lake Rd
Hinkley, CA 92347
Attention: Glen King

Project ID: FPL Kramer Junction

Report Number: IQL2412

Sampled: 12/19/07
Received: 12/21/07

DATA QUALIFIERS AND DEFINITIONS

- C** Calibration Verification recovery was above the method control limit for this analyte. Analyte not detected, data not impacted.
- ND** Analyte NOT DETECTED at or above the reporting limit or MDL, if MDL is specified.
- RPD** Relative Percent Difference

TestAmerica Irvine

Patty Mata
Project Manager

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IQL2412 <Page 4 of 5>



THE LEADER IN ENVIRONMENTAL TESTING

17461 Denan Avenue, Suite 100, Irvine, CA 92614 (949) 261-1022 Fax: (949) 260-3297

FPL Energy Operating Systems
43880 Harper Lake Rd
Hinkley, CA 92347
Attention: Glen King

Project ID: FPL Kramer Junction

Report Number: IQL2412

Sampled: 12/19/07
Received: 12/21/07

Certification Summary

TestAmerica Irvine

Method	Matrix	Nelac	California
EPA 8015 MOD.	Soil	X	X

Nevada and NELAP provide analyte specific accreditations. Analyte specific information for TestAmerica may be obtained by contacting the laboratory or visiting our website at www.testamericainc.com

TestAmerica Irvine

Patty Mata
Project Manager

The results pertain only to the samples tested in the laboratory. This report shall not be reproduced, except in full, without written permission from TestAmerica.

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

IQ12412
CHAIN OF CUSTODY FORM

1450 University Ave., #100 Irvine CA 92614 (949) 261-1022 FAX (949) 266-1174
1014 E. Cooley Dr., Suite A, Colton, CA 92324 (909) 370-4667 FAX (909) 370-1046
4930 South 51st St Suite B-120 Phoenix, AZ 85044 (480) 785-0043 FAX (480) 785-0851
2550 E. Sunset Rd. #3, Las Vegas, NV 89120 (702) 798-3820 FAX (702) 798-3621

IQ12412 Page 1 of 1

Client Name/Address:		Project/PO Number:		Analysis Required			
FPL-Kramer Junction 41100 Highway 395 Bakersfield, CA 93316 Project Manager: Glen Bohy Sampler: Paul DeBorja		FPL-Kramer Junction Phone Number: (760) 762-5562 Fax Number:		805 Mod. Box for Treatment X			
Sample Description	Sample Matrix	Container Type	# of Cont.	Sampling Date	Sampling Time	Preservatives	Special Instructions
KJ-LEO55-12-19-07	Oil	302	1	12-19-07	1235	Free	
Relinquished By:		Date/Time: 12-21-07 @ 18:50		Received By:		Date/Time:	
Relinquished By:		Date/Time:		Received By:		Date/Time:	
Relinquished By:		Date/Time:		Received in Lab By:		Date/Time: 12/21/07 18:50	
Turnaround Time: (Check)		same day		72 hours		X	
Turnaround Time: (Check)		24 hours		5 days		normal	
Turnaround Time: (Check)		48 hours		normal		X	
Sample Integrity: (Check)		intact		X		on ice 5/5/4.4	

Note: By relinquishing samples to TestAmerica, client agrees to pay for the services requested on this chain of custody form and any additional analyses performed on this project. Payment for services is due within 30 days from the date of invoice. Sample(s) will be disposed of after 30 days.

Attachment 3

THIRD EDITION-29E 4

CALIFORNIA-ARIZONA MANEUVER AREA

Scale 1:500,000

REFERENCE: 0 10 20 Miles
 REFERENCE: 0 10 20 Kilometers
 MANEUVER AREA: **Maneuver Area**
 Containing (1) of 2000 Feet
 (2) to 10000 Feet
 (3) to 15000 Feet
 (4) to 20000 Feet
 (5) to 25000 Feet
 (6) to 30000 Feet
 (7) to 35000 Feet
 (8) to 40000 Feet
 (9) to 45000 Feet
 (10) to 50000 Feet
 (11) to 55000 Feet
 (12) to 60000 Feet
 (13) to 65000 Feet
 (14) to 70000 Feet
 (15) to 75000 Feet
 (16) to 80000 Feet
 (17) to 85000 Feet
 (18) to 90000 Feet
 (19) to 95000 Feet
 (20) to 100000 Feet

IMPACT AREAS

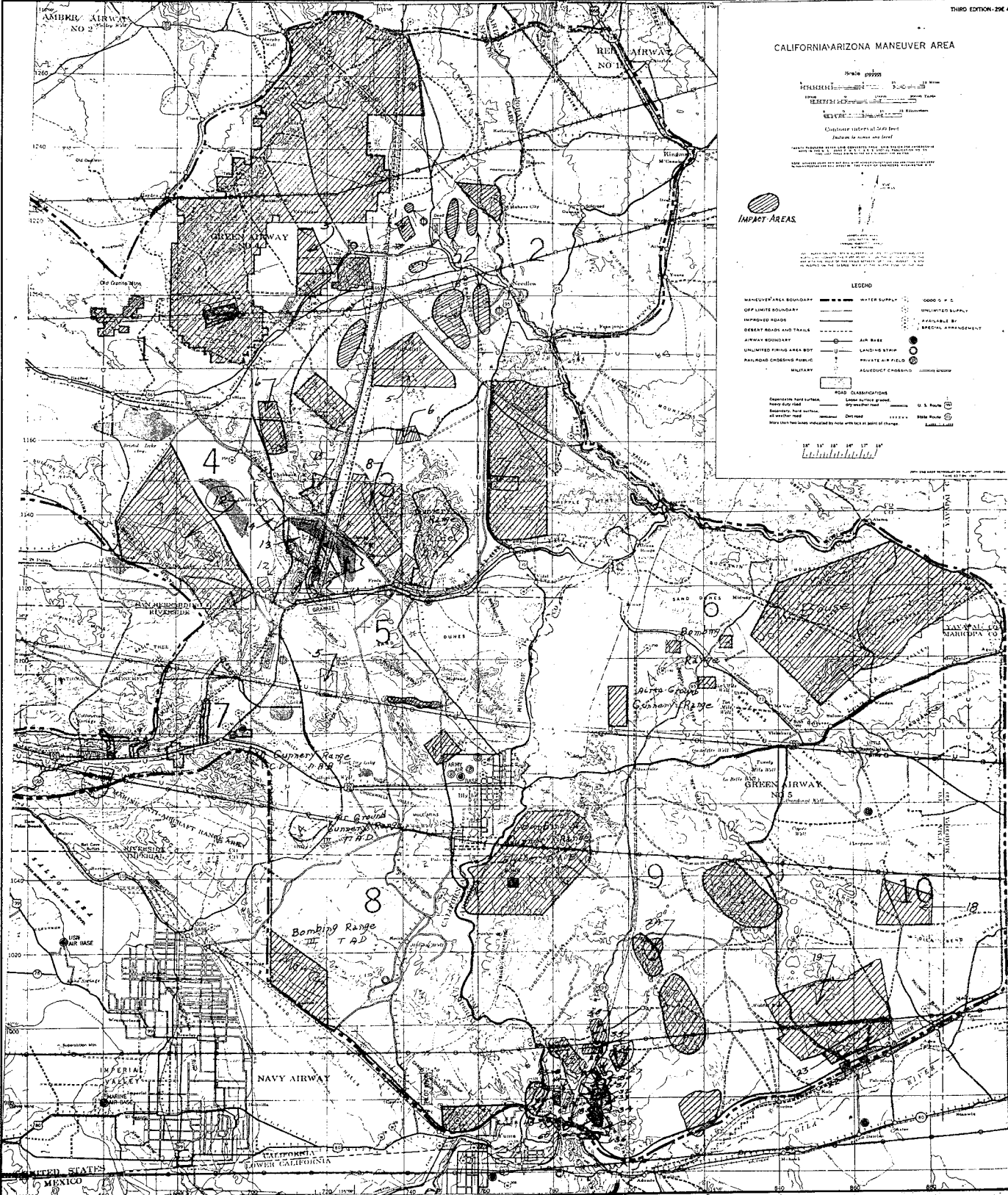
(1) **Impact Area**
 (2) **Impact Area**
 (3) **Impact Area**
 (4) **Impact Area**
 (5) **Impact Area**
 (6) **Impact Area**
 (7) **Impact Area**
 (8) **Impact Area**
 (9) **Impact Area**
 (10) **Impact Area**
 (11) **Impact Area**
 (12) **Impact Area**
 (13) **Impact Area**
 (14) **Impact Area**
 (15) **Impact Area**
 (16) **Impact Area**
 (17) **Impact Area**
 (18) **Impact Area**
 (19) **Impact Area**
 (20) **Impact Area**

LEGEND

MANEUVER AREA BOUNDARY		WATER SUPPLY		0000 5 10
OFF-LIMITS BOUNDARY		UNLIMITED SUPPLY		
SUPPLEMENTED ROADS		AVAILABLE BY SPECIAL ARRANGEMENT		
DESERT ROADS AND TRAILS				
AIRWAY BOUNDARY		AIR BASE		
UNLIMITED FIRING AREA BOUNDARY		LANDING STRIP		
RAILROAD CROSSING PUBLIC		PRIVATE AIR FIELD		
MILITARY		ALLEGED CROSSING		

ROAD CLASSIFICATIONS

Preferential Road		State Highway		U.S. Route	
Primary Road		County Road		State Route	
Secondary Road		Local Road		State Route	
Minor Road		Local Road		State Route	
How they have been classified by name, and not by kind of change.					



USAYPG GAMA FILE

Attachment 4

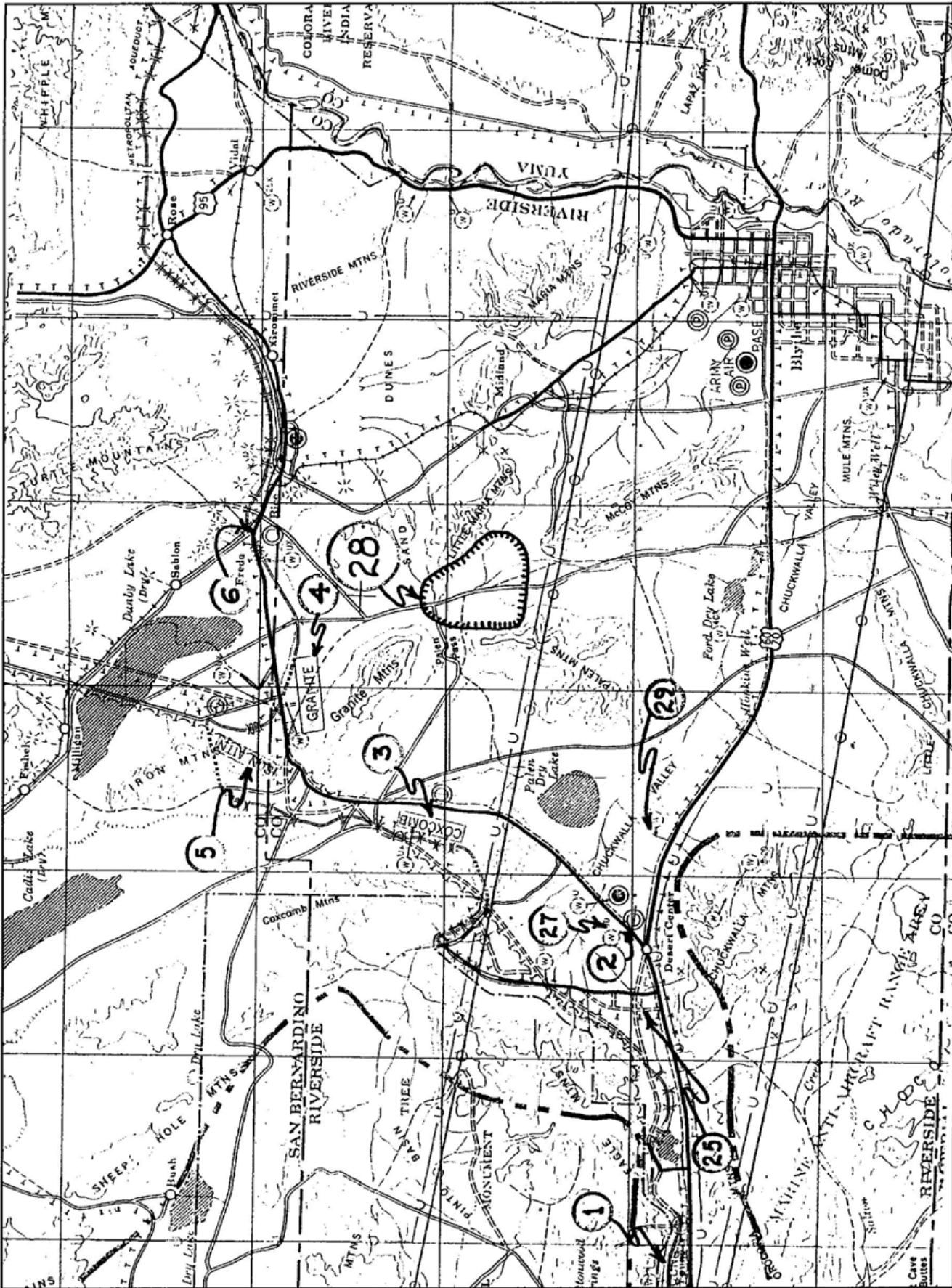


Figure 27. Map of a portion of the DTIC/AMA, showing installations. The Palen Pass Defensive Area (a maneuver area) is marked 28. Other installations include the following: Camp Young, 1; Desert Center Observers Camp, 2; Camp Coxcomb, 3; Camp Granite, 4; Camp Iron Mountain, 5; Freda Railroad Siding, 6; Eagle Mountain Road Medical Installations, 25; Desert Center A.A.D., 27; and 18th Ordnance Battalion Camp near Desert Center, 1 and 29 (Headquarters Army Ground Forces 1943).

Attachment C

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NOTIFICATION OF LAKE OR STREAMBED ALTERATION



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Josef Eichhammer			
Business/Agency	Solar Millennium, LLC			
Street Address	1625 Shattuck Ave., Suite 270c			
City, State, Zip	Berkeley, California 94709-1611			
Telephone	(510) 524-4517	Fax	(510) 524-5516	
Email	eichhammer@solarmillennium.com			

Name	Mr. Robert Redlinger			
Business/Agency	Chevron Energy Solutions, A Division of Chevron U.S.A. Inc.			
Street Address	345 California St., 18th Floor			
City, State, Zip	San Francisco, California 94104			
Telephone	(415)733-4614	Fax	(415)733-4952	
Email	Redlinger@chevron.com			

2. CONTACT PERSON (Complete only if different from applicant)

Name	Gavin Berg			
Street Address	1625 Shattuck Ave. Suite 270c			
City, State, Zip	Berkeley, CA 94709-1611			
Telephone	(510) 524-4517	Fax	(510) 524-5516	
Email	berg@solarmillennium.com			

3. PROPERTY OWNER (Complete only if different from applicant)

Name	Bureau of Land Management Palm Springs/South Coast Field Office			
Street Address	1201 Bird Center Drive			
City, State, Zip	Palm Springs, CA 92262			
Telephone	(760) 833-7100	Fax		
Email				

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Palen Solar Power Project (PSPP)		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less)		
		<input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
Late 2010	2013	Year round	Year round	Project construction is anticipated to last 39 months. The planned operational life of the Project is 30 years, but the facility conceivably could operate for a longer or shorter period depending on economic or other circumstances.

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.	
A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contact Number: _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. <i>Note: The Department may not process this notification until the correct fee has been received.</i>			
		B. Project Cost	C. Project Fee
1	Grading and compacting soil for construction of solar array fields, power generating facilities, and support facilities.	> \$500,000.00	\$4,000.00
2			
3			
4			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	\$4,000.00

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

7. PRIOR NOTIFICATION OF ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?		
<input type="checkbox"/> Yes <i>(Provide the information below)</i> <input checked="" type="checkbox"/> No		
Applicant: _____	Notification Number: _____	Date: _____
B. Is this notification being submitted in response to an order, notice or other directive ("order") by a court or administrative agency (including the Department)?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <i>(Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order)</i>		
<input type="checkbox"/> Continued on additional pages(s)		

8. PROJECT LOCATION

A. Address or description of project location. <i>(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)</i>				
The proposed Palen Solar Power Plant (PSPP or Project) is located approximately 10 miles east of Desert Center, and 0.5 mile north of the Interstate 10 (I-10) corridor in eastern Riverside County, California (Attachment 1, Figure 1). The disturbance area (area inside and outside the fence line that will be disturbed by the Project) is composed of a large, contiguous area of approximately 5,212 acres of undeveloped land administered by the Bureau of Land Management (BLM), with the exception of one 40-acre private parcel that is being purchased by the Applicants (Attachment 1, Figure 2). The Project site is undeveloped and vacant. To get to the proposed PSPP disturbance area from I-10, take the Corn Springs Road Exit going north and continue onto a dirt service road.				
<input type="checkbox"/> Continued on additional pages(s)				
B. River, stream, or lake affected by the project.		Corn Springs Wash and other unnamed desert washes. Hydrologic Areas in proximity to the PSPP are shown in Attachment 1, Figure 3.		
C. What water body is the river, stream or lake tributary to?		Not applicable		
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
E. County	Riverside County			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Sidewinder Well 1983	05S-06S	17E	3-6, 8-10, 20-21, 27-34	--
				--
				--
<input type="checkbox"/> Continued on additional pages(s)				
K. Meridian <i>(check one)</i>	<input type="checkbox"/> Humboldt <input type="checkbox"/> Mt. Diablo <input checked="" type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s) Refer to Attachment 1, Figure 2.				
<input type="checkbox"/> Continued on additional pages(s)				

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)			
Latitude/Longitude	Latitude: 33°50'56"N	Longitude: 115°14'22"W	
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds <input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes		
UTM	Easting: 11 N 664692.73 mE	Northing: 3729829.19 mN	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input checked="" type="checkbox"/> NAD 27 <input type="checkbox"/> NAD 83 or WGS 84	

9. PROJECT CATEGORY AND WORK TYPE (Check each box that applies)

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted

Enclose diagrams, drawings, plans and/or maps that provide all the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; and overview of the entire project area (i.e., "birds-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

Solar Millennium LLC and Chevron Energy Solutions (the Applicants) are proposing to construct two commercial solar thermal electric power-generating stations, collectively referred to as the Palen Solar Power Project (PSPP or Project). The Project would be located on an approximately 5,212-acre parcel managed by the Bureau of Land Management, pursuant to a right-of-way (ROW) grant from BLM. The total disturbance area would be approximately 3,899 acres. The facility footprint would occupy approximately 2,974 acres of the ROW. In addition to solar fields and a main power-generating facility, the site would include a main office building and parking lot, a main warehouse with laydown area, onsite access roads, a tie-in switchyard, a bioremediation area, and a transmission line and substation. Attachment 1, Figure 4 illustrates the location of the proposed solar facilities.

The Project would use solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750 degrees Fahrenheit [°F]) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

The Project would have a nominal output of 500 MW, produced by two adjacent, identical, and independent 250-MW units, referred to as Units 1 and 2. The two power units would share a main office building, main warehouse/maintenance building, parking lot, onsite access roads, bioremediation area for HTF-contaminated soil, and central internal switchyard. Units 1 and 2 would have their own solar field composed of piping loops arranged in parallel groups, and its own power block centrally located within the solar field. Each solar field would cover approximately 1,380 acres. Each power block would have its own HTF pumping and freeze protection system, solar steam generator, steam turbine generator, an air-cooled condenser (ACC) for cooling, transmission lines and related electrical system, and auxiliary equipment (e.g., water treatment system, emergency generators).

The Project would require a new transmission line to interconnect to the regional transmission grid. The transmission line is proposed to be constructed in a 40.4-acre area and to extend south approximately 1.2 miles from the boundary of the Project Disturbance Area across I-10 and turning west for a short distance to just past Chuckwalla Road. The substation would be constructed in a 34.7-acre area immediately west of the southern end of the transmission line.

Access to the PSPP would be via a new 1,350-foot-long, 24-foot-wide paved access road from Corn Springs Road. Only a small portion of the overall facility footprint would be paved, primarily the site access road, the service roads to the power blocks, and portions of the power blocks themselves. The remaining portions of the power blocks would be gravel surfaced. In total, each power block would be approximately 18.4 acres with approximately 6 acres of paved area. The solar field would remain unpaved and without a gravel surface to prevent rock damage from mirror wash vehicle traffic; a dust suppression coating would be used on the dirt roadways within and around the solar field. The Project solar field and support facilities perimeter would be secured with 8-foot-tall chain-link metal-fabric security fencing, with 1 foot barbed wire or razor wire on top. Controlled access gates would be located at the site entrance.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

The existing topographic conditions of the facility footprint show an average slope of approximately 1 foot every 330 feet (0.30 percent) toward the northeast, with a series of desert washes traversing the site (e.g., a primary wash and a few secondary washes). Drainage across the undeveloped property is concentrated in these washes, until the drainage features disappear and flows fan out across the landscape as sheet flow. Development of the site would include intercepting the storm flows in three washes at the Project boundaries, channelizing and rerouting the flows around and through the site, and then returning the flows to their sheet flow regime on the north side of the site. The channel segments would be designed to meet Riverside County requirements, as well as biological considerations such as wildlife movement. Jurisdictional waters of the State are illustrated in Figure 5 of Attachment 1.

As part of the PSPP, the series of desert washes that crosses the disturbance area from southwest to northeast would be rerouted into three channels on the west side, center, and east side of the disturbance area, corresponding to the three bridges that direct flow passing under I-10 (Attachment 1, Figure 4). These channels would intercept flows prior to their entry to the site and convey them in realigned channels to approximately the same locations where they exit the site under existing conditions. Outlets for each channel would end in diffusers.

The west and east channels would be located entirely outside of the proposed perimeter fencing. The center channel inlets and outlets would be located outside of perimeter fencing. The remainder of the center channel would be located within the perimeter fence. Additional fencing will be located along the top of the channel just beyond the maintenance road. The channels would be constructed with native material, and scour protection (i.e., rip-rap) would be added to the channel sides and bottoms in stress areas such as curves and slope transitions. No scour protection is proposed for the channel bottom in the straight sections of the channels. This is to allow the low flows to meander across the bottom, replicating as nearly as possible the flow regimes under current conditions.

The power plant units would be graded generally following the existing contours of the site to minimize the amount of disturbance and allow a balanced distribution of material. Runoff from the units would be collected in a series of swales and small channels that would direct the flow to the appropriate perimeter channel. The power block areas that are centrally located within the two power plant units would have their own detention/water quality basins within the block, from which flows would be directed to the nearest downstream channel. The PSPP would employ a comprehensive system of management controls, including site-specific best management practices (BMPs), to minimize storm water contact with contaminants.

The preliminary site grading plan is designed to be balanced; no import or export of soil is expected for general earthwork. The grading plan does not currently allow for any soil shrinkage or other losses. The grading plan will be adjusted to account for any loss in elevation that could occur. Engineered fill would be provided as required for equipment and structure foundations as/if recommended by the geotechnical report. Additionally, granular material may need to be imported for road base and possible use below foundations. Mass grading of the site would occur at the beginning of the construction period and last approximately 24 months. The total earth movement required is estimated to be 4.5 million cubic yards.

To facilitate dust and contaminant removal, treated water would be used to spray-clean the solar mirrors on a periodic basis, determined by a reflectivity monitoring program. This operation is generally done at night and involves a water truck spraying treated water on the mirrors in a drive-by fashion. Rinsate from the washing operation is expected to evaporate on the mirror surface with no appreciable runoff.

Sanitary wastewater would be collected for treatment in septic tanks and disposed of via leach fields. Based on an estimate of 5,500 gallons of sanitary wastewater production per day, a total leach field area of approximately 11,000 square feet would be required, spread out among three or more locations. The leach fields would consist of buried perforated pipes. The power-generation cycle would not produce cooling-tower blow-down because the plant would be dry cooled.

Site photographs are included in Attachment 1, Figures 5a through 5i.

Supplemental Engineering Data for the Project is included as Attachment 2. For a more detailed Project Description, refer to the PSPP Biological Resources Technical Report (Attachment 3) and Supplemental Biological Resources Technical Report (Attachment 4).

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

B. Specify the equipment and machinery that will be used to complete the project.	
Heavy equipment, such as bulldozers, cranes, scrapers, rollers, backhoes, concrete trucks, and dump trucks, would be employed during site preparation and construction of the proposed Project. Project construction would require an average of 566 employees over the entire 39-month construction period, with staff requirements peaking at approximately 1,140 workers in Month 17 of construction. This would include equipment and machinery operators, construction management personnel, surveyors, and qualified construction monitors.	
C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (<i>Skip to box 11</i>) The Project plans to conduct initial site preparation and construction of the rerouted washes when the channels are dry; however, the Project would prefer to have the option to conduct work any time of year.
D. Will the proposed project require work in the wetted portion of the channel?	<input checked="" type="checkbox"/> Yes (<i>Enclose a plan to divert water around work site</i>) <input type="checkbox"/> No The Project would require work within the washes as part of rerouting the existing channel. The washes are only wet when a storm event results in surface flow; therefore, work in the wetted portion of the channel would only occur if work is being performed during a storm event that results in surface flow. Attachment 1, Figure 4 illustrates the plan to permanently divert water around the site by rerouting the wash.

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise distributed, if applicable.														
Attachment 1, Figure 5 illustrates State waters within the PSPP disturbance area. The proposed PSPP would result in permanent impacts to 347.9 acres of State waters, including 154.0 acres of desert dry wash woodland (141.0 acres direct and 13.0 acres indirect) and 193.9 acres of unvegetated ephemeral dry wash (161.8 acres direct and 32.1 indirect).														
For a complete description of the jurisdictional features within the Project disturbance area, see Attachment 5, Delineation of Jurisdictional Waters of the State. Project impacts are detailed in the Biological Resources Technical Report (Attachment 3) and Supplemental Biological Resources Technical Report (Attachment 4).														
B. Will the project affect any vegetation?	<input checked="" type="checkbox"/> Yes (<i>Complete the tables below</i>) <input type="checkbox"/> No													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Vegetation Type</th> <th style="width: 35%;">Temporary Impact</th> <th style="width: 30%;">Permanent Impact</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;">Desert dry wash woodland</td> <td>Linear feet: none</td> <td>Linear feet: 10,488</td> </tr> <tr> <td>Total area: none</td> <td>Total area: 141.0 acres direct; 13.0 acres indirect</td> </tr> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;">Unvegetated ephemeral dry wash</td> <td>Linear feet: none</td> <td>Linear feet: 22,285</td> </tr> <tr> <td>Total area: none</td> <td>Total area: 161.8 acres direct; 32.1 indirect</td> </tr> </tbody> </table>	Vegetation Type	Temporary Impact	Permanent Impact	Desert dry wash woodland	Linear feet: none	Linear feet: 10,488	Total area: none	Total area: 141.0 acres direct; 13.0 acres indirect	Unvegetated ephemeral dry wash	Linear feet: none	Linear feet: 22,285	Total area: none	Total area: 161.8 acres direct; 32.1 indirect	<p>^a Downstream waters containing wash dependent vegetation would likely be indirectly impacted by the rerouting of the on-site washes. The data presented here represent the full complement of washes downstream that may be indirectly impacted; however, a full determination of this impact will rely on hydrologic studies that are still in progress. It is anticipated that the indirect permanent impact estimate will be refined and potentially decrease due to rerouted drainages delivering water back into the secondary wash on the northern boundary of the project.</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>
Vegetation Type	Temporary Impact	Permanent Impact												
Desert dry wash woodland	Linear feet: none	Linear feet: 10,488												
	Total area: none	Total area: 141.0 acres direct; 13.0 acres indirect												
Unvegetated ephemeral dry wash	Linear feet: none	Linear feet: 22,285												
	Total area: none	Total area: 161.8 acres direct; 32.1 indirect												

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (*List each species and/or describe the habitat below*) No Unknown

Special-status species that occur or have the potential to occur in proximity to the PSPP are summarized below. The Biological Resources Study Area (BRSA) includes the Project disturbance area and the survey buffer. Refer to the PSPP Biological Resources Technical Report (Attachment 3) and Supplemental Biological Resources Technical Report (Attachment 4) for more detail on the survey buffer and an analysis of impacts related to the species discussed below.

Special-Status Plant Species

Based on regional databases; site-specific habitat evaluations by Project biologists; and literature review, including a California Natural Diversity Database (CNDDB) records search, it was determined that no State-listed plant species have been recorded near the BRSA or have potential to occur in the BRSA. No State-listed plant species were detected within the BRSA.

Special-Status Wildlife Species

Desert tortoise (DT; *Gopherus agassizii*), listed as threatened under the California Endangered Species Act (CESA), were detected within the BRSA during surveys. No live DT were observed within the disturbance area, but active burrows were noted within the BRSA. The Project disturbance area is considered suitable habitat for DT, but is generally of low quality, with the exception of the transmission line corridor, where vegetation observed is of higher quantity and quality, and a larger amount of DT sign was observed. Moderate population density is expected in the Project disturbance area based on the habitat quality and survey results.

Although one individual Swainson's hawk (State-listed as threatened) was observed on site, there is no suitable nesting habitat within the disturbance area and, based on the time of year of the observation, the individual was assumed to be migrating through the area. The disturbance area has limited resources required for Swainson's hawk migration and, therefore, the area would not be considered a major migration corridor.

Eight other California Department of Fish and Game (CDFG) non-listed special-status wildlife species were observed within the BRSA:

- American badger (*Taxidea taxus*)
- Desert kit fox (*Vulpes macrotis arsipus*)
- Loggerheaded shrike (*Lanius ludovicianus*)
- Mojave fringe-toed lizard (*Uma scoparia*)
- Northern harrier (*Circus cyaneus*)
- Purple martin (*Progne subis*)
- Western burrowing owl (*Athene cunicularia hypugaea*)
- Vaux's swift (*Chaetura vauxi*)

Desert kit fox burrows, complexes, and scat, and American badger dens and animal burrows showing evidence of predation by badgers were detected within the BRSA during surveys. Mojave fringe-toed lizard was detected throughout the BRSA. Two western burrowing owl pairs, a CDFG State Species of Special Concern, and eight active burrows were observed within the disturbance area.

An additional two CDFG special-status species (Nelson's bighorn sheep [*Ovis canadensis nelsonii*] and pallid bat [*Antrozous pallidus*]) have a moderate potential to occur, and three special-status species (Gila woodpecker [*Melanerpes uropygialis*], gilded flicker [*Colaptes chrysoides*], and crissal thrasher [*Toxostoma crissale*]) have a low potential to occur.

Continued on additional pages(s)

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.
Please see : <ul style="list-style-type: none">• Attachment 3, PSPP Biological Resources Technical Report (August 2009)• Attachment 4, PSPP Supplemental Biological Resources Technical Report (November 2008) <p style="text-align: right;"><input type="checkbox"/> Continued on additional pages(s)</p>
E. Has a biological study been completed for the project site?
<input checked="" type="checkbox"/> Yes (Enclose the biological study) <input type="checkbox"/> No
Please see Attachment 3, PSPP Biological Resources Technical Report (August 2009), and Attachment 4, PSPP Supplemental Biological Resources Technical Report (November 2008)
<i>Note: A biological assessment or study may be required to evaluate potential impacts on biological resources.</i>
F. Has a hydrological study been completed for the project or project site?
<input checked="" type="checkbox"/> Yes (Enclose the hydrological study) <input type="checkbox"/> No
Please see Attachment 2, Supplemental Engineering Narrative, and Attachment 6, Conceptual Drainage Plan
<i>Note: A hydrological study or other information on the site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.</i>

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment entering watercourses during and after construction.
A preliminary Drainage, Sediment, and Erosion Control Plan (DSECP), the California Energy Commission's equivalent of a Storm Water Pollution Prevention Plan, has been prepared and is included as Attachment 7. The DSECP identifies project design features and BMPs that will be used to effectively manage drainage-related issues (e.g., erosion and sedimentation) during construction grading and for long-term operations. These BMPs include the following: <ul style="list-style-type: none">• Employee Training Program• Erosion and Sediment Control• Good Housekeeping Programs• Preventive Maintenance Programs• Structural BMPs• Equipment and Vehicle Management Practices• Spill Prevention and Response Programs• Inspection Programs
B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.
Chapter 5 of Attachment 3, Biological Resources Technical Report, and Attachment 4, Supplemental Biological Resources Technical Report, describes in detail the avoidance and minimization measures to protect special-status plant and animal species. Project design features that avoid and minimize impacts to these species include the following: <ul style="list-style-type: none">• Employee Training Program• Preconstruction Clearance Surveys for Sensitive Species• Tortoise-Proof Fencing Around Perimeter of Project• Biological Monitoring During Construction by Qualified Biologists• Trash Abatement Program

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

- Established Parking and Staging Areas
- Spill Prevention and Response Programs
- Seasonally Dependent Avoidance Measures for Occupied Burrowing Owl Burrows
- Testing and Reporting Program for Evaporation Ponds

Note that this SAA does not address potential impacts to special-status species. This will be addressed through the Section 2081 process with CDFG.

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

The Project has developed compensation measures to address impacts to waters of the State. A Conceptual Mitigation Plan for the proposed approach to compensate for impacts to waters of the State is included as Attachment 8. This plan discusses potential options for mitigation on site and off site.

In addition, compensation for potential impacts to special-status species is described in detail in Chapter 5 of the Biological Resources Technical Report (Attachment 3), the Supplemental Biological Resources Technical Report (Attachment 4), and in the Section 2081 draft application anticipated to be submitted to CDFG in December 2009.

Continued on additional page(s)

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. CFG Code Section 2081– California Endangered Species Act (CESA) requires issuance of a take authorization for species listed by the State as endangered or threatened; a 2081 incidental take permit is being prepared (anticipated submittal December 2009) and conditions will be provided in the California Energy Commission (CEC) decision document. Applied Issued

B. ESA Section 7 permit allows for the incidental take of listed species during the course of construction and project operations. The permit is being prepared and submittal to BLM is anticipated December 2009. Applied Issued

C. CEC License to Construct and Operate Applied Issued

D. Unknown whether local, state, or federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species ACT (ESA)?

Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)

The Application for Certification (the CEQA-equivalent document for CEC) for the PSPP has been prepared and was submitted August 24, 2009 (CEC Docket No. 09-AFC-7). A copy was provided to CDFG.

No (Check the box for each CEQA, NEPA, CESA, and ESA document that will be or is being prepared)

<input type="checkbox"/> Notice of Exemption	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): <u>An Environmental Impact Statement is being prepared (BLM expected to issue draft EIS in March 2010, and final EIS in August 2010)</u>
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	<input checked="" type="checkbox"/> CESA document (type): <u>Section 2081 application anticipated to be submitted December 2009.</u>

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	<input checked="" type="checkbox"/> ESA document (type): <input checked="" type="checkbox"/> ESA document (type): <u>ESA Section 7 permit (anticipated submittal December 2009).</u>	
<input type="checkbox"/> THP / NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan	<input checked="" type="checkbox"/> Other (type): <u>California Energy Commission (CEC) Application for Certification submitted August 24, 2009 (CEC Docket No. 09-AFC-7). The CEC power plant licensing process is a CEQA-equivalent process under California law (Warren-Alquist Act).</u>	
B. State Clearinghouse Number (if applicable)			
C. Has a CEQA lead agency been determined?		<input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)	
D. CEQA Lead Agency		California Energy Commission	
E. Contact Person		Rick York	
		F. Telephone Number	
		(916) 654-3945	
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.			
Not applicable.			
<input type="checkbox"/> Continued on additional page(s)			
H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?			
<input checked="" type="checkbox"/> Yes (Enclose proof of payment) <input type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid)			
<i>Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.</i>			

15. SITE INSPECTION

Check one box only.	
<input type="checkbox"/> In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.	
<input checked="" type="checkbox"/> I request the Department to first contact <u>Gavin Berg</u> to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuances of a draft agreement pursuant to this notification.	

16. DIGITAL FORMAT

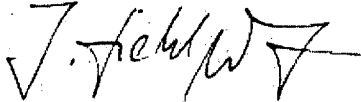
Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?	
<input checked="" type="checkbox"/> Yes (Please enclose the information via digital media with the completed notification form) <input type="checkbox"/> No	

Comment Letter 6

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the projects(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.



Signature of Applicant or Applicant's Authorized Representative

Date November 20, 2009

Josef Eichhammer

Print Name

Attachment D

ATTACHMENT 2
ENVIRONMENTAL EVALUATION OF PROJECT
UPDATES

PALEN SOLAR POWER PROJECT (09-AFC-7) CEC STAFF ASSESSMENT – ENGINEERING CHANGES
Response Date: May 4, 2010

Minor Changes to the Palen Solar Power Project

Palen Solar I, LLC (PSI) has made various minor modifications to the Palen Solar Power Project (PSPP) since the Application for Certification (AFC) was submitted in August 2009. These minor changes are not reflected in the March 2010 Staff Assessment/Draft Environmental Impact Statement and reflect further definition of linear facilities and other changes required by other regulatory agencies and our construction team. The following pages briefly describe the various changes and evaluate their environmental implications for the PSPP, i.e., the effects of these changes (if any) on the existing analysis of Project impacts.

The PSPP Project changes discussed below include:

- Addition of an Onsite Concrete Batch Plant During Construction;
- Addition of Evaporation Ponds to process Industrial Wastewater Flows;
- Revision to Construction Water Requirements, Number of Groundwater Wells, and Construction Water Storage Approach
- Finalization of the Gen-Tie Line Route to the Southern California Edison (SCE) Red Bluff Substation;
- Changes to the Layout of Project Facilities;
- Addition of a Temporary Construction Power Line from Offsite;
- Relocation of the Existing SCE 161-kV Power Line;
- Refinement of Daily Construction Schedule;
- Finalization of the Telecommunications Line;
- Revised List of Water Treatment Chemicals, and
- Addition of an Onsite Fuel Depot

ADDITION OF CONCRETE BATCH PLANT

With the anticipated requirement for approximately 125,000 cubic yards of concrete for each of the two solar plants of the PSPP, PSI has decided to include an on-site concrete batch plant to provide a cost-effective and reliable source of concrete for the solar field and power block foundations and pads. The batch plant will have a production capacity of 150 cubic yards per hour and is expected to operate 10 hours per day, five days a week. Night operation of the batch plant will be required to overcome the difficulty of performing concrete placement in extremely high ambient temperatures (see **Refinement of Daily Construction Schedule** below).

The plant will consist of a series of storage bins and sand/aggregate piles, conveyors, ice storage and chipper, and provision for dust control. It requires a 75-kilowatt power supply of line power (or a diesel generator). Concrete will be transported from the batch plant to the on-site placement area(s) via a fleet of eight cement trucks. The proposed batch plant is portable and will be moved to a number of different locations to support current work activities. Likely deployment locations are the two power blocks and the Project's main warehouse area. (See drawing provided at the end of this document of the Temporary Construction Facilities for batch plant location.)

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

Implications for Project Impact Analysis:

PSI has evaluated the overall elapsed time for a standard ready mix truck to travel from an existing commercial ready mix facility in Blythe to the Project site with allowances for the time required to pass through security, on-road travel and offroad travel within the site and determined that the time exceeds the recommended time between concrete preparation and pour. Thus, PSI has determined that a temporary concrete batch plant will be required onsite for Project construction.

Providing the concrete batch plant onsite does not change the amount of concrete required for Project construction. It merely means that the raw materials (cement, sand, aggregate, etc.), and plant components (storage bins, mixers, etc.) will be delivered to the site rather than having ready mix concrete trucks deliver concrete product from an offsite batch plant location. An onsite batch plant will not disturb land outside the current, surveyed disturbance area boundaries for PSPP.

Air pollutant emissions for the batch plant are estimated using EPA AP-42 emission factors for each individual step in the concrete production process. Emissions are estimated for storage piles (sand, gravel, cement additive), weigh hopper loading, conveyor transfers, silo loading and discharge, and mixer loading. The weigh hopper loading and conveyor transfers for sand and gravel will operate with water sprays for dust emissions control, and both the silo and the mixer loading will operate with baghouse dust controls. Daily emissions are estimated based on a maximum production volume for the batch plant of 150 cubic yards per hours, 10 hours per day, with a total concrete requirement of 125,000 cubic yards per power block.

In addition, the batch plant will require 75-kW of temporary construction power (see **Addition of a Temporary Construction Power Line from Offsite** below) and will require the dedicated operation of one front-end loader. Emissions for the generator, if required, are based on Tier 2 engine emission factors and emissions from the front-end loader are based on the OFFROAD emissions model. Emission estimates for the Batch Plant are shown in Table Air-1. Detailed emission calculations are provided in the spreadsheet titled Batch Plant Emissions provided in Appendix C.

The batch plant emissions were incorporated into the revised ambient air quality modeling that was conducted for the construction phase of the PSPP. Please see the air quality evaluation below under the heading titled **"Revision of Daily Construction Schedule"** below for a discussion of the modeling procedure and results.

Batch plant operations require water and batch plant needs are included in a revised Project construction water volume of 5,750 acre-feet. A separate discussion is provided below of the changes in Project water requirements under the heading **Revision to Construction Water Requirements, Number of Groundwater Wells, and Construction Water Storage Approach**). That section addresses changes to the Chuckwalla Valley Groundwater Basin water balance and cumulative impacts assessment and the potential impact to adjacent water supply wells from increased Project groundwater pumping during construction.

The batch plants, along with the other Project construction activities, would be regulated under Riverside County noise ordinance requirements for construction activities. The County noise ordinance establishes limits for construction activities within ¼ mile of an existing residence. Because batch plant operations would not occur near the boundary of the PSPP site, they also would not occur within ¼ mile of the nearest residence. The County noise ordinance does not limit construction noise levels. Batch plant noise levels would be approximately 90 dBA Leq at 50 feet

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

(depending on design). The batch plant noise levels are somewhat higher than the construction noise levels addressed at the site boundary in the AFC noise analysis. However, the fact that this source would be located away from the boundary of the remote PSPP site allows greater distance for noise attenuation. Project noise impacts would not be substantially different because of the temporary onsite operation of a concrete batch plant.

With respect to hazardous materials issues, batch plant operations will require use of some low toxicity hazardous materials, such as fly ash and/or calcium chloride. However, the impacts of the temporary use of these materials would not substantially affect Project hazardous materials impacts and they would remain less than significant.

From the waste management perspective, batch plant operations will generate minimum amounts of waste concrete (i.e., daily clean out of cement trucks) and bag house or other dust control equipment particulates. The batch plant will recycle materials (e.g., sand, gravel, and water) wherever possible to minimize the volume of waste. Project waste management impacts would remain less than significant.

The onsite batch plant would eliminate the ready mix concrete truck trips associated an offsite batch plant. This would be offset by truck trips delivering concrete making materials to the site. Overall, Project traffic impacts would be unchanged.

Because no additional land disturbance would result from the onsite batch plant, impacts would be unchanged with respect to biological, cultural, and other natural resources.

ADDITION OF EVAPORATION POND(S) TO MANAGE INDUSTRIAL WASTEWATER FLOWS

As previously proposed, reject water from the Project's water treatment system (reverse osmosis [RO]) concentrate would have been used for on-site dust suppression, however, this approach was found to be problematic by the RWQCB because of their designation of the RO concentrate as a waste stream, which effectively eliminates the option of land disposal. Subsequently, PSI decided to abandon this approach. Instead, after first maximizing the amount of recycling of waste streams through use of the High Efficiency Reverse Osmosis (HERO) system for recovery, PSI has decided to use evaporation ponds to manage on-site industrial waste streams. Ongoing Project design development has determined that waste streams such as blowdown from the small wet auxiliary cooling tower and blowdown from the HTF-to-steam heat exchanger may in certain cases not be recoverable in the HERO system and these streams will be sent to the on-site evaporation pond(s).

PSI plans to construct two 4-acre evaporation ponds in each power block. Two ponds were selected for reliability. The plant will utilize one of the two ponds for approximately 24 months, and then switch to the other. When one pond requires maintenance or solids removal, PSPP can still operate with the other pond. The evaporation ponds will be double-lined and will meet all applicable regulatory requirements for surface impoundments and will be covered with narrow-mesh netting to prevent access by ravens and migratory birds.

Implications for Project Impact Analysis:

The proposed evaporation ponds will disturb no additional land surface areas beyond what was previously analyzed. While the residue in the evaporation ponds represent an additional waste

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

stream that will require offsite disposal, the volume and infrequency of such disposal would not change the Project's less-than-significant waste management impacts.

A primary concern with evaporation ponds is potential biological resources implications. Incorporation of evaporation ponds into the Project design potentially could modify Project impacts in two ways, both related to the attraction posed by the ponds to avian species. First, the ponds may attract ravens in numbers beyond those afforded by the normal, arid conditions extant in the Project vicinity. A larger raven population increases the potential for predation of juvenile desert tortoises. The ponds also represent an attractant to other migratory and resident avian species. Chemicals present in the evaporation pond water potentially could be harmful to these species. In addition, measures taken to prevent access to water surfaces may themselves put birds at risk.

Biological resources mitigation planning for the PSPP already includes development of a Raven Management Plan. This Plan will be revised to incorporate measures that will be taken to prevent potential adverse effects to desert tortoises as a result of a subsidized raven population. The Plan will entail exclusion netting designed to prevent access to the water surface by ravens. The Raven Management Plan will also detail the measures taken to preclude access to the water surface by other avian species, and to prevent avian species from being harmed in any way by the exclusion devices.

Evaporation ponds, along with the Project's proposed Land Treatment Unit (LTU) have the potential to impact underlying groundwater and surface water quality. A report of waste discharge (ROWD) has been submitted describing the design, operation, management and detection monitoring program for the LTU. At this time, the evaporation pond design is still under development; a complete description of this Project element, including pond design, construction and maintenance, wastewater process and characterization along with a detection monitoring program will be part of the ROWD application to the Colorado River Basin Regional Water Quality Control Board, which is anticipated in May of 2010.

Construction and operation of the evaporation ponds will not affect the type or quantity of hazardous materials used by the PSPP. The waste streams sent to the evaporation ponds will be the same with or without evaporation ponds. At least a portion of the discharge from the Project's auxiliary cooling towers and boilers will be routed to the evaporation ponds. Blowdown that bypasses the HERO and is discharged to the evaporation ponds will still contain solids and other chemicals (e.g., corrosion inhibitor), which means the blow down will be classified as a designated liquid waste. Solids (suspended and total dissolved solids) will be present and unchanged whether the blowdown is routed completely through the HERO or a portion of the blowdown is routed to the HERO and the evaporation ponds. As mentioned above concerning potential water resources impacts, the operator of an evaporation pond is required to submit a Report of Waste Discharge (ROWD) and obtain Waste Discharge Requirements (WDRs) from the RWQCB. The WDR will describe the design criteria, monitoring and sampling protocol, and other management criteria to minimize a release to the environment. The waste volumes associated with periodic cleanout of the dried evaporation pond residues would not significantly affect available disposal facilities.

Onsite evaporation ponds will not have a substantial effect on the Project's air quality impacts. The process of evaporation ponds construction is expected to have minimal effect on Project construction phase air quality impacts. Earthwork (cut and fill, grading, and compaction), and other activities (e.g., truck trips delivering clay for pond liners) associated with pond construction would slightly change Project construction emissions. Air quality impacts of evaporation pond operation would be minimal.

4

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

REVISION TO CONSTRUCTION WATER REQUIREMENTS, NUMBER OF GROUNDWATER WELLS, AND CONSTRUCTION WATER STORAGE APPROACH

There has been no change in the Project's plan to supply construction and operation phase water to the Project from onsite wells. The anticipated Project construction water demand is now 5,750 acre-feet (average of ~3.4 million gallons per calendar day over the 39-month construction period). This is an increase from the estimate of 1,500 acre-feet included in the PSPP AFC. Expected water usage during Project operation has not changed. The Project (both solar units) will require a total of approximately 300 acre-feet per year (afy).

To supply the needed quantity of water and inconsideration of the proposed change in the construction water volume and based on the uncertainty in well yield due to the limited number of well tests performed to date, PSI proposes to install and operate up to 10 wells on site. The wells will be located within the Power Block and elsewhere within the Solar Field to provide primary and secondary water supply to the Project. This is an increase in the number of on-site wells compared to the number proposed in the AFC.

Water for construction activities including dust control, soil excavation and compaction, equipment flushing, etc., will be stored onsite in temporary tanks. The temporary tanks are envisioned as "Baker Tanks," which are steel fixed axle tanks /vehicles that can be pulled to the site and set at any convenient location. Upon completion of the Project activity, the tanks are removed from the site in the same manner.

Implications for Project Impact Analysis:

The change in proposed construction water supply represents an increase of about 12 times over the previously estimated volume of about 480 acre-feet per year for 39 months, for a total of approximately 1,500 AF over the entire construction period. The impacts from the change were evaluated using the Cumulative Impacts Assessment spreadsheet (AFC Table 5.17-12 (rev 2)) and the numerical groundwater model provided in the data response of March 12, 2010. The cumulative impacts assessment was modified only changing the construction water volume to the proposed 1,917 acre-feet per year over a 3-year period beginning in 2011. The recharge and discharge elements (i.e., mesa "inflow and "outflow") were not changed over the water balance provided in Table Soil and Water-194-2 (rev1) (see March 2010 submittal [not included as no changes were made to table]) under the assumption that the infiltration would be about 5% of precipitation. The forecast shows that the Project during construction will account for about 68% of the total water used by renewable energy projects proposed in the Chuckwalla Valley Groundwater Basin for an approximately three-year period starting in 2011.

The Project's operational water volume is unchanged and accounts for about 1% to 2% of the total renewable water use, and represents about a 3% to 18% increase in total demand in the Chuckwalla Valley Groundwater Basin under an assumption of no change in the base year inflow and outflow estimates. By comparison, the proposed operational volume represents about 2.4% of the estimated recharge. While the cumulative forecast from all the current and future sources results in a short-term net annual deficit, depending on the assumption of aquifer storage, the cumulative decline across the Chuckwalla Valley Groundwater Basin is between about 0.5 and 2 feet. It would be anticipated that the water level decline would be greater in areas of higher water demand. As noted in the AFC, the proposed water use for the Project alone represents about 0.1% of the available water in storage in the Chuckwalla Valley Groundwater Basin. Given its fractional

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

contribution to the total water use, the Project does not represent a cumulatively considerable contribution to the water resource impacts to the Chuckwalla Valley Groundwater Basin.

The groundwater model provided in the Data Response submitted March 12, 2010, was revised to reflect an updated volume of construction water supply for the PSPP. Table Soil and Water 207-1 (rev2), "Pumping Schedule for Numerical Groundwater Modeling", was modified to incorporate the change in the construction water volume over the volume proposed in the AFC. For the numerical simulations, the total water volume (5,750 acre-feet) was applied over a 3-year period as a conservative estimate of the construction water impacts as the Project construction period is proposed at 39 months. No other changes were made in the operational water volume (300 acre-feet per year) or aquifer characteristics, or transmissivity zoning as provided for the Data Response (see Figure DR S&W 207-3, March 2010). While the operational volume was not changed, the full volume of water for construction and operation was segregated and applied through pumping wells at four locations within the Project footprint (Figure Soil and Water-1).

The revision to the construction volume was simulated for both the Project Only and Cumulative Impacts scenarios (Run 7 and Run 15 from prior modeling, March 2010). The model configuration and zonation (i.e., distribution) of transmissivity and storage coefficient were not changed over the configurations provided in March 2010 Data Response (i.e., no changes were made to Figure DR S&W 207-3). Run 7 (Project only) and Run 15 (Cumulative Impacts) were updated only with the change to the construction water volume as shown on Table Soil and Water 207-1 (rev2). The transmissivity distribution was not changed from the distribution to provide a comparative assessment between the previous modeling and the updated version with the change in the construction water volume. As noted previously, the transmissivity distribution was mapped in a conservative sense, in that lower range values were applied over larger areas which would tend to produce a larger cone-of-depression. It is important to emphasize that the numerical modeling is a 2-D simulation and as such the transmissivity values are uniformly applied through the model domain and assumed constant through the vertical extent of saturated sediments. This represents a conservative approach to the analysis of water supply and impacts from the Project, as it presumes through-going uniformity of aquifer characteristics that are not documented in the hydrostratigraphy for the Basin. The Basin shows significant heterogeneity and possibly higher transmissive sediments at depth below the Project and in the central portion of the Basin.

The model results are shown in Table DR-Soil and Water 207-2 (rev2). As can be seen in the results, the maximum drawdown occurs at the end of construction (see Figure Soil and Water-2 and Soil and Water-4). During the operational period, the pumping rate drops and is distributed uniformly in the area of the Power Blocks, as such so does the drawdown. It is also noted that at the end of operation, the drawdown is slightly larger than at the middle of operation due to prolonged pumping (see Table DR-Soil and Water 207-2 (rev2)). The impact to adjacent water supply wells was also assessed using the radius of influence from the construction and operational pumping wells to the 5-foot drawdown and 1-foot drawdown contours. The maximum distance at 1 foot drawdown for the Project occurs at the end of operation for either scenario, though there is no drawdown above 5 feet predicted beyond the Project footprint (see Figure Soil and Water-3 and Soil and Water-5). Additionally, during construction no offsite water supply wells are predicted to be affected by project pumping causing a drawdown of 5 feet or more (Figure Soil and Water-2 and Soil and Water-4). The scenarios modeled reveal that no offsite well is expected to be affected to a drawdown of 5-feet or more by the Project pumping.

In a numerical groundwater flow model, inflows and outflows of the model domain can be obtained using the model flow budget for each simulation. The cumulative difference between the inflows

PALEN SOLAR POWER PROJECT (09-AFC-7) CEC STAFF ASSESSMENT – ENGINEERING CHANGES
Response Date: May 4, 2010

and outflows is the storage change for the aquifer. As can be seen from Table DR-Soil and Water 207-2 (rev2), the largest net storage change occurs at the end of operation for either model scenario. Assuming a total recoverable storage of 15,000,000 acre-ft in the basin (DWR, 1979), the impact of basin storage over the full term of the Project (30 years) is insignificant even for the largest storage change at the end of operation (0.97%).

The numerical modeling files are provided in Appendix Soil and Water-E. which accompanies this submittal.

IDENTIFICATION OF GEN-TIE LINE ROUTE TO THE TWO PROPOSED SCE RED BLUFF SUBSTATION SITE LOCATION OPTIONS

PSI plans to provide a 230-kV transmission line connection to the proposed SCE Red Bluff substation (RBSS). The proposed 230/500-kV RBSS will be constructed, owned, operated, and maintained by SCE. Since there are two RBSS locations currently being considered by SCE, both along the Devers-Palo Verde transmission line corridor, PSI has identified two gen-tie route options that correspond to each of the proposed RBSS locations under consideration by SCE. Both of the RBSS sites are currently under consideration by SCE are located due west of the PSPP site. These two transmission corridor options are shown in Figure Trans-1 and are designated as options RBSS 1 and RBSS 2. The proposed RBSS 1 location is the one nearest to the PSPP site, located approximately three miles west of the PSPP site boundary, and about half a mile south of I-10 along the Devers-Palo Verde 500-kV transmission line corridor. The proposed RBSS 2 site is located farther from PSPP, approximately nine miles west of the PSPP site boundary, and about one mile south of I-10 also along the Devers-Palo Verde 500kV transmission line corridor.

Starting at the PSPP central switchyard metering point located near the northern boundary of the Unit #2 solar field centerline, the proposed PSPP transmission line would run north approximately ¼ mile until it exits the site boundary. At that point it jogs WNW for about a mile, and then runs due west for about a ¼ mile, and then SW for about half a mile. From there it proceeds due west for approximately 2 ½ miles where it reaches a point approximately ¾ mile north of the proposed RBSS 1 site location. The RBSS 2 transmission corridor option would continue to proceed due west from this point. The first option for the proposed transmission line would, therefore, approach RBSS 1 from the east and would tie-in to the 230-kV bus from the northern end of the substation. The alignment of this proposed corridor option would total approximately 5 ¼ miles.

For RBSS 2, the transmission line would continue to proceed due west from the point located ¾ miles directly north of the proposed RBSS 1 site for an additional three miles, where it jogs NW for about ½ mile and then proceeds another 2 ¾ miles to a point approximately one mile directly north of the proposed RBSS 2 site location. Therefore, the transmission line would approach the proposed RBSS 2 substation from the east and then tie-in to the 230-kV bus from the northern end of the substation, as in the RBSS 1 option. The alignment of this proposed route would total approximately 11 ¾ miles.

Either Red Bluff Substation location is expected to occupy a total of approximately 90 acres. Substation components would include an undetermined number of 230-kV and 500-kV lines, 230/500-kV transformer banks, circuit breakers, switchgear, and a microwave tower. A road would be included to provide vehicular access to the substation. The location and length of this road would be contingent upon the final location chosen for the RBSS. Land disturbance would be limited to the actual structure locations, construction staging areas, and access road. The RBSS will

7:

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

be provided with a perimeter security wall, a minimum of eight feet in height, topped with a minimum of three strands of barbed wire.

Implications for Project Impact Analysis:

Selection of either of these routes between the PSPP plant site and the Red Bluff Substation will not substantially modify previous analyses with respect to air quality or water resources. Previous analyses in these disciplines have included a gen-tie line between PSPP and the RBSS and the differences between the selected route and the routes previously evaluated do not substantially change air emissions or water supply needs. The final selection of RBSS is expected to be identified in Desert Sunlight's DEIS this spring. PSI prefers the eastern option for RBSS due to its closer proximity to the project site and resulting lower cumulative environmental impacts for transmission lines in the area.

With respect to biological resources, portions of the gen-tie line outside the PSPP plant site were located outside the areas surveyed for biological resources in 2009. Full protocol-level biological surveys for these additional areas are currently underway for both of the proposed RBSS transmission line corridor options. It is anticipated that transmission line pole locations and access road construction will result in modest increases in impacts to Sonoran Creosote Bush Scrub and Desert Dry Wash Woodland vegetation. The current surveys will ensure a level of biological resource data that matches that derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. In addition, any necessary additional mitigation provisions will be calculated.

With respect to cultural resources, portions of the gen-tie line outside the PSPP plant site are outside the area surveyed for cultural resources in 2009. Cultural resource surveys for these additional areas are currently underway in order to ensure a level of cultural resource data matching that derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. The resources encountered will be incorporated into Project cultural resources evaluation and treatment programs.

With respect to transmission line safety and nuisance impacts, the electromagnetic field (EMF) is a function of the physical configuration of the transmission line and the voltage and current levels. An EMF study was prepared for a line voltage of 230-kV. No significant transmission line-related impacts were identified as a result of the Project studies and, as such, no additional mitigation is required. The double circuit PSPP transmission lines will operate at 230-kV and will have a conductor surface electric field strength significantly below 15 kV per centimeter because of the large ("Bluebird") conductor chosen for the project. Radio frequency interference and audible noise levels are not expected to be a concern during operation of the line.

CHANGES TO POWER BLOCK LAYOUT

Minor refinements have been made to the power block layouts for each of the two plants to be constructed at PSPP. Generally, these updates include a slightly enlarged ACC for improved STG performance in hot weather; adding new, lower capacity water tanks that have a smaller diameter but are slightly taller than described in the AFC; and relocation and expansion of the water treatment area, which has been shifted to make room for the center header. In addition, the entire power block is reversed north to south from the orientation presented in the AFC.

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

These changes are reflected in attached drawing 2008-045E-PP-001-ALT, Plot Plan Air Cooled Condenser Option (Power Block Layout_ RevE.pdf) for a revised plot plan and power block layout.

Implications for Project Impact Analysis:

The proposed layout changes do not involve disturbance of any previously undisturbed ground surface areas. Thus, they would have no implications for existing analyses related to biological, cultural, or other natural resources. The changes would not substantially affect water use during construction or operation; The relatively minor changes to the sizes and layout of facilities within the PSPP site will not substantially change the existing visual resources impact analysis. Relatively small changes to power block facilities in the interior of the roughly 3,000-acre plant site will be virtually unnoticeable from offsite locations.

The following paragraphs address the air quality implications of several proposed minor changes to the Project's emission sources, source locations, and modeling requirements, including:

- Reconfiguration of the power blocks;
- Increase in hours of operation of the cooling tower;
- Correction to the number of mirror wash events used in the air quality impacts analysis;
- Change to the maintenance vehicle travel within the solar field;
- Elimination of the vehicle travel associated with the use of RO concentrate for dust suppression; and
- Modeling to assess EPA's new 1-hour NO₂ standard (effective date April 12, 2010).

The reconfiguration of the power block by itself would be expected to have a negligible impact to the air quality impacts analysis. Moving an emission source relative to the fence line or other receptors would be expected to change the modeling results at any specific receptor; however, given the distance from the power block to the fence line, any changes in equipment location within the power block would have a negligible impact to a receptor at or beyond the fence line more than 1,000 meters away.

PSI has determined that the wet cooling tower used for heat rejection of the lube oil and generator cooling loops will have to operate 24 hours per day rather than 16 hours per day as was stated in the AFC. PSI expects that the cooling tower will not operate at full capacity during the additional 8 hours per day; however, emissions are estimated based on full load operation. The revised cooling tower emissions are shown in Table Air-2. The ambient air quality modeling analysis has been revised based on the emission increase. Modeling results are discussed and presented below.

The AFC and subsequent Data Request responses contain inconsistent information regarding the frequency of mirror washing; the AFC Project Description stated once per week during the winter months and twice per week during the summer months and the AFC air quality analysis was based on washing once per month during the winter and twice per month during the summer. PSI has confirmed that the AFC Project Description more accurately reflects the anticipated wash schedule. The emission estimates for mirror washing have been revised to reflect the more frequent wash schedule; the emission estimates are shown in Table Air-3. The modeling results have also been revised based on the correct wash schedule; modeling results are discussed and presented below.

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

PSI has developed a more comprehensive understanding of the maintenance inspection requirements for the solar field and has revised the maintenance vehicle mileage and corresponding emission estimates accordingly. Simply put, the maintenance inspection vehicles would travel perpendicular to the solar troughs and piping in the vicinity of the connectors rather than parallel to the troughs and piping. In this way, the travel distance for inspections and corresponding vehicle emissions are reduced substantially compared to initial estimates; the emission estimates are also shown in Table Air-3.

As noted elsewhere, PSI no longer proposes to use RO concentrate for dust suppression and instead will direct this wastewater stream to the evaporation ponds for disposal. Consequently, water truck use for dust suppression activities will not be required, and the emissions associated with water truck use would not occur. The maintenance vehicle emission estimates shown in Table Air-3 have been revised to eliminate the emissions associated with water truck use, and the ambient air quality modeling results have been revised based on this Project change; modeling results are discussed and presented below.

Finally, EPA has adopted a new ambient air quality standard for a one-hour averaging period for NO₂, effective April 12, 2010. The Applicant has prepared a modeling analysis for the 1-hour NO₂ standard to demonstrate compliance with this requirement.

The worst-case normal operations emissions of the Project ancillary sources were modeled along with vehicular emissions from the solar field maintenance vehicles. The emission rates used in the modeling were adjusted from those presented in the AFC and subsequent Data Request responses as discussed above. As was established in the modeling submitted as part of Attachment DR-AIR-5 to the Data Request responses in January 2010, there are no emissions sources within six miles of the PSPP site that emit more than five tons per year of any criteria pollutant. As a result, no modeling was performed of non-project sources beyond the addition of ambient background concentrations. The maximum modeled concentrations for Project emissions are summed with ambient background concentrations for comparison to the CAAQS/NAAQS in Table Air-4.

As shown in Table Air-4, the total concentrations comprised of maximum modeled impacts plus ambient background concentrations are below the CAAQS/NAAQS for all pollutants with the exception of the 24-hour PM10 CAAQS and NAAQS, and the annual PM10 CAAQS.

For the PM10 impacts, the ambient background already exceeds the standards and Project contributions are relatively small (28 percent and nine percent of the 24-hour and annual PM10 CAAQS, respectively). Note that identifying appropriate background data for use in this analysis is difficult because while the Project site is in a part of Riverside County designated as attainment for PM10, the available background data are from monitoring stations that are located to the west in parts of Riverside County or other counties that are designated non-attainment for PM10. Additionally, the closest monitors are located in urban/industrial / agricultural areas which are unlikely to represent background pollutant concentrations in the Project area which is undeveloped desert.

A discussion of the modeling methodology and the modeling results are provided in the Modeling report provided as Appendix A to this submittal. An archive of the modeling file is provided as Appendix B to this submittal.

ADDITION OF A TEMPORARY CONSTRUCTION POWER LINE FROM OFFSITE

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

Construction power will be provided to the site from Southern California Edison. Two alternative sources of construction power are being investigated: a feed from the existing 12.47-kV distribution line that feeds the microwave tower located southwest of the Corn Springs Road interchange (see Figure Palen Telecom and Power Routing 2), and a new 12.47 kV transmission line routed down the project transmission line right-of-way from Desert Center Rice Road. If the 12.47-kV distribution line located near the microwave tower South of I10 is the selected source, then the line will be extended under I-10 and routed into the PSPP site along the site access road. The Project will include construction of a 12.47-kV internal distribution system and step down transformers to provide power as needed to construction operations.

Implications for Project Impact Analysis:

Using temporary line power rather than portable generators lowers Project air quality impacts during construction. Emissions from power line construction would minimally increase emissions. However, installation of the temporary power lines would reduce the need for portable diesel-fueled generators and thus reduce NOx, SOx, VOC, CO and PM10 emissions during the construction period compared to the Project as described in the AFC. Lower air quality impacts are anticipated as a consequence of this Project change.

With respect to biological resources, the temporary construction power line corridor is outside the area surveyed for biological resources in 2009. Full protocol-level biological surveys of the proposed alignments are currently underway. Potential biological impacts are expected to be minimal as this improvement consists of the blading and paving of an existing dirt road segment, approximately one mile in length, and the temporary installation of wooden poles. The current biological surveys will ensure a level of biological resource data that matches the data derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. In addition, any necessary additional mitigation provisions will be calculated.

With respect to cultural resources, the temporary construction power line corridor is outside the area surveyed for cultural resources in 2009. Cultural resource surveys for these additional areas are currently underway. These surveys will ensure a level of cultural resource data that matches the data derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. The resources encountered will be incorporated into the Project's cultural resources evaluation and treatment programs.

RELOCATION OF THE EXISTING SCE 161-KV POWER LINE

There is an existing Southern California Edison (SCE) 161-kV Eagle Mountain-Blythe power line which runs in a northwesterly direction across the southwest portion of the PSPP site. PSI is working with SCE to relocate the SCE line within the BLM ROW. Figure T-Line 1, Palen 161-kV T-Line Relocation, provides an overview of the proposed relocation. The transmission line relocation is part of ongoing Project activities. The AFC identified this relocation as part of the proposed PSPP project. PSI is now making a slight alternation to the route of the relocated line to accommodate one 90-degree turn outside the fenceline rather than two 135-degree turns. This change was recently requested by Southern California Edison.

SCE will be required to remove approximately 6,200 feet of existing conductor, seven 65-foot

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**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

H-frame structures, one 65-foot three pole structure, and associated hardware and guying. The relocated power line will require SCE to install approximately 18 65-foot H-frame structures, three 65-foot three pole structures, approximately 8,000 feet of conductor, and associated hardware and guying. Because of the relatively limited size of the project, the temporary equipment and material staging area would be limited to 20 acres. An unimproved spur road would be required to access the relocated transmission line segments and structure locations.

New structure locations would first be graded and/or cleared of vegetation to provide a level and vegetation-free surface for footing and structure construction. Site preparation would also be required for the assembly of the structures to provide a level and vegetation-free area for the laydown, assembly, and erection of the structures. This laydown area would be approximately 150 feet by 75 feet (0.26 acre).

Implications for Project Impact Analysis:

Relocation of the Eagle Mountain-Blythe 161-kV line will not substantially impact air quality or water resources. Emissions associated with installation of power poles would represent a minimal increase in construction emissions and water consumption. The primary areas of concern with respect to the final gen-tie line route are biological and cultural resources because the selected route includes areas not previously surveyed for biological and cultural resources. The impacts to water resources are expected to be minimal given the relatively short run and limited soil compaction required to install the spur road, laydown area, and pole structures.

With respect to biological resources, portions of the 7,900-foot corridor proposed for the relocated line are outside the area surveyed for biological resources in 2009. Full protocol-level biological surveys for these additional areas are currently underway. It is anticipated that transmission line pole locations and access road construction will result in modest increases in impacts to Sonoran Creosote Bush Scrub and Desert Dry Wash Woodland vegetation. The current surveys will ensure a level of biological resource data matching that derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. In addition, any necessary additional mitigation provisions will be calculated.

With respect to cultural resources, portions of the 7,900-foot corridor are outside the area surveyed for cultural resources in 2009. Cultural resource surveys for these additional areas are currently underway in order to ensure a level of cultural resource data matching that derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. The resources encountered will be incorporated into Project cultural resources evaluation and treatment programs.

REFINEMENT OF THE DAILY CONSTRUCTION SCHEDULE

Based on refinements to the Project construction plan, PSI has determined that certain construction activities would have to be conducted at night in order to meet the Project schedule. For instance, it has been determined that concrete pours should be conducted at night; the high ambient temperatures during the daytime hours would jeopardize the quality of the concrete, as concrete cannot be poured if it is too hot.

PSI also believes that solar collector assembly work would have to be conducted 24 hours per day to meet the construction schedule. In addition, to provide a more comfortable work environment,

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

PSI would like to allow for certain other low-noise construction activities to be conducted at night, including pulling wire and welding. These activities would require operation of the concrete batch plant, generators, light plants, welders, forklifts, possibly small cranes, and miscellaneous other equipment.

Implications for Project Impact Analysis:

The resource areas potentially affected by the requested change in daily work schedule are primarily noise and air quality. Noise impacts potentially could be different because the additional work hours would occur outside normal work hours and include nighttime hours where ambient noise levels are lower than during the day. Also, the impacts of Project emissions on ambient air quality are affected by meteorological conditions. There are calm atmospheric conditions during non-daylight hours including the hours around dawn and dusk that must be taken into account when analyzing the impacts of construction activities in those times of the day.

With respect to noise impacts, PSI is willing to accept a limitation on construction activities outside the already proposed work hours that is consistent with the intent of Riverside County Noise Ordinance. This ordinance prohibits construction activities outside of specified hours within 1/4 mile of an existing residence, and PSI has recommended modification of a Condition of Certification NOISE-6 to make this limitation explicit.

In the AFC and subsequent responses to Staff Data Requests, PSI had proposed to limit construction activities to eight hours per day during the winter months and 10 hours per day during the summer months. Under the original plan, only limited construction activities would occur at night, or during the early morning or late afternoon hours when stable atmospheric conditions prevail. PSI provided ambient air quality modeling to demonstrate that under these circumstances, Project construction would not cause adverse air quality impacts.

Based on a review of the modeling results, the Applicant determined that the majority of the modeled impacts from construction activities were due to the heavy earthwork that would occur near the Project fence line. To evaluate the potential impact of the limited nighttime operations, we have assumed that no earthwork would occur outside of the daytime schedule previously evaluated, and thus emissions from graders, scrapers and dump trucks would not occur. All other construction equipment is assumed to be operational. The emissions from the non-earthwork equipment were evaluated using the modeling approach and methods described in the AFC and DR responses.

The results of the revised construction modeling are shown in Table Air-5. As shown in the table, all impacts, when added to the appropriate ambient backgrounds, are below their respective NAAQS/CAAQS with the exception of 24-hour and annual PM10, and 1-hour NO₂.

In the case of annual PM10 impacts, the maximum modeled annual mean for PM10 exceed the CAAQS when background concentrations are added because the PM10 air quality monitoring station data used for this Project show that the annual PM10 CAAQS is already exceeded in the area where the data were collected. Annual PM10 Project impacts represent only 17.7 percent of the CAAQS for annual PM10 and only 10.4 percent of the total impact to the annual PM10 concentrations when the worst-case background is considered.

For 24-hour PM10, the air quality monitoring station data used for this Project also shows that the CAAQS are already exceeded in the area where the data were collected. Project impacts by themselves are below the NAAQS and exceed the CAAQS on only one 24-hour period out of the

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

1,095 days modeled. In that instance, the CAAQS is exceeded at 4 receptors with a maximum concentration of 51.88 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) compared to the CAAQS of $50 \mu\text{g}/\text{m}^3$. The four receptors are directly along the fence line to the north of the construction sources and within the PSPP right-of-way (ROW), with the diffuser area blocking public access to that fence line. Along with the very conservative nature of the modeling, the remoteness of the location and the extreme unlikelihood that the public would be at that location for any amount of time, the PM10 impacts are not expected to pose a risk to public health.

For 1-hour NO_2 , a total of 907 hours, or 3.4 percent of the 26,304 hours modeled, indicated impacts which, when added to the maximum ambient background concentration over the most recent three years of available data, exceeded the 1-hour NO_2 CAAQS. As an additional refinement, time-matched background data was added to each modeled impact, and the sum compared to the 1-hour NO_2 CAAQS. The results of those added values are shown in Table Air-5. Of the 907 hours that were examined, it was found that only five hours out of the three-years modeled (less than one percent), when added to their time matched ambient background, would exceed the CAAQS, with a maximum total concentration of $397 \mu\text{g}/\text{m}^3$. These impacts occurred on or within 200 meters of the fence line directly to the north of the solar array installation sources after dark. Again, because of the remoteness of the location, the fact that the impacts that exceed the CAAQS occur at night, and the inherently conservative nature of the modeling, the NO_2 impacts are not expected to pose a risk to public health.

Note that identifying appropriate background data for use in this analysis is difficult because while the Project site is in a part of Riverside County designated as attainment for PM10, the available background data are from monitoring stations that are located to the west in parts of Riverside County or other counties that are designated non-attainment for PM10. Additionally, the closest monitors are located in urban / industrial / agricultural areas which are unlikely to represent background pollutant concentrations in the Project area which is undeveloped desert.

Because these results represent the worst-case location for the modeled sources, the limited number of hours (less than one percent of the hours modeled) in which exceedances occur, the limited duration of the construction causing these impacts, the fact that what exceedances do occur do so within the Project ROW, and the likelihood that the background concentrations used in the analysis exceed the actual background levels in the Project area, the adverse impact to the public from construction activities within the constraints outlined in this discussion is expected to be minimal.

FINALIZATION OF THE TELECOMMUNICATIONS LINE

The Project will obtain telecommunications service from the telecommunications service provider that serves the Desert Center area. Voice and data communications would be provided by a new twisted pair telecommunications cable. The routing of this cable will exit the Project site in the right-of-way for the site access road, cross under I-10 west of the Corn Springs Road interchange and proceed to the microwave repeating tower located approximately 700 feet south of the freeway (see Figure Palen Telecom and Power Routing 2). At the microwave tower additional equipment will be installed to connect project communications with the telecom provider's network. Wireless telecom equipment will be used to support communication with Staff dispersed throughout the project site. The project would utilize electronic telemetry systems to control equipment and facilities operations for the site.

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

Implications for Project Impact Analysis:

The addition of new telecommunications equipment to the PSPP would not substantially change project impacts in any of the topical areas addressed in the AFC. The installation of this line is not expected to have an adverse impact to air quality resources because the construction requirements do not differ significantly from the construction plan and associated emissions presented in the AFC, and there are no operating emissions associated with this equipment.

With respect to biological resources, the telecommunications line corridor is outside the area surveyed for biological resources in 2009. Full protocol-level biological surveys of the proposed alignments are currently underway. Potential biological impacts are expected to be minimal as this improvement consists of trenching and burying the lines in the drainage ditch under the freeway approximately 30 inches deep while taking adequate steps to avoid erosion. The current biological surveys will ensure a level of biological resource data that matches the data derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. In addition, any necessary additional mitigation provisions will be calculated.

With respect to cultural resources, the telecommunications line corridor is outside the area surveyed for cultural resources in 2009. Cultural resource surveys for these additional areas are currently underway. These surveys will ensure a level of cultural resource data that matches the data derived from the 2009 surveys. Upon completion of these surveys, the results and the related impact analyses will be forwarded to the CEC and other reviewing agencies. The resources encountered will be incorporated into evaluation and treatment programs.

REVISED LIST OF WATER TREATMENT CHEMICALS

Additional water treatment chemicals will be required for the boiler, RO system, clarifier, multimedia filters, and cooling towers. These additional water treatment chemicals (beyond what has already been provided in AFC Table 5.6-3) include soda ash, lime, sodium hypochlorite, coagulant, magnesium chloride, polymer, anti-scalant, sodium bisulfate, corrosion inhibitor, dispersant, sodium hydroxide, scale inhibitor, biodispersant, phosphate, amine, and hydrazine. Currently, detailed engineering changes to the water treatment process are being prepared, and we expect the revised Table 5.6.3 showing all additional process chemicals including quantities, hazardous material and CAS #s, relative toxicity and hazard class, RQ, PEL, storage description and capacity, and storage practices/special handling precautions, etc. will be provided to the CEC.

Implications for Project Impact Analysis:

Listed additional hazardous materials are typical water treatment chemicals; however, hazardous materials, such as sodium hydroxide, in sufficient concentration and quantity may trigger risk management plan or California Accidental Release Prevention requirements. All hazardous materials storage or process vessels will be designed in conformance with applicable American Society of Mechanical Engineers codes. Bulk storage tanks or totes will have secondary containment structures capable of holding the tank or tote volume plus an allowance for precipitation. Concrete containment structures will be coated with a chemical resistant coating to ensure long-term integrity of the containment structure.

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

As with all other aspects of the PSPP, appropriate safety programs will be developed to address hazardous materials storage and use, emergency response procedures, employee training requirements, hazard recognition, fire safety, first aid/emergency medical procedures, hazardous materials release containment/control procedures, hazard communications training, Personal Protective Equipment training, and release reporting requirements. In short, the additional chemicals on site would not affect Project impacts.

ADDITION OF AN ON-SITE FUEL DEPOT DURING CONSTRUCTION

A fuel depot will be constructed to refuel, maintain, and wash construction vehicles. It will occupy an area of approximately 75 feet x 150 feet and will consist of a fuel farm with two 2000-gallon on-road vehicle diesel tanks, two 8,000-gallon off-road vehicle diesel tanks, one 500-gallon gasoline tank, and a wash water holding tank. Each diesel tank would be subdivided into two compartments, an 8,000-gallon compartment for off-road diesel fuel and a 2,000-gallon compartment for on-road diesel fuel. The fuel farm will include secondary spill containment; a covered maintenance area, also with secondary containment; and a concrete pad for washing vehicles. (Please see the attached Figure Depot-1, Fuel Depot Layout for a generalized layout of the proposed fuel depot.)

Implications for Project Impact Analysis:

The gasoline storage tank is subject to air permit requirements under SCAQMD rules; the diesel tanks are exempt from permit requirements in the SCAQMD pursuant to Rule 219(E)(14)(c).

The emissions from the two 10,000-gallon diesel storage tanks and the 500-gallon gasoline storage tank proposed for PSPP were calculated using EPA's TANKS 4.09D tank emission estimation program and the maximum annual fuel usage during the construction and operational phases of the project. The maximum annual fuel usage was calculated from the CO₂ emissions derived from the OFFROAD2007 and EMFAC2007 models for each equipment and vehicle type used during the construction of the project. The CO₂ emissions were divided by the ARB's default CO₂ emission factor, which is based on the carbon content of the fuel, to estimate the fuel consumption. This method was selected to calculate fuel usage because the OFFROAD2007 model incorporates fuel economy and average load rates into the emission factors, so additional adjustments are not required. To prevent the underestimation of annual emissions, it was assumed that the maximum monthly fuel usage for the construction of the project would occur every month. The maximum annual gasoline and diesel usage from the operation of PSPP was taken from the GHG emissions calculations submitted in the DR responses, using the same method as described for construction. Note that this method would overestimate the fuel throughput and corresponding tank emissions during both construction and operations because some of the equipment is expected to be refueled offsite. Fuel Depot emissions are summarized in Table Air-6. The VOC emissions from these tanks are not expected to cause or contribute to a significant adverse air quality impact.

As noted in the PSPP AFC (page 5.6-12), diesel fuel is the hazardous material with the greatest potential for environmental consequences during Project construction due to the volume of diesel fuel that will be used in construction equipment and the frequent refueling that will be required). When refueling is needed, vehicles will enter a dedicated refueling area where secondary containment is present to minimize the impact to the environment. A dedicated location increases the ability to effectively manage spills, leaks, storage, handling, loading/unloading, and other activities associated with vehicle fueling. Any fuel spilled will be contained and promptly cleaned up

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

with no contaminated soil generated. If anything, this Project change is expected to decrease the potential for environmental impacts associated with refueling spills.

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: May 4, 2010

**Figures and
Tables**

**PALEN SOLAR POWER PROJECT (09-AFC-7)
CEC STAFF ASSESSMENT – ENGINEERING CHANGES**

Response Date: April 2010

TABLE OF CONTENTS

Figures

Temporary Construction Facilities

Soil and Water Figure 1 Pumping Well Locations

Soil and Water Figure 2 Project Only Revised Construction Water Supply

Soil and Water Figure 3 Project Only Revised Operational Water Supply – End of 30 Years

Soil and Water Figure 4 Cumulative Impacts Revised Construction Water Supply – End of Palen Construction

Soil and Water Figure 5 Cumulative Impacts Revised Operational Water Supply – End of 30 Years

Figure Trans-1 Proposed Palen Transmission Line Routings

Figure Plot Plan Air Cooled Condenser Option

Figure Palen Telecom and Power Routing 2

Figure T-Line 1 Palen 161-kV T-Line Relocation

Figure Depot-1 Fuel Depot Layout

Tables

Table Air 1 Concrete Batch Plant Emissions

AFC Table 5.17-12 (Rev2) Cumulative Water Budget

Table S&W-207-1 (Rev 2) Pumping Schedule for Cumulative Water Budget Assessment

Table DR-S&W-207-2 (Rev 2) Results from Predictive Simulations

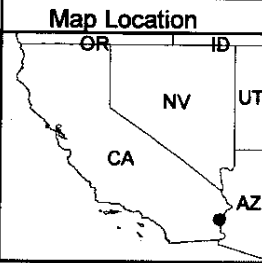
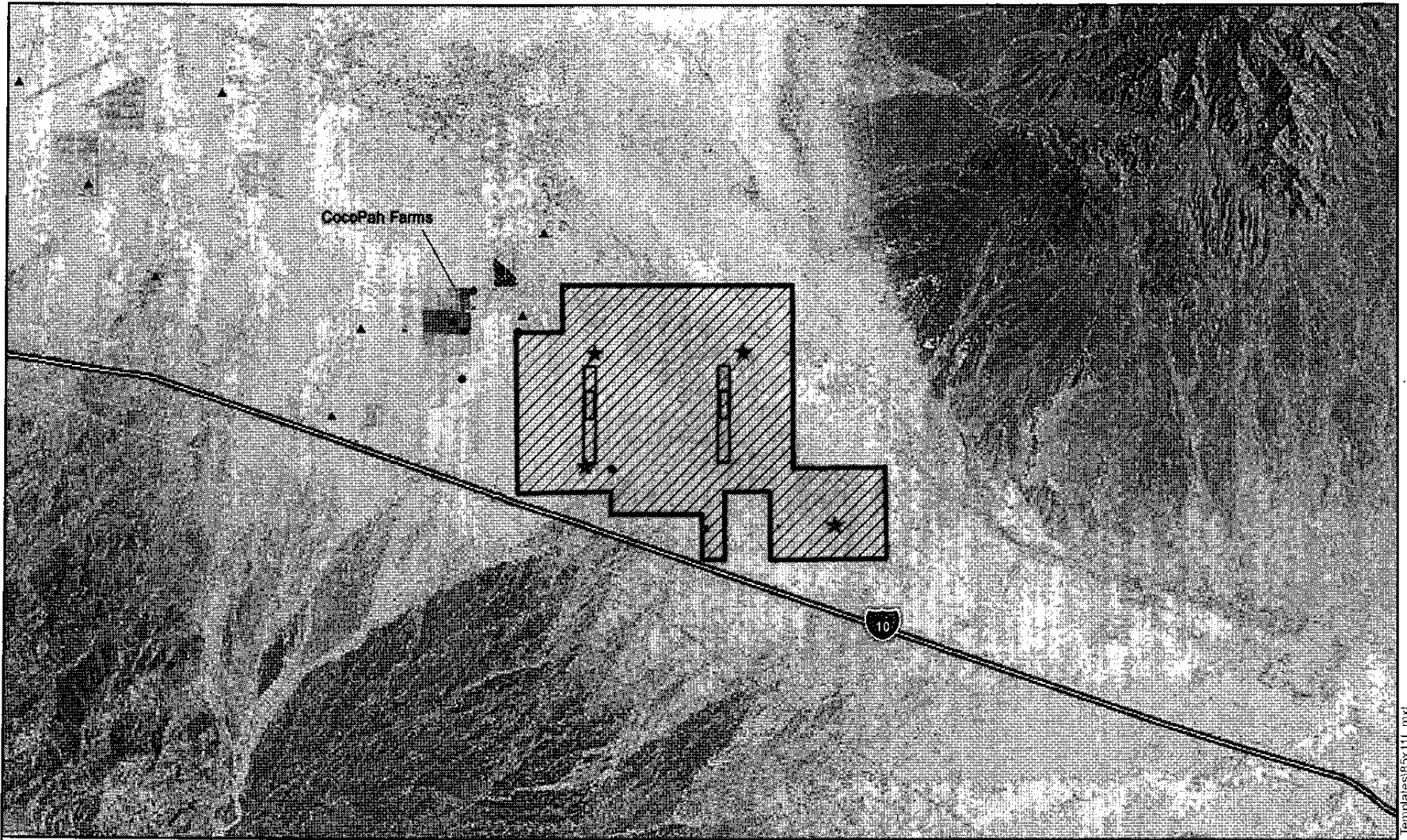
Table Air-2 Revised Emissions for One Cooling Tower Unit

Table Air-3 Revised Motor Vehicle Combustion Criteria Pollutant Emissions for the Project

Table Air-4: CAAQS/NAAQS Modeling Impacts for Normal Operations

Table Air-5: NAAQS/CAAQS Analysis for Project Construction

Table Air-6 Fuel Depot VOC Emissions



- Legend**
- Project Right-of-Way
 - Groundwater Well Location based on Latitude and Longitude in USGS Database
 - Groundwater Well Location based on the State Well Number (approximate)
 - Location of Pumping Well Used in the Model

Data Sources:
 Air Photo, NAIP 2005
 Basemap, (Roads, streams, cities), ESRI

0 6,000 12,000
 1 inch = 8,000 feet Feet

Palen Solar Power Project

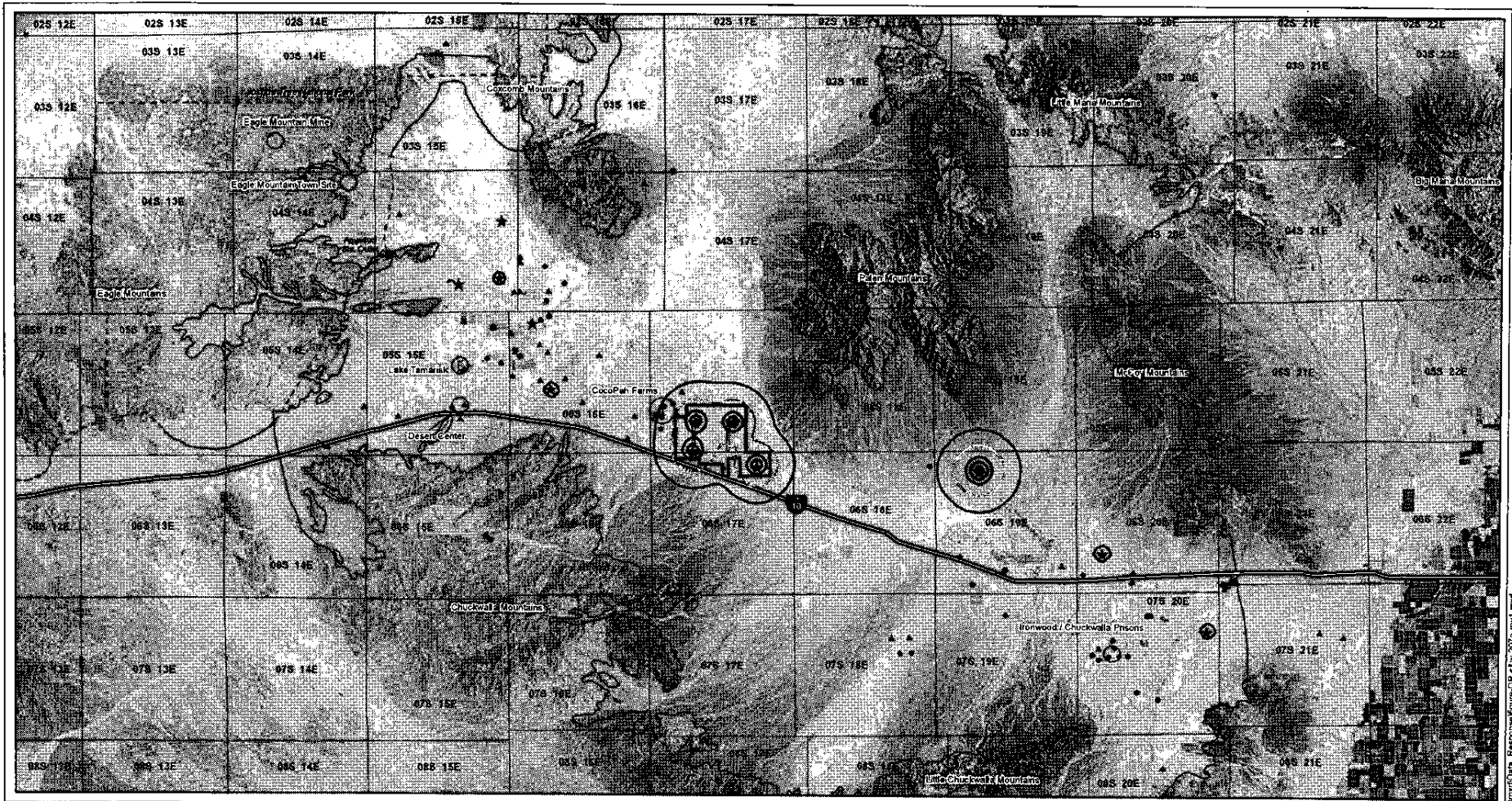
**Figure Soil and Water-1
 Pumping Well Locations**

Palen Solar I, LLC

AECOM

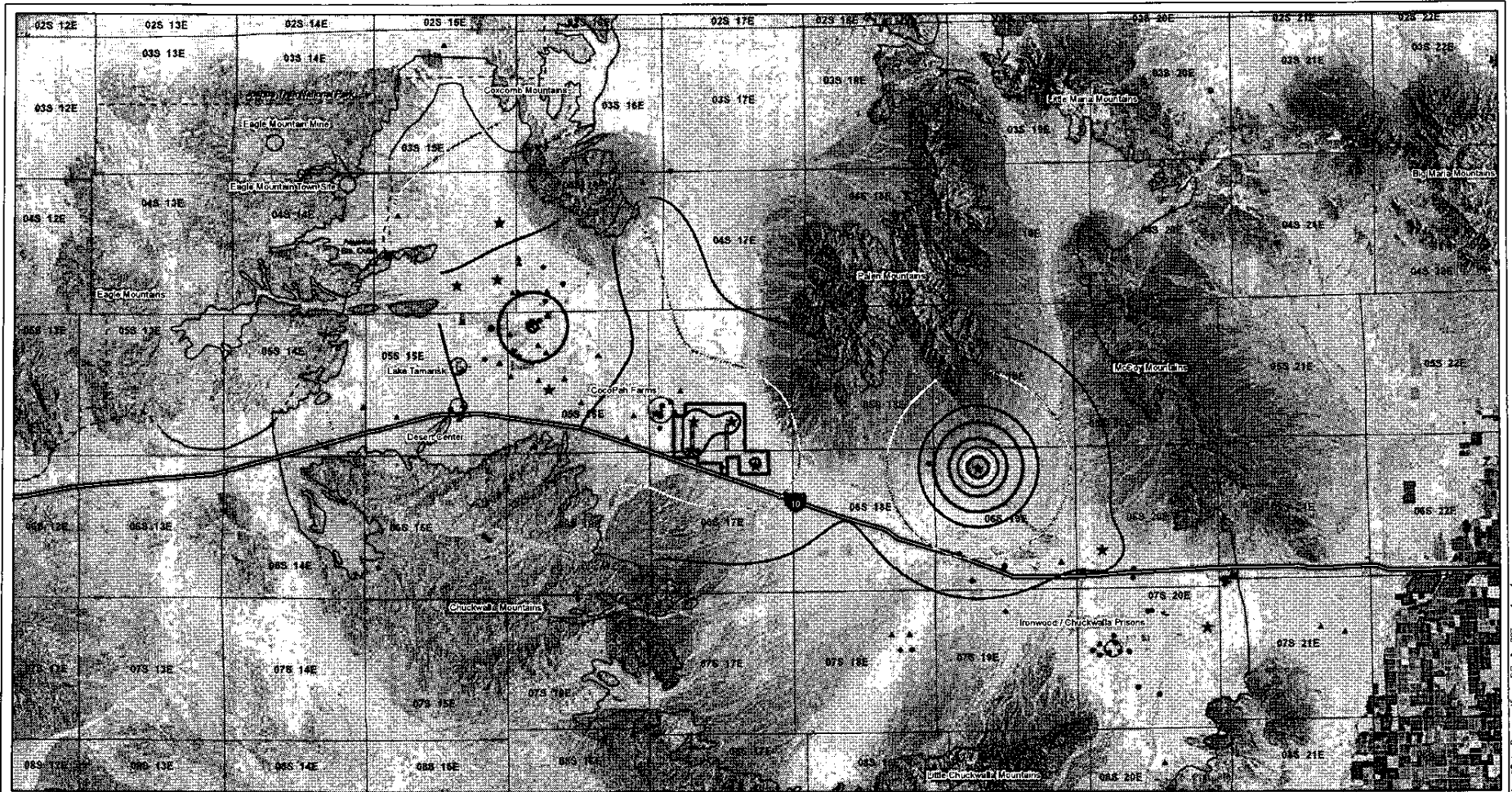
Project: 60139694
 Date: April 2010

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<p>Map Location</p>	<p>Legend</p> <ul style="list-style-type: none"> Project Right-of-Way Colorado River Aqueduct Colorado River Aqueduct (Dash showing underground interval) Chuckwalla Valley Groundwater Basin Boundary Freeway Geographic/Cultural Area of Interest Groundwater Well Location based on Latitude and Longitude in USGS Database Groundwater Well Location based on the State Well Number (approximate) Location of Pumping Well Used in the Model 	<p>Model Predicted Drawdown, Negative Indicates Reduction In Water Level in Feet</p> <ul style="list-style-type: none"> -0.1 -1 -5 -10 -20 -30 	<p>Data Sources: Air Photo, California Spatial Information Library, NAIP, 2005 Riverside County Water Basins, Department of Water Resources Website groundwater basin map file B116v3NAD27UTM10.zip</p>	<p>1 inch = 21,120 feet</p>	<p>Palen Solar Power Project Figure Soil and Water-4 Cumulative Impacts Revised Construction Water Supply End of Palen Construction</p>	<p>Palen Solar I, LLC Project: 60139694 Date: April 2010</p>
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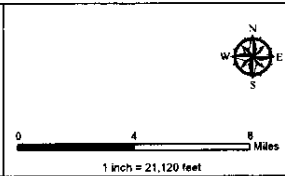
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- Legend**
- Project Right-of-Way
 - Colorado River Aqueduct
 - Colorado River Aqueduct (Dash showing underground interval)
 - Chuckwalla Valley Groundwater Basin Boundary
 - Freeway
 - Geographical/Cultural Area of Interest
 - Groundwater Well
Location based on Latitude and Longitude in USGS Database
 - Groundwater Well
Location based on the State Well Number (approximate)
 - Location of Pumping Well Used in the Model

- Model Predicted Drawdown, Negative Indicates Reduction in Water Level in Feet**
- 0.1
 - 1
 - 5
 - 10
 - 20
 - 30
 - 40
 - 50
 - 100

Data Sources:
 Air Photo, California Spatial Information Library, NAIP, 2005 Riverside County
 Water Basins, Department of Water Resources Website groundwater basin map file B118v3NAD27UTM10.2ip



<p>Palen Solar Power Project</p> <p>Figure Soil and Water-5 Cumulative Impacts Revised Operational Water Supply End of 30 Years</p>	<p>Palen Solar I, LLC</p>
	<p>AECOM</p> <p>Project: 60139694 Date: April 2010</p>

J:\GIS\Projects\504\MapArea\PalenSolar\Drawings\Report\504-4-24-10-01.mxd

Attachment E

First-In-Line Solar Applications

12/21/2009

Page 1

Field Office	Serial Number	Project #	Applicant	Date Application Received	Acres	Megawatts (Mw)	Planned Technology	Geographic Area	Status of Application
EI Centro	CACA 47740	AA01	Stirling Energy Systems, Inc. (SES) Solar Two LLC	1/6/05	6,017	750	Solar: pending solar thermal	Imperial County T16S Rgs. 10 and 11E	Joint EIS/IER with CEC as CEQA lead. AFC filed with CEC June 30, 2008. AFC/POD determined adequate under minimal criteria. NOI published 10/17/2008. NOA for DEIS be Targeted for 12/18/09
Palm Springs	CACA 48649	B249	First Solar (Desert Sunlight)	11/7/06	14,905	550	Solar: pending photovoltaic	Desert Center Area	Received cost recovery funds. Received POD. POD to be sent to NFO Contractors. Completing aerial topo mapping; initiating bio, cult surveys.
Needles	CACA 48668	B240	Solar Partners Ivanpah SEGS (DPT Ivanpah LLC)	11/17/06	6,873	400	Solar: pending solar thermal	Ivanpah, S of the CA/NV line T16N/R14E, T17N/R14E	Admin DEIS/FSA waiting on a few final chapters. Cumulative Impacts, Introduction, Biology and Air Quality. All other chapters reviewed by BLM and CEC. Estimate publication of NOA for DEIS/FSA 10/30/09.
Needles	CACA 48669	B238	First Solar Stateline (formerly OptiSolar, Inc.)	12/14/06	4,168	380	Solar: pending photovoltaic	Ivanpah Valley T17N/R14E	Modified application filed 8/7/09.
Palm Springs	CACA 48728	B251	NextEra Energy (FPL) - Genesis McCoy	1/31/07	20,608	250	Solar: pending solar thermal	Blythe Area, Eastern Riverside County	Received cost recovery funds. Received POD. ROW in process for monitoring, water well drilling.
Barstow	CACA 48741	B291	Solar Investments VI LLC (G-S)	1/18/07	8,384	800	Solar: pending solar thermal	(Baker) T. 14N., R.8E.	Application complete. POD revision rec. 01/09. Issue w/WWcorridor.

K-255

Comment Letter 6

First-In-Line Solar Applications

12/21/2009

Page 2

Barstow	CACA 48742		Solar Investments, Inc. (G-S)	1/18/07	10,611	1,000	Solar: pending solar thermal	(Silurian Valley) T16N, R8E	Application complete. original POD rec. but due to change in technology- PV is needed. New POD pending.
Palm Springs	CACA 48808	B248	Chuckwalla Solar LLC	9/15/06	4,099	200	Solar: pending photovoltaic	Desert Center area I	Received cost recovery funds. NOI being sent out (for publication) in Federal Register 11/9/07
Palm Springs	CACA 48810	B260	Solar Millennium (Chevron Energy Solutions Co. #2)	3/14/07	3,117	484	Solar: pending solar thermal	(Palen) Desert Center area in Eastern RIVCO	Sent, Revised Financial Plan and Request for Additional Cost Reimbursement Funds 10/19/2009
Palm Springs	CACA 48811	B260	Chevron Energy Solutions Co. #1	3/16/07	11,056	968	Solar: pending solar thermal	Blythe area in Eastern RIVCO	Sent, Revised Financial Plan and Request for Additional Cost Reimbursement Funds 10/19/2009 Requested updated POD 9/9/09 within 30 days. AFC filed w/ CEC 8/24/09
Barstow	CACA 48818	B263	First Solar (formerly OptiSolar, Inc.)	2/26/07	15,824	1,205	Solar: pending photovoltaic	(Opal) T.2N, R9E & R10E	Rec'd cost recovery funds. w/in 29 Palms segregation area. Rec'd POD. Review of POD pending
Barstow	CACA 48819	B264	First Solar (formerly OptiSolar, Inc.)	2/26/07	14,372	1,000	Solar: pending photovoltaic	(Desert Ruby) T3N, R5 & 6E; T4N, R5E	Rec'd cost recovery funds. w/in 29 Palms segregation area. Rec'd POD. Review of POD pending.
Ridgecrest	CACA 48820	B271	First Solar (formerly OptiSolar, Inc.)	2/13/07	5,325	745	Solar: pending photovoltaic	Mojave area near Hwy. 14 below Pin Tree Canyon, N. of Hwy. 58	No cost recovery received. Received POD.
Barstow	CACA 48875	B262	DPT Broadwell Lake LLC (Brightsource)	1/24/07	8,625	500	Solar: pending solar thermal	T'8N and 9N; R7E	Received cost recovery funds. Received POD.

K-256

Comment Letter 6

First-In-Line Solar Applications

Palm Springs	CACA 48880	B252	NextEra Energy (FPL) - Genesis Ford Dry Lake	1/31/07	18,083	250	Solar: pending solar thermal	Blythe Area, Eastern Riverside County	Received cost recovery funds. Application complete pending 30% engineering design 9/9/09.
Barstow	CACA 48941	B265	First Solar (formerly OptiSolar, Inc.)	4/7/07	5,033	585	Solar: pending photovoltaic	(Desert Onyx) T11N, R3 & 4W	Received cost recovery funds. Received POD. POD review pending.
Needles	CACA 49002	B302	Leopold Companies, Inc.	4/2/07	35,466	4,100	Solar: pending solar thermal	Ward Valley T1S/R19E, T1N/R19E, T2N/R19E, T1N/R20E, T2N/R20E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49004		Boulevard Associates, LLC	5/14/07	6,959	1,000	Solar: pending solar thermal	Mesquite Hills T10N/R8E, T11N/R8E, T11N/R9E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49006	B323	Boulevard Associates, LLC	5/14/07	12,046	1,000	Solar: pending solar thermal	Killbeck T2N/R16E, T3N/R16E, T2N/R7E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49008	B324	Boulevard Associates, LLC	5/14/07	35,639	1,000	Solar: pending solar thermal	Cadiz lake T1N/R15E, T2N/R15E, T1N/R16E, T1S/R16E, T2N/R16E	POD forwarded to contractor for Review 8/26/09
Ridgecrest	CACA 49016	B299	Solar Millennium, LLC	3/23/07	3,811	745	Solar: pending solar thermal	Near Ridgecrest City Limits off of Brown Rd. Hwy 395	Received cost recovery funds. Received POD.

K-257

First-In-Line Solar Applications

12/21/2009

Page 4

Ridgecrest	CACA 49017	B273	First Solar (formerly OptiSolar, Inc.)	4/3/07	6,719	745	Solar: pending photovoltaic	On the W side of Hwy 395 near Kramer Junction in the proximity of the current solar power plant development and the former Federal penitentiary.	Rec'd cost recovery funds. Letter sent to OptiSolar re: re-established application (11/13/08)
Palm Springs	CACA 49097		Bull Frog Green Energy, LLC	6/13/07	6,634	2,500	Solar: pending photovoltaic	Blythe Ca area S. of I- 10 in Eastern RIVCO	Received cost recovery funds. Received POD.
Palm Springs	CACA 49098		OTB Power Holdings, Inc.	6/13/07	8,746	1,000	Solar: pending photovoltaic	Blythe Ca area S. of I- 10 in Eastern RIVCO	Application Rejected; Case Closed 10/19/2009
El Centro	CACA 49150	B284	SunPeak Solar	7/17/07	5,464	500	Solar: pending photovoltaic	Imperial County T13S, R12E	Received cost recovery funds. Received POD. Req'd name change documents 9/4/09.
Barstow	CACA 49361		First Solar (formerly OptiSolar, Inc.)	10/9/07	7,936	500	Solar: pending photovoltaic	(Amber) T4N,R3, R4E &R5E	Denial of Application letter sent 11/13/09 due to non-payment of cost recovery funds.
Palm Springs	CACA 49397	B292	OptiSolar, Inc. (Quartzite)	9/28/07	7,548	600	Solar: pending photovoltaic	Blythe area in Eastern RIVCO	Proffer Established. Received POD.

K-258

Comment Letter 6

First-In-Line Solar Applications

12/21/2009

Page 5

Needles	CACA 49423		Solel, Inc.	7/23/07	6,614	500	Solar: pending solar thermal	Arrowhead T9N/R20E, T9N/R21E, T10N/R21E	Moved to 1st in line. Oct 09
Needles	CACA 49424		Solel, Inc.	7/23/07	7,453	600	Solar: pending solar thermal	Stedman T6N/R9E, T6N/R10E, T6N/R11E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49430		Iberdrola Renewables	9/20/07	13,373		Solar: pending solar thermal	Cadiz Lake T4N/R14E, T18N/R14E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49431		Boulevard Associates, LLC	9/21/07	10,199	1,000	Solar: pending solar thermal	Kellbaker Rd./ Amboy T6N/R12E, T7N/R12E, T6N/R13E	POD forwarded to contractor for Review 8/26/09
Needles	CACA 49432	B304	PG&E	9/24/07	5,313	800	Solar: pending other/ unknown technology	Cadiz/ Trilobite T5N/R13E, T5N/R14E	Received cost recovery funds. Received POD. POD to be sent to NFO Contractors. Completing aerial topo mapping; initiating bio, cult surveys.
Palm Springs	CACA 49488		EnXco Development, Inc.	11/13/07	1,327	300	Solar: pending solar thermal	Blythe area in Eastern RIVCO	Proffer Established. Received POD.
Palm Springs	CACA 49489		EnXco Development, Inc.	11/13/07	16,088	300	Solar: pending solar thermal	Blythe area in Eastern RIVCO	Proffer Established. Received POD.
Palm Springs	CACA 49490		EnXco Development, Inc.	11/13/07	20,608	300	Solar: pending solar thermal	Blythe area in Eastern RIVCO	Proffer Established. Received POD.
Palm Springs	CACA 49491		EnXco Development, Inc.	11/13/07	1,327	300	Solar: pending solar thermal	Blythe area in Eastern RIVCO	Proffer Established. Received POD.

K-259

Comment Letter 6

First-In-Line Solar Applications

12/21/2009

Page 6

Palm Springs	CACA 49493	B300	Solel, Inc.	11/6/07	8,750	500	Solar: pending solar thermal	Desert Center N. on Hwy 177 in Eastern RIVCO	Application Rejected; Case Closed 10/19/2009; appeal period ends Nov. 20
Palm Springs	CACA 49494	B300	Solel, Inc.	11/6/04	7,317	500	Solar: pending solar thermal	Desert Center N. on Hwy 177 in Eastern RIVCO	Application Rejected; Case Closed 10/19/2009; appeal period end Nov. 20
Ridgecrest	CACA 49511		First Solar (formerly OptiSolar, Inc.)	11/28/07	8,943	600	Solar: pending photovoltaic	On the E side of Ridgecrest along the boundary of China Lake Naval Weapons Center through Poison Canyon in the Hwy 178 corridor to Trona	Recd cost recovery funds. Letter sent to OptiSolar re: re-established application (11/13/08)
Barstow	CACA 49537	AA02	Stirling Energy Systems, Inc. Solar One Phase 2	3/14/07	3,392	350	Solar: pending solar thermal	T.8&9N., R.5&6E	(9/22/09) Winzel & Kelly report on hydrology and 30% designs indicate feasible and sufficiently developed to move forward to NOI. (6/22/09) CEC Informational Hearing held; BLM NOI Scoping meeting concurrently; determining if applications can be merged into one application.

K-260

Comment Letter 6

First-In-Line Solar Applications

12/21/2009

Page 7

Barstow	CACA 49539	AA02	Stirling Energy Systems, Inc. Solar One Phase 1	3/14/07	5,212	500	Solar: pending solar thermal	T.8&9N., R.6E	(9/22/09) Winzel & Kelly report on hydrology and 30% designs indicate feasible and sufficiently developed to move forward to NOI. (6/22/09) CEC Informational Hearing held; BLM NOI Scoping meeting concurrently; determining if applications can be merged into one application.
Barstow	CACA 49561	B323	Chevron Energy Solutions Co.	12/7/07	518	45	Solar: pending photovoltaic	T4N R2E. Secs; 19,20	Complete POD 6/25/09. EIS initiated; NOI published 7/23/09.
Barstow	CACA 49584	B313	Caithness Soda Mtn, LLC (former Solenergis)	12/18/07	7,995	350	Solar: pending photovoltaic	(Soda Mountain/Rasor) T12N, R7E &8E	Application received. Detailed POD received 9/16/08. Revised POD req. due 3/09. Joint proj w/ SBCO
Barstow	CACA 49585		Power Partners Southwest (EnxCo)	12/12/07	3,710	1,000	Solar: pending solar thermal	(Troy Lake) T8N, R4E, T9N, R4E	Application received. Revised map. POD revision rec. inadequate from outline. Revised POD due 02/27/09
El Centro	CACA 49613	B326	First Solar (formerly OptiSolar, Inc.)	12/3/07	7,525	500	Solar: pending photovoltaic	Imperial County T13S, R9E; T12S, R9E	Received cost recovery funds. Signed MOU rec'd 6/29/09.
El Centro	CACA 49615	B319	Pacific Solar Investments, Inc. (Iberdrola)	9/5/07	28,174	1,500	Solar: pending solar thermal	Imperial County Ts 14S & 15 S, Rs.19 & 20 E	Inadequate POD submitted with application. Acreage needs to be refined. Working w/applicant to identify issues. POD ltr sent to applicant 7/31/08. Cost recovery funds rec'd.
Palm Springs	CACA 49702		Bull Frog Green Energy, LLC	6/1/08	22,717	2,500	Solar: pending photovoltaic	Blythe Ca area S. of I-10 in Eastern RIVCO	Received cost recovery funds. Received POD.

K-261

Comment Letter 6

First-In-Line Solar Applications

12/21/2009

Page 8

Barstow	CACA 49811		NextLight Renewable Power LLC	3/24/08	7,691	500	Solar: pending photovoltaic	Ludlow 7N,7&8E	90-Day POD letter sent.
Needles	CACA 49813		Iberdrola Renewables	4/1/08	12,833	1,000	Solar: pending solar thermal	Cadiz-East T4N/R15E, T4N/R16E	Working with Proponent regarding solar testing. POD received
EI Centro	CACA 49884	B321	SolarReserve, LLC	4/24/08	3,830	100-250	Solar: pending solar thermal	Imperial County T16S, R17E, Sec 21, 22, 23, 26, 27, 28, 33, 34, 35	Received cost recovery funds. Received 2nd POD. Met with applicant. Requested additional information within 30 days.
EI Centro	CACA 50013	B320	Power Partners Southwest LLC, (EnXco)	4/7/08	1,064	300	Solar: pending photovoltaic	Imperial County T. 10 S., R. 14 E, sec.22, 26.	Partial rejection Sec 22 overlaps geothermal apln. Received cost recovery funds. Received POD.
EI Centro	CACA 50174	B334	LightSource Renewables LLC	8/11/08	2,571	400	Solar: pending photovoltaic	Imperial County T16/17S, R17/18 E., South of I-8, North of State Hwy 98.	Cost recovery funds rcvd. POD rcvd.
Palm Springs	CACA 50379		Lightsource Renewables, LLC	8/8/08	2,446	550	Solar: pending solar thermal	Blythe Ca area S. of I-10 in Eastern RIVCO	Cost recovery agreement and MOU sent 11/14/08
Needles	CACA 50504		Ausra	11/17/08			Solar: pending solar thermal	Danby Lake	2nd in line
Needles	CACA 50506		Ausra	11/18/08	22,622		Solar: pending solar thermal	Danby Lake	2nd in line

K-262

Comment Letter 6

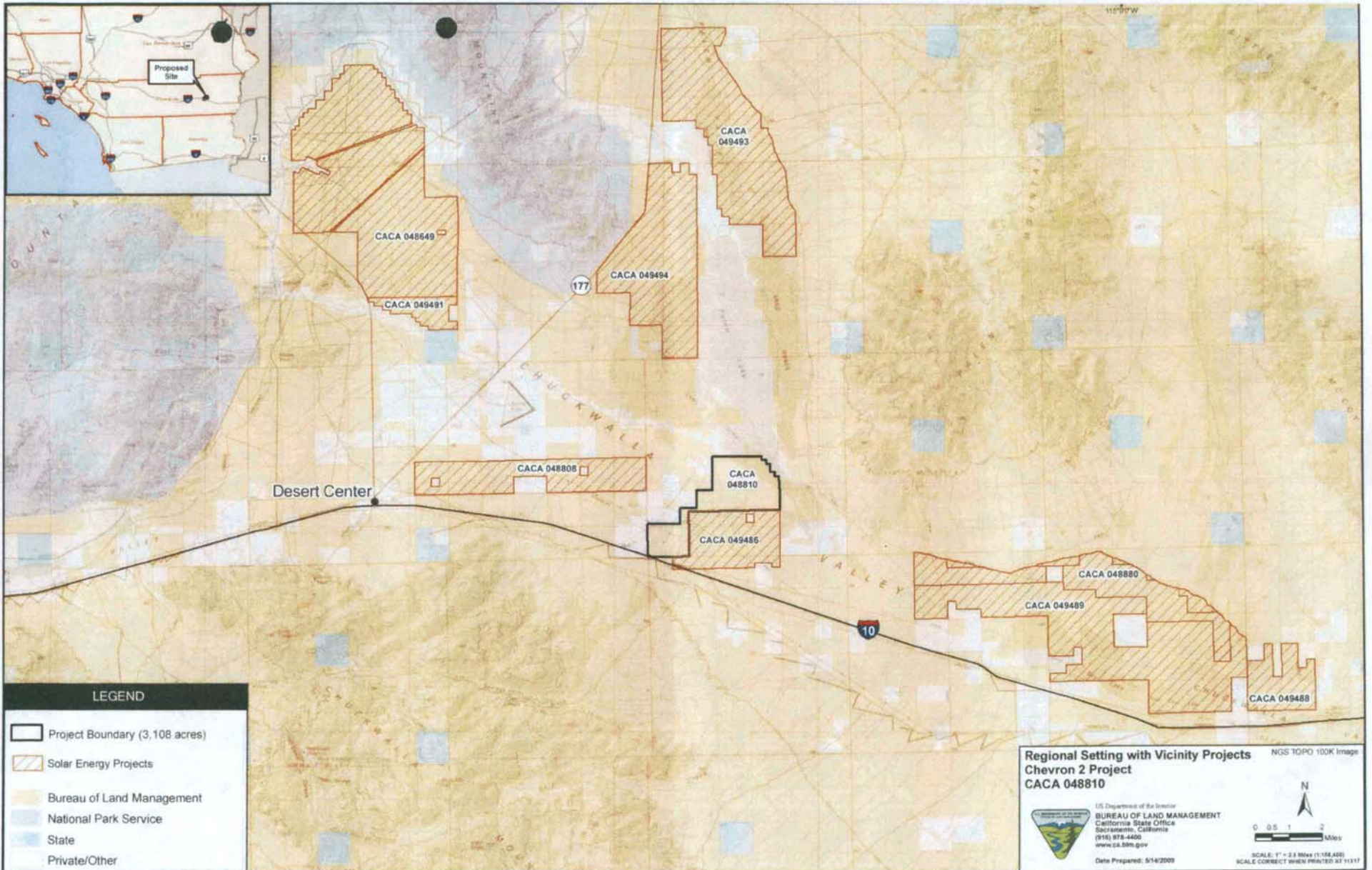
First-In-Line Solar Applications

Needles	CACA 50552		LightSource Renewables LLC	12/19/08	10,330	500	Solar: pending solar thermal	Amboy T6N/R12E, T5N/R12E	Decisions Letter to Deny Application sent 8/27/2009
El Centro	CACA 51369	B383	Enio Rici Invenergy Solar Development LLC						

K-263

Attachment F

K-266



Comment Letter 6

Attachment G

**SURVEY APPROACH AND METHODOLOGIES FOR THE
SOLAR MILLENNIUM PARABOLIC TROUGH
PALEN SOLAR POWER PROJECT**

2010

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April 2010

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Biological Resource Survey Approach	1
Biological Resource Survey Protocols	1
Desert Tortoise Protocol	2
Presence-or-Absence Surveys	2
Buffer Transect Sign Surveys	3
Western Burrowing Owl Protocol.....	3
Phase I Survey: Habitat Assessment.....	3
Phase II Survey: Burrow Mapping	4
Phase III Survey: Burrowing Owl Surveys, Census, and Mapping.....	4
Botanical Surveys	4
Vegetation Community Mapping	5
Rare Plant Surveys	6
Additional Survey Considerations	9
Jurisdictional Waters Delineation	10
Formal Delineations for Potential Jurisdictional Waters of the United States.....	10
Formal Delineations for Potential Jurisdictional Waters of the State.....	11
Functions and Values Assessments	11
Golden Eagle Surveys	13
General Biological Survey Details.....	13
References	15

Attachment 1 - Figures

- Figure P1 - Palen Solar Power Project DT Survey Areas - Spring 2010
- Figure P2 - Palen Solar Power Project WBO Survey Areas - Spring 2010
- Figure P3 - Palen Solar Power Project Vegetation Mapping and Rare Plant Surveys - Spring 2010
- Figure P4 - Palen Solar Power Project Jurisdictional Waters Survey Areas - Spring 2010

Attachment 2 - Target List of Special Status Plant Species for 2010 Surveys

**Survey Approach and Methodologies for the
Solar Millennium Parabolic Trough
Palen Solar Power Project
2010**

Biological Resource Survey Approach

After submittal of the Application for Certification (AFC) documents to the California Energy Commission (CEC) in 2009, an alternative site configuration was proposed for the Palen Solar Power Project (PSPP). Additionally, various Project design refinements were made related to potential transmission line routes and the substation area.

Additional biological surveys are needed in 2010 to gather data concerning an alternative site configuration and changes in linears in support of Project review, approval, and permitting. The following biological resource surveys will be conducted at the Project site during 2010: desert tortoise (*Gopherus agassizii*; DT) survey, burrowing owl (*Athene cunicularia*; WBO) survey, botanical survey (vegetation community mapping and rare plant surveys), golden eagle (*Aquila chrysaetos*; GOEA) survey, and jurisdictional waters delineation.

All protocols to be implemented in 2010, and described herein, are consistent with 2009 survey protocols, with the exception of a few modifications to the DT protocol, rare plant surveys, and jurisdictional waters surveys. DT protocol surveys for 2010 were initiated earlier than in 2009, and earlier than specified in established protocols (with U.S. Fish and Wildlife Service concurrence; see "Desert Tortoise Protocol" below). Botanical surveys in 2010 will address additional special-status plant species not previously included in 2009 surveys (see "Botanical Surveys" below). The jurisdictional waters delineation in 2010 will also include surveys of a 250-foot buffer of Project and Alternative disturbance areas not included in the 2009 surveys (see "Jurisdictional Waters Delineation" below).

Some survey protocols have already been initiated in 2010 at the Project site. DT surveys were initiated on March 16, 2010. Botanical surveys were initiated on March 8, 2010. GOEA surveys have also been initiated. Jurisdictional waters delineation surveys have been completed. WBO surveys have not yet been initiated at the PSPP site but are anticipated to begin during the week of April 26, 2010.

In general, surveys at the Project site will occur within 1) proposed Project disturbance areas (based on footprint refinements) and, 2) Project disturbance area buffer zones that were not previously surveyed in 2009. At the PSPP site, surveys will additionally occur within 3) proposed Project Alternative site disturbance areas (or Alternative disturbance areas) and 4) Alternative disturbance area buffer zones that were not previously surveyed in 2009.

A detailed description of the survey locations and methods for each biological resource survey being implemented in 2010 is provided below.

Biological Resource Survey Protocols

This section identifies the specific locations in which biological resource surveys have already been completed (e.g., survey extent [2009]) and will be conducted in 2010 (e.g., survey areas [spring 2010] and buffer survey areas [spring 2010]) at the Project site (Figures P-1 through P-4; see Attachment 1 for all figures), and describes the detailed survey methodologies (i.e., protocols) that will be implemented in 2010. If Project or Alternative disturbance areas are further modified after the date listed on this

document, survey areas and protocols may be modified accordingly to meet the purpose and intent of documenting and evaluating the environmental baseline for biological resources on the Project site.

Desert Tortoise Protocol

DT surveys will include a combination of Presence-or-Absence surveys (i.e., 100 percent coverage surveys), and additional transect-based sign surveys within a Project buffer zone. DT Presence-or-Absence surveys will occur in suitable habitat within proposed Project disturbance areas and Alternative disturbance areas for which surveys were not previously conducted in 2009 (Figure P-1). Sign surveys will occur along CEC-required buffer transects (placed at 1,000-foot, 0.75-mile, and 1-mile intervals from disturbance areas) that were not previously surveyed in 2009 (Figure P-1); see below for more complete description of CEC-required buffer transects. A habitat assessment for DT has already been completed at the Project site in February 2010 and areas to be surveyed in 2010 were determined to be potentially suitable for DT.

Presence-or-Absence Surveys

Presence-or-Absence surveys (100 percent coverage surveys) for DT during 2010 will follow the guidelines published in the 1992 U.S. Fish and Wildlife Service (USFWS) survey protocol (USFWS 1992), with the following exception: no surveys of the five zone of influence (ZOI) transects that are typically required outside of and parallel to the disturbance area at 100, 300, 600, 1,200, and 2,400 feet will be conducted. Use of the USFWS 1992 protocol with the exception of ZOI transects (as occurred in 2009), rather than the revised 2009 protocol (USFWS 2009), was agreed upon by USFWS, California Department of Fish and Game (CDFG), U.S. Bureau of Land Management (BLM), and CEC in 2009 prior to survey initiation per an email communication dated March 10, 2009, from Julie Vance (refer to Section 2.2.1 of the AFC).

In accordance with the 1992 USFWS protocol, previously unsurveyed portions of the Project disturbance area at the Project site will be surveyed using transects spaced approximately 30 feet apart along transects oriented north to south or along transects that are parallel to the edges of the disturbance areas. The survey will be conducted by slowly and systematically walking linear transects while surveyors visually search for DT and sign. Particular emphasis will be placed on searching around the bases of shrubs and along the banks of shallow washes. All types of DT sign (live tortoises, shells, bones, scutes, limbs, scat, burrows, pellets, tracks, egg shell fragments, drinking sites etc.) will be recorded using a Global Positioning System (GPS) unit. If vegetation or topography reduces the surveyor's ability to see DT sign, the spacing between survey transects will be reduced, as necessary. This would occur in areas with high vegetation density or where topography obscures the surveyor's ability to see DT sign.

Any DTs observed will be measured at middle carapace length (MCL) and evaluated for health. Photographs of DT observations will be taken when possible (e.g., animal not deep in burrow). Photographs of large carcasses and/or unusual sign will also be taken. Burrows, scat, and shell remains will be classified using the Information Index for Desert Tortoise Sign: Burrows and Dens, Scats and Shell Remains as in the USFWS protocol (USFWS 1992).

DT Presence-or-Absence surveys were initiated on March 16, 2010 (with wildlife agency approval; see discussion below) at the PSPP site; at this time mean daily temperatures had reached a minimum of approximately 65°F, adequate annual forage was available for DTs, and evidence of DT activity was observed at the nearby Blythe Solar Power Project site. The proposal to initiate Presence-or-Absence surveys at the PSPP site earlier than the March 25 to May 31 survey period, as stated in the USFWS 1992 protocol, or the April through May survey period as stated in the USFWS 2009 protocol (USFWS 2009), was presented in a letter to Pete Sorenson at the USFWS (dated March 2, 2010, attached) with subsequent USFWS concurrence via email from Pete Sorenson on March 16, 2010. DT surveys will continue roughly until the end of April or until the survey effort is completed (prior to May 31).

After completion of Presence-or-Absence surveys, results will be used to calculate estimated adult DT (> 160-mm MCL) abundance within disturbance areas surveyed in 2010. Abundance estimates will be calculated according to the 2009 survey protocol (*Preparing for Any Action That May Occur within the Range of the Mojave Desert Tortoise (Gopherus agassizii)* [USFWS 2009]) if protocol assumptions are met (e.g., minimum of 20 DTs are detected within the survey area).

Buffer Transect Sign Surveys

To comply with the recommendations of the draft CEC *Recommended Biological Resources Field Survey Guidelines for Large Solar Projects* (CEC 2007a), transects outside of and parallel to proposed Project disturbance areas will also be surveyed for DT and their sign (Figure P-1). These CEC-required buffer transects will be placed at 3,960 feet (0.75 mile) and 5,280 feet (1 mile) from and parallel to the edge of nonlinear portions of disturbance areas as well as at 1,000 feet from the edge of linear portions of disturbance areas (e.g., transmission line). Surveys along buffer transects will be conducted in a similar fashion as for transects described for Presence-or-Absence surveys, by slowly and systematically walking linear transects while surveyors visually search for DT, their sign, or other special-status species and their sign. Particular emphasis will be placed on searching around the bases of shrubs and along the banks of shallow washes. These transects are more broadly focused than the DT Presence-or-Absence protocol transects, described above, and are not a part of the 1992 USFWS DT protocol requirements. However, they provide additional information on DT occurrence and habitat suitability as well as other biological resources in the area surrounding Project or Alternative disturbance areas.

Western Burrowing Owl Protocol

WBO surveys will focus on suitable habitat in proposed Project disturbance areas Alternative disturbance areas, and surrounding buffer zones that were not surveyed in 2009 (Figure P-2). Surveys will follow the *Burrowing Owl Survey Protocol and Mitigation Guidelines* prepared by The California Burrowing Owl Consortium (CBOC) (1993). In accordance with the protocol, a habitat assessment (Phase I survey) for WBO will be conducted in previously unsurveyed portions of the Project and Alternative disturbance areas and in the surrounding 150-meter (approximately 492-foot) buffer zone. Following the Phase I survey, a focused burrow survey (Phase II survey) and WBO survey (Phase III survey) will be conducted in suitable habitat within proposed disturbance areas and the surrounding 492-foot buffer zone. Also, a more general survey of habitat suitability and occurrence of WBO, other special-status species, and sign will be conducted within a 1-mile CEC buffer surrounding disturbance areas (according to the CEC's Draft *Recommended Biological Resources Field Survey Guidelines for Large Solar Projects* [CEC 2007a]), if accessible to the biologists conducting the surveys (see "General Biological Survey Details," below).

The following describes, in more detail, the WBO survey approach and methodology that will be followed in 2010, and is consistent with surveys conducted in 2009.

Phase I Survey: Habitat Assessment

A habitat assessment (Phase I survey) for WBO will be conducted by qualified biologists in early spring 2010. The unsurveyed portions of proposed Project and Alternative disturbance areas and the surrounding 150-meter (approximately 492-foot) buffer zone will be evaluated for suitability for WBO, as well as unsurveyed areas within a 1-mile buffer of proposed disturbance areas. Suitable habitat for WBO includes open habitat with available burrowing opportunities, including agricultural fields (active and fallow), Mojave creosote scrub, desert saltbush, ephemeral washes, and ruderal areas. Suitable habitat will be mapped in the field using high-resolution field maps and GPS units. Any WBOs or WBO sign (e.g., whitewash, pellets, feathers) observed during the Phase I survey will be recorded and mapped.

Phase II Survey: Burrow Mapping

The Phase II burrow survey will be initiated in early spring and will mostly be conducted concurrently with focused Presence-or-Absence DT surveys. The Phase II burrow survey will occur in suitable WBO habitat within previously unsurveyed portions of proposed Project and Alternative disturbance areas, as well as within the 492-foot buffer zone, as required by the CBOC protocol. Where the Phase II burrow survey is conducted concurrently with Presence-or-Absence DT surveys, it will be conducted along pedestrian transects spaced at a maximum of 10 meters (approximately 30 feet) apart; otherwise, spacing between transects may extend up to 30 meters (approximately 100 feet), in accordance with the CBOC protocol. Biologists conducting the Phase II survey will record and map potentially suitable burrows (based on burrow dimensions and characteristics); they will also record and map WBO observations, presence and types of WBO sign (e.g., whitewash, pellets, feathers) observed, and active or potentially active WBO burrows (based on the presence and quality of sign at suitable burrows). These features will be recorded electronically using GPS units and on data forms; WBO observations and potentially active burrows will also be mapped on field maps. Phase II burrow data will also include the type of burrow, if known (e.g., kit fox [*Vulpes macrotis*]; DT), and a GPS identity code.

Phase III Survey: Burrowing Owl Surveys, Census, and Mapping

Phase III surveys will be initiated and completed during the peak breeding season (April 15 through July 15, as defined in the CBOC protocol) and will continue until all burrows with WBO sign have been visited on four separate days. Phase III surveys are intended to determine owl presence on the site and how the site is being used by WBO. It is anticipated that surveys will be completed by the end of May 2010. During the first survey visit of Phase III, previously mapped (during Phase II) suitable burrows will be surveyed by biologists carefully approaching on foot to determine the presence of WBOs and/or WBO sign, in order to assess potential burrow status. Subsequent survey visits (i.e., visits 2–4) will focus on burrows with WBO sign. Based on 2009 survey results, the Project sites are known to include several burrows with WBO sign that is old and degraded, sparse, and absent of any indication of current or recent use. Although all burrows with confirmed WBO sign (including those with old, degraded or sparse sign) will be surveyed four times, only burrows with sign of current or recent occupancy by WBOs will be identified as "potentially active" for purposes of this survey. For any potentially active WBO burrows (i.e., burrows with sign of current or recent occupancy by WBO) identified during visit 1, the burrow areas will be observed during subsequent visits (i.e., visits 2–4) using binoculars or a spotting scope, using the vehicle as a blind (if possible); all other burrows with sign will be approached on foot. It is important to minimize disturbance near active/occupied burrows; if WBOs are detected in association with a burrow, attempts will be made to determine the burrow status without approaching the burrow too closely on foot.

Phase III surveys will be conducted between 1 hour before and 2 hours after sunrise, and between 2 hours before and 1 hour after sunset. Phase III surveys will not be conducted during inclement weather (e.g., wind speeds > 20 miles per hour, heavy rain or fog, etc.). Field data recorded during each survey visit will include date; survey number; weather conditions (temperature, wind, precipitation, cloud cover); surveyor name; start and stop times for each survey visit; location of burrows surveyed during each visit; the suitability of each burrow, based on burrow dimensions and characteristics (collected during first visit to the burrow); presence, absence, and type of WBO sign (if present) at each burrow; occupancy status (active, potentially active, inactive, based on presence and condition of sign); documentation of any WBO detections, including abundance, age, sex, and behavior; and other wildlife species observed. Photographs will be taken of all potentially active burrow locations. In addition, photographs of individual WBOs and active burrows would be taken, if possible without disturbing owls. Any special-status species or their sign observed during these surveys will be recorded electronically using GPS and on data forms.

Botanical Surveys

Botanical surveys in 2010 will include vegetation community mapping (to be conducted during spring) and rare plant surveys (to be conducted during spring and fall, depending on the timing and amount of 2010

precipitation). Vegetation community mapping will occur within proposed Project disturbance areas, Alternative disturbance areas, and within associated one-mile CEC buffers that either were not previously surveyed or need to be resurveyed using a smaller minimum mapping unit (MMU) (refer to "survey areas (Spring 2010)" and "buffer survey areas (Spring 2010)" on Figure P-3). Rare plant surveys will occur within the Project (or Alternative) disturbance areas and associated 1-mile CEC buffer areas that were not previously surveyed in 2009 (refer to "survey areas (Spring 2010)" and "buffer survey areas (Spring 2010)" on Figure P-3).

Additionally, rare plant surveys at the PSPP site will also occur within proposed disturbance areas (Project or Alternative) and associated one-mile CEC buffer areas (Figure P-3) that were previously surveyed in 2009 (i.e., refer to "survey extent (2009)" on Figure P-3), to the extent necessary, to comply with the December 2009 CEC data request for consideration of 15 additional special-status plant species and detailed mapping of ribbed cryptantha (*Cryptantha costata*).

Botanical surveys were initiated on the PSPP site on March 8, 2010.

Vegetation Community Mapping

Vegetation community mapping during spring 2010 will be conducted in accordance with the same methods as 2009 mapping efforts, with minor updates based on 2009 field experience. These updates include the following topics:

- **Scale of field maps:** Field maps used for vegetation mapping will have a scale of 1 inch = 700 feet. Maps at a 200-foot scale (used in 2009) were determined to exceed the resolution of the aerial imagery available and were found to be too cumbersome given the large size of the Project sites being surveyed.
- **Clarification of mapping intensity:** Similar to 2009, survey intensity in 2010 will vary according to the MMU of disturbance areas versus the 1-mile CEC buffers; areas with smaller MMUs (disturbance areas) will be surveyed with greater intensity than areas with larger MMUs (1-mile CEC buffer areas). To accomplish this, field biologists will walk transects at a spacing that allows visual coverage of all unique vegetation signatures having an area equal to or greater than the defined MMU size.

A detailed methodology for 2010 vegetation community mapping is provided below.

Field biologists will use orthotopographic maps at a scale of 1 inch equals 700 feet for both vegetation mapping and recording rare plant points or polygons (see "Rare Plant Surveys" below). If rare plants are documented during vegetation mapping, these sites will be noted and revisited during focused rare plant surveys in order to map plants in more detail and accurately delineate species populations using GPS equipment. Vegetation communities will be classified according to Holland (1986). Sawyer and Keeler-Wolf (1995) and CDFG (2003) classifications will be used to provide additional detail where appropriate, such as denoting special or sensitive vegetation communities that are either known or believed to be of high priority for inventory in the California Natural Diversity Database (CNDDDB) due to their unique nature, limited distribution (i.e., rarity), or importance for special status wildlife species.

Vegetation mapping within proposed Project (or Alternative) disturbance areas may be conducted concurrently with rare plant surveys, by having surveyors walk meandering transects; transect spacing will be based on habitat complexity and topography, and will be close enough to allow visual coverage of vegetation signatures at the minimum mapping unit (0.01 acre for riparian areas and 1.0 acre for all other cover types within proposed disturbance areas [Project or Alternative]). Within the buffer, the MMU for all land cover types, including riparian, will be 1.0 acre. Vegetation mapping within the 1-mile CEC Project (or Alternative) buffer areas will therefore be conducted by walking transects within native habitat that are spaced wider than those walked within disturbance areas, but allow visual coverage of vegetation

signatures that are 1.0 acre in size or larger. Developed land and agricultural areas will be surveyed by a combination of walking transects and selecting key vantage points from existing dirt access roads.

Dominant plant species present within each riparian and upland vegetation community mapped on site will be recorded according to the 50/20 dominance rule (U.S. Army Corps of Engineers [USACE] 1987). According to this rule, dominant plant species are defined as those that, when ranked in order of abundance, collectively make up 50 percent relative cover. Each dominant species individually makes up at least 20 percent relative cover, or is needed to surpass the 50 percent relative cover threshold. Once the dominant plant species are identified according to this method, they will be grouped according to relative cover: species below 20 percent, species ranging from 20 to 50 percent cover, and species exceeding 50 percent cover.

Additionally, a description of each vegetation community mapped on site will be recorded including the extent of disturbance, presence of special soils, potential jurisdictional waters, and habitat suitability for rare plant species (see "Rare Plant Surveys", below). Invasive species listed by the California Invasive Plant Council (Cal-IPC) as A-1, A-2, and B status species (Cal-IPC 2009) will be noted when occurring in high concentrations (approximately 108 square feet and larger) and in nearly monotypic stands. Potential invasive plant species that may be encountered during 2010 surveys on the Project site include tamarisk (*Tamarix* spp.), Saharan mustard (*Brassica tournefortii*), Mediterranean grass (*Schismus* sp.), red brome (*Bromus madritensis*), and cheat grass (*Bromus tectorum*).

Rare Plant Surveys

Rare plant surveys during spring 2010 will be conducted in accordance with the same methods as 2009 surveys, with updates based on 2009 field experience and CEC guidance. These updates include the following:

- **Survey intensity:** Detailed descriptions are now provided to explain the differences between survey intensity within the disturbance area versus that in the 1-mile CEC buffer, especially with respect to habitat suitability.
- **Habitat suitability:** methods for determining habitat suitability have been enhanced at the request of CEC.
- **Complete tracklog:** each biologist will have a GPS unit recording their path during surveys, and these data will be compiled and submitted with the deliverable.
- **Search image:** biologists will visit reference sites and/or herbaria specimens to obtain a search image for each targeted California Native Plant Society (CNPS) List 1B or List 2 plant species during the reconnaissance phase of surveys.
- **Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae*) focused surveys:** if suitable habitat is defined within the disturbance areas and surrounding 1-mile CEC buffers, these areas will be intensively surveyed according to the Coachella Valley milkvetch survey plan (described below). The need for focused Coachella Valley milkvetch surveys is unlikely based on research to date (see below). The survey plan has been created as a precaution.
- **Deliverable enhancements:** the botanical survey report will include all raw field data as attachments and will contain discussion of special status plant species occurrences with respect to onsite conditions as well as known species ranges and suitable habitats.
- **Fall surveys:** while late-season surveys were not feasible in 2009 due to limited rainfall, 2010 may have adequate late-summer rainfall to warrant fall surveys and additional consideration has been given to four fall-blooming special status plant species.

A detailed methodology for 2010 rare plant surveys is provided below, which includes 2009 methods as well as the updates noted above.

Rare plant surveys will follow survey guidelines from the following resources: 1) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000); 2) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFG 2009)¹; 3) CNPS Botanical Survey Guidelines (CNPS 2001); and 4) Survey Protocols for Survey and Manage Strategy 2: Vascular Plants (Whiteaker et al. 1998).

Target species for rare plant surveys will include special-status plant species that meet at least one of the following criteria:

- Covered under the Federal or California Endangered Species Act (ESA and CESA, respectively) (CDFG 2009)
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code Section 1900 et seq.)
- BLM sensitive species (BLM Sensitive) (BLM 2009)
- CNPS List: 1A (presumed extinct in California), 1B (rare, threatened, and endangered in California and elsewhere), or 2 (rare, threatened, or endangered in California, but more common elsewhere) species are considered special status plant species if they meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sections 2050 through 2098 (CESA) (CNPS 2009)
- CNPS List: 3 (plants about which we need more information a review list), or 4 (plants of limited distribution—a watch list was also recorded here) (CNPS 2009)
- Locally significant species, covered under the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) (BLM 2002) or the West Mojave Plan (WEMO) (BLM 2005)

At the direction of BLM, cottontop cactus (*Echinocactus polycephalus*), hedgehog cactus (*Echinocereus* spp.), and all varieties of California barrel cactus (*Ferocactus cylindraceus*) encountered on site will also be recorded and mapped during rare plant surveys (LaPre 2009). The CEC has identified 15 additional target species above and beyond those considered in 2009 to be specifically targeted during 2010 rare plant surveys, 11 of which have potential to occur on the Project site (see Attachment 2). Attachment 2 contains the complete list of plant species that will be targeted during 2010 rare plant surveys.

Rare plant surveys will be "intuitive controlled" (per Whiteaker et al. 1998). The surveys will be conducted by walking transects placed systematically throughout disturbance areas (Project and Alternative) and associated 1-mile CEC buffers while searching for target plant species and suitable habitats. In disturbance areas not previously surveyed during 2009, botanists will traverse all representative habitats, providing complete visual coverage in areas determined to be suitable for target plant species (including microhabitats) (see Attachment 2 for target plant list). This will include closely spaced transects in the desert washes, incised channels, and sandy dune habitats (50-100 feet, possibly less depending on topographic complexity) and wider spacing in the flat creosote bush scrub and desert pavement (approximately 100-200 feet, or more depending on visibility). Transects will follow topographic relief rather than predefined survey grids, for the purpose of providing focused coverage of the desert washes.

1. This document replaced the DFG document entitled "Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities."

Resurveys will occur as many times as necessary to ensure the blooming periods of all target rare plant species have been covered.² Additionally, disturbance areas that were previously surveyed in 2009 would be revisited systematically, as deemed appropriate based on field conditions, in order to comply with the December 2009 CEC data request for consideration of 15 additional special-status plant species and detailed mapping of ribbed cryptantha (*Cryptantha costata*).

In the 1-mile CEC buffer areas, suitable habitats associated with the major desert washes or sandy dune habitats will also be surveyed with complete visual coverage but the areas may not be resurveyed with the same rigor as the disturbance area and isolated microhabitats (areas much less than 1 acre in size and not associated with the desert washes or larger dune complexes) may not be examined with complete visual coverage at the discretion of the lead field botanist.

Suitable habitats will be determined based on geography, slope aspect, soil substrate, vegetation community, associated plant species, and familiarity with each species based on reference populations and historical surveys conducted in the region. Unsuitable habitats may be traversed while traveling between areas of suitable habitat, providing partial survey coverage in these areas. Each field botanist will carry a GPS to record their path through the Project site(s) each day.

The exception to the "intuitive controlled" method described above is with respect to the Coachella Valley milkvetch surveys. This federally endangered plant species must receive more focused attention in areas of suitable habitat where the species has potential to occur. Andrew Sanders has determined that Coachella Valley milkvetch is not currently documented outside of the Coachella Valley area. To reach this conclusion, Mr. Sanders thoroughly reviewed the vouchered collections (identified as Coachella Valley milkvetch) from the Desert Center area (Dice 980324-2; Dice 980324-3; and Sears 1173) and other collection data (e.g., <http://ucjeps.berkeley.edu/consortium/> and University of California at Riverside (UCR) herbaria specimens). After careful consideration, Mr. Sanders found the Desert Center collections (i.e., all Coachella Valley milkvetch collections outside the Coachella Valley) to be *Astragalus lentiginosus* var. *variabilis* rather than *A. lentiginosus* var. *coachellae*.

Therefore, focused surveys for Coachella Valley milkvetch will not be necessary at the PSPP site unless the species is observed on site or Andrew Sanders encounters additional information leading to a reversal of his findings. Prior to the end of the survey window for Coachella Valley milkvetch (late May), a letter from Andrew Sanders will be provided to USFWS, CDFG, CEC, and BLM to finalize and defend the treatment of Coachella Valley milkvetch during 2010 rare plant surveys.

In the event that focused surveys for Coachella Valley milkvetch do occur, a survey plan has been prepared and is located below (see "Supplemental Survey Methods for Coachella Valley Milkvetch (if Necessary)", below).

The timing of rare plant surveys will be based on the most phenologically appropriate time for each target plant species; surveys will occur when reproductive structures (i.e., flowers and fruits) and distinctive leafy parts are present and easily identifiable. When possible, known locations of rare plants in the vicinity of the Project site will be visited to verify the status of these species during the 2010 growing season

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2. In DR-BIO-81 of the AECOM Response to the CEC Data Request (December 2009), it was suggested that biologists should walk 10-20 meter parallel transects within all habitats of the disturbance areas, regardless of habitat suitability. This approach has been revised, since habitat complexity will dictate how far each botanist will be able to see and will therefore dictate the necessary spacing. AECOM botanists have consulted with regional experts including Andy Sanders and David Silverman to conclude that intuitive controlled surveys per Whiteaker et al. 1998 are sufficient for documenting a complete floral inventory on site (including the target special status plant species).

(germinating, flowering, seeding, etc.). If reference site visits are not possible, specimens from the UCR Herbarium will be studied to inform field biologists of important keying characters.

In general, the ideal survey window for 2010 will be closely associated with the rainfall pattern, considering both rainfall totals and the timing of precipitation. Several survey visits may be necessary to accommodate the distinct phenologies of each target rare plant species with potential to occur on the Project site, including surveys during both spring and fall (if rainfall is sufficient for fall-blooming species). It is anticipated that approximately 2-5 survey visits may be necessary to complete rare plant surveys.

During rare plant surveys (spring or fall) each field botanist will record a complete floral inventory, including the phenology(ies) observed (to document the blooming period and calibrate the timing of additional surveys). Plant nomenclature will follow that of *The Jepson Desert Manual* (Baldwin et. al. 2002). Additionally, scientific names will be used in all records to avoid confusion between taxa. Time will be allotted as necessary to confirm the identity of unknown species to the taxonomic level necessary to determine whether it is a target rare plant species or not (e.g., genus, species, or subspecies/variety).

If a target rare plant population is located, the population will be assessed for vigor and possible threats (e.g., off-road vehicle activity and invasive plants) and the number of individuals will be counted (or subsampled and population size estimated in the event of large populations). All sensitive plant locations identified will be recorded directly with submeter handheld GPS units and will be subsequently mapped on aerial photo-based field maps (700-foot scale orthotopographic maps). Rare plant detections will be mapped either as individual point locations (for single plants) or as occupied polygons (for groups of plants). The threshold distance for distinguishing point locations from polygons will be 7 meters; for example, plants occurring within 7 meters of each other will be included in a polygon, and plants beyond the 7-meter threshold will be documented using individual points).

In addition to mapping special status species occurrences, suitable habitat for the target species will be assessed and mapped. In many cases, not enough information is known about microhabitat preferences of a species to define its habitat beyond the level of vegetation communities.

CNDDDB forms will be completed and submitted to CDFG (as publically available data) for all special-status plant species observed. Voucher specimens of special-status plant species will be collected if it is determined that such collection would not jeopardize the existing population. These collections will be submitted to the UCR herbarium.

Additional Survey Considerations

During vegetation mapping and rare plant surveys, field botanists will document any creosote bush rings observed if they are readily distinguishable.

Regional experts will be consulted for guidance through all phases of survey work for concurrence with the methods employed by AECOM survey teams. This includes botanists such as David Silverman (of Xeric Specialties Consulting) and Andrew Sanders (of the UCR Herbarium). These experts will receive copies of this methodology for approval, and once in the field they will train crews on species identification, conduct expert habitat assessments, and provide guidance on optimal survey timing for the targeted special status plant species.

Supplemental Survey Methods for Coachella Valley Milkvetch (if Necessary)

All surveys for rare plants will be conducted in compliance with the standardized guidelines issued by the regulatory agencies (USFWS 2000, CDFG 2000, and the CNPS 2001). The species specific methods presented below are intended to be a supplement to the standardized guidelines.

Surveys for Coachella Valley milkvetch will be conducted from approximately February through May 2010, depending upon climactic conditions. The number of surveys required will depend upon the phenology of the populations at the reference sites. It is presumed that two to three separate surveys will be required. Prior to initiating surveys, vouchered specimens deposited at the UCR herbarium will be studied to insure survey personnel are familiar with the species. Visits to one or more known locations of Coachella Valley milkvetch will be conducted to determine current phenology and detectability.

Systematic surveys will be conducted to detect presence and determine distribution of Coachella Valley milkvetch within the survey area. The survey area will only include areas of suitable Coachella Valley milkvetch habitat along the substation and transmission line disturbance area and buffer area. For systematic surveys, biologists will walk parallel transects 5 to 10 meters apart throughout the entire survey area. The survey transects will be recorded with a GPS track log using a submeter handheld GPS. Survey crews will include at least one member who has seen Coachella Valley milkvetch in its natural habitat. Other survey members will be trained using photographs and/or herbarium specimens.

If Coachella Valley milkvetch is detected within the survey area results will be recorded as described below. One herbarium specimen will be deposited at the UCR herbarium, if it is determined that collection will not jeopardize the existing population.

Jurisdictional Waters Delineation

A formal delineation for potential jurisdictional waters of the United States and of the State was completed in April 2010 at the Project site within portions of the disturbance area (Project and Alternative), and within a 250-foot buffer of these areas, for which surveys were not previously conducted in 2009 (Figure P-4). Additionally a qualitative functions and values assessment for ambient conditions and projected post-project conditions of these areas was also completed.

Formal Delineations for Potential Jurisdictional Waters of the United States

Jurisdictional waters of the United States are defined in 33 CFR. 328.3 (Definitions). Previously unsurveyed portions of the proposed Project disturbance area and Alternative disturbance area at the Project site have the potential for the presence of, at a minimum, two types of federally regulated waters, warranting the following:

1. Formal delineations for waters of the United States in the form of wetlands based on the three-parameter method.³ The three-parameter method for identifying and delineating wetlands is outlined in and in accordance with Federal guidance and procedure following the *Corps of Engineers Wetlands Delineation (Manual)* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (2008 Supplement) (Environmental Laboratory 2008).⁴
 2. Formal delineations for other waters of the United States to define and identify the jurisdictional lateral extent of nonwetland waters using field indicators of ordinary high water mark (OHWM) as defined by 33 CFR 238.3(e), Federal guidance and procedure outlined in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual* (USACE 2008), and *Distribution of Ordinary High Water Mark*
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3. The three-parameter method is the simultaneous presence (co-occurrence) of wetland hydrology, hydric soil, and hydrophytic vegetation.
 4. The Manual and 2008 Supplement are guidance documents for delineating jurisdictional waters in the form of wetlands only.

(OHWM) indicators and their reliability in identifying the limits of "Waters of the United States" (Lichvar et al. 2006).

3. Other relevant Federal guidance and procedural documents (e.g., Regulatory Guidance Letter, Special Public Notices, and USACE Los Angeles District specific guidance)

Formal Delineations for Potential Jurisdictional Waters of the State

The California Code of Regulations (Title 14 CCR 1.72) defines a stream as: "...a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." Under Section 1600 *et seq.* of the California Fish and Game Code (CFGC), CDFG regulates activities that would alter the flow, bed, channel, or bank of streams and lakes. The limits of CDFG jurisdiction are defined in CFGC Section 1600 *et seq.* as the "bed, channel or bank of any river, stream or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit." However, in practice, CDFG usually extends its jurisdictional limit and assertion to the top of a bank of a stream, the bank of a lake, or outer edge of the riparian vegetation, whichever is wider.

CFGC Section 1602(a) is based on Title 14 CCR 720: "For the purpose of implementing Sections 1601 and 1603 of the Fish and Game Code which requires submission to the department of general plans sufficient to indicate the nature of a project for construction by or on behalf of any person, governmental agency, state or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the department, or will use material from the streambeds designated by the department, all rivers, streams, lakes, and streambeds in the State of California, including all rivers, streams and streambeds which may have intermittent flows of water, are hereby designated for such purpose".

Boundaries for xeric riparian waters of the State will be determined (and recorded) by the presence of shelving and/or scour resulting in an established bank, bed, and channel of an ephemeral wash feature and its associated riparian areas (where applicable). In specific areas within the ephemeral wash channels, where evidence of shelving or scour is absent, subsurface investigations will be undertaken to identify established channel banks. Although some portions of the ephemeral washes present shelving with smooth-toe transitions, these features are composed of friable sand and are evidence of recent sand deposition covering the bank features.

For wetlands and other aquatic habitats occurring in California, CDFG relies on the USFWS wetland definition and classification system, which is based on *Classification of Wetland and Deepwater Habitats of the United States* (Cowardin et al. 1979). Therefore, jurisdictional wetland delineations within disturbance areas will be conducted based on the one-parameter⁵ method outlined in CDFG/USFWS guidance documents and classification manual(s) to define presence and State jurisdictional extent. The Cowardin method requires diligence to avoid false positive conclusions (e.g., concluding that an area with no transitional relation to the aquatic system is a wetland based on presence of vegetation equally likely to be found in wetland or nonwetland circumstances).

Functions and Values Assessments

A qualitative assessment of the functions and values will also be conducted for ephemeral stream (i.e., xeric riparian) features identified in unsurveyed portions of proposed Project and Alternative disturbance

5. For Federal jurisdictional waters, a determination for the presence of wetland is based on the presence of three parameters occurring simultaneously at the area of investigation and study. These three wetland parameters are 1) hydrophytic vegetation, 2) hydric soils, and 3) wetland hydrology. Therefore, for State-defined wetlands, only one of these three wetland criteria is required to be present for the State to consider an aquatic feature a wetland.

areas at the Project site. This qualitative assessment utilized the Hydrogeomorphic Approach (HGM) to assess the physical, chemical, and biological functions and values of xeric riparian features utilizing a synthesis of the methodologies and definitions outlined in:

1. *A Hydrogeomorphic Classification for Wetlands* as a guide (Brinson et al. 1995)
2. *An Approach for Assessing Wetland Functions Using Hydrogeomorphic Classification, Reference Wetlands, and Functional Indices* (Smith et al. 1995)
3. *Wetland Values: Concepts and Methods for Wetlands Evaluation* (USACE 1979)
4. *The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest* (U.S. Environmental Protection Agency [USEPA] 2008)
5. USEPA Watershed Academy: *Wetland Functions and Values* (USEPA 2009)
6. U.S. Geologic Survey (USGS) Water Supply Paper 2425: *Wetland Functions, Values, and Assessment* (USGS 1996)

The assessment will be based on observations made during above-mentioned jurisdictional delineation field surveys and other resource surveys (e.g. cultural, botanical, and wildlife) occurring in 2010. The assessment is intended to quantitatively evaluate ambient and projected post-project desert aquatic (including xeric riparian) features without a reference site. Since the assessment will not be based on a comparison to an actual reference site in the field, the qualitative rankings of variables used for the assessment of the quality of functions and values will be confined to the quality of the habitats within the study area.

Brinson et. al. (1995), Smith et al. (1995), and USEPA (2008) will be used as the primary guidance documents for assessing xeric riparian function, which include assessment of the following four major functional categories:

1. Hydrologic Function
2. Biogeochemical Function
3. Plant Habitat Function
4. Animal Habitat Function

USACE (1979), USEPA (2009) and USGS (1996) will be used as the primary guidance documents for assessing xeric riparian values, which include assessment of the following seven major value categories:

1. *Aquifer Recharge (including Base Flow and Water Supply)*
2. Flood Protection
3. Water Quality
4. Economic
5. Aesthetic
6. Recreational
7. Cultural

Xeric riparian values 1 through 4 will be incorporated within xeric riparian functions because wetland values also arise from the many ecological functions associated with wetlands (USEPA 2009). Xeric riparian values 5 through 7 will be ascertained through subjective review during the jurisdictional

delineation field assessment, a review of related documents such as cultural resources reports, the Riverside or Kern County General Plans, and speaking with resource agency personnel.

Golden Eagle Surveys

A GOEA field survey will be conducted in 2010 of the PSPP site within proposed Project and Alternative disturbance areas and within an associated buffer zone; however, these surveys are being conducted by an entity other than the AECOM Team.

Helicopter-and ground-based raptor surveys shall be conducted, following the USFWS interim guidelines for GOEA surveys (USFWS 2010), to record and report occupancy (Phase 1) and productivity (Phase 2) of resident golden eagles including, but not limited to, the following:

- individual activities,
- nests and territories on and surrounding the subject solar farm project, and within an approximate 10-mile radius of the proposed Project (assumed USFWS requirement)

The first survey (Phase 1 helicopter survey) has already been completed and a second survey (Phase 2) will begin a minimum of 30 days after the Phase 1 survey was conducted.

General Biological Survey Details

In addition to above-described protocols, the following general surveys actions/approaches will be taken by the AECOM survey team.

- While conducting biological resource surveys at the Project site in 2010 (e.g., DT surveys, WBO surveys, vegetation mapping and rare plant surveys, etc.) biologists will also be looking for and recording occurrences of all sensitive, listed, or other special-status wildlife species or their sign, including but not limited to:
 - Potential bat roosting sites—caves, abandoned buildings, cliffs etc.
 - Nelson's bighorn sheep
 - American badger (*Taxidea taxus*)
 - Mohave ground squirrel
 - Desert kit fox (*Vulpes macrotis*)
 - Mojave fringe-toed lizard (*Uma scoparia*)
 - Loggerhead shrike (*Lanius ludovicianus*)
 - Bendire's thrasher (*Toxostoma bendirei*)
 - Crissal thrasher (*Toxostoma crissale*)
 - Gilded flicker (*Colaptes chrysoides*)
 - Gila woodpecker (*Melanerpes uropygialis*)
 - Raptors
 - Northern harrier (*Circus cyaneus*)
 - White-tailed kite (*Elanus leucurus*)
 - Cooper's hawk (*Accipiter cooperii*)
 - Peregrine falcon (*Falco peregrinus*)
 - Prairie falcon (*Falco mexicanus*)
 - Swainson's hawk
 - Golden eagle
 - Ferruginous hawk (*Buteo regalis*)

- All surveyors will be given Desert Tortoise Awareness training.
- All surveyors will be briefed on potential rare plants within their survey area, including descriptions and photographs/drawings. Biologists will record coordinates and take photographs of any potential occurrences of rare plants and communicate this information to an AECOM Team botanist for verification immediately.
- Within areas of the 1-mile disturbance area (Project or Alternative) survey buffer not previously surveyed, a more general survey of habitat suitability and occurrence of special-status species and their sign will be conducted (according to the CEC's Draft Recommended Biological Resources Field Survey Guidelines for Large Solar Projects [CEC 2007]), if accessible to the biologists conducting the surveys.

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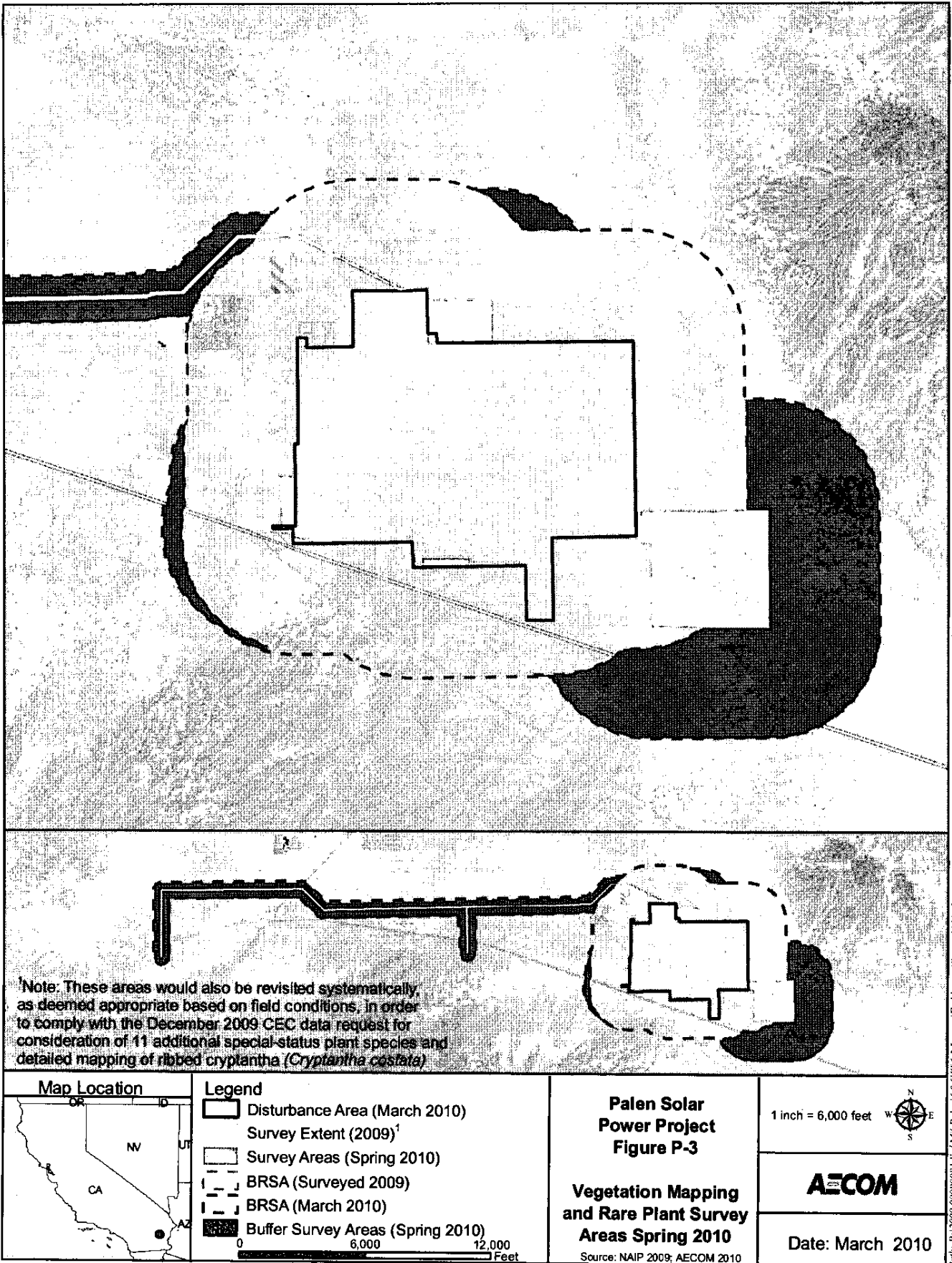
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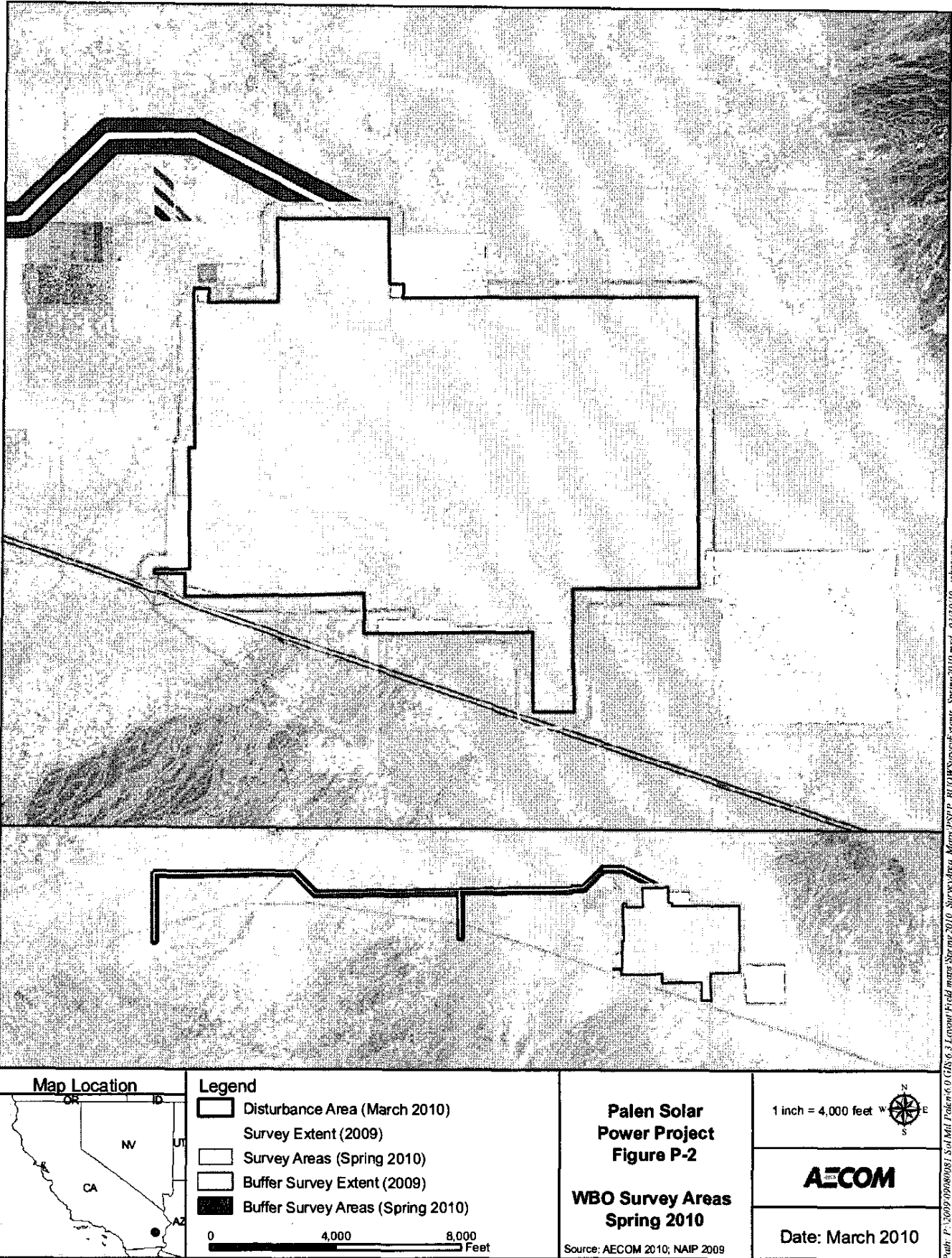
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Attachment 1

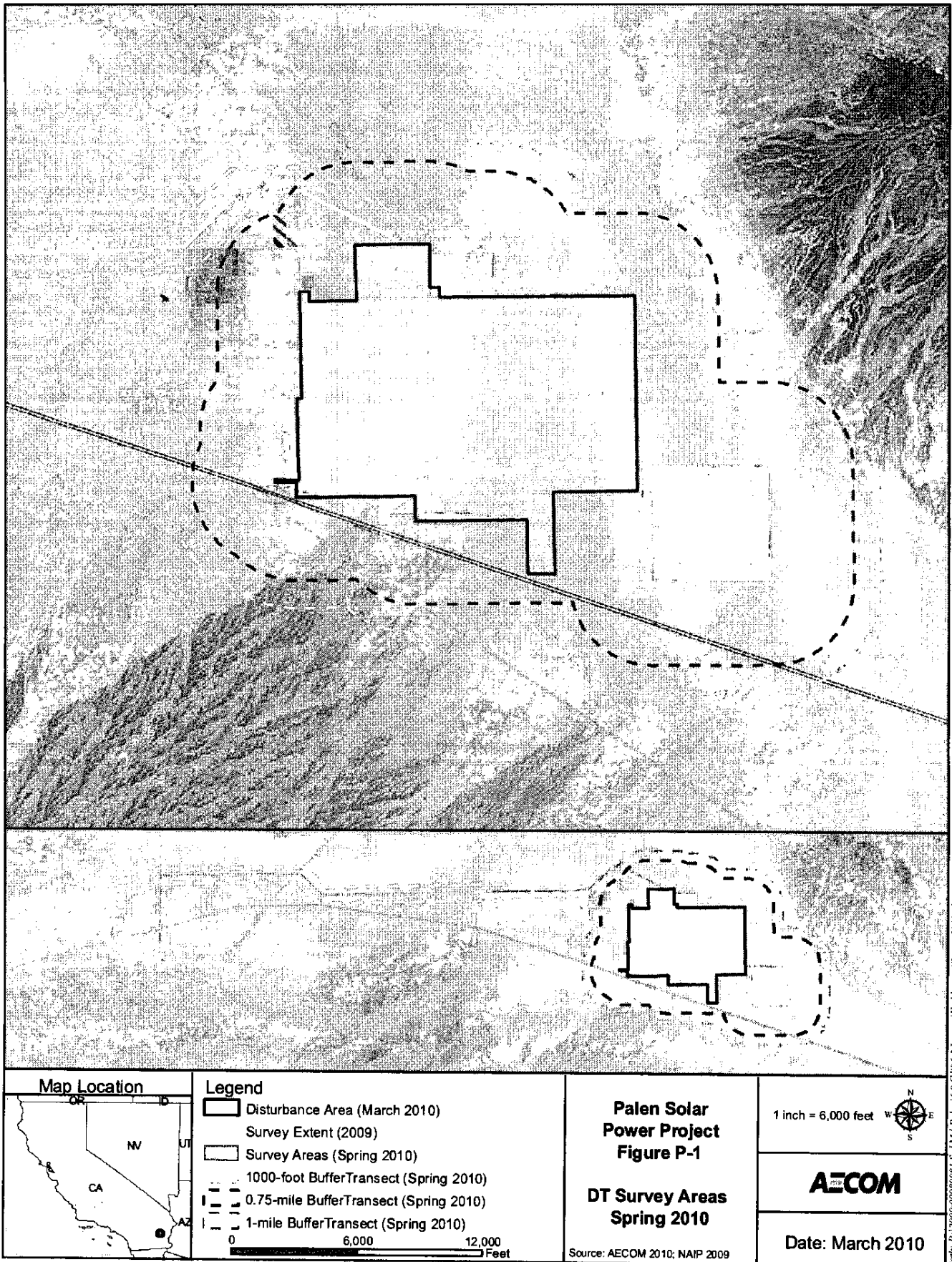
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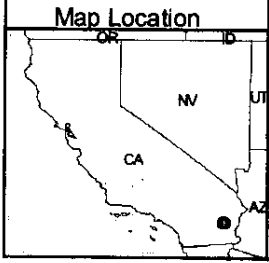
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Legend

- Disturbance Area (March 2010)
- Survey Extent (2009)
- Survey Areas (Spring 2010)
- 1000-foot BufferTransect (Spring 2010)
- 0.75-mile BufferTransect (Spring 2010)
- 1-mile BufferTransect (Spring 2010)

0 6,000 12,000 Feet

Palen Solar Power Project
Figure P-1

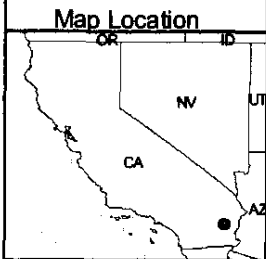
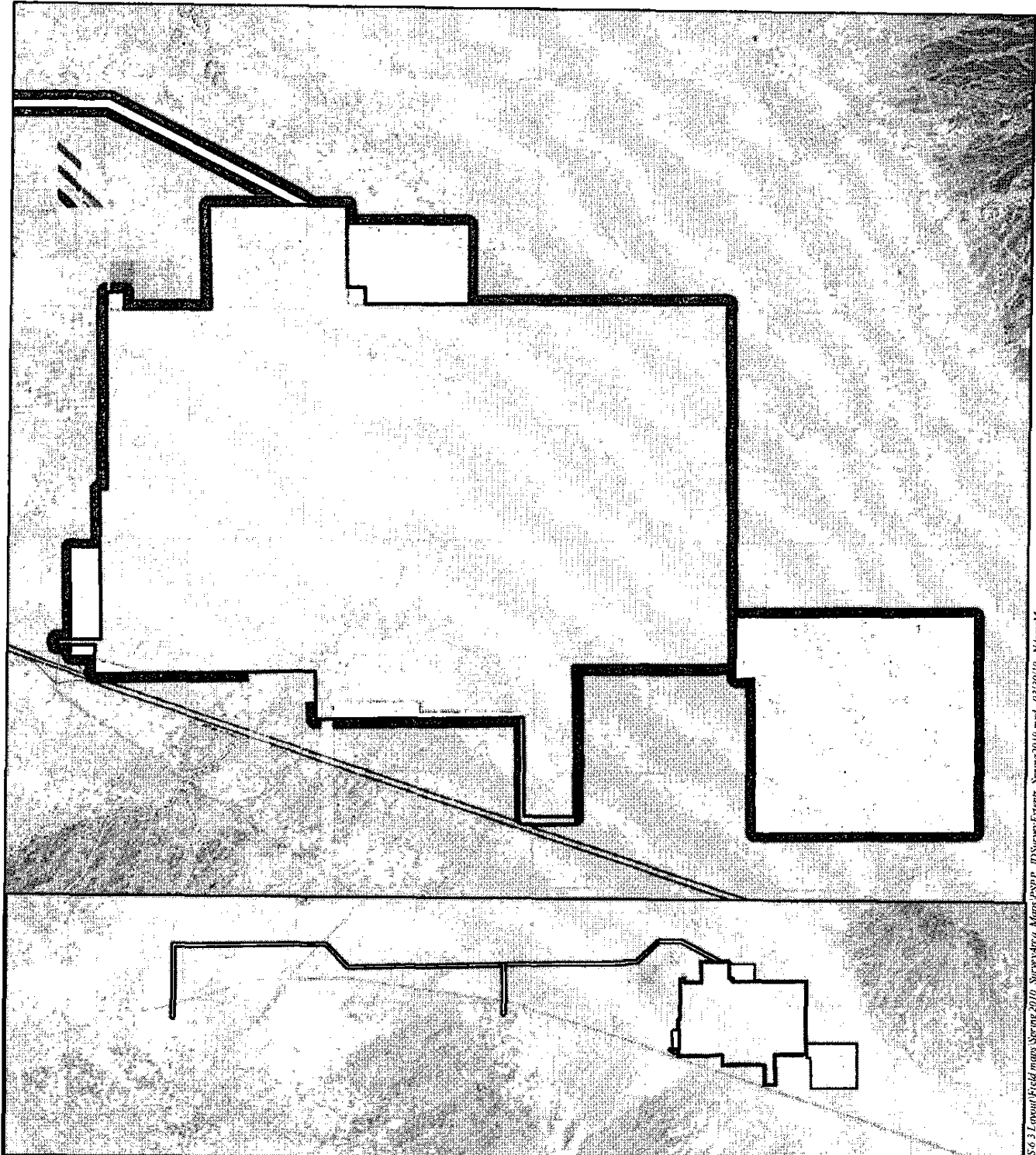
DT Survey Areas
Spring 2010

Source: AECOM 2010; NAIP 2009





1 inch = 6,000 feet

AECOM

Date: March 2010



Legend


-  Disturbance Area (March 2010)
-  Survey Extent (2009)
-  Survey Areas (Spring 2010)
-  Buffer Survey Areas (Spring 2010)

0 3,500 7,000 Feet

**Palen Solar Power Project
Figure P-4**

**Jurisdictional Waters
Survey Areas
Spring 2010**

Source: AECOM 2010; NAIP 2009

1 inch = 3,500 feet 

AECOM

Date: March 2010

Title: P:\2009\09080801_Sol_Mtl_Palen_6.0_GIS_6.5_Layout\Field maps_Spring 2010_SurveyArea_Maps_PSP1_Pal_Survey_Extent_Spring2010.mxd, 03/30/10, NIdemaM

Attachment 2

Target List of Special Status Plant Species for 2010 Surveys

**Attachment 2
Target List of Special Status Plant Species for 2010 Surveys
Palen Solar Power Project**

Scientific Name	Common Name	Status ³	Expected Fall or Spring ⁴
<i>Acleisanthes longiflora</i>	Angel trumpets	CNPS List 2.3 NECO	Spring
<i>Androstephium breviflorum</i> ¹	small-flowered androstephium	CNPS List 2.2	Spring
<i>Astragalus insularis</i> <i>var. harwoodii</i>	Harwood's milkvetch	CNPS List 2.2 NECO	Spring
<i>Astragalus lentiginosus</i> <i>var. coachellae</i>	Coachella Valley milkvetch	ESA: Threatened CNPS List 1B.2	Spring
<i>Ayenia compacta</i> ¹	California ayenia	CNPS List 2.3	Spring
<i>Calliandra eriophylla</i>	Fairyduster	CNPS List 2.3 NECO	Spring
<i>Calochortus striatus</i>	Alkali mariposa-lily	CNPS: List 1B.2 BLM: Sensitive	Spring
<i>Castela emoryi</i>	Crucifixion thorn	CNPS List 2.3 NECO	Spring
<i>Chamaesyce abramsiana</i> ¹	Abram's spurge	CNPS List 2.2	Fall
<i>Chamaesyce platysperma</i> ¹	Flat-seeded spurge	CNPS List 1B.2	Fall
<i>Colubrina californica</i>	Las Animas colubrine	CNPS List 2.3 NECO	Spring
<i>Condalia globosa</i> <i>var. pubescens</i> ¹	bitter snakewood	CNPS List 4.2	Spring
<i>Coryphantha alversonii</i>	Foxtail cactus	CNPS List 4.3 NECO	Spring
<i>Cryptantha costata</i> ¹	ribbed cryptantha	CNPS List 4.3	Spring
<i>Cryptantha holoptera</i> ¹	winged cryptantha	CNPS List 4.3	Spring
<i>Cynanchum utahense</i>	Utah milkvine	CNPS List 4.3 NECO	Spring
<i>Ditaxis claryana</i>	glandular ditaxis	CNPS List 2.2 NECO	Spring or Fall
<i>Ditaxis serrata</i> <i>var. californica</i>	California ditaxis	CNPS List 3.2 NECO	Spring or Fall
<i>Echinocactus polycephalus</i> <i>var. polycephalus</i> ²	cottontop cactus	No special status (considered but rejected)	Spring
<i>Echinocereus engelmannii</i> ²	hedgehog cactus	CNPS List 1B.1 (<i>var. howei</i>)	Spring
<i>Echinocereus triglochidiatus</i> ²	hedgehog cactus	No special status	Spring
<i>Eriastrum harwoodii</i> ¹	Harwood's woollystar	CNPS List 1B.2	Spring

Comment Letter 6

Scientific Name	Common Name	Status ³	Expected Fall or Spring ⁴
<i>Ferocactus cylindraceus</i> ²	California barrel cactus	No special status	Spring
<i>Horsfordia alata</i> ¹	pink velvet mallow	CNPS List 4.3	Spring or Fall
<i>Hymenoxys odorata</i> ¹	bitter hymenoxys	CNPS List 2	Spring or Fall
<i>Imperata brevifolia</i>	California satintail	CNPS List 2.1	Spring or Fall
<i>Matelea parvifolia</i> ¹	spearleaf	CNPS List 2.3	Spring
<i>Mentzelia puberula</i> ¹	Argus blazing star	No special status (taxonomy unresolved)	Spring
<i>Physalis lobata</i> ¹	lobed ground cherry	CNPS List 2.3	Fall
<i>Portulaca halimoides</i> ¹	desert portulaca	CNPS List 4.2	Fall
<i>Proboscidea althaeifolia</i> ¹	desert unicorn plant	CNPS List 4.3	Spring
<i>Salvia greatae</i>	Orocopia sage	CNPS List 1B.3 NECO	Spring
<i>Selaginella eremophila</i>	Desert spikemoss	CNPS List 2.2	Spring
<i>Senna covesii</i>	Coves' cassia	CNPS List 2.2 NECO	Spring
<i>Teucrium cubense</i> ssp. <i>depressum</i>	dwarf germander	CNPS List 2.2	Spring
<i>Wislizenia refracta</i> ssp. <i>refracta</i>	Jackass clover	CNPS List 2.2 NECO	Spring or Fall
<i>Xylorhiza orcuttii</i>	Orcutt's Woody-aster	CNPS List 1B.2 BLM Sensitive	Spring

1. Species requested to be surveyed by CEC (AECOM 2010)
2. Species requested to be surveyed by BLM (LaPre 2009)
3. Sensitivity Status Key

ESA Federal Endangered Species Act (ESA) Threatened

CNPS California Native Plant Society Lists:

- 1B: Considered rare, threatened, or endangered in California and elsewhere
- 2: Plants rare, threatened, or endangered in California, but more common elsewhere
- 3: Plants for which we need more information – Review list
- 4: Plants of Limited Distribution – A Watch list

Decimal notations: .1 – Seriously endangered in California, .2 – Fairly endangered in California, .3 – Not very endangered in California

BLM Special Status Plants (Palm Springs Field Office)

NECO Special-status species considered in analysis of the Northern and Eastern Colorado Coordinated Management Plan (BLM 2002).

Comment Letter 6

4. Based on the known blooming periods of these plant species, many of these species are opportunistic with respect to rainfall. While they have been listed in this table as occurring Spring, Fall, or Both, actual blooming times will correlate more closely with the climate than the calendar. Field surveys will be comprehensive, not selective; all plants on this list will be considered during all surveys, regardless of the probability of finding them. A complete floral inventory will be recorded for the site as well.



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April 22, 2010

Mr. Rick York
California Energy Commission
1516 Ninth Street, MS-40
Sacramento, CA 95814-5512

Subject: Biological Survey Methodologies for the Palen Solar Power Project Site, 2010

Dear Mr. York:

On behalf of Solar Millennium, LLC, AECOM is submitting to the California Energy Commission (CEC) the attached summary of biological resource survey studies and methodologies planned or currently being implemented for 2010 for the Palen Solar Power Project (Project) in the Colorado Desert area of California. The plant site is located near Desert Center, in eastern Riverside County. The purpose of this letter is to inform CEC and relevant resource agencies of our biological survey approach and methodologies for this Project site in 2010.

As a result of Project modifications and the development of Project alternatives (as required by the Bureau of Land Management [BLM] environmental review process) that occurred after surveys were completed in 2009, the AECOM Team is undertaking additional technical surveys and studies in 2010. *These additional surveys are necessary to satisfy Data Requests issued by the CEC during the Applications for Certification (AFC) process and to support related environmental documentation for this Project, as required for Project approval.* Survey results will also be used to update environmental baseline information to support permit applications to other federal, state, and local agencies. In particular the survey results will be used to update and fully characterize the existing biological resource conditions on the project site (including alternatives) as requested by the CEC in its Data Requests, to support determinations regarding Project (or alternative) impacts, to further formulate mitigation requirements, and to provide specific data needs of reviewing agencies.

Key to providing Project updates in support of necessary Project approvals and permits described above is the collection of data concerning the occurrence and distribution of biological resources within previously unsurveyed portions of the Project site (including alternatives) and associated buffers. The biological surveys and data collection planned and currently being implemented for 2010 take into account the physical characteristics of areas to be surveyed, the life histories of the target species, and the guidelines and protocols promulgated by the resource agencies.

Consistent with what was requested by the agencies in 2009, the AECOM Team is providing a written summary of the 2010 survey approach and methodologies, together with a detailed map of areas planned for survey at the Project site. Maps of planned survey areas for each biological resource at the Project site are enclosed. Please note that the maps showing planned survey areas are consistent with current Project (and alternative) design and may change with further refinement of the Project or alternative. In the event that the Project site or alternative are further modified after submittal of this letter, survey areas may be adjusted accordingly to meet the same purpose and intent of documenting and evaluating the environmental baseline for biological resources on the Project site. Biological surveys have already been initiated at the Project site (see attached document).

In submitting this information, it is our hope to keep CEC, and the other resource management agencies (BLM, CDFG, and USFWS) that have been involved in the review and approval of this Project, apprised of our efforts related to biological resource surveys on this Project site. It is Solar Millennium's desire to ensure that the surveys conducted at the Project reflect the most current CEC



Mr. Rick York
California Energy Commission
April 22, 2010
Page 2

and resource agency guidance and that the methodologies being implemented are communicated to CEC and resource agencies early in the survey season.

Please call Bill Graham at (619) 233-1454 if you have any questions.

Sincerely,

William Graham
Principal
Bill.Graham@aecom.com

Enclosures:

Palen Solar Power Project Proposed 2010 Survey Protocols
Figures P-1 through P-4. Palen Solar Power Project Preliminary Survey Maps 2010

cc: Janet Eubanks, BLM
Holly Roberts, BLM
Mark Massar, BLM
Shelly Ellis, BLM
Larry LaPre, BLM
Magdalena Rodriguez, CDFG
David Hacker, CDFG
Pete Sorenson, USFWS
Tannika Engelhard, USFWS
Danielle Dillard, USFWS
Carl Benz, USFWS

Palen Solar Power Project 2010 Protocol Memo

Attachment H



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May 7, 2010

Ms. Susan Sanders
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Dear Ms. Sanders:

Subject: Palen Solar Power Project (09-AFC-7) – Preliminary Spring 2010 Survey Results for Desert Tortoise, Rare Plants and Jurisdictional Waters

On behalf of Palen Solar I, LLC, AECOM is submitting preliminary results of biological surveys conducted for desert tortoise (*Gopherus agassizii*; DT), rare plants, and jurisdictional waters for the Palen Solar Power Project. This information was requested at the Palen and Blythe Staff Workshops conducted on April 28 and 29, 2010.

The preliminary results are presented in the tables and figures attached. Table 1 presents a summary of the observations of DT sign and DT occurrences noted during spring 2010 surveys. Table 2 presents the rare plant population counts observed during spring 2010 surveys. Results from the fall and spring 2009 surveys are not included in DT and rare plant tables or the figures attached. However, the Jurisdictional Waters map does include results from the 2009 surveys and a table presenting the results of both survey years is provided in the figure. Please note that the totals provided in the tables herein are simply the results of our observations. These tables do not represent total impacts nor is this an impact analysis. Comprehensive technical reports and impact analyses are currently being prepared and will be submitted to the CEC in early June.

Please let us know if you have any questions.

Sincerely,

Bill Graham
Vice President

Attachments: Table 1. Palen Solar Power Project Desert Tortoise Observations Spring 2010
Table 2. Palen Solar Power Project Rare Plant Populations Counts Spring 2010
Figure. Preliminary Results Desert Tortoise Spring 2010 Surveys
Figure. Preliminary Results Botany Rare Plants Spring 2010 Surveys
Figure. Preliminary Results State Waters Spring 2010 Surveys
CD. Raw Data Files

cc: Alice Harron, Solar Millennium
Elizabeth Ingram, Solar Millennium
Scott Galati, Solar Millennium Counsel
Mark Luttrell, AECOM

09080082_39 Palen Preliminary Spring 2010 Survey Results Cover Letter.doc

Table 1. Palen Solar Power Project Desert Tortoise Observations Spring 2010

Description	Proposed Project Study Area	Reconfigured Alternative Project Study Area	Proposed Project/Reconfigured Alternative Study Area ¹	Buffer	Incidental Observations Outside Buffer Area	Grand Total
Adult Tortoise	1			4	2	7
Active Tortoise Burrow or Pallet - Class 1				4		4
Tortoise Burrow or Pallet - Class 3 (deteriorated, definitely tortoise)				2		2
Possible Tortoise Burrow or Pallet (Class 4 or 5)		1		3	1	5
Tortoise Scat	4			11	3	18
Tortoise Bone Fragment - Mineralized		5		5	1	11
Tortoise Bone Fragment - Not Mineralized	2	37	1	6	1	47
Tortoise Carcass (shell bone falling apart; growth rings on scutes are peeling)				1		1
Tortoise Tracks				3		3

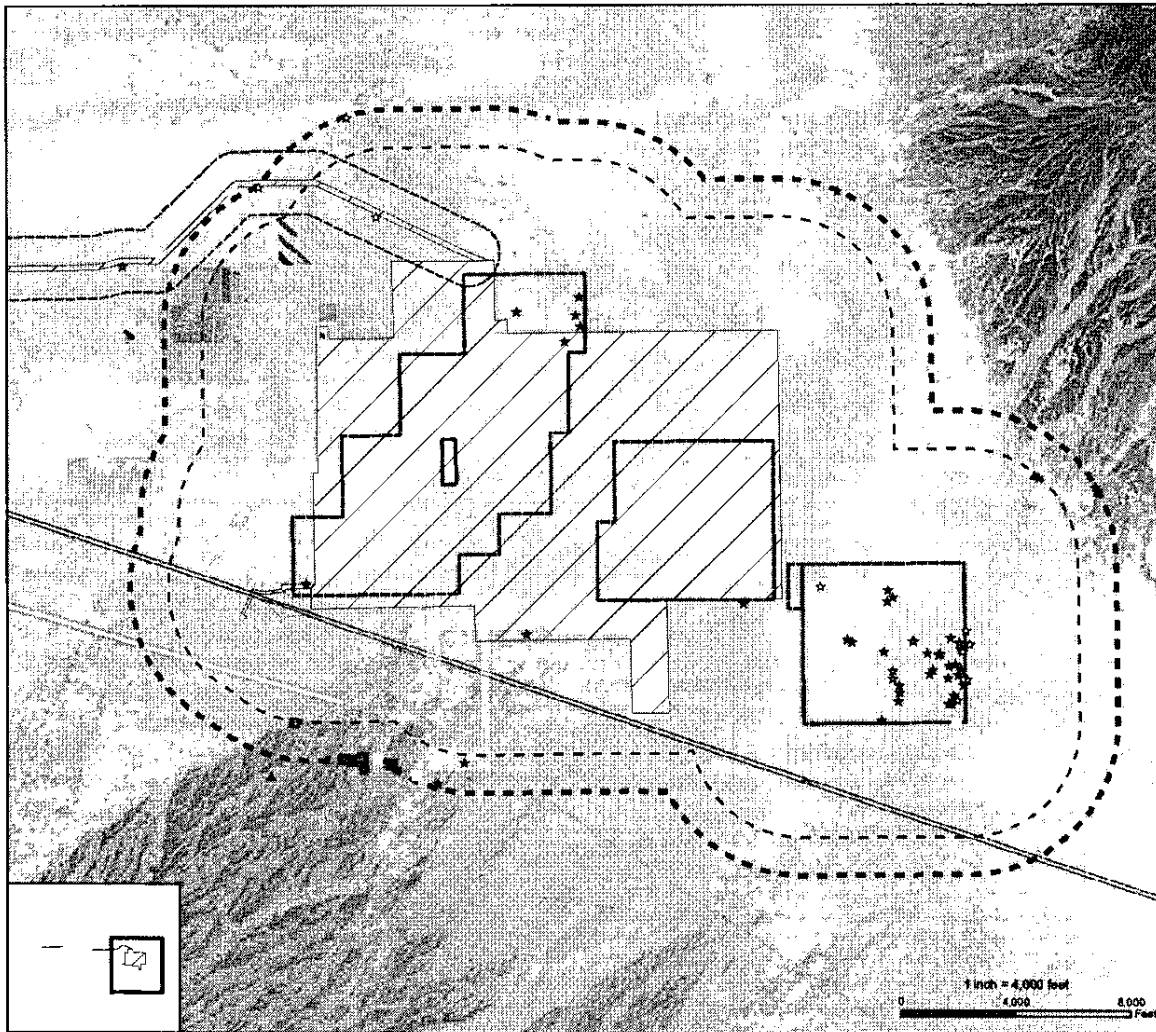
¹This encompasses the areas where the Proposed Project Study Area and Reconfigured Alternative Study Area overlap.

Table 2. Palen Solar Power Project Rare Plant Population Counts Spring 2010¹

Species	Proposed Project Study Area	Reconfigured Alternative Project Study Area	Propose Project/Reconfigured Alternative Study Area ²	Buffer	Incidental Observations Outside Buffer Area	Grand Total
Atriplex canescens				920		920
Cottontop cactus	1					1
Harwood's milkvetch	4		1	172		177
Harwood's woollystar				13		13
Ribbed cryptantha	6,750	337	30	68,859		75,976
Utah milkvine					11	11

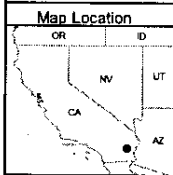
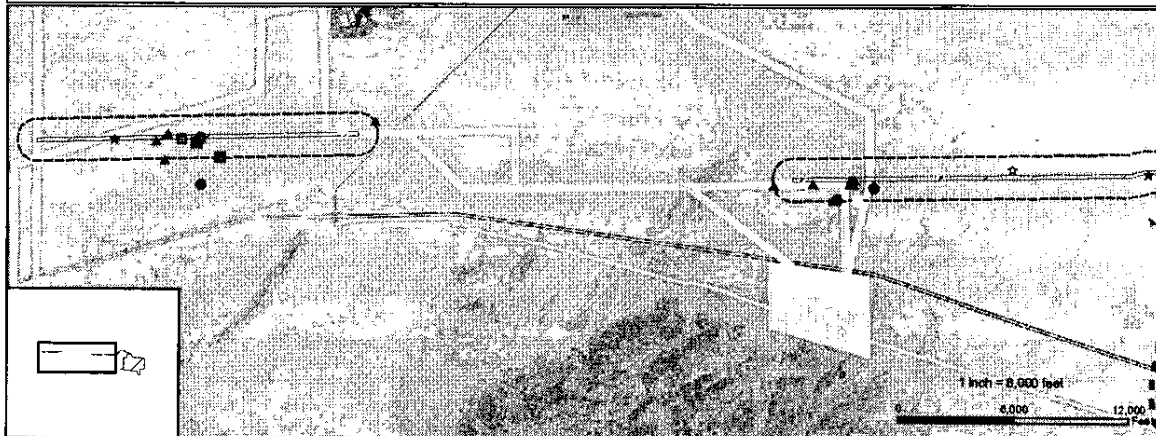
¹Note that each point on the figure may represent multiple individuals

²This encompasses the areas where the Proposed Project Study Area and Reconfigured Alternative Study Area overlap.



DT Observation Spring 2010

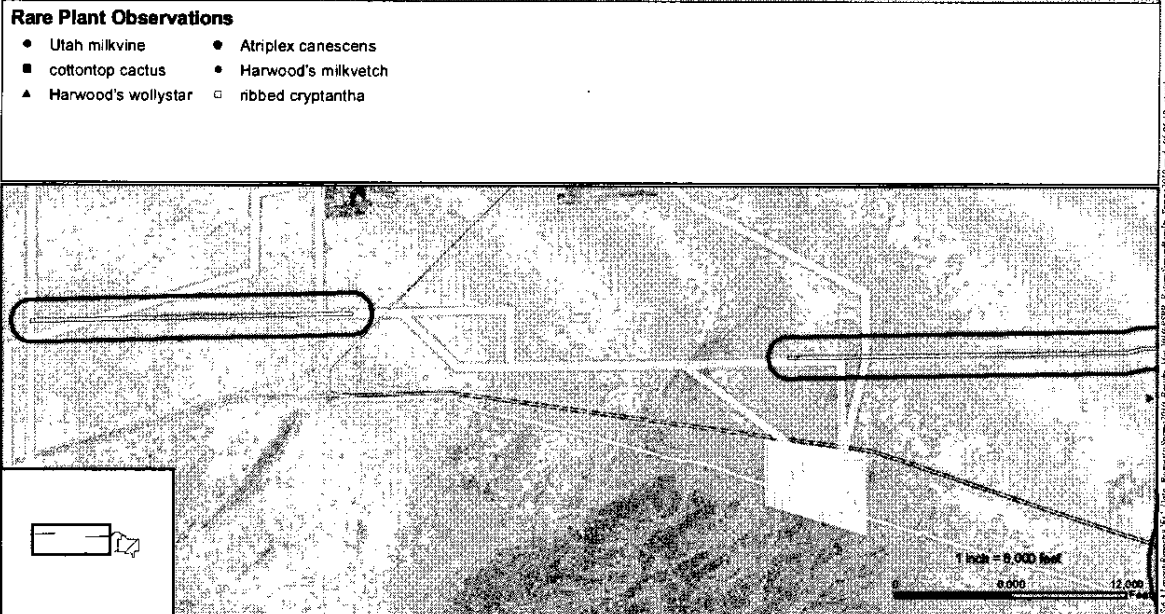
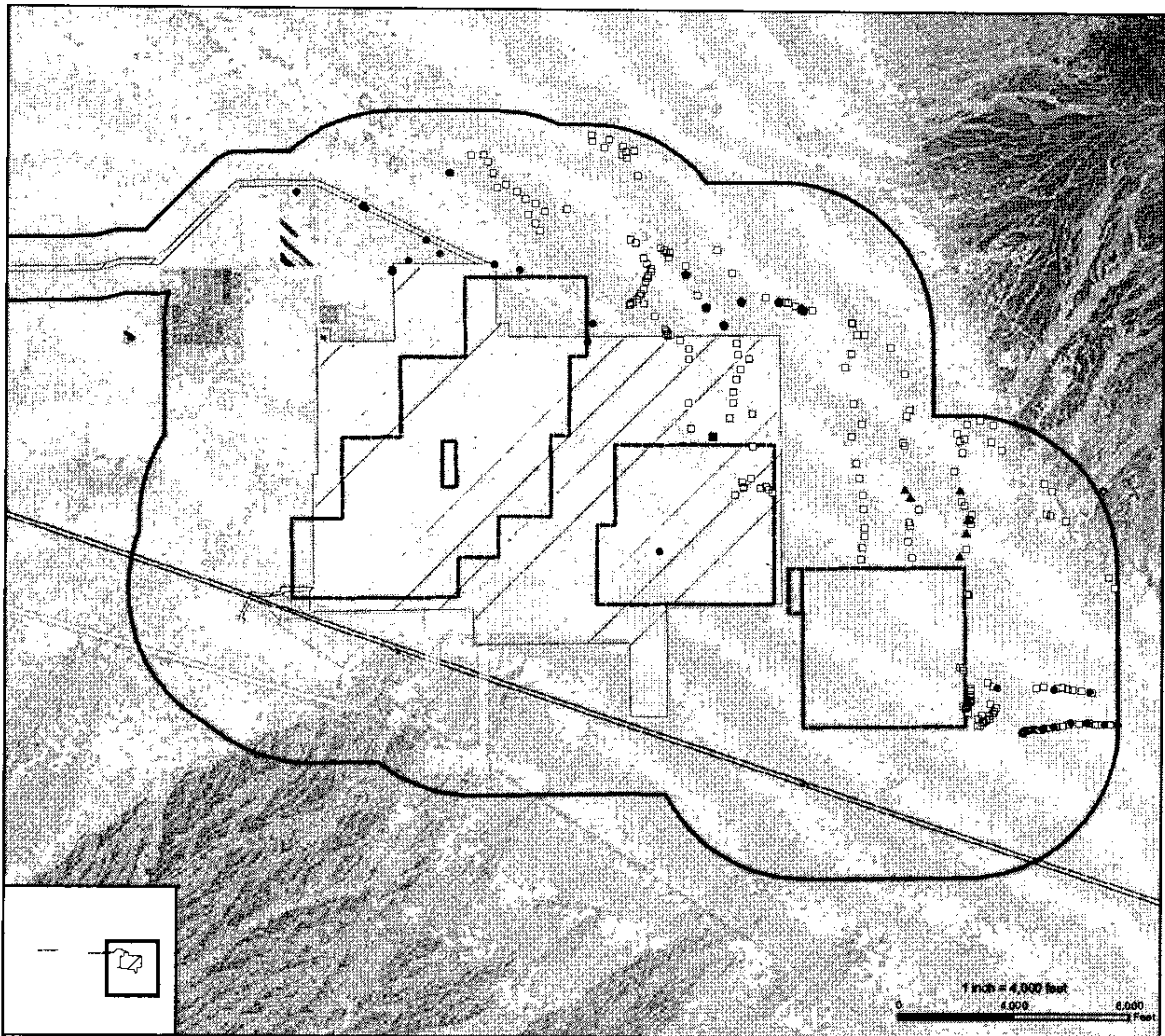
- | | | |
|------------------------------------------------|------------------------------------------------------|--------------------------------------|
| ● Adult Tortoise | ★ Tortoise Bone Fragment - Mineralized | ▲ Tortoise Scat/Tortoise Tracks |
| ■ Tortoise Burrow or Pallet - Class 1 (Active) | ★ Tortoise Bone Fragment - Not Mineralized | ■ Tortoise Tracks |
| ▲ Tortoise Scat | ■ Tortoise Burrow or Pallet - Class 3 (Deteriorated) | ○ Possible Tortoise Burrow or Pallet |
| | ○ Tortoise Carcass - Class 4 | |



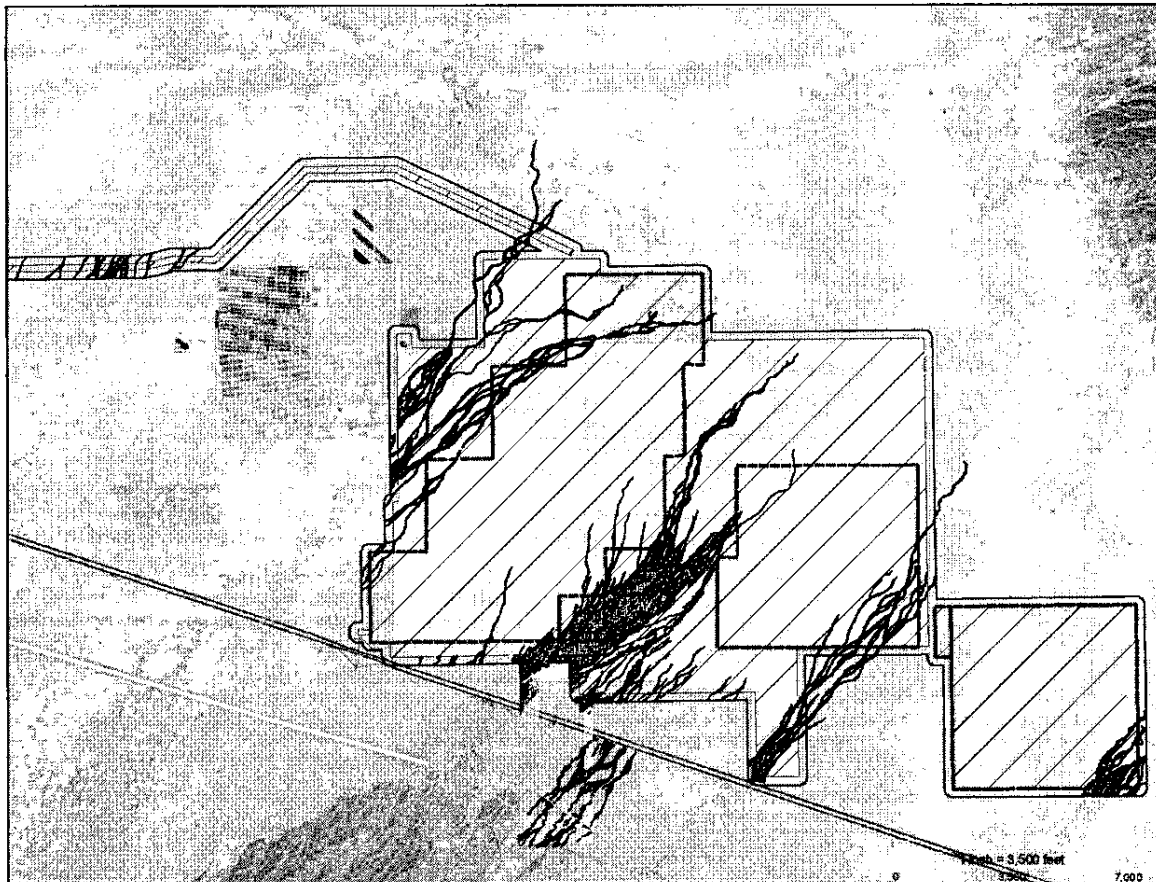
Legend	
Project Study Area	Buffer Transect 1000-foot
Reconfigured Alternative Study Area (Surveyed in 2009)	Buffer Transect 3/4-mile
First Solar Study Area	Buffer Transect 1-mile

Palen Solar Power Project
Preliminary Results
Desert Tortoise
Spring 2010 Surveys

AECOM
 Date: May 2010



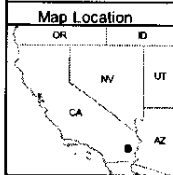
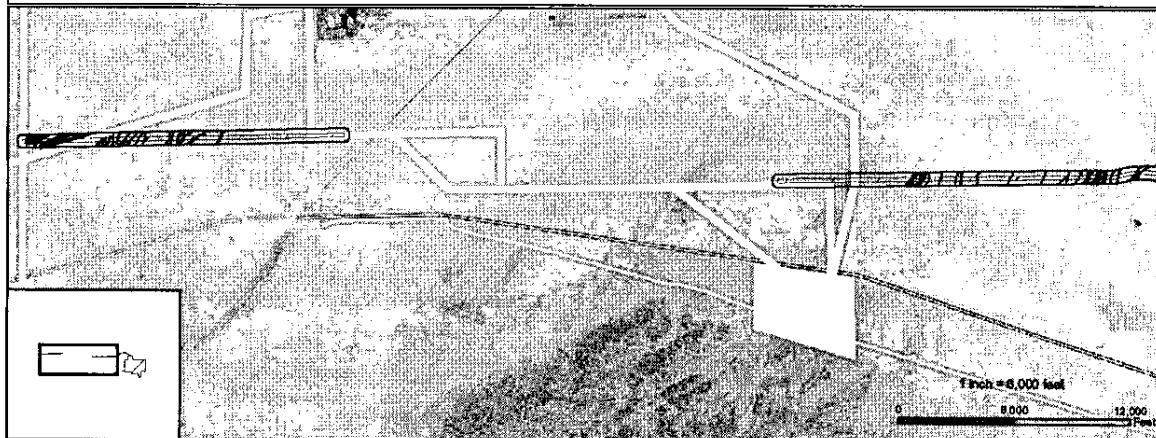
<p>Map Location</p>	<p>Legend</p> <ul style="list-style-type: none"> □ Project Study Area ▨ Reconfigured Alternative Study Area □ BRSA <p>Study Area (Surveyed in 2009) First Solar Study Area</p>	<p>Palen Solar Power Project</p> <p>Preliminary Results Botany Rare Plants Spring 2010 Surveys</p> <p>Source: NAIP 2009; AECOM 2010</p>	
			<p>AECOM</p>
			<p>Date: May 2010</p>



Jurisdictional Waters of the State		Project Study Area (acres)	Buffer (acres)	Reconfigured Alternative Study Area (acres)	Buffer (acres)
Desert Dry Wash Woodland	Riparian Interfluvium	49.1	19.8	6.8	5.3
	Vegetated Ephemeral Dry Wash	119.3	39.1	13.6	11.8
	Wash Dependent Vegetation	1.4	0.1	0.0	0.1
Other Waters	Unvegetated Ephemeral Dry Wash	167.6	25.2	44.5	22.8

Jurisdictional Waters of the State of California

- Desert Dry Wash Woodland**
- Riparian Interfluvium
 - Vegetated Ephemeral Dry Wash
 - Wash Dependent Vegetation
- Other Waters**
- Unvegetated Ephemeral Dry Wash



Legend

- Project Study Area
- Study Area (Surveyed in 2009)
- 250-foot Buffer Study Area
- First Solar Study Area

Palen Solar Power Project

Preliminary Results State Waters Spring 2010 Surveys

AECOM

Date: May 2010

Attachment I



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May 27, 2010

Ms. Susan Sanders
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Subject: Palen Solar Power Project (09-AFC-7) – Preliminary Spring 2010 Survey Results Corrected and Preliminary Impact Calculations for Biological Resources

Dear Ms. Sanders:

On behalf of Palen Solar I, LLC, AECOM is submitting preliminary results of biological surveys conducted in spring 2010 for desert tortoise (*Gopherus agassizii*; DT), rare plants, jurisdictional waters, and incidental wildlife occurrences for the Palen Solar Power Project. This information was requested at the Palen and Blythe Staff Workshops conducted on April 28 and 29, 2010.

Preliminary survey results for DT, rare plants and jurisdictional waters were submitted to the CEC on May 7, 2010. The results provided herein supersede the results provided on May 7, 2010. The preliminary survey results are presented in figures and tables attached. Table 1 and Figure 1 present a summary of observations of DT sign and DT occurrences noted during spring 2010 surveys. Table 2 and Figure 2 present the rare plant population counts observed during spring 2010 surveys. Figure 3 presents the results of a formal jurisdictional delineation of waters of the State. Table 3 and Figure 4 present incidental wildlife occurrences observed during protocol surveys for DT, rare plants, western burrowing owl, and jurisdictional waters. Results from the fall and spring 2009 surveys are not included in the tables and figures for DT, rare plants or incidental wildlife occurrences. However, the jurisdictional waters figure does include results from the 2009 surveys and a table presenting the results of both survey years is provided in the figure. Please note that the results provided in Tables 1 through 3 and Figures 1, 2 and 4 are simply the results of our observations within the 100 percent coverage study area and associated buffers. These tables and figures do not represent total impacts within disturbance areas because we surveyed wider corridor widths and additional areas for contingency in the engineering design that ultimately will not be disturbed.

Figure 5 presents the additional disturbance areas surveyed in 2010 for an access road, transmission line corridor, and additional project components that are outside the 2009 project footprint. Therefore, the total Project Disturbance Area has been revised to be 4,051.1 acres. This total is still preliminary and subject to further refinement in the engineering design. A revised total disturbance area will be provided in final technical reports to be submitted to the CEC in early June.

Figure 6 present preliminary direct impacts to all cover types, including state waters, resulting from the revised Project Disturbance Area. These impact calculations are still preliminary and subject to further refinement in the engineering design. Revised impact calculations will be provided in final technical reports to be submitted to the CEC in early June.

Please let us know if you have any questions.



Sincerely,

Mr. Bill Graham
Principal

Enclosure: Table 1. Palen Solar Power Project Desert Tortoise Observations Spring 2010
Table 2. Palen Solar Power Project Rare Plant Population Counts Spring 2010
Table 3. Palen Solar Power Project Incidental Wildlife Occurrences
Figure 1. Preliminary Results Desert Tortoise Spring 2010 Surveys
Figure 2. Preliminary Results Botany Rare Plants Spring 2010 Surveys
Figure 3. Preliminary Results State Waters Spring 2010 Surveys
Figure 4. Preliminary Results Incidental Wildlife Occurrences Spring 2010 Surveys
Figure 5. Preliminary Disturbance Areas May 2010
Figure 6. Preliminary Impacts to Cover Types May 2010
CD. Raw Data Files in Excel and Shapefiles

cc. Alice Harron, Solar Millennium
Elizabeth Ingram, Solar Millennium
Scott Galati, Solar Millennium Counsel
Mark Luttrell, AECOM

Palen Spring 2010 Preliminary Bio Survey Results Letter to CEC



Table 1. Palen Solar Power Project Desert Tortoise Observations Spring 2010

Description	Proposed Project Study Area	Reconfigured Alternative Project Study Area	Proposed Project/Reconfigured Alternative Study Area ¹	Buffer	Incidental Observations Outside Buffer Area	Grand Total
Adult Tortoise	1			3	3	7
Active Tortoise Burrow or Pallet - Class 1				2		2
Tortoise Burrow or Pallet - Class 3 (deteriorated, definitely tortoise)	1			2		3
Possible Tortoise Burrow or Pallet (Class 4 or 5)		1		6		7
Tortoise Scat	5			10	3	18
Tortoise Bone Fragment - Mineralized	2	5		5	1	13
Tortoise Bone Fragment - Not Mineralized	3	37	1	26	1	68
Tortoise Carcass (shell bone falling apart; growth rings on scutes are peeling)				1		1
Tortoise Tracks				2	1	3

¹This encompasses the areas where the Proposed Project Study Area and Reconfigured Alternative Study Area overlap.

K-309



Table 2. Palen Solar Power Project Rare Plant Population Counts Spring 2010

Species	Proposed Project Study Area	Reconfigured Alternative Project Study Area	Proposed Project/Reconfigured Alternative Study Area²	Buffer	Incidental Observations Outside Buffer Area	Grand Total
Four wing saltbush				920		920
Cottontop cactus	1					1
Harwood's milkvetch				152		152
Harwood's wollystar		1		37		38
Ribbed cryptantha	6,750	337	30	68,859		75,976
Utah milkvine					11	11

¹ Note that each point on the figure may represent multiple individuals

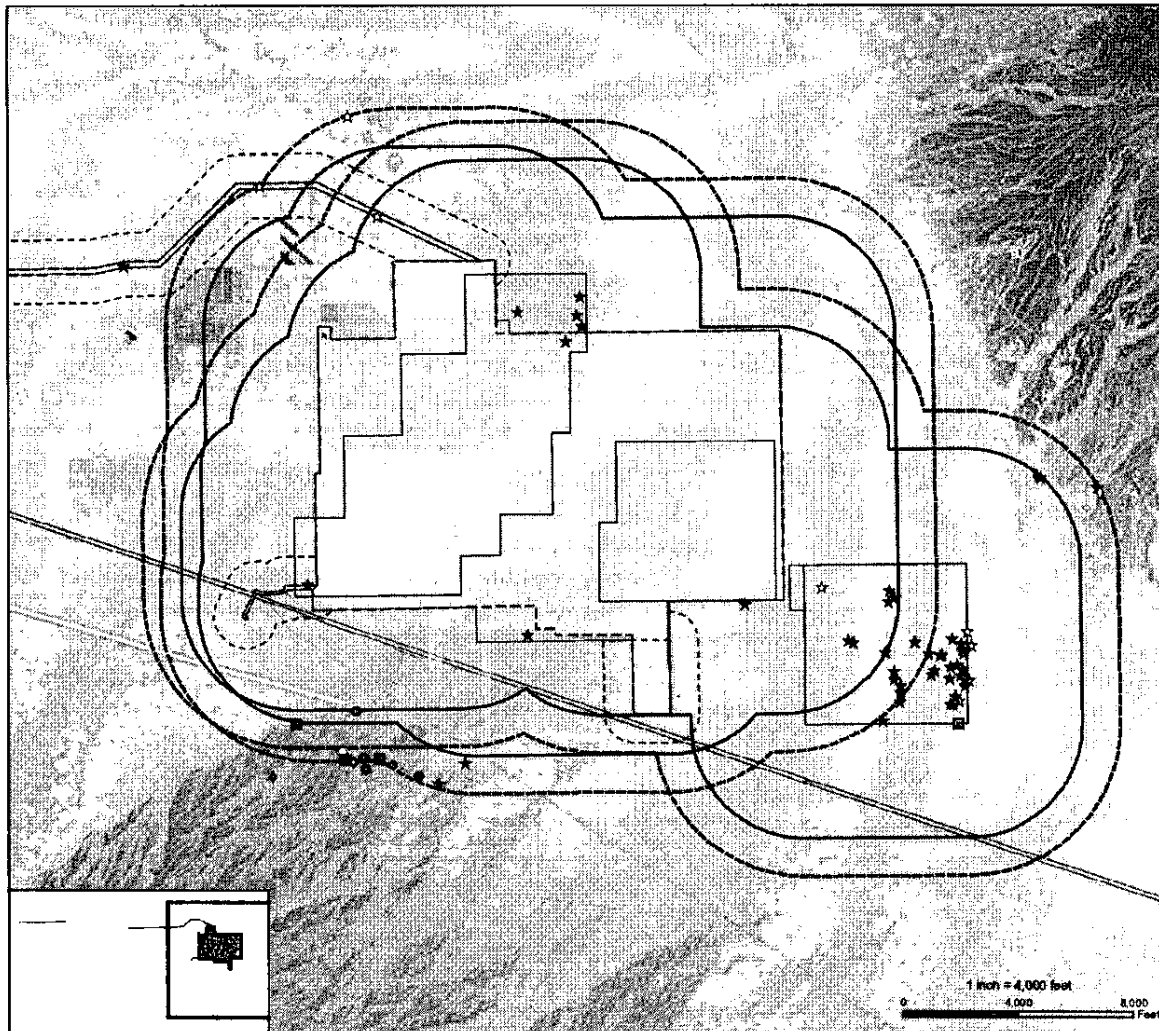
²This encompasses the areas where the Proposed Project Study Area and Reconfigured Alternative Study Area overlap.

Table 3. Palen Solar Power Project Incidental Wildlife Occurrences

Species	Proposed Project Study Area	Reconfigured Alternative Project Study Area	Proposed Project/Reconfigured Alternative Study Area¹	Buffer	Incidental Observations Outside Buffer Area	Grand Total
American Badger Den or Burrow	1	25	1	2	2	31
Ferruginous Hawk				1		1
Kit Fox Burrow or Complex	2	7		4	2	15
Loggerhead Shrike	2	1		3	3	9
Mojave Fringe-toed Lizard	5	310		62	11	388
Unidentified Woodpecker Species – Nest Cavity				1		
Northern Harrier		2		3		5
Swainson's Hawk	1	1		1		3

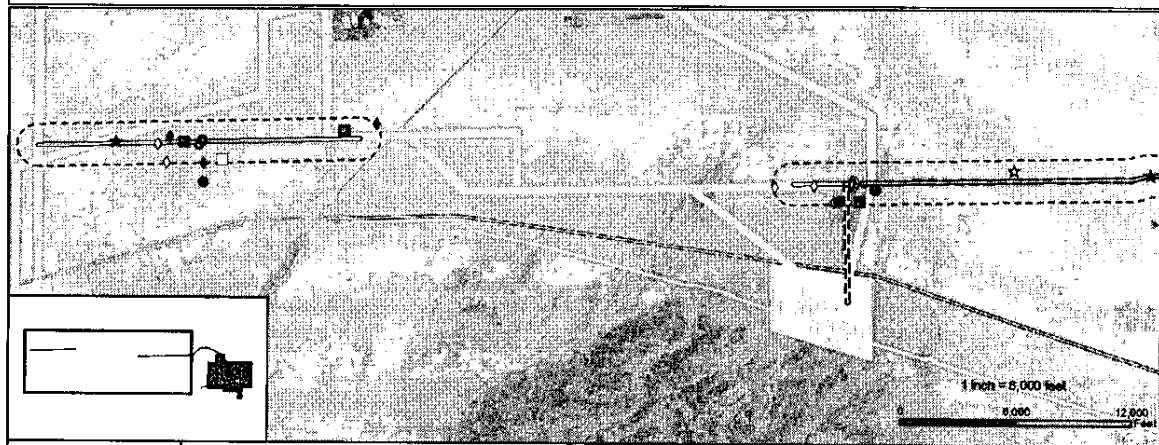
¹This encompasses the areas where the Proposed Project Study Area and Reconfigured Alternative Study Area overlap.

K-311

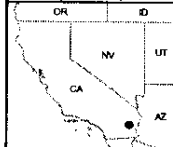


DT Observations (Spring 2010)

- | | | |
|--------------------------------------|--------------------------------------|------------------------------------------------------|
| ● Adult Tortoise | ■ Tortoise Burrow - Class 5 | ◆ Tortoise Scat - Class 3 |
| ● Juvenile Tortoise | ● Tortoise Pallet (Active) - Class 1 | ◆ Tortoise Scat - Class 4 |
| ■ Tortoise Burrow (Active) - Class 1 | ○ Tortoise Pallet - Class 2 | ◆ Tortoise Scat - Class 5 |
| □ Tortoise Burrow - Class 2 | ● Tortoise Pallet - Class 4 | ★ Tortoise Carcass - Class 4 |
| ■ Tortoise Burrow - Class 3 | ● Tortoise Pallet - Class 5 | ★ Tortoise Bone Fragment (Class 5) - Not Mineralized |
| ■ Tortoise Burrow - Class 4 | ◆ Tortoise Scat - Class 1 | ★ Tortoise Bone Fragment (Class 5) - Mineralized |
| | ◇ Tortoise Scat - Class 2 | ○ Tortoise Tracks |



Map Location



Legend

- | | |
|--------------------------------------|------------------------------------------|
| □ Proposed Project Study Area | □ Alternative Disturbance Area |
| □ Project Disturbance Area | □ Alternative 3/4 mile - Buffer Transect |
| □ 1-mile - Project Buffer Transect | □ Alternative 1 mile - Buffer Transect |
| □ 3/4-mile - Project Buffer Transect | □ Study Area (Surveyed in 2009) |
| □ 1000-ft - Project Buffer Transect | □ First Solar Study Area |

Palen Solar Power Project
Figure 1
Preliminary Results
Desert Tortoise
Spring 2010 Surveys

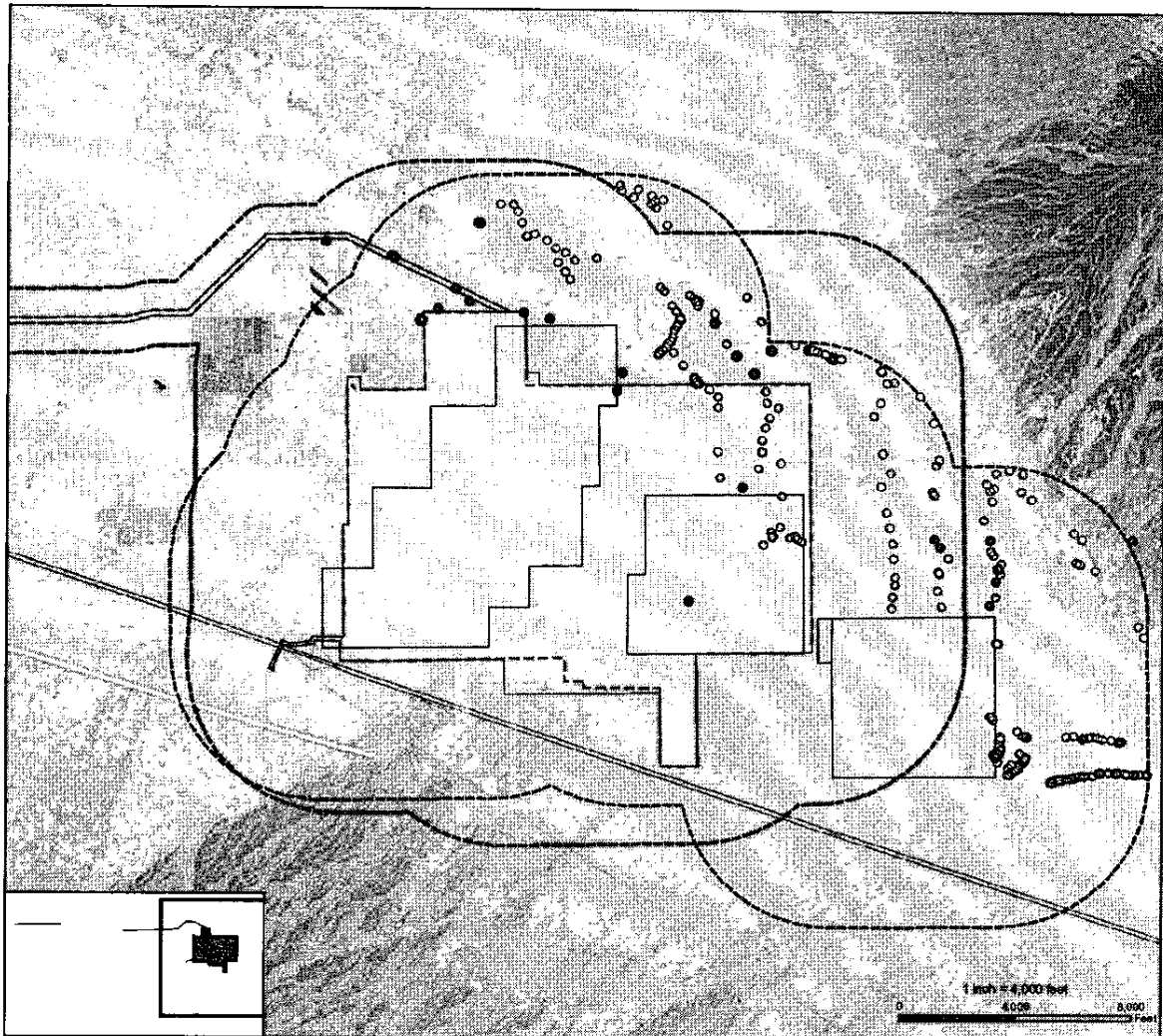


AECOM

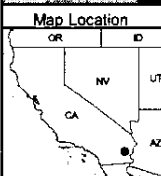
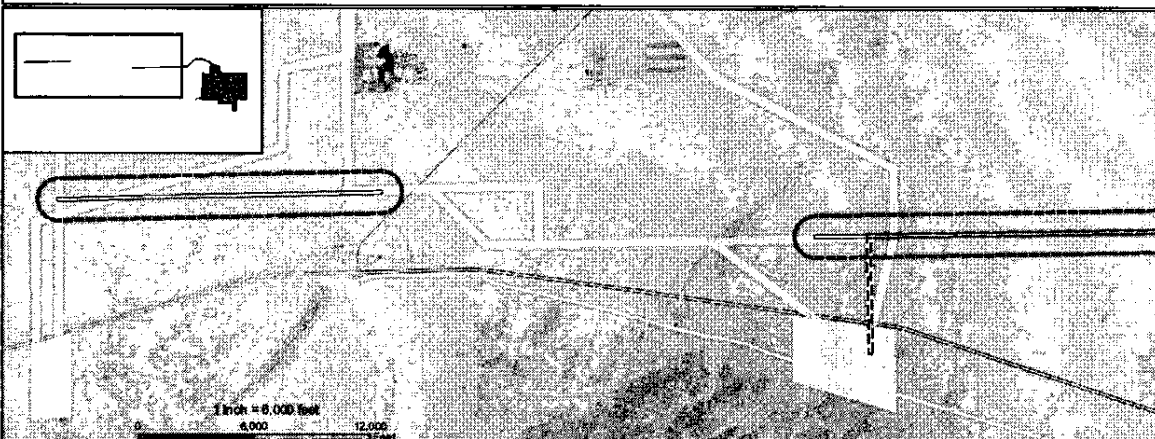
Date: May 2010

Source: NAIP 2006; AECOM 2010; SdaMillennium 2010

Palen Solar Power Project - Figure 1 - Preliminary Results - Desert Tortoise - Spring 2010 Surveys - May 2010



- Rare Plant Observations** CNPS List 4
- CNPS 1B and 2**
- Harwood's milkvetch
 - Harwood's woollystar
 - four wing saltbush
 - Utah milkvine
 - ribbed cryptantha
- BLM-requested Cactus Species**
- cottontop cactus



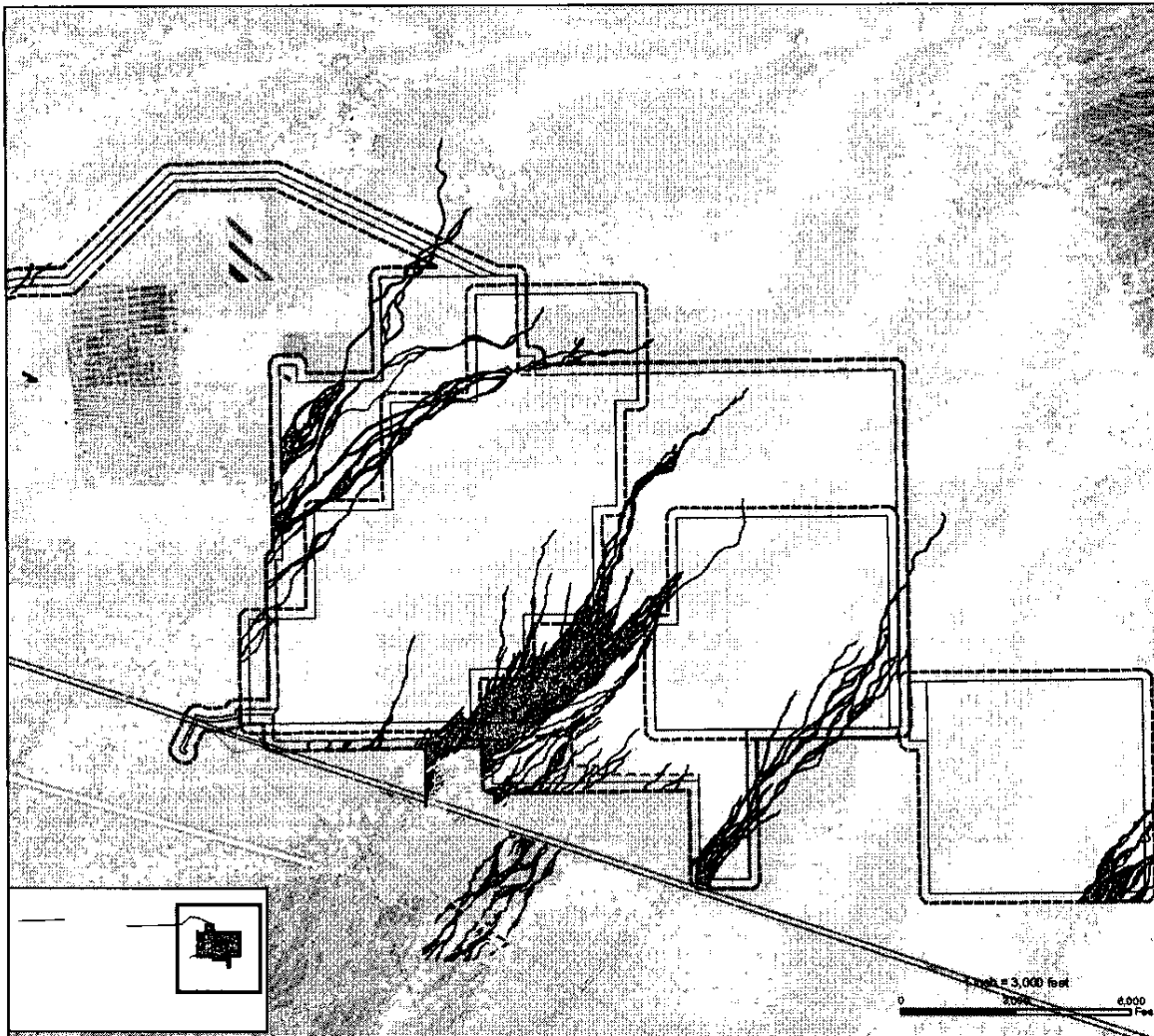
Project Disturbance Area	First Solar Study Area
Proposed Project Study Area	Alternative Disturbance Area
Proposed Project BRSA Study Area (Surveyed in 2009)	Reconfigured Alternative BRSA

Palen Solar Power Project

Figure 2
Rare Plant
Spring 2010 Surveys

AECOM

Date: May 2010



Jurisdictional Waters of the State of California

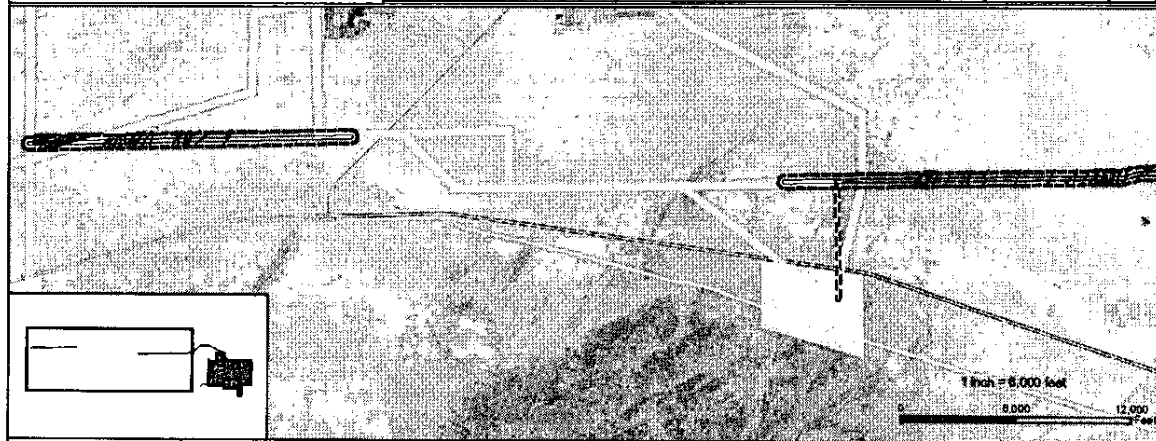
Desert Dry Wash Woodland

- Wash Dependent Vegetation
- Riparian Interfluvium
- Vegetated Ephemeral Dry Wash

Other Waters

- Unvegetated Ephemeral Dry Wash

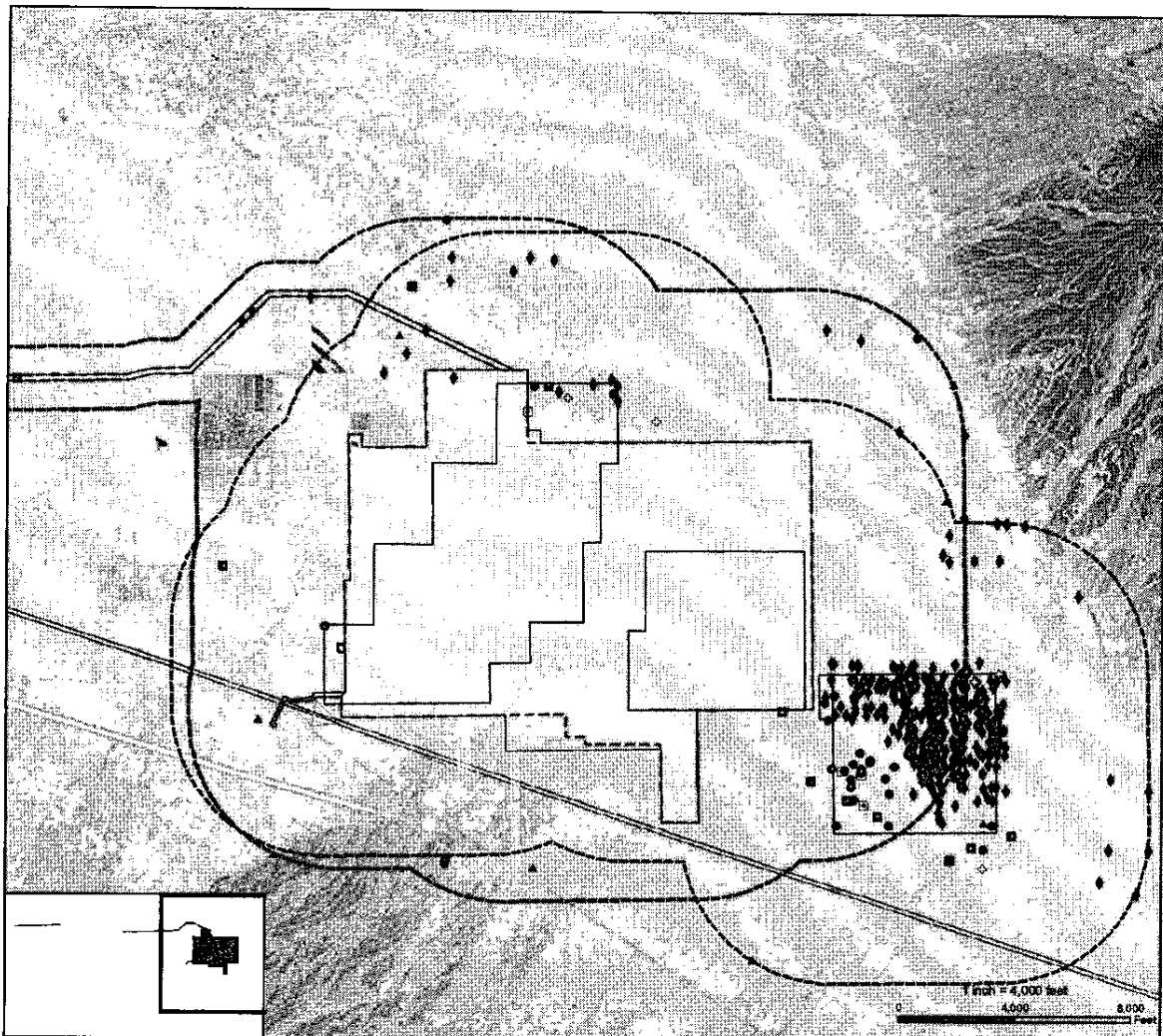
Jurisdictional Waters of the State		Project Disturbance Area		Reconfigured Alternative Disturbance Area	
		Area	Buffer	Disturbance Area	Buffer
Desert Dry Wash Woodland	Wash Dependent Vegetation	1.3	0.2	0.01	0.1
	Riparian Interfluvium	43.6	23.5	6.8	5.3
	Vegetated Ephemeral Dry Wash	99.1	61.1	13.6	11.8
Unvegetated Ephemeral Dry Wash	Unvegetated Ephemeral Dry Wash	164.0	28.7	44.5	22.8



<p>Map Location</p>	<p>Legend</p> <ul style="list-style-type: none"> Proposed Project Study Area Proposed Project DARSA Project Disturbance Area Reconfigured Alternative Disturbance Area Reconfigured Alternative DARSA <p>Study Area (Surveyed in 2009)</p> <p>First Solar Study Area</p>	<p>Palen Solar Power Project</p> <p>Figure 3</p> <p>Preliminary Results</p> <p>State Waters</p> <p>Spring 2010 Surveys</p>	<p>1 inch = 6,000 feet</p> <p>5,000 12,000 Feet</p> <p>AECOM</p> <p>Date: May 2010</p>
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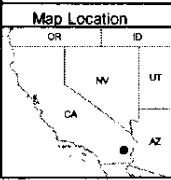
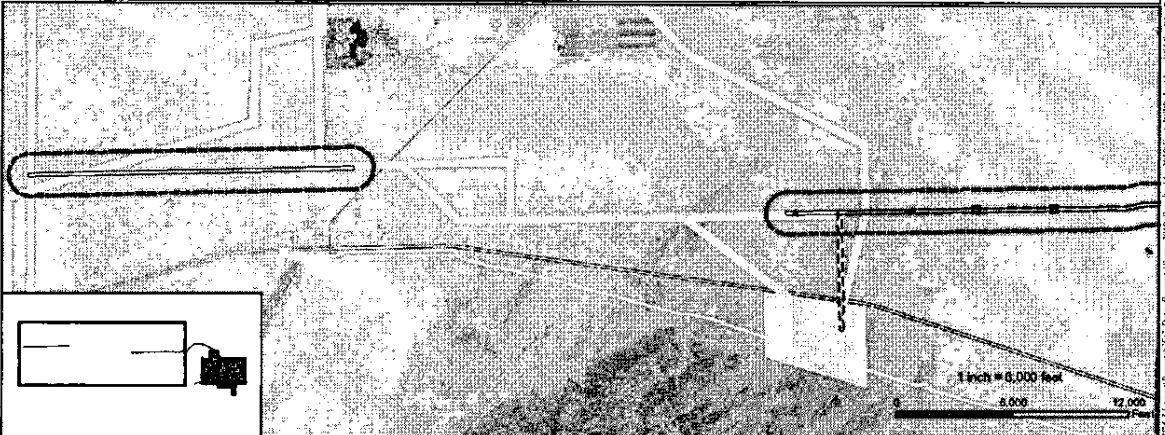
*Note: The Reconfigured Alternative Disturbance Area encompasses the disturbance caused by construction of the solar power blocks only and is not a complete engineering design.

Source: NAIP 2009, AECOM 2010, SolarMillennium 2010.



Sensitive Wildlife Observations

◻ American Badger Den	● Kit Fox Burrow	◆ Northern Harrier
◆ Mojave fringe-toed lizard	■ Kit Fox Complex	■ Swainson's Hawk
▲ American Badger Predation Burrow	▲ Loggerhead Shrike	
▲ Ferruginous Hawk	● Nest Cavity - Unidentified Woodpecker Species	



Legend

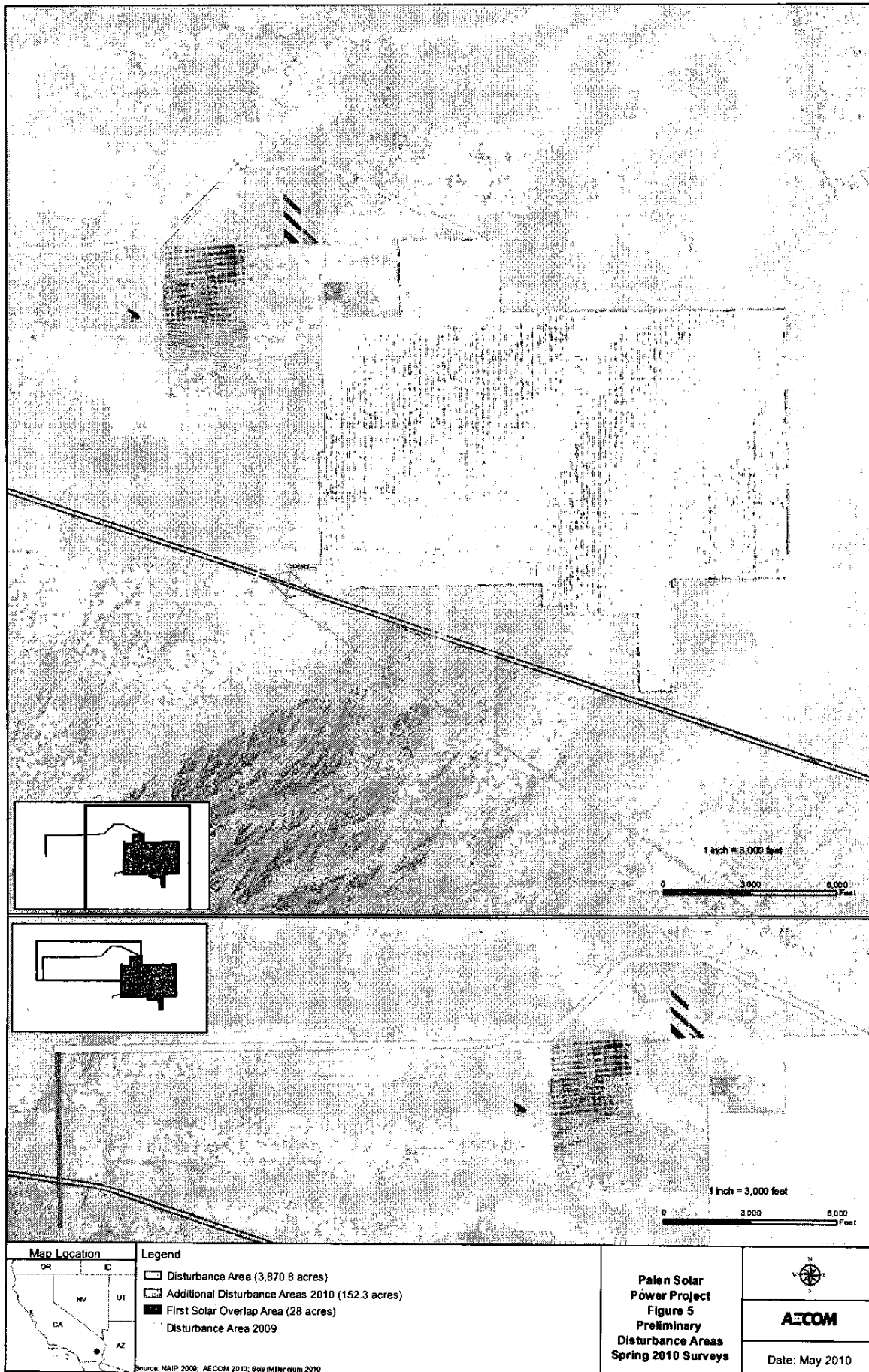
◻ Proposed Project Study Area	◻ Reconfigured Alternative Disturbance Area
◻ Project Disturbance Area	◻ Reconfigured Alternative BRSA
◻ Project Disturbance BRSA	◻ Study Area (Surveyed in 2009)
	◻ First Solar Study Area

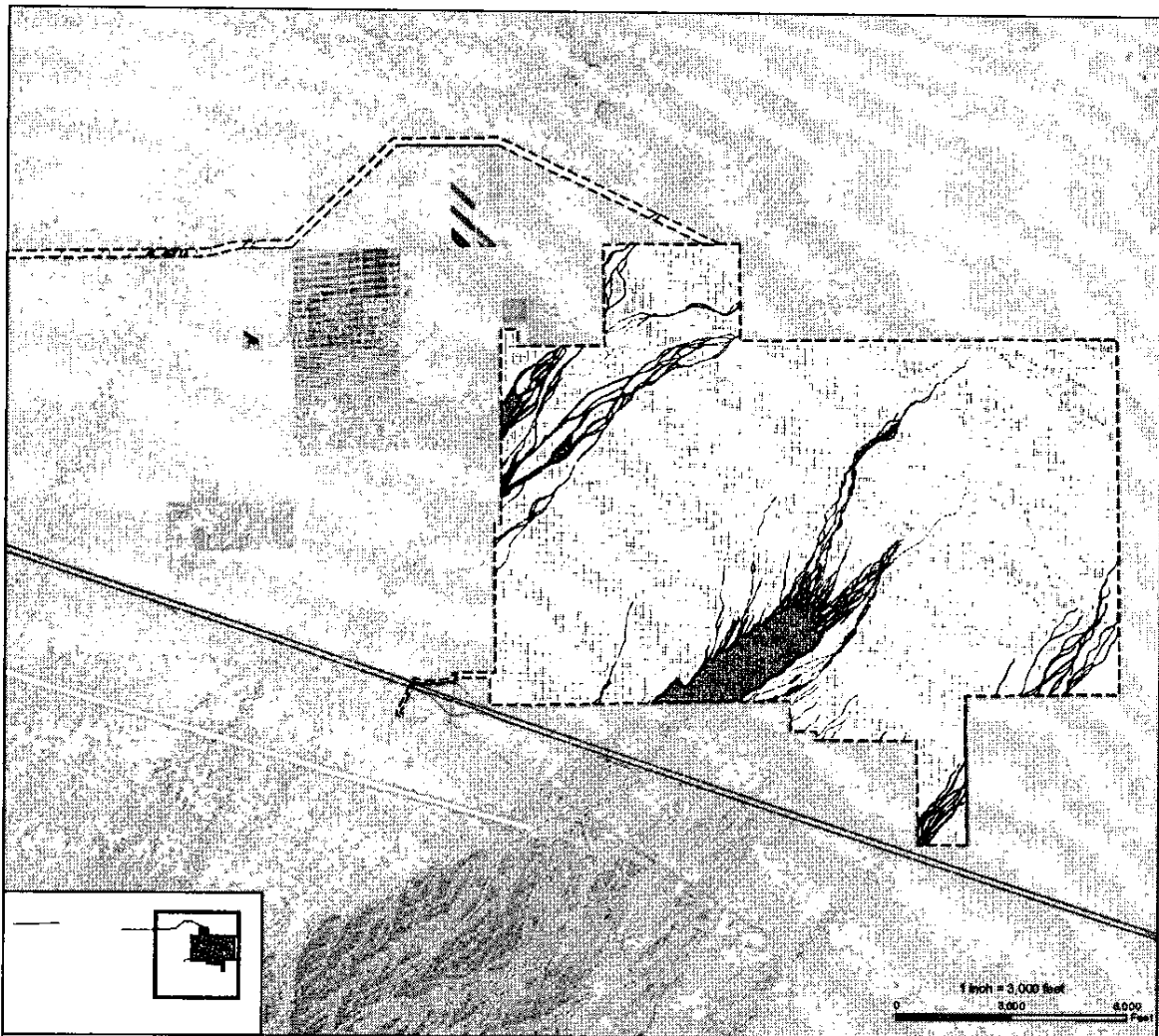
Palen Solar Power Project

Figure 4
Incidental Wildlife Observations
Spring 2010 Surveys

AECOM

Date: May 2010





Vegetation Communities

Riparian

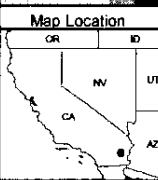
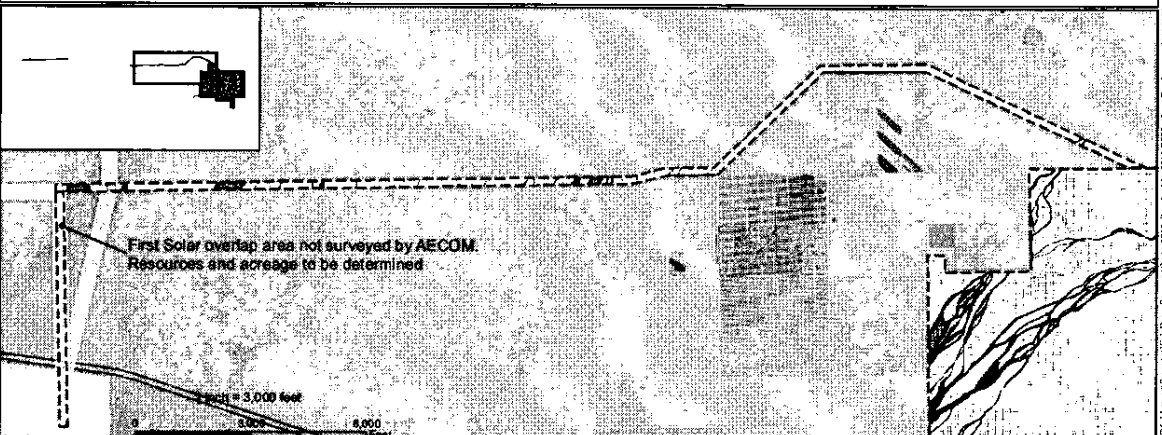
- Desert dry wash woodland (147.5 acres)
- Unvegetated ephemeral dry wash (164.0 acres)

Upland

- Sonoran creosote bush scrub (3421.9 acres)
- Stabilized and partially stabilized desert dunes (284.7 acres)

Other


- Agriculture (3.0 acres)
- Developed (1.9 acres)



Legend
 Project Disturbance Area
 First Solar Study Area

Source: NAIP 2009, AECOM 2010, SdrarMuseum 2010

Palen Solar Power Project
Figure 6
Preliminary Impacts to Cover Types
May 2010



AECOM

Date: May 2010

Attachment J

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

Applications for Certification for the

Calico Solar (SES Solar One) Project,
Genesis Solar Energy Project,
Imperial Valley (SES Solar Two) Project,
Solar Millenium Blythe Project,
Solar Millenium Palen Project, and
Solar Millenium Ridgecrest Project.

Consolidated Hearing on Issues Concerning
US Bureau of Land Management Cultural
Resources Data

Docket Nos.

08-AFC-13,
09-AFC-8,
08-AFC-5,
09-AFC-6,
09-AFC-7,
09-AFC-9, and

10-CRD-1

TESTIMONY OF ALFREDO ACOSTA FIGUEROA ON ISSUES CONCERNING US
BUREAU OF LAND MANAGEMENT CULTURAL RESOURCES DATA

May 26, 2010

Tanya A. Gulesserian
Rachael E. Koss
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
tgulesserian@adamsbroadwell.com
rkoss@adamsbroadwell.com

Attorneys for the CALIFORNIA UNIONS
FOR RELIABLE ENERGY

The following is the Declaration of:

Alfredo Acosta Figueroa
424 North Carlton Ave.
Blythe, Ca 92225
Phone: (760) 922-6422
E-mail: lacunadeaztlan@aol.com

Submitted To:
California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, Ca 95814

I Alfredo Acosta Figueroa, a native of the Colorado River, born in Blythe, California, Elder/Historian and a Chemehuevi Tribal Sacred Site Monitor hereby declare:

That I for the past 55 years have been studying "The Aztec Place of Origin," Aztlán/Chicomoztoc/Hue-Hue-Tlapallan, here in the surrounding Palo Verde/Parker Valleys. The author of the book "Ancient Footprints of the Colorado River," published in May 2002.

That in 1975 we organized opposition against the Sun Desert Nuclear Power Plant proposed to be built at the base of the Sacred Mule Mountains ("Calli" in Nahuatl & "Hamoc-Avi" in Mojave) stopping the project in 1979.

That in 1992 we organized the Colorado River Anti-Ward Valley Coordinating Committee and after 8-years stopped the proposed Ward Valley Nuclear Toxic Dump located in between the Sacred Turtle and Avi-Kawme (Spirit Mountain located 15 miles west of Laughlin, Nevada) Mountains.

That in 2000 we organized La Cuna de Aztlán Sacred Sites Protection Circle under the auspices of La Escuela de la Raza Unida, said circle is comprised of 15 individuals dedicated to physically protecting the Sacred Sites and that on February 15, 2008 were given a Memorandum of Understanding together with the Southern Low Desert Resource Conservation & Development Council to partnership for protection of cultural resources, that included the Blythe Giant Intaglios, other geoglyphs and several hundred Sacred Sites that are located along the Colorado River from Needles, Ca down to Yuma, Az.

I hereby state:

That we oppose the certification by the California Energy Commission and the issuing of public land by the Bureau of Land Management to the following proposed solar power projects:

- 1) Genesis Solar Energy Project: 09-AFC-8
- 2) Solar Millennium Blythe Project: 09-AFC-6
- 3) Solar Millennium Palen Project: 09-AFC-7

Our investigations concerning the above projects are located in Eastern Riverside County along the I-10 corridor that is the most Sacred area of the North American Continent. It is the area where the Aztec Calendar is geographically outlined and located. The area entails from the Kofa Mountains in Arizona, west to the human head image (Copill-Quetzalli) on the crest of the San Jacinto Mountains above the city of Palm Springs, Ca.

The proposed Blythe Solar Power Project is overlaid on more than 25 large geoglyphs that we have found throughout the area. They include the world known image of Kokopilli, Cicimitl (The Great Spirit that takes human spirits to their final resting place in the Topock Maze, "Mictlan"). Included in the area is the image of Tosco, over 5 large windrow mazes, a 9-level pyramid and over 25 Sacred images (that we have not yet deciphered).

The main East/West & North/South trails all lead to and from the Blythe Giant Intaglios. One trail leads to Kokopilli and Cicimitl which traverses west through the south end of the McCoy Mountains to the McCoy Springs. Here the image of Quetzalcoatl takes a bath then goes to the Palen Mountains "Hue-Hue-Tlapallan" (Reddish Earth), where he is led to the underworld by Xolotl (The Dog), as shown in the petroglyphs at the Palen Mountain Mural Wash.

The trail comes down from the Palen Mountain Wash and meets with another trail from the McCoy Springs area that is in the Genesis project. The trail then runs west along the plains of the Palen Mountains then crossed southwest towards the Chuckawalla Mountains where it meets the main trail coming west from the Mule Mountains towards Desert Center, Ca. These two trails meet at the proposed Palen Mountain Project and the southwest trail leads towards Corn Springs (Tula) located in the center of the Chuckwalla Mountains.

On February 2009, we took 2 archeologists, Jeffery Adams and Joe that had contacts with the BLM to document all the geoglyphs along the Colorado River which included the Sacred Sites of Kokopilli and Cicimitl.

On March 2, 2010 we took John Kalish, Bureau of Land Management Field Manager and George Kline, archeologist of the Palm Springs, California office to the Blythe Power Project area and took them on an onsite tour which included 5 large geoglyphs and the images of Kokopilli and Cicimitl. Unfortunately, we have not yet received a report of the investigations.

Please feel free to contact me with any questions regarding the Sacredness of the areas.

Sincerely,


Alfredo Acosta Figueroa

Attachment K

Comment Letter 6

03/22/10 12:49 FAX 818 543 4685

COLORADO RIVER BOARD

002

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1088
(818) 500-1625
(818) 543-4685 FAX



March 22, 2010

Mr. Alan H. Solomon
Project Manager
Siting, Transmission and Environmental
Protection Division
California Energy Commission
1516 Ninth Street, MS 15
Sacramento, CA 95814-5512

DOCKET
09-AFC-7
DATE <u>MAR 22 2010</u>
RECD. <u>APR 01 2010</u>

Dear Mr. Solomon:

The Colorado River Board of California (Board), created in 1937, is the State agency charged with safeguarding and protecting the rights and interests of the State, its agencies and citizens, in the water and power resources of the seven-state Colorado River System.

The Board has received and reviewed the California Energy Commission's (CEC) documents Nos. Docket 09-AFC-6 and 09-AFC-7: Request for Agency Participation in the Review of the Blythe and the Palen Solar Power Projects in Riverside County, California, Distribution of Application for Certification. Both the Blythe and the Palen Solar Power Projects are proposed to be located in the Southern California inland desert. The applicants for both the Blythe and the Palen Projects are seeking a right-of-way grant for approximately 9,400 acres and 5,200 acres, respectively, of Federal lands that are administered by the Bureau of Land Management (BLM). The total water consumption during the operational period for the Blythe and the Palen Projects is estimated to be 628 and 314 acre-feet per year over the 30-year license period, respectively. In addition during construction, the water use is estimated to be 3,164 and 1,560 acre-feet for the two projects, respectively. The water supply for each project will be pumped groundwater from on-site wells.

According to the Consolidated Decree of the Supreme Court of the United States in the case of *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150 (2006)), the consumptive use of water means "diversion from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation" and consumptive use "includes all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping." Also, pursuant to the 1928 Boulder Canyon Project Act (BCPA) and the Consolidated Decree, no water shall be delivered from storage or used by any water user without a valid contract between the Secretary of the Interior and the water user for such use, i.e., through a BCPA Section 5 contract. Within California, BCPA Section 5 contracts have previously been entered into between users of Colorado River mainstream water and the Secretary of the Interior for water from the Colorado River that exceeds California's basic entitlement to use Colorado River water as set forth in the Consolidated Decree. Thus, no additional Colorado River water is available for use by new

PROOF OF SERVICE (REVISED 4/5/10) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 4/15/10

California Energy Commission
March 22, 2010
Page 2

project proponents along the Colorado River, except through the contract of an existing BCPA Section 5 contract holder, either by direct service or through an exchange of non-Colorado River water for Colorado River water.

The Federal lands proposed for both the Blythe and Palen Projects are located within the "Accounting Surface" area designated by U.S. Geological Survey Water Investigation Report Nos. 94-4005 and 00-4085 (USGS Report). This USGS Report indicates that the aquifer underlying lands located within the "Accounting Surface" is considered hydraulically connected to the Colorado River and groundwater withdrawn from lands underlying the "Accounting Surface" would be replaced by Colorado River water, in total or in part. This means that if it is determined that these wells are, in fact, pumping Colorado River water, a contract with the Secretary of the Interior is required before such a use is deemed to be a legally authorized use of this groundwater.

On November 9, 2009, the Board received applications for Lower Colorado Water Supply Project water for the Blythe and the Palen Solar Power Projects from the projects' consultant/proponent, Mr. Josef Eichhammer of Solar Millennium, LLC. This project, enacted by Congress on November 14, 1986, as the Lower Colorado Water Supply Project Act of 1986 (Act) authorized construction of the Lower Colorado Water Supply Project (LCWSP) and appropriated funds for the U.S. Bureau of Reclamation (Reclamation) to construct Phase I of the Project. The LCWSP consists of well field facilities in the Sand Hills along the All-American Canal in Imperial County. The LCWSP is authorized to provide exchange water up to a total amount of 10,000 acre-feet per year for nonagricultural use to those users of Colorado River water along the Colorado River, who do not have an existing Section 5 BCPA contractual entitlement or whose entitlement to use Colorado River is insufficient to meet their needs. Under a "first come first serve" priority basis, the Board has reviewed applications that it has received and, to date, recommended to Reclamation that applicants for LCWSP water in the amount of about 7,500 acre-feet per year are eligible to receive LCWSP water. At this time, the capacity to pump the fully authorized volume of 10,000 acre-feet of water per year has not been constructed. Furthermore, when the Congress passed the Act authorizing the LCWSP, water for large scale solar power/energy projects was not envisioned. Considering these two factors it does not appear that LCWSP water is a viable option for the Blythe and Palen Projects.

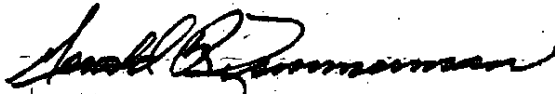
Based upon the applications for LCWSP water that were received from Solar Millennium for the Blythe and the Palen Solar Power Projects, several meetings and telephone conference calls have been held among the solar power projects consultants/proponents, Reclamation, BLM, Board's staff, and others. As a result of discussions in these meetings, the Board's staff has identified a preferred option for obtaining a legally authorized and reliable water supply for both the Blythe and the Palen Solar Power Projects over the life of the project that fits into the timeframe that has been established by Solar Millennium. That option involves obtaining water through an existing Section 5 BCPA contract holder, The Metropolitan Water District of Southern California (MWD). Although other options may be available, they, in the Board's opinion, could not be implemented in a timely manner and address the requirement that water consumptively used

California Energy Commission
March 22, 2010
Page 3

from the Colorado River must be through a Section 5 BCPA contractual entitlement.

If you have any questions or need further information, please contact me at (818) 500-1625.

Sincerely,



Gerald R. Zimmerman
Executive Director

cc: Ms. Lorri Gray-Lee, Regional Director, Lower Colorado Region, U.S. Bureau of Reclamation
Ms. Holly Roberts, Associate Field Manager, Palm Springs-South Coast Field Office, BLM
Ms. Eileen Allen, Manager, Energy Facilities Siting and Dockets Office, CEC
Dr. Jeffrey G. Harvey, Principal & Senior Scientist, Harvey Meyerhoff Consulting Group
Mr. Gavin Berg, Project Manager, Solar Millennium LLC
Mr. William J. Hasencamp, Manager, Colorado River Resources, The Metropolitan Water District of Southern California



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR POWER
PLANT PROJECT

Docket No. 09-AFC-7

PROOF OF SERVICE
(Revised 4/5/10)

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Jennifer Jennings
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*indicates change

DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on April 15, 2010, I served and filed a copy of the attached Letter from the Colorado River Board of California. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/solar_millennium_palen]

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
 Attn: Docket No. 09-AFC-7
 1516 Ninth Street, MS-4
 Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signature in Dockets
Hilarie Anderson

RECEIVED

APR 19 2010

ADAMS BROADWELL JOSEPH & CARDOZO

*indicates change

Attachment L

**Audubon California * California Wilderness Coalition * Defenders of Wildlife
Desert Protective Council * Mojave Desert Land Trust
Natural Resources Defense Council * Sierra Club * The Nature Conservancy
The Wilderness Society * The Wildlands Conservancy**

Renewable Siting Criteria for California Desert Conservation Area

Environmental stakeholders have been asked by land management agencies, elected officials, other decision-makers, and renewable energy proponents to provide criteria for use in identifying potential renewable energy sites in the California Desert Conservation Area (CDCA). Large parts of the California desert ecosystem have survived despite pressures from mining, grazing, ORV, real estate development and military uses over the last century. Now, utility scale renewable energy development presents the challenge of new land consumptive activities on a potentially unprecedented scale. Without careful planning, the surviving desert ecosystems may be further fragmented, degraded and lost.

The criteria below primarily address the siting of solar energy projects and would need to be further refined to address factors that are specific to the siting of wind and geothermal facilities. While the criteria listed below are not ranked, they are intended to inform planning processes and were designed to provide ecosystem level protection to the CDCA (including public, private and military lands) by giving preference to disturbed lands, steering development away from lands with high environmental values, and avoiding the deserts' undeveloped cores. They were developed with input from field scientists, land managers, and conservation professionals and fall into two categories: 1) areas to prioritize for siting and 2) high conflict areas. The criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy in an effort to help California meet its ambitious renewable energy goals in a timely manner.

Areas to Prioritize for Siting

- Lands that have been mechanically disturbed, i.e., locations that are degraded and disturbed by mechanical disturbance:
 - Lands that have been “type-converted” from native vegetation through plowing, bulldozing or other mechanical impact often in support of agriculture or other land cover change activities (mining, clearance for development, heavy off-road vehicle use).¹
- Public lands of comparatively low resource value located adjacent to degraded and impacted private lands on the fringes of the CDCA:²
 - Allow for the expansion of renewable energy development onto private lands.
 - Private lands development offers tax benefits to local government.
- Brownfields:
 - Revitalize idle or underutilized industrialized sites.
 - Existing transmission capacity and infrastructure are typically in place.
- Locations adjacent to urbanized areas:³
 - Provide jobs for local residents often in underserved communities;
 - Minimize growth-inducing impacts;

- Provide homes and services for the workforce that will be required at new energy facilities;
- Minimize workforce commute and associated greenhouse gas emissions.
- Locations that minimize the need to build new roads.
- Locations that could be served by existing substations.
- Areas proximate to sources of municipal wastewater for use in cleaning.
- Locations proximate to load centers.
- Locations adjacent to federally designated corridors with existing major transmission lines.⁴

High Conflict Areas

In an effort to flag areas that will generate significant controversy the environmental community has developed the following list of criteria for areas to avoid in siting renewable projects. These criteria are fairly broad. They are intended to minimize resource conflicts and thereby help California meet its ambitious renewable goals. The criteria are not intended to serve as a substitute for project specific review. They do not include the categories of lands within the California desert that are off limits to all development by statute or policy.⁵

- Locations that support sensitive biological resources, including: federally designated and proposed critical habitat; significant⁶ populations of federal or state threatened and endangered species,⁷ significant populations of sensitive, rare and special status species,⁸ and rare or unique plant communities.⁹
- Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, proposed HCP and NCCP Conservation Reserves.¹⁰
- Lands purchased for conservation including those conveyed to the BLM.¹¹
- Landscape-level biological linkage areas required for the continued functioning of biological and ecological processes.¹²
- Proposed Wilderness Areas, proposed National Monuments, and Citizens' Wilderness Inventory Areas.¹³
- Wetlands and riparian areas, including the upland habitat and groundwater resources required to protect the integrity of seeps, springs, streams or wetlands.¹⁴
- National Historic Register eligible sites and other known cultural resources.
- Locations directly adjacent to National or State Park units.¹⁵

EXPLANATIONS

¹ Some of these lands may be currently abandoned from those prior activities, allowing some natural vegetation to be sparsely re-established. However, because the desert is slow to heal, these lands do not support the high level of ecological functioning that undisturbed natural lands do.

² Based on currently available data.

³ Urbanized areas include desert communities that welcome local industrial development but do not include communities that are dependent on tourism for their economic survival.

⁴ The term "federally designated corridors" does not include contingent corridors.

⁵ Lands where development is prohibited by statute or policy include but are not limited to: National Park Service units; designated Wilderness Areas; Wilderness Study Areas; BLM National Conservation Areas; National Recreation Areas; National Monuments; private preserves and reserves; Inventoried Roadless Areas on USFS lands; National Historic and National Scenic Trails; National Wild, Scenic and Recreational Rivers; HCP and NCCP lands precluded from development; conservation mitigation

banks under conservation easements approved by the state Department of Fish and Game, U.S. Fish and Wildlife Service or Army Corps of Engineers a; California State Wetlands; California State Parks; Department of Fish and Game Wildlife Areas and Ecological Reserves; National Historic Register sites.

⁶ Determining “significance” requires consideration of factors that include population size and characteristics, linkage, and feasibility of mitigation.

⁷ Some listed species have no designated critical habitat or occupy habitat outside of designated critical habitat. Locations with significant occurrences of federal or state threatened and endangered species should be avoided even if these locations are outside of designated critical habitat or conservation areas in order to minimize take and provide connectivity between critical habitat units.

⁸ Significant populations/occurrences of sensitive, rare and special status species including CNPS list 1B and list 2 plants, and federal or state agency species of concern.

⁹ Rare plant communities/assemblages include those defined by the California Native Plant Society’s Rare Plant Communities Initiative and by federal, state and county agencies.

¹⁰ ACECs include Desert Tortoise Desert Wildlife Management Areas (DWMAs). The CDCA Plan has designated specific Wildlife Habitat Management Areas (HMAs) to conserve habitat for species such as the Mohave ground squirrel and bighorn sheep. Some of these designated areas are subject to development caps which apply to renewable energy projects (as well as other activities).

¹¹ These lands include compensation lands purchased for mitigation by other parties and transferred to the BLM and compensation lands purchased directly by the BLM.

¹² Landscape-level linkages provide connectivity between species populations, wildlife movement corridors, ecological process corridors (e.g., sand movement corridors), and climate change adaptation corridors. They also provide connections between protected ecological reserves such as National Park units and Wilderness Areas. The long-term viability of existing populations within such reserves may be dependent upon habitat, populations or processes that extend outside of their boundaries. While it is possible to describe current wildlife movement corridors, the problem of forecasting the future locations of such corridors is confounded by the lack of certainty inherent in global climate change. Hence the need to maintain broad, landscape-level connections. To maintain ecological functions and natural history values inherent in parks, wilderness and other biological reserves, trans-boundary ecological processes must be identified and protected. Specific and cumulative impacts that may threaten vital corridors and trans-boundary processes should be avoided.

¹³ Proposed Wilderness Areas: lands proposed by a member of Congress to be set aside to preserve wilderness values. The proposal must be: 1) introduced as legislation, or 2) announced by a member of Congress with publicly available maps. Proposed National Monuments: areas proposed by the President or a member of Congress to protect objects of historic or scientific interest. The proposal must be: 1) introduced as legislation or 2) announced by a member of Congress with publicly available maps. Citizens' Wilderness Inventory Areas: lands that have been inventoried by citizens groups, conservationists, and agencies and found to have defined “wilderness characteristics.” The proposal has been publicly announced.




¹⁴ The extent of upland habitat that needs to be protected is sensitive to site-specific resources. For example: the NECO Amendment to the CDCA Plan protects streams within a 5-mile radius of Townsend big-eared bat maternity roosts; aquatic and riparian species may be highly sensitive to changes in groundwater levels.

¹⁵ Adjacent: lying contiguous, adjoining or within 2 miles of park or state boundaries. (Note: lands more than 2 miles from a park boundary should be evaluated for importance from a landscape-level linkage perspective, as further defined in footnote 12).

Attachment M

Abandoned Private Farmland - Eastern Riverside County

Legend

-  City Boundaries
-  Highways
-  Abandoned Farmland

Total Abandoned Farmland shown is approximately 9,000 acres

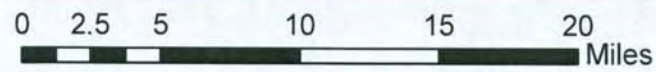


K-333



Map by
 Nicholas Peihl,
 Coachella Valley
 Association of Governments
 Background Imagery is
 National Agriculture Imagery Program, 2005

Map Document: (F:\npei\H\SDE Projects\AbandonedFarmland_ERivCty.mxd)
 10/2/2008 - 12:09:36 PM



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. CVAG and the County of Riverside make no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assume no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

Comment Letter 7



"Michael J. Connor"
<mjconnor@westernwatersheds.org>

07/01/2010 03:34 PM

To CAPSSolarPalen@blm.gov, Allison Shaffer
<Allison_Shaffer@blm.gov>

cc asolomon@energy.state.ca.us

bcc

Subject Comments on Palen Solar Power Plant DEIS

Dear Ms. Shaffer:

Attached please find Western Watersheds Project's comments on the Draft Environmental Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant (PSPP) and Possible California Desert Conservation Area Plan Amendment.

Could you please respond to this email to confirm that you received and could open the attached file?

Thank you.

Michael Connor

--

Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
P.O. Box 2364
Reseda, CA 91337-2364
(818) 345-0425
<http://www.westernwatersheds.org>



07-01-10-WWPCommentsPalenSolarMilleniumDEIS.pdf



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

Working to protect and restore Western Watersheds

July 1, 2010

By Email

Allison Shaffer, Project Manager
Palm Springs South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

< CAPSSolarPalen@blm.gov >
< asolomon@energy.state.ca.us >

Re: Draft Environmental Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant (PSPP) and Possible California Desert Conservation Area Plan Amendment.

Dear Ms. Shaffer:

On behalf of Western Watersheds Project and myself, please accept the following comments on the Draft Environmental Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant (Palen Solar Power Plant) and Possible California Desert Conservation Area Plan Amendment.

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 submitted scoping comments for this project on December 23, 2009. We have attached a copy of those comments to this letter. We hereby incorporate by reference the entire contents of that scoping letter into these comments.

The Palen Solar Power Plant is a massive project will have significant direct, indirect and cumulative impacts on some of the desert's most sensitive biological resources and on important cultural resources. Specific issues of concern that we have identified in the DEIS include:

(1) Range of Alternatives.

The NEPA implementing regulations specify that NEPA documents must analyze a full range of alternatives. 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 order to comply with the spirit and letter of NEPA, the EIS must consider alternatives that meet the project goals and not simply propose “straw man” alternatives that can then be dismissed from further consideration.

7-01

The DEIS should be revised to include alternatives that meet the project need but that avoid the significant impacts to biological resources and to ecological processes that they depend upon such as sand flow.

(2) Desert Tortoise.

The NEPA requires agencies to take a “hard look” at the environmental effects of a project. This requires the BLM to describe, clearly characterize and identify the direct, indirect and cumulative effects.

As we outlined in our scoping comments, the proposed project site is within California’s Colorado Desert and within the Eastern Colorado Desert Tortoise Recovery Unit as identified in the 1994 Desert Tortoise (Mojave Population) Recovery Plan. We raised the concern that the Palen project would disrupt connectivity between the Eastern Colorado Recovery Unit and the Northern Colorado Recovery Unit. This could reduce gene flow and impair desert tortoise recovery.

7-02

The DEIS takes the position outlined in the draft (i.e. not final) revised recovery plan that California’s desert tortoise population be treated as a single recovery unit. This is a scientifically controversial position since there is data indicating that tortoises from the 1994 Northern and Eastern Colorado Recovery Units are discernible using genetic analysis (see Murphy et al, 2007¹). However, whether or not there is a scientific basis for the 1994 recovery units being combined into a single recovery unit the issue of loss of connectivity remains. This has not been addressed in the DEIS.

As we stated in our scoping comments:

“The Palen site is a particular concern. This habitat provides crucial connectivity between the desert tortoises in the Eastern Colorado Recovery Unit and those in the Northern Colorado Recovery Unit. The project places connectivity between the two recovery units at risk.

The Project Applicant’s application states that,

¹ Murphy, R. W., Berry, K. H., Edwards, T. and Mcluckie, A. M. 2007. A Genetic Assessment of the Recovery Units for the Mojave Population of the Desert Tortoise, *Gopherus agassizii*. *Chelonian Conservation and Biology* 6(2): 229–251.

“The PSPP would have less than significant impacts on biological resources with implementation of avoidance, minimizations, and mitigation measures, except for unmitigable significant impacts to desert tortoise (DT) and Mojave fringe-toed lizard (MFTL) movement.” (Application at 5.3-1, emphasis added)

↑
7-02
cont.

One of the objectives for desert tortoise recovery in the 2002 Northern and Eastern Colorado Desert Management Plan (NECO) is “e. Mitigate effects on tortoise populations and habitat outside DWMAs to provide connectivity between DWMAs.” (NECO at 2-17). Clearly then, use of the Palen project location is incompatible with the biological goals and objectives of the NECO Plan. Construction of a this proposed power plant would thus be incompatible with the CDCA Plan, the governing land use plan.

7-03

Maintaining connectivity is important especially given the threats posed by global climate change. As the USFWS 2008 Draft Revised Recovery Plan notes,

“Climatic regimes are believed to influence the distribution of plants and animals through species-specific physiological thresholds of temperature and precipitation tolerance. Warming temperatures and altered precipitation patterns may result in distributions shifting northward and/or to higher elevations, depending on resource availability (Walther et al. 2002). We may expect this response in the desert tortoise to reduce the viability of lands currently identified as “refuges” or critical habitat for the species.” (USFWS 2008 at 133)”

7-04

In addition, a portion of the Palen project site is designated as desert tortoise critical habitat. The EIS should also consider the status of the tortoises in the affected recovery units. The latest reports from the Desert Tortoise Recovery Office cite a 37% decline in tortoise density between 2005 and 2007.²

7-05

The DEIS should be revised to take the requisite “hard look” at all the direct, indirect and cumulative impacts of the proposed project and all associated infrastructure including roads, facilities and transmission lines on the desert tortoise.

7-06

(3) Mojave Fringe-toed lizard.

The DEIS describes the Palen Project has having unmitigable significant impacts to the sand transport corridor. This will have serious impacts on the Mojave fringe-toed lizard. The FLPMA precludes the BLM from authorizing projects that will result in undue degradation and the BLM is also precluding from authorizing actions that could propel the listing of this sensitive species under the Endangered Species Act.

7-07

The DEIS should be revised to take a hard look at impacts to the Mojave fringe-toed lizard and explain the minimization and avoidance measures that will adopted if this project is approved that will reduce impacts to sand transport to less than significant.

7-08

² USFWS. 2009. Range-wide Monitoring of the Mojave Population of the Desert Tortoise: 2007 Annual Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.

(4) Streambed Alteration.

Desert washes, drainage systems, and washlets are very important habitats for plants and animals in arid lands. Water concentrates in such places, creating greater cover and diversity of shrubs, bunch grasses, and annual grasses and forbs. The topography is often more varied, as are soil types and rock types and sizes, creating diverse sites for burrows, caves, and other shelters. The resulting “habitats” tend to attract more birds, mammals, reptiles, and invertebrates. For example, desert tortoises spend disproportionately more time in washes than they do on “flat” areas.³ There must be full mitigation for impacts to streambeds as required under the California Fish and Game Code.

7-09

Western Watersheds Project thanks you for the opportunity to submit comments on the DEIS for the proposed Palen solar power plant project. Please keep Western Watersheds Project on the list of interested public for this project. If we can be of any assistance or provide more information please feel free to contact me by telephone at (818) 345-0425 or by e-mail at <mjconnor@westernwatersheds.org>.

Yours sincerely,



Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
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Reseda, CA 91337
(818) 345-0425
<mjconnor@westernwatersheds.org>

Attachment: Western Watersheds Project’s December 23, 2009 Scoping Comments Re: Intent to Prepare Two Environmental Impact Statements/ Staff Assessments for the Proposed Chevron Energy Solutions/Solar Millennium Palen and Blythe Solar Power Plants, Riverside County, CA and Possible Land Use Plan Amendments. 7 pp.

cc. Alan Solomon, California Energy Commission <asolomon@energy.state.ca.us>

³ Jennings, B.J. 1997. Habitat Use and Food Preferences of the Desert Tortoise, *Gopherus agassizii*, in the Western Mojave Desert and Impacts of Off-Road Vehicles. Proceedings: Conservation, Restoration, and Management of Tortoises and turtles—An International Conference, pp. 42–45. New York Turtle and Tortoise Society.



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Working to protect and restore Western Watersheds

December 23, 2009

By Email

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Attn: Alan Solomon, Project Manager,
< asolomon@energy.state.ca.us >

BLM California Desert District
Holly L. Roberts, Project Manager
Palm Springs-South Coast Field Office, BLM
1201 Bird Center Drive
Palm Springs, CA 92262
< CAPSSolarPalen@blm.gov >
< CAPSSolarBlythe@blm.gov >

Re: Notice of Intent to Prepare Two Environmental Impact Statements/ Staff Assessments for the Proposed Chevron Energy Solutions/Solar Millennium Palen and Blythe Solar Power Plants, Riverside County, CA and Possible Land Use Plan Amendments.

Dear Ms. Roberts and Mr. Solomon:

On behalf of Western Watersheds Project and myself, please accept the following scoping comments as you embark on the preparation of Environmental Impact Statements ("EIS") for the proposed Proposed Chevron Energy Solutions/Solar Millennium Palen and Blythe Solar Power Plants, Riverside County, CA and Possible Land Use Plan Amendments.

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.

According to the scoping notice, the Bureau of Land Management ("BLM") and the California Energy Commission ("CEC") are developing a PSA, EIS and possible plan amendment for two separate right-of-way (ROW) authorizations filed by Chevron Energy Solutions/Solar Millennium (CESSM) to construct and operate the Palen and Blythe solar thermal power plants in eastern Riverside County, California with an expected combined

capacity of 1,452 megawatts (MW) using solar parabolic trough generating stations. Approximately 10,100 acres of BLM-administered public land are needed to develop the two projects.

These massive projects will have significant direct, indirect and cumulative impacts on some of the desert's most sensitive resources including species listed under the Endangered Species Act such as desert tortoise and on important cultural resources.

Specific issues of concern that should be addressed in the NEPA documents to ensure compliance with NEPA and to ensure that NEPA's requisite "hard look" at the environmental impacts include:

(1) Range of Alternatives.

The NEPA implementing regulations specify that NEPA documents must analyze a full range of alternatives. 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 order to comply with the spirit and letter of NEPA, the EIS must consider alternatives that meet the project goals and not simply propose "straw man" alternatives that can then be dismissed from further consideration. We suggest that the agencies consider the following reasonable alternatives in addition to any proposed action:

- (a) "No Action Alternative" as is required by NEPA.
- (b) Alternative sites on public lands with fewer resource conflicts.
- (c) Alternative that features technology that requires significantly less water.
- (d) A private lands alternative under which the project is built on private lands only.
- (e) A distributed energy alternative using "roof top" solar to avoid the need for construction of a power plant.

Full analysis of these alternatives will help 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 will help provide a clear basis for making an informed decision.

(2) Desert Tortoise.

The NEPA/CEQA documents must describe, clearly characterize and identify the desert tortoise population that will be impacted by each alternative if the agencies are to take NEPA's requisite "hard look" at the environmental effects.

The proposed project sites are within California's Colorado Desert and both projects lie within the Eastern Colorado Desert Tortoise Recovery Unit.

A portion of the Palen project site is designated as desert tortoise critical habitat. The Project Applicants for both the Palen and the Blythe Projects describe the project sites as having low tortoise densities. Additional surveys should be conducted to confirm this. The EIS should also consider the status of the tortoises in the affected recovery units. The latest reports from the Desert Tortoise Recovery Office cite a 37% in tortoise density between 2005 and 2007.¹

Both the Palen and Blythe Projects would disrupt connectivity between the Eastern Colorado Recovery Unit and the Northern Colorado Recovery Unit. This could reduce gene flow and impair desert tortoise recovery.

The Palen site is a particular concern. This habitat provides crucial connectivity between the desert tortoises in the Eastern Colorado Recovery Unit and those in the Northern Colorado Recovery Unit. The project places connectivity between the two recovery units at risk.

The Project Applicant's application states that,

"The PSPP would have less than significant impacts on biological resources with implementation of avoidance, minimizations, and mitigation measures, except for unmitigable significant impacts to desert tortoise (DT) and Mojave fringe-toed lizard (MFTL) movement." (Application at 5.3-1, emphasis added)

One of the objectives for desert tortoise recovery in the 2002 Northern and Eastern Colorado Desert Management Plan (NECO) is "e. Mitigate effects on tortoise populations and habitat outside DWMAs to provide connectivity between DWMAs." (NECO at 2-17). Clearly then, use of the Palen project location is incompatible with the biological goals and objectives of the NECO Plan. Construction of a this proposed power plant would thus be incompatible with the CDCA Plan, the governing land use plan.

Maintaining connectivity is important especially given the threats posed by global climate change. As the USFWS 2008 Draft Revised Recovery Plan notes,

"Climatic regimes are believed to influence the distribution of plants and animals through species-specific physiological thresholds of temperature and precipitation tolerance. Warming temperatures and altered precipitation patterns may result in distributions shifting northward and/or to higher elevations, depending on resource availability (Walther et al. 2002). We may expect this response in the desert tortoise to reduce the viability of lands currently identified as "refuges" or critical habitat for the species." (USFWS 2008 at 133)

The NEPA/CEQA documents should provide a review of the direct, indirect and cumulative impacts of the proposed project on the tortoise of the Eastern Colorado and Northern

¹ USFWS. 2009. Range-wide Monitoring of the Mojave Population of the Desert Tortoise: 2007 Annual Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.

Colorado Recovery Units, and all associated infrastructure including the roads and transmission lines.

(3) Other Sensitive species and Rare Plants.

A number of sensitive species of wildlife and rare plants occur on the project or in the vicinity including the Mojave fringe-toed lizard and Harwoods' milkvetch.

The Palen Project Applicant's application describes impacts to Mojave fringe-toed lizard movement as significant and unmitigable. The EIS must explain how this project could move forward without the agencies propelling a listing of this species under the Endangered Species Act.

We are unaware of any extent occurrences of Harwoods' milkvetch on private lands. In light of this, the EIS must explain how this project could move forward without the agencies propelling a listing of this species under the Endangered Species Act.

The EIS should carefully consider and analyze impacts to all State protected species such as burrowing owl, sensitive species, rare plants and Unusual Plant Assemblages (UPA) that would be affected by the project. It should provide detailed vegetation and wildlife maps to facilitate public input into the process.

(4) Invasive Species.

Invasive weeds grow easily wherever the natural vegetation and biological soil crusts are disturbed. The disturbance to the soil and natural vegetation that will occur as a result of the construction and maintenance of this transmission project must not be allowed to establish a "weed corridor" across the landscape. Once established, weeds are almost impossible to remove permanently.

Invasive plants and weeds are threats to native habitat, rare plants, and sensitive species. They pose an immense fire hazard. Using chemicals to kill weeds requires exposing the environment, species, and watershed area to a toxic substance which can be the source of further damage to environmental and human health. Manual weed control requires much human effort, machinery, and can cause even more disturbance, leading to erosion, disturbance, and, in some cases, more weeds. The EIS should carefully consider how invasive plants and weeds will be managed and controlled.

(5) Hazards and Hazardous Materials.

The EIS should disclose any potentially toxic or hazardous wastes that may be associated with these projects during project construction, operation, and maintenance including pesticides and herbicides.

(6) Fire Prevention and Suppression.

The EIS should address the effects that each alternative for each project may have on wildfire risks. Wildfires are becoming increasingly common in the Mojave Desert facilitated by the spread of invasive weeds and climate change. Wildfires can result in type conversion of large expanses of habitat. Wildfires could be caused by construction or operation of the transmission lines. Development of roads and transmission lines could encourage increased motorized vehicle access which increases fire risk especially when coupled with the spread of invasive weeds.

(7) Desert Washes, Ephemeral Streams and Soils.

Desert washes, drainage systems, and washlets are very important habitats for plants and animals in arid lands. Water concentrates in such places, creating greater cover and diversity of shrubs, bunch grasses, and annual grasses and forbs. The topography is often more varied, as are soil types and rock types and sizes, creating diverse sites for burrows, caves, and other shelters. The resulting “habitats” tend to attract more birds, mammals, reptiles, and invertebrates. For example, desert tortoises spend disproportionately more time in washes than they do on “flat” areas.² The wash habitat impacted by each alternative should be evaluated and appropriate mitigations made for stream bed alterations.

Soil erosion on low fill slopes and steeply graded areas could result in sedimentation of water bodies. Changes in hydrology and soil movements may impact rare plants and habitats for sensitive species, and may impact burrowing species such as the desert tortoise.

(8) Cultural & Paleontological Resources.

The EIS should discuss and analyze impacts to cultural and paleontological resources. The Mojave Desert is rich in structures and artifacts of significant cultural value that are irreplaceable once lost. The areas around dry lake beds are particularly rich in archaeological sites. Construction of structures and access roads could damage or destroy historic and archaeological sites, traditional cultural properties, or areas containing paleontological resources. Temporary use of staging areas and conductor pull sites could damage or destroy historic and archaeological sites, traditional cultural properties, or areas containing paleontological resources. Building new transmission lines through previously undisturbed areas could cause physical damage to artifacts and sites, expose cultural resources to looters, and could increase fires due to soil disturbance and subsequent weed invasion placing these cultural resources at risk of future damage.

(9) Global Climate Change.

Department of the Interior Order No. 3226 mandates that the BLM must consider the impacts of each proposed alternative with respect to global climate change in its NEPA reviews. The agencies should use the recently released USGS desert tortoise habitat model to determine likely changes in desert tortoise habitat quality in the area and the importance of the desert

² Jennings, B.J. 1997. Habitat Use and Food Preferences of the Desert Tortoise, *Gopherus agassizii*, in the Western Mojave Desert and Impacts of Off-Road Vehicles. Proceedings: Conservation, Restoration, and Management of Tortoises and turtles—An International Conference, pp. 42–45. New York Turtle and Tortoise Society.

tortoise habitat. In addition to addressing climate change in the cumulative effects analysis, the EIS should address the carbon footprint of the project and any losses to carbon storage and sequestration it will engender.

(10) Visual Resources.

The public lands provide significant value as visual resources. The EIS should fully review the impacts of each alternative on visual resources.

(11) Water Issues.

The EIS must provide information on the water needs of these power plants both in the construction and operation phases and the source of these waters. The EIS must fully analyze impacts to the local and regional water reserves.

(12) Cumulative Effects.

The EIS must consider the cumulative effects of this project in combination with all the other consumptive uses that are occurring on these public lands including livestock grazing, off road vehicle activity, and mining. New transmission line projects have the potential to open up more lands to energy (or other) development, placing wide swaths of habitat at risk, and greatly increase degradation and fragmentation of habitats and important wild land areas and have lasting and damaging impacts. The project will also facilitate and will act cumulatively with the many other energy developments that are planned for the area including utility-scale solar energy plants. All these activities will impact the same biological, cultural, geologic, and visual resources as the proposed project.

(13) Monitoring Programs.

The NEPA/CEQA documents must explain the monitoring programs that will be in place to monitor the short and long term impacts of the project. This should include the timelines, and estimated costs and sources of funding for the monitoring programs.

(14) Mitigation.

BLM is obligated under FLPMA to “minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved.” [43 U.S.C. §1732(d)(2)(a)] Other laws, including the Endangered Species Act and the California Endangered Species Act also entail the need for mitigations to minimize impacts. BLM is required to consider measures to mitigate potential environmental consequences in its NEPA analysis. [40 C.F.R. § 1502.16] The NEPA implementing regulations define "Mitigation" to include:

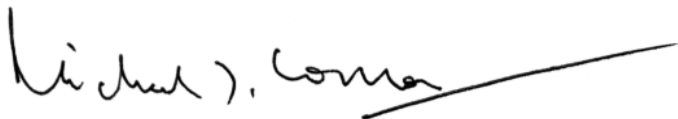
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.

- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 - (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - (e) Compensating for the impact by replacing or providing substitute resources or environments.
- [40 C.F.R. §1508.20]

The EIS should describe the restoration and rehabilitation activities that will be required for habitat disturbed during construction. For example, construction material yards will lose their native vegetation, have their soils compacted, and increase the amount of wind and water erosion while leaving these areas at an increased risk of weed invasion. Transporting materials, labor, and equipment in and out of construction areas will also have their own set of impacts that must be minimized. Construction may also require the use of “temporary” roads that will require extensive rehabilitation if they are not to become permanent intrusions on the landscape. Rehabilitation of desert habitat is a long, slow and uncertain process.

Western Watersheds Project thanks you for the opportunity to submit scoping comments on the proposed solar plant project. Please keep Western Watersheds Project on the list of interested public for this project. If we can be of any assistance or provide more information please feel free to contact me by telephone at (818) 345-0425 or by e-mail at <mjconnor@westernwatersheds.org>.

Yours sincerely,



Michael J. Connor, Ph.D.
California Director
Western Watersheds Project
P.O. Box 2364
Reseda, CA 91337
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<mjconnor@westernwatersheds.org>

Comment Letter 8



"Drezner,Debbie"
<DDrezner@mwdh2o.com>
06/15/2010 02:08 PM

To <CAPSSolarPalen@blm.gov>
cc "Stites,Catherine M" <CStites@mwdh2o.com>
bcc
Subject Transmittal of comment letter regarding DEIS for Chevron
Energy Solutions/Solar Millennium Palen Solar Power Plant

Allison Shaffer,

Please find attached, Metropolitan Water District of Southern California's comments regarding the subject DEIS. These comments have been submitted within the commenting deadline for the DEIS posted as July 1, 2010 pursuant to the April 2, 2010 Federal Register Notice (75 FR 16786). The original hardcopy of this letter is being sent to you via Federal Express.

Please feel free to contact me via return e-mail or by phone at (213) 217-5687 if you have any questions regarding our submittal.

Thank you,

Debbie Drezner
Environmental Planning Team
Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, California 90054-0153



Palen Solar comment letter.pdf



MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

JUNE 15, 2010

Via Electronic & U.S. Mail

Alan Solomon,
Siting, Transmission and Environmental
Protection Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Allison Shaffer
Project Manager
Palm Springs South Coast Field Office
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, California 92262

To Whom it May Concern:

Notice of Availability of the Draft Environmental
Impact Statement/Staff Assessment for the Chevron Energy Solutions/Solar
Millennium Palen Solar Power Plant and Possible California Desert Conservation
Area Plan Amendment; CEC Docket No. 09-AFC-7, BLM Docket No. CACA 48810

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Draft Environmental Impact Statement/Staff Assessment (collectively, "DEIS") for the Chevron Energy Solutions/Solar Millennium Palen Solar Power Plant and Possible California Desert Conservation Area Plan Amendment (Project). The U.S. Bureau of Land Management (BLM) is the lead agency under the National Environmental Policy Act (NEPA) for the DEIS and the California Energy Commission (CEC) is the lead agency (for licensing thermal power plants 50 megawatts and larger) under the California Environmental Quality Act (CEQA) and has a certified regulatory program under CEQA. Under its certified program, CEC is exempt from having to prepare an environmental impact report. Its certified program, however, requires environmental analysis of the project or a "staff assessment," including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

Metropolitan is pleased to submit comments for consideration by BLM and CEC during the public comment period for the DEIS and staff assessment.¹ In sum, Metropolitan provides these comments to ensure that any potential impacts on its facilities in the vicinity of the Project and on the Colorado River water resources are adequately addressed.

8-01

Background

¹ Comments on the DEIS and Revised Staff Assessment are due July 1, 2010 per the Federal Register notice. 75 Fed. Reg. 16786 (April 2, 2010). This comment deadline applies to the CEC's Revised Staff Assessment anticipated to be issued June 18, 2010 regardless of whether it is finalized separately from BLM's DEIS as the relevant comment periods may not be reduced or altered retroactively.

Alan Solomon, Allison Shaffer
June 15, 2010
Page 2

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies serving more than 19 million people in six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.2 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kV transmission lines that run from the Mead Substation in Southern Nevada, head south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally-owned land, managed by BLM. The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmission system is vital to its mission to provide Metropolitan's 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Project Understanding

Solar Millennium LLC and Chevron Energy Solutions, the joint developers of this project, propose to construct, own, and operate the Palen Solar Power Project. The Project is a concentrated solar thermal electric generating facility with two adjacent, independent, and identical solar plants of 250 megawatt (MW) nominal capacity each for a total capacity of 500 MW nominal.

The Project will utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750 degrees Fahrenheit) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

The project water needs would be met by use of groundwater pumped from one of two wells on the plant site. Water for domestic uses by project employees would also be provided by onsite groundwater treated to potable water standards. During construction, the Project proponent anticipates using up to 1,500 acre-feet of water. Following construction and for long-term

Alan Solomon, Allison Shaffer
June 15, 2010
Page 3

operations, the average total annual water usage for all four units combined is estimated to be about 300 acre-feet per year (afy).

The project site would be located approximately 10 miles east of Desert Center, along Interstate 10 approximately halfway between the cities of Indio and Blythe, in Riverside County, California. An application has been filed with BLM for a right-of-way (ROW) grant of approximately 5,200 acres.

Land Use Issues: Potential Impacts on Metropolitan Facilities

Although Metropolitan has not yet identified any direct impacts, the Project is in the general vicinity of Metropolitan facilities, perhaps as close as 0.3 miles. As described above, Metropolitan currently has a significant number of facilities, real estate interests, and fee-owned rights-of-way, easements, and other properties (Facilities) located on or near BLM-managed land in southern California that are part of our water distribution system. Metropolitan is concerned with potential direct or indirect impacts that may result from the construction and operation of any proposed solar energy project on or near our Facilities. In order to avoid potential impacts, Metropolitan requests that the final EIS and staff assessment include an assessment of potential impacts to Metropolitan’s Facilities with proposed measures to avoid or mitigate significant adverse effects.

8-02

Metropolitan is also concerned that locating solar projects near or across its electrical transmission system could have an adverse impact on Metropolitan’s electric transmission-related operations and Facilities. From a reliability and safety aspect, Metropolitan is concerned with development of any proposed projects and supporting transmission systems that would cross or come in close proximity with Metropolitan’s transmission system. Metropolitan requests that the final EIS and staff assessment analyze and assess any potential impacts to Metropolitan’s transmission system.

8-03

Water Resources: Potential Impacts on Colorado River and Local Water Supplies

Metropolitan is also concerned about the Project’s potential direct and cumulative impacts on water supplies, specifically potential impacts on Colorado River and local groundwater supplies. As noted above, Metropolitan holds an entitlement to imported water supplies from the Colorado River. Water from the Colorado River is allocated pursuant to federal law and is managed by the Department of the Interior, Bureau of Reclamation (USBR). In order to lawfully use Colorado River water, a party must have an entitlement to do so. See Boulder Canyon Project Act of 1928, 43 U.S.C. §§617, et seq.; Arizona v. California, 547 U.S. 150 (2006).

8-04

As noted above, the Project proposes to use approximately 1,500 af of water during construction and 300 acre-feet per year (afy) for long-term operations, using groundwater from a groundwater basin that is hydrogeologically connected to the Colorado River, within an area referred to as the “accounting surface.” The extent of accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and USBR as part of an on-going rule-making process. See Notice of Proposed Rule Regulating the Use of the Lower Colorado River

Alan Solomon, Allison Shaffer
June 15, 2010
Page 4

Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008); USGS Scientific Investigation Report No. 2008-5113. To the extent the Project uses Colorado River water, it must have a documented right to do so.

↑ 8-04
cont.

Entities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted and no new water entitlements are available in California. In addition, the California contractors have agreed in the 1931 Seven Party Agreement to prioritize the delivery of California's Colorado River water among themselves. Under this priority agreement, the following alternatives identified in SOIL&WATER-15 are no longer available to Proponents to mitigate impacts to Colorado River water resources:

The [mitigation] activities shall include the following water conservation projects: payment for irrigation improvements in Palo Verde Irrigation District, payment for irrigation improvements in Imperial Irrigation District, purchase of water rights within the Colorado River Basin that will be held in reserve, and/or BLM's Tamarisk Removal Program.

8-05

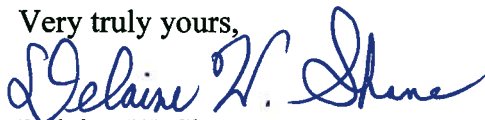
Instead, Proponents would have to obtain water from the existing junior priority holder, Metropolitan, which has the authority to sell water for power plant use. Mitigation measure SOIL&WATER-15 should be revised accordingly. Metropolitan is willing to discuss the exchange of a portion of its water entitlement subject to any required approvals by Metropolitan's Board of Directors and so long as the Proponents agree to provide a replacement supply through an agreement with Metropolitan. Proponents must fully address the impacts on Colorado River water resources and provide full mitigation for such impacts, including replacement of supply.

Additionally, CEC and BLM should assess the potential cumulative impacts of the use of the scarce Colorado River and local groundwater supplies in light of other pending renewable energy projects within the Colorado River Basin and the local groundwater regions. Metropolitan requests that the final EIS and staff assessment address the Proponent's water supply and any potential direct or cumulative impacts from this use.

8-06

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental and related documentation on this project. If we can be of further assistance, please contact Dr. Debbie Drezner at (213) 217-5687.

Very truly yours,



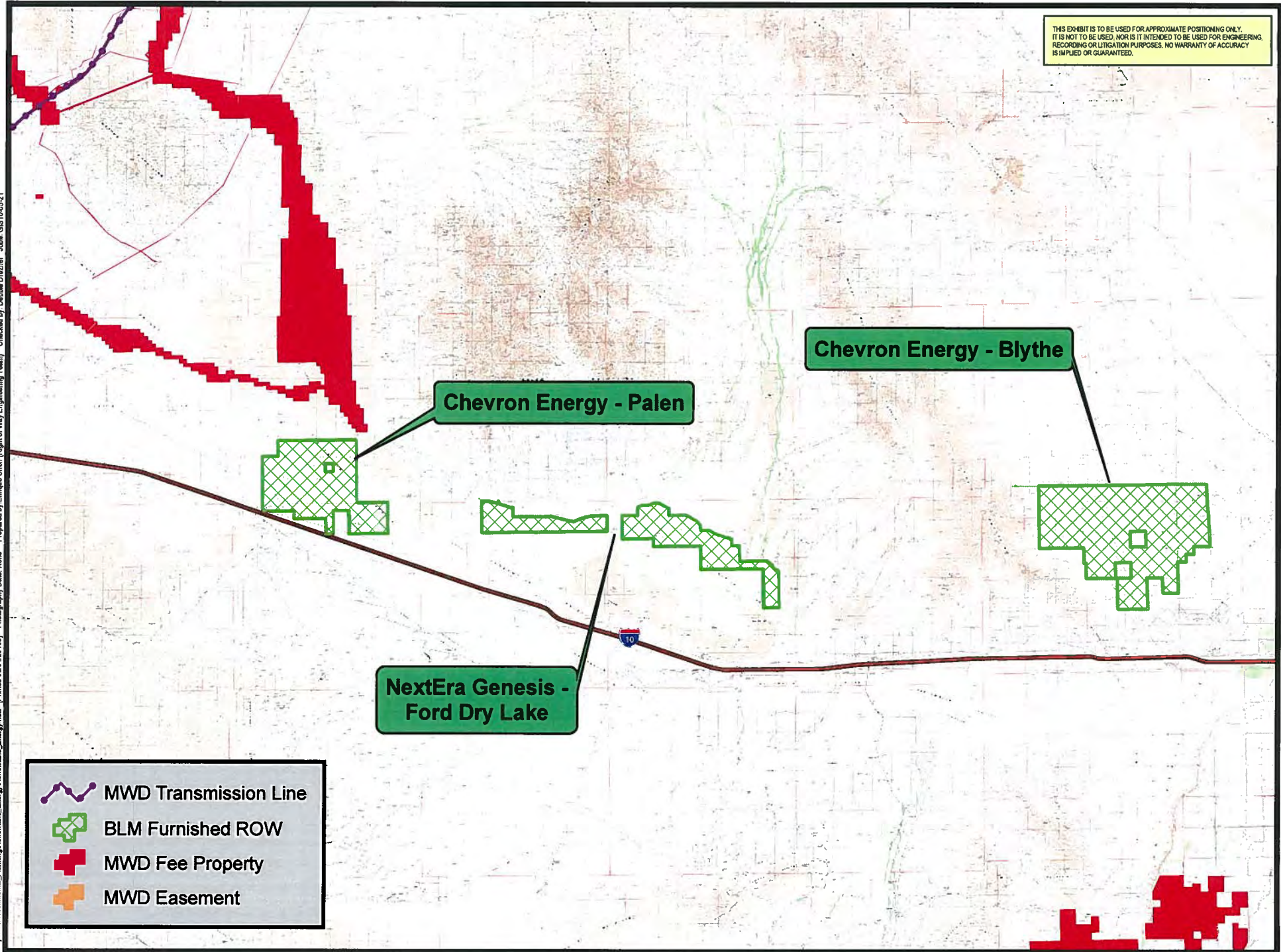
Delaine W. Shane
Manager, Environmental Planning Team




DSD/dsd
(Public Folders/EPT/Letters/EPT Final Letter PDF/2010/15-JUN-10B.doc)

Enclosures: Map

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Project: Environmental Planning/ Renewable Energy.mxd [Printed: 06/01/2010 8:11 AM] Photography Date: None Prepared by: [Redacted] Checked by: Debbie Draemer Job#: GIS/14-05-21



-  MWD Transmission Line
-  BLM Furnished ROW
-  MWD Fee Property
-  MWD Easement

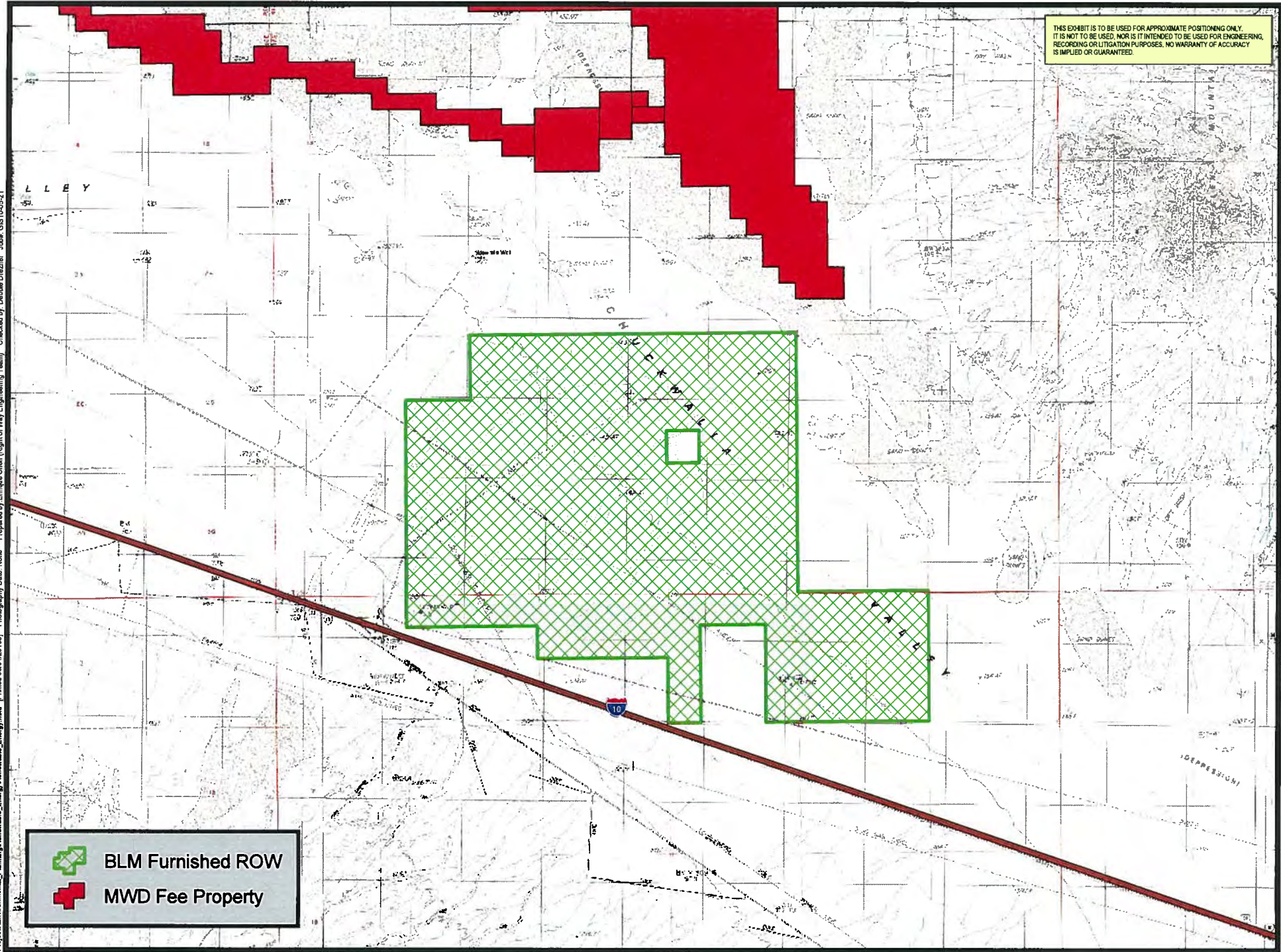
Chevron Energy - Palen

Chevron Energy - Blythe

NextEra Genesis - Ford Dry Lake

Project: Environmental_Planning\Renewable_Energy.mxd [Printed 06/01/2010 08:11] Photography Date: None Prepared by: ZGCX Chen (Right of Way Engineering Team) Checked by: Debbie Drauzner Job# GIS1005-21

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	BLM Furnished ROW
	MWD Fee Property

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

JUL 12 2010

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

Subject: Draft Environmental Impact Statements for the Solar Millennium and Chevron Energy Solutions 1) Blythe Solar Power Project [CEQ#20100085] and 2) Palen Solar Power Project [CEQ#20100102], Riverside County, California

Dear Mr. Kalish:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statements (DEIS) for the Solar Millennium and Chevron Energy Solutions 1) Blythe Solar Power Project and 2) Palen Solar Power Project in Riverside County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA supports the development of renewable energy resources in an expeditious and well planned manner. Using renewable energy resources, such as solar power, can assist the nation in meeting its energy requirements while minimizing the generation of greenhouse gases. While renewable energy facilities offer many environmental benefits, appropriate siting and design of such facilities is of paramount importance if the nation is to make optimum use of its renewable energy resources without unnecessarily depleting or degrading its water resources, wildlife habitats, recreational opportunities, and scenic vistas.

The Bureau of Land Management has identified thirty-four proposed renewable energy projects as "fast track" projects that are expected to complete the environmental review process and be ready to break ground by December 2010 in order to be eligible for funding under the American Recovery and Reinvestment Act. We are aware that many more projects that have not been designated "fast-track" are also being considered by BLM. Many, if not all, of these projects, fast track or otherwise, are proposed for previously undeveloped sites on public lands. In making its decisions regarding whether or not to grant rights-of-way for such projects, we recommend that BLM consider a full range of reasonable alternatives to minimize the adverse environmental impacts. Such alternatives could include alternative technologies or altered

10-1
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project footprints at the proposed location, as well as alternate sites, such as closed landfill or other disturbed sites that may offer advantages in terms of availability of infrastructure and less vulnerable habitats. Given the large number of renewable energy project applications currently under consideration, particularly in the Desert Southwest, we encourage BLM to apply its land management authorities in a manner that will promote a long-term sustainable balance between available energy supplies, energy demand, and protection of ecosystems and human health.

↑ 10-1
cont.

On December 11, 2009, EPA provided separate scoping comments for the Blythe Solar Power Project and the Palen Solar Power Project which included detailed recommendations regarding purpose and need, range of alternatives, water resources, and other resource areas of concern. On June 15, 2010, we requested and received an extension on the Blythe Solar Power Project so that we could complete our reviews and prepare a single letter to convey our comments on both of these solar trough projects, which are in close proximity to each other. We appreciate your willingness to provide us with additional time to complete our review. We have rated the Blythe and Palen Solar Power Projects and DEISs as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed “Summary of EPA Rating Definitions.”

In the enclosed detailed comments, we provide specific recommendations regarding analyses and documentation needed to assess potential significant impacts from the proposed Projects. Specifically, EPA is concerned with the: 1) mitigation for impacts to biological resources and special status species, 2) current justification for the Project purpose and need, 3) facility siting and 4) mitigation for ephemeral wash and groundwater impacts.

In addition, the Blythe and Palen Solar Power Project DEISs evaluate Reconfigured Alternatives and Reduced Acreage Alternatives which would significantly reduce adverse impacts to state waters and higher quality desert tortoise and burrowing owl habitat. The Reduced Acreage Alternative for Blythe would generate 750 megawatts (MW) of power while reducing impacts to habitat by 40% and avoiding 305 acres of state waters which provide valuable hydrologic, biogeochemical, plant and wildlife functions. The Reduced Acreage Alternative for Palen would generate 375 MW of power while avoiding 242 acres of state waters and nearly 1,800 acres of desert tortoise habitat. Fewer direct adverse impacts would significantly reduce required mitigation security payments and adverse cumulative impacts. We encourage BLM to select the Reduced Acreage Alternatives for Blythe and Palen if it chooses to grant right-of-way permits and amend the California Desert Conservation Area Plan for the Projects.

EPA appreciates the opportunity to provide input on these Projects and the multitude of DEISs under preparation for renewable energy projects in our Region. We are available to further discuss all recommendations provided. When the FEISs are released for public review, please send one hard copy and one CD of each to the address above (Mail Code: CED-2). If you

have any questions, please contact me at 415-972-3521, or contact Stephanie Skophammer, the lead reviewer for these Projects. Stephanie can be reached at 415-972-3098 or skophammer.stephanie@epa.gov.

Sincerely,



For

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

Cc: Jim Abbott, Bureau of Land Management, California State Office
Allison Shaffer, Bureau of Land Management, Palm Springs Field Office
Alan Solomon, California Energy Commission
Shannon Pankratz, US Army Corps of Engineers
Tannika Engelhard, United States Fish and Wildlife Service
Becky Jones, California Department of Fish and Game
Michael Picker, Office of the Governor

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR THE SOLAR MILLENNIUM AND CHEVRON ENERGY SOLUTIONS BLYTHE AND PALEN SOLAR POWER PROJECTS, RIVERSIDE COUNTY, CALIFORNIA, JULY 1, 2010.

Project Description

Palo Verde Solar I and Palen Solar I, wholly owned subsidiaries of Solar Millennium, have submitted right-of-way (ROW) applications to the Bureau of Land Management (BLM) to construct separate concentrated solar thermal parabolic trough power plant facilities with a combined capacity of 1,500 megawatts (MW). Chevron Energy Solutions and Solar Millennium have a joint development agreement. The proposed projects lie in the southwestern deserts of California, approximately 40 miles from one another in Riverside County. Blythe Solar Power Project would consist of two 500 MW dry-cooled facilities that would use 600 acre feet per year (afy) of groundwater from onsite wells and be located on approximately 7,030 acres of public land near the Community of Blythe, CA. Palen Solar Power Project is also a dry-cooled facility, consisting of two 250 MW units on approximately 3,000 acres near Desert Center, CA, and would use 300 afy of groundwater from two onsite wells. Each facility is expected to operate for approximately 30 years.

Except where noted otherwise, all of the comments below apply to both Projects.

Ephemeral Washes and Drainage

Demonstrate that the proposed drainage plans will not disrupt downstream flows, functions, or values. The Blythe DEIS states that surface hydrology in the Project disturbance area is from storm water runoff originating in unnamed ephemeral washes west of the Project site from the McCoy Mountains. These washes are a component of the large alluvial fan that generally comprises the Palo Verde Mesa (p. C.2-16). The applicant's drainage plan proposes to replicate existing flow patterns and volume with five engineered channels adjacent to, through, or across the Project site with diffusers at the end which would restore sheet flow down slope of Project (p. C.2-54).

The Palen DEIS states that 364 acres of state jurisdictional waters will be impacted and that surface hydrology in the Project area is influenced largely by stormwater runoff off the northeastern flank of the Chuckwalla Mountains (p. C.2-20). The drainage plan for the Palen Project includes replicating existing flow patterns and volume of three channels; but channel design has yet to be finalized (p. C.2-67).

Recommendations:

Demonstrate that downstream flows will not be disrupted due to proposed changes to natural washes nor the excavation of large amounts of sediment.

10-2

Discuss the feasibility of utilizing existing drainage channels on site. Discuss the feasibility of utilizing more natural features, such as earthen berms or channels, rather than concrete-lined channels, if proposed.

10-3

Include the finalized drainage plan for each project in its respective Final Environmental Impact Statement (FEIS), to facilitate assessment of impacts and effectiveness of mitigation measures.

10-4

Provide more detailed information about fencing and its potential effects. The DEIS does not provide detailed information about fencing nor the effects of fencing on drainage systems and wildlife. In this region, storms can be sudden and severe, resulting in flash flooding. Fence design must address hydrologic criteria, as well as security performance criteria. The National Park Service recently published an article¹ on the effects of the international boundary pedestrian fence on drainage systems and infrastructure. We recommend that BLM review this article to ensure that such issues are adequately addressed. Fencing should also be designed to effectively preclude wildlife access, injury, and mortality.

10-5

Recommendation:

Provide more detailed information about fencing and its potential effects on drainage systems within the FEIS. Ensure that the fencing proposed for this project will meet appropriate hydrologic, wildlife protection and movement, and security performance standards.

Biological Resources

Describe the final biological resources mitigation commitments and how they will be funded and implemented. The Palen DEIS Biological Resources Table 6 (p. C.2-65) summarizes the recommended mitigation acreage for the proposed project, including 4,740 acres for desert tortoise, 3,011 acres for the Mojave fringe-toed lizard and 585 acres for direct impacts to State waters. The applicant proposes to achieve a 1.5:1 compensation ratio for desert wash woodland and a 0.5:1 ratio for unvegetated ephemeral swales. The Blythe project DEIS proposes to acquire 7,040 acres for desert tortoise (p. C.2-60), and achieve a 1.5:1 compensation ratio for desert wash woodland and a 1:1 ratio for vegetated ephemeral swales (p. C.2-54). For both projects, the costs associated with desert tortoise compensatory mitigation include an acquisition fee of \$500 per acre, an initial habitat improvement cost of \$330 per acre, and a long-term management endowment of \$1,450 per acre (for total of \$2,280 per acre security fee).

10-6

Detailed mitigation measures are determined on a project specific basis, and must be contained in each project's environmental analyses and decision documents. Project proponents have a number of options by which they can fulfill their mitigation requirements. The California Renewable Energy Action Team (REAT) recently announced a Memorandum of Agreement (MOA) with the National Fish and Wildlife Foundation for operation of the Renewable Energy Action Team Mitigation Account (REAT Account). The REAT Account is designed to help project proponents and the State and Federal governments more effectively implement biological resources mitigation for renewable energy projects in the Mojave and Colorado Desert region of southern California. It also will aid project proponents in carrying out contracting and construction activities in a timely manner per requirements for American Recovery and

¹ National Park Service, August 2008, Effects of the International Boundary Pedestrian Fence in the Vicinity of Lukeville, Arizona, on Drainage Systems and Infrastructure, Organ Pipe Cactus National Monument, Arizona,

Reinvestment Act (ARRA) funding eligibility. Use of the REAT Account is only one of several options available to the proponent, and participation is voluntary.

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10-6
cont.

Recommendations:

The FEISs should describe the final biological resources mitigation commitments for both projects and how they would be funded and implemented. They should state whether and how the Project applicant would utilize the REAT account or other mechanism.

Include, in the FEISs, mitigation plans for unavoidable impacts to waters of the State and biological resources such as desert tortoise, desert kit fox, burrowing owls, Nelson's bighorn sheep, golden and bald eagles, and their habitats. Such mitigation plans are described briefly in the sections BIO-1 to 24 in the Palen and Blythe DEISs; further details should be provided in the FEISs. Specifically, if the applicant is to acquire compensation lands, the location(s) and management plans for these lands should be fully disclosed.

10-7

All mitigation commitments should be included in the Record of Decision (ROD).

Groundwater

Further describe groundwater mitigation and detail its effectiveness in minimizing groundwater withdrawal. Both the Palen and Blythe proposed projects could impact water resources, and BLM and CEC staff have proposed mitigation measures to reduce identified groundwater impacts to levels that are less than significant (p. C.9-1). The Soil and Water Resources section C.9 of the Palen and Blythe DEISs references these mitigation measures, but a discussion of the effectiveness and the impacts of the mitigation is not included.

10-8

The Palen DEIS acknowledges that, due to the high volume of projects in the region, cumulative impacts to groundwater could be significant and may place the Palen project's Chuckawalla basin in overdraft condition. Overdraft is described as the amount of water withdrawn exceeding the amount of water that recharges the basin (p. C.9-38). Although the amount of water in basin storage greatly exceeds the potential overdraft, the Palen DEIS notes that a drop in groundwater levels could impact basin wells and lower the water table (C.9-40). Such basin balance analyses for the Palo Verde Mesa Basin are not provided in the Blythe DEIS.

10-9

Recommendation:

The Blythe FEIS should include a basin balance analysis for the Palo Verde Mesa Groundwater Basin.

Impacts to groundwater in the Chuckawalla Valley Groundwater Basin (Palen) and the Palo Verde Mesa Groundwater Basin (Blythe) should be minimized as much as possible. This may involve altering project design, implementing recycled water techniques, as well as considering reduced acreage alternatives. The FEISs should describe the effectiveness of, and commitments to, the mitigation and monitoring plans described in

10-10
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the Mitigation Measures C.9.12 Soil&Water-1 to 11 (Palen) and C.9.10 Soil&Water-1 to 17 (Blythe).

10-10
cont.

The Blythe FEIS should also further describe the estimation of the impacts from withdrawing groundwater that is recharged by the Colorado River (p. C.9-108) and the effectiveness of the mitigation proposed. The expected effectiveness of the mitigation must be documented and committed to, and the FEIS should clarify whether or not an entitlement to water from the Colorado River aquifer would be needed. This information should be made available in the FEIS and the ROD.

10-11

10-12

Purpose and Need

Update the discussion regarding the need for the proposed project. In the last three years, there has been tremendous growth in renewable energy, and decline in the more traditional sectors, including the postponement/indefinite delay and modification of large coal-fired power plants. Many factors have triggered this shift, including concerns about global warming and climate change. These events have spawned an unprecedented increase in the number of applications submitted to BLM for large-scale renewable energy projects on public lands in the desert southwest. BLM has received over 470 renewable energy project applications, to date, with a projected capacity of 97,000 MW of electricity².

EPA believes the discussion in the Blythe and Palen DEISs regarding the purpose and need for the proposed Project should be expanded to include more robust information regarding the *need* for the proposed project. As indicated in our scoping comments dated December 11, 2009, the DEIS should briefly discuss the proposed project in the context of the larger energy market that this project would serve; identify potential purchasers of the power produced; and discuss how the project will assist the State and nation in meeting renewable energy portfolio standards and goals.

10-13

Recommendation:

Update the discussion regarding the *need* for the individual proposed projects, utilizing more accurate, robust, and up-to-date references.

Re-state the Purpose and Need to allow analysis of all reasonable alternatives. The DEISs for Blythe and Palen present separately the purpose and need statements for BLM, Department of Energy (DOE), CEC, and project applicant. The BLM defines its purpose and need narrowly as approval or disapproval of the application for a ROW grant to construct, operate and decommission a solar power generation facility and associated infrastructure. Thus, BLM states that all site alternatives proposed to be located on lands not under the jurisdiction of BLM are considered unreasonable because none would accomplish the need to respond to Palo Verde Solar I ROW request (p. B.2-1) or Palen Solar I ROW request (p. B.2-2). The DOE's purpose and need would be to comply with its mandate under the Energy Policy Act (EPA) to select eligible projects that meet the goals of the EPA, and is contingent upon the decision to

10-14

² "Secretary Salazar, Senator Reid Announce 'Fast-Track' Initiatives for Solar Energy Development on Western Lands", U.S. Department of Interior, News Release, June 29, 2009. http://www.blm.gov/wo/st/en/info/newsroom/2009/june/NR_0629_2009.html

enter into negotiation of a loan guarantee. CEC's purpose and need is to certify the construction, modification, and operation of thermal electric power plants 50 MW or larger (p. A-3).

The Purpose and Need for each project should be stated broadly enough to allow for the analysis of a full scope of alternatives, including off-site locations, environmentally preferable on-site alternatives, or other modes of renewable energy generation. The Purpose and Need should focus on the underlying problem(s) to be addressed, such as a lack of capacity to serve an increasing demand for energy, or the need to develop sufficient renewable energy to meet State renewable portfolio standards. Council on Environmental Quality (CEQ) regulations and guidance state that an environmental impact analysis shall include reasonable alternatives not within the jurisdiction of the agency (1502.14c) and "reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant" (NEPA's 40 Most Asked Questions 2a)³.

10-14
cont.

Recommendations:

We recommend that the Purpose and Need be stated, in each FEIS, in a manner that is broad enough for analysis and consideration of a full range of reasonable alternatives for addressing the underlying need. Reasonable alternatives may include off-site locations, environmentally preferable on-site alternatives, or other modes of renewable energy generation.

Each FEIS should describe BLM's options for acting upon an application for a right-of-way grant. For instance, describe the extent of BLM's authority to require the adoption of a "modified" project design or alternate site on BLM land, to deny an application, or to select another ROW application submitted by the same applicant or its corporate owner.

10-15

Describe the number of total renewable energy applications that are likely to proceed, any utility purchase agreements, and how generated power will be bought, sold, and used. The DEISs for Blythe and Palen state that the need for the proposed action has its basis in State and Federal orders and laws regarding renewable energy generation. The cumulative scenario describes the large number of renewable energy projects proposed on BLM land in California, Nevada, and Arizona, which are in various stages of environmental review or under construction. Presumably, some of these or other renewable energy facilities will be constructed pursuant to the joint Department of Energy (DOE)/BLM Programmatic Solar DEIS (PEIS) effort as well as the Desert Renewable Energy Conservation Plan (DRECP) process.

10-16

Recommendations:

To the extent practicable, each FEIS should discuss how many of the total renewable energy applications received by BLM are likely to proceed pursuant to the joint Department of Energy (DOE)/BLM Programmatic Solar DEIS effort and the Desert Renewable Energy Conservation Plan (DRECP) process, and the level of energy production those applications represent.

³ <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#2>

We recommend that each FEIS include additional information on the utility purchase agreements for the proposed power, and provide a description of how the power would be bought, sold, and used so that the reader can better evaluate the tradeoffs between resource protection and power generation.

10-17

Project Siting

Describe the criteria used to identify and compare siting locations. Provide a comparison of life-cycle costs and other regional projects. EPA continues to recommend the identification of potential project site locations that have been previously disturbed or contaminated. For example, the EPA’s Re-Powering America initiative works to identify disturbed and contaminated lands appropriate for renewable energy development. For more information on this initiative visit <http://www.epa.gov/oswerepa/>. EPA strongly encourages BLM to promote the siting of renewable energy projects on disturbed, degraded, and contaminated sites before considering siting on large tracts of undisturbed public lands. We also recommend consideration of each proposed renewable energy project in comparison with others proposed in the desert southwest region and their adverse effects on waters of the State, jurisdictional waters of the United States, biological resources, air quality, and visual and cultural resource impacts.

10-18

Recommendations:

Each FEIS should describe the criteria used to identify and compare siting locations for renewable energy facilities, and to ascertain whether or not any disturbed sites are available that would be suitable for the proposed project.

10-19

We recommend reconsideration of alternatives such as the Private Land and Reduced Acreage Alternatives (for the Blythe and Palen projects) that would avoid and minimize adverse effects on biological, cultural, and visual resources. Fewer adverse impacts would significantly reduce required mitigation security payments and adverse cumulative impacts.

10-20

Each FEIS should include a table comparing the life-cycle costs of the different alternatives. Include information on the cost of the land, different project design criteria that would be required, acquisition effort, scheduling effects, and cost of mitigation.

10-21

Each FEIS should demonstrate that the approved project site is consistent with the Desert Renewable Energy Conservation Plan for the Mojave and Colorado Desert Regions. At a minimum, the FEIS should describe and commit to a process to ensure approved projects are consistent with the Desert Renewable Energy Conservation Plan.

10-22

Climate Change

The DEISs present a brief discussion on climate change but do not include measures to avoid, minimize, or mitigate the effects of climate change on the proposed projects (Appendix Air-1). Scientific evidence supports the concern that continued increases in greenhouse gas emissions

10-23

resulting from human activities will contribute to climate change. Effects on weather patterns, sea level, ocean acidification, chemical reaction rates, and precipitation rates can be expected. ↑ 10-23
| cont.

Recommendations:

Consider how climate change could affect each proposed project, specifically within sensitive areas, and assess how the impacts of the proposed project could be exacerbated by climate change. | 10-24

Identify strategies to more effectively monitor for climate change impacts in the surrounding area, such as monitoring groundwater change or special status species. | 10-25

Briefly discuss the climate change *benefits* of solar energy. We suggest quantifying the greenhouse gas emissions that would be produced by other types of electric generating facilities (solar, geothermal, natural gas, coal-burning, and nuclear) generating comparable amounts of electricity, and compiling and comparing these values. | 10-26

General Comments

Commit to compliance with LORS and mitigation requirements prior to Project approval. The Palen and Blythe DEISs state that there are technical areas currently undetermined with respect to mitigation of potential impacts and/or conformance with applicable laws, ordinances, regulations and standards (LORS) (Executive Summary, p. 15). These undetermined technical areas include biological resources, cultural resources, land use, soil and water resources, traffic and transportation, and transmission system engineering (Blythe) and air quality, cultural resources, soil and water resources, and transmission system engineering (Palen). Since neither project is already identified in the California Desert Conservation Area Plan, a Plan amendment is required. The amendment process includes a determination that the proposed amendment is in accordance with applicable laws and regulations. | 10-27

Recommendation:

We recommend the FEISs include a firm commitment to the determination of compliance with LORS and mitigation requirements prior to final decisions on the projects and finalization of the CEC Conditions of Certification. |

Complete all surveys and analyses to ascertain impacts to Cultural Resources. Include this information in each FEIS. The DEISs for the Palen and Blythe Projects state that current data have been analyzed; but, due to a lack of data, the impacts to cultural resources are indeterminate. | 10-28

Recommendation:

EPA recommends that all surveys be completed and all impacts to cultural resources be assessed for the Blythe and Palen projects and that this information be made available in the FEISs. |

Describe the reasonably foreseeable development and population growth as a result of proposed projects. The Blythe and Palen projects are located within approximately 40 miles of one another and the region anticipates an influx of hundreds of workers. Blythe Project construction will require an average of 604 workers over the 5 year construction period with a peak at approximately 1,004 workers in spring 2012 (Executive Summary p. 3). The Palen Project construction will demand an average of 566 employees over the 3 year construction period and peak at approximately 1,140 workers, also in spring 2012 (Executive Summary p. 3). The DEISs for both projects state that construction workers would be from the local counties of La Paz, AZ, Riverside, CA, and San Bernardino, CA.

Recommendation:

We recommend that the FEISs for both projects contain analyses of the impacts of workers to the areas of Desert Center and Blythe, CA. The documents should provide an estimate of the amount of growth, likely location(s), the impacts on municipal services, and the biological and environmental resources at risk. The documents should also include a discussion of potential transit options (including formal Rideshare, Carpooling, and Bussing) to transport workers from the nearest population centers to the remote project sites as well as other measures to facilitate accessibility to the job sites and reduce greenhouse gas emissions resulting from worker transportation.

10-29

APPENDIX C

Applicant Proposed Measures

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APPLICANT PROPOSED MEASURES

The Applicant has adopted, with minor revision to reflect changes in technology, many of the BLM-identified mitigation measures and CEC-approved Conditions of Certification and Compliance Verifications for the PSPP. Most of these measures originally appeared in the CEC's Revised Staff Assessment, Commission Decision, and the BLM's PSPP PA/FEIS. Such measures are identified in the Draft SEIS as Applicant Proposed Measures (APMs) for the PSEGS. These APMs have been proposed to reduce or avoid potential impacts that could result from the PSEGS. The APMs would be implemented like other elements of the PSEGS.

The table below presents the specific APMs, the method of verification, and the governmental agency charged with oversight. The Applicant has chosen to present these measures in the style of the documents from which they first appeared. As such, some of the measures reference tables and figures associated with the original documents. Whenever possible, the BLM has added clarifying references. The full text of the documents identified in these references is available online, as an Appendix to this Draft SEIS, or upon request, as specified below.

- **CEC Palen Solar Power Project Commission Decision (2010)**

<http://www.energy.ca.gov/2010publications/CEC-800-2010-010/CEC-800-2010-010-CMF.PDF>

- **CEC Revised Staff Assessment (2010)**

Part I: <http://www.energy.ca.gov/2010publications/CEC-700-2010-007/CEC-700-2010-007-REV-PT1.PDF>

Part II: <http://www.energy.ca.gov/2010publications/CEC-700-2010-007/CEC-700-2010-007-REV-PT2.PDF>

- **BLM Palen Solar Power Project PA/FEIS (2011)**

See PSEGS Draft SEIS Appendix B

- **PSIII Revised Plan of Development (2013)**

Available from the BLM upon request. Please contact Frank McMenimen, Project Manager, by mail: 1201 Bird Center Drive, Palm Springs, California 92262; phone: (760) 833-7150; or email: fmcmenimen@blm.gov.

APPLICANT PROPOSED MEASURES

Applicant Proposed Measures	Verification	Responsible Agency
GENERAL CONDITIONS		
<p>COMPLIANCE-1, Unrestricted Access: BLM's AO, responsible BLM staff, the CPM, responsible Energy Commission staff, and delegated agencies or consultants shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on-site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although BLM's AO and the CPM will normally schedule site visits on dates and times agreeable to the project owner, BLM's AO and the CPM reserve the right to make unannounced visits at any time.</p>		CEC
<p>COMPLIANCE-2, Compliance Record: The project owner shall maintain project files on-site or at an alternative site approved by BLM's AO and the CPM for the life of the project, unless a lesser period of time is specified by the conditions of certification. The files shall contain copies of all "as-built" drawings, documents submitted as verification for conditions, and other project-related documents. As-built drawings of all facilities including linear facilities shall be provided to the BLM AO for inclusion in the BLM administrative record within 90 days of completion of that portion of the facility or project. BLM and Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files maintained pursuant to this condition.</p>		CEC
<p>COMPLIANCE-3, Compliance Verification Submittals: Each condition of certification is followed by a means of verification. The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified as necessary by BLM's AO and the CPM.</p> <p>Verification of compliance with the conditions of certification can be accomplished by the following:</p> <ol style="list-style-type: none"> 1. Monthly and/or annual compliance reports filed by the project owner or authorized agent, reporting on work done and providing pertinent documentation, as required by the specific conditions of certification; 2. Appropriate letters from delegate agencies verifying compliance; 3. BLM and Energy Commission staff audits of project records; and/or 4. BLM and Energy Commission staff inspections of work, or other evidence that the requirements are satisfied. <p>Verification lead times associated with start of construction may require the project owner to file submittals during the certification process, particularly if construction is planned to commence shortly after certification.</p> <p>A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. The cover letter subject line shall identify the project by AFC and BLM case file numbers, the appropriate condition(s) of certification by condition number(s), and a brief description of the subject of the submittal. The project owner shall also identify those submittals not required by a condition of certification with a statement such as: "This submittal is for information only and is not required by a specific condition of certification." When submitting supplementary or corrected information, the project owner shall reference the date of the previous submittal and BLM/CEC submittal number.</p> <p>The project owner is responsible for the delivery and content of all verification submittals to the BLM's AO and CPM, whether such condition was satisfied by work performed by the project owner or an agent of the project owner.</p>		CEC

APPLICANT PROPOSED MEASURES

Applicant Proposed Measures	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>All hardcopy submittals shall be addressed to each of the following:</p> <p style="padding-left: 40px;">John Kalish, Field Manager Dale Rundquist, CPM (CACA-48810) (09 AFC 7C) U.S. Bureau of Land Management California Energy Commission Palm Springs-South Coast Field Office 1516 Ninth Street, MS 2000 1201 Bird Center Drive Palm Springs, CA 92262 Sacramento, CA 95814</p> <p>Those submittals shall be accompanied by a searchable electronic copy, on a CD or by e-mail, as agreed upon by BLM's AO and the CPM.</p> <p>If the project owner desires BLM and/or Energy Commission staff action by a specific date, that request shall be made in the submittal cover letter and shall include a detailed explanation of the effects on the project if that date is not met.</p>		
<p>COMPLIANCE-4, Pre-Construction Matrix and Tasks Prior to Start of Construction: Prior to commencing construction, a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to BLM's AO and the CPM. This matrix will be included with the project owner's first compliance submittal or prior to the first pre-construction meeting, whichever comes first. It will be submitted in the same format as the compliance matrix described below. In order to begin any on-site mobilization or surface disturbing activities on public land, the BLM AO must approve a written Notice to Proceed (NTP). NTPs will be phased as appropriate to facilitate timely implementation of construction.</p> <p>Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and BLM's AO and the CPM have issued a letter and BLM has issued a NTP to the project owner authorizing construction. Various lead times for submittal of compliance verification documents to BLM's AO and the CPM for conditions of certification are established to allow sufficient BLM and Energy Commission staff time to review and comment and, if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.</p> <p>Failure to submit compliance documents within the specified lead-time may result in delays in authorization to commence various stages of project development.</p> <p>If the project owner anticipates commencing project construction as soon as the project is certified, it may be necessary for the project owner to file compliance submittals prior to project certification. Compliance submittals should be completed in advance where the necessary lead time for a required compliance event extends beyond the date anticipated for start of construction. The project owner must understand that the submittal of compliance documents prior to project certification is at the owner's own risk. Any approval by Energy Commission staff is subject to change, based upon BLM's ROW Grant and the Energy Commission Decision.</p>		CEC

APPLICANT PROPOSED MEASURES

Applicant Proposed Measures	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>Compliance Reporting</p> <p>There are two different compliance reports that the project owner must submit to assist BLM's AO and the CPM in tracking activities and monitoring compliance with the terms and conditions of BLM's ROW Grant and the Energy Commission Decision. During construction, the project owner or authorized agent will submit monthly compliance reports. During operation, an annual compliance report must be submitted. These reports, and the requirement for an accompanying compliance matrix, are described below. The majority of the conditions of certification require that compliance submittals be submitted to BLM's AO and the CPM in the monthly or annual compliance reports.</p>		
<p>COMPLIANCE-5, Compliance Matrix: A compliance matrix shall be submitted by the project owner to BLM's AO and the CPM along with each monthly and annual compliance report. The compliance matrix is intended to provide BLM's AO and the CPM with the current status of all conditions of certification in a spreadsheet format. The compliance matrix must identify:</p> <ol style="list-style-type: none"> 1. the technical area; 2. the condition number; 3. a brief description of the verification action or submittal required by the condition; 4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.); 5. the expected or actual submittal date; 6. the date a submittal or action was approved by the Chief Building Official (CBO), BLM's AO, CPM, or delegate agency, if applicable; and 7. the compliance status of each condition, e.g., "not started," "in progress" or "completed" (include the date). 8. if the condition was amended, the date of the amendment. <p>Satisfied conditions shall be placed at the end of the matrix.</p>		CEC
<p>COMPLIANCE-6, Monthly Compliance Report: The first monthly compliance report is due one month following the Energy Commission business meeting date upon which the project was approved, unless otherwise agreed to by BLM's AO and the CPM. The first monthly compliance report shall include the AFC and BLM case file numbers and an initial list of dates for each of the events identified on the Key Events List. The Key Events List Form is found at the end of this section.</p> <p>During pre-construction and construction of each power plant, the project owner or authorized agent shall submit an original and an electronic searchable version of the monthly compliance report within 10 working days after the end of each reporting month or other period of time agreed to by BLM's AO and the CPM. Monthly compliance reports shall be clearly identified for the month being reported. The reports shall contain, at a minimum:</p> <ol style="list-style-type: none"> 1. A summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule; 		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>2. Documents required by specific conditions to be submitted along with the monthly compliance report. Each of these items must be identified in the transmittal letter, as well as the conditions they satisfy and submitted as attachments to the monthly compliance report;</p> <p>3. An initial, and thereafter updated, compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);</p> <p>4. A list of conditions that have been satisfied during the reporting period, and a description or reference to the actions that satisfied the condition;</p> <p>5. A list of any submittal deadlines that were missed, accompanied by an explanation and an estimate of when the information will be provided;</p> <p>6. A cumulative listing of any approved changes to conditions of certification;</p> <p>7. A listing of any filings submitted to, or permits issued by, other governmental agencies during the month;</p> <p>8. A projection of project compliance activities scheduled during the next two months. The project owner shall notify BLM's AO and the CPM as soon as any changes are made to the project construction schedule that would affect compliance with conditions of certification;</p> <p>9. A listing of the month's additions to the on-site compliance file; and</p> <p>10. A listing of complaints, notices of violation, official warnings, and citations received during the month, a description of the resolution of the resolved actions, and the status of any unresolved actions.</p> <p>All sections, exhibits, or addendums shall be separated by tabbed dividers or as acceptable by BLM's AO and the CPM.</p>		
<p>COMPLIANCE-7: Annual Compliance Report: After construction of each power plant is complete or when a power plant goes into commercial operations, the project owner shall submit annual compliance reports instead of monthly compliance reports. The reports are for each year of commercial operation and are due to BLM's AO and the CPM each year at a date agreed to by BLM's AO and the CPM. Annual compliance reports shall be submitted over the life of the project unless otherwise specified by BLM's AO and the CPM. Each annual compliance report shall include the AFC and BLM case file numbers, identify the reporting period and shall contain the following:</p> <p>1. An updated compliance matrix showing the status of all conditions of certification (fully satisfied conditions do not need to be included in the matrix after they have been reported as completed);</p> <p>2. A summary of the current project operating status and an explanation of any significant changes to facility operations during the year;</p> <p>3. Documents required by specific conditions to be submitted along with the annual compliance report. Each of these items must be identified in the transmittal letter, with the condition it satisfies, and submitted as attachments to the annual compliance report;</p>		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>4. A cumulative listing of all post-certification changes by the Energy Commission or changes to the BLM ROW grant or approved POD by BLM, or cleared by BLM's AO and the CPM;</p> <p>5. An explanation for any submittal deadlines that were missed, accompanied by an estimate of when the information will be provided;</p> <p>6. A listing of filings submitted to, or permits issued by, other governmental agencies during the year;</p> <p>7. A projection of project compliance activities scheduled during the next year;</p> <p>8. A listing of the year's additions to the on-site compliance file;</p> <p>9. An evaluation of the on-site contingency plan for unplanned facility closure, including any suggestions necessary for bringing the plan up to date [see Compliance Conditions for Facility Closure addressed later in this section]; and</p> <p>10. A listing of complaints, notices of violation, official warnings, and citations received during the year, a description of the resolution of any resolved matters, and the status of any unresolved matters.</p>		
<p>COMPLIANCE-8: Confidential Information: Any information that the project owner deems confidential shall be submitted to the Energy Commission's executive director with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information that is determined to be confidential shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.</p> <p>Any information the ROW holder deems confidential shall be submitted to the BLM AO with a written request for said confidentiality along with a justification for the request in accordance with 43 CFR 2804.13. All confidential submissions to BLM should be clearly stamped "proprietary information" by the holder when submitted.</p>		CEC
<p>COMPLIANCE-9, Reporting of Complaints, Notices, and Citations: Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering with date and time stamp recording. All recorded complaints shall be responded to within 24 hours. The telephone number shall be posted at the project site and made easily visible to passersby during construction and operation. The telephone number shall be provided to BLM's AO and the CPM who will post it on the Energy Commission's web page at: http://www.energy.ca.gov/sitingcases/power_plants_contacts.html.</p> <p>Any changes to the telephone number shall be submitted immediately to BLM's AO and the CPM, who will update the web page.</p> <p>In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies to BLM's AO and the CPM of all complaint forms, including noise and lighting complaints, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the NOISE conditions of certification. All other complaints shall be recorded on the complaint form (Attachment A).</p>		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>COMPLIANCE-10, Planned Closure: In order to ensure that a planned facility closure does not create adverse impacts, a closure process that provides for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of closure, will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a revision or update to the approved Closure, Revegetation and Rehabilitation Plan to BLM and the Energy Commission for review and approval at least 12 months (or other period of time agreed to by BLM's AO and the CPM) prior to commencement of closure activities. The project owner shall file 50 copies and 50 CDs with the Energy Commission and 10 copies and 10 CDs with BLM (or other number of copies agreed upon by BLM's AO and the CPM) of a proposed facility closure plan/Closure, Revegetation and Rehabilitation Plan.</p> <p>The plan shall:</p> <ol style="list-style-type: none"> 1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related materials that must be removed from the site; 2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project; 3. address conformance of the plan with all applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of facility closure, and applicable conditions of certification; and. 4. Address any changes to the site revegetation, rehabilitation, monitoring and long-term maintenance specified in the existing plan that are needed for site revegetation and rehabilitation to be successful. <p>Prior to submittal of an amended or revised Closure, Revegetation and Restoration Plan, a meeting shall be held between the project owner, BLM's AO and the Energy Commission CPM for the purpose of discussing the specific contents of the plan.</p> <p>In the event that there are significant issues associated with the proposed facility Closure, Revegetation and Restoration plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, BLM's AO the CPM shall hold one or more workshops and/or BLM and the Energy Commission may hold public hearings as part of its approval procedure.</p> <p>As necessary, prior to or during the closure process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety and the environment, but shall not commence any other closure activities until BLM and the Energy Commission approve the facility Closure, Revegetation and Restoration plan.</p>		CEC
<p>COMPLIANCE-11, Unplanned Temporary Closure: In order to ensure that public health and safety and the environment are protected in the event of an unplanned temporary facility closure, it is essential to have an On-Site Contingency Plan in place. The On-Site Contingency Plan will help to ensure that all necessary steps to mitigate public health and safety impacts and environmental impacts are taken in a timely manner.</p> <p>The project owner shall submit an On-Site Contingency Plan for BLM's AO and CPM review and approval. The plan shall be submitted no less than 60 days (or other time agreed to by BLM's AO and the CPM) after approval of any NTP or letter</p>		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>granting approval to commence construction for each phase of construction. A copy of the approved plan must be in place during commercial operation of the facility and shall be kept at the site at all times.</p> <p>The project owner, in consultation with BLM's AO and the CPM, will update the On-Site Contingency Plan as necessary. BLM's AO and the CPM may require revisions to the On-Site Contingency Plan over the life of the project. In the annual compliance reports submitted to the Energy Commission, the project owner will review the On-Site Contingency Plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by BLM's AO and the CPM.</p> <p>The On-Site Contingency Plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days, unless other arrangements are agreed to by BLM's AO and the CPM, the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment, and the safe shutdown of all equipment. (Also see specific conditions of certification for the technical areas of Hazardous Materials Management and Waste Management.)</p> <p>In addition, consistent with requirements under unplanned permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the On-Site Contingency Plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.</p> <p>In the event of an unplanned temporary closure, the project owner shall notify BLM's AO and the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the On-Site Contingency Plan. The project owner shall keep BLM's AO and the CPM informed of the circumstances and expected duration of the closure.</p> <p>If BLM's AO and the CPM determine that an unplanned temporary closure is likely to be permanent, or for a duration of more than six months, a Closure Plan consistent with the requirements for a planned closure shall be developed and submitted to BLM's AO and the CPM within 90 days of BLM's AO and the CPM's determination (or other period of time agreed to by BLM's AO and the CPM).</p>		
<p>COMPLIANCE-12, Unplanned Permanent Closure: The On-Site Contingency Plan required for unplanned temporary closure shall also cover unplanned permanent facility closure. All of the requirements specified for unplanned temporary closure shall also apply to unplanned permanent closure.</p> <p>In addition, the On-Site Contingency Plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the event of abandonment.</p> <p>In the event of an unplanned permanent closure, the project owner shall notify BLM's AO and the CPM, as well as other responsible agencies, by telephone, fax, or e-mail, within 24 hours and shall take all necessary steps to implement the On-Site Contingency Plan. The project owner shall keep BLM's AO and the CPM informed of the status of all closure activities.</p> <p>To ensure that public health and safety and the environment are protected in the event of an unplanned permanent closure, the project owner shall submit an On-Site Contingency Plan no less than 60 days after a NTP is issued for each phase of development.</p>		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>COMPLIANCE 13, Post-Certification Changes to the Decision: Amendments, ownership Changes, Staff Approved Project Modifications and Verification Changes: The project owner must petition the Energy Commission pursuant to Title 20, California Code of Regulations, section 1769, in order to modify the project (including linear facilities) design, operation or performance requirements, and to transfer ownership or operational control of the facility. The BLM ROW holder must file a written request in the form of an application to the BLM AO in order to change the terms and conditions of their ROW grant or POD. Written requests will be in a manner prescribed by the BLM AO. Implementation of a project modification without first securing BLM approval may result in financial and other liabilities in accordance with 43 CFR 2808.</p> <p>It is the responsibility of the project owner to contact BLM's AO and the CPM to determine if a proposed project change should be considered a project modification pursuant to section 1769. Implementation of a project modification without first securing Energy Commission staff approval may result in enforcement action that could result in civil penalties in accordance with section 25534 of the Public Resources Code.</p> <p>A petition is required for amendments and for staff approved project modifications as specified below. Both shall be filed as a "Petition to Amend." Staff will determine if the change is significant or insignificant. For verification changes, a letter from the project owner is sufficient. In all cases, the petition or letter requesting a change should be submitted to BLM's AO and the CPM, who will file it with the Energy Commission's Dockets Unit in accordance with Title 20, California Code of Regulations, section 1209.</p> <p>The criteria that determine which type of approval and the process that applies are explained below. They reflect the provisions of Section 1769 at the time this condition was drafted. If the Commission's rules regarding amendments are amended, the rules in effect at the time an amendment is requested shall apply.</p> <p>Amendment</p> <p>The project owner shall petition the Energy Commission, pursuant to Title 20, California Code of Regulations, Section 1769(a), when proposing modifications to the project (including linear facilities) design, operation, or performance requirements. If a proposed modification results in deletion or change of a condition of certification, or makes changes that would cause the project not to comply with any applicable laws, ordinances, regulations or standards, the petition will be processed as a formal amendment to the Energy Commission's final decision, which requires public notice and review of the BLM-Energy Commission staff analysis, and approval by the full Energy Commission. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(a). Upon request, the CPM will provide you with a sample petition to use as a template.</p> <p>The ROW holder shall file an application to amend the BLM ROW grant for any substantial deviation or change in use in accordance with the regulations at 43 CFR 2807.20. The requirements to amend a ROW grant are the same as when filing a new application including paying processing and monitoring fees and rent.</p> <p>Staff Approved Project Modification</p> <p>Modifications that do not result in deletions or changes to conditions of certification, and that are compliant with laws, ordinances, regulations and standards, may be authorized by BLM's AO and the CPM as a staff approved project modification (SAPM) pursuant to section 1769(a) (2). Once staff files an intention to approve the proposed project</p>		CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GENERAL CONDITIONS (cont.)		
<p>modifications, any person may file an objection to staff’s determination within 14 days of service on the grounds that the modification does not meet the criteria of section 1769 (a)(2). If a person objects to staff’s determination, the petition must be processed as a formal amendment to the decision and must be approved by the full commission at a noticed business meeting or hearing. BLM and the Energy Commission intend to integrate a process to jointly approve SAPMs to avoid duplication of approval processes and ensure appropriate documentation for the public record.</p> <p>Change of Ownership</p> <p>Change of ownership or operational control also requires that the project owner file a petition pursuant to section 1769(b). This process requires public notice and approval by the full Commission and BLM. The petition shall be in the form of a legal brief and fulfill the requirements of Section 1769(b). Upon request, the CPM will provide you with a sample petition to use as a template. The transfer of ownership of a BLM ROW grant must be through the filing of an application for assignment of the grant in accordance with 43 CFR 2807.21.</p> <p>Verification Change</p> <p>A verification may be modified by BLM’s AO and the CPM without requesting an amendment to the ROW Grant or Energy Commission decision if the change does not require modifying any conditions of certification and provides an effective alternate means of verification.</p>		
FACILITY DESIGN		
<p>GEN-1, California Building Standards Code: The project owner shall design, construct, and inspect the project in accordance with the 2007 California Building Standards Code (CBSC), also known as Title 24, California Code of Regulations, which encompasses the California Building Code (CBC), California Building Standards Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Fire Code, California Code for Building Conservation, California Reference Standards Code, and all other applicable engineering LORS in effect at the time initial design plans are submitted to the CBO for review and approval (the CBSC in effect is the edition that has been adopted by the California Building Standards Commission and published at least 180 days previously). The project owner shall ensure that all the provisions of the above applicable codes are enforced during the construction, addition, alteration, moving, demolition, repair, or maintenance of the completed facility. All transmission facilities (lines, switchyards, switching stations and substations) are covered in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>In the event that the initial engineering designs are submitted to the CBO when the successor to the 2007 CBSC is in effect, the 2007 CBSC provisions shall be replaced with the applicable successor provisions. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.</p> <p>The project owner shall ensure that all contracts with contractors, subcontractors, and suppliers clearly specify that all work performed and materials supplied comply with the codes listed above.</p>	<p>Within 30 days following receipt of the certificate of occupancy, the project owner shall submit to the CPM a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation, and inspection requirements of the applicable LORS and the Energy Commission’s decision have been met in the area of facility design. The project owner shall provide the CPM a copy of the certificate of occupancy within 30 days of receipt from the CBO.</p> <p>Once the certificate of occupancy has been issued, the project owner shall inform the CPM at least 30 days prior to any construction, addition, alteration, moving, demolition, repair, or maintenance to be performed on any portion(s) of the completed facility that requires CBO approval for compliance with the above codes. The CPM will then determine if the CBO needs to approve the work.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>GEN-2, Schedule of Facility Design Submittals: Before submitting the initial engineering designs for CBO review, the project owner shall furnish the CPM and the CBO with a schedule of facility design submittals, and master drawing and master specifications lists. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM upon request.</p>	<p>At least 60 days (or a project owner and CBO approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the master drawings, and master specifications list of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures, systems, and equipment defined above in Condition of Certification GEN-2. Major structures and equipment may be added to or deleted from the list only with CPM approval. The project owner shall provide schedule updates in the monthly compliance report.</p>	CEC
<p>GEN-3, Payments to the CBO: The project owner shall make payments to the CBO for design review, plan checks, and construction inspections, based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. These fees may be consistent with the fees listed in the 2007 CBC, adjusted for inflation and other appropriate adjustments; may be based on the value of the facilities reviewed; may be based on hourly rates; or may be otherwise agreed upon by the project owner and the CBO.</p>	<p>The project owner shall make the required payments to the CBO in accordance with the agreement between the project owner and the CBO. The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next monthly compliance report indicating that applicable fees have been paid.</p>	CEC
<p>GEN-4, Resident Engineer: Prior to the start of rough grading, the project owner shall assign a California- registered architect, or a structural or civil engineer, as the resident engineer (RE) in charge of the project. All transmission facilities (lines, switchyards, switching stations, and substations) are addressed in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided that each part is clearly defined as a distinct unit. Separate assignments of general responsibility may be made for each designated part.</p> <p>The RE shall:</p> <ol style="list-style-type: none"> 1. Monitor progress of construction work requiring CBO design review and inspection to ensure compliance with LORS; 2. Ensure that construction of all facilities subject to CBO design review and inspection conforms in every material respect to applicable LORS, these conditions of certification, approved plans, and specifications; 3. Prepare documents to initiate changes in approved drawings and specifications when either directed by the project owner or as required by the conditions of the project; 4. Be responsible for providing project inspectors and testing agencies with complete and up-to-date sets of stamped drawings, plans, specifications, and any other required documents; 5. Be responsible for the timely submittal of construction progress reports to the CBO from the project inspectors, the contractor, and other engineers who have been delegated responsibility for portions of the project; and 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the resume and registration number of the RE and any other delegated engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the RE and other delegated engineer(s) within 5 days of the approval.</p> <p>If the RE or the delegated engineer(s) is subsequently reassigned or replaced, the project owner has 5 days to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>6. Be responsible for notifying the CBO of corrective action or the disposition of items noted on laboratory reports or other tests when they do not conform to approved plans and specifications.</p> <p>The resident engineer (or his delegate) must be located at the project site, or be available at the project site within a reasonable period of time, during any hours in which construction takes place.</p> <p>The RE shall have the authority to halt construction and to require changes or remedial work if the work does not meet requirements.</p> <p>If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.</p>		
<p>GEN-5, California Registered Engineer Assignments: Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: a civil engineer; a soils, geotechnical, or civil engineer experienced and knowledgeable in the practice of soils engineering; and an engineering geologist. Prior to the start of construction, the project owner shall assign at least one of each of the following California registered engineers to the project: a design engineer who is either a structural engineer or a civil engineer fully competent and proficient in the design of power plant structures and equipment supports; a mechanical engineer; and an electrical engineer. (California Business and Professions Code section 6704 et seq., and sections 6730, 6731 and 6736 require state registration to practice as a civil engineer or structural engineer in California). All transmission facilities (lines, switchyards, switching stations, and substations) are handled in the conditions of certification in the Transmission System Engineering section of this document.</p> <p>The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (for example, proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer.</p> <p>The project owner shall submit, to the CBO for review and approval, the names, qualifications, and registration numbers of all responsible engineers assigned to the project.</p> <p>If any one of the designated responsible engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications and registration number of the newly assigned responsible engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.</p> <p>A. The civil engineer shall:</p> <ol style="list-style-type: none"> 1. Review the foundation investigations, geotechnical, or soils reports prepared by the soils engineer, the geotechnical engineer, or by a civil engineer experienced and knowledgeable in the practice of soils engineering; 2. Design (or be responsible for the design of), stamp, and sign all plans, calculations, and specifications for proposed site work, civil works, and related facilities requiring design review and inspection by the CBO. At a minimum, these include: grading, site preparation, excavation, compaction, construction of secondary containment, foundations, erosion and sedimentation control structures, drainage facilities, underground utilities, culverts, site access roads and sanitary sewer systems; and 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible civil engineer, soils (geotechnical) engineer and engineering geologist assigned to the project.</p> <p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction, the project owner shall submit to the CBO for review and approval, resumes and registration numbers of the responsible design engineer, mechanical engineer, and electrical engineer assigned to the project.</p> <p>The project owner shall notify the CPM of the CBO's approvals of the responsible engineers within 5 days of the approval.</p> <p>If the designated responsible engineer is subsequently reassigned or replaced, the project owner has 5 days in which to submit the resume and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>3. Provide consultation to the RE during the construction phase of the project and recommend changes in the design of the civil works facilities and changes to the construction procedures.</p> <p>B. The soils engineer, geotechnical engineer, or civil engineer experienced and knowledgeable in the practice of soils engineering, shall:</p> <ol style="list-style-type: none"> 1. Review all the engineering geology reports; 2. Prepare the foundation investigations, geotechnical, or soils reports containing field exploration reports, laboratory tests, and engineering analysis detailing the nature and extent of the soils that could be susceptible to liquefaction, rapid settlement or collapse when saturated under load; 3. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both); and 4. Recommend field changes to the civil engineer and RE. <p>This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform to the predicted conditions used as the basis for design of earthwork or foundations.</p> <p>C. The engineering geologist shall:</p> <ol style="list-style-type: none"> 1. Review all the engineering geology reports and prepare a final soils grading report; and 2. Be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 2007 CBC (depending on the site conditions, this may be the responsibility of either the soils engineer, the engineering geologist, or both). <p>D. The design engineer shall:</p> <ol style="list-style-type: none"> 1. Be directly responsible for the design of the proposed structures and equipment supports; 2. Provide consultation to the RE during design and construction of the project; 3. Monitor construction progress to ensure compliance with engineering LORS; 4. Evaluate and recommend necessary changes in design; and 5. Prepare and sign all major building plans, specifications, and calculations. <p>E. The mechanical engineer shall be responsible for, and sign and stamp a statement with, each mechanical submittal to the CBO, stating that the proposed final design plans, specifications, and calculations conform to all of the mechanical engineering design requirements set forth in the Energy Commission's decision.</p> <p>F. The electrical engineer shall:</p> <ol style="list-style-type: none"> 1. Be responsible for the electrical design of the project; and 2. Sign and stamp electrical design drawings, plans, specifications, and calculations. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>GEN-6, Certified Special Inspector: Prior to the start of an activity requiring special inspection, including prefabricated assemblies, the project owner shall assign to the project, qualified and certified special inspector(s) who shall be responsible for the special inspections required by the 2007 CBC. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.</p> <p>A certified weld inspector, certified by the American Welding Society (AWS), and/or American Society of Mechanical Engineers (ASME) as applicable, shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels).</p> <p>The special inspector shall:</p> <ol style="list-style-type: none"> 1. Be a qualified person who shall demonstrate competence, to the satisfaction of the CBO, for inspection of the particular type of construction requiring special or continuous inspection; 2. Inspect the work assigned for conformance with the approved design drawings and specifications; 3. Furnish inspection reports to the CBO and RE. All discrepancies shall be brought to the immediate attention of the RE for correction, then, if uncorrected, to the CBO and the CPM for corrective action; and 4. Submit a final signed report to the RE, CBO, and CPM, stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans, specifications, and other provisions of the applicable edition of the CBC. 	<p>At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of an activity requiring special inspection, the project owner shall submit to the CBO for review and approval, with a copy to the CPM, the name(s) and qualifications of the certified weld inspector(s), or other certified special inspector(s) assigned to the project to perform one or more of the duties set forth above. The project owner shall also submit to the CPM a copy of the CBO's approval of the qualifications of all special inspectors in the next monthly compliance report.</p> <p>If the special inspector is subsequently reassigned or replaced, the project owner has 5 days in which to submit the name and qualifications of the newly assigned special inspector to the CBO for approval. The project owner shall notify the CPM of the CBO's approval of the newly assigned inspector within 5 days of the approval.</p>	CEC
<p>GEN-7, Design and/or Construction Discrepancy: If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend required corrective actions. The discrepancy documentation shall be submitted to the CBO for review and approval. The discrepancy documentation shall reference this condition of certification and, if appropriate, applicable sections of the CBC and/or other LORS.</p>	<p>The project owner shall transmit a copy of the CBO's approval of any corrective action taken to resolve a discrepancy to the CPM in the next monthly compliance report. If any corrective action is disapproved, the project owner shall advise the CPM, within 5 days, of the reason for disapproval and the revised corrective action to obtain CBO's approval.</p>	CEC
<p>GEN-8, CBO Final Approval: The project owner shall obtain the CBO's final approval of all completed work that has undergone CBO design review and approval. The project owner shall request the CBO to inspect the completed structure and review the submitted documents. The project owner shall notify the CPM after obtaining the CBO's final approval. The project owner shall retain one set of approved engineering plans, specifications, and calculations (including all approved changes) at the project site or at another accessible location during the operating life of the project. Electronic copies of the approved plans, specifications, calculations, and marked-up as-builts shall be provided to the CBO for retention by the CPM.</p>	<p>Within 15 days of the completion of any work, the project owner shall submit to the CBO, with a copy to the CPM, in the next monthly compliance report, (a) a written notice that the completed work is ready for final inspection, and (b) a signed statement that the work conforms to the final approved plans. After storing the final approved engineering plans, specifications, and calculations described above, the project owner shall submit to the CPM a letter stating both that the above documents have been stored and the storage location of those documents.</p> <p>Within 90 days of the completion of construction, the project owner shall provide to the CBO three sets of electronic copies of the above documents at the project owner's expense. These are to be provided in the form of "read only" (Adobe .pdf 6.0) files, with restricted (password-protected) printing privileges, on archive quality compact discs.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>CIVIL-1, Submittals to the CBO: The project owner shall submit to the CBO for review and approval the following:</p> <ol style="list-style-type: none"> 1. Design of the proposed drainage structures and the grading plan; 2. An erosion and sedimentation control plan; 3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and 4. Soils, geotechnical, or foundation investigations reports required by the 2007 CBC. 	<p>At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of site grading the project owner shall submit the documents described above to the CBO for design review and approval. In the next monthly compliance report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.</p>	<p>CEC</p>
<p>CIVIL-2, Unforeseen adverse soil or geologic conditions: The resident engineer shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible soils engineer, geotechnical engineer, or the civil engineer experienced and knowledgeable in the practice of soils engineering identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications, and calculations to the CBO based on these new conditions. The project owner shall obtain approval from the CBO before resuming earthwork and construction in the affected area.</p>	<p>The project owner shall notify the CPM within 24 hours, when earthwork and construction is stopped as a result of unforeseen adverse geologic/soil conditions. Within 24 hours of the CBO's approval to resume earthwork and construction in the affected areas, the project owner shall provide to the CPM a copy of the CBO's approval.</p>	<p>CEC</p>
<p>CIVIL-3, Inspections and Discrepancy Reports: The project owner shall perform inspections in accordance with the 2007 CBC. All plant site-grading operations, for which a grading permit is required, shall be subject to inspection by the CBO.</p> <p>If, in the course of inspection, it is discovered that the work is not being performed in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report, with copies to the CBO and the CPM, detailing all discrepancies, non-compliance items, and the proposed corrective action.</p>	<p>Within five days of the discovery of any discrepancies, the resident engineer shall transmit to the CBO and the CPM a non-conformance report (NCR), and the proposed corrective action for review and approval. Within five days of resolution of the NCR, the project owner shall submit the details of the corrective action to the CBO and the CPM. A list of NCRs, for the reporting month, shall also be included in the following monthly compliance report.</p>	<p>CEC</p>
<p>CIVIL-4, Final Grading Plan Approval: After completion of finished grading and erosion and sedimentation control and drainage work, the project owner shall obtain the CBO's approval of the final grading plans (including final changes) for the erosion and sedimentation control work. The civil engineer shall state that the work within his/her area of responsibility was done in accordance with the final approved plans.</p>	<p>Within 30 days (or project owner- and CBO-approved alternative time frame) of the completion of the erosion and sediment control mitigation and drainage work, the project owner shall submit to the CBO, for review and approval, the final grading plans (including final changes) and the responsible civil engineer's signed statement that the installation of the facilities and all erosion control measures were completed in accordance with the final approved combined grading plans, and that the facilities are adequate for their intended purposes, along with a copy of the transmittal letter to the CPM. The project owner shall submit a copy of the CBO's approval to the CPM in the next monthly compliance report.</p>	<p>CEC</p>
<p>STRUC-1, Structure Approval: Prior to the start of any increment of construction of any major structure or component listed in Facility Design Table 2 of condition of certification GEN 2, above, the project owner shall submit to the CBO for design review and approval the proposed lateral force procedures for project structures and the applicable designs, plans and drawings for project structures. Proposed lateral force procedures, designs, plans and drawings shall be those for the following items (from Table 2, above):</p>	<p>At least 60 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of construction of any structure or component listed in Facility Design Table 2 of condition of certification GEN 2,above, the project owner shall submit to the CBO the above final</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>1. Major project structures;</p> <p>2. Major foundations, equipment supports, and anchorage; and</p> <p>3. Large field-fabricated tanks.</p> <p>Construction of any structure or component shall not begin until the CBO has approved the lateral force procedures to be employed in designing that structure or component.</p> <p>The project owner shall:</p> <ol style="list-style-type: none"> 1. Obtain approval from the CBO of lateral force procedures proposed for project structures; 2. Obtain approval from the CBO for the final design plans, specifications, calculations, soils reports, and applicable quality control procedures. If there are conflicting requirements, the more stringent shall govern (for example, highest loads, or lowest allowable stresses shall govern). All plans, calculations, and specifications for foundations that support structures shall be filed concurrently with the structure plans, calculations, and specifications; 3. Submit to the CBO the required number of copies of the structural plans, specifications, calculations, and other required documents of the designated major structures prior to the start of on-site fabrication and installation of each structure, equipment support, or foundation; 4. Ensure that the final plans, calculations, and specifications clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. The final designs, plans, calculations, and specifications shall be signed and stamped by the responsible design engineer; and 5. Submit to the CBO the responsible design engineer's signed statement that the final design plans conform to applicable LORS. 	<p>design plans, specifications and calculations, with a copy of the transmittal letter to the CPM.</p> <p>The project owner shall submit to the CPM, in the next monthly compliance report, a copy of a statement from the CBO that the proposed structural plans, specifications, and calculations have been approved and comply with the requirements set forth in applicable engineering LORS.</p>	
<p>STRUC-2, Structure Document Submittal: The project owner shall submit to the CBO the required number of sets of the following documents related to work that has undergone CBO design review and approval:</p> <ol style="list-style-type: none"> 1. Concrete cylinder strength test reports (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, and mix design designation and parameters); 2. Concrete pour sign-off sheets; 3. Bolt torque inspection reports (including location of test, date, bolt size, and recorded torques); 4. Field weld inspection reports (including type of weld, location of weld, inspection of non-destructive testing (NDT) procedure and results, welder qualifications, certifications, qualified procedure description or number (ref: AWS); and 5. Reports covering other structural activities requiring special inspections shall be in accordance with the 2007 CBC. 	<p>If a discrepancy is discovered in any of the above data, the project owner shall, within 5 days, prepare and submit an NCR describing the nature of the discrepancies and the proposed corrective action to the CBO, with a copy of the transmittal letter to the CPM. The NCR shall reference the condition(s) of certification and the applicable CBC chapter and section. Within 5 days of resolution of the NCR, the project owner shall submit a copy of the corrective action to the CBO and the CPM.</p> <p>The project owner shall transmit a copy of the CBO's approval or disapproval of the corrective action to the CPM within 15 days. If disapproved, the project owner shall advise the CPM, within 5 days, the reason for disapproval, and the revised corrective action to obtain CBO's approval.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>STRUC-3, Design Change Submittals: The project owner shall submit to the CBO design changes to the final plans required by the 2007 CBC, including the revised drawings, specifications, calculations, and a complete description of, and supporting rationale for, the proposed changes, and shall give to the CBO prior notice of the intended filing.</p>	<p>On a schedule suitable to the CBO, the project owner shall notify the CBO of the intended filing of design changes, and shall submit the required number of sets of revised drawings and the required number of copies of the other above-mentioned documents to the CBO, with a copy of the transmittal letter to the CPM. The project owner shall notify the CPM, via the monthly compliance report, when the CBO has approved the revised plans.</p>	CEC
<p>STRUC-4, Hazardous Materials Transport: Tanks and vessels containing quantities of toxic or hazardous materials exceeding amounts specified in the 2007 CBC shall, at a minimum, be designed to comply with the requirements of that chapter.</p>	<p>At least 30 days (or project owner- and CBO-approved alternate time frame) prior to the start of installation of the tanks or vessels containing the above specified quantities of toxic or hazardous materials, the project owner shall submit to the CBO for design review and approval final design plans, specifications, and calculations, including a copy of the signed and stamped engineer's certification.</p> <p>The project owner shall send copies of the CBO approvals of plan checks to the CPM in the following monthly compliance report. The project owner shall also transmit a copy of the CBO's inspection approvals to the CPM in the monthly compliance report following completion of any inspection.</p>	CEC
<p>MECH-1, Proposed Final Design Submittal: The project owner shall submit, for CBO design review and approval, the proposed final design, specifications and calculations for each plant major piping and plumbing system listed in Facility Design Table 2, condition of certification GEN 2, above. Physical layout drawings and drawings not related to code compliance and life safety need not be submitted. The submittal shall also include the applicable QA/QC procedures. Upon completion of construction of any such major piping or plumbing system, the project owner shall request the CBO's inspection approval of that construction.</p> <p>The responsible mechanical engineer shall stamp and sign all plans, drawings, and calculations for the major piping and plumbing systems, subject to CBO design review and approval, and submit a signed statement to the CBO when the proposed piping and plumbing systems have been designed, fabricated, and installed in accordance with all of the applicable laws, ordinances, regulations and industry standards, which may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. American National Standards Institute (ANSI) B31.1 (Power Piping Code); 2. ANSI B31.2 (Fuel Gas Piping Code); 3. ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code); 4. ANSI B31.8 (Gas Transmission and Distribution Piping Code); 5. Title 24, California Code of Regulations, Part 5 (California Plumbing Code); 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of any increment of major piping or plumbing construction listed in Facility Design Table 2, condition of certification GEN 2, above, the project owner shall submit to the CBO for design review and approval the final plans, specifications, and calculations, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.</p> <p>The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's inspection approvals.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
FACILITY DESIGN (cont.)		
<p>6. Title 24, California Code of Regulations, Part 6 (California Energy Code, for building energy conservation systems and temperature control and ventilation systems);</p> <p>7. Title 24, California Code of Regulations, Part 2 (California Building Code); and</p> <p>8. Riverside County codes.</p> <p>The CBO may deputize inspectors to carry out the functions of the code enforcement agency.</p>		
<p>MECH-2, Pressure Vessels: For all pressure vessels installed in the plant, the project owner shall submit to the CBO and California Occupational Safety and Health Administration (Cal-OSHA), prior to operation, the code certification papers and other documents required by applicable LORS. Upon completion of the installation of any pressure vessel, the project owner shall request the appropriate CBO and/or Cal-OSHA inspection of that installation.</p> <p>The project owner shall:</p> <ol style="list-style-type: none"> 1. Ensure that all boilers and fired and unfired pressure vessels are designed, fabricated, and installed in accordance with the appropriate section of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or other applicable code. Vendor certification, with identification of applicable code, shall be submitted for prefabricated vessels and tanks; and 2. Have the responsible design engineer submit a statement to the CBO that the proposed final design plans, specifications, and calculations conform to all of the requirements set forth in the appropriate ASME Boiler and Pressure Vessel Code or other applicable codes. 	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of on-site fabrication or installation of any pressure vessel, the project owner shall submit to the CBO for design review and approval, the above listed documents, including a copy of the signed and stamped engineer's certification, with a copy of the transmittal letter to the CPM.</p> <p>The project owner shall transmit to the CPM, in the monthly compliance report following completion of any inspection, a copy of the transmittal letter conveying the CBO's and/or Cal-OSHA inspection approvals.</p>	CEC
<p>MECH-3, HVAC and Refrigeration Systems: The project owner shall submit to the CBO for design review and approval the design plans, specifications, calculations, and quality control procedures for any heating, ventilating, air conditioning (HVAC) or refrigeration system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.</p> <p>The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the CBC and other applicable codes. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of that construction. The final plans, specifications and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications and calculations conform with the applicable LORS.</p>	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the CBC and other applicable codes, with a copy of the transmittal letter to the CPM.</p>	CEC
<p>ELEC-1, Electrical Construction: Prior to the start of any increment of electrical construction for all electrical equipment and systems 480 Volts or higher (see a representative list, below), with the exception of underground duct work and any physical layout drawings and drawings not related to code compliance and life safety, the project owner shall submit, for CBO design review and approval, the proposed final design, specifications, and calculations. Upon approval, the above listed plans, together with design changes and design change notices, shall remain on the site or at another accessible location for the operating life of the project. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. All transmission facilities (lines, switchyards, switching stations, and substations) are handled in conditions of certification in the Transmission System Engineering section of this document.</p>	<p>At least 30 days (or project owner- and CBO-approved alternative time frame) prior to the start of each increment of electrical construction, the project owner shall submit to the CBO for design review and approval the above listed documents. The project owner shall include in this submittal a copy of the signed and stamped statement from the responsible electrical engineer attesting compliance with the applicable LORS, and shall send the CPM a copy of the transmittal letter in the next monthly compliance report.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency												
FACILITY DESIGN (cont.)														
<p>A. Final plant design plans shall include:</p> <ol style="list-style-type: none"> 1. one-line diagrams for the 13.8 kV, 4.16 kV and 480 V systems; and 2. system grounding drawings. <p>B. Final plant calculations must establish:</p> <ol style="list-style-type: none"> 1. short-circuit ratings of plant equipment; 2. ampacity of feeder cables; 3. voltage drop in feeder cables; 4. system grounding requirements; 5. coordination study calculations for fuses, circuit breakers and protective relay settings for the 13.8 kV, 4.16 kV and 480 V systems; 6. system grounding requirements; and 7. lighting energy calculations. <p>C. The following activities shall be reported to the CPM in the monthly compliance report:</p> <ol style="list-style-type: none"> 1. Receipt or delay of major electrical equipment; 2. Testing or energization of major electrical equipment; and 3. A signed statement by the registered electrical engineer certifying that the proposed final design plans and specifications conform to requirements set forth in the Energy Commission decision. 														
TRANSMISSION SYSTEM ENGINEERING														
<p>TSE-1, Schedule of Transmission Facility Design Submittals: The project owner shall furnish to the CPM and to the CBO a schedule of transmission facility design submittals, a Master Drawing List, a Master Specifications List, and a Major Equipment and Structure List. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide designated packages to the CPM when requested.</p>	<p>Prior to the start of construction, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment (see a list of major equipment below). Additions and deletions shall be made to the table only with CPM and CBO approval. The project owner shall provide schedule updates in the Monthly Compliance Report.</p> <p>List of Major Equipment Components:</p> <table border="0"> <tr> <td>Breakers</td> <td>Take-off facilities</td> </tr> <tr> <td>Step-up transformer</td> <td>Electrical control building</td> </tr> <tr> <td>Switchyard</td> <td>Switchyard control building</td> </tr> <tr> <td>Busses</td> <td>Transmission pole/tower</td> </tr> <tr> <td>Surge arrestors</td> <td>Grounding system</td> </tr> <tr> <td>Disconnects</td> <td></td> </tr> </table>	Breakers	Take-off facilities	Step-up transformer	Electrical control building	Switchyard	Switchyard control building	Busses	Transmission pole/tower	Surge arrestors	Grounding system	Disconnects		<p>CEC</p>
Breakers	Take-off facilities													
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APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
<p>TSE-2, Engineer Assignments: Before the start of construction, the project owner shall assign to the project an electrical engineer and at least one of each of the following:</p> <p>a) a civil engineer;</p> <p>b) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering;</p> <p>c) a design engineer who is either a structural engineer or a civil engineer and fully competent and proficient in the design of power plant structures and equipment supports; or</p> <p>d) a mechanical engineer (Business and Professions Code Sections 6704 et seq. require state registration to practice as either a civil engineer or a structural engineer in California).</p> <p>The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers as long as each engineer is responsible for a particular segment of the project, e.g., proposed earthwork, civil structures, power plant structures, or equipment support. No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer. The civil, geotechnical, or civil and design engineer, assigned as required by Facility Design Condition GEN 5, may be responsible for design and review of the TSE facilities.</p> <p>The project owner shall submit to the CBO, for review and approval, the names, qualifications, and registration numbers of all engineers assigned to the project. If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer. This engineer shall be authorized to halt earth work and require changes; if site conditions are unsafe or do not conform to the predicted conditions used as the basis for design of earth work or foundations.</p> <p>The electrical engineer shall:</p> <ol style="list-style-type: none"> 1. be responsible for the electrical design of the power plant switchyard, outlet, and termination facilities; and 2. sign and stamp electrical design drawings, plans, specifications, and calculations. 	<p>Prior to the start of rough grading, the project owner shall submit to the CBO for review and approval, the names, qualifications, and registration numbers of all the responsible engineers assigned to the project. The project owner shall notify the CPM of the CBO's approvals of the engineers within five days of the approval.</p> <p>If the designated responsible engineer is subsequently reassigned or replaced, the project owner has 5 days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within 5 days of the approval.</p>	CEC
<p>TSE-3, Design and/or Construction Discrepancies: If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend corrective action (2001 California Building Code, Chapter 1, section 108.4, approval required; Chapter 17, section 1701.3, Duties and Responsibilities of the Special Inspector; Appendix Chapter 33, section 3317.7, Notification of Noncompliance). The discrepancy documentation shall become a controlled document and shall be submitted to the CBO for review and approval and refer to this condition of certification.</p>	<p>The project owner shall submit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy to the CPM within 15 days of receipt. If disapproved, the project owner shall advise the CPM, within 5 days, the reason for the disapproval, along with the revised corrective action required to obtain the CBO's approval.</p>	CEC
<p>TSE-4, Power Plan Switchyard/Outlet Line and Termination Plans: For the power plant switchyard, outlet line and termination, the project owner shall not begin any construction until plans for that increment of construction have been approved by the CBO. These plans, together with design changes and design change notices, shall remain on the site for one year after completion of construction. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. The following activities shall be reported in the monthly compliance report:</p>	<p>Prior to the start of each increment of construction, the project owner shall submit to the CBO for review and approval the final design plans, specifications and calculations for equipment and systems of the power plant switchyard, and outlet line and termination, including a copy of the signed and stamped statement from the responsible</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
<ul style="list-style-type: none"> a) receipt or delay of major electrical equipment; b) testing or energization of major electrical equipment; and c) the number of electrical drawings approved, submitted for approval, and still to be submitted. 	<p>electrical engineer verifying compliance with all applicable LORS, and send the CPM a copy of the transmittal letter in the next monthly compliance report.</p>	
<p>TSE-5, LORS and Requirements for Transmission Facilities: The project owner shall ensure that the design, construction, and operation of the proposed transmission facilities will conform to all applicable LORS, and the requirements listed below. The project owner shall submit the required number of copies of the design drawings and calculations, as determined by the CBO. Once approved, the project owner shall inform the CPM and CBO of any anticipated changes to the design, and shall submit a detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change to the CPM and CBO for review and approval.</p> <ul style="list-style-type: none"> a) The power plant outlet line shall meet or exceed the electrical, mechanical, civil, and structural requirements of CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, California ISO standards, National Electric Code (NEC) and related industry standards. b) Breakers and busses in the power plant switchyard and other switchyards, where applicable, shall be sized to comply with a short-circuit analysis. c) Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with the owner's standards. d) The project conductors shall be sized to accommodate the full output of the project. e) Termination facilities shall comply with applicable SCE interconnection standards. f) The project owner shall provide to the CPM: <ul style="list-style-type: none"> i) The Special Protection System (SPS) sequencing and timing if applicable, ii) A letter stating that the mitigation measures or projects selected by the transmission owners for each reliability criteria violation, for which the project is responsible, are acceptable, and iv) A copy of the executed LGIA signed by the California ISO and the project owner. 	<p>Prior to the start of construction or start of modification of transmission facilities, the project owner shall submit to the CBO for approval:</p> <ol style="list-style-type: none"> 1. Design drawings, specifications, and calculations conforming with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, CA ISO standards, National Electric Code (NEC) and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems, and major switchyard equipment; 2. For each element of the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on "worst case conditions" and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the High Voltage Electric Safety Orders, California ISO standards, National Electric Code (NEC), and related industry standards; 3. Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in charge, a route map, and an engineering description of the equipment and configurations covered by requirements TSE 5 a) through g); 4. The Special Protection System (SPS) sequencing and timing if applicable shall be provided concurrently to the CPM. 5. A letter stating that the mitigation measures or projects selected by the transmission owners for each reliability criteria violation, for which the project is responsible, are acceptable, and 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
	<p>6. A copy of the executed LGIA signed by the California ISO and the project owner.</p> <p>Prior to the start of construction of or modification of transmission facilities, the project owner shall inform the CBO and the CPM of any anticipated changes to the design that are different from the design previously submitted and approved and shall submit a detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change to the CPM and CBO for review and approval.</p>	
<p>TSE-6, Notice to the California Independent Systems Officer: The project owner shall provide the following Notice to the California Independent System Operator (California ISO) prior to synchronizing the facility with the California Transmission system:</p> <ol style="list-style-type: none"> 1. At least one week prior to synchronizing the facility with the grid for testing, provide the California ISO a letter stating the proposed date of synchronization; and 2. At least one business day prior to synchronizing the facility with the grid for testing, provide telephone notification to the California ISO Outage Coordination Department. 	<p>The project owner shall provide copies of the California ISO letter to the CPM when it is sent to the California ISO one week prior to initial synchronization with the grid. The project owner shall contact the California ISO Outage Coordination Department, Monday through Friday, between the hours of 0700 and 1530 at (916) 351 2300 at least one business day prior to synchronizing the facility with the grid for testing. A report of conversation with the California ISO shall be provided electronically to the CPM one day before synchronizing the facility with the California transmission system for the first time.</p>	CEC
<p>TSE-7, Transmission Facility Inspection: The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM and CBO approved changes thereto, to ensure conformance with CPUC GO 95 or NESC, Title 8, CCR, Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders", applicable interconnection standards, NEC and related industry standards. In case of non-conformance, the project owner shall inform the CPM and CBO in writing, within 10 days of discovering such non-conformance and describe the corrective actions to be taken.</p>	<p>Within 60 days after first synchronization of the project, the project owner shall transmit to the CPM and CBO:</p> <ol style="list-style-type: none"> 1 "As built" engineering description(s) and one-line drawings of the electrical portion of the facilities signed and sealed by the registered electrical engineer in responsible charge. A statement attesting to conformance with CPUC GO 95 or NESC, Title 8, California Code of Regulations, Articles 35, 36 and 37 of the "High Voltage Electric Safety Orders", and applicable interconnection standards, NEC, related industry standards. 2. An "as built" engineering description of the mechanical, structural, and civil portion of the transmission facilities signed and sealed by the registered engineer in responsible charge or acceptable alternative verification. "As built" drawings of the electrical, mechanical, structural, and civil portion of the transmission facilities shall be maintained at the power plant and made available, if requested, for CPM audit as set forth in the "Compliance Monitoring Plan". 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION SYSTEM ENGINEERING (cont.)		
	3. A summary of inspections of the completed transmission facilities, and identification of any nonconforming work and corrective actions taken, signed and sealed by the registered engineer in charge.	
AIR QUALITY		
<p>AQ-SC-1, Air Quality Construction Mitigation Manager (AQCMM): The project owner shall designate and retain an on-site AQCMM who shall be responsible for directing and documenting compliance with Conditions of Certification AQ SC3, AQ SC4 and AQ SC5 for the entire project site and linear facility construction. The on-site AQCMM may delegate responsibilities to one or more AQCMM Delegates. The AQCMM and AQCMM Delegates shall have full access to all areas of construction on the project site and linear facilities, and shall have the authority to stop any or all construction activities as warranted by applicable construction mitigation conditions. The AQCMM and AQCMM Delegates may have other responsibilities in addition to those described in this condition. The AQCMM shall not be terminated without written consent of the Compliance Project Manager (CPM).</p>	At least 60 days prior to the start of ground disturbance, the project owner shall submit to the BLM's Authorized Officer and CPM for approval, the name, resume, qualifications, and contact information for the on-site AQCMM and all AQCMM Delegates.	CEC
<p>AQ-SC-2, Air Quality Construction Mitigation Plan (AQCMP): The project owner shall provide an AQCMP, for approval, which details the steps that will be taken and the reporting requirements necessary to ensure compliance with Conditions of Certification AQ SC3, AQ SC4, and AQ SC5.</p>	At least 30 days prior to the start of any ground disturbance, the project owner shall submit the AQCMP to the BLM's Authorized Officer and CPM for approval. The AQCMP shall include effectiveness and environmental data for the proposed soil stabilizer. The BLM's Authorized Officer or CPM will notify the project owner of any necessary modifications to the plan within 15 days from the date of receipt.	CEC
<p>AQ-SC-3, Construction Fugitive Dust Control: The AQCMM shall submit documentation to the BLM's Authorized Officer and CPM in each Monthly Compliance Report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes from leaving the project. Any deviation from the AQCMP mitigation measures shall require prior BLM Authorized Officer and CPM notification and approval.</p> <p>a. The main access roads through the facility to the power block areas will be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating construction in the main power block area, and delivery areas for operations materials (chemicals, replacement parts, etc.) will be paved or treated prior to taking initial deliveries.</p> <p>b. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts, including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading (consistent with Biology Conditions of Certification that address the minimization of standing water); and after</p>	<p>The AQCMM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:</p> <p>A. a summary of all actions taken to maintain compliance with this Condition;</p> <p>B. copies of any complaints filed with the District in relation to project construction; and</p> <p>C. any other documentation deemed necessary by the CPM or AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner's discretion.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification AQ-SC4. The frequency of watering can be reduced or eliminated during periods of precipitation.</p> <p>c. No vehicle shall exceed 10 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.</p> <p>d. Visible speed limit signs shall be posted at the construction site entrances.</p> <p>e. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.</p> <p>f. Gravel ramps of at least 20 feet in length must be provided at the tire washing/cleaning station.</p> <p>g. All unpaved exits from the construction site shall be graveled or treated to prevent track-out to public roadways.</p> <p>h. All construction vehicles shall enter the construction site through the treated entrance roadways, unless an alternative route has been submitted to and approved by the CPM.</p> <p>i. Construction areas adjacent to any paved roadway below the grade of the surrounding construction area or otherwise directly impacted by sediment from site drainage shall be provided with sandbags or other equivalently effective measures to prevent run-off to roadways, or other similar run-off control measures as specified in the Storm Water Pollution Prevention Plan (SWPPP), only when such SWPPP measures are necessary so that this Condition does not conflict with the requirements of the SWPPP.</p> <p>j. All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.</p> <p>k. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads en route from the construction site or construction staging areas shall be swept as needed (less during periods of precipitation) on days when construction activity occurs or on any other day when dirt or runoff resulting from the construction site activities is visible on the public paved roadways.</p> <p>l. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</p> <p>m. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</p> <p>n. Wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) shall be used on all construction areas that may be disturbed. Any windbreaks installed to comply with this Condition shall remain in place until the soil is stabilized or permanently covered with vegetation.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>AQ-SC-4, Dust Plume Response Requirement: The AQCMM or an AQCMM Delegate shall monitor all construction activities for visible dust plumes. Observations of visible dust plumes that have the potential to be transported (A) off the project site and within 400 feet upwind of any regularly occupied structures not owned by the project owner or (B) 200 feet beyond the centerline of the construction of linear facilities indicate that existing mitigation measures are not resulting in effective mitigation. The AQCMP shall include a section detailing how the additional mitigation measures will be accomplished within the time limits specified. The AQCMM or Delegate shall implement the following procedures for additional mitigation measures in the event that such visible dust plumes are observed:</p> <p>Step 1: The AQCMM or Delegate shall direct more intensive application of the existing mitigation methods within 15 minutes of making such a determination.</p> <p>Step 2: The AQCMM or Delegate shall direct implementation of additional methods of dust suppression if Step 1, specified above, fails to result in adequate mitigation within 30 minutes of the original determination.</p> <p>Step 3: The AQCMM or Delegate shall direct a temporary shutdown of the activity causing the emissions if Step 2, specified above, fails to result in effective mitigation within one hour of the original determination. The activity shall not restart until the AQCMM or Delegate is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The owner/operator may appeal to the CPM or BLM Authorized Officer any directive from the AQCMM or Delegate to shut down an activity, if the shutdown shall go into effect within one hour of the original determination, unless overruled by the CPM or BLM Authorized Officer before that time.</p>	<p>The AQCMM shall provide the BLM's Authorized Officer and the CPM a Monthly Compliance Report (COMPLIANCE-6) to include:</p> <p>A. a summary of all actions taken to maintain compliance with this condition;</p> <p>B. copies of any complaints filed with the District in relation to project construction; and</p> <p>C. any other documentation deemed necessary by the CPM and AQCMM to verify compliance with this condition. Such information may be provided via electronic format or disk at the project owner's discretion.</p>	<p>CEC</p>
<p>AQ-SC-5, Diesel-Fueled Engine Control: The AQCMM shall submit to the CPM, in the Monthly Compliance Report, a construction mitigation report that demonstrates compliance with the AQCMP mitigation measures for purposes of controlling diesel construction-related emissions. Any deviation from the AQCMP mitigation measures shall require prior and CPM notification and approval.</p> <p>a. All diesel-fueled engines used in the construction of the facility shall have clearly visible tags issued by the on-site AQCMM showing that the engine meets the Conditions set forth herein.</p> <p>b. All construction diesel engines with a rating of 50 hp or higher shall meet, at a minimum, the Tier 3 California Emission Standards for Off-Road Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort to the satisfaction of the CPM that is certified by the on-site AQCMM demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 3 engine is not available for any off-road equipment larger than 100 hp, that equipment shall be equipped with a Tier 2 engine, or an engine that is equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 2 levels unless certified by engine manufacturers or the on-site AQCMM that the use of such devices is not practical for specific engine types. For purposes of this Condition, the use of such devices is "not practical" for the following, as well as other, reasons.</p> <ol style="list-style-type: none"> 1. There is no available retrofit control device that has been verified by either the California Air Resources Board or U.S. Environmental Protection Agency to control the engine in question to Tier 2 equivalent emission levels and the highest level of available control using retrofit or Tier 1 engines is being used for the engine in question; or 2. The construction equipment is intended to be on site for 10 days or less. 3. The CPM may grant relief from this requirement if the AQCMM can demonstrate a good faith effort to comply with this requirement and that compliance is not practical. 	<p>The AQCMM shall include in the Monthly Compliance Report the following to demonstrate control of diesel construction-related emissions:</p> <p>A. A summary of all actions taken to control diesel construction related emissions;</p> <p>B. A list of all heavy equipment used on site during that month, including the owner of that equipment and a letter from each owner indicating that equipment has been properly maintained; and heavy earth-moving equipment and heavy duty construction-</p> <p>C. Any other documentation deemed necessary by the CPM, and the AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner's discretion.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>c. The use of a retrofit control device may be terminated immediately, provided that the CPM is informed within 10 working days of the termination and that a replacement for the equipment item in question meeting the controls required in item "b" occurs within 10 days of termination of the use, if the equipment would be needed to continue working at this site for more than 15 days after the use of the retrofit control device is terminated, if one of the following Conditions exists:</p> <ol style="list-style-type: none"> 1. The use of the retrofit control device is excessively reducing the normal availability of the construction equipment due to increased down time for maintenance, and/or reduced power output due to an excessive increase in back pressure. 2. The retrofit control device is causing or is reasonably expected to cause engine damage. 3. The retrofit control device is causing or is reasonably expected to cause a substantial risk to workers or the public. 4. Any other seriously detrimental cause which has the approval of the CPM prior to implementation of the termination. <p>d. All related trucks with engines meeting the requirements of (b) above shall be properly maintained and the engines tuned to the engine manufacturer's specifications.</p> <p>e. All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.</p> <p>f. Construction equipment will employ electric motors when feasible.</p>		
<p>AQ-SC-6, Emission Standards Vehicles: The project owner, when obtaining dedicated on-road or off-road vehicles for mirror washing activities and other facility maintenance activities, shall only obtain new model year vehicles that meet California on-road vehicle emission standards or appropriate U.S.EPA/California off-road engine emission standards for the model year when obtained.</p>	<p>At least 30 days prior to the start commercial operation, the project owner shall submit to the CPM a copy of the plan that identifies the size and type of the on-site vehicle and equipment fleet and the vehicle and equipment purchase orders and contracts and/or purchase schedule. The plan shall be updated every other year and submitted in the Annual Compliance Report.</p>	<p>CEC</p>
<p>AQ-SC-7, Operation Dust Control Plan: The project owner shall provide a site Operations Dust Control Plan, including all applicable fugitive dust control measures identified in the verification of AQ SC3 that would be applicable to minimizing fugitive dust emission creation from operation and maintenance activities and preventing all fugitive dust plumes from leaving the project site that:</p> <ol style="list-style-type: none"> A. describes the active operations and wind erosion control techniques such as windbreaks and chemical dust suppressants, including their ongoing maintenance procedures, that shall be used on areas that could be disturbed by vehicles or wind anywhere within the project boundaries; and B. identifies the location of signs throughout the facility that will limit traveling on unpaved portion of roadways to solar equipment maintenance vehicles only. In addition, vehicle speed shall be limited to no more than 10 miles per hour on these unpaved roadways, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. 	<p>At least 30 days prior to start of commercial operation, the project owner shall submit to the CPM for review and approval a copy of the site Operations Dust Control Plan that identifies the dust and erosion control procedures, including effectiveness and environmental data for the proposed soil stabilizer, that will be used during operation of the project and that identifies all locations of the speed limit signs. Within 60 days after commercial operation, the project owner shall provide to the CPM a report identifying the locations of all speed limit signs, and a copy of the project employee and contractor training manual that clearly identifies that project employees and contractors are required to comply with the dust and erosion control procedures and on-site speed limits.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
<p>The site operations fugitive dust control plan shall include the use of durable non-toxic soil stabilizers on all regularly used unpaved roads and disturbed off-road areas, or alternative methods for stabilizing disturbed off-road areas, within the project boundaries, and shall include the inspection and maintenance procedures that will be undertaken to ensure that the unpaved roads remain stabilized. The soil stabilizer used shall be a non-toxic soil stabilizer or soil weighting agent that can be determined to be as efficient as or more efficient for fugitive dust control than ARB approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control.</p> <p>The performance and application of the fugitive dust controls shall also be measured against and meet the performance requirements of condition AQ-SC4. The measures and performance requirements of AQ-SC4 shall also be included in the operations dust control plan.</p>		
<p>AQ-SC-8, CPM Copies of Documents: The project owner shall provide the CPM copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility. The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project air permit. The project owner shall submit to the CPM any modification to any permit proposed by the District or U.S. Environmental Protection Agency (U.S. EPA), and any revised permit issued by the District or U.S. EPA, for the project.</p>	<p>The project owner shall submit any ATC, PTO, and proposed air permit modifications to the CPM within 5five working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency. The project owner shall submit all modified air permits to the CPM within 15 days of receipt.</p>	<p>CEC</p>
<p>AQ-SC-9, VOC Emission Reduction Credit (ERC) Sources: The project owner shall provide a list of the proposed VOC emission reduction credit (ERC) sources that total at least 68 pounds per day, shall submit requests to modify this list, and shall submit documentation confirming that the ERCs have been surrendered as required by South Coast Air Quality Management District rules.</p>	<p>The project owner shall provide to the CPM the following:</p> <ul style="list-style-type: none"> A. The list of proposed emission reduction credit sources, with the amount of reduction, the location of reduction, the method of reduction and date of reduction prior to initiating construction. B. Documentation prior to the start of operation that demonstrates the emission reduction credits have been surrendered in a manner and timeframe that complies with district rules. C. Any requests to modify the list of emission reduction credits shall be provided no later than at least 30 days prior to their surrender. 	<p>CEC</p>
<p>AQ-SC-10, Water Quality and Annual Emissions: The project owner shall operate the cooling towers with high efficiency mist eliminators and shall determine and report water quality and annual emissions.</p>	<p>The project owner shall provide the following at least 30 days prior to installation of the cooling tower to the CPM for review and approval:</p> <ul style="list-style-type: none"> A. The manufacturer specifications for the cooling tower, that provides the number of cells and design recirculating water flow rate for the two cooling towers. B. The manufacturer specifications for the mist eliminators that provide a manufacturer guarantee that the mist eliminators will reduce drift to no more than 0.0005% of recirculating water flow. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
AIR QUALITY (cont.)		
	<p>The project owner shall provide the following in the Annual Compliance Reports:</p> <p>C. The sampling data for the recirculating water TDS concentration, performed at least quarterly, that demonstrates that the annual average TDS concentration was no more than 2,000 milligrams per liter (ppmw). D. The estimated annual particulate emissions from the cooling tower using the following equation: (annual gallons of water recirculated) x (0.000005 fraction mist) x (average annual TDS concentration in mg/l) / (1,000,000) x (8.34 lbs/gallon).</p>	
<p>AQ-SC-11, Assurance that Engine Operation will not Cause Exceedance of Ambient Air Quality Standards: The project owner shall use one of the following four options to assure that the operation of the emergency engines will not cause an exceedance of the state or federal 1-hour NO₂ ambient air quality standards:</p> <ol style="list-style-type: none"> 1) The project owner shall provide an air dispersion modeling analysis that demonstrates to Staff's satisfaction that the currently proposed or officially revised worst-case operating emissions would not have the potential to cause exceedances of the state or federal 1-hour NO₂ ambient air quality standards, or 2) The project owner shall procure emergency generator engines that meet ARB Tier 4 standards for NO_x emissions (0.5 grams per brake horsepower), or 3) In the event that Tier 4 engines are not available at the time of engine purchase, the project owner shall; a) provide documentation from engine manufacturers that Tier 4 engines are not available; and b) procure emergency engines that have a NO_x emissions guarantee of no more than 2.6 grams per brake horsepower, or 4) The project owner shall agree to limit the emergency generator engine testing duration to no more than 30 minutes per event and a testing frequency limited to the minimum required by engine manufacturer. <p>In no event shall the project owner propose the use of an emergency engine that does not meet the most strict applicable federal or state engine emission limit regulation without a signed waiver from U.S. EPA or ARB as appropriate. The project owner shall justify the date of engine purchase.</p>	<p>The project owner shall provide to the CPM the air dispersion modeling analysis, if performed, that demonstrates compliance with Part 1) of this Condition at least 30 days prior to purchasing the emergency engine generators for this project, or shall provide documentation to the CPM at least five days prior to purchasing the engine generators that demonstrates how they would comply with Part 2), or Part 3), or Part 4) of this Condition.</p>	CEC
BIOLOGICAL RESOURCES		
<p>BIO-1, Designated Biologist Selection and Qualifications: The Project owner shall assign at least one Designated Biologist to the Project. The Project owner shall submit the resume of the proposed Designated Biologist(s), with at least three references and contact information, to the Energy Commission Compliance Project Manager (CPM) and BLM's Authorized Officer for approval in consultation with CDFG and USFWS.</p> <p>The Designated Biologist must meet the following minimum qualifications:</p> <ol style="list-style-type: none"> 1. Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field; 2. Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society; 	<p>At least 30 days prior to construction-related ground disturbance, the Project owner shall submit the resumes of the Designated Biologists(s) along with the completed USFWS Desert Tortoise Authorized Biologist Request Form (www.fws.gov/ventura/speciesinfo/protocols_guidelines) and submit it to the USFWS and the CPM for review and final approval.</p> <p>No construction-related ground disturbance, grading, boring, or trenching shall commence until an approved Designated Biologist is available to be on site.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>3. Have at least one year of field experience with biological resources found in or near the Project area;</p> <p>4. Meet the current USFWS Authorized Biologist qualifications criteria (www.fws.gov/ventura/speciesinfo/protocols_guidelines), demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS; and</p> <p>5. Possess a California ESA Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise.</p> <p>In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM, in consultation with CDFG and USFWS, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the conditions of certification.</p>	<p>If a Designated Biologist needs to be replaced, the specified information of the proposed replacement must be submitted to the CPM at least 10 working days prior to the termination or release of the preceding Designated Biologist. In an emergency, the Project owner shall immediately notify the CPM to discuss the qualifications and approval of a short-term replacement while a permanent Designated Biologist is proposed to the CPM for consideration.</p>	
<p>BIO-2, Designated Biologist Duties: The Project owner shall ensure that the Designated Biologist performs the activities described below during any site mobilization activities, construction-related ground disturbance, grading, boring or trenching activities. The Designated Biologist may be assisted by the approved Biological Monitor(s) but remains the contact for the Project owner, BLM's Authorized Officer and the CPM. The Designated Biologist Duties shall include the following:</p> <ol style="list-style-type: none"> 1. Advise the Project owner's Construction and Operation Managers on the implementation of the biological resources conditions of certification; 2. Consult on the preparation of the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) to be submitted by the Project owner; 3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special-status species or their habitat; 4. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions; 5. Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way; 6. Notify the Project owner and BLM's Authorized Officer and the CPM of any non-compliance with any biological resources condition of certification; 7. Respond directly to inquiries of BLM's Authorized Officer and the CPM regarding biological resource issues; 8. Maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the Monthly Compliance Report and the Annual Compliance Report; 9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and USFWS guidelines on desert tortoise surveys and handling procedures <www.fws.gov/ventura/speciesinfo/protocols_guidelines>; and 10. Maintain the ability to be in regular, direct communication with representatives of CDFG, USFWS, BLM's Authorized Officer and the CPM, including notifying these agencies of dead or injured listed species and reporting special-status species observations to the California Natural Diversity Data Base. 	<p>The Designated Biologist shall provide copies of all written reports and summaries that document biological resources compliance activities in the Monthly Compliance Reports submitted to the CPM. If actions may affect biological resources during operation a Designated Biologist shall be available for monitoring and reporting. During Project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report unless his or her duties cease, as approved by the CPM.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-3, Biological Monitor Selection and Qualification: The Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to BLM's Authorized Officer and the CPM. The resume shall demonstrate, to the satisfaction of the CPM, the appropriate education and experience to accomplish the assigned biological resource tasks. The Biological Monitor is the equivalent of the USFWS designated Desert Tortoise Monitor (USFWS 2008).</p> <p>Biological Monitor(s) training by the Designated Biologist shall include familiarity with the conditions of certification, BRMIMP, WEAP, and USFWS guidelines on desert tortoise surveys and handling procedures <www.fws.gov/ventura/speciesinfo/protocols_guidelines>.</p>	<p>The Project owner shall submit the specified information to the CPM for approval at least 30 days prior to the start of any site mobilization or construction-related ground disturbance, grading, boring, and trenching. The Designated Biologist shall submit a written statement to the CPM confirming that individual Biological Monitor(s) has been trained including the date when training was completed. If additional biological monitors are needed during construction the specified information shall be submitted to the CPM for approval at least 10 days prior to their first day of monitoring activities.</p>	CEC
<p>BIO-4, Biological Monitor Duties: The Biological Monitors shall assist the Designated Biologist in conducting surveys and in monitoring of site mobilization activities, construction-related ground disturbance, fencing, grading, boring, trenching, or reporting. The Designated Biologist shall remain the contact for the Project owner and the CPM.</p>	<p>The Designated Biologist shall submit in the Monthly Compliance Report to the CPM copies of all written reports and summaries that document biological resources compliance activities, including those conducted by Biological Monitors. If actions may affect biological resources during operation a Biological Monitor, under the supervision of the Designated Biologist, shall be available for monitoring and reporting.</p>	CEC
<p>BIO-5, Designated Biologist and Biological Monitor Authority: The Project owner's construction/operation manager shall act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources conditions of certification. The Designated Biologist shall have the authority to immediately stop any activity that is not in compliance with these conditions and/or order any reasonable measure to avoid take of an individual of a listed species. If required by the Designated Biologist and Biological Monitor(s) the Project owner's construction/operation manager shall halt all site mobilization, ground disturbance, grading, boring, trenching and operation activities in areas specified by the Designated Biologist. The Designated Biologist shall:</p> <ol style="list-style-type: none"> 1. Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued; 2. Inform the Project owner and the construction/operation manager when to resume activities; and 3. Notify BLM's Authorized Officer and the CPM if there is a halt of any activities and advise them of any corrective actions that have been taken or would be instituted as a result of the work stoppage. <p>If the Designated Biologist is unavailable for direct consultation, the Biological Monitor shall act on behalf of the Designated Biologist.</p>	<p>The Project owner shall ensure that the Designated Biologist or Biological Monitor notifies the CPM and BLM immediately (and no later than the morning following the incident, or Monday morning in the case of a weekend) of any non-compliance or a halt of any site mobilization, ground disturbance, grading, construction, or operation activities. If the non-compliance or halt to construction or operation relates to desert tortoise or any other federal- or state- listed species, the Project owner shall also notify Carlsbad Office of the USFWS and the Ontario Office of the CDFG at the same time. The Project owner shall notify the CPM of the circumstances and actions being taken to resolve the problem.</p> <p>Whenever corrective action is taken by the Project owner, a determination of success or failure will be made by the CPM in consultation with BLM, USFWS and CDFG within 5 working days after receipt of notice that corrective action is completed, or the Project owner would be notified by the CPM that coordination with other agencies would require additional time before a determination can be made.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-6, Worker Environmental Awareness Program (WEAP): The Project owner shall develop and implement a Project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from BLM's Authorized Officer and the CPM. The WEAP shall be administered to all onsite personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP shall be implemented during site preconstruction, construction, operation, and closure. The WEAP shall:</p> <ol style="list-style-type: none"> 1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants; 2. Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants that no snakes, reptiles, or other wildlife shall be harmed; 3. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures; 4. Include a discussion of fire prevention measures to be implemented by workers during Project activities; request workers dispose of cigarettes and cigars appropriately and not leave them on the ground or buried; 5. Describe the temporary and permanent habitat protection measures to be implemented at the Project site; 6. Identify whom to contact if there are further comments and questions about the material discussed in the program; and 7. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines. <p>The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.</p>	<p>At least 30 days prior to start of construction-related ground disturbance, the Project owner shall provide to the CPM for review and approval and to BLM, USFWS and CDFG a copy of the final WEAP and all supporting written materials and electronic media prepared or reviewed by the Designated Biologist and a resume of the person(s) administering the program.</p> <p>The Project owner shall provide in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. At least 10 days prior to construction-related ground disturbance activities the Project owner shall submit two copies of the approved final WEAP.</p> <p>Training acknowledgement forms signed during construction shall be kept on file by the Project owner for at least 6 months after the start of commercial operation.</p> <p>Throughout the life of the Project, the WEAP shall be repeated annually for permanent employees, and shall be routinely administered within 1 week of arrival to any new construction personnel, foremen, contractors, subcontractors, and other personnel potentially working within the Project area. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all protection measures. These forms shall be maintained by the Project owner and shall be made available to the CPM, BLM, USFWS and CDFG and upon request. Workers shall receive and be required to visibly display a hardhat sticker or certificate that they have completed the training.</p> <p>During Project operation, signed statements for operational personnel shall be kept on file for 6 months following the termination of an individual's employment.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-7, Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP): The Project owner shall develop a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), and shall submit two copies of the proposed BRMIMP to the BLM-Authorized Officer and the CPM for review and approval. The Project owner shall implement the measures identified in the approved BRMIMP. The BRMIMP shall incorporate avoidance and minimization measures described in final versions of the Desert Tortoise Relocation Translocation Plan, the Raven Management Plan, the Closure, Conceptual Restoration Plan, the Burrowing Owl Mitigation and Monitoring Plan, and the Weed Management Plan.</p> <p>The BRMIMP shall be prepared in consultation with the Designated Biologist and shall include accurate and up-to-date maps depicting the location of sensitive biological resources that require temporary or permanent protection during construction and operation. The BRMIMP shall include complete and detailed descriptions of the following:</p> <ol style="list-style-type: none"> 1. All biological resources mitigation, monitoring, and compliance measures proposed and agreed to by the Project owner; 2. All biological resources conditions of certification identified as necessary to avoid or mitigate impacts; 3. All biological resource mitigation, monitoring and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion; 4. All sensitive biological resources to be impacted, avoided, or mitigated by Project construction, operation, and closure; 5. All required mitigation measures for each sensitive biological resource; 6. All measures that shall be taken to avoid or mitigate temporary disturbances from construction activities; 7. Duration for each type of monitoring and a description of monitoring methodologies and frequency; 8. Performance standards to be used to help decide if/when proposed mitigation is or is not successful; 9. All performance standards and remedial measures to be implemented if performance standards are not met; 10. Biological resources-related facility closure measures including a description of funding mechanism(s); 11. A process for proposing plan modifications to BLM's Authorized Officer and the CPM and appropriate agencies for review and approval; and 12. A requirement to submit any sightings of any special-status species that are observed on or in proximity to the Project site, or during Project surveys, to the California Natural Diversity Data Base (CNDDB) per CDFG requirements. 	<p>The Project owner shall submit the draft BRMIMP to the CPM and BLM at least 30 days prior to start of any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching. At the same time the Project owner shall provide to CDFG and USFWS a copy of all portions of the draft BRMIMP relating to desert tortoise and any other federal or state-listed species. The Project owner shall provide final BRMIMP to the CPM, BLM, CDFG and USFWS at least 7 days prior to start of any construction-related ground disturbance, grading, boring, and trenching. The BRMIMP shall contain all of the required measures included in all biological conditions of certification. No construction-related ground disturbance, grading, boring, or trenching may occur prior to approval of the final BRMIMP by the CPM and BLM.</p> <p>If any permits have not yet been received when the final BRMIMP is submitted, these permits shall be submitted to the CPM within 5 days of their receipt, and the BRMIMP shall be revised or supplemented to reflect the permit condition(s). The Project owner shall submit to the CPM and BLM the revised or supplemented BRMIMP within 10 days following the Project owner's receipt of any additional permits. Under no circumstances shall ground disturbance proceed without implementation of all permit conditions.</p> <p>To verify that the extent of construction disturbance does not exceed that described in these conditions, the Project owner shall submit aerial photographs, at an approved scale, taken before and after construction to the CPM, BLM, USFWS and CDFG. The first set of aerial photographs shall reflect site conditions prior to any preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and shall be submitted prior to initiation of such activities. The second set of aerial photographs shall be taken subsequent to completion of construction, and shall be submitted to the CPM, BLM, USFWS and CDFG no later than 90 days after completion of construction. The Project owner shall also provide a final accounting in whole acres of vegetation communities/cover types present before and after construction. Construction acreages shall be rounded to the nearest acre.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
	<p>Any changes to the approved BRMIMP must be approved by the CPM and BLM in consultation with CDFG and USFWS.</p> <p>Implementation of BRMIMP measures (for example, construction activities that were monitored, species observed) shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, a written construction termination report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the Project's preconstruction site mobilization and construction-related ground disturbance, grading, boring, and trenching, and which mitigation and monitoring items are still outstanding.</p>	
<p>Bio-8, Impact Avoidance and Minimization Measures: The Project owner shall undertake the following measures to manage the Project site and related facilities during construction, operation and maintenance in a manner to avoid or minimize impacts to biological resources:</p> <ol style="list-style-type: none"> 1. Limit Disturbance Areas. Minimize soil disturbance by locating staging areas, laydowns, and temporary parking or storage for linears in existing disturbed areas. Equipment maintenance and refueling shall not be conducted within 100 feet of any sensitive resource (for example, waters of the state, desert dry wash woodland, dune habitats and rare plant populations). Limit the width of the work area near sensitive resources. Avoid blading temporary access roads where feasible and instead drive over and crush the vegetation to preserve the seed bank and biotic soil crusts. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the Designated Biologist. Spoils and topsoil shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special-status species. Parking areas, staging and disposal site locations shall similarly be located in areas without native vegetation or special-status species habitat. All disturbances, Project vehicles and equipment shall be confined to the flagged areas. 2. Minimize Road Impacts. New and existing roads that are planned for construction, widening, or other improvements shall not extend beyond the flagged impact area as described above. All vehicles passing or turning around would do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction. 3. Minimize Traffic Impacts. Vehicular traffic during Project construction and operation shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit shall not exceed 25 miles per hour within the Project area, on maintenance roads for linear facilities, or on access roads to the Project site. 	<p>All mitigation measures and their implementation methods shall be included in the BRMIMP and implemented. Implementation of the measures shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed. As part of the Annual Compliance Report, each year following construction the Designated Biologist shall provide a report to the CPM that describes compliance with avoidance and minimization measures to be implemented during operation (for example, a summary of the incidence of roadkilled animals during the year, implementation of measures to avoid toxic spills, erosion and sedimentation, efforts to enforce worker guidelines, etc.).</p> <p>No less than 30 days prior to construction-related ground disturbance the Project owner shall provide the CPM, USFWS and CDFG with plans showing the design of a culvert under the Project Site Access Road that would provide access for desert tortoise and other wildlife. No less than 30 days after of completion of construction of the Project site access road the Project owner shall provide as-built drawings of the culvert.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>4. Monitor During Construction. In areas that have not been fenced with desert tortoise exclusion fencing and cleared, the Designated Biologist shall be present at the construction site during all Project activities that have potential to disturb soil, vegetation, and wildlife. The Designated Biologist or Biological Monitor shall clear ahead of equipment during brushing and grading activities. If desert tortoises are found during construction monitoring, procedures outlined in BIO-9 shall be implemented.</p> <p>5. Minimize Impacts of Transmission/Pipeline Alignments, Roads, and Staging Areas. Staging areas for construction on the plant site shall be within the area that has been fenced with desert tortoise exclusion fencing and cleared. For construction activities outside of the plant site (transmission line, pipeline alignments) access roads, pulling sites, and storage and parking areas shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) <i>Suggested Practices for Avian Protection on Power Lines</i> (APLIC 2006) and <i>Mitigating Bird Collisions with Power Lines</i> (APLIC 1994) to reduce the likelihood of large bird electrocutions and collisions. Where feasible avoid impacts to desert washes and special-status plants by adjusting the locations of poles and laydown areas, and the alignment of the roads and pipelines. Construction drawings and grading plans shall depict the locations of sensitive resources and demonstrate where temporary impacts to sensitive resources can be avoided and where they cannot.</p> <p>6. Avoid Use of Toxic Substances. Soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants.</p> <p>7. Minimize Lighting Impacts. Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards wildlife habitat.</p> <p>8. Minimize Noise Impacts. A continuous low-pressure technique shall be used for steam blows, to the extent possible, in order to reduce noise levels in sensitive habitat proximate to the Project site. Loud construction activities (e.g., unsilenced high pressure steam blowing, pile driving, or other) shall be avoided from February 15 to April 15, when it would result in noise levels over 65 dBA in nesting habitat (excluding noise from passing vehicles). Loud construction activities may be permitted from February 15 to April 15 only if:</p> <p>a. The Designated Biologist provides documentation (i.e., nesting bird data collected using methods described in BIO-15 and maps depicting location of the nest survey area in relation to noisy construction) to the CPM indicating that no active nests would be subject to 65 dBA noise, OR</p> <p>b. The Designated Biologist or Biological Monitor monitors active nests within the range of construction-related noise exceeding 65 dBA. The monitoring shall be conducted in accordance with Nesting Bird Monitoring and Management Plan approved by the CPM. The Plan shall include adaptive management measures to prevent disturbance to nesting birds from construction related noise. Triggers for adaptive management shall be evidence of Project-related disturbance to nesting birds such as: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Nesting Bird Monitoring and Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of disturbance to the nesting bird.</p>	<p>If loud construction activities are proposed between February 15 to April 15 which would result in noise levels over 65 dBA in nesting habitat, the Project owner shall submit nest survey results (as described in 8a) to the CPM no more than 7 days before initiating such construction. If an active nest is detected within this survey area the Project owner shall submit a Nesting Bird Monitoring and Management Plan to the CPM for review and approval no more than 7 days before initiating noisy construction.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>9. Avoid Vehicle Impacts to Desert Tortoise. Parking and storage shall occur within the area enclosed by desert tortoise exclusion fencing to the extent feasible. No vehicles or construction equipment parked outside the fenced area shall be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed outside the areas fenced with desert tortoise exclusion fencing it shall be left to move on its own. If it does not move within 15 minutes, a Designated Biologist or Biological Monitor under the Designated Biologist's direct supervision may move it out of harms way as described in the USFWS Desert Tortoise Field Manual (USFWS 2009a)</p> <p>10. Install Box Culvert. To provide for connectivity for desert tortoise and other wildlife, the Project owner shall install a box culvert suitable for passage by desert tortoise and other wildlife under the Project Site Access Road. The box culvert shall be a concrete structure no less than 4 feet high and 6 feet wide with 3:1 side slopes and shall maintain a minimum of 18 inches of native material on the floor of the culvert at all times to facilitate tortoise movement.</p> <p>11. Avoid Wildlife Pitfalls. To avoid trapping desert tortoise and other wildlife in trenches, pipes or culverts, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. Backfill Trenches. At the end of each work day, the Designated Biologist shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) outside the area fenced with desert tortoise exclusion fencing have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically throughout the day, at the end of each workday, and at the beginning of each day by the Designated Biologist or a Biological Monitor. Should a tortoise or other wildlife become trapped, the Designated Biologist or Biological Monitor shall move the tortoise out of harm's way as described in the USFWS Desert Tortoise Field Manual (USFWS 2009a). Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed. b. Avoid Entrapment of Desert Tortoise. Any construction pipe, culvert, or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground and within desert tortoise habitat (i.e., outside the permanently fenced area) for one or more nights, shall be inspected for tortoises before the material is moved, buried or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on elevated pipe racks. These materials would not need to be inspected or capped if they are stored within the permanently fenced area after the clearance surveys have been completed. <p>12. Minimize Standing Water. Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action to reduce water application where necessary.</p> <p>13. Dispose of Road-killed Animals. Road killed animals or other carcasses detected by personnel on roads associated with the Project area will be reported immediately to a Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during Project operations), who will promptly remove the roadkill. For special-status species road-kill, the Biological Monitor or Designated Biologist (or Project Environmental Compliance Monitor, during Project operations) shall contact CDFG and USFWS within 1 working day of detection of the carcass for guidance on disposal or storage of the carcass; all other road kill shall be disposed of promptly. The Biological Monitor shall provide the special-status species record as described in BIO-11 below.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>14. Minimize Spills of Hazardous Materials. All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Designated Biologist shall be informed of any hazardous spills immediately as directed in the Project Hazardous Materials Plan. Hazardous spills shall be immediately cleaned up and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.</p> <p>15. Worker Guidelines. During construction all trash and food-related waste shall be placed in self-closing containers and removed daily from the site. Workers shall not feed wildlife or bring pets to the Project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons. Vehicular traffic shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit when traveling on dirt access routes within desert tortoise habitat shall not exceed 25 miles per hour.</p> <p>16. Implement Sediment Control Measures Near Desert Washes. Standard erosion control measures shall be implemented for all phases of construction and operation where sediment run-off from exposed slopes threatens to enter waters of the state. Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. Areas of disturbed soils (access and staging areas) which slope toward drainages shall be stabilized to reduce erosion potential.</p> <p>17. Monitor Ground Disturbing Activities Prior to Pre-Construction Site Mobilization. If pre-construction site mobilization requires ground- disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.</p> <p>18. Control Unauthorized Use of the Project Access Roads. The secondary access road shall be gated at both ends and restricted to emergency response personnel as per proposed COC WORKER SAFETY-6. The Project owner shall also monitor and control any unauthorized use of the Project roads with gates, signage, and fencing as necessary to minimize traffic-related roadkills and ORV disturbance off-roads.</p> <p>19. Implement Erosion Control Measures. All disturbed soils and roads within the Project site shall be stabilized to reduce erosion potential, both during and following construction. All areas subject to temporary disturbance shall be restored to pre-project grade and stabilized to prevent erosion and promote natural revegetation. Temporarily disturbed areas within the Project area include, but are not limited to: linear facilities, temporary access roads, temporary lay-down and staging areas. If erosion control measures include the use of seed, only locally native plant species from a local seed source shall be used. Local seed includes seeds from plants within the Chuckwalla Valley or Colorado River Hydrologic Units.</p> <p>20. Avoid Spreading Weeds. Prior to the start of construction, flag and avoid dense populations of highly invasive noxious weeds. If these areas cannot be avoided, they shall be pre-treated by the methods described in BIO-14 (Weed Management Plan). Noxious weeds and other invasive non-native plants in the temporarily disturbed areas shall be managed according to the requirements in BIO-14.</p> <p>21. Salvage Topsoil. Topsoil from the Project site shall be salvaged, preserved and re-used for restoration of temporarily disturbed areas. Salvaged topsoil shall be collected, stored and applied in a way that maintains the viability of seed and soil crusts. The Project owner shall excavate and collect the upper soil layer (the top 1 to 2 inches that includes the seed bank and biotic soil crust) as well as the lower soil layer up to a depth of 6 to 8 inches. The upper and lower soil layers shall be stockpiled separately in areas that will not be impacted by other grading, flooding, erosion, or pollutants. If the soil is to be stored more than 2 weeks it shall be spread out to a depth of no more than 6 inches to</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>maintain the seed and soil crust viability. The Project owner shall install temporary construction fencing around stockpiled topsoil, and signage that indicates whether the pile is the upper layer seed bank, or the lower layer, and clearly indicates that the piles are for use only in erosion control. After construction, the Project owner shall replace the topsoil in the temporarily disturbed areas in the reverse order of stockpiling, starting with the 6-8 inch layer of subsoil, and then the seed-containing upper layer using a harrow or similar equipment to thinly distribute the layer to depths no greater than 1 to 2 inches.</p> <p>22. Decommission Temporary Access Roads with Vertical Mulching. Discourage ORV use of temporary construction roads by installing vertical mulching at the head of the road to a distance necessary to obscure the road from view. Boulder barricades and gates shall not be used unless the remainder of the site is fenced to prevent driving around the gate or barricade. Designated ORV routes and roads shall not be closed.</p>		
<p>BIO-9, Desert Tortoise Protection: The Project owner shall undertake appropriate measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to desert tortoise. Methods for clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling and other procedures shall be consistent with those described in the USFWS' 2009 Desert Tortoise Field Manual <http://www.fws.gov/ventura/speciesinfo/protocols_guidelines> or more current guidance provided by CDFG and USFWS. The Project owner shall also implement all terms and conditions described in the Biological Opinion prepared by USFWS. These measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Desert Tortoise Fencing along Interstate 10. To avoid increases in vehicular-related mortality from disruption of local movement patterns along the existing ephemeral wash systems, desert tortoise-proof fencing shall be installed along the existing freeway right-of-way fencing, on both sides of I 10, for the entire east-west dimension of the Project configuration. The tortoise fencing shall be designed to direct tortoises to existing undercrossing to provide safe passage under the freeway, and shall be regularly inspected and maintained for the life of the Project. 2. Desert Tortoise Exclusion Fence Installation. To avoid impacts to desert tortoises, permanent desert tortoise exclusion fencing shall be installed along the permanent perimeter security fence and temporarily installed along the utility corridors. The proposed alignments for the permanent perimeter fence and utility rights-of-way fencing shall be flagged and surveyed within 24 hours prior to the initiation of fence construction. Clearance surveys of the perimeter fence and utility rights-of-way alignments shall be conducted by the Designated Biologist(s) using techniques outlined in the USFWS' 2009 Desert Tortoise Field Manual. and may be conducted in any season with USFWS and CDFG approval. Biological Monitors may assist the Designated Biologist under his or her supervision. These fence clearance surveys shall provide 100 percent coverage of all areas to be disturbed and an additional transect along both sides of the fence line. This fence line transect shall cover an area approximately 90 feet wide centered on the fence alignment. Transects shall be no greater than 15 feet apart. All desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined to assess occupancy of each burrow by desert tortoises and handled in accordance with the USFWS' 2009 Desert Tortoise Field Manual. Any desert tortoise located during fence clearance surveys shall be handled by the Designated Biologist(s) in accordance with the USFWS' 2009 Desert Tortoise Field Manual. <ol style="list-style-type: none"> a. Timing, Supervision of Fence Installation. The exclusion fencing shall be installed prior to the onset of site clearing and grubbing. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any tortoise present. b. Fence Material and Installation. The permanent tortoise exclusionary fencing shall be constructed in accordance with the USFWS' 2009 Desert Tortoise Field Manual (Chapter 8 – Desert Tortoise Exclusion Fence). 	<p>All mitigation measures and their implementation methods shall be included in the BRMIMP and implemented. Implementation of the measures shall be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of desert tortoise clearance surveys the Designated Biologist shall submit a report to BLM, the CPM, USFWS, and CDFG describing implementation of each of the mitigation measures listed above. The report shall include the desert tortoise survey results, capture and release locations of any relocated desert tortoises, and any other information needed to demonstrate compliance with the measures described above.</p> <p>Within 6 months of completion of desert tortoise exclusion fence for Phase 1, I-10 desert tortoise exclusion fencing shall be installed. Within 3 months of completion of I-10 desert tortoise exclusion fence construction, the Project owner shall provide the CPM, BLM, USFWS, and CDFG with maps as well as photographic documentation showing the design and location of the fencing on both sides of I-10 south of the Project site.</p> <p>The Project Owner shall provide evidence of approval from Caltrans for installation of desert tortoise fencing along I-10 within their right-of-way at least 30-days prior to construction of the fencing.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. Security Gates. Security gates shall be designed with minimal ground clearance to deter ingress by tortoises. The gates may be electronically activated to open and close immediately after the vehicle(s) have entered or exited to prevent the gates from being kept open for long periods of time. Cattle grating designed to safely exclude desert tortoise shall be installed at the gated entries to discourage tortoises from gaining entry</p> <p>d. Fence Inspections. Following installation of the desert tortoise exclusion fencing for both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected. If tortoise were moved out of harm's way during fence construction, permanent and temporary fencing shall be inspected at least two times a day for the first 7 days to ensure a recently moved tortoise has not been trapped within the fence. Thereafter, permanent fencing shall be inspected monthly and during and within 24 hours following all major rainfall events. A major rainfall event is defined as one for which flow is detectable within the fenced drainage. Any damage to the fencing shall be temporarily repaired immediately to keep tortoises out of the site, and permanently repaired within 48 hours of observing damage. Inspections of permanent site fencing shall occur for the life of the project. Temporary fencing shall be inspected weekly and, where drainages intersect the fencing, during and within 24 hours following major rainfall events. All temporary fencing shall be repaired immediately upon discovery and, if the fence may have permitted tortoise entry while damaged, the Designated Biologist shall inspect the area for tortoise.</p> <p>3. Desert Tortoise Clearance Surveys within the Plant Site. Clearance surveys shall be conducted in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009) (Chapter 6 – Clearance Survey Protocol for the Desert Tortoise – Mojave Population) and shall consist of two surveys covering 100 percent the project area by walking transects no more than 15-feet apart. If a desert tortoise is located on the second survey, a third survey shall be conducted. Each separate survey shall be walked in a different direction to allow opposing angles of observation. Clearance surveys of the plant site may only be conducted when tortoises are most active (April through May or September through October) unless the project receives approval from CDFG and USFWS. Clearance surveys of linear features may be conducted during anytime of the year. Any tortoise located during clearance surveys of the power plant site and linear features shall be translocated or relocated and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan:</p> <p>a. Burrow Searches. During clearance surveys all desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined by the Designated Biologist, who may be assisted by the Biological Monitors, to assess occupancy of each burrow by desert tortoises and handled in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009). To prevent reentry by a tortoise or other wildlife, all burrows shall be collapsed once absence has been determined in accordance with the Desert Tortoise Relocation/Translocation Plan. Tortoises taken from burrows and from elsewhere on the power plant site shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan.</p> <p>b. Burrow Excavation/Handling. All potential desert tortoise burrows located during clearance surveys would be excavated by hand, tortoises removed, and collapsed or blocked to prevent occupation by desert tortoises in accordance with the Desert Tortoise Relocation/Translocation Plan. All desert tortoise handling, and removal, and burrow excavations, including nests, would be conducted by the Designated Biologist, who may be assisted by a Biological Monitor in accordance with the USFWS Desert Tortoise Field Manual (USFWS 2009).</p> <p>4. Monitoring Following Clearing. Following the desert tortoise clearance and removal from the power plant site and utility corridors, workers and heavy equipment shall be allowed to enter the project site to perform clearing, grubbing, leveling, and trenching activities. A Designated Biologist or Biological Monitor shall be onsite for clearing and grading activities to move tortoises missed during the initial tortoise clearance survey. Should a tortoise be discovered, it shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>5. Reporting. The Designated Biologist shall record the following information for any desert tortoises handled: a) the locations (narrative and maps) and dates of observation; b) general condition and health, including injuries, state of healing and whether desert tortoise voided their bladders; c) location moved from and location moved to (using GPS technology); d) gender, carapace length, and diagnostic markings (i.e., identification numbers or marked lateral scutes); e) ambient temperature when handled and released; and f) digital photograph of each handled desert. Desert tortoise moved from within project areas shall be marked and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan.</p>		
<p>BIO-10, Desert Tortoise Relocation/Translocation Plan: The Project owner shall develop and implement a final Desert Tortoise Relocation/Translocation Plan (Plan) that is consistent with current USFWS approved guidelines, and meets the approval of the CPM. The Plan shall include guidance specific to each of the two phases of Project construction, as described in BIO-29 (Phasing), and shall include measures to minimize the potential for repeated translocations of individual desert tortoises. The goals of the Desert Tortoise Relocation/Translocation Plan shall be to: relocate/translocate all desert tortoises from the project site to nearby suitable habitat; minimize impacts on resident desert tortoises outside the project site; minimize stress, disturbance, and injuries to relocated/translocated tortoises; and assess the success of the translocation effort through monitoring. The final Plan shall be based on the draft Desert Tortoise Relocation/Translocation Plan prepared by the Applicant (AECOM 2010a, DR-BIO-55) and shall include all revisions deemed necessary by BLM, USFWS, CDFG and the Energy Commission staff.</p>	<p>At least 30 days prior to site mobilization, the Project owner shall provide the CPM with the final version of a Plan that has been reviewed and approved by the CPM in consultation with BLM, USFWS and CDFG. All modifications to the approved Plan shall be made only after approval by the CPM, in consultation with BLM, USFWS and CDFG.</p> <p>Within 30 days after initiation of relocation and/or translocation activities, the Designated Biologist shall provide to the CPM for review and approval, a written report identifying which items of the Plan have been completed, and a summary of all modifications to measures made during implementation of the Plan.</p>	CEC
<p>BIO-11, Desert Tortoise Compliance Verification: The Project owner shall provide Energy Commission, BLM, CDFG and USFWS staff with reasonable access to the Project site and compensation lands under the control of the Project owner and shall otherwise fully cooperate with the Energy Commission's and BLM's efforts to verify the Project owner's compliance with, or the effectiveness of, mitigation measures set forth in the conditions of certification. The Designated Biologist shall do all of the following:</p> <ol style="list-style-type: none"> 1. Notification. Notify the CPM at least 14 calendar days before initiating construction-related ground disturbance activities; immediately notify the CPM in writing if the Project owner is not in compliance with any conditions of certification, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods specified in the conditions of certification; 2. Monitoring During Grubbing and Grading. Remain on site daily while vegetation salvage, grubbing, grading and other ground- disturbance construction activities are taking place to avoid or minimize take of listed species, and verify personally or use Biological Monitors to check for compliance with all impact avoidance and minimization measures, including checking all exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones. 3. Monthly Compliance Inspections. Conduct compliance inspections at a minimum of once per month after clearing, grubbing, and grading are completed and submit a monthly compliance report to the CPM, BLM, USFWS and CDFG during construction 4. Notification of Injured or Dead Listed Species. If an injured or dead listed species is detected within or near the Project Disturbance Area the CPM, BLM, the Ontario Office of CDFG, and the Carlsbad Office of USFWS shall be notified 	<p>No later than 2 days following the above required notification of a sighting, injury, kill, or relocation of a listed species, the Project owner shall deliver to the CPM, BLM, CDFG, and USFWS via FAX or electronic communication the written report from the Designated Biologist describing all reported incidents of injury, kill, or relocation of a listed species, identifying who was notified, and explaining when the incidents occurred. In the case of a sighting in an active construction area, the Project owner shall, at the same time, submit a map (e.g., using Geographic Information Systems) depicting both the limits of construction and sighting location to the CPM, BLM, CDFG and USFWS.</p> <p>No later than 45 days after initiation of Project operation the Designated Biologist shall provide the CPM and BLM a Final Listed Species Mitigation Report.</p> <p>Beginning with the first month after clearing, grubbing and grading are completed and continuing every month until construction is complete the Project owner shall submit a report describing the results of Monthly Compliance Inspections to the CPM, BLM, USFWS and CDFG.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>immediately by phone. Notification shall occur no later than noon on the business day following the event if it occurs outside normal business hours so that the agencies can determine if further actions are required to protect listed species. Written follow-up notification via FAX or electronic communication shall be submitted to these agencies within two calendar days of the incident and include the following information as relevant:</p> <p>a. Injured Desert Tortoise. If a desert tortoise is injured as a result of Project-related activities during construction, the Designated Biologist or approved Biological Monitor shall immediately take it to a CDFG-approved wildlife rehabilitation and/or veterinarian clinic. Any veterinarian bills for such injured animals shall be paid by the Project owner. Following phone notification as required above, the CPM, CDFG, and USFWS shall determine the final disposition of the injured animal, if it recovers. Written notification shall include, at a minimum, the date, time, and location, circumstances of the incident, and the name of the facility where the animal was taken.</p> <p>b. Desert Tortoise Fatality. If a desert tortoise is killed by Project- related activities during construction or operation, a written report with the same information as an injury report shall be submitted to the CPM, BLM, the Ontario Office of CDFG, and the Carlsbad Office of USFWS. These desert tortoises shall be salvaged according to guidelines described in <i>Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoise</i> (Berry 2001). The Project owner shall pay to have the desert tortoises transported and necropsied. The report shall include the date and time of the finding or incident.</p> <p>5. Final Listed Species Report. The Designated Biologist shall provide the CPM and BLM a Final Listed Species Mitigation Report that includes, at a minimum: 1) a copy of the table in the BRMIMP with notes showing when each of the mitigation measures was implemented; 2) all available information about Project-related incidental take of listed species; 3) information about other Project impacts on the listed species; 4) construction dates; 5) an assessment of the effectiveness of conditions of certification in minimizing and compensating for Project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future Projects on the listed species; and 7) any other pertinent information, including the level of take of the listed species associated with the Project.</p> <p>6. Stop Work Order. The CPM may issue the Project owner a written stop work order to suspend any activity related to the construction or operation of the Project to prevent or remedy a violation of one or more conditions of certification (including but not limited to failure to comply with reporting, monitoring, or habitat acquisition obligations) or to prevent the illegal take of an endangered, threatened, or candidate species. The Project owner shall comply with the stop work order immediately upon receipt thereof.</p>		
<p>BIO-12, Desert Tortoise Compensatory Mitigation: To fully mitigate for habitat loss and potential take of desert tortoise, the Project owner shall provide compensatory mitigation per BIO-29 – Table 2 (see 2013 PSIII. LLC, Revised Plan of Development, p. 121), adjusted to reflect the final Project footprint. For purposes of this condition, the Project footprint means all lands disturbed in the construction and operation of the Palen Project, including all Project linears, as well as undeveloped areas inside the Project’s boundaries that will no longer provide viable long-term habitat for the desert tortoise. To satisfy this condition, the Project owner shall acquire, protect and transfer 5 acres of desert tortoise habitat for every acre of habitat within critical habitat and within the final Project footprint, and 1 acre of desert tortoise habitat for every acre of habitat outside of critical habitat but within the final Project footprint, and provide associated funding for the acquired lands, as specified below. Condition BIO-28 may provide the Project owner with another option for satisfying some or all of the requirements in this condition. In lieu of acquiring lands itself, the Project owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF), as provided below in section 3.i. of this condition.</p>	<p>If the mitigation actions required under this condition are not completed prior to the start of ground-disturbing activities, the Project owner shall provide the CPM and CDFG with an approved form of Security in accordance with this condition of certification no later than 30 days prior to beginning Project ground-disturbing activities. Actual Security shall be provided no later than 7 days prior to the beginning of Project ground-disturbing activities. If Security is provided, the Project owner, or an approved third party, shall complete and provide written verification to the CPM, CDFG, BLM and USFWS of the compensation lands acquisition and transfer within 18 months of the start of Project ground-disturbing activities.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>The timing of the mitigation shall correspond with the timing of the site disturbance activities as stated in BIO-29 (phasing). If compensation lands are acquired in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following:</p> <ol style="list-style-type: none"> 1. Selection Criteria for Compensation Lands. The compensation lands selected for acquisition in fee title or in easement shall: <ol style="list-style-type: none"> a. be within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands; b. provide habitat for desert tortoise with capacity to regenerate naturally when disturbances are removed; c. be prioritized near larger blocks of lands that are either already protected or planned for protection, such as DWMA within the Colorado Desert Recovery Unit (Chuckwalla DWMA as first priority, Chemehuevi DMWA as the second) or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; d. be connected to lands with desert tortoise habitat equal to or better quality than the Project Site, ideally with populations that are stable, recovering, or likely to recover; e. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible; f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and h. have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFG, BLM and USFWS, agrees in writing to the acceptability of the land. 2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM, CDFG, USFWS, and BLM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for desert tortoise in relation to the criteria listed above. Approval from the CPM and CDFG, in consultation with BLM and the USFWS, shall be required for acquisition of all compensatory mitigation parcels. 3. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM and CDFG, in consultation with BLM and the USFWS, have approved the proposed compensation lands: <ol style="list-style-type: none"> a. Preliminary Report. The Project owner, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM and CDFG. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM and CDFG, in consultation with BLM and the USFWS. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board. 	<p>The Project owner may elect to fund the acquisition and initial improvement of compensation lands through NFWF or other approved third party by depositing funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the Security required in section 3.h. of this condition. Payment of the initial funds for acquisition and initial improvement must be made at least 30 days prior to the start of ground-disturbing activities.</p> <p>No fewer than 90 days prior to acquisition of the property, the Project owner shall submit a formal acquisition proposal to the CPM, CDFG, USFWS, and BLM describing the parcels intended for purchase and shall obtain approval from the CPM and CDFG prior to the acquisition.</p> <p>No fewer than 30 days after acquisition of the property the Project owner shall deposit the funds required by Section 3e above (long term management and maintenance fee) and provide proof of the deposit to the CPM.</p> <p>The Project owner, or an approved third party, shall provide the CPM, CDFG, BLM, and USFWS with a management plan for the compensation lands within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan for the compensatory mitigation lands, in consultation with CDFG, BLM and the USFWS.</p> <p>Within 90 days after completion of all project related ground disturbance, the Project owner shall provide to the CPM, CDFG, BLM and USFWS an analysis, based on aerial photography, with the final accounting of the amount of habitat disturbed during Project construction. This shall be the basis for the final number of acres required to be acquired.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>b. Title/Conveyance. The Project owner shall transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement as required by the CPM and CDFG. Transfer of either fee title or an approved conservation easement will usually be sufficient, but some situations, e.g., the donation of lands burdened by a conservation easement to BLM, will require that both types of transfers be completed. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM under terms approved by the CPM and CDFG. If an approved non-profit organization holds title to the compensation lands, a conservation easement shall be recorded in favor of CDFG in a form approved by CDFG. If an approved non-profit holds a conservation easement, CDFG shall be named a third party beneficiary.</p> <p>c. Initial Habitat Improvement Fund. The Project owner shall fund the initial protection and habitat improvement of the compensation lands. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965) and if it meets the approval of CDFG and the CPM. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.</p> <p>d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate long-term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.</p> <p>e. Long-term Maintenance and Management Fund. In accordance with BIO-29 (phasing), the Project owner shall deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands.</p> <p>The CPM, in consultation with CDFG, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFG takes fee title to the compensation lands, CDFG shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFG and with CDFG supervision.</p> <p>f. Interest, Principal, and Pooling of Funds. The Project owner, the CPM and CDFG shall ensure that an agreement is in place with the long-term maintenance and management fee holder/manager to ensure the following conditions:</p> <p>i. Interest. Interest generated from the initial capital long-term maintenance and management fee shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action approved by CDFG designed to protect or improve the habitat values of the compensation lands.</p> <p>ii. Withdrawal of Principal. The long-term maintenance and management fee principal shall not be drawn upon unless such withdrawal is deemed necessary by the CDFG or the approved third-party long-term maintenance and management fee manager to ensure the continued viability of the species on the compensation lands. If CDFG takes fee title to the compensation lands, monies received by CDFG pursuant to this provision shall be deposited in a special deposit fund established solely for the purpose to manage lands in perpetuity unless CDFG designates NFWF or another entity to manage the long-term maintenance and management fee for CDFG.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>iii. Pooling Long-Term Maintenance and Management Fee Funds. CDFG, or a CPM-and CDFG-approved non-profit organization qualified to hold long-term maintenance and management fees solely for the purpose to manage lands in perpetuity, may pool the endowment with other endowments for the operation, management, and protection of the compensation lands for local populations of desert tortoise. However, for reporting purposes, the long-term maintenance and management fee fund must be tracked and reported individually to the CDFG and CPM.</p> <p>g. Other expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to title and document review costs, expenses incurred from other state agency reviews, and overhead related to providing compensation lands to CDFG or an approved third party; escrow fees or costs; environmental contaminants clearance; and other site cleanup measures.</p> <p>h. Mitigation Security. The Project owner shall provide financial assurances in accordance with BIO-29 (phasing) to the CPM and CDFG with copies of the document(s) to BLM and the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described in this condition. These funds shall be used solely for implementation of the measures associated with the Project in the event the Project owner fails to comply with the requirements specified in this condition, or shall be returned to the Project owner upon successful compliance with the requirements in this condition. The CPM's or CDFG's use of the security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition. Financial assurance can be provided to the CPM and CDFG in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security"). Prior to submitting the Security to the CPM, the Project owner shall obtain the CPM's approval in consultation with CDFG, BLM and the USFWS, of the form of the Security. Security shall be provided as described in BIO-29 – Table 3 (see 2010 CEC PSPP Commission Decision, pp. 143, which would be updated to reflect current costs), and the beginning of the conditions of certification subsection. The actual costs to comply with this condition will vary depending on the final footprint of the Project and its two phases, and the actual costs of acquiring, improving and managing the compensation lands.</p> <p>i. NFWF REAT Account. The Project owner may elect to fund the acquisition and initial improvement of compensation lands through NFWF by depositing funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the security required in section 3.h., above, and may be provided in lieu of security. If this option is used for the acquisition and initial improvement, the Project owner shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than described in Biological Resources Table 6b (see 2010 CEC PSPP Revised Staff Assessment, Part II, pp. C.2-68 – C.2-72), the excess money deposited in the REAT Account shall be returned to the Project owner. Money deposited for the initial protection and improvement of the compensation lands shall not be returned to the Project owner.</p> <p>The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission and CDFG. Such delegation shall be subject to approval by the CPM and CDFG, in consultation with BLM and USFWS, prior to land acquisition, initial protection or maintenance and management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be implemented with 18 months of the Energy Commission's approval.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-13, Raven Management Plan and Fee: The Project owner shall implement a Raven Monitoring, Management, and Control Plan (Raven Plan) that is consistent with the most current USFWS-approved raven management guidelines, and which meets the approval of the CMP, in consultation with USFWS and CDFG. The draft Common Raven Monitoring, Management, and Control Plan submitted by the Applicant (AECOM 2010a, Attachment DR-BIO-57) shall provide the basis for the final Raven Plan, subject to review, revisions and approval from the CPM, CDFG and USFWS. The Raven Plan shall include but not be limited to a program to monitor raven presence in the Project vicinity, determine if raven numbers are increasing, and to implement raven control measures as needed based on that monitoring. The purpose of the plan is to avoid any Project-related increases in raven numbers during construction, operation, and decommissioning. In addition, the Project owner shall also provide funding for implementation of the USFWS Regional Raven Management Program, as described below.</p> <ol style="list-style-type: none"> 1. The Raven Plan shall: <ol style="list-style-type: none"> a. Identify conditions associated with the Project that might provide raven subsidies or attractants; b. Describe management practices to avoid or minimize conditions that might increase raven numbers and predatory activities; c. Describe control practices for ravens; d. Establish thresholds that would trigger implementation of control practices; e. Address monitoring and nest removal during construction and for the life of the Project, and; f. Discuss reporting requirements. 2. USFWS Regional Raven Management Program. The Project owner shall submit payment to the project sub-account of the REAT Account held by the National Fish and Wildlife Foundation (NFWF) to support the USFWS Regional Raven Management Program. The one-time fee shall be as described by the USFWS in the <i>Renewable Energy Development and Common Raven Predation on the Desert Tortoise – Summary, dated May 2010</i> (USFWS 2010a) and the Cost Allocation Methodology for Implementation of the Regional Raven Management Plan, dated July 9, 2010) or more current guidance as provided by USFWS or CDFG (USFWS 2010b). 	<p>No less than 10 days prior to the start of any Project-related ground disturbance activities, the Project owner shall provide the CPM, USFWS, and CDFG with the final version of a Raven Plan. All modifications to the approved Raven Plan shall be made only with approval of the CPM in consultation with USFWS and CDFG.</p> <p>No less than 10 days prior to the start of any Project-related ground disturbance activities for each phase of Project construction as described in BIO-29, the Project owner shall provide documentation to the CPM, CDFG and USFWS that the one-time fee for the USFWS Regional Raven Management Program of has been deposited to the REAT-NFWS subaccount for the Project. Payment of the fees may be phased as described in BIO-29 – Table 3 (see 2010 CEC PSPP Commission Decision, p. 143, which would be updated to reflect current costs).</p> <p>Within 30 days after completion of Project construction, the Project owner shall provide to the CPM for review and approval, a written report identifying which items of the Raven Plan have been completed, a summary of all modifications to mitigation measures made during the Project's construction phase, and which items are still outstanding.</p> <p>As part of the annual compliance report, each year following construction the Designated Biologist shall provide a report to the CPM that includes: a summary of the results of raven management and control activities for the year; a discussion of whether raven control and management goals for the year were met; and recommendations for raven management activities for the upcoming year.</p>	<p>CEC</p>
<p>BIO-14, Weed Management Plan: The Project owner shall implement a Weed Management Plan (Plan) that meets the approval of the CPM. The objective of the Plan shall be to prevent the introduction of any new weeds and the spread of existing weeds as a result of Project construction, operation, and decommissioning. The Draft Weed Management Plan, submitted by the Applicant, shall provide the basis for the final Plan, subject to review and revisions from the CPM. The Plan shall include the following:</p> <ol style="list-style-type: none"> 1. Weed Plan Requirements. The Project owner shall provide a map to the CPM indicating the location of the Weed Management Area, which shall include all areas within 100 feet of the Project Disturbance Area, access roads, staging and laydown sites, and all other areas subject to temporary disturbance. The Project owner shall provide a Plan for the Weed Management Area includes at a minimum the following information: specific weed management objectives and measures for each target non-native weed species; baseline conditions; a map of the Weed Management Areas; map of existing populations of target weeds within 100 feet of the Project Disturbance Area and access roads; weed risk assessment; measures to prevent the introduction and spread of weeds; measures to minimize the risk of unintended 	<p>No less than 10 days prior to start of any Project-related ground disturbance activities, the Project owner shall provide the CPM with the final version of a Weed Management Plan that has been reviewed by BLM and Energy Commission staff. Modifications to the approved Weed Control Plan shall be made only with approval from the CPM in consultation with BLM.</p> <p>Within 30 days after completion of Project construction, the Project owner shall provide to the CPM for review and approval, a written report identifying which items of the Weed Management Plan have been completed, a summary of all modifications to mitigation measures made during the</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>harm to wildlife and other plants from weed control activities; monitoring and surveying methods; and reporting requirements. Weed control described in the Plan shall focus on prevention, early detection of new infestations, and early eradication for the life of the Project. Weed control along the Project linears shall be limited to the areas where soils were disturbed during construction. Weed monitoring shall occur a minimum of once per year during the early spring months (March-April) to detect seedlings before they set seed. The focus of the Plan shall be on avoiding the introduction of new invasive weeds or the spread of highly invasive species, such as Sahara mustard. Non-native species with low ecological risk, or that are very widespread, such as Mediterranean grass, shall be noted but control shall not be required. When detected, infestations of high priority species shall be eradicated immediately.</p> <p>2. Avoidance and Treatment of Dense Weed Populations. The Plan shall include a requirement to flag and avoid dense populations of the most invasive non-native weeds during any Project-related construction operation in or adjacent to infestations. If these areas cannot be avoided, they shall be pre-treated by one of the following methods: a) treating the infested areas in the season prior to construction by removing and properly disposing of seed heads by hand, prior to maturity, or spraying the new crop of plants that emerge in early spring, the season prior to construction, to reduce the viable seed contained in the soil, or b) removing and disposing the upper 2 inches of soil and disposing it offsite at a sanitary landfill or other site approved by the County Agricultural Commissioner, or burying the infested soil, e.g., under the solar facility or in a pit, and covering the infested soil with at least three feet of uncontaminated soil.</p> <p>3. Cleaning Vehicles and Equipment. The Plan shall include specifications and requirements for the cleaning and removal of weed seed and weed plant parts from vehicles and equipment involved in Project-related construction and operation. Vehicles and equipment working in weed-infested areas (including previous job sites) shall be required to clean the equipment tires, tracks, and undercarriage <i>before</i> entering the Project area and before moving to infested areas of the Project Disturbance Area to uninfested areas. Cleaning shall be conducted on all track and bucket/blade components to adequately remove all visible dirt and plant debris. Cleaning using hand tools, such as brushes, brooms, rakes, or shovels, is preferred. If water must be used, the water/slurry shall be contained to prevent seeds and plant parts from washing into adjacent habitat.</p> <p>4. Safe Use of Herbicides. The final Plan shall include detailed specifications for avoiding herbicide and soil stabilizer drift, and shall include a list of herbicides and soil stabilizers that will be used on the Project with manufacturer's guidance on appropriate use. The Plan shall indicate where the herbicides will be used, and what techniques will be used to avoid chemical drift or residual toxicity to special-status species and their pollinators, and consistent with the Nature Conservancy guidelines and the criteria under #2, below. Only weed control measures for target weeds with a demonstrated record of success shall be used, based on the best available information from sources such as The Nature Conservancy's The Global Invasive Species Team, California Invasive Plant Council: http://www.cal-ipc.org/ip/management/plant_profiles/index.php, and the California Department of Food & Agriculture Encycloweedia: http://www.cdffa.ca.gov/phpps/ipc/encycloweedia/encycloweedia_h_p.htm.</p> <p>5. The methods for weed control described in the final Plan shall meet the following criteria:</p> <p>a. Manual: Well-timed removal of plants or seed heads with hand tools; seed heads and plants must be disposed of in accordance with guidelines from the Riverside County Agricultural Commissioner.</p> <p>b. Chemical: Herbicides known to have residual toxicity, such as pre-emergents and pellets, shall not be used in natural areas or within the engineered channels. Only the following application methods may be used: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack and squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with backpack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations (see Nature Conservancy guidelines described above);</p>	<p>Project's construction phase, and which items are still outstanding.</p> <p>As part of the Annual Compliance Report, each year following construction the Designated Biologist shall provide a report to the CPM and BLM that includes: a summary of the results of noxious weeds surveys and management activities for the year; a discussion of whether weed management goals for the year were met; and recommendations for weed management activities for the upcoming year.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. Biological: Biological methods may be used subject to review and approval by CDFG and USFWS and only if approved for such use by CDFA, and are either locally native species or have no demonstrated threat of naturalizing or hybridizing with native species;</p> <p>d. Mechanical: Disking, tilling, and mechanical mowers or other heavy equipment shall not be employed in natural areas but hand weed trimmers (electric or gas-powered) may be used. Mechanical trimmers shall not be used during periods of high fire risk and shall only be used with implementation of fire prevention measures.</p>		
<p>BIO-15, Pre-Construction Nest Surveys and Avoidance Measures: Pre-construction nest surveys shall be conducted if construction activities would occur from February 1 through July 31. The Designated Biologist or Biological Monitor conducting the surveys shall be experienced bird surveyors familiar with standard nest-locating techniques such as those described in Martin and Guepel (1993). The goal of the nesting surveys shall be to identify the general location of the nest sites, sufficient to establish a protective buffer zone around the potential nest site, and need not include identification of the precise nest locations. Surveyors performing nest surveys shall not concurrently be conducting desert tortoise surveys. The bird surveyors shall perform surveys in accordance with the following guidelines:</p> <ol style="list-style-type: none"> 1. Surveys shall cover all potential nesting habitat in areas that could be disturbed by each phase of construction, as described in BIO-29 (Phasing). Surveys shall also include areas within 500 feet of the boundaries of the active construction areas (including linear facilities); 2. At least two pre-construction surveys shall be conducted, separated by a minimum 10-day interval. One of the surveys shall be conducted within the 14-day period preceding initiation of construction activity. Additional follow-up surveys may be required if periods of construction inactivity exceed three weeks, an interval during which birds may establish a nesting territory and initiate egg laying and incubation; 3. If active nests or suspected active nests are detected during the survey, a buffer zone (protected area surrounding the nest, the size of which is to be determined by the Designated Biologist in consultation with CDFG) and monitoring plan shall be developed. Nest locations shall be mapped and submitted, along with a report stating the survey results, to the CPM; and 4. The Designated Biologist or Biological Monitor shall monitor the nest until he or she determines that nestlings have fledged and dispersed; activities that might, in the opinion of the Designated Biologist, disturb nesting activities, shall be prohibited within the buffer zone until such a determination is made. 	<p>At least 10 days prior to the start of any Project-related ground disturbance activities during the nesting season, the Project owner shall provide the CPM a letter-report describing the findings of the pre-construction nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor (s); and a list of species observed. If active or suspected active nests are detected during the survey, the report shall include a map or aerial photo identifying the location or suspected location of the nest and shall depict the boundaries of the no-disturbance buffer zone around the nest(s) that would be avoided during Project construction.</p> <p>Each year during construction as part of the annual compliance report a follow-up report shall be provided to the CPM, BLM, CDFG, and USFWS describing the success of the buffer zones in preventing disturbance to nesting activity and a brief description of the outcome of the nesting effort (for example, whether young were successfully fledged from the nest or if the nest failed).</p>	CEC
<p>BIO-16, Avian Protection Plan</p>		CEC
<p>BIO-16A, Avian and Bat Habitat Compensation: To mitigate for potential avian and bat impacts, the Project owner shall provide compensatory mitigation prior to commercial operation of the first unit for 3,896 acres, adjusted to reflect the final Project footprint. For purposes of this condition, the Project footprint means all lands disturbed in the construction and operation of the PSEGS, including all Project linears, as well as undeveloped areas inside the Project's boundaries that will no longer provide viable long-term habitat for avian and bat species. To satisfy this condition, the Project owner shall acquire, protect and transfer 1 acre of habitat for every acre of habitat within the final Project footprint, and provide associated funding for the acquired lands, as specified below. Condition BIO-28 may provide the Project owner with another option for satisfying some or all of the requirements in this condition. In lieu of acquiring lands itself, the Project</p>	<p>If the mitigation actions required under this condition are not completed prior to commercial operation of the first unit, the Project owner shall provide the CPM and CDFW with an approved form of Security in accordance with this condition of certification no later than 30 days prior to commercial operation of the first unit. Actual Security shall be provided no later than 7 days prior to commercial operation of the first unit. If Security is provided, the Project owner, or an</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>owner may satisfy the requirements of this condition by depositing funds into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF), as provided below in section 3.i. of this condition.</p> <p>The timing of the mitigation shall correspond with commercial operation of the first unit. If compensation lands are acquired in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following:</p> <ol style="list-style-type: none"> 1. Selection Criteria for Compensation Lands. The compensation lands selected for acquisition in fee title or in easement shall: <ol style="list-style-type: none"> a. be reasonably biologically comparable to the habitat lost or degraded by the Project footprint to assist in the conservation and enhancement of avian and bat populations in the vicinity of the project and throughout the region; b. be prioritized near larger blocks of lands that are either already protected or planned for protection, such as DWMAs within the Colorado Desert Recovery Unit, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation; c. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible; d. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; e. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and f. have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFW, BLM and USFWS, agrees in writing to the acceptability of the land. 2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM, CDFW and BLM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for avian and bat species in relation to the criteria listed above. Approval from the CPM and CDFW, in consultation with BLM and USFWS, shall be required for acquisition of all compensatory mitigation parcels. 3. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM and CDFW, in consultation with BLM and USFWS, have approved the proposed compensation lands: <ol style="list-style-type: none"> a. <i>Preliminary Report.</i> The Project owner, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM and CDFW. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM and CDFW, in consultation with BLM and the USFWS. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board. 	<p>approved third party, shall complete and provide written verification to the CPM, CDFW, BLM and USFWS of the compensation lands acquisition and transfer within 18 months after commercial operation of the first unit.</p> <p>The Project owner may elect to fund the acquisition and initial improvement of funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the Security required in section 3.h. of this condition. Payment of the initial funds for acquisition and initial improvement must be made at least 30 days prior to commercial operation of the first unit.</p> <p>No fewer than 90 days prior to acquisition of the property, the Project owner shall submit a formal acquisition proposal to the CPM, CDFW, USFWS, and BLM describing the parcels intended for purchase and shall obtain approval from the CPM prior to the acquisition.</p> <p>No fewer than 30 days after acquisition of the property the Project owner shall deposit the funds required by Section 3e above (long term management and maintenance fee) and provide proof of the deposit to the CPM.</p> <p>The Project owner, or an approved third party, shall provide the CPM, CDFW, BLM, and USFWS with a management plan for the compensation lands within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan for the compensatory mitigation lands, in consultation with CDFW, BLM and the USFWS.</p> <p>Within 90 days after completion of all project related ground disturbance, the Project owner shall provide to the CPM, CDFW, BLM and USFWS an analysis, based on aerial photography, with the final accounting of the amount of habitat disturbed during Project construction. This shall be the basis for the final number of acres required to be acquired.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>b. <i>Title/Conveyance.</i> The Project owner shall transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement as required by the CPM and CDFW. Transfer of either fee title or an approved conservation easement will usually be sufficient, but some situations, e.g., the donation of lands burdened by a conservation easement to BLM, will require that both types of transfers be completed. Any transfer of a conservation easement or fee title must be to CDFW, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM under terms approved by the CPM and CDFW. If an approved non-profit organization holds title to the compensation lands, a conservation easement shall be recorded in favor of CDFW in a form approved by CDFW. If an approved non-profit holds a conservation easement, CDFW shall be named a third party beneficiary.</p> <p>c. <i>Initial Habitat Improvement Fund.</i> The Project owner shall fund the initial protection and habitat improvement of the compensation lands. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965) and if it meets the approval of CDFW and the CPM. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.</p> <p>d. <i>Property Analysis Record.</i> Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate long-term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.</p> <p>e. <i>Long-term Maintenance and Management Fund.</i> In accordance with BIO-29 (phasing), the Project owner shall deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands.</p> <p>The CPM, in consultation with CDFW, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFW takes fee title to the compensation lands, CDFW shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFW and with CDFW supervision.</p> <p>f. <i>Interest, Principal, and Pooling of Funds.</i> The Project owner, the CPM and CDFW shall ensure that an agreement is in place with the long-term maintenance and management fee holder/manager to ensure the following conditions:</p> <p>i. <i>Interest.</i> Interest generated from the initial capital long-term maintenance and management fee shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action approved by CDFW designed to protect or improve the habitat values of the compensation lands.</p> <p>ii. <i>Withdrawal of Principal.</i> The long-term maintenance and management fee principal shall not be drawn upon unless such withdrawal is deemed necessary by the CDFW or the approved third-party long-term maintenance of the species on the compensation lands. If CDFW takes fee title to the compensation lands, monies received by CDFW pursuant to this provision shall be deposited in a special deposit fund established solely for the purpose to manage lands in perpetuity unless CDFW designates NFWF or another entity to manage the long-term maintenance and management fee for CDFW.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>iii. Pooling Long-Term Maintenance and Management Fee Funds. CDFW, or a CPM and CDFW-approved non-profit organization qualified to hold long-term maintenance and management fees solely for the purpose to manage lands in perpetuity, may pool the endowment with other endowments for the operation, management, and protection of the compensation lands for avian and bat species. However, for reporting purposes, the long-term maintenance and management fee fund must be tracked and reported individually to the CDFW and CPM.</p> <p>g. <i>Other expenses.</i> In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to title and document review costs, expenses incurred from other state agency reviews, and overhead related to providing compensation lands to CDFW or an approved third party; escrow fees or costs; environmental contaminants clearance; and other site cleanup measures.</p> <p>h. <i>Mitigation Security.</i> The Project owner shall provide financial assurances prior to commercial operation of the first unit to the CPM and CDFW with copies of the document(s) to BLM and the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described in this condition. These funds shall be used solely for implementation of the measures associated with the Project in the event the Project owner fails to comply with the requirements specified in this condition, or shall be returned to the Project owner upon successful compliance with the requirements in this condition. The CPM's or CDFW's use of the security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition. Financial assurance can be provided to the CPM and CDFW in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security"). Prior to submitting the Security to the CPM, the Project owner shall obtain the CPM's approval in consultation with CDFW, BLM and the USFWS, of the form of the Security. Security shall be in the amount shown in BIO-29, Table 3 (see 2010 CEC PSPP Commission Decision, p. 143, which would be updated to reflect current costs). The actual costs to comply with this condition will vary depending on the final footprint of the completed Project, and the actual costs of acquiring, improving and managing the compensation lands.</p> <p>i. <i>NFWF REAT Account.</i> The Project owner may elect to fund the acquisition and initial improvement of compensation lands through NFWF by depositing funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the security required in section 3.h. above, and may be provided in lieu of security. If this option is used for the acquisition and initial improvement, the Project owner shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than described in Biological Resources Table 6b (see 2010 CEC PSPP Revised Staff Assessment, Part II, pp. C.2-68 – C.2-72), the excess money deposited in the REAT Account shall be returned to the Project owner. Money deposited for the initial protection and improvement of the compensation lands shall not be returned to the Project owner.</p> <p>The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission and CDFW. Such delegation shall be subject to approval by the CPM and CDFW, in consultation with BLM and USFWS, prior to land acquisition, initial protection or maintenance and management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be implemented within 18 months of the Energy Commission's approval of the third party.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-16B, Avian Enhancement and Conservation Measures: The Project owner shall implement the following measure to conserve and enhance avian populations in the vicinity of the project and throughout the region:</p> <p>(a) Regional Avian Electrocutation Risk and Cable Collision Avoidance Measures. Consistent with the DRECP framework (DRECP 2012), the project owner shall, prior to the commencement of commercial operations at the facility, fund the retrofitting of non-compliant utility poles in the vicinity of the project to APLIC (2006) standards or fund the installation of bird diverters in the vicinity of the Project. A total amount of \$300,000 will be provided for these enhancements. The funding shall be provided to an independent third party who will perform the actual retrofitting, pursuant to a Retrofit Plan approved by the CPM.</p> <p>The Retrofit Plan will develop a tiered approach to minimizing electrocution and collision risk, wherein the first funding is applied to retrofit poles in areas where either mortalities are highest or area use is highest. The second tier of retrofitted poles would be areas of lesser importance. If funds remain available after first and second tier poles have been retrofitted, then the CPM may apply the remaining funds to other avian protection objectives outlined by the DRECP. As an alternative to the Retrofitting Plan and the use of a CPM-approved third party, the total funding can be accomplished by making a payment in the amount of \$300,000 to the National Fish and Wildlife Foundation's Bald and Golden Eagle Protection Act account.</p> <p>(b) Additional Migratory Bird Conservation: The Project owner shall, prior to the commencement of commercial operations at the facility, pay \$500,000 to fund the activities of a CPM approved third party that will perform additional bird migratory bird conservation measures. Such measures shall be approved by the CPM and may include, but not be limited to: (i) restoration of degraded habitat with native vegetation; (ii) restoration of agricultural fields to bird habitat; (iii) management of agricultural fields to enhance bird populations; (iv) invasive plant species and artificial food or water source management; (v) control and cleanup of potential avian hazards, such as lead or microtrash; (vi) retrofitting of buildings to minimize collisions; (vii) retrofitting of conductors and above ground cables to minimize collisions; (viii) animal control programs; (ix) support for avian and bat research and/or management efforts conducted by entities approved by the CPM within the Project's mitigation lands or other approved locations; (x) funding efforts to address avian diseases or depredation due to the expansion of predators in response to anthropomorphic subsidies that may adversely affect birds that use the mitigation lands or in other approved locations; and (xi) contribute to the Migratory Bird Conservation Fund managed by the Migratory Bird Conservation Commission.</p>	<p>No later than 30 days prior to beginning of Project ground-disturbing activities, the Project owner shall provide written verification of an approved form of Security in accordance with this condition of certification. Actual Security shall be provided no later than 7 days prior to the beginning of Project ground-disturbing activities. Prior to commercial operation, the Project owner shall provide the funding to the independent third party selected by the CPM.</p>	
<p>BIO-16C, Avian and Bat Surveys, Monitoring and Adaptive Management: The Project owner shall perform preconstruction baseline surveys prior to surface disturbance of avian and bat species for use in development of a Bird and Bat Conservation Strategy (BBCS). The Project owner shall prepare a BBCS and submit it to the CPM and BLM for approval and to CDFW and USFWS for review and comment. The BBCS shall provide for the following:</p> <ul style="list-style-type: none"> • Survey and monitor onsite and offsite avian use and behavior to document species composition on and offsite, compare onsite and offsite rates of avian and bat use, document changes in avian and bat use over time, and evaluate the general behavior of birds in and near the facility. • Implement an onsite and offsite avian and bat mortality and injury monitoring program to identify the extent of potential avian or bat mortality or injury from collisions with facility structures or from elevated levels of solar flux that may be encountered within the facility airspace, including: <ul style="list-style-type: none"> – assessing levels of collision-related mortality and injury with heliostats, perimeter fences and power tower structures; 	<p>The BBCS shall be submitted to the CPM for review and approval and to CDFW and USFWS for review and comment no less than 120 days prior to the commercial operation of the first unit. The Project owner shall provide the CPM with copies of any written or electronic transmittal from the USFWS or CDFW related to the BBCS within 30 days of receiving any such transmittal. Survey reports shall be submitted to the CPM after each season and in an annual summary report throughout the course of the three-year study period and as set forth in the approved monitoring study plan. The reports will include all monitoring data required as part of the monitoring program. Each year throughout the minimum three year monitoring period, the</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<ul style="list-style-type: none"> - calculating rates of solar flux-related avian mortality and injury, if any; - documenting seasonal, temporal, and weather-related patterns associated with collision- or solar flux-related mortality and injury; and - documenting spatial patterns that may be associated with collision- or flux-related mortality and injury. - documenting spatial patterns that may be associated with avoidance of the facility. <ul style="list-style-type: none"> • Identify conservation measures to minimize impacts and evaluate the effectiveness of those measures • Implement an adaptive management and decision-making framework for reviewing, characterizing, and responding to quantitative survey and monitoring results. <p>Preconstruction Baseline Surveys</p> <p>The project owner shall perform avian use and behavior surveys of the facility site prior to construction. Surveys of avian use and behavior shall be conducted using standard point count protocols. The objective of the surveys shall be to estimate the spatial and temporal use of the facility and surrounding area by resident and migrating birds and to document the preconstruction avian community.</p> <p>The preconstruction baseline surveys will include, at least:</p> <ul style="list-style-type: none"> • Species present, by season, including migration, nesting wintering • Abundance by unit effort, unit time, or other acceptable metric of abundance, by season • Use of the project area and that portion of the surrounding area in which indirect effects could occur (species-specific). <p>The surveys will be sufficiently robust in design, including but not limited to, sampling schedule, sampling intervals, replicates, spatial layout, seasonal and annual variability, and statistics. All surveys will be project-relevant; data collection that is immaterial to baseline survey objectives and goals will not be included. Preconstruction surveys shall employ the following methods:</p> <p>Diurnally active and nesting avian surveys will be conducted using accepted, standard point count protocols (e.g., BLM 2009, Ralph et al. 1995, Ralph et al 1993, Smith et al. 1998) to identify seasonal and annual raptor and songbird species composition, rates of use (including nesting), types of use, and changes in use over time. The spatial design will include the entire area of effect, plus control areas, and employ a stratified-random approach to ensure sampling of all biologically relevant factors and project impacts. The first stratum will be biologically relevant features, such as proximity to vegetation types that may affect prey abundance and capture probability. The second stratum will attend to the specific aspects of the power towers and solar field, as well as the interface between the solar field and native habitat. To ensure entire area of effect coverage, a grid will overlay the entire project footprint and extended area of effect around the project disturbance area. Within these three strata, a sufficient number of transects (replicates) will be randomly sited to provide robust statistical results. Ten percent of the area is a suggested level of sampling that would provide sufficient information to answer the study questions as well as provide a basis to assess future sampling during the monitoring phase (see below). Point count locations would be spaced 500 ft apart along each transect. Each solar field has a radius of approximately one mile. Because the study would extend to indirect-effect areas outside the boundary, this design would result in 10, 1.25 to 1.5-mile-long transects (depending on access outside the project) for</p>	<p>Designated Biologist or other qualified biologist that may be identified by the Designated Biologist shall submit an Annual Report to the CPM, CDFW and USFWS by January 31 of each calendar year, summarizing all available bird and bat mortality data (species, date and location collected, evidence of injury and cause of death) collected over the course of the year. The report also shall summarize any additional wildlife mortality or injury documented on the project site during the year, regardless of cause, and assess any adaptive management measure implemented during the prior year as approved by the CPM. After the third year of the monitoring program, the CPM shall meet and confer with the project owner to determine of the study period should be extended based on data quality and sufficiency for analysis or if needed to document efficacy of any adaptive management measures undertaken by the Project owner. The study period may be extended up to five years from the commencement of facility operations. If a carcass of a golden eagle or any state or federally listed threatened or endangered species is found at any time by the monitoring study or Project operations staff, the Project owner, Designated Biologist, or other qualified biologist that may be identified by the Designated Biologist shall contact CDFW and USFWS by email, fax or other electronic means within one working day of any such detection.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>the both solar fields combined, five per solar field, with 15 sampling points per transect. Point counts would be 10 minutes long at each point and conducted during the greatest bird activity period – daybreak to approximately three hours past daybreak. Survey points will also include two-hour segments throughout the middle portion of the day (approximately 1000 h to 1600 h, depending on time of year) when diurnal raptors are generally considered most active. The surveys will be conducted weekly during the most intensive spring nesting and migration period (March 1 to May 1), twice monthly during the remainder of spring (May and June) and during fall (September 1 to December 1) and once per month during summer (June 1 to September 1) and winter (December 1 to February 1). Sampling will be rotated so that all points are evaluated equally throughout each sampling period.</p> <p>Nocturnal sampling will be conducted for nocturnally migrating birds during the spring and fall migration periods to assess the level of migratory activity and need for further nocturnal sampling. Bat acoustic sampling also will be implemented in this baseline stage to identify species present and assess risk potential.</p> <p>The survey will occur for one year prior to construction. If construction schedules dictate that an entire year of sampling is not possible, then at least one important migratory and activity season will be captured, preferably spring.</p> <p>Preconstruction surveys shall include collecting data from the spring migratory and activity season.</p> <p>BBCS Components</p> <p>The BBCS shall include the following components to be implemented after commercial operation of the Project:</p> <ol style="list-style-type: none"> 1. Preconstruction Baseline survey results. A description and summary of the baseline survey methods and results. 2. Avian and bat use and behavior surveys. Avian and bat use behavior surveys shall be conducted. The program will outline survey methodology and field documentation, the identification of appropriate onsite and offsite survey locations, control sites, and the seasonal considerations. Prey abundance surveys will also be conducted to identify the locations and changes in the abundance of prey species. Bat acoustic sampling may be implemented depending on results of the baseline study. 3. Golden eagle nest monitoring, including a summary of available information concerning golden eagle nesting activity in the project vicinity shall be prepared and annual pedestrian and/or helicopter surveys of golden eagle nesting sites within a 10-mile radius of the Project site 4. Avian and bat mortality and injury monitoring: An avian and bat injury and mortality monitoring program shall be implemented, including: <ol style="list-style-type: none"> (a) Onsite monitoring that will systematically survey representative locations within the facility sufficient to ensure that the estimated coefficient of variation (the standard deviation divided by facility-wide estimates) of facility wide fatality estimates will be less than 25 percent over a reasonable range of potentially low, medium and high impact rates, account for potential spatial bias and allow for the extrapolation of survey results to unsurveyed areas, and the survey interval based on scavenger and searcher efficiency trials and detection rates. (b) Offsite monitoring, to the extent that access can be reasonably and feasibly obtained by the Project owner, of one or more locations adjacent to the project facilities using the same or comparable methods as implemented for the onsite monitoring to monitor the extent to which avian species potentially injured by collisions or solar flux traverse to and can be detected within adjacent areas. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>(c) Low-visibility and high-wind weather event monitoring to document potential weather-related collision risks that may be associated with the power towers at the facility, including foggy, highly overcast, or rainy night-time weather typically associated with an advancing frontal system, and high wind events in which 40 miles per hour winds are sustained for period of greater than 4 hours, including survey frequency, location and methods.</p> <p>(d) Scavenger and searcher efficiency trials to document the extent to which avian or bat fatalities remain visible over time and can be detected within the project area and to adjust the survey timing and survey results to reflect scavenger and searcher efficiency rates.</p> <p>(e) Statistical methods used to generate facility estimates of potential avian and bat impacts based on the observed number of detections during standardized searches in the monitoring season for which the cause of death can be determined and is determined to have been facility-related.</p> <p>(f) Field detection and mortality or injury identification, cause attribution, handling and reporting protocols consistent with applicable legal requirements.</p> <p>5. Survey schedule and period. All surveys and monitoring studies included in the BBCS shall be conducted for three years following commercial operation and approval of the BBCS by the CPM. At the end of the three-year period, the project owner and the CPM shall meet and confer to determine whether the survey program shall be continued for subsequent periods, up to a maximum of five years. The monitoring program may be modified with the approval of the CPM in response to survey results, identified scavenging efficiency rates, or other factors to increase monitoring accuracy and reliability or in accordance with the adaptive management decision-making framework included in the BBCS.</p> <p>6. Adaptive management. An adaptive management program shall be developed to identify and implement reasonable and feasible measures that would reduce any biologically significant detected levels of avian or bat mortality or injury attributable to project operations and facilities. Any such impact reduction measures must be commensurate (in terms of factors that include geographic scope, costs, and scale of effort) to the level of avian or bat mortality or injury that is specifically and clearly attributable to the Project facilities. The adaptive management program shall include the following element:</p> <p>(a) Reasonable measures for characterizing the extent and significance of detected mortality and injuries clearly attributable to the Project facilities.</p> <p>(b) Measures that the project owner will implement to adaptively respond to detected mortality and injuries attributable to the Project, including passive avian diverter installations along the perimeter or at other locations within the project to avoid site use, the use of sound, light or other means to discourage site use consistent with applicable legal requirements, onsite prey or habitat control measures consistent with applicable legal requirements, and additional perch and nest proofing of Project facilities.</p> <p>(c) A decision-making framework that facilitates concurrent Project owner, CPM, and state and federal wildlife agency review of seasonal and annual survey results, the effectiveness of the adaptive management measures implemented by the Project owner, modification of the surveys in response to the results, if necessary, and the identification of additional mitigation responses that are commensurate with the extent of impacts that may be identified in the monitoring studies.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-17, American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures: The project owner shall develop and implement an American Badger and Desert Kit Fox Mitigation and Monitoring Plan (plan). The objective of the plan shall be to avoid direct impacts to the American badger and desert kit fox as a result of construction of the power plant and linear facilities, as well as during project operation and decommissioning. The final plan is subject to review and comment by BLM and revision and approval by the CPM, in consultation with CDFW. The final plan shall include, but is not limited to, the following procedures and impact avoidance measures:</p> <ol style="list-style-type: none"> 1. Describe pre-construction survey and clearance field protocol, to determine the number and locations of single or paired kit foxes or badgers on the project site that would need to be passively relocated and the number and locations of desert kit fox or badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals. 2. Complete pre-construction den surveys for any new construction activity. Biological Monitors shall perform pre-construction surveys for badgers and kit fox dens in the Project area, including areas within 100 feet of all Project facilities, utility corridors, and access roads. Surveys may be concurrent with desert tortoise surveys. If dens are detected, each den shall be classified as inactive non-natal, inactive natal, potentially active, or definitely active non-natal, or active natal den. 3. The plan will include details on monitoring requirements, types and methods of passive hazing, and methods and timing of den excavation, including, but not limited to the following: <ol style="list-style-type: none"> a. Inactive non-natal and inactive natal dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox b. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den. BLM approval may be required prior to release of badgers on public lands. c. <i>Active natal dens.</i> During denning season (American badger – March to August, and desert kit fox – February to June), any active natal dens that are detected in the preconstruction surveys shall have a buffer zone of 300 feet to 500 feet surrounding the den, pending approval from the CPM in consultation with CDFW, and monitoring measures shall be implemented. Discovery of an active natal den that could be impacted by the project shall be reported to the CPM and CDFW within 24-hours of the discovery. A detailed description outlining the types and methods of monitoring must be included in the plan. The den location shall be mapped and submitted along with a report stating the survey results to the CPM and CDFW. The Designated Biologist shall monitor the natal den until he or she determines that the pups have dispersed. No disturbance will be allowed for any animal associated with a natal den and any activities that might disturb denning activities shall be prohibited within the buffer zone. Once the pups have dispersed, various passive hazing methods may be used to discourage den reuse. A detailed description of the types of passive hazing to be used must be included in the plan; however, approval must be granted by the CPM, in consultation with CDFW prior to implementation. After verification that the den is unoccupied, it shall then be excavated by hand and backfilled to ensure that, no badgers or kit fox are trapped in the den. 	<p>No fewer than 30 days prior to the start of any construction-related ground disturbance activities associated with the new project related facilities, the project owner shall provide the CPM, BLM, and CDFW with a draft American Badger and Desert Kit Fox Mitigation and Monitoring Plan for review and comment.</p> <p>No fewer than 10 days prior to start of any ground disturbance activities associated with the new project-related facilities, the project owner shall provide an electronic copy of the CPM-approved final plan to the CPM and CDFW and implement the plan.</p> <p>The project owner shall submit a report to the CPM and CDFW within 30 days of completion of any badger and kit fox surveys. The report shall describe survey methods, results, impact avoidance and minimization measures implemented, and the results of those measures.</p> <p>No later than 2 days following a phone notification of an injured, sick, or dead American badger or desert kit fox, the project owner shall provide to the CPM and CDFW, via FAX or electronic communication, a written report from the Designated Biologist describing the incident of sickness, injury, or death of an American badger or desert kit fox, when the incident occurred, and who else was notified.</p> <p>Beginning with the first month after start of construction and continuing every month until construction is completed, the Designated Biologist shall include a summary of events regarding the American badger and desert kit fox in each MCR.</p> <p>No later than 45 days after initiation of project operation, the Designated Biologist shall provide the CPM a final American Badger and Desert Kit Fox Mitigation and Monitoring Plan that includes: 1) a discussion of all mitigation measures that were and currently are being implemented; 2) all information about project-related kit fox and badger injuries and/or deaths; 3) all information regarding sick kit fox and badger found within the project site and along related linear facilities; and 4) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts of future projects on the American badger and desert kit fox.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>d. <i>Exception for American badger.</i> In the event that passive relocation techniques fail for badgers outside the denning season, or during the denning season individual badgers can be verified to not have a litter, then live-trapping can be employed to safely perform active removal. This approach will be agreed to, in principle, ahead of clearance surveys, and refined for individual situations in discussions with the CPM and CDFW.</p> <p>4. Address other factors and procedures that may affect the success of kit fox and American badger relocation offsite, such as:</p> <ul style="list-style-type: none"> a. Qualitative discussion of availability of suitable habitat on off-site surrounding lands within 10 miles of the project boundary, and quantitative evaluation of unoccupied desert kit fox burrows available on surrounding lands within 1 mile of the project boundary (e.g., by inventorying burrow numbers in selected representative sample areas); b. Estimates of the distances kit foxes would need to travel across the project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; c. Proposed scheduling of the passive relocation effort; d. Methods to minimize likelihood that the animals will return to the project site; e. Descriptions of any proposed or potential ground disturbing activities related to kit fox relocation, and locations of those activities (e.g., artificial burrow construction); f. A monitoring and reporting plan to evaluate success of the relocation efforts and any subsequent re-occupation of the project site; and g. A plan to subsequently relocate any animals that may return to the site (e.g., by digging beneath fences). <p>5. Notify the CPM and CDFW if injured, sick, or dead American badger and desert kit fox are found. If an injured, sick, or dead animal is detected on any area associated with the solar project site or associated linear facilities, the CPM and the Ontario CDFW Office shall be notified immediately by phone. Written follow-up notification via FAX or electronic communication shall be submitted to the CPM and CDFW within 24 hours of the incident and shall include the following information as appropriate:</p> <ul style="list-style-type: none"> a. <i>Injured animals.</i> If an American badger or desert kit fox is injured because of any project-related activities, the Designated Biologist or approved Biological Monitor shall immediately notify the CPM and CDFW personnel regarding the capture and transport of the animal to CDFW-approved wildlife rehabilitation and/or veterinarian clinic. Following the phone notification, the CPM and CDFW shall determine the final disposition of the injured animal, if it recovers. A written notification of the incident shall be sent to the CPM and CDFW containing, at a minimum, the date, time, location, and circumstances of the incident. b. <i>Sick animals.</i> If an American badger or desert kit fox is found sick and incapacitated on any area associated with the solar project site or associated linear facilities, the Designated Biologist or approved Biological Monitor shall immediately notify the CPM and CDFW personnel for immediate capture and transport of the animal to a CDFW-approved wildlife rehabilitation and/or veterinarian clinic. Following the phone notification, the CPM and CDFW shall determine the final disposition of the sick animal, if it recovers. If the animal dies, a necropsy shall be performed by a CDFW-approved facility to determine the cause of death. The project owner shall pay to have the animal transported and a necropsy performed. A written notification of the incident shall be sent to the CPM and CDFW and contain, at a minimum, the date, time, location, and circumstances of the incident. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>c. <i>Fatalities</i>. If an American badger or desert kit fox is killed because of any project-related activities during construction, operation, and decommissioning, or is found dead on the project site or along associated linear facilities, the Designated Biologist or approved Biological Monitor shall immediately refrigerate the carcass and notify the CPM and CDFW personnel within 24 hours of the discovery to receive further instructions on the handling of the animal. If the animal is suspected of dying of unknown causes, a necropsy shall be performed by a CDFW-approved facility to determine the cause of death. The project owner shall pay to have the animal transported and a necropsy performed.</p> <p>6. Additional protection measures to be included in the plan and implemented:</p> <p>a. All pipes within the project disturbance area must be capped and/or covered every evening or when not in use to prevent desert kit foxes or other animals from accessing the pipes.</p> <p>b. All water sources shall be covered and secured when not in use to prevent drowning.</p> <p>c. The project owner shall coordinate with CDFW to identify any additional fence design features to maximize the effectiveness of the fence to exclude kit foxes from the project.</p> <p>d. Incorporate and implement the CDFW Veterinarian's guidance regarding impact avoidance measures including measures to prevent disease spread among desert kit foxes.</p> <p>e. Include measures to reduce traffic impacts to wildlife if the project owner anticipates night-time construction. The plan must also include a discussion of what information will be provided to all night-time workers, including truck drivers, to educate them about the threats to kit fox, what they need to do to avoid impacts to kit fox, and what to report if they see a live, injured, or dead kit fox.</p>		
<p>BIO-18, Burrowing Owl Impact Avoidance, Minimization, and Compensation Measures: The Project owner shall implement the following measures to avoid, minimize and offset impacts to burrowing owls:</p> <p>1. Pre-Construction Surveys. The Designated Biologist or Biological Monitor shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to initiation of construction activities. Surveys shall be focused exclusively on detecting burrowing owls, and shall be conducted from two hours before sunset to 1 hour after or from 1 hour before to 2 hours after sunrise. The survey area shall include the Project Disturbance Area and surrounding 500 foot survey buffer for each phase of construction in accordance with BIO-29 (phasing).</p> <p>2. Implement Burrowing Owl Mitigation Plan. The Project owner shall implement measures described in the final Burrowing Owl Mitigation Plan. The final Burrowing Owl Mitigation Plan shall be approved by the CPM, in consultation with BLM, USFWS and CDFG, and shall:</p> <p>a. identify suitable sites within 1 mile of the Project Disturbance Areas for creation or enhancement of burrows prior to passive relocation efforts;</p> <p>b. provide guidelines for creation or enhancement of at least two natural or artificial burrows per relocated owl;</p> <p>c. provide detailed methods and guidance for passive relocation of burrowing owls occurring within the Project Disturbance Area; and</p> <p>d. describe monitoring and management of the passive relocation effort, including the created or enhanced burrow location and the project area where burrowing owls were relocated from, and provide a reporting plan.</p>	<p>If pre-construction surveys detect burrowing owls within the Project Disturbance Area and relocation of the owls is required, within 30 days of completion of the burrowing owl pre-construction surveys the Project owner shall submit to the CPM, BLM, CDFG, and USFWS a Burrowing Owl Mitigation Plan. The Burrowing Owl Mitigation Plan shall identify suitable areas for construction of burrows and the other passive relocation as described above. As part of the Annual Compliance Report each year following construction for a period of five years, the Designated Biologist shall provide a report to the CPM, BLM, USFWS and CDFG that describes the results of monitoring and management of the burrowing owl burrow creation or enhancement area(s).</p> <p>If pre-construction surveys detect burrowing owls within 500 feet of proposed construction activities, at least 10 days prior to the start of any Project-related site disturbance activities the Designated Biologist shall provide to the CPM, BLM, CDFG, and USFWS documentation indicating that non-disturbance buffer fencing has been installed as described above. The Project owner shall report monthly to</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>3. Implement Avoidance Measures. If an active burrowing owl burrow is detected within 500 feet from the Project Disturbance Area the following avoidance and minimization measures shall be implemented:</p> <ul style="list-style-type: none"> a. Establish Non-Disturbance Buffer. Fencing shall be installed at a 250-foot radius from the occupied burrow to create a non- disturbance buffer around the burrow. The non-disturbance buffer and fence line may be reduced to 160 feet if all Project- related activities that might disturb burrowing owls would be conducted during the non-breeding season (September 1 through January 31). Signs shall be posted in English and Spanish at the fence line indicating no entry or disturbance is permitted within the fenced buffer. b. Monitoring: If construction activities would occur within 500 feet of the occupied burrow during the nesting season (February 1 – August 31) the Designated Biologist or Biological Monitor shall monitor to determine if these activities have potential to adversely affect nesting efforts, and shall make recommendations to minimize or avoid such disturbance. <p>4. Acquire Burrowing Owl Habitat. The Project owner shall acquire, in fee or in easement land suitable to support a resident population of burrowing owls and shall provide funding for the enhancement and long-term management of these compensation lands. The responsibilities for acquisition and management of the compensation lands may be delegated by written agreement to CDFG or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the CPM, in consultation with CDFG and USFWS prior to land acquisition or management activities. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat.</p> <ul style="list-style-type: none"> a. Criteria for Burrowing Owl Mitigation Lands. The terms and conditions of this acquisition or easement shall be as described in BIO-12 [Desert Tortoise Compensatory Mitigation], with the additional criteria to include: 1) mitigation land per BIO-29 - Table 2 (see 2010 CEC PSPP Commission Decision, pp. 142 – 143), that must provide suitable habitat for burrowing owls, and 2) the acquisition lands must either currently support burrowing owls or be within dispersal distance from areas occupied by burrowing owls (generally approximately five miles). The burrowing owl mitigation lands may be included with the desert tortoise mitigation lands ONLY if these two burrowing owl criteria are met. If the burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands, the Project owner shall fulfill the requirements described below in this condition. b. Security. If the burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands the Project owner or an approved third party shall complete acquisition of the proposed compensation lands within the time period specified for this acquisition (see the verification section at the end of this condition). Alternatively, financial assurance can be provided by the Project owner to the CPM and CDFG, according to the measures outlined in BIO-12. The amount of the Security shall be as described in BIO-29 – Table 3 (see 2010 CEC PSPP Commission Decision, p. 143, which would be updated to reflect current costs) for the proposed Project or any of the Project alternatives. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security (“Security”) prior to initiating ground-disturbing Project activities. Prior to submittal to the CPM, the Security shall be approved by the CPM, in consultation with CDFG and the USFWS to ensure funding. The final amount due will be determined by an updated appraisal and PAR analysis conducted as described in BIO-12. 	<p>the CPM, BLM, CDFG and USFWS for the duration of construction on the implementation of burrowing owl avoidance and minimization measures. Within 30 days after completion of construction the Project owner shall provide to the CPM and CDFG a written report identifying how mitigation measures described in the plan have been completed.</p> <p>No less than 30 days prior to the start of Project ground-disturbing activities the Project owner shall provide the CPM with an approved form of Security in accordance with this condition of certification. Actual Security for acquisition of 78 acres of burrowing owl habitat shall be provided no later than 7 days prior to the beginning of Project ground-disturbing activities.</p> <p>No fewer than 90 days prior to the land or easement purchase, as determined by the date on the title, the Project owner shall provide the CPM with a management plan for review and approval, in consultation with CDFG, BLM, and USFWS, for the compensation lands and associated funds.</p> <p>No later than 18 months from initiation of construction, the Project owner shall provide written verification to the CPM that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-19, Special-Status Plant Impact Avoidance, Minimization and Compensation: This condition contains the following four sections:</p> <p>Section A: Special-Status Plant Impact Avoidance and Minimization Measures contains the Best Management Practices and other measures designed to avoid accidental indirect impacts to plants during construction, operation, and closure. The measures are required for special-status plants located outside of the Project Disturbance Area and within 100 feet of the Project Disturbance Area. The same measures shall also be implemented for plants within the Project Disturbance Area that are avoided pursuant to Section C of this condition.</p> <p>Section B: Conduct Late Season Botanical Surveys describes guidelines for conducting summer-fall 2010 surveys to detect special-status plants that would have been missed during the spring 2010 surveys.</p> <p>Section C: Avoidance Requirements for Special-Status Plants Detected in the Summer/Fall 2010 Surveys outlines the level of on-site avoidance required for any special-status plants detected during the summer-fall surveys, and specifies when off-site mitigation is required.</p> <p>Section D: Off-Site Compensatory Mitigation for Special-Status Plants describes performance standards for off-site mitigation through acquisition or restoration/enhancement.</p> <p>“Project Disturbance Area” encompasses all areas to be temporarily and permanently disturbed by the Project, including the plant site, linear facilities, and areas disturbed by temporary access roads, fence installation, construction work lay-down and staging areas, parking, storage, or by any other activities resulting in disturbance to soil or vegetation. The term “Permanent Project Disturbance Area” refers only to the solar facility; “linears” includes transmission lines, laydown areas, pipelines, and access roads.</p> <p>The Project owner shall implement the following measures in Section A, B, C, and D to avoid, minimize, and compensate for direct, indirect, and cumulative impacts to special-status plant species:</p> <p>Section A: Special-Status Plant Impact Avoidance and Minimization Measures</p> <p>To protect all special-status plants located outside of the Project Disturbance Area and within 100 feet of the permitted Project Disturbance Area from accidental and indirect impacts during construction, operation, and closure, the Project owner shall implement the following measures:</p> <ol style="list-style-type: none"> 1. Designated Botanist. An experienced botanist who meets the qualifications described in Section B-2 below shall oversee compliance with all special-status plant avoidance, minimization, and compensation measures described in this condition throughout construction and closure. The Designated Botanist shall oversee and train all other Biological Monitors tasked with conducting botanical survey and monitoring work. During operation of the Project, the Designated Biologist shall be responsible for protecting special-status plant occurrences within 100 feet of the Project boundaries. 2. Special-Status Plant Impact Avoidance and Minimization Measures. The Project owner shall incorporate all measures for protecting special-status plants in close proximity to the site into the BRMIMP (BIO-7). These measures shall include the following elements: <ol style="list-style-type: none"> a. Site Design Modifications: i) Incorporate s modifications to site design or construction techniques to minimize direct and indirect impacts to special-status plants along the Project linears to include: limiting the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to the alignment of the roads and pipelines within the constraints of the ROW; ii) These modifications shall be clearly depicted on the grading and construction plans, and on report-sized maps in the BRMIMP. 	<p>The Special-Status Plant Impact Avoidance and Minimization Measures shall be incorporated into the BRMIMP as required under Condition of Certification BIO-7.</p> <p>The Project owner shall notify the CPM and the BLM State Botanist no less than 14 days prior to the start of late-season surveys and provide a target list of late season special-status plants that will be considered. Concurrently, the Project owner shall coordinate with BLM to obtain a permit for seed collection. Seed collection is required for all special-status plants located within the Project Disturbance Area and shall be conducted according to the specifications in Section D.III.1 of this condition and with all terms and conditions of the BLM permit.</p> <p>Raw GPS data, metadata, and CNDDDB field forms shall be submitted to the CPM within two weeks of the completion of each survey. A preliminary summary of results for the late summer/fall botanical surveys, prepared according to guidelines in Section B of this condition, shall also be submitted to the CPM and BLM’s State Botanist within two weeks following the completion of the surveys. If surveys are split into more than one period, then a summary letter shall be submitted following each survey period. The Final Summer-Fall Botanical Survey Report, GIS shape files and metadata shall be submitted to the BLM State Botanist and the CPM no less than 30 days prior to the start of ground-disturbing activities. The Final Report shall include a detailed accounting of the acreage of Project impacts to special-status plant occurrences.</p> <p>For any special-status plant species located within the Project Disturbance Area, the Project owner shall submit to the CPM to less than 30 days prior to the start of ground-disturbing activities proof, in the form of a letter or receipt, of the seed or other propagules collected pursuant to Section D.III #1 of this Condition.</p> <p>The draft conceptual Special-Status Plant Mitigation Plan, as described under Section C.4 of this condition, shall be submitted to the CPM for review and approval no less than 30 days prior to the start of ground-disturbing activities.</p> <p>The Project owner shall immediately provide written notification to the CPM, CDFG, USFWS, and BLM State Botanist if it detects a State- or Federal-Listed Species, or BLM Sensitive Species at any time during its late</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>b. Establish Environmentally Sensitive Areas (ESAs). Prior to the start of any ground- or vegetation-disturbing activities, the Designated Botanist shall establish ESAs to protect avoided⁷ special-status plants located outside of the Project Disturbance Areas and within 100 feet of the boundary of construction. This includes plant occurrences identified during the spring 2009- 2010 surveys and the late season 2010 surveys. The locations of ESAs shall be clearly depicted on construction drawings, which shall also include all avoidance and minimization measures on the margins of the construction plans. The boundaries of the ESAs shall be placed a minimum of 20 feet from the uphill side of the occurrence and 10 feet from the downhill side. Where this is not possible due to construction constraints, other protection measures such as silt-fencing and sediment controls may be employed to protect the occurrences. Equipment and vehicle maintenance areas, and wash areas, shall be located 100 feet from the uphill side of any ESAs. ESAs shall be clearly delineated in the field with temporary construction fencing and signs prohibiting movement of the fencing or sediment controls under penalty of work stoppages and additional compensatory mitigation. ESAs shall also be clearly identified (with signage or by mapping on site plans) to ensure that avoided plants are not inadvertently harmed during construction, operation, or closure.</p> <p>c. Special-Status Plant Worker Environmental Awareness Program (WEAP). The WEAP (BIO-6) shall include training components specific to protection of special-status plants as outlined in this condition.</p> <p>d. Herbicide and Soil Stabilizer Drift Control Measures. Special- status plant occurrences within 100 feet of the Project Disturbance Area, and any occurrences avoided within the Project Disturbance Area³ shall be protected from herbicide and soil stabilizer drift. The Weed Control Program (BIO-14) shall include measures to avoid chemical drift or residual toxicity to special-status plants consistent with guidelines such as those provided by the Nature Conservancy's The Global Invasive Species Team⁸, the U.S. Environmental Protection Agency, and the Pesticide Action Network Database⁹.</p> <p>e. Erosion and Sediment Control Measures. Erosion and sediment control measures shall not inadvertently impact special-status plants by using invasive or non-native plants in seed mixes, introducing pest plants through contaminated seed or straw, accidental burial by mulches, etc. These specifications shall be incorporated in the Drainage, Erosion, and Sedimentation Control Plan required under SOIL&WATER-1.</p> <p>f. Locate Staging, Parking, Spoils, and Storage Areas Away from Special-Status Plant Occurrences. Areas for spoils, equipment, vehicles, and materials storage areas; parking; equipment and vehicle maintenance areas, and wash areas shall be placed at least 100 feet from any ESAs. These specifications shall be incorporated in the Drainage, Erosion, and Sedimentation Control Plan required under SOIL&WATER-1.</p> <p>g. Pre-Construction Seed Collection. For all significant impacts to special-status plants, mitigation shall include seed collection from the affected special-status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Seed collection shall follow the guidelines described in Section D.III.3 of this condition.</p> <p>h. Monitoring and Reporting Requirements. The Designated Botanist, or BM under supervision of the Designated Botanist, shall conduct weekly monitoring of the ESAs that protect special-status plant occurrences during construction and decommissioning activities.</p> <p>Section B: Conduct Late-Season Botanical Surveys</p> <p>The Project owner shall conduct late-summer/fall botanical surveys for late-season special-status plants prior to start of construction or by the end of 2010, as described below:</p>	<p>summer/fall botanical surveys or at any time thereafter through the life of the Project, including conclusion of Project decommissioning.</p> <p>No less than 30 days prior to the start of ground-disturbing activities the Project owner shall submit grading plans and construction drawings to the CPM which depict the location of Environmentally Sensitive Areas and the Avoidance and Minimization Measures contained in Section A of this Condition, and under Section C.1-3.</p> <p>If compensatory mitigation is required, pursuant to Section C.1-3, no less than 30 days prior to the start of ground-disturbing activities the Project owner shall submit to the CPM the form of Security adequate to acquire compensatory mitigation lands and/or undertake habitat enhancement or restoration activities, as described in this condition. Actual Security shall be provided 7 days prior to start of ground-disturbing activities.</p> <p>No fewer than 90 days prior to acquisition of compensatory mitigation lands, the Project owner shall submit a formal acquisition proposal and draft Management Plan for the proposed lands to the CPM, with copies to CDFG, USFWS, and BLM, describing the parcels intended for purchase and shall obtain approval from the CPM prior to the acquisition. No fewer than 90 days prior to acquisition of compensatory mitigation lands, the Project owner shall submit to the CPM and obtain CPM approval of any agreements to delegate land acquisition to an approved third party, or to manage compensation lands; such agreement shall be executed and implemented within 18 months of the start of ground disturbance.</p> <p>No fewer than 30 days after acquisition of the property the Project owner shall deposit the funds required by Section I e above (long term management and maintenance fee) and provide proof of the deposit to the CPM.</p> <p>The Project owner or an approved third party shall complete the acquisition and all required transfers of the compensation lands, and provide written verification to the CPM of such completion no later than 18 months after the start of Project ground-disturbing activities. If NFWF or another approved third party is being used for the acquisition, the Project owner shall ensure that funds</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 1. Survey Timing. Surveys shall be timed to detect: a) summer annuals triggered to germinate by the warm, tropical summer storms (which may occur any time between June and October), and b) fall-blooming perennials that respond to the cooler, later season storms (typically beginning in September or October). For those species that are identified by vegetative characteristics, surveys do not have to be timed for blooming or fruiting. The surveys shall not be timed to coincide with the statistical peak bloom period of the target species but shall instead, if possible, be based on plant phenology and the timing of a significant storm event (e. g., a 10mm or greater rain or multiple storm events of sufficient volume to trigger germination as determined by a qualified botanist.). If possible, surveys shall occur at the appropriate time to capture the characteristics necessary to identify the taxon. Construction is authorized to commence following a 2010 late season survey. 2. Surveyor Qualifications and Training. Surveys shall be conducted by a qualified botanist knowledgeable in the complex biology of the local flora, and consistent with CDFG (2009) and BLM (2009) guidelines for surveyor qualifications. Each surveyor shall be equipped with a GPS unit and record a complete tracklog; these data shall be compiled and submitted along with the Summer-Fall Survey Botanical Report (described below). Prior to the start of surveys, all crew members shall, at a minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2 taxa, and any new reported or documented taxa, to obtain a search image. Because the potential for range extensions is unknown, the list of potentially occurring special-status plants shall include all special-status taxa known to occur within the Sonoran Desert region and the eastern portion of the Mojave in California. The list shall also include taxa with bloom seasons that begin in fall and extend into the early spring as many of these are reported to be easier to detect in fall, following the start of the fall rains. 3. Survey Coverage. The survey coverage or intensity shall be in accordance with BLM Survey Protocols (issued July 2009)¹⁰, which specify that intuitive controlled surveys shall only be accomplished by botanists familiar with the habitats and species that may reasonably be expected to occur in the project area. 4. Pre-Construction Seed Collection. For all significant impacts to special-status plants, mitigation shall include seed collection from the affected special-status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. Seed collection shall be conducted during the late-season surveys follow the guidelines described in Section D.III.3 of this condition. 5. Documenting Occurrences. If a special-status plant is detected, the full extent of the population onsite shall be recorded using GPS in accordance with BLM survey protocols. Additionally, the extent of the population within one mile of Project boundaries shall be assessed at least qualitatively to facilitate an accurate estimation of the proportion of the population affected by the Project. For populations that are very dense or very large, the population size may be estimated by simple sampling techniques. When populations are very extensive or locally abundant, the surveyor must provide some basis for this assertion and roughly map the extent on a topographic map. All but the smallest populations (e.g., a population occupying less than 100 square feet) shall be recorded as area polygons; the smallest populations may be recorded as point features. All GPS-recorded occurrences shall include: the number of plants, phenology, observed threats (e.g., OHV or invasive exotics), and habitat or community type. The map of occurrences submitted with the final botanical report shall be prepared to ensure consistency with definition of an occurrence by CNDDDB, i.e., occurrences found within 0.25 miles of another occurrence of the same taxon, and not separated by significant habitat discontinuities, shall be combined into a single 'occurrence'. The Project owner shall also submit the raw GPS shape files and metadata, and completed CNDDDB forms for each 'occurrence' (as defined by CNDDDB). 	<p>needed to accomplish the acquisition are transferred in timely manner to facilitate the planned acquisition and to ensure the land can be acquired and transferred prior to the 18-month deadline. If habitat enhancement is proposed, no later than six months following the start of ground-disturbing activities, the Project owner shall obtain CPM approval of the final Habitat Enhancement/Restoration Plan, prepared in accordance with Section D, and submit to the CPM or a third party approved by the CPM Security adequate for long-term implementation and monitoring of the Habitat Enhancement/Restoration Plan.</p> <p>Enhancement/restoration activities shall be initiated no later than 12 months from the start of construction. The implementation phase of the enhancement project shall be completed within five years of initiation. Until completion of the five-year implementation portion of the enhancement action, a report shall be prepared and submitted as part of the Annual Compliance Report. This report shall provide, at a minimum: a summary of activities for the preceding year and a summary of activities for the following year; quantitative measurements of the Project's progress in meeting the enhancement project success criteria; detailed description of remedial actions taken or proposed; and contact information for the responsible parties.</p> <p>If a contingency measure is required, as described in Section D.III of this condition, the Project owner shall submit commence no later than six months following the start of ground-disturbing activities. The draft study shall be submitted to the CPM and BLM State Botanist for review and approval no more than two years following the start of ground-disturbing activities. The final study shall be submitted no more than 30 months following the start of ground-disturbing activities. If a Distribution Study is implemented as contingency mitigation, the study shall be initiated no later than 6 months from the start of construction. The implementation phase of the study shall be completed within two years of the start of construction.</p> <p>Within 18 months of ground-disturbing activities, the Project owner shall transfer to the CPM or an approved third party the difference between the Security paid and the actual costs of (1) acquiring compensatory mitigation lands,</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>6 Reporting. Raw GPS data, metadata, and CNDDDB field forms shall be provided to the CPM and the BLM State Botanist within two weeks of the completion of each survey. If surveys are split into two or more periods (e.g., a late summer survey and a fall survey), then a summary letter shall be submitted following each survey period. The Final Summer-Fall Botanical Survey Report shall be prepared consistent with CDFG guidelines (CDFG 2009), and BLM 2009 guidelines and shall include all of the following components:</p> <ul style="list-style-type: none"> a. the BLM designation, NatureServe Global and State Rank of each species or taxon found (or proposed rank, or CNPS List); b. the number or percent of the occurrence that will be directly affected, and indirectly affected by changes in drainage patterns or altered geomorphic processes; c. the habitat or plant community that supports the occurrence and the total acres of that habitat or community type that occurs in the Project Disturbance Area; d. an indication of whether the occurrence has any local or regional significance (e.g., if it exhibits any unusual morphology, occurs at the periphery of its range in California, represents a significant range extension or disjunct occurrence, or occurs in an atypical habitat or substrate); e. a completed CNDDDB field form for every occurrence (occurrences of the same species within one-quarter mile or less of each other combined as one occurrence, consistent with CNDDDB methodology), and f. two maps: one that depicts the raw GPS data (as collected in the field) on a topographic base map with Project features; and a second map that follows the CNDDDB protocol for occurrence mapping. <p>Section C: Avoidance Requirements for Special-Status</p> <p><i>Plants Detected in the Summer/Fall 2010 Surveys</i></p> <p>The Project owner shall apply the following avoidance and mitigation standards for impacts to late blooming special-status plants that might be detected during late summer/fall season surveys. The Project owner shall immediately notify the CDFG, USFWS, BLM State Botanist, and the CPM if any State- or Federal-listed species or BLM Sensitive species are detected. Avoidance and/or the off-site mitigation measures described in Section D below would reduce impacts to these special-status plant species to less-than-significant levels. Plants shall be considered impacted if they are within the Project footprint, or if they would be affected by Project-related hydrologic changes or changes to the local sand transport system Downstream/ downwind impacts from altered hydrology or geomorphic processes shall be considered direct impacts.</p> <p>1. Mitigation for CNDDDB Rank 1-Equivalent Plants (Critically Imperiled). Species that are not federally or state listed but are CNDDDB Rank 1 plants first will be evaluated using all available data to determine if they meet the definition of a CNDDDB Rank 1 species (i.e., a Rank 1-equivalent species). If late blooming CNDDDB Rank 1-equivalent species are detected within the Project Disturbance Area, complete avoidance is mandatory along the linears and within construction laydown areas. The Project owner shall limit the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 1-equivalent plants detected.</p> <p>If late-season Rank 1-equivalent plants are detected on the solar facility, the Project owner shall avoid all plants around the perimeter of the facility as necessary to achieve 75 percent avoidance of the local population of the affected species. The local population shall be measured by the number of individuals occurring on the Project Site and within</p>	<p>completing initial protection and habitat improvement, and funding the long-term maintenance and management of compensatory mitigation lands; and/or (2) implementing and providing for the long-term protection and monitoring of habitat enhancement or restoration activities.</p> <p>Implementation of the special-status plant impact avoidance and minimization measures shall be reported in the Monthly Compliance Reports prepared by the Designated Botanist. Within 30 days after completion of Project construction, the Project owner shall provide to the CPM, for review and approval, in consultation with the BLM State Botanist, a written construction termination report identifying how measures have been completed.</p> <p>The Project owner shall submit a monitoring report every year for the life of the project to monitor effectiveness of protection measures for all avoided special- status plants to the CPM and BLM State Botanist. The monitoring report shall include: dates of worker awareness training sessions and attendees, completed CNDDDB field forms for each avoided occurrence on-site and within 100 feet of the Project boundary off-site, and description of the remedial action, if warranted and planned for the upcoming year. The completed forms shall include an inventory of the special-status plant occurrences and description of the habitat conditions, an indication of population and habitat quality trends.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>the immediate watershed of the Project for wash dependent-species or species of unknown dispersal mechanism, or within the local sand transport corridor for wind dispersed species. Measurement of percent avoidance shall be based on population for perennials and on habitat for annuals (habitat containing the species' micro-habitat preferences, such as "fine silts and moist depressions"). Avoidance within the central portion of the solar facility is not recommended because it would create fragmented conditions that would not sustain persistence of the affected species. For all portions of the local population not avoided, the Project owner shall implement off-site mitigation at a ratio of 3:1. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and shall meet the performance standards described in section D of this Condition. The Applicant must demonstrate, subject to review and approval by the CPM, that the impacts, after mitigation, will not cause a loss of viability for that species. The Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan). The content of the Plan and definitions shall be as described above in subsection C.3, below.</p> <p>2. Mitigation for CNDDDB Rank 2-Equivalent Plants (Imperiled). Species that are CNDDDB Rank plants first will be evaluated using all available data to determine if they meet the definition of a CNDDDB Rank 2 species (i.e., a Rank 2-equivalent species). If late-season CNDDDB Rank 2-equivalent species are detected within the Project Disturbance Area avoidance is mandatory along the linears and construction laydown areas, unless such avoidance would create greater environmental impacts in other resource areas (e.g., cultural resource sites). The Project owner shall limit the width of the work area, adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads, and other construction or design modifications as necessary to achieve avoidance of any Rank 2-equivalent plants detected.</p> <p>If late-season Rank 2-equivalent plants are detected on the solar facility, the Project owner shall implement off-site mitigation, at a ratio of 2:1, for any impacts exceeding 25 percent of the local population. The off-site mitigation may include land acquisition or implementation of a restoration/enhancement program for the species, and shall meet the performance standards described in section D of this Condition. The Project owner must demonstrate, subject to review and approval by the CPM, that the impacts, after mitigation, will not cause a loss of viability for that species. The Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan). The content of the Plan and definitions shall be as described above in subsection C.3, below.</p> <p>3. Mitigation for CNDDDB Rank 3-Equivalent Plants (Vulnerable). If CNDDDB Rank 3 plants are detected (which constitutes most CNPS List 4 plants), mitigation is not required unless the occurrence has local or regional significance, in which case the plant occurrence shall be treated as a CNDDDB Rank 2 plant if it meets the definition of a CNDDDB Rank 2 species; avoidance and mitigation would be as described above under C.2. A plant occurrence would be considered to have local or regional significance if:</p> <ol style="list-style-type: none"> It occurs at the outermost periphery of its range in California; It occurs in an atypical habitat, region, or elevation for the taxon that suggests that the occurrence may have genetic significance (e.g., that may increase its ability to survive future threats), or; It exhibits any unusual morphology that is not clearly attributable to environmental factors that may indicate a potential new variety or sub-species. <p>4. Prepare Special-Status Plant Mitigation Plan. If the project will impact any CNDDDB Rank 1-equivalent or Rank 2-equivalent plants, or Rank 3 plants of local or regional significance that also meet the definition of a CNDDDB Rank 2 species, or new taxa, the Project owner shall prepare and implement a Special-Status Plant Mitigation Plan (Plan).</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>Compensatory mitigation, as described in Section D of this condition, and at a mitigation ratio of 3:1 for Rank 1 plants, and 2:1 for Rank 2 plants and Rank 1 plants of local or regional significance, and new taxa. The Plan shall include, at a minimum, the following components and definitions:</p> <ul style="list-style-type: none"> a. A description of the occurrences of the affected special-status species, ecological characteristics such as soil, hydrology, and other micro-habitat requirements, ecosystem processes required for maintenance of the species or its habitat, reproduction and dispersal mechanisms, pollinators, local distribution, a description of the extent of the population off-site, the percentage of the local population affected, and a description of how these occurrences would be impacted by the Project, including direct and indirect effects. Occurrences shall be considered impacted if they are within the Project footprint, and if they would be affected by Project-related hydrologic changes or changes to the local sand transport system. b. A description of the avoidance and minimization measures that would achieve complete avoidance of occurrences on the Project linears and construction laydown areas. If avoidance is also required on the solar facility (Rank 1-equivalent species), provide a description of the measures that would be implemented to avoid or minimize impacts to occurrences on the solar facility. "Avoidance" shall include protection of the ecosystem processes essential for maintenance of the protected plant occurrence, and protection of the seed bank. Isolated 'islands' of protected plants disconnected by the Project from natural fluvial, aeolian (wind), or other processes essential for maintenance of the species, shall not be considered avoidance. c. If off-site mitigation is also required, pursuant to C.1 –C.3 above, the Plan shall include a description of the proposed mitigation (acquisition or restoration/enhancement) and demonstrate how the mitigation will meet the performance standards described in Section D of this condition. <p>For CNDDDB Rank 1-equivalent plants that cannot be avoided (i.e., plants located in the central portion of the solar facility), the Plan must demonstrate that the impacts (after mitigation) will not cause a loss of viability for that species. The assessment of viability shall include: <i>i</i>) current literature compilation and review on the affected species, it's documented and reported occurrences, range and distribution, habitat, and the ecological conditions needed to support it; <i>ii</i>) consultation with scientists and others with expertise and local knowledge of the species to gather unpublished data and other information to supplement the literature review findings, and (if available) <i>iii</i>) information on species' habitat relationships, demographics, genetics, and risk factors.</p> <p>Section D: Off-Site Compensatory Mitigation for Special- Status Plants</p> <p>Where compensatory mitigation is required under the terms of Section C, above, the Project owner shall mitigate Project impacts to special- status plant occurrences with compensatory mitigation. Compensatory mitigation shall consist of acquisition of habitat supporting the target species, or restoration/enhancement of populations of the target species, and shall meet the performance standards for mitigation described below. In the event that no opportunities for acquisition or restoration/enhancement exist, the Project owner can fund a species distribution study designed to promote the future preservation, protection or recovery of the species. Compensatory mitigation shall be at a ratio of 3:1 for Rank 1-equivalent plants, with three acres of habitat acquired or restored/enhanced for every acre of habitat occupied by the special status plant that will be disturbed by the Project Disturbance Area (for example if the area occupied by the special status plant collectively measured is 1/4 acre than the compensatory mitigation will be 3/4 of an acre). The mitigation ratio for Rank 2-equivalent plants shall be 2:1. So, for the example above, the mitigation ratio would be one-half acre for the Rank 2-equivalent plants.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>The Project owner shall provide funding for the acquisition and/or restoration/enhancement, initial improvement, and long-term maintenance and management of the acquired or restored lands. The actual costs to comply with this condition will vary depending on the Project Disturbance Area, the actual costs of acquiring compensation habitat, the actual costs of initially improving the habitat, the actual costs of long-term management as determined by a Property Analysis Record (PAR) report, and other transactional costs related to the use of compensatory mitigation. The Project owner shall comply with other related requirements in this condition:</p> <p>I. Compensatory Mitigation by Acquisition: The requirements for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of special-status plant compensation lands include all of the following:</p> <ol style="list-style-type: none"> 1. Selection Criteria for Acquisition Lands. The compensation lands selected for acquisition may include any of the following three categories: <ol style="list-style-type: none"> a. Occupied Habitat, No Habitat Threats. The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction). b. Occupied Habitat, Habitat Threats. Occupied compensation lands characterized by habitat threats may also be acquired as long as the population could be reasonably expected to recover with habitat restoration efforts (e.g., OHV or grazing exclusion, or removal of invasive non-native plants) and is accompanied by a Habitat Enhancement/Restoration Plan as described in Section D.II, below. c. Unoccupied but Adjacent. The Project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Project owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. This acquisition may include habitat restoration efforts where appropriate, particularly when these restoration efforts will benefit adjacent habitat that is occupied by the target species. 2. Review and Approval of Compensation Lands Prior to Acquisition. The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for special-status plants in relation to the criteria listed above, and must be approved by the CPM. 3. Management Plan. The Project owner or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the target special-status plant occurrences. The Management Plan shall be submitted for review and approval to the CPM. 4. Integrating Special-Status Plant Mitigation with Other Mitigation lands. If all or any portion of the acquired Desert Tortoise, Waters of the State, or other required compensation lands meets the criteria above for special-status plant compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for special-status plant mitigation. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>5. Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM, has approved the proposed compensation lands:</p> <ul style="list-style-type: none"> a. Preliminary Report. The Project owner, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the CPM. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the CPM. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board. b. Title/Conveyance. The Project owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the CPM. Any transfer of a conservation easement or fee title must be to CDFG, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the CPM. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFG or another entity approved by the CPM. If an entity other than CDFG holds a conservation easement over the compensation lands, the CPM may require that CDFG or another entity approved by the CPM, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The Project owner shall obtain approval of the CPM of the terms of any transfer of fee title or conservation easement to the compensation lands. c. Initial Protection and Habitat Improvement. The Project owner shall fund activities that the CPM requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities would use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1-equivalent plants and 2:1 for Rank 2-equivalent plants, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the CPM in consultation with CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee. d. Property Analysis Record. Upon identification of the compensation lands, the Project owner shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the CPM before it can be used to establish funding levels or management activities for the compensation lands. e. Long-term Maintenance and Management Funding. The Project owner shall deposit in NFWF's REAT Account a capital long-term maintenance and management fee in the amount determined through the Property Analysis Record (PAR) or PAR-like analysis conducted for the compensation lands. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>The CPM, in consultation with CDFG, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFG takes fee title to the compensation lands, CDFG shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFG and with CDFG supervision. Interest, Principal, and Pooling of Funds. The Project owner shall ensure that an agreement is in place with the long-term maintenance and management fund (endowment) holder/manager to ensure the following requirements are met:</p> <ul style="list-style-type: none"> i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the CPM and is designed to protect or improve the habitat values of the compensation lands. ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the CPM or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands. iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar funds that it holds from other projects for long-term maintenance and management of compensation lands for special-status plants. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the CPM. f. Other Expenses. In addition to the costs listed above, the Project owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFG or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures. g. Mitigation Security. The Project owner shall provide financial assurances to the CPM to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the CPM. The amount of the Security shall use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at a ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is significantly impacted by the project. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the CPM, the Project owner shall obtain the CPM's approval of the form of the Security. The CPM may draw on the Security if the CPM determines the Project owner has failed to comply with the requirements specified in this condition. The CPM may use money from the Security solely for implementation of the requirements of this condition. The CPM's use of the Security to implement measures in this condition may not fully satisfy the Project owner's obligations under this condition, and the Project owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Project owner in whole or in part upon successful completion of the associated requirements in this condition. 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>h. NFWF REAT Account. The Project owner may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the Renewable Energy Action Team (REAT) Account established with the National Fish and Wildlife Foundation (NFWF). To use this option, the Project owner must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this condition) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the Project owner, the Project owner shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR projections are less than the amount initially transferred by the Applicant, the remaining balance shall be returned to the Project owner.</p> <p>The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM, in consultation with CDFG, BLM and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, shall be executed and implemented within 18 months of the start of ground disturbance.</p> <p>II. Compensatory Mitigation by Habitat Enhancement/Restoration: As an alternative or adjunct to land acquisition for compensatory mitigation the Project owner may undertake habitat enhancement or restoration for the target special-status plant species. Habitat enhancement or restoration activities must achieve protection at a 3:1 ratio for Rank 1 plants and 2:1 for Rank 2 plants, with improvements applied to three acres, or two acres, respectively, of habitat for every acre special-status plant habitat directly or indirectly disturbed by the Project Disturbance Area (for example if the area occupied by the special status plant collectively measured is 1/4 acre than the improvements would be applied to an area equal to 3/4 of an acre at a 3:1 ratio, or one-half acre at a 2:1 ratio). Examples of suitable enhancement projects include but are not limited to the following: i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly damaging to the species); ii) control of invasive non-native plants that infest or pose an immediate threat to an occurrence; iii) exclude grazing by wild burros or livestock from an occurrence; or iv) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, removing obstructions to the wind sand transport corridor above an occurrence, or increasing groundwater availability for dependent species.</p> <p>If the Project owner elects to undertake a habitat enhancement project for mitigation, the project must meet the following performance standards: The proposed enhancement project shall achieve rescue of an off-site occurrence that is currently assessed, based on the NatureServe threat ranking system¹⁷ with one of the following threat ranks: a) long-term decline >30%; b) an immediate threat that affects >30% of the population, or c) has an overall threat impact that is High to Very High. "Rescue" would be considered successful if it achieves an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").</p> <p>If the Project owner elects to undertake a habitat enhancement project for mitigation, they shall submit a Habitat Enhancement/Restoration Plan to the CPM for review and approval, and shall provide sufficient funding for implementation and monitoring of the Plan. The amount of the Security shall use the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is directly or indirectly impacted by the project. The amount of the security may be adjusted based on the actual costs of implementing the enhancement, restoration and monitoring. The</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>implementation and monitoring of the enhancement/restoration may be undertaken by an appropriate third party such as NFWF, subject to approval by the CPM. The Habitat Enhancement/Restoration Plan shall include each of the following:</p> <ol style="list-style-type: none"> 1. Goals and Objectives. Define the goals of the restoration or enhancement project and a measurable course of action developed to achieve those goals. The objective of the proposed habitat enhancement plan shall include restoration of a target special- status plant occurrence that is currently threatened with a long-term decline. The proposed enhancement plan shall achieve an improvement in the occurrence trend to “stable” or “increasing” status, or downgrading of the overall threat rank to slight or low (from “High” to “Very High”). 2. Historical Conditions. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds or grazing or ORV, etc.), and the desired conditions. 3. Site Characteristics. Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species. 4. Ecological Factors. Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc. 5. Methods. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. The implementation phase of the enhancement must be completed within five years. 6. Budget. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria. 7. Monitoring. Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan shall include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement project, and until the performance standards for rescue of a threatened occurrence are met. At a minimum the progress reports shall include: quantitative measurements of the projects progress in meeting the enhancement project success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties. 8. Reporting Program. The Plan shall ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties. 9. Contingency Plan. Describe the contingency plan for failure to meet annual goals. 10. Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservations easements or other deed restrictions; projects on public lands must be contained in a Desert Wildlife Management Area, Wildlife Habitat Management Area, or other land use protections that will protect the mitigation site and target species. <p>III. Contingency Measures:</p> <ol style="list-style-type: none"> 1. Preservation of the Germplasm of Affected Special-Status Plants. For all significant impacts to special-status plants, mitigation shall also include seed collection from the affected special-status plants population on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. The seed shall be collected under the supervision or guidance of a reputable seed storage facility such as the Rancho Santa Ana Botanical Garden Seed Conservation Program, San Diego Natural History Museum, or the Missouri Botanical Garden. The costs 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>associated with the long-term storage of the seed shall be the responsibility of the Project owner. Any efforts to propagate and reintroduce special- status plants from seeds in the wild shall be carried out under the direct supervision of specialists such as those listed above and as part of a Habitat Restoration/Enhancement Plan approved by the CPM.</p> <p>2. Compensatory Mitigation by Conducting or Contributing to a Management Plan for the Affected Species. Subject to approval of the CPM, as a contingency measure in the event there are no opportunities for mitigation through acquisition or restoration/enhancement to meet the obligations for off-site mitigation as described in Section C.1-3 of this condition, a Management Plan for the affected special-status plant species may be conducted or funded. The goal of the Management Plan is to devise a science-based, region-wide strategy to ensure the long- term viability of the affected species, and to acquire, protect, and restore existing populations and the habitat that supports them. The information gathered shall be used to develop conservation approaches to address the identified risk factors. These approaches include land allocations, restoration needs, identifying and preserving important refugia to facilitate species dispersal and maintain biodiversity in the face of climate change, recommending Best Management Practices or other measures that could be used to minimize threats, and identifying planning needs at the regional level. The results of the study would also be provided to the resource agencies, conservation organizations, and academic institutions, as well as the state’s Natural Diversity Database and Consortium of California Herbaria.</p> <p>3. Under this contingency measure, the Project owner shall acquire all available information on the distribution, status or health of known occurrences, ecological requirements, and ownership and management opportunities of the affected special-status plant species and other special status plants known to occur in the Chuckwalla Valley. Some of these late blooming species are only known from a few viable occurrences in California, and historic occurrences that have not been re-located or surveyed since they were first documented. At a minimum, the study shall include the following:</p> <p>a. Occurrence and Life History Review. The Study shall include an evaluation of all documented, historical and reported localities for the affected species, and a review of current information on the species life history. This would include a review of the CNDDDB database, records from regional and national herbaria, literature review, consultation with U.C. Riverside, San Diego Natural History Museum, and other educational institutions or natural heritage organizations in California, Arizona, and Nevada, etc.), other biotechnical survey reports from the region, and information from regional botanical experts.</p> <p>b. Conduct Site Visits to Documented and Reported Localities. Documented and reported occurrences would be evaluated in the field during the appropriate time of the year for each late blooming species. If located, these occurrences would be evaluated for population size (area and quantity), population trend, ecological characteristics, soils, habitat quality, potential threats, degree and immediacy of threats, ownership and management opportunities. GPS location data would also be collected during these site visits.</p> <p>c. Survey Surrounding Areas. Areas surrounding the occurrences that contain habitat suitable to support the affected species shall be surveyed to determine the full extent of its range and distribution. If additional populations are found, collect data (GPS and assessment) on these additional populations consistent with III.2 above.</p> <p>d. Prepare Report on Status, Distribution, and Management Needs. A report shall be prepared that contains the results of the surveys and assessment. The report shall contain the following components: a) Range and Distribution (including maps and GPS data); b) Abundance and Population Trends; c) Life History; d) Habitat Necessary for Survival; d) Factors Affecting Ability to Survive and Reproduce; e) Degree and Immediacy of Threat; f) Ownership and Management Opportunities for Protection or Recovery; g) Sources of Information, and g) Conclusions. The conclusions shall contain an explanation of whether the species’ survival is threatened by any of the following factors: i) present or threatened modification or destruction of its habitat; ii) competition; iii) disease; iv) other natural</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>occurrences (such as climate change) or human-related activities. This valuable information will provide a better understanding of the ecological factors driving the distribution of these species, and will identify opportunities for mitigation and management opportunities for recovery. All data from this study will be submitted for incorporation into the CNDDDB system and the study report will be made available to resource agencies, and conservation groups, and other interested parties.</p> <p>e. The cost to implement or fund the study shall be no greater than the cost for acquisition, enhancement, and long-term management of compensatory mitigation lands based on the specifications and standards for acquisition or restoration/enhancement described above under D.I and D.II.</p>		
<p>BIO-20, Sand Dune/Mojave Fringe-Toed Lizard Mitigation: To mitigate for habitat loss and direct impacts to Mojave fringe-toed lizards the Project owner shall provide compensatory mitigation, which may include compensation lands purchased in fee or in easement in whole or in part, at the following ratios:</p> <p>3:1 mitigation for direct impacts to stabilized and partially stabilized sand dunes (per BIO-29 – Table 2 or final acreage impacted by the Project footprint);</p> <p>1:1 mitigation for direct impacts non-dune Mojave fringe-toed lizard habitat (per BIO-29 – Table 2 or final acreage impacted by the Project footprint); and</p> <p>0.5:1 mitigation for indirect impacts to stabilized and partially stabilized sand dunes (per BIO-29 – Table 2 or final acreage impacted by the Project footprint).</p> <p>If compensation lands are acquired, the Project owner shall provide funding for the acquisition in fee title or in easement, initial habitat improvements, and long-term maintenance and management of the compensation lands. In addition, the compensation lands must include, at a minimum, the number acres of stabilized and partially stabilized sand dune habitat shown in BIO-29 Table 2 (see 2010 CEC PSPP Commission Decision, pp. 142 – 143).</p> <p>1. Criteria for Compensation Lands: The compensation lands selected for acquisition shall:</p> <ol style="list-style-type: none"> Provide suitable habitat for Mojave fringe-toed lizards, and, aside from the minimum amount of stabilized and partially stabilized sand dunes, may include stabilized and partially stabilized desert dunes, sand drifts over playas, or Sonoran creosote bush scrub; Be within the Palen or Chuckwalla valleys with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat; Be prioritized near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non- governmental organization dedicated to habitat preservation; Provide quality habitat for Mojave fringe-toed lizard that has the capacity to regenerate naturally when disturbances are removed; Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible; Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration; 	<p>No later than 30 days prior to beginning Project ground-disturbing activities, the Project owner shall provide written verification of an approved form of Security in accordance with this condition of certification. Actual Security shall be provided no later than 7 days prior to the beginning of Project ground- disturbing activities for each Project phase as described in BIO-29. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities for each Project phase.</p> <p>No less than 90 days prior to acquisition of the property, the Project owner shall submit a formal acquisition proposal to the CPM, CDFG, and USFWS describing the parcels intended for purchase.</p> <p>The Project owner, or an approved third party, shall provide the CPM, BLM, and CDFG, with a management plan for the compensation lands and associated funds within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan, in consultation with BLM and CDFG.</p> <p>Within 90 days after completion of Project construction, the Project owner shall provide to the CPM and CDFG an analysis with the final accounting of the amount (detailed by habitat type) of Mojave fringe-toed lizard habitat disturbed during Project construction.</p> <p>The Project owner shall provide written verification to the CPM, and CDFG that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months from the start of ground-disturbing activities.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>g. Not contain hazardous wastes that cannot be removed to the extent the site is suitable for habitat;</p> <p>h. Have water and mineral rights included as part of the acquisition, unless the CPM, in consultation with CDFG, BLM and USFWS, agrees in writing to the acceptability of the land; and</p> <p>i. Be on land for which long-term management is feasible.</p> <p>2. Security for Implementation of Mitigation: The Project owner shall provide financial assurances to the CPM to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM according to the measures outlined in BIO-12, and within the time period specified for this assurance (see the verification section at the end of this condition). The final amount due will be determined by an updated appraisal and a PAR analysis conducted as described in BIO-12, but current estimates are included in Biological Resources Tables 22 and 23 located at the beginning of the conditions of certification subsection (see 2010 CEC PSPP Revised Staff Assessment, Part II, pp. C.2-250 – C.2-251).</p> <p>3. Preparation of Management Plan: The Project owner shall submit to the CPM, BLM, and CDFG a draft Management Plan that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan shall be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors.</p>		
<p>BIO-21, Mitigation for Impacts to State Waters: The Project owner shall implement the following measures to avoid, minimize and mitigate for direct and indirect impacts to waters of the state and to satisfy requirements of California Fish and Game Code sections 1600 and 1607.</p> <p>1. Acquire Off-Site State Waters: The Project owner shall acquire, in fee or in easement, a parcel or parcels of land that includes state jurisdictional waters per BIO-29 – Table 2 (see 2010 CEC PSPP Commission Decision, pp. 142 – 143), or the area of state waters directly or indirectly impacted by the final Project footprint. The Project footprint means all lands disturbed by construction and operation of the Palen Project, including all linears. The parcel or parcels comprising the ephemeral washes shall include desert dry wash woodland per BIO-29 – Table 2, or the acreage of desert dry wash woodland impacted by the final Project footprint at a 3:1 ratio. The terms and conditions of this acquisition or easement shall be as described in Condition of Certification BIO 12, and the timing associated with BIO-29 (phasing). The current estimated costs are included in BIO-29 – Table 3 (see 2010 CEC PSPP Commission Decision, p. 143, which would be updated to reflect current costs) located at the beginning of the Conditions of Certification subsection. Mitigation for impacts to state waters shall occur within the Chuckwalla, East Salton Sea, Hayfield, Rice, or portion of Whitewater within the NECO, Hydrologic Units (HUs) or the Palo Verde Watershed and be prioritized within the Chuckwalla HU in the Palen or adjacent watersheds.</p> <p>2. Security for Implementation of Mitigation: The Project owner shall provide financial assurances to the CPM and CDFG to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of state waters as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the CPM and CDFG in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing Project activities. Prior to submittal to the CPM, the Security shall be approved by the CPM, in consultation with CDFG, to ensure funding. The final amount due shall be determined by updated appraisals and the PAR analysis conducted pursuant to BIO-12.</p>	<p>No less than 30 days prior to the start of construction-related ground disturbance activities potentially affecting waters of the state, the Project owner shall provide written verification (i.e., through incorporation into the BRMIMP) to the CPM that the above best management practices will be implemented. The Project owner shall also provide a discussion of work in waters of the state in Annual Compliance Reports for the duration of the Project.</p> <p>No less than 30 days prior to beginning of Project ground-disturbing activities for each project phase as described in BIO-29, the Project owner shall provide to the CPM design drawings demonstrating how pre-development drainage patterns (location and volume of flows) to drainages downstream of the Project boundaries will be unaffected. At the same time the Project owner shall provide design drawings for temporary and permanent stream crossings.</p> <p>No less than 30 days prior to beginning Project ground-disturbing activities, the Project owner shall provide the form of Security in accordance with this condition of certification. No later than 7 days prior to beginning Project ground-disturbing activities, the Project owner shall provide written verification of the actual Security. The Project owner, or an</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>3. Preparation of Management Plan: The Project owner shall submit to the CPM and CDFG a draft Management Plan that reflects site- specific enhancement measures for the drainages on the acquired compensation lands. The objective of the Management Plan shall be to enhance the wildlife value of the drainages, and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control. 4. Code of Regulations: The Project owner shall provide a copy of this condition (Condition of Certification BIO-21) from the Energy Commission Decision to all contractors, subcontractors, and the Applicant's Project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFG personnel upon demand. The CPM reserves the right to issue a stop work order or allow CDFG to issue a stop work order after giving notice to the Project owner and the CPM, if the CPM in consultation with CDFG, determines that the Project owner has breached any of the terms or conditions or for other reasons, including but not limited to the following:</p> <ul style="list-style-type: none"> a. The information provided by the Applicant regarding impacts to waters of the state is incomplete or inaccurate; b. New information becomes available that was not known in preparing the terms and conditions; or c. The Project or Project activities as described in the Revised Staff Assessment have changed. <p>5. Road Crossings at Streams. The Project owner shall preserve pre- development downstream flows and sediment transport in washes crossed by permanent roads by incorporating culverts and Arizona crossings at stream crossings. Arizona crossings are the preferred option and shall be employed wherever such crossings do not present a safety hazard and where the roadbed elevation allows the construction of such crossings. Drainages that have been graded for temporary construction access shall be restored to original contours and surface drainage patterns and shall be revegetated according to specifications in BIO-8.</p> <p>6. Best Management Practices: The Project owner shall also comply with the following conditions to protect drainages near the Project Disturbance Area:</p> <ul style="list-style-type: none"> a. The Project owner shall minimize road building, construction activities and vegetation clearing within ephemeral drainages to the extent feasible. b. The Project owner shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows. c. The Project owner shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws, and it shall be the responsibility of the Project owner to ensure compliance. d. Spoil sites shall be located at least 30 feet from the boundaries and drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages. e. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering waters of the state. These materials, placed within or where they may enter a drainage, shall be removed immediately. f. No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into, or placed where it may be washed by rainfall or runoff into, waters of the state. 	<p>approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities.</p> <p>The Project owner, or an approved third party, shall provide the CPM, BLM, CDFG, and USFWS with a management plan for the compensation lands and associated funds within 180 days of the land or easement purchase, as determined by the date on the title. The CPM shall review and approve the management plan, in consultation with CDFG and the USFWS.</p> <p>Within 90 days after completion of Project construction, the Project owner shall provide to the CPM, BLM, USFWS, and CDFG an analysis with the final accounting of the amount of jurisdictional state waters disturbed during Project construction.</p> <p>The Project owner shall provide written verification to the CPM, BLM, USFWS and CDFG that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months of the start of Project ground-disturbing activities.</p> <p>The Project owner shall notify the CPM and CDFG, in writing, at least five days prior to initiation of Project ground-disturbing activities in jurisdictional state waters and at least five days prior to completion of Project activities in jurisdictional areas. The Project owner shall notify the CPM and CDFG of any change of conditions to the Project, impacts to state waters, or the mitigation efforts.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>g. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any drainage.</p> <p>h. No equipment maintenance shall occur within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow.</p> <p>7. Changes of Conditions. A notifying report shall be provided to the CPM and CDFG if a change of conditions is identified. As used here, change of condition refers to the process, procedures, and methods of operation of a Project; the biological and physical characteristics of a Project area; or the laws or regulations pertinent to the Project as defined below. A copy of the notifying change of conditions report shall be included in the annual reports or until it is deemed unnecessary by the CPM, in consultation with CDFG.</p> <p>a. Biological Conditions: a change in biological conditions includes, but is not limited to, the following: 1) the presence of biological resources within or adjacent to the Project area, whether native or non-native, not previously known to occur in the area; or 2) the presence of biological resources within or adjacent to the Project area, whether native or non-native, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.</p> <p>b. Physical Conditions: a change in physical conditions includes, but is not limited to, the following: 1) a change in the morphology of a river, stream, or lake, such as the lowering of a bed or scouring of a bank, or substantial changes in stream form and configuration caused by storm events; 2) the movement of a river or stream channel to a different location; 3) a reduction of or other change in vegetation on the bed, channel, or bank of a drainage, or 4) changes to the hydrologic regime such as fluctuations in the timing or volume of water flows in a river or stream.</p> <p>c. Legal Conditions: a change in legal conditions includes, but is not limited to, a change in Regulations, Statutory Law, a Judicial or Court decision, or the listing of a species, the status of which has changed to endangered, rare, or threatened, as defined in section 15380 of Title 14 of the California Code of Regulations.</p>		
<p>BIO-22, Decommissioning and Reclamation Plan: Upon Project closure the Project owner shall implement a final Decommissioning and Reclamation Plan. The Decommissioning and Reclamation Plan shall include a cost estimate for implementing the proposed decommissioning and reclamation activities, and shall be consistent with the guidelines in BLM's 43 CFR 3809.550 et seq.</p>	<p>No fewer than 30 days prior to the start of Project-related ground disturbing activities or alternate date as agreed to with the BLM, the Project owner shall provide to the CPM (for review) and BLM (for review and approval) a draft Decommissioning and Reclamation Plan. The plan shall be finalized prior to the start of commercial operation and reviewed every five years thereafter and submitted to the CPM for review and to the BLM for approval. Modifications to the approved Decommissioning and Reclamation Plan shall be made only after approval from the BLM. The Project owner shall provide a copy of the approved Decommissioning and Reclamation Plan and any BLM approved revisions to the CPM.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-23, Groundwater-Dependent Vegetation Monitoring: The Project owner shall prepare a Groundwater-Dependent Vegetation Monitoring Plan for monitoring the Project effects of groundwater pumping on groundwater dependent vegetation. The monitoring shall encompass the area depicted in <i>Figure Soil and Water-3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the 0.1-foot drawdown polygon of the Model Predicted Drawdown (Galati & Blek 2010i). The vegetation and groundwater data collected as part of the Plan shall be used to determine if remedial action is required, as described in BIO-24.</p> <p>The Project owner may forgo development of a Groundwater Dependent Vegetation Monitoring Plan, or may cease implementation of such a plan, by providing evidence to the CPM that the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system and that the shallow perched water-bearing zone is unrelated and not influenced by the regional groundwater system that the Project owner proposes to use for water as described below under 15a – 15d.</p> <p>The Project owner shall develop and implement a Groundwater- Dependent Vegetation Monitoring Plan (Plan) that meets the performance standards described below and includes the following components:</p> <ol style="list-style-type: none"> 1. Monitoring Objectives and Performance Standards. The objectives of the Plan shall be to monitor the Project effects of groundwater pumping on vegetation and groundwater-dependent ecosystems (GDEs) and, in conjunction with the remedial action described in BIO-24, to ensure that the Project groundwater pumping has a less than significant effect on biological resources. Monitoring shall be conducted at a level of detail adequate for detecting adverse effects, as reflected in vegetation attributes and groundwater levels in the shallow (alluvial) aquifer. The baseline for groundwater levels shall be the lowest baseline water level as measured at the Project site prior to the start of groundwater pumping. 2. Location of Monitoring Plots. The monitoring plots shall be established within the area depicted in <i>Figure Soil and Water -3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the Model Predicted Drawdown showing the 0.1-foot drawdown polygon (Galati & Blek 2010i). The majority of the plots shall be in the area north and east of the Project site, where groundwater-dependent ecosystems (GDEs) and the intersection of the ground surface and shallow groundwater are located, in the topographic lows in the valley. 3. Monitoring Plots and Controls. Because of the variation in vegetation types and depth to groundwater within the predicted groundwater drawdown zone, the study design shall treat the monitoring plot with a corresponding control plot as a pair (versus comparing the mean of all treatment plots to the mean of all control plots). The “control” plots shall consist of the data collected at the same plot during the baseline (pre-disturbance) monitoring for a pre-disturbance vs. post-disturbance comparison. Appropriate statistical methods shall be used to analyze the differences between the control and monitoring plots (for example, a one-tailed paired-sample statistical test (Manly 2008)18). 4. Off-Site Reference Plots: Off-site monitoring plots shall be established as reference sites to distinguish changes in plant vigor seen at the site from the effects of a region-wide drought. The off- site reference plots can be located within Chuckwalla Valley but shall be within areas that would not be affected hydrologically by groundwater pumping for the Project or other projects or agricultural operations. Off-site monitoring reference plots shall be located in the same general hydrologic and geologic setting (i.e., playa margins), in the same climatic region (Sonoran Desert region of California), and contain the same natural communities or vegetation alliances as those to which they are being compared. Impacts from pests and diseases, if present, must also be considered and excluded or adjusted for as part of the analysis. Data on climate and surface runoff in the study area shall be collected to identify “drought” conditions and correlate groundwater changes and weather changes. 	<p>At least 30 days prior to operation of project pumping wells, the Project owner shall submit to the CPM and BLM for review and approval a draft Groundwater-Dependent Vegetation Monitoring Plan (Plan). The final plan shall incorporate recommendations from the peer review and shall be submitted to the CPM and BLM no less than 15 days prior to the start of groundwater pumping.</p> <p>No less than 15 days prior to the start of groundwater pumping the Project owner shall submit as-built drawings indicating the location and depth of piezometers, and shall provide evidence that the piezometers are operational.</p> <p>Baseline groundwater and groundwater-dependent vegetation monitoring shall begin 15 days prior to construction and shall occur every year during the same one to two week time period in early spring (March) and post-monsoon (September).</p> <p>The First Annual Monitoring Report shall be provided to the CPM and BLM no later than January 31 following the first year of data collection, and shall include an assessment of whether the sampling design would provide statistically adequate monitoring data and whether modifications to the monitoring design would be needed. If the first Annual Monitoring Report recommends a revised sampling design, the Project owner shall submit the revised Plan to the CPM and BLM no later than March 1.</p> <p>Thereafter the Project owner shall submit a Groundwater-Dependent Vegetation Annual Monitoring Report to the CPM and BLM no later than January 31 of each year for the duration of Project operation.</p> <p>If the project owner elects to prepare a geologic and groundwater investigation (as described in Subsection 15 a-d of this condition) to determine if the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system, and that the shallow perched water-bearing zone is not hydraulically connected to the regional groundwater system that the Project owner proposes to use for water supply, the project owner shall submit the resumes of at least two independent, qualified peer reviewers 45 days prior to submittal of the report to the</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>5. Sample Size and Design The number of monitoring sites shall be established using appropriate statistical methods (for example, by a “priori power analysis” (Elzinga et al. 1998)) and shall be sufficient to achieve adequate (90%) statistical power. Following collection of the baseline data a statistical analysis shall be conducted to refine the power analysis and evaluate the adequacy of the sampling design. If the analysis of baseline data indicates that the sampling design is insufficient to achieve adequate statistical power, the design shall be modified (for example, by adding additional monitoring sites).</p> <p>6. Water Table Monitoring. The Project owner shall install piezometers at each of the dominant vegetation community types within or near the monitoring plots. The number, location, depth and monitoring frequency of the piezometers shall be sufficient to establish the effect of Project groundwater pumping on the shallow aquifer water levels. At a minimum, each piezometer shall be monitored twice per year, in early spring (March) and post-monsoon (September). The piezometers shall be designed to monitor the maximum expected fluctuation in the water table and to last the duration of the Project. Data collected from the Project wells and piezometers for SOIL & WATER-4 (Groundwater Level Monitoring, Mitigation, and Reporting) and S&W-6 (groundwater monitoring for the evaporation ponds and land treatment unit) shall be used to refine the modeling of the predicted groundwater drawdown and zone of influence after two years of data collection following the start of groundwater production. The Project owner shall submit to the CPM, for review and approval, a report on the results of the refined modeling. The report shall include all calculations and assumptions made in development of report data and interpretations, and all well monitoring data and piezometer data collected and used in the calculations. If the results indicate that the drawdown and zone of influence is greater than the effect predicted in the GRI, and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the project owner will submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p> <p>7. Soil Monitoring. Soil salinity and pH shall be monitored annually at every monitoring plot. The Plan shall describe the monitoring devices and techniques used to collect and interpret this data, relative to ecosystem function. One soil core sample per community type shall be collected as part of the baseline data to establish the approximate rooting depth of the phreatophytes, and thereafter shall be repeated every five years. The coring method must provide a continuous core that will provide visual examination of roots and root nodules, soil profile, and soil moisture.</p> <p>8. Baseline and Long-term Data Collection. At a minimum, baseline data shall be collected at all monitoring sites prior to the start of pumping; however, vegetation data collected from sites farther from the nearest wells will allow for the collection of multiple years of “pre-disturbance” data. Although the Project proposes to begin construction (and pumping) by December 2010, it appears that the effects of pumping would not reach the areas supporting the GDEs or phreatophytic plants for several years (see C.9 Soil and Water Resources). Because the proposed well in the northeast portion of the Project (Soil & Water Figure 1, Galati & Blek 2010i) is located in very close proximity to known phreatophytes, this well shall not be used within the first 3 years of the Project in order to allow an adequate period for baseline data collection in the area northeast of the Project. Subject to approval by the CPM, if groundwater pumping ceases or is replaced by other water sources, groundwater and vegetation monitoring shall continue for a period of 5 years or until refined modeling indicates that the groundwater levels have returned to baseline levels and the decline in plant vigor has been restored to pre-disturbance conditions.</p> <p>9. Target Vegetation Population. The monitoring sites shall include GDEs and other vegetation potentially affected by the drawdown that occur within the zone of influence. The following phreatophytes have been documented to occur around Palen Lake: honey mesquite (<i>Prosopis glandulosa</i>); iodine bush (<i>Allenrolfea occidentalis</i>), bush seep-weed (<i>Suaeda moquini</i>), jackass clover (<i>Wislizenia refracta</i>), four-wing saltbush (<i>Atriplex canescens</i>), allscale (<i>A. polycarpa</i>), spinescale (<i>A. spinifera</i>), a potentially new taxon of saltbush (<i>Atriplex</i> sp. nov. Andre), ironwood (<i>Olneya</i></p>	<p>CPM and BLM for review and approval. The Project owner must submit the results of their investigation, subject to review and approval by the CPM, prior to the start of construction or Project groundwater use.</p> <p>If the refined modeling conducted according subsection 6 of this condition indicates that the drawdown and zone of influence is greater than the effect predicted in the GRI, and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the Project owner shall submit a revised monitoring plan for GDE areas outside of the original monitoring area. The Revised Monitoring Plan shall be submitted no later than January 31 in the third year following the start of groundwater pumping and well monitoring.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p><i>tesota</i>), palo verde (<i>Cercidium microphyllum</i>), cat's claw (<i>Acacia greggii</i>), and smoke tree (<i>Psoralea argemone</i>). The final number of each community type sample needed shall be based on the <i>priori</i> power test conducted after the first year of baseline data collection.</p> <p>10. Fine-Scale Vegetation Mapping. Within the monitoring sites vegetation shall be mapped to the alliance level, consistent with classification protocol in the <i>Manual of California, 2nd edition</i> (Sawyer et al. 2009) but any important associations shall also be mapped. Mapping shall be done using minimum 1 meter resolution color orthophotos or higher resolution infrared imagery. The mapping shall also be used to determine the acreages of GDEs and establish the amount of security to be deposited in the event that adverse effects are detected during the monitoring. Boundaries of the permanent plots and any off-site reference sites shall be recorded using GPS technology and depicted on the geo-referenced aerials. GIS shapefiles and metadata shall be submitted along with the draft Plan and any subsequent revisions to the Plan (i.e., following the collection of baseline data and subsequent power analysis).</p> <p>11. Guidelines for the Monitoring Plan. The Groundwater-Dependent Vegetation Monitoring Plan (Plan) shall be prepared with guidance from <i>Measuring and Monitoring Plant Populations</i> (Elzinga et al. 1998). The Plan shall provide a detailed description of each of the following components:</p> <ul style="list-style-type: none"> a. Sampling Design. The sampling design shall include a description of: a) the populations (vegetation types) sampled; b) number, size, and shape of the sampling units; c) layout of the sampling units; d) methods for permanently marking plots in the field; e) monitoring schedule/frequency; f) vegetation and other attributes sampled; and g) sampling objectives (target/threshold, change/trend-based) for each attribute. b. Habitat Function and Values. The Plan shall describe the hydrologic, geologic/geomorphic, geochemical, biological and ecological characteristics of the GDEs, and shall also describe whether species are obligate or facultative; root growth and water acquisition characteristics; morphological adaptations to the desert environment; reproduction and germination characteristics; general and micro-habitat preferences; obligate or facultative halophytes and phreatophytes; role in the morphology of dunes; and importance to wildlife, etc. c. Field techniques for measuring vegetation. This will include the vegetation (or other) attributes selected based on a demonstrated knowledge of the biology and morphology of the species, and include a discussion of the limitations involved in each measurement. Examples of appropriate field techniques for measuring drought response include: percent dieback; live crown density; crown height and width, percent cover of live (versus dead or residual) vegetation, percent cover/frequency of associated species; percent composition of native versus non-native species; and percent cover based on wetland status codes (OBL, FACW, FAC, FACU, UPL19) and status as phreatophytes or halophytes. Photo monitoring shall not be considered an acceptable monitoring method but may be useful to conduct periodically (e.g., every 3 to 5 years). d. Data Management. Including how the data will be recorded in the field (e.g., using a GPS data dictionary), processed and stored. e. Training of personnel. Describe minimum standards for training and monitoring personnel. f. Statistical analysis. Describe statistical methods used to analyze the monitoring data (incorporating the minimum standards for statistical power and error rate described above). <p>12. Peer Review of the Plan. The draft Plan shall undergo a peer review by recognized experts, which shall include one or more scientists with expertise in: the preparation of monitoring plans for plant populations; the physiological responses of desert phreatophytes to drought stress; assessing the effects of groundwater withdrawal on vegetation in the desert</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>region; and biostatistics. The Project owner shall provide the resumes of suggested peer reviewers to the CPM for review and approval.</p> <p>13. Annual Monitoring Report. Annual Monitoring Reports shall be submitted to the CPM and BLM and shall include, at a minimum: a) names and contact information for the responsible parties and monitoring personnel; b) summaries of the results of the monitoring as required in Soil&Water-4 and Soil&Water-6; c) piezometer monitoring results, and a comparison of predicted versus actual water table declines; d) summary of the results of vegetation, groundwater, and soil monitoring data compared to the baseline data for each plot (pre- versus post-disturbance comparison); e) description of sampling and monitoring techniques used for each attribute; f) description of the data management and statistical analysis; g) photos; h) conclusions and recommendations for remedial action, if the monitoring data indicates that the threshold described below has been met. The first Annual Monitoring Report shall include an appropriate statistical analysis using the first year baseline monitoring data to assess whether the sampling design was adequate to provide statistically meaningful data, as described above. If warranted, the first year Annual Monitoring Report shall include recommendations for revisions to the Plan based on this analysis.</p> <p>14. Threshold for Remedial Action: The Project owner shall implement remedial action, as described in Condition of Certification BIO-24, if the monitoring described in BIO-23 detects a decline in plant vigor of 20 percent or more compared to the same plots pre-disturbance AND also detects a decline in the alluvial (shallow) aquifer confirmed by two consecutive annual water monitoring events in any amount greater than the lowest baseline water level as measured prior to groundwater pumping. If regional drought, off-site pumping or other activities unrelated to the Project are also contributing to the decline in water table, the Project owner shall only be responsible for the portion of the effect that can be statistically demonstrated to be the result of Project pumping. To determine whether declines in plant vigor are related to Project pumping as opposed to regionwide drought or offsite pumping conditions the Project owner shall install a network background monitoring piezometers and incorporate these data in the assessment of Project-related effects on GDEs.</p> <p>15. To understand the source of the water for the GDEs, the Project owner shall prepare a groundwater investigation work plan for submittal to the CPM that will outline steps to determine if the source of water for the GDEs is a shallow perched water-bearing zone rather than the regional groundwater system, and that the shallow perched water-bearing zone is not hydraulically connected to the regional groundwater system. The groundwater investigation will be comprised of the following components:</p> <ul style="list-style-type: none"> a. A continuous soil coring program at five locations to be identified based on field mapping of GDEs in the area shown on the Figure <i>Soil and Water-3 (Project Only Revised Operational Water Supply End of 30 Years)</i> within the 0.1-foot drawdown polygon of the Model Predicted Drawdown (Galati & Blek 2010i). One of the five borings will be drilled adjacent to a GDE containing mesquite, and the other four located to provide an assessment of the range of plant communities within GDEs in the area of interest (i.e., to assess the variability of GDE plant type water requirements and root zone depth). b. The soil cores shall extend a minimum of 20 feet below the deepest root zones of the GDEs investigated to demonstrate separation between the shallow and regional water zones. At a minimum the soil cores shall show that 20 feet of unsaturated conditions are present below the deepest root zones of the plant communities investigated. The soil cores will be logged by a professional geologist in the State of California, and the coring program will be overseen by a qualified biologist with experienced in the plant communities identified within each GDE. c. A sampling plan for selective analysis of soil moisture content and saturation will also be conducted for each soil core advanced adjacent to a GDE. The number and frequency of soil samples shall be established to confirm field 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>observations of soil moisture content in the shallow water-bearing zone, through the root zone and in the deeper sediments below the root zone above the regional water table. Soil samples shall be analyzed for moisture content after ASTM Method D2216.</p> <p>d. Depending on the results of the soil coring program, piezometers may be installed as monitoring points for the regional water table and to monitoring changes in the shallow water-bearing zone from Project pumping. In the report of results from the soil coring program, a water-level monitoring program shall be proposed if it is shown that the regional water table is in direct hydraulic connection to the source of water to the GDE's. If the field data clearly shows an unsaturated zone of 20 feet or more below the deepest root zones of the GDEs, then piezometers will not be installed.</p> <p>If the results of the pre-construction field observations and soil sampling demonstrate 20 feet or more of unsaturated sediments between the deepest root zones of the GDEs and the regional water table, there will be no requirements to implement any of the underlying conditions as provided for in BIO-23 and BIO-24, as sufficient evidence will have been provided to demonstrate that the groundwater is not the source for the GDE's.</p> <p>If the refined modeling of the predicted groundwater drawdown and zone of influence after two years of data collection (following the start of groundwater production), as described in Subsection 6 of this condition and in SOIL&WATER-4 and SOIL&WATER-6, indicates the drawdown or zone of influence would be greater than predicted in the Project owner's Groundwater Resources Investigation (GRI), and the GDE are found to be drawing groundwater that is hydraulically connected to the regional groundwater system, then the project owner will submit a revised monitoring plan for GDE areas outside of the original monitoring area.</p>		
<p>BIO-24, Remedial Action and Compensation for Adverse Effects to Groundwater-Dependent Biological Resources: If monitoring detects Project-related adverse impacts to groundwater dependent ecosystems (GDEs), as described in BIO-23 and the impacts are shown to be the result of a decline in the regional groundwater table due to Project pumping, the Project owner shall determine which well(s) are the source of the adverse impacts and shall implement remedial measures as outlined below. If regional drought, off-site pumping or other activities unrelated to the Project are also contributing to the decline in water table, the Project owner shall only be responsible for the portion of the effect that can be demonstrated to be the result of Project pumping. The remedial measures shall be implemented with the objective of restoring the groundwater levels to the baseline described in BIO-23, and shall compensate for impacts to GDEs with off-site habitat acquisition or restoration. The Project owner shall do all of the following:</p> <p>1. Modification and/or Cessation of Pumping: The Project owner shall provide to the CPM evidence based on groundwater monitoring and modeling indicating which wells are likely to be causing adverse impacts to GDEs. The Project owner shall initially modify operation of those wells to reduce the offsite drawdown in the areas of the GDEs.</p> <p>Remedial Action Plan: The objective of remedial action shall be restoration of the spring groundwater table in the alluvial (shallow) aquifer to baseline levels, as described in BIO-23. The Remedial Action Plan shall include one or more of the following measures: 1) Begin rotational operation of the site water supply wells reducing pumping in wells that are the most proximal to the GDEs, 2) reducing the pumping rate in the wells that have been identified as the cause of the drawdown in the area of the GDEs, 3) focus pumping on wells on the southern portion of the project site away from the GDEs 4) cease operation of the well(s) that are the cause of the drawdown. Groundwater water level monitoring shall increase to a frequency necessary to document change and recovery in the drawdown from the changes in the pumping program.</p>	<p>No more than 30 days following submission of the Groundwater Dependent Vegetation Annual Monitoring Report the Project owner shall submit to the CPM for review and approval a draft Remedial Action Plan if that report indicates that the threshold for remedial action as described in BIO-23 has been met. At the same time the Project owner shall submit written evidence that the Project wells responsible for impacts to groundwater levels and GDEs have modified their operation or ceased operation.</p> <p>A final Remedial Action Plan shall be submitted to the CPM within 30 days of receipt of the CPM's comments on the draft plan. No later than 6 months following approval of the final Remedial Action Plan, the Project owner shall provide to the CPM written documentation of the effectiveness of the completed remedial action.</p> <p>No more than 30 days following submission of the Groundwater-Dependent Vegetation Annual Monitoring Report, the Project owner shall provide to the CPM a final accounting of the amount of GDE habitat affected by Project groundwater pumping.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>The Remedial Action Plan shall include a water level monitoring program of sufficient frequency to document changes in operation of the water supply wells, and demonstrate that the water table has been restored to baseline levels.</p> <p>The Project owner shall use the following guidelines for determining if an ecosystem (or species) is phreatophytic (Brown et al 2007; LeMaite et al 1999; Froend & Loomes 2004):</p> <ol style="list-style-type: none"> a. It is not known or documented to depend on groundwater, based on scientific literature or expert opinion (local knowledge can be useful in making a determination as some species' dependence varies by setting); b. The species are not known to have roots extending over a meter in depth; c. The community does not occur in an area where the water table is known to be 'near' the surface (relative to the documented rooting depths of the species); d. The herbaceous or shrub vegetation is not still green and/or does not have a high leaf area late in the dry season (compared to other dry areas in the same watershed that do not have access to groundwater). <p>2. Compensate for Loss of Ecosystem Function. If the decline in the water table in the alluvial (shallow) aquifer is accompanied by a corresponding decline in plant vigor greater than 20 percent (as described in BIO-23), the Project owner shall compensate for the loss of habitat functions and values in the affected groundwater- dependent ecosystems. The amount of compensation shall be at a 3:1 ratio based on area of affected area, using mapping as described in BIO-23. The Project owner shall acquire, in fee or in easement, a parcel or parcels of land that include an amount of groundwater-dependent vegetation that is of the same habitat-type as the community affected (e.g., mesquite woodland, alkali sink scrubs, or microphyll woodland) and of an equal or greater habitat quality. The compensation lands shall be located within the watersheds encompassing the Chuckwalla or Palen valleys. As an alternative to habitat compensation, the Project owner may submit a plan that achieves restoration of lost habitat function and value at another location within the Chuckwalla Groundwater Basin that contains the same habitats as those affected.</p> <ol style="list-style-type: none"> a. Review and Approval of Compensation Lands Prior to Acquisition or Restoration. The Project owner shall submit a formal acquisition proposal to the CPM describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands in relation to the criteria listed above. Approval from the CPM shall be required for acquisition of all compensatory mitigation parcels. b. Preparation of Management Plan: The Project owner shall submit to the CPM and CDFG a draft Management Plan that reflects site-specific enhancement measures for the acquired compensation lands. The objective of the Management Plan shall be to maintain the functions and values of the acquired GDE plant communities and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control. c. Delegation of Acquisition. The responsibility for acquisition of compensation lands may be delegated to NFWF or another third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the CPM prior to land acquisition, enhancement or management activities. 	<p>No more than 6 months following submission of the Groundwater-Dependent Vegetation Annual Monitoring Report the Project owner shall submit a formal acquisition or restoration proposal to the CPM, describing the mitigation parcels intended for purchase or restoration. The acquisition/restoration proposal shall describe how the proposed parcels meet the acquisition or restoration criteria described in this condition.</p> <p>No fewer than 90 days prior to compensatory acquisition or restoration, the Project owner shall submit to the CPM and obtain CPM approval of any agreements to delegate land acquisition to an approved third party, or to manage compensation lands; such agreement shall be executed and implemented no more than months following approval of the acquisition proposal. The Project owner shall provide written verification to the CPM that the compensation lands or conservation easements have been acquired and recorded in favor of the approved recipient no later than 18 months from submission of the Groundwater-Dependent Vegetation Annual Monitoring Report.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-25, Golden Eagle Inventory and Monitoring: The Project owner shall implement the following measures to avoid or minimize Project-related construction impacts to golden eagles.</p> <ol style="list-style-type: none"> 1. Annual Inventory During Construction. For each calendar year during which construction will occur an inventory shall be conducted to determine if golden eagle territories occur within one mile of the Project boundaries. Survey methods for the inventory shall be as described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. 2. Inventory Data: Data collected during the inventory shall include at least the following: territory status (unknown, vacant, occupied, breeding successful, breeding unsuccessful); nest location, nest elevation; age class of golden eagles observed; nesting chronology; number of young at each visit; digital photographs; and substrate upon which nest is placed. 3. Determination of Unoccupied Territory Status: A nesting territory or inventoried habitat shall be considered unoccupied by golden eagles ONLY after completing at least 2 full surveys in a single breeding season. In circumstances where ground observation occurs rather than aerial surveys, at least 2 ground observation periods lasting at least 4 hours or more are necessary to designate an inventoried habitat or territory as unoccupied as long as all potential nest sites and alternate nests are visible and monitored. These observation periods shall be at least 30 days apart for an inventory, and at least 30 days apart for monitoring of known territories. 4. Monitoring and Adaptive Management Plan: If an occupied nest is detected within one mile of the Project boundaries, the Project owner shall prepare and implement a Golden Eagle Monitoring and Adaptive Management Plan for the duration of construction to ensure that Project construction activities do not result in injury or disturbance to golden eagles. The monitoring methods shall be consistent with those described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al. 2010) or more current guidance from the USFWS. The Monitoring and Management Plan shall be prepared in consultation with the USFWS. Triggers for adaptive management shall include any evidence of Project-related disturbance to nesting golden eagles, including but not limited to: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Monitoring and Adaptive Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of golden eagle disturbance. 	<p>No fewer than 30 days from completion of the golden eagle inventory the project owner shall submit a report to the CPM, BLM, CDFG, and USFWS documenting the results of the inventory.</p> <p>If an occupied nest is detected within one mile of the Project boundary during the inventory the Project owner shall contact staff at the USFWS Carlsbad Office and CDFG within one working day of detection of the nest for interim guidance on monitoring and nest protection. The project owner shall provide the CPM, CDFG, and USFWS with the final version of the Golden Eagle Monitoring and Management Plan within 30 days after detection of the nest. This final Plan shall have been reviewed and approved by the CPM in consultation with USFWS and CDFG.</p>	CEC
<p>BIO-26, Evaporation Pond Netting and Monitoring: The Project owner shall cover the evaporation ponds prior to any discharge with 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. Netting with mesh sizes other than 1.5-inches may be installed if approved by the CPM in consultation with CDFG and USFWS. The netted ponds shall be monitored regularly to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife. The ponds shall include a visual deterrent in addition to the netting, and the pond shall be designed such that the netting shall never contact the water. Monitoring of the evaporation ponds shall include the following:</p> <ol style="list-style-type: none"> 1. Monthly Monitoring. The Designated Biologist or Biological Monitor shall regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. The purpose of the surveys shall be to 	<p>No less than 30 days prior to operation of the evaporation ponds the project owner shall provide to the CPM as-built drawings and photographs of the ponds indicating that the bird exclusion netting has been installed. For the first year of operation the Designated Biologist shall submit quarterly reports to the CPM, BLM, CDFG, and USFWS describing the dates, durations and results of site visits conducted at the evaporation ponds. Thereafter the Designated Biologist shall submit annual monitoring reports with this information. The quarterly and annual reports shall fully describe any</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>determine if the netted ponds are effective in excluding birds, if the nets pose an entrapment hazard to birds and wildlife, and to assess the structural integrity of the nets. The monthly survey shall be conducted in 1 day for a minimum of 2 hours following sunrise (i.e., dawn), a minimum of 1 hour mid-day (i.e., 1100 to 1300), and a minimum of 2 hours preceding sunset (i.e., dusk) in order to provide an accurate assessment of bird and wildlife use of the ponds during all seasons. Surveyors shall be experienced with bird identification and survey techniques. Operations staff at the Project site shall also report finding any dead birds or other wildlife at the evaporation ponds to the Designated Biologist within 1 day of the detection of the carcass. The Designated Biologists shall report any bird or other wildlife deaths or entanglements within 2 days of the discovery to the CPM, CDFG, and USFWS.</p> <p>2. Dead or Entangled Birds. If dead or entangled birds are detected, the Designated Biologist shall take immediate action to correct the source of mortality or entanglement. The Designated Biologist shall make immediate efforts to contact and consult the CPM, CDFG, and USFWS by phone and electronic communications prior to taking remedial action upon detection of the problem, but the inability to reach these parties shall not delay taking action that would, in the judgment of the Designated Biologist, prevent further mortality of birds or other wildlife at the evaporation ponds.</p> <p>3. Quarterly Monitoring. If after 12 consecutive monthly site visits no bird or wildlife deaths or entanglements are detected at the evaporation ponds by or reported to the Designated Biologist, monitoring, as described in paragraph 1, can be conducted on a quarterly basis.</p> <p>4. Biannual Monitoring. If after 12 consecutive quarterly site visits no bird or wildlife deaths or entanglements are detected by or reported to the Designated Biologist and with approval from the CPM, USFWS, and CDFG, future surveys may be reduced to 2 surveys per year, during the spring nesting season and during fall migration. If approved by the CPM, USFWS, and CDFG, monitoring outside the nesting season may be conducted by the Environmental Compliance Manager.</p> <p>5. Modification of Monitoring Program. CDFG or USFWS may submit a request for modifications to the evaporation pond monitoring program based on information acquired during monitoring, and may also suggest adaptive management measures to remedy any problems that are detected during monitoring or modifications if bird impacts are not observed. Modifications to the evaporation pond monitoring described above and implementation of adaptive management measures shall be made only after approval from the CPM, in consultation with USFWS and CDFG.</p>	<p>bird or wildlife death or entanglements detected during the site visits or at any other time, and shall describe actions taken to remedy these problems. The annual report shall be submitted to the CPM, BLM, CDFG, and USFWS no later than January 31 of every year for the life of the project.</p>	
<p>BIO-27: <i>Staff and the Applicant have agreed to delete this condition.</i></p>		
<p>BIO-28, In-Lieu Fee Mitigation Option: The Project owner may choose to satisfy its mitigation obligations by paying an in-lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099 or any other applicable in-lieu fee provision, provided that the Project's in-lieu fee proposal is found by the Commission to mitigate the impacts identified herein. If the in-lieu fee proposal is found by the Commission to be in compliance, and the Project Owner chooses to satisfy its mitigation obligations through the in-lieu fee, the Project Owner shall provide proof of the in-lieu fee payment to the CPM prior to construction related ground disturbance.</p>	<p>If electing to use this provision, the Project owner shall notify the Commission and all parties to the proceeding that it would like a determination that the Project's in-lieu fee proposal would mitigate for the impacts identified herein. Prior to construction related ground disturbance the Project Owner shall provide proof of the in lieu fee payment to the CPM.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>BIO-29, Project Construction Phasing Plan:</p> <p>The Project Owner shall provide compensatory mitigation for the total Project Disturbance Area and may provide such mitigation in two phases as described in Figure 1 in the Supplement to the Petition For Amendment dated February 8, 2013. For purposes of this condition, the Project Disturbance Area means all lands disturbed in the construction and operation of the PSEGS or its phases, including all linears and ancillary facilities, as well as undeveloped areas inside the Project's boundaries that would no longer provide viable long-term habitat.</p> <p>The disturbance area for each project Phase and resource type is provided in BIO-29 Table 1 on page 120 of the February 8, 2013 Revised Plan of Development for the PSEGS (Palen Solar III, LLC, 2013) (the "POD"). Mitigation is shown in BIO-29 Table 2 (POD, p. 121), and mitigation security is shown in BIO-29 Table 3, below. This table shall be refined prior to the start of each construction phase with the disturbance area adjusted to reflect the final Project footprint for each phase. Prior to initiating each phase of construction the Project owner shall submit the actual construction schedule, a figure depicting the locations of proposed construction and amount of acres to be disturbed. Mitigation acres are calculated based on the compensation requirements for each resource type as described in the above Conditions of Certification – BIO-12 (Desert Tortoise), BIO-20 (Mojave Fringe-toed Lizard), BIO-18 (Western Burrowing Owl), and BIO-22 (State Waters). Compensatory mitigation for each phase shall be implemented according to the timing required by each condition. (See BIO-29 Table 1, Table 2, and Table 3 in the CEC Amendment to Final Decision) (see 2010 CEC PSPP Commission Decision, pp. 141- 143, which would be updated to reflect proposed area of disturbance and current costs).</p>	<p>The Project owner shall not disturb any area outside of the area that has been approved for that phase of construction and for the previously approved phases of construction.</p> <p>No less than 30 days prior to the start of desert tortoise clearance surveys for each phase, the Project owner shall submit a description of the proposed construction activities for that phase to CDFG, USFWS and BLM for review and to the CPM for review and approval. The description for each phase shall include the proposed construction schedule, a figure depicting the locations of proposed construction, and amount of acres of each habitat type to be disturbed.</p> <p>No less than 30 days prior to beginning Project ground-disturbing activities for each phase, the Project owner shall provide the form of Security in accordance with this Condition of Certification in the amounts described in BIO-29 Table 3. No later than 7 days prior to beginning Project ground-disturbing activities for each phase, the Project owner shall provide written verification of the actual Security. The Project owner, or an approved third party, shall complete and provide written verification of the proposed compensation lands acquisition within 18 months of the start of Project ground-disturbing activities for each phase.</p>	<p>CEC</p>
<p>WIL-1: Desert Kit Fox Protection. To avoid direct impacts to desert kit fox from disease transmission, the Applicant shall implement the following measures:</p> <ol style="list-style-type: none"> Baseline Kit Fox Population and Health Survey: A qualified biologist familiar with desert kit foxes shall direct a baseline study of desert kit fox populations on the Project site and the anticipated relocation/receiving area(s) at least 60 days prior to initiation of construction activities. The study shall characterize the population size and distribution of the kit fox population on the site and receiving areas. The receiving area would be determined following the initial survey of the Project site, and based on the location and number of Project site kit foxes. The initial survey to locate, map and describe kit fox burrows may occur as part of the desert tortoise clearance, an intensive survey that is completed using two passes spaced at 5 m intervals. Pending CDFW approval, the baseline survey may include a testing component in which the researchers trap and test a representative subsample of the population for canine distemper, and generally describe animal health on the site and receiving areas. The baseline kit fox census and health findings shall be summarized in a report that informs will be used to inform site management of kit foxes during preconstruction surveys. Alternately, the Applicant may coordinate with and fund studies by federal or State wildlife health officials (e.g., the CDFW Wildlife Investigations Lab) to establish baseline health conditions at the site and in the receiving area. Prepare Desert Kit Fox Management Plan: At least 45 days prior to construction, the Applicant shall prepare a Desert Kit Fox Management Plan that: 1) incorporates baseline desert kit fox survey and health survey findings into a cohesive management strategy that minimizes disease risk to kit fox populations; 2) provides a program for tagging, radio- 	<p>A qualified biologist familiar with desert kit foxes shall direct a baseline study of desert kit fox populations on the Project site and the anticipated relocation/receiving area(s) at least 60 days prior to initiation of construction activities.</p>	<p>BLM</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
BIOLOGICAL RESOURCES (cont.)		
<p>tracking and monitoring of a subset of kit foxes that are anticipated to be during the construction phase to provide understanding of how displacement affects displaced foxes, and foxes in the receiving area.; 3) specifically identifies preconstruction survey methods for kit foxes and large carnivores (e.g., badgers) in the Project area; 4) describes preconstruction and construction-phase relocation methods from the site, including the possibility for passive and active relocation from the site (and outlines identified CDFW permit and MOU requirements for active relocation), and; 5) coordinates survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations. The Plan shall include contingency measures that would be performed if canine distemper were documented in the Project area or in potential relocation areas, and measures to address potential kit fox reoccupancy of the site (as documented at the Genesis site). The contents and requirements of the Plan shall be subject to review and approval by the BLM Authorized Officer (BLM AO) in consultation with USFWS and CDFW.</p> <p>3. Implement Desert Kit Fox Management Plan: If canine distemper is not identified in the Project area or relocation areas during baseline surveys, the mitigation strategy may utilize passive means or active means with appropriate CDFW authorization to relocate kit foxes from the site as described in APM BIO-17.</p> <p>4. Measures to Minimize Canine Disease Transmission. The approach below assumes that canine distemper is not detected during baseline surveys. Additionally, the following measures are required to reduce the likelihood of distemper transmission:</p> <ul style="list-style-type: none"> i. No pets shall be allowed on the site prior to or during construction, with the possible exception of kit fox scat detection dogs during preconstruction surveys, and then only with prior CDFW approval; ii. Any kit fox hazing activities that include the use of animal repellents such as coyote urine must be cleared through CDFW prior to use, and; iii. Any sick or diseased kit fox, or documented kit fox mortality shall be reported to CDFW and the BLM AO within 24 hours of identification. If a dead kit fox is observed, it shall be retained and protected from scavengers until CDFW determines if the collection of necropsy samples is justified. 		
CULTURAL RESOURCES		
<p>CUL-1, Prehistoric Trails Network Cultural Landscape (PTNCL) Documentation and NRHP Nomination: The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the PTNCL Documentation and Possible NRHP Nomination program presented in the Palen Solar Power Project (PSPP) Revised Staff Assessment (RSA).</p> <p>The amount of the contribution shall be \$35 per acre that the project encloses or otherwise disturbs. Any additional contingency contribution is not to exceed an amount totaling 20 percent of the original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute one-third of the total original contribution amount. If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the PTNCL documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the PTNCL documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the PTNCL documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.</p>	<p>No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special PTNCL fund, the project owner shall submit a copy of the notice to the Energy Commission's Compliance Project Manager (CPM).</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>CUL-2, Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCL) Documentation and Possible NRHP Nomination: The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the Documentation and Possible NRHP Nomination program presented in the PSPP RSA. The amount of the contribution shall be \$25 per acre that the project encloses or otherwise disturbs. Any additional contingency contribution is not to exceed an amount totaling 20 percent of the original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute one-third of the total original contribution amount. If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the DTCCL documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the DTCCL documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the DTCCL documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.</p>	<p>No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special DTCCL fund, the project owner shall submit a copy of the notice to the CPM.</p>	CEC
<p>CUL-3, Cultural Resources Personnel: Prior to the start of ground disturbance (includes "preconstruction site mobilization," "construction-related ground disturbance," and "construction-related grading, boring, and trenching," as defined in the General Conditions for this project), the project owner shall obtain the services of a Cultural Resources Specialist (CRS) and one or more alternate CRSs, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation, and reporting activities in accordance with the Conditions of Certification (Conditions).</p> <p>The CRS shall have a primarily administrative and coordination role for the PSPP. The CRS may obtain the services of Cultural Resources Monitors (CRMs), if needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS implements the Cultural Resources Conditions providing for data recovery from known historical resources and ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner. No ground disturbance shall occur prior to Compliance Project Manager (CPM) approval of the CRS and alternates, unless such activities are specifically approved by the CPM. Approval of a CRS may be denied or revoked for reasons including but not limited to noncompliance on this or other Energy Commission projects.</p> <p>Cultural Resources Specialist: The resumés for the CRS and alternate(s) shall include information demonstrating to the satisfaction of the CPM that their training and backgrounds conform to the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the CRS shall have the following qualifications:</p> <ol style="list-style-type: none"> 1. A background in anthropology and prehistoric archaeology; 2. At least 10 years of archaeological resource mitigation and field experience, with at least three of those years in California; and 3. At least three years of experience in a decision-making capacity on cultural resources projects, with at least one of those years in California, and the appropriate training and experience to knowledgeably make recommendations regarding the significance of cultural resources. 	<p>Verification:</p> <ol style="list-style-type: none"> 1. Preferably at least 120 days, but in any event no less than 75 days prior to the start of ground disturbance, the project owner shall submit the resumés for the CRS, the alternate CRS(s) if desired, the PPA, and the PHA to the CPM for review and approval. 2. At least 65 days prior to the start of data recovery on known archaeological sites, the project owner shall confirm in writing to the CPM that the approved CRS, the PPA, and the PHA will be available for on-site work and are prepared to implement the Cultural Resources Conditions CUL-11 through CUL-15. 3. At least 10 days prior to a termination or release of the CRS, or within 10 days after the resignation of a CRS, the project owner shall submit the résumé of the proposed new CRS to the CPM for review and approval. At the same time, the project owner shall also provide to the proposed new CRS the AFC and all cultural resources documents, field notes, photographs, and other cultural resources materials generated by the project. If no alternate CRS is available to assume the duties of the CRS, a monitor may serve in place of a CRS so that ground disturbance may continue up to a maximum of three days without a CRS. If cultural resources are discovered then ground disturbance will 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>Required Cultural Resources Technical Specialists: The project owner shall ensure that the CRS obtains the services of a qualified prehistoric archaeologist to conduct the research specified in CUL-11 and CUL-12. The Project Prehistoric Archaeologist's (PPA) training and background must meet the U.S. Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology, as published in Title 36, Code of Federal Regulations, part 61, and the résumé of the PPA must demonstrate familiarity with similar artifacts and environmental modifications (deliberate and incidental) to those associated with the prehistoric and protohistoric use of the Chuckwalla Valley. The PPA must meet OSHA standards as a "Competent Person" in trench safety. The project owner shall ensure that the CRS obtains the services of a qualified historical archaeologist to conduct the research specified in CUL-13 and CUL-14. The Project Historical Archaeologist's (PHA) training and background must meet the U.S. Secretary of Interior's Professional Qualifications Standards for historical archaeology, as published in Title 36, Code of Federal Regulations, part 61. The résumés of the CRS, alternate CRS, the PPA, and the PHA shall include the names and telephone numbers of contacts familiar with the work of these persons on projects referenced in the résumés and demonstrate to the satisfaction of the CPM that these persons have the appropriate training and experience to undertake the required research. The project owner may name and hire the CRS, alternate CRS, the PPA, and the PHA prior to certification.</p> <p>Field Crew Members and Cultural Resources Monitors: CRMs and field crew members shall have the following qualifications:</p> <ol style="list-style-type: none"> 1. A B.S. or B.A. degree in anthropology, archaeology, historical archaeology, or a related field, and one year experience monitoring in California; or 2. An A.S. or A.A. degree in anthropology, archaeology, historical archaeology, or a related field, and four years experience monitoring in California; or 3. Enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology, or a related field, and two years of monitoring experience in California. 	<p>remain halted until there is a CRS or alternate CRS to make a recommendation regarding significance.</p> <ol style="list-style-type: none"> 4. At least 20 days prior to data recovery on known archaeological sites, the CRS shall provide a letter naming anticipated field crew members for the project and attesting that the identified field crew members meet the minimum qualifications for cultural resources data recovery required by this Condition. 5. At least 20 days prior to ground disturbance, the CRS shall provide a letter naming anticipated CRMs for the project and attesting that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition. 6. At least five days prior to additional CRMs beginning on-site duties during the project, the CRS shall provide letters to the CPM identifying the new CRMs and attesting to their qualifications. 	
<p>CUL-4, Project Documentation for Cultural Resources Personnel: Prior to the start of ground disturbance, the project owner shall provide the CRS, the PPA, and the PHA with copies of the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), RSA Errata, and the Commission Decision for the project. The project owner shall also provide the CRS, the PPA, the PHA, and the CPM with maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas. Maps shall include the appropriate USGS quadrangles and maps at an appropriate scale (e.g., 1:2400 or 1" = 200') for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the CRS and CPM. The CPM shall review map submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No ground disturbance shall occur prior to CPM approval of maps and drawings, unless such activities are specifically approved by the CPM. If construction of the project would proceed in phases, maps and drawings not previously provided shall be provided to the CRS, the PPA, the PHA, and CPM prior to the start of each phase. Written notice identifying the proposed schedule of each project phase shall be provided to the CRS and CPM. Weekly, until ground disturbance is completed, the project construction manager shall provide to the CRS and CPM a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The project owner shall notify the CRS and CPM of any changes to the scheduling of the construction phases.</p>	<ol style="list-style-type: none"> 1. Preferably at least 115 days, but in any event no less than 60 days prior to the start of ground disturbance, the project owner shall provide the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), RSA Errata, and the Commission Decision for the project to the CRS, if needed, and to the PPA, and the PHA. The project owner shall also provide the subject maps and drawings to the CRS, PPA, PHA, and CPM. Staff, in consultation with the CRS, PPA, and PHA, will review and approve maps and drawings suitable for cultural resources monitoring and data recovery activities. 2. At least 15 days prior to the start of ground disturbance, if there are changes to any project-related footprint, the 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
	<p>project owner shall provide revised maps and drawings for the changes to the CRS, PPA, PHA, and CPM.</p> <ol style="list-style-type: none"> 3. At least 15 days prior to the start of each phase of a phased project, the project owner shall submit the appropriate maps and drawings, if not previously provided, to the CRS, PPA, PHA, and CPM. 4. Weekly, during ground disturbance, a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, e-mail, or fax. 5. Within five days of changing the scheduling of phases of a phased project, the project owner shall provide written notice of the changes to the CRS and CPM. 	
<p>CUL-5, Cultural Resources Monitoring and Mitigation Plan: Prior to the start of ground disturbance, the project owner shall submit to the CPM for review and approval the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, with the contributions of the PPA, and the PHA. The authors' name(s) shall appear on the title page of the CRMMP. The CRMMP shall specify the impact mitigation protocols for all known cultural resources and identify general and specific measures to minimize potential impacts to all other cultural resources, including those discovered during construction. Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, the PPA, and the PHA, each CRM, and the project owner's on-site construction manager. No ground disturbance shall occur prior to CPM approval of the CRMMP, unless such activities are specifically approved by the CPM. Prior to certification, the project owner may have the CRS, alternate CRS, the PPA, and the PHA complete and submit to CEC for review the CRMMP, except for the portions to be contributed by the PTNCL and the DTCCCL programs. The CRMMP shall include, but not be limited to, the elements and measures listed below.</p> <ol style="list-style-type: none"> 1. The following statement shall be included in the Introduction: "Any discussion, summary, or paraphrasing of the Conditions of Certification in this CRMMP is intended as general guidance and as an aid to the user in understanding the Conditions and their implementation. The Conditions, as written in the Commission Decision, shall supersede any summarization, description, or interpretation of the conditions in the CRMMP. The Cultural Resources Conditions of Certification from the Commission Decision are contained in Appendix A." 2. The duties of the CRS shall be fully discussed, including coordination duties with respect to the completion of the Prehistoric Trails Network Cultural Landscape (PTNCL) documentation and possible NRHP nomination program and the Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCCL) documentation and possible NRHP nomination program, and oversight/management duties with respect to site evaluation, data collection, monitoring, and reporting at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. 	<ol style="list-style-type: none"> 1. Preferably at least 45 days, but in any event no less than 30 days prior to the start of ground disturbance, the project owner shall submit the CRMMP to the CPM for review and approval. 2. At least 20 days prior to the start of ground disturbance, in a letter to the CPM, the project owner shall agree to pay curation fees for any materials generated or collected as a result of the archaeological investigations (survey, testing, data recovery). 3. At least 30 days prior to the start of ground disturbance, the project owner shall provide to the CPM a copy of a letter from a curation facility that meets the standards stated in the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, stating the facility's willingness and ability to receive the materials generated by PSPP cultural resources activities and requiring curation. Any agreements concerning curation will be retained and available for audit for the life of the project. 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>3. A general research design shall be developed that:</p> <ul style="list-style-type: none"> a. Charts a timeline of all research activities, including those coordinated under the PTNCL and DTCCCL documentation and possible NRHP nomination programs; b. Recapitulates the existing paleoenvironmental, prehistoric, ethnohistoric, ethnographic, and historic contexts developed in the PTNCL and DTCCCL historic context and adds to these the additional context of the non-military, historic-period occupation and use of the Chuckwalla Valley, to create a comprehensive historic context for the PSPP vicinity; c. Poses archaeological research questions and testable hypotheses specifically applicable to the archaeological resource types known for the Chuckwalla Valley, based on the research questions developed under the PTNCL and DTCCCL research and on the archaeological and historical literature pertinent to the Chuckwalla Valley; and d. Clearly articulates why it is in the public interest to address the research questions that it poses. <p>4. Protocols, reflecting the guidance provided in CUL-10 through CUL-15 shall be specified for the treatment of known and newly discovered prehistoric and historic-period archaeological resource types.</p> <p>5. Artifact collection, retention/disposal, and curation policies shall be discussed, as related to the research questions formulated in the research design. These policies shall apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. A prescriptive treatment plan may be included in the CRMMP for limited data types.</p> <p>6. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground disturbance and post-ground-disturbance analysis phases of the project shall be specified.</p> <p>7. Person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team shall be identified.</p> <p>8. The manner in which Native American observers or monitors will be included, in addition to their roles in the activities required undeCUL-1, the procedures to be used to select them, and their roles and responsibilities shall be described.</p> <p>9. All impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts.</p> <p>10. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age shall be stated. In addition, the commitment to curate all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery), in accordance with the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, into a retrievable storage collection in a public repository or museum shall be stated.</p>		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>11. The commitment of the project owner to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project shall be stated. The project owner shall identify a curation facility that could accept cultural resources materials resulting from PSPP cultural resources investigations.</p> <p>12. The CRS shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource materials (that cannot be treated prescriptively) from known CRHR-eligible archaeological sites and from CRHR eligible sites that are encountered during ground disturbance.</p> <p>13. The contents, format, and review and approval process of the final Cultural Resource Report (CRR) shall be described.</p>		
<p>CUL-6, Cultural Resources Report (CRR): The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for review and approval and to the BLM Palm Springs archaeologist for review and comment. The final CRR shall be written by or under the direction of the CRS. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, revised and final Department of Parks and Recreation (DPR) 523 forms, data recovery reports, and any additional research reports not previously submitted to the California Historical Resource Information System (CHRIS) and the State Historic Preservation Officer (SHPO) shall be included as appendices to the final CRR. If the project owner requests a suspension of ground disturbance and/or construction activities, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM and to the BLM Palm Springs archaeologist for review and approval on the same day as the suspension/extension request. The draft CRR shall be retained at the project site in a secure facility until ground disturbance and/or construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval at the same time as the withdrawal request.</p>	<ol style="list-style-type: none"> 1. Within 30 days after requesting a suspension of construction activities, the project owner shall submit a draft CRR to the CPM for review and approval. 2. Within 180 days after completion of ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM for review and approval and to the BLM Palm Springs archaeologist for review and comment. If any reports have previously been sent to the CHRIS, then receipt letters from the CHRIS or other verification of receipt shall be included in an appendix. 3. Within 10 days after the CPM and the BLM Palm Springs archaeologist approve the CRR, the project owner shall provide documentation to the CPM confirming that copies of the final CRR have been provided to the SHPO, the CHRIS, the curating institution, if archaeological materials were collected, and to the Tribal Chairpersons of any Native American groups requesting copies of project-related reports. 	CEC
<p>CUL-7, Worker Environmental Awareness Program (WEAP): Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas. The training shall be prepared by the CRS, may be conducted by any member of the archaeological team, and may be presented in the form of a video. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must be resumed when ground disturbance, such as landscaping, resumes.</p> <p>The training shall include:</p>	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval. 2. At least 15 days prior to the start of ground disturbance, the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP trained worker to sign. 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Samples or visuals of artifacts that might be found in the project vicinity; 3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed; 4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits; 5. Instruction that the CRS, alternate CRS, and CRMs have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS; 6. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS; 7. An informational brochure that identifies reporting procedures in the event of a discovery; 8. An acknowledgement form signed by each worker indicating that they have received the training; and 9. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 10. No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the CPM. 	<ol style="list-style-type: none"> 3. Monthly, until ground disturbance is completed, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of workers who have completed the training in the prior month and a running total of all persons who have completed training to date. 	
<p>CUL-8, Construction Monitoring Program: The project owner shall ensure that the CRS, alternate CRS, or CRMs, to prevent construction impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner, monitor full time all ground disturbance. Full-time archaeological monitoring for this project shall be the archaeological monitoring of the earth-removing activities in the areas specified in the previous paragraph, for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than 50 feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than 50 feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material. A Native American monitor shall be obtained to monitor ground disturbance in areas where Native American artifacts may be discovered. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow ground disturbance to proceed without a Native American monitor. The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.</p>	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log. 2. Monthly, while monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP. 3. At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level. 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of noncompliance with the Conditions and/or applicable LORS. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended. The CRS or alternate CRS shall report daily to the CPM on the status of the project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.</p> <p>In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring. The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff. Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions. Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.</p>	<ol style="list-style-type: none"> 4. Daily, as long as no cultural resources are found, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail or in some other form of communication acceptable to the CPM. 5. At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting. 6. No later than 30 days following the discovery of any Native American cultural materials, the project owner shall submit to the CPM copies of the information transmittal letters sent to the Chairpersons of the Native American tribes or groups who requested the information. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification, consultation, and reports and records. 7. Within 15 days of receiving them, the project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information. 	
<p>CUL-9, Authority to Halt Construction; Treatment of Discoveries: The project owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, PPA, PHA, and the CRMs in the event of a discovery. Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS.</p> <p>In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the CPM), or impacts to such a resource can be anticipated, ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting, as provided in other Conditions, shall continue during the project's ground-disturbing activities elsewhere. The halting or redirection of ground disturbance shall remain in effect until the CRS has visited the discovery, and all of the following have occurred:</p> <ol style="list-style-type: none"> 1. The CRS has notified the project owner, and the CPM has been notified within 24 hours of the discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the discovery (or changes in character or attributes), the action taken (i.e., work stoppage or redirection), a recommendation of CRHR eligibility, and recommendations for data recovery from any cultural resources discoveries, whether or not a determination of CRHR eligibility has been made. 	<ol style="list-style-type: none"> 1. At least 30 days prior to the start of ground disturbance, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, PPA, PHA, and CRMs have the authority to halt ground disturbance in the vicinity of a cultural resources discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning. 2. Within 48 hours of the discovery of a resource of interest to Native Americans, the project owner shall ensure that the CRS notifies all Native American groups that expressed a desire to be notified in the event of such a discovery. 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>2. If the discovery would be of interest to Native Americans, the CRS has notified all Native American groups that expressed a desire to be notified in the event of such a discovery.</p> <p>3. The CRS has completed field notes, measurements, and photography for a DPR 523 “Primary” form. Unless the find can be treated prescriptively, as specified in the CRMMP, the “Description” entry of the DPR 523 “Primary” form shall include a recommendation on the CRHR eligibility of the discovery. The project owner shall submit completed forms to the CPM.</p> <p>4. The CRS, the project owner, and the CPM have conferred, and the CPM has concurred with the recommended eligibility of the discovery and approved the CRS’s proposed data recovery plan, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation have been completed.</p>	<p>3. Unless the discovery can be treated prescriptively, as specified in the CRMMP, completed DPR 523 forms for resources newly discovered during ground disturbance shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of data recordation/recovery, whichever the CRS decides is more appropriate for the subject cultural resource.</p>	
<p>CUL-10, Flag and Avoid: If resources within the transmission line corridor can be spanned rather than impacted, or in the event that new resources are discovered during construction where impacts can be reduced or avoided, the project owner shall:</p> <ol style="list-style-type: none"> 1. Ensure that a CRS, alternate CRS, PPA, or CRM re-establish the boundary of each site, add a 10-meter-wide buffer around the periphery of each site boundary, and flag the resulting space in a conspicuous manner; 2. Ensure that a CRM enforces avoidance of the flagged areas during PSPP construction; and 3. Ensure, after completion of construction, boundary markings around each site and buffer are removed so as not to attract vandals. 	<p>Within 90 days of the completion of Project construction, the project owner shall submit for CPM review and approval a letter, with photograph and maps, evidencing the removal of boundary markings.</p>	<p>CEC</p>
<p>CUL-11, Data Recovery for Simple Prehistoric Sites: (Sparse Lithic Scatters, Cairns, and Pot Drops) The project owner shall ensure the CRMMP includes a data recovery plan for the resource type “simple prehistoric sites,” consisting of sites SMP-P-1015, SMP-P-1016, SMP-P-2014, SMP-P-2015, and SMP-P- 001. This site list may be revised only with the agreement of the CRS and the CPM. The data recovery plan shall include the use of the CARIDAP protocol on sites that qualify, how to proceed if features or other buried deposits are encountered, and the materials analyses] and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. If allowed by the BLM, prior to the start of ground disturbance within 30 meters of the site boundaries of each of these sites, the project owner shall ensure that the CRS, the PPA, and/or archaeological team members implement the plan, which, for sites where CARIDAP does not apply, shall include, but is not limited to the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request the PTNCL PG, or equivalent qualified person approved by the CPM and hired by the project owner should the PTNCL geoarchaeologist not be available, to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake; if a lakeshore is present within 100 meters of the site boundary, include it on the site map; 	<ol style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that data recovery for small sites has ensued. 2. After the completion of the excavation of the first 1-meter-by-1-meter excavation unit at each of the subject sites, the CRS shall notify the CPM regarding the presence or absence of subsurface deposits and shall make a recommendation on the site’s CRHR eligibility. 3. Within one week of the completion of data recovery at a site, the project owner shall submit a letter report written by the PPA or CRS for review and approval of the CPM. When the CPM approves the letter report, ground disturbance may begin at this site location. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 3. Map and field-record all lithic artifacts (numbers of flakes, the reduction sequence stage each represents, cores, tool blanks, finished tools, hammerstones, and concentrations, and the material types of each) and the other types of prehistoric artifacts present. 4. Map any differential distribution of artifacts and suggest explanations for the distribution 5. Assess the integrity of the site and provide the evidence substantiating that assessment; 6. Collect for dating and source analyses any obsidian artifacts; 7. Field record the surface location of all other artifacts and collect all ceramic artifacts and botanical and faunal remains for laboratory analysis and curation; 8. Surface scrape to a depth of 5 centimeters a 5-meter-by-5-meter area centered on the artifact concentration, field-record the lithic artifacts as to location, material type, and the reduction sequence stage each represents, record the location of all other artifacts, and retain the obsidian and ceramic artifacts and botanical and faunal remains for laboratory analysis and curation; 9. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, placing the unit in the part of the site with the highest artifact density and recording its locations on the site map; 10. Place one 1-meter-by-1-meter excavation unit, as described above, in the center of each concentration if multiple artifact concentrations have been identified; 11. Notify the CPM by telephone or e-mail that subsurface deposits were or were not encountered and make a recommendation on the site's CRHR eligibility; 12. If no subsurface deposits were encountered, and the CPM agrees the site is not eligible for the CRHR, data recovery is complete; 13. If subsurface deposits are encountered, test the horizontal limits of the site by excavating additional 1-meter-by-1-meter excavation units in 10-centimeter levels until the unit reaches a depth of 20 centimeters below any anthropogenic materials, using a shovel or hand auger, or other similar technique, at four spots equally spread around the exterior edge of each site, recording the locations of these units on the site map; 14. Sample the encountered features or deposits, using the methods described in the CRMMP, record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete; 15. Present the results of the CUL-11 data recovery in a letter report by the PPA or CRS, which shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, a map showing the location of excavation units including topographic contours and the site landforms, and a discussion of the CRHR eligibility of each site and the justification for that determination; 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>16. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, the landform, and the eligibility determination;</p> <p>17. Provide the recovered data to the PTNCL PI-Prehistoric Archaeologist; and</p> <p>18. Present the final results of data recovery at these prehistoric sites in the CRR, as described in CUL-6.</p>		
<p>CUL-12, Data Recovery for Complex Prehistoric Sites: The project owner shall ensure the CRMMP includes a data recovery plan for the resource type “complex prehistoric sites,” consisting of SMP-P-1017, SMP-P-1018, SMP-P-2018, and SMP-P-2023. This site list may be revised only with the agreement of the CRS and the CPM. The data recovery plan shall include how to proceed if buried deposits are encountered and shall also include the materials analyses and laboratory artifact analyses that will be used. The plan shall also specify in detail the location recordation equipment and methods used and describe any post-processing of the data. If allowed by the BLM, prior to the start of ground disturbance within 30 meters of the site boundaries of each of these sites, the project owner shall then ensure that the CRS, the PPA, and/or archaeological team members implement the plan, which shall include, but is not limited to, the following tasks:</p> <ol style="list-style-type: none"> 1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations; 2. Request the PTNCL PG, or equivalent qualified person approved by the CPM and hired by the project owner should the PG not be available, to identify the specific landform for each site and its relationship to specific ancient lakeshores of Palen Dry Lake. If a lakeshore is present within 100 meters of the site boundary, include it on the site map; 3. Map any differential distribution of artifacts and suggest an explanation for this distribution; 4. Assess the integrity of the site and state the evidence substantiating that opinion; 5. Collect all artifacts after their locations are marked and submit them for laboratory analysis; 6. Excavate one 1-meter-by-1-meter unit in 10-centimeter levels until three sterile levels are encountered, or until the unit reaches maximum depth of planned impact, placing this unit in the part of the site with the highest artifact density; or, if multiple artifact concentrations were identified, place one 1-meter-by-1-meter excavation unit in the center of each concentration and excavate as just described; retain any artifacts for laboratory analysis; 7. Determine the vertical and horizontal limits of the each site by placing test units at four locations equally spread around the surface exterior edge and excavating or probing down to the Holocene basement, using a shovel, hand auger, or similar technique; continue exploration in all directions until the horizontal limits of the site are reached; retain any artifacts for laboratory analysis; 8. Excavate the surface feature or features, using the methods described in the CRMMP; record their locations on the site map, retain samples, such as flotation, pollen, and charcoal, for analysis, and retain all artifacts for professionally appropriate laboratory analyses and curation, until data recovery is complete; 	<ol style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that data recovery for large complex sites has ensued. 2. Within one week of the completion of data recovery at a site, the project owner shall verify this by submitting a letter report written by the PPA or CRS for review and approval of the CPM. When the CPM approves the letter report, ground disturbance may begin at these site locations. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>9. Notify the CPM by telephone or e-mail that subsurface deposits were or were not encountered and make a recommendation on the site's CRHR eligibility;</p> <p>10. If no subsurface deposits were encountered, and the CPM agrees the site is not eligible for the CRHR, data recovery is complete;</p> <p>11. If subsurface deposits were found, develop a sampling design for additional data recovery in consultation with the CRS; plans for this contingency shall be described in detail in the CRMMP;</p> <p>12. Present the results of the CUL-12 data recovery in a letter report by the PPA or CRS that shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of excavation units including topographic contours and the site landforms;</p> <p>13. Update the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, and the landform;</p> <p>14. Provide the recovered data to the PTNCL PI-Prehistoric Archaeologist; and</p> <p>15. Present the final results of data recovery for the complex prehistoric sites in the CRR, as described in CUL-6.</p>		
<p>CUL-13, Data Recovery for Historic-Period Refuse Scatters: Prior to the start of ground disturbance, the project owner shall ensure that a recovery plan is included in the CRMMP for upgrading the recordation of historic-period refuse scatter sites located on the proposed plant site. For Reconfigured Alternative # 3, these consist of sites SMP-H-1003, SMP-H-1004, SMP-H-1006, SMP-H-1008, SMP-H-1009, SMP-H-1010, SMP-H-1011, SMP-H-1012, SMP-H- 1013, SMP-H-1020, SMP-H-1021, SMP-H 1022, SMP-H-1023, SMPH- 2002, SMP-H-2003, SMP-H-2004, SMP-H-2006, SMP-H-2007, SMP-H-2008, SMP-H-2010, SMP-H-2011/12, SMP-H-2017, SMP-H- 2019, SMP-H-2021; JR-101, JR-102, JR-104, JR-109, JR-110; TC- 008, TC-009, TC-020, and TC-032. For Reconfigured Alternative #2, the sites requiring upgraded recordation consist of the same sites as Reconfigured Alternative #3 plus site JR-107. These site lists may be revised only with the agreement of the CRS and the CPM. The focus of the recordation upgrade is to determine if these sites can be attributed to the DTC/C-AMA use of the region and are therefore contributors to the DTCCL. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post-processing of the data. The project owner shall then ensure that the CRS, the PHA, and/or archaeological team members implement the plan, if allowed by the BLM, which shall include, but is not limited to the following tasks:</p> <p>1. The project owner shall hire a PHA with the qualifications described in CUL-3 to supervise the field work.</p> <p>2. The project owner shall ensure that, prior to beginning the field work, the PHA and crew chief are trained by the DTCCL Historical Archaeologist, or equivalent qualified person approved by the CPM and hired by the project owner should the DTCCL Historical Archaeologist not be available, to identify the specific landform for each site; in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the</p>	<p>1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that mapping and upgraded in-field artifact analysis has ensued on the historic-period refuse scatter sites.</p> <p>2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<p>early phases of WWII land-based U.S. army activities, as researched and detailed by the DTCCL PI-Historian and the DTCCL Historical Archaeologist.</p> <p>3. The project owner shall ensure that, prior to beginning the field work, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early- to mid-twentieth-century can, bottle, and ceramic diagnostic traits.</p> <p>4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features, using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers).</p> <p>5. The project owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, documenting the measurements and the types of seams and closures for each bottle, and the measurements, seams, closure, and opening method for all cans. Photographs shall be taken of maker's marks on bottles, any text or designs on bottles and cans, and of decorative patterns and maker's marks on ceramics. Artifacts shall not be collected.</p> <p>6. The project owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or PHA, which shall serve as a preliminary report, that details what was found at each site, as follows:</p> <ul style="list-style-type: none"> a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms. c. The letter report shall make a recommendation on whether each site is a contributor to the DTTCL. <p>7. The project owner shall ensure that the data collected from the field work shall be provided to the DTCCL Historical Archaeologist to assist in the determination of which, if any, of the historic-period sites are contributing elements to the DTCCL.</p> <p>8. The project owner shall ensure that the PHA analyzes all recovered data and writes, or supervises the writing of a comprehensive final report. This report shall be included in the CRR (CUL-6). Relevant portions of the information gathered shall be included in the possible NRHP nomination for the DTCCL (funded by CUL-2).</p>		
<p>CUL-14, Data Recovery for Historic-Period Sites with Features: Prior to the start of ground disturbance, the project owner shall ensure that a data recovery plan is included in the CRMMP for evaluation and data recovery from historic-period archaeological sites with features. For Reconfigured Alternative #3, these sites consist of sites SMP-H- 1005, SMP-H-1007, SMP-H-2016. For Reconfigured Alternative #2, these sites consist of the same sites as Reconfigured Alternative #3, plus site JR-108. These site lists may be revised only with the agreement of the CRS and the CPM. The plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post-processing of the data. The project owner shall then ensure that the CRS, the PHA, and/or archaeological team members implement the plan, if allowed by the BLM, which shall include, but is not limited to the following tasks:</p>	<ul style="list-style-type: none"> 1. At least 45 days prior to ground disturbance, the project owner shall notify the CPM that mapping and in-field artifact analysis has ensued on historic-period sites with features. 2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing 	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
<ol style="list-style-type: none"> 1. The project owner shall hire a PHA with the qualifications described in CUL-3 to supervise the field work. 2. The project owner shall ensure that, prior to beginning the field work, the PHA and crew chief are trained by the DTCCCL Historical Archaeologist, or equivalent qualified person approved by the CPM and hired by the project owner should the DTCCCL Historical Archaeologist not be available, in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the early phases of WWII land-based U.S. army activities, as researched and detailed by the DTCCCL PI-Historian and the DTCCCL Historical Archaeologist. 3. The project owner shall ensure that, prior to beginning the field work, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early-to-mid-twentieth-century can, bottle, and ceramic diagnostic traits. 4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features (previously known and newly found in the metal detector survey), using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers). 5. The project owner shall ensure that a detailed in-field analysis of all artifacts shall be completed, if not done previously. Types of seams and closures for each bottle and all cans shall be documented. Photographs shall be taken of any text or designs. Unusual or unidentifiable artifacts may be collected for further analysis, but otherwise artifacts shall not be collected. 6. The project owner shall ensure a systematic metal detector survey be completed at each site, and that each "hit" is investigated. All artifacts and features thus found must be mapped, measured, photographed, and fully described in writing. 7. The project owner shall ensure that all features are recorded, and that any features having subsurface elements are excavated by a qualified historical archaeologist. All features and contents must be mapped, measured, photographed, and fully described in writing. 8. The project owner shall ensure that the details of what is found at each site shall be presented in a letter report from the CRS or PHA which shall serve as a preliminary report, that details what was found at each site, as follows: <ol style="list-style-type: none"> a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms. c. The letter report shall make a recommendation on whether each site is a contributor to the DTCCCL. 9. The project owner shall ensure that the data collected from the field work shall be provided to the DTCCCL Historical Archaeologist to assist in the determination of which, if any, of the historic-period sites are contributing elements to the DTCCCL. 	<p>that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
CULTURAL RESOURCES (cont.)		
10. The project owner shall ensure that the PHA analyzes all recovered data and writes or supervises the writing of a comprehensive final report. This report shall be included in the CRR (CUL-6). Relevant portions of the information gathered shall be included in the possible NRHP nomination for the DTCCL (funded by CUL-2).		
CUL-15, Data Recovery on Historic-Period Roads: The project owner shall ensure that a qualified architectural historian (must meet the U.S. Secretary of the Interior’s Professional Qualifications Standards for historian, as published in Title 36, Code of Federal Regulations, part 61) conducts research and writes a report on the age and use of SMP-H-1032. The project owner shall provide the historian’s report to the DTCCL PI-Historian for possible use in the DTCCL NRHP nomination, if appropriate. The project owner may undertake this task prior to Energy Commission certification of the project.	<ol style="list-style-type: none"> 1. At least 15 days prior to ground disturbance, the project owner shall submit to the CPM the historian’s report documenting the age and historical use of the road. 2. Within 15 days after the CPM approves the report, the project owner shall forward it to the DTCCL PI-Historian. 	CEC
CUL-16, Compliance with BLM Programmatic Agreement: If provisions in the BLM PSPP Programmatic Agreement and associated implementation and monitoring programs conflict with or duplicate these Conditions of Certification, the BLM provisions shall take precedence. Provisions in these Conditions that are additional to or exceed BLM provisions and represent requirements under the Energy Commission’s CEQA responsibilities shall continue to apply to the project’s activities, contingent on BLM’s approval as authorized by federal law.		CEC
HAZARDOUS MATERIALS MANAGEMENT		
HAZ-1, Hazardous Material Requirements: The project owner shall not use any hazardous material not listed in, or in greater quantities or strengths than those identified by chemical name in Table 4.11-1 of Section 4.11, <i>Public Health and Safety</i> , unless approved in advance by the Compliance Project Manager (CPM).	The project owner shall provide to the CPM, in the Annual Compliance Report, a list of hazardous materials contained at the facility.	CEC
HAZ-2, Hazardous Materials Business Plan (HMBP): The project owner shall concurrently provide a Hazardous Materials Business Plan (HMBP), and Spill Prevention, Control, and Countermeasure Plan (SPCC), and a Process Safety Management Plan (PSMP) to the Riverside County Department of Environmental Health (RCDEH), to the Hazardous Materials Division of the Riverside County Fire Department (RCFD), and the CPM for review. After receiving comments from the RCDEH, Hazardous Materials Division of the RCFD and the CPM, the project owner shall reflect all received recommendations in the final documents. If no comments are received from the county within 30 days of submittal, the project owner may proceed with preparation of final documents upon receiving comments from the CPM. Copies of the final HMBP, RCFD shall then be provided to the Hazardous Materials Division of the Fire Department for information and to the CPM for approval.	At least 30 days prior to receiving any hazardous material on the site for commissioning or operations, the project owner shall provide a copy of a final Hazardous Materials Business Plan, Spill Prevention, Control, and Countermeasures Plan, and the Process Safety Management Plan to the CPM for approval.	CEC
HAZ-3, Safety Management Plan: The project owner shall develop and implement a Safety Management Plan for the delivery and handling of liquid and gaseous hazardous materials delivered by tanker truck or pipeline. The plan shall include procedures, protective equipment requirements, training and a checklist. It shall also include a section describing all measures to be implemented to prevent mixing of incompatible hazardous materials. This plan shall be applicable during construction, commissioning, and operation of the power plant.	At least 30 days prior to the delivery of any liquid or gaseous hazardous material to the facility, the project owner shall provide a Safety Management Plan as described above to the CPM for review and approval.	CEC/BLM

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
HAZARDOUS MATERIALS MANAGEMENT (cont.)		
<p>HAZ-5, Construction Site Security Plan: Prior to commencing construction, a site-specific Construction Site Security Plan for the construction phase shall be prepared and made available to the CPM for review and approval. The Construction Security Plan shall include the following:</p> <ol style="list-style-type: none"> 1. perimeter security consisting of fencing enclosing the construction area; 2. security guards; 3. site access control consisting of a check-in procedure or tag system for construction personnel and visitors; 4. written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on site or off site; 5. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; and 6. evacuation procedures. 	<p>At least 30 days prior to commencing construction, the project owner shall notify the CPM that a site-specific Construction Security Plan is available for review and approval.</p>	<p>CEC</p>
<p>HAZ-6, Operation Security Plan: The project owner shall also prepare a Operation Security Plan for the operational phases and shall be made available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).</p> <p>The Operation Security Plan shall include the following:</p> <ol style="list-style-type: none"> 1. Permanent full perimeter fence or wall, eight feet tall around the Power Block and Solar Field; 2. Main entrance security gate, either hand operatable or motorized; 3. Evacuation procedures; 4. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency; 5. Written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site; 6. A statement (refer to sample, ATTACHMENT A), signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and shall be conducted in accordance with state and federal laws regarding security and privacy; <p>A statement(s) (refer to sample, ATTACHMENT B), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site. Background investigations shall be restricted to ascertaining the accuracy of employee identity and employment history, and shall be conducted in accordance with state and federal law regarding security and privacy;</p>	<p>At least 30 days prior to the initial receipt of hazardous materials on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
HAZARDOUS MATERIALS MANAGEMENT (cont.)		
<p>7. Site access controls for employees, contractors, vendors, and visitors;</p> <p>8. Closed circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) with cameras capable of viewing, at a minimum, the main entrance; and</p> <p>9. Additional measures to ensure adequate perimeter security consisting of either:</p> <p style="margin-left: 20px;">A. Security guard present 24 hours per day, seven days per week; or</p> <p style="margin-left: 20px;">B. Power plant personnel on site 24 hours per day, 7 days per week, and one of the following:</p> <p style="margin-left: 40px;">1) The CCTV monitoring system required in number 8 above shall include cameras that are able to pan, tilt, and zoom (PTZ), have low-light capability, are recordable, and are able to view 100% of the perimeter fence to the power block, the outside entrance to the control room, and the front gate from a monitor in the power plant control room; OR</p> <p style="margin-left: 40px;">2) Perimeter breach detectors or on-site motion detectors for the power block.</p> <p>The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to those security plans. The CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power plant components (e.g. transformers, gas lines, compressors, etc.) depending upon circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with both appropriate law enforcement agencies and the applicant.</p>		
PUBLIC HEALTH AND SAFETY		
<p>PUBLIC HEALTH-1, Cooling Water Management Plan: The Project owner shall develop and implement a Cooling Water Management Plan to ensure that the potential for bacterial growth in cooling water is kept to a minimum. The Plan shall be consistent with either staff's "Cooling Water Management Program Guidelines" or with the Cooling Technology Institute's "Best Practices for Control of Legionella" guidelines but in either case, the Plan must include sampling and testing for the presence of Legionella bacteria at least every 6 months. After 2 years of power plant operations, the Project owner may ask the CPM to re-evaluate and revise the Legionella bacteria testing requirement.</p>	<p>At least 60 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan shall be provided to the CPM for review and approval.</p>	<p>CEC</p>
LAND USE, RECREATION, AND WILDERNESS		
<p>LAND-1, Submittals to the CPM Prior to Construction: Prior to the start of construction, the Applicant shall provide to the Compliance Project Manager (CPM) documentation of the U.S. Bureau of Land Management (BLM) Right-of-Way grant and the BLM-approved project-specific amendment to the California Desert Conservation Area Plan (CDCA) permitting the construction/operation of the proposed Palen Solar Power Project.</p>	<p>Prior to the start of construction, the Applicant shall submit to the CPM a copy of the BLM approved project specific amendment to the CDCA Plan permitting the Palen Solar Power Project.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
NOISE		
<p>NOISE-1, Public Notification Process: At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within one mile of the project site and the linear facilities, by mail or by other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project. If the telephone is not staffed 24 hours a day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction where it is visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year.</p>	<p>Prior to ground disturbance, the project owner shall transmit to the compliance project manager (CPM) a statement, signed by the project owner's project manager, stating that the above notification has been performed, and describing the method of that notification. This communication shall also verify that the telephone number has been established and posted at the site, and shall provide that telephone number.</p>	CEC
<p>NOISE-2, Noise Complaint Process: Throughout the construction and operation of the project, the project owner shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The project owner or authorized agent shall:</p> <ol style="list-style-type: none"> 1. use the Noise Complaint Resolution Form (below), or a functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint; 2. attempt to contact the person(s) making the noise complaint within 24 hours; 3. conduct an investigation to determine the source of noise in the complaint; 4. if the noise is project related, take all feasible measures to reduce the source of the noise; and 5. submit a report documenting the complaint and actions taken. The report shall include: a complaint summary, including the final results of noise reduction efforts and, if obtainable, a signed statement by the complainant stating that the noise problem has been resolved to the complainant's satisfaction. 	<p>Within five days of receiving a noise complaint, the project owner shall file a Noise Complaint Resolution Form, shown below, with both the local jurisdiction and the CPM, that documents the resolution of the complaint. If mitigation is required to resolve the complaint, and the complaint is not resolved within a 3-day period, the project owner shall submit an updated Noise Complaint Resolution Form when the mitigation is performed and complete.</p>	CEC
<p>NOISE-3, Employee Noise Control Program: The project owner shall submit to the CPM for review and approval a noise control program. The noise control program shall be used to reduce employee exposure to high (above permissible) noise levels during construction in accordance to the applicable OSHA and Cal-OSHA standards.</p>	<p>At least 30 days prior to the start of ground disturbance, the project owner shall submit the noise control program to the CPM. The project owner shall make the program available to Cal-OSHA upon request.</p>	CEC
<p>NOISE-4, Noise Restrictions: The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the operation of the project will not cause the noise levels due to plant operation alone, during the daytime hours of 7 a.m. to 10 p.m. to exceed an average of 42 dBA Leq measured at or near monitoring location LT1.</p> <p>No new pure-tone components shall be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.</p> <p>A. When the project first achieves a sustained output of 85% or greater of rated capacity, the project owner shall conduct a 25 hour community noise survey at monitoring location LT1, or at a closer location acceptable to the CPM. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.</p>	<p>The survey shall take place within 30 days of the project first achieving a sustained output of 85% or greater of rated capacity. Within 15 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
NOISE (cont.)		
<p>The measurement of power plant noise for the purposes of demonstrating compliance with this condition of certification may alternatively be made at a location, acceptable to the CPM, closer to the plant (e.g., 400 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the affected residence. The character of the plant noise shall be evaluated at the affected receptor locations to determine the presence of pure tones or other dominant sources of plant noise.</p> <p>B. If the results from the noise survey indicate that the power plant noise at the affected receptor site exceeds the above value during the above time period, mitigation measures shall be implemented to reduce noise to a level of compliance with this limit.</p> <p>C. If the results from the noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.</p>	<p>Within 15 days of completion of the new survey, the project owner shall submit to the CPM a summary report of the new noise survey, performed as described above and showing compliance with this condition.</p>	
<p>NOISE-5, Occupational Noise Survey: Following the project's attainment of a sustained output of 85% or greater of its rated capacity, the project owner shall conduct an occupational noise survey to identify any noise hazardous areas in the facility.</p> <p>The survey shall be conducted by a qualified person in accordance with the provisions of Title 8, California Code of Regulations, sections 5095 5099 (Article 105) and Title 29, Code of Federal Regulations, section 1910.95. The survey results shall be used to determine the magnitude of employee noise exposure.</p> <p>The project owner shall prepare a report of the survey results and, if necessary, identify proposed mitigation measures to be employed in order to comply with the applicable California and federal regulations.</p>	<p>Within 30 days after completing the survey, the project owner shall submit the noise survey report to the CPM. The project owner shall make the report available to OSHA and Cal-OSHA upon request.</p>	CEC
<p>NOISE-6, Construction Restrictions: Heavy equipment operation and noisy construction work relating to any project features shall be restricted to the times delineated below, unless a special permit has been issued by the County of Riverside:</p> <p>Mondays through Fridays: June through September: 6 a.m. to 7 p.m. October through May: 6 a.m. to 6 p.m.</p> <p>Saturdays: 9 a.m. to 5 p.m.</p> <p>Sundays and Federal holidays: No Construction Allowed</p> <p>Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.</p>	<p>Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project.</p>	CEC
<p>NOISE-7, High-Pressure Steam Blow Requirements: If a traditional, high-pressure steam blow process is used the project owner shall equip steam blow piping with a temporary silencer that quiets the noise of steam blows to no greater than 89 dBA measured at a distance of 100 feet. The steam blows shall be conducted between 8:00 a.m. and 5:00 p.m. unless arranged with the CPM such that offsite impacts would not cause annoyance to receptors. If a low-pressure, continuous steam blow process is used, the project owner shall submit to the CPM a description of the process, with expected noise levels and planned hours of steam blow operation.</p>	<p>At least 15 days prior to the first steam blow, the project owner shall notify all residents or business owners within one mile of the project site boundary. The notification may be in the form of letters, phone calls, fliers, or other effective means as approved by the CPM. The notification shall include a description of the purpose and nature of the steam blow(s), the planned schedule, expected sound levels, and explanation that it is a one-time activity and not part of normal plant operation.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER		
<p>SOIL&WATER-1, Drainage Erosion and Sedimentation Control Plan (DESCP): Prior to site mobilization, the project owner shall obtain the Compliance Project Manager (CPM) approval of the Drainage Erosion and Sedimentation Control Plan (DESCP) for managing stormwater during Project construction and operations as normally administered by the County of Riverside. The DESC P must ensure proper protection of water quality and soil resources, demonstrate no increase in off-site flooding potential, include provisions for sediment and stormwater retention from both the power block, solar fields and transmission right of way to meet any Riverside County requirements, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. The plan must also cover all linear project features such as offsite transmission mains. The DESC P shall contain, at minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMP) to be implemented during site mobilization, excavation, construction, and post construction (operating) activities.</p> <p>A. Vicinity Map – A map(s), at a minimum scale 1 inch to 500 feet, shall be provided indicating the location of all Project elements (construction sites, laydown area, pipelines) with depictions of all significant geographic features including swales, storm drains, and sensitive areas.</p> <p>B. Site Delineation – All areas subject to soil disturbance for the proposed Project (Project phases, laydown area, all linear facilities, landscaping areas, and any other Project elements) shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.</p> <p>C. Watercourses and Critical Areas – The DESC P shall show the location of all nearby watercourses including swales, storm drains, and drainage ditches. It shall indicate the proximity of those features to the proposed Project construction, laydown, and landscape areas and all transmission and pipeline construction corridors.</p> <p>a. The DESC P shall describe how the project will avoid or minimize impacts to Palen-McCoy Valley sand corridor,</p> <p>b. All proposed linear features (with the exception of Power Pylons) shall be constructed flush with the surrounding ground surface and without ground level obstructions.</p> <p>D. Drainage Map – The DESC P shall provide a topographic site map(s), at a minimum scale of 1 inch to 200 feet, showing existing, interim, and proposed drainage swales and drainage systems and drainage-area boundaries. On the map, spot elevations are required where relatively flat conditions exist. The spot elevations and contours shall be extended off site for a minimum distance of 100 feet.</p> <p>E. Drainage of Project Site Narrative – The DESC P shall include a narrative of the drainage measures necessary to protect the site and potentially affected soil and water resources within the drainage downstream of the site. The narrative shall include the summary pages from the hydraulic analysis prepared by a professional engineer and erosion control specialist. The narrative shall state the watershed size(s) in acres that was used in the calculation of drainage features.</p> <p>F. Clearing and Grading Plans – The DESC P shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and proposed topography shall be illustrated by tying in proposed contours with existing topography.</p> <p>G. Clearing and Grading Narrative – The DESC P shall include a table with the estimated quantities of material excavated or filled for the site and all Project elements (Project site, laydown area, transmission and pipeline corridors, roadways, and bridges) whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported.</p>	<p>No later than 30 days prior to start of site mobilization, the Project owner shall submit a copy of the final DESC P to the County of Riverside, the CRBRWQCB, and the CPM for review and comment and to the County of Riverside and the CRBRWQCB if required. The CPM shall consider comments if received by the county and CRBRWQCB before approval of the DESC P.</p> <p>The DESC P shall be consistent with the grading and drainage plan and relevant portions of the DESC P shall clearly show approval by the chief building official. The DESC P shall be a separate plan from the SWPPP developed in conjunction with any National Pollutant Discharge Elimination System (NPDES) permit for construction Activity. The project owner shall provide in the monthly compliance report with a narrative on the effectiveness of the drainage, erosion, and sediment-control measures and the results of monitoring and maintenance activities. Once operational, the project owner shall update and maintain the ESCP for the life of the Project and shall provide in the annual compliance report information on the results of monitoring and maintenance activities.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>H. Soil Wind and Water Erosion Control – The plan shall address exposed soil treatments to be used during construction and operation of the proposed Project for both road and non-road surfaces including specifically identifying all chemical based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed Project site that would not cause adverse effects to vegetation. BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use. All dust palliatives, soil binders, and weighting agents shall be approved by the CPM prior to use.</p> <p>I. Best Management Practices Plan – The DESCP shall identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, Project element excavation and construction, and final grading/stabilization). BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport.</p> <p>J. Best Management Practices Narrative – The DESCP shall show the location (as identified in (I) above), timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during all Project element (site, pipelines) excavations and construction, final grading/stabilization, and operation. Separate BMP implementation schedules shall be provided for each Project element for each phase of construction. The maintenance schedule shall include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.</p> <p>K. Project Schedule – The DESCP shall identify on the topographic site map the location of the site-specific BMPs to be employed during each phase of construction (initial grading, Project element construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each Project element for each phase of construction.</p> <p>L. Erosion Control Drawings – The erosion-control drawings and narrative shall be designed, stamped and sealed by a professional engineer or erosion control specialist.</p> <p>M. Agency Comments – The DESCP shall include copies of recommendations, conditions, and provisions from the County of Riverside, California Department of Fish and Game (CDFG), and Colorado River Basin Regional Water Quality Control Board (CRBRWQCB).</p> <p>N. Monitoring Plan: Monitoring activities shall include routine measurement of the volume of accumulated sediment in the onsite drainage ditches, and stormwater diversions. The monitoring plan shall be part of the Channel Monitoring and Maintenance Plan, SOIL&WATER-12.</p>		
<p>SOIL&WATER-2, Groundwater Wells, Pre-Well Installation: The project owner proposes to construct and operate up to ten (10) onsite groundwater water supply wells that produce water from the CVGB. The project owner shall ensure that the wells are completed in accordance with all applicable state and local water well construction permits and requirements. Prior to initiation of well construction activities, the project owner shall submit for review and comment a well construction packet to the County of Riverside and fees normally required for the county's well permit, with copies to the CPM. The Project shall not construct a well or extract and use groundwater until approval has been issued by the County and the CPM to construct and operate the well. Wells permitted and installed as part of preconstruction field investigations that subsequently are planned for use as project water supply wells require CPM approval prior to their use to supply water to the project.</p> <p>Post-Well Installation. The project owner shall provide documentation as required under County permit conditions to the CPM that the well has been properly completed. In accordance with California's Water Code section 13754, the driller of the well shall submit to the DWR a Well Completion Report for each well installed. The project owner shall ensure the Well</p>	<p>The project owner shall do all of the following:</p> <ol style="list-style-type: none"> a. No later than 60 days prior to the construction of the onsite groundwater production wells, the project owner shall submit to the CPM a copy of the water well construction packet submitted to the County of Riverside. b. No later than 30 days prior to the construction of the onsite groundwater production wells, the project owner shall submit a copy of written concurrence received from the County of Riverside that the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water 	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>Completion reports are submitted. The project owner shall ensure compliance with all county water well standards and the County requirements for the life of the wells, and shall provide the CPM with two (2) copies each of all monitoring or other reports required for compliance with the County of Riverside water well standards and operation requirements, as well as any changes made to the operation of the well.</p>	<p>well permit program. The CPM will provide approval to the project owner of the well location and operation within 10 days of receipt of the County of Riverside's concurrence with the proposed well construction activities.</p> <p>c. No later than 60 days after installation of each well at the Project site, the project owner shall ensure that the well driller submits a Well Completion Report to the DWR with a copy provided to the CPM. The project owner shall submit to the CPM together with the Well Completion Report a copy of well drilling logs, water quality analyses, and any inspection reports. Additionally no later than 60 days after installation of each well (including closure of any associated mud pits) the project owner shall submit documentation to the CPM and the CRBWQCB that well drilling activities were conducted in compliance with Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land, (23 CCR, sections 2510 et seq.) and that any onsite drilling sumps used for Project drilling activities were removed in compliance with 23 CCR section 2511(c).</p> <p>d. During well construction and for the operational life of the well, the project owner shall submit two copies each to the CPM of any proposed well construction or operation changes.</p>	
<p>SOIL&WATER-3, Construction and Operation Water Use: The proposed Project's use of groundwater during construction shall not exceed 400 afy (total of 1,130 af during the 34 months) during construction and 201 afy during operation. Water quality used for project construction and operation shall be reported in accordance with Condition of Certification SOIL&WATER-18 to ensure compliance with this condition.</p> <p>Prior to the use of groundwater for construction, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document Project water use and to monitor and record in gallons per day the total volume(s) of water supplied to the Project from this water source. The metering devices shall be operational for the life of the Project.</p>	<p>At least 60 days prior to the start of construction of the proposed Project, the project owner shall submit to the CPM a copy of evidence that metering devices have been installed and are operational. Beginning six months after the start of construction, the project owner shall prepare a semi-annual summary of amount of water used for construction purposes. The summary shall include the monthly range and monthly average of daily water usage in gallons per day.</p> <p>The project owner shall prepare an annual summary, which shall include daily usage, monthly range and monthly average of daily water usage in gallons per day, and total water used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary shall also include the yearly range and yearly average water use by source. For calculating the total water use, the term "year" shall correspond to the date established for the annual compliance report submittal.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER-4, Groundwater Level Monitoring, Mitigation and Reporting: The project owner shall submit a Groundwater Level Monitoring, Mitigation, and Reporting Plan to the CPM for review and approval in advance of construction activities and prior to the operation of onsite groundwater supply wells. The Groundwater Level Monitoring, Mitigation, and Reporting Plan shall provide detailed methodology for monitoring background and site groundwater levels. Monitoring shall include pre-construction, construction, and Project operation water use. The plan shall establish pre-construction and Project related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project pumping wells and near potentially impacted existing wells.</p> <p>A. Prior to Project Construction</p> <ol style="list-style-type: none"> 1. A well reconnaissance shall be conducted to investigate and document the condition of existing water supply wells located within 3 miles of the project site, provided that access is granted by the well owners. The reconnaissance shall include sending notices by registered mail to all property owners within a 3 mile radius of the project area. 2. Monitor to establish preconstruction conditions. The monitoring plan and network of monitoring wells shall make use of existing wells in the basin that would satisfy the requirements for the monitoring program. The monitoring network shall be defined by the groundwater model developed for the AFC as the area predicted to show a water level change of 1 foot or more at the end of construction and at the end of operation and any monitoring wells that are installed to comply with Waste Discharge Requirements issued by the Energy Commission for the evaporation ponds and land treatment unit associated with the Project. The projected area of groundwater drawdown shall be refined on an annual basis during project construction and every three (3) years during project operations using the data acquired as part of Condition of Certification SOIL&WATER-4 as well as the numerical groundwater model developed as part of the AFC and subsequent Data Responses by the applicant. If the area predicted to show a water level change of 1 foot increases, the project owner will be required to submit a revised monitoring plan with additional monitoring wells (if required). 3. Identified additional wells shall be located outside of this area to serve as background monitoring wells. Abandoned wells, or wells no longer in use, that are accessible and provide reliable water level data within the potentially impacted area shall also be included as part of the monitoring network. A site reconnaissance shall be performed to identify wells that could be accessible for monitoring. As access to these wells is available, historic water level, water quality, well construction and well performance information shall be obtained for both pumping and non-pumping conditions. 4. As access allows, measure groundwater levels from the off-site and on-site wells within the network and background wells to provide initial groundwater levels for pre-project trend analysis. 5. Construct water level maps within the CVGB within 5 miles of the site from the groundwater data collected prior to construction. Update trend plots and statistical analyses, as data is available. <p>B. During Construction:</p> <ol style="list-style-type: none"> 1. Collect water levels from wells within the monitoring network and flows from seeps and or springs on a quarterly basis throughout the construction period and at the end of the construction period. Perform statistical trend analysis for water levels. Assess the significance of an apparent trend and estimate the magnitude of that trend. 	<p>The project owner shall do all of the following:</p> <p>At least 60 days prior to operation of the site groundwater supply wells, the project owner shall submit to the CPM, a comprehensive report presenting all the data and information required in item A above. The CPM will provide comments to the plan 15 days following submittal, and the final plan shall be approved 15 days prior to operation of the site groundwater supply wells. The project owner shall submit to the CPM all calculations and assumptions made in development of the report data and interpretations. During Project construction, the project owner shall submit to the CPM quarterly reports presenting all the data and information required in item B above. The quarterly reports shall be provided 30 days following the end of the quarter. The project owner shall also submit to the CPM all calculations and assumptions made in development of the report data and interpretations.</p> <p>No later than March 31 of each year of construction or 60 days prior to Project operation, the project owner shall provide to the CPM for review and approval, documentation showing that any mitigation to private well owners during Project construction was satisfied, based on the requirements of the property owner as determined by the CPM.</p> <p>During Project operation, the project owner shall submit to the CPM, applicable quarterly, semi-annual and annual reports presenting all the data and information required in item C above. Quarterly reports shall be submitted to the CPM 30 days following the end of the quarter. The fourth quarter report shall serve as the annual report and shall be provided on January 31 in the following year.</p> <p>The project owner shall submit to the CPM all calculations and assumptions made in development of report data and interpretations, calculations, and assumptions used in development of any reports.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>C. During Operation:</p> <ol style="list-style-type: none"> 1. On a quarterly basis for the first year of operation and semiannually thereafter for the following four years, collect water level measurements from any wells identified in the groundwater monitoring program to evaluate operational influence from the Project. Quarterly operational parameters (i.e., pumping rate) of the water supply wells shall be monitored. Additionally, quarterly groundwater-use in the CVGB shall be estimated based on available data. 2. On an annual basis, perform statistical trend analysis for water levels data and comparison to predicted water level declines due to project pumping. Analysis of the significance of an apparent trend shall be determined and the magnitude of that trend estimated. Based on the results of the statistical trend analyses and comparison to predicted water level declines due to Project pumping, the project owner shall determine the area where the Project pumping has induced a drawdown in the water supply at a level of 5 feet or more below the baseline trend. 3. If water levels have been lowered more than 5 feet below presite operational trends, and monitoring data provided by the project owner show these water level changes are different from background trends and are caused by Project pumping, then the project owner shall provide mitigation to the impacted well owner(s). Mitigation shall be provided to the impacted well owners that experience 5 feet or more of Project-induced drawdown if the CPM's inspection of the well monitoring data confirms changes to water levels and water level trends relative to measured pre-project water levels, and the well (private owners well in question) yield or performance has been significantly affected by Project pumping. The type and extent of mitigation shall be determined by the amount of water level decline induced by the Project, the type of impact, and site specific well construction and water use characteristics. If an impact is determined to be caused by drawdown from more than one source, the level of mitigation provided shall be proportional to the amount of drawdown induced by the Project relative to other sources. In order to be eligible, a well owner must provide documentation of the well location and construction, including pump intake depth, and that the well was constructed and usable before Project pumping was initiated. The mitigation of impacts shall be determined as follows: <ol style="list-style-type: none"> a. If Project pumping has lowered water levels by 5 feet or more and increased pumping lifts, increased energy costs shall be calculated. Payment or reimbursement for the increased costs shall be provided at the option of the affected well owner on an annual basis. In the absence of specific electrical use data supplied by the well owner, the project owner shall use SOIL&WATER-5 to calculate increased energy costs. b. If groundwater monitoring data indicate Project pumping has lowered water levels below the top of the well screen, and the well yield is shown to have decreased by 10% or more of the pre-Project average seasonal yield, compensation shall be provided for the diagnosis and maintenance to treat and remove encrustation from the well screen. Reimbursement shall be provided at an amount equal to the customary local cost of performing the necessary diagnosis and maintenance for well screen encrustation. Should the well yield reductions be recurring, the project owner shall provide payment or reimbursement for periodic maintenance throughout the life of the Project. If with treatment the well yield is incapable of meeting 110% of the well owner's maximum daily demand, dry season demand, or annual demand the well owner should be compensated by reimbursement or well replacement as described under Condition 3.c. c. If Project pumping has lowered water levels to significantly impact well yield so that it can no longer meet its intended purpose, causes the well to go dry, or cause casing collapse, payment or reimbursement of an amount equal to the cost of deepening or replacing the well shall be provided to accommodate these effects. Payment or reimbursement shall be at an amount equal to the customary local cost of deepening the existing well or constructing a new well of comparable design and yield (only deeper). The demand for water, which determines the 	<p>After the first five year operational and monitoring period, the project owner shall submit a 5 year monitoring report to the CPM that includes all monitoring data collected and a summary of the findings. The CPM will determine if the water level measurements and water quality sampling frequencies should be revised or eliminated.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>required well yield, shall be determined on a per well basis using well owner interviews and field verification of property conditions and water requirements compiled as part of the pre-project well reconnaissance. Well yield shall be considered significantly impacted if it is incapable of meeting 110% of the well owner's maximum daily demand, dry-season demand, or annual demand – assuming the pre-project well yield documented by the initial well reconnaissance met or exceeded these yield levels.</p> <p>d. The project owner shall notify any owners of the impacted wells within one month of the CPM approval of the compensation analysis for increased energy costs.</p> <p>e. Pump lowering – In the event that groundwater is lowered as a result of Project pumping to an extent where pumps are exposed but well screens remain submerged the pumps shall be lowered to maintain production in the well. The Project shall reimburse the impacted well owner for the costs associated with lowering pumps.</p> <p>f. Deepening of wells – If the groundwater is lowered enough as a result of Project pumping that well screens and/or pump intakes are exposed, and pump lowering is not an option, such affected wells shall be deepened or new wells constructed. The project owner shall reimburse the impacted well owner for all costs associated with deepening existing wells or constructing new wells shall be borne by the project owner.</p> <p>4. After the first five-year operational and monitoring period the CPM shall evaluate the data and determine if the monitoring program for water level measurements should be revised or eliminated. Revision or elimination of any monitoring program elements shall be based on the consistency of the data collected. The determination of whether the monitoring program should be revised or eliminated shall be made by the CPM.</p> <p>5. If mitigation includes monetary compensation, the project owner shall provide documentation to the CPM that compensation payments have been made by March 31 of each year of Project operation or, if lump-sum payments are made, payment is made by March 31 following the first year of operation only. Within 30 days after compensation is paid, the project owner shall submit to the CPM a compliance report describing compensation for increased energy costs necessary to comply with the provisions of this condition.</p> <p>6. At the end of every subsequent five-year monitoring period, the collected data shall be evaluated by the CPM and they shall determine if the sampling frequency should be revised or eliminated.</p> <p>7. During the life of the Project, the project owner shall provide to the CPM all monitoring reports, complaints, studies and other relevant data within 10 days of being received by the project owner.</p>		
<p>SOIL&WATER-5, Increased Energy Costs : Where it is determined that the project owner shall reimburse a private well owner for increased energy costs identified as a result of analysis performed in Condition of Certification SOIL&WATER-4, the project owner shall calculate the compensation owed to any owner of an impacted well as described below. Increased Cost for Energy = Change in lift/total system head x total energy consumption x costs/unit of energy</p> <p>Where:</p> <p>Change in lift (ft) = calculated change in water level in the well resulting from project total system head (ft) = elevation head + discharge pressure head elevation head (ft) = difference in elevation between wellhead discharge pressure gauge and water level in well during pumping.</p> <p>discharge pressure head (ft) = pressure at wellhead discharge gauge (psi) X 2.31</p>	<p>The project owner shall do all of the following:</p> <ol style="list-style-type: none"> 1. No later than 30 days after CPM approval of the well drawdown analysis, the project owner shall submit to the CPM for review and approval all documentation and calculations describing necessary compensation for energy costs associated with additional lift requirements. 2. The project owner shall submit to the CPM all calculations, along with any letters signed by the well owners indicating agreement with the calculations, and the name and phone numbers of those well owners that do not agree with the calculations. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>The project owner shall submit to the CPM for review and approval the documentation showing which well owners must be compensated for increased energy costs and that the proposed amount is sufficient compensation to comply with the provisions of this condition.</p> <ol style="list-style-type: none"> Any reimbursements (either lump sum or annual) to impacted well owners shall be only to those well owners whose wells were in service within six months of the Commission decision and within a 5-mile radius of the project site. The project owner shall notify all owners of the impacted wells within one month of the CPM approval of the compensation analysis for increase energy costs. Compensation shall be provided on either a one-time lump-sum basis, or on an annual basis, as described below. <p>Annual Compensation: Compensation provided on an annual basis shall be calculated prospectively for each year by estimating energy costs that will be incurred to provide the additional lift required as a result of the project. With the permission of the impacted well owner, the project owner shall provide energy meters for each well or well field affected by the project. The impacted well owner to receive compensation must provide documentation of energy consumption in the form of meter readings or other verification of fuel consumption. For each year after the first year of operation, the project owner shall include an adjustment for any deviations between projected and actual energy costs for the previous calendar year.</p> <p>One-Time Lump-Sum Compensation: Compensation provided on a one-time lump-sum basis shall be based on a well-interference analysis, assuming the maximum project-pumping rate of 300 afy. Compensation associated with increased pumping lift for the life of the project shall be estimated as a lump sum payment as follows:</p> <ol style="list-style-type: none"> The current cost of energy to the affected party considering time of use or tiers of energy cost applicable to the party's billing of electricity from the utility providing electric service, or a reasonable equivalent if the party independently generates their electricity; An annual inflation factor for energy cost of 3%; and A net present value determination assuming a term of 30 years and a discount rate of 9%; 	<p>Compensation payments shall be made by March 31 of each year of project operation or, if lump-sum payment is selected, payment shall be made by March 31 of the first year of operation only. Within 30 days after compensation is paid, the project owner shall submit to the CPM a compliance report describing compensation for increased energy costs necessary to comply with the provisions of this condition.</p>	
<p>SOIL&WATER-6, Water Discharge Requirements: The project owner shall comply with the requirements specified in Appendix B, C, and D. These requirements relate to discharges, or potential discharges, of waste that could affect the quality of waters of the state, and were developed in consultation with staff of the State Water Resources Control Board and/or the applicable California Regional Water Quality Control Board (hereafter "Water Boards"). It is the Commission's intent that these requirements be enforceable by both the Commission and the Water Boards. In furtherance of that objective, the Commission hereby delegates the enforcement of these requirements, and associated monitoring, inspection and annual fee collection authority, to the Water Boards. Accordingly, the Commission and the Water Board shall confer with each other and coordinate, as needed, in the enforcement of the requirements. The project owner shall pay the annual waste discharge permit fee associated with this facility to the Water Boards. In addition, the Water Boards may "prescribe" these requirements as waste discharge requirements pursuant to Water Code Section 13263 solely for the purposes of enforcement, monitoring, inspection, and the assessment of annual fees, consistent with Public Resources Code Section 25531, subdivision (c).</p>	<p>The Project owner shall follow the groundwater quality monitoring requirements as provided in SOIL&WATER-18 by providing Groundwater Quality Monitoring and Reporting Plan 90 days prior to operation of water supply wells for construction activities. The plan shall provide methods and procedures for monitoring background water quality, and site groundwater quality related to operation of the waste management units. Well locations, groundwater sampling procedures and analytical methods shall be provided consistent with requirements stipulated in the Waste Discharge Requirements provided in Appendix B, C and D.</p> <p>No later than 60 days prior to any wastewater discharge or use of land treatment units, the project owner shall provide documentation to the CPM, with copies to the CRBRWQCB,</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
	<p>demonstrating compliance with the WDRs established in Appendices B, C, and D. Any changes to the design, construction, or operation of the evaporation basins, treatment units, or storm water system shall be requested in writing to the CPM, with copies to the CRBRWQCB, and approved by the CPM, in consultation with the CRBRWQCB, prior to initiation of any PSPP Soil and Water Opening Testimony Page 5 changes. The project owner shall provide to the CPM, with copies to the CRBRWQCB, all monitoring reports required by the WDRs, and fully explain any violations, exceedances, enforcement actions, or corrective actions related to construction or operation of the evaporation basins or treatment units.</p>	
<p>SOIL&WATER-7, Septic System and Leach Field Requirements: The project owner shall comply with the requirements of the County of Riverside Ordinance Code Title 8, Chapter 8.124 and the California Plumbing Code (California Code of Regulations Title 24, Part 5) regarding sanitary waste disposal facilities such as septic systems and leach fields. The septic system and leach fields shall be designed, operated, and maintained in a manner that ensures no deleterious impact to groundwater or surface water. Compliance shall include an engineering report on the septic system and leach field design, operation, maintenance, and loading impact to groundwater.</p>	<p>The project owner shall submit all necessary information and the appropriate fee to the County of Riverside and the CRBRWQCB to ensure that the project has complied with county and state sanitary waste disposal facilities requirements. Written assessments prepared by the County of Imperial and the CRBRWQCB regarding the project's compliance with these requirements must be submitted to the AO and CPM for review and approval 30-days prior to the start of power plant operation.</p>	CEC
<p>SOIL&WATER-14, Mitigation of Impacts to the Palo Verde Mesa Groundwater Basin: To mitigate the impact from Project pumping, the Project owner shall identify and implement offset measures to mitigate the increase in discharge from surface water to groundwater that affects recharge in the Palo Verde Valley Groundwater Basin (USGS). The project owner shall implement SOIL&WATER-17 to evaluate the change in recharge over the life of the project including any latency effects from Project pumping. The activities shall include the following water conservation projects: payment for irrigation improvements in Palo Verde Irrigation District, payment for irrigation improvements in Imperial Irrigation District, purchase of water rights within the Colorado River Basin that will be held in reserve, and/or BLM's Tamarisk Removal Program or other proposed mitigation activities acceptable to the CPM. The activities proposed for mitigation shall be outlined in a Water Offset Plan that will be provided to the CPM for review and approval and which shall include the following at a minimum:</p> <ul style="list-style-type: none"> A. Identification of the water offsets as determined in SOIL&WATER-17; B. Demonstration of the Project owner's ability to conduct the activity; C. Whether any governmental approval of the identified offset will be needed, and if so, whether additional approval will require compliance with CEQA or NEPA; D. Demonstration of how much water is provided by each of the offset measures; E. An estimated schedule for completion of the activities; 	<p>The project Owner shall submit a Water Offset Plan to the CPM for review and approval thirty (30) days before the start of extraction of groundwater for construction or operation.</p> <p>The Project owner shall implement the activities reviewed and approved in the Water Offset Plan in accordance with the agreed upon schedule in the Water Offset Plan. If agreement with the CPM on identification or implementation of offset activities cannot be achieved the Project owner shall immediately halt construction or operation until the agreed upon activities can be identified and implemented.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>F. Performance measures that would be used to evaluate the amount of water replaced by the proposed offset measure; and,</p> <p>G. A Monitoring and Reporting Plan outlining the steps necessary and proposed frequency of reporting to show the activities are achieving the intended benefits of the water supply offsets;</p>		
<p>SOIL&WATER-15, Groundwater Production Reporting: The Project is subject to the requirement of Water Code Sections 4999 et. seq. for reporting of groundwater production in excess of 25 acre feet per year.</p>	<p>The project owner shall file an annual "Notice of Extraction and Diversion of Water" with the SWRCB in accordance with Water Code Sections 4999 et. seq. The project owner shall include a copy of the filing in the annual compliance report.</p>	<p>CEC</p>
<p>SOIL&WATER 16, Groundwater Subsidence Monitoring and Action Plan: One monument monitoring station per production well or a minimum of three stations shall be constructed to measure potential inelastic subsidence that may alter surface characteristics of the Chuckwalla Valley near the proposed production wells. The applicant shall:</p> <p>A. Prepare and submit a Subsidence Monitoring Plan (SMP). The plan shall include the following elements:</p> <ol style="list-style-type: none"> 1. Construction diagrams of the proposed monument monitoring station including size and description, planned depth, measuring points, and protection measures; 2. Map depicting locations (minimum of three) of the planned monument monitoring stations; 3. Monitoring program that includes monitoring frequency, thresholds of significance, reporting format. <p>B. Prepare quarterly reports commencing three (3) months following commencement of groundwater production during construction and operations.</p> <ol style="list-style-type: none"> 1. The reports shall include presentation and interpretation of the data collected including comparison to the thresholds developed in Item C. <p>C. Prepare a Mitigation Action Plan that details the following:</p> <ol style="list-style-type: none"> 1. Thresholds of significance for implementation of proposed action plan; <ol style="list-style-type: none"> a. Any subsidence that may occur will not be allowed to damage existing structures either on or off the site or alter the appearance or use of the structure; b. Any subsidence that may occur will not be allowed to alter the natural drainage patterns or permit the formation of playas or lakes; c. Any subsidence that violates (a) or (b) will result in the project owner investigating the need to immediately reduce/cease pumping until the cause is identified or subsidence caused by project pumping abates and the structures and/or drainage patterns are stabilized and corrected. 2. Action Plan that details proposed actions by the applicant in the event thresholds are achieved during the monitoring program. The applicant shall submit the Ground Subsidence Monitoring and Action Plan that is prepared by an Engineering Geologist registered in the State of California 30 days prior to the start of extraction of groundwater for construction or operation. 	<p>The project owner shall do all of the following:</p> <ol style="list-style-type: none"> 1. At least 30 days prior to project construction, the project owner shall submit to the CPM, a comprehensive report presenting all the data and information required in item A above. 2. The project owner shall submit to the CPM all calculations and assumptions made in development of the SMP. 3. During Project construction and operations, the project owner shall submit to the CPM quarterly reports presenting all the data and information required in item B above. 4. The project owner shall submit to the CPM all calculations and assumptions made in development of the report data and interpretations. 5. After the first five years of the monitoring period, the project owner shall submit a 5-year monitoring report to the CPM that submits all monitoring data collected and provides a summary of the findings. The CPM will determine if the Ground Subsidence Monitoring and Action Plan frequencies should be revised or eliminated. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>SOIL&WATER 17, Estimation of Surface Water Impacts: To further assess the impacts from Project pumping, the Project owner shall estimate the increase in discharge from surface water to groundwater that affects recharge in the Palo Verde Valley Groundwater Basin (PVVGB)(USGS). This estimate may be used for determining the appropriate offset volume in accordance with SOIL&WATER-14. The Project owner shall do the following to provide an estimate for review and approval by the CPM:</p> <ol style="list-style-type: none"> 1. The Project owner shall conduct a detailed analysis of the affect from Project pumping on at the end of the 30 year operational period the change in groundwater outflow from the Chuckwalla Valley Groundwater Basin to the Palo Verde Valley and how the change in outflow may affect recharge of surface water to the PVVGB from the Project's groundwater extraction activities. The detailed analysis shall include: <ol style="list-style-type: none"> a. The conceptual model developed in the AFC and the Staff Assessment, for the Chuckwalla Valley Groundwater Basin and the Palo Verde Valley, and any changes resultant from further analysis in support of numerical modeling; b. The use of an appropriately constructed groundwater model 1.) for the eastern portion of the Chuckwalla Valley Groundwater Basin that describes the effect from Project pumping on the outflow of groundwater to the Palo Verde Valley, and 2.) an appropriately constructed groundwater model of the Palo Verde Valley, inclusive of the mesa and floodplain. The models shall be coupled as appropriate to determine the effect from Project pumping on the surface water recharge in the Palo Verde Valley. Each model shall be constructed in consideration of the following: <ol style="list-style-type: none"> i. Horizontal and vertical geometry information gained through on- and offsite investigations conducted as part of the hydrogeological field investigations for the AFC, and any subsequently documented investigation performed as part of the model development ; ii. Aquifer properties developed as part of the AFC and any subsequently documented investigations performed as part of the model development, and an assessment of aquifer properties available from other published sources. The properties used shall be representative of the available data; and iii. The modeling effort shall include a sensitivity analysis where in the most sensitive variables will be identified and varied within a reasonable range outside of the calibration value to provide an assessment of the range of potential impacts from the Project pumping on the recharge from the Palo Verde Valley Groundwater Basin. c. Reporting of the results of the modeling effort d. Estimation of the increased contribution of surface water discharge to groundwater and the change in recharge to the Palo Verde Valley Groundwater Basin attributable to Project groundwater pumping. 2. The analysis shall include the following elements: <ol style="list-style-type: none"> a. The change in groundwater flux to the regional aquifer from surface water sources attributable to Project pumping in afy for the life of the Project (30 years) until pre-project (within 95%) conditions are achieved; b. A sensitivity analysis that would provide a range in the potential changes in flux relative to variation in the key model variables within each model as a result of Project pumping for life of the Project until pre-project (within 95%) conditions are achieved; 3. The project owner shall present the results of the conceptual model, numerical model, transient runs and sensitivity analysis in a report for review and approval by the CPM. The report shall include all pertinent information regarding the development of the numerical models. The report shall include as discussion of the following as appropriate to each model: 	<p>Within thirty (30) days following certification of the proposed Project, the project owner shall submit to the CPM for their review and approval a report detailing the results of the modeling effort. The report shall include the estimated amount of change in discharge from surface water to groundwater within the Palo Verde Valley due to Project pumping. This estimate shall be used for determining the appropriate volume of water for offset in accordance with SOIL&WATER-14.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<ul style="list-style-type: none"> a. Introduction b. Previous Investigations c. Conceptual Model d. Numerical Model and Input Parameters e. Sensitivity Analysis f. Transient Modeling Runs g. Conclusions 		
<p>SOIL&WATER-18, Groundwater Quality Monitoring and Reporting Plan: The project owner shall submit a Groundwater Quality Monitoring and Reporting Plan to the CPM for review and approval. The Groundwater Quality Monitoring and Reporting Plan shall provide a description of the methodology for monitoring background and site groundwater quality following the Waste Discharge Requirements of SOIL&WATER-6, to assess the effects from pumping on changes in the aquifer water chemistry, and to monitor potential impacts from operation of proposed septic leach fields, if required. The initial background water quality sampling shall be implemented during the background groundwater level monitoring events in accordance with SOIL&WATER-4. Prior to project construction, access to offsite wells shall be obtained and samples collected and monitoring wells shall be installed to evaluate background water quality in the shallow and deep regional aquifer in areas that will be affected by Project pumping. These data will be used to establish pre-construction water quality that can be quantitatively compared against data gathered during construction and operation to assess if project pumping or a release from the waste management units (See SOIL&WATER-6), or septic systems (if required) has adversely affected the water supply or sensitive receptors.</p> <ol style="list-style-type: none"> 1. A Groundwater Quality Monitoring and Reporting Plan shall be submitted to the CPM 90 days prior to operation of the water supply wells for construction. The Plan shall include a scaled map showing the site and vicinity, existing well locations, and proposed monitoring locations (both existing wells and new monitoring wells proposed for construction). Additional monitoring wells that shall be installed include wells required in accordance with Condition of Certification SOIL&WATER-6, for the evaporation ponds and land treatment unit proposed for the project, and if required for the sanitary leachfield system. The map shall also include relevant natural and man-made features (existing and proposed as part of this project). The plan also shall provide: (1) well construction information and borehole lithology for each existing well proposed for use as a monitoring well; (2) description of proposed drilling and well installation methods; (3) proposed monitoring well design; and, (4) schedule for completion of the work. 2. A Well Monitoring Installation and Groundwater Quality Network Report shall be submitted to the CPM for review and approval in conjunction with Condition of Certification SOIL&WATER-4 and 60 days prior to operation of the water supply wells. The report shall include a scaled map showing the final monitoring well network. It shall document the drilling methods employed, provide individual well construction as-builds, borehole lithology recorded from the drill cuttings, well development, and well survey results. The well survey shall measure the location and elevation of the top of the well casing and reference point for all water level measurements, and shall include the coordinate system and datum for the survey measurements. Additionally, the report shall describe the water level monitoring equipment employed in the wells and document their deployment and use. 3. As part of the monitoring well network development, all newly constructed monitoring wells shall be constructed consistent with State and Riverside County specifications. 	<p>The project owner shall complete the following:</p> <p>At least 90 days prior to construction, a Groundwater Level and Quality Monitoring and Reporting Plan shall be submitted to the CPM for review and approval.</p> <p>At least 60 days prior to construction, a Well Monitoring Installation and Groundwater Level Network Report shall be submitted to the CPM for review and approval.</p> <p>At least 60 days prior to use of any groundwater for construction, all groundwater quality and groundwater level monitoring data shall be reported to the CPM. On a semiannual basis water quality data shall be collected during construction and 5 years following initial operation. The results of the monitoring will be reported on a semiannual basis, one month following the end of the 1st and 3rd quarters.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>4. Prior to use of any groundwater for construction, all groundwater quality and groundwater level monitoring data shall be reported to the CPM in the Well Monitoring Installation and Groundwater Quality Network Report that is due in conjunction with the background water level monitoring report under SOIL&WATER-4 and 60 days prior to construction. The report shall include the following:</p> <ul style="list-style-type: none"> a. An assessment of pre-project groundwater levels, a summary of available climatic information (monthly average temperature and rainfall records from the nearest weather station), and a comparison and assessment of water level data relative to the assumptions and spatial trends simulated by the applicant's groundwater model. b. An assessment of pre-project groundwater quality with groundwater samples analyzed for those constituents required under the Waste Discharge Requirements (Appendix B, C and D) and if not included total dissolved solids (TDS), chloride, nitrates, major cations and anions, oxygen-18 and deuterium isotopes, and soluble metals. c. The data shall be tabulated and include the estimated range (minimum and maximum values), average, and median for each constituent analyzed. If a sufficient number of data points are available from the background sampling, the data shall also be analyzed using the Mann-Kendall test for trend at 90% confidence to assess whether pre-project water quality trends, if any, are statistically significant. <p>5. During project construction and during the first five years of project operations, the project owner shall semi-annually monitor the quality of groundwater and changes in groundwater elevation and submit data semiannually to the CPM one month following the end of the 1st and 3rd quarter and following the operation reporting requirement under SOIL&WATER-4. After five years of project operations, the frequency and scope of the monitoring program shall be reassessed by the CPM. The semi-annual report shall document water level monitoring methods, the water level data, water level plots, and a comparison between pre- and post-project start-up water level trends as itemized below. The report shall also include a summary of actual water use conditions, monthly climatic information (temperature and rainfall) from the nearest meteorological monitoring station, and a comparison and assessment of water level data relative to the assumptions and simulated spatial trends predicted by the applicant's groundwater model.</p> <ul style="list-style-type: none"> a. Groundwater samples from all wells in the monitoring well network shall be analyzed and reported semi-annually for those constituents required in the Waste Discharge Requirements (Appendix B, C and D) and if not included TDS, chloride, nitrates, cations and anions, oxygen-18 and deuterium isotopes. b. For analysis purposes, pre-project water quality shall be defined by samples collected prior to project construction as specified above, and compliance data shall be defined by samples collected after the construction start date to determine the effects from Project pumping and after the installation and operation of the waste management units in compliance with the Waste Discharge Requirements (Appendix B, C and D) and the sanitary leachfields, if required. c. Trends in water quality data shall be analyzed using the Mann- Kendall test for trend at the 90% confidence. Trends in the compliance data shall be compared and contrasted to pre-project trends, if any. d. The contrast between pre-project and compliance mean or median concentrations shall be compared using an Analysis of Variance (ANOVA) or other appropriate statistical method approved by the CRBRWQCB for evaluation of water quality impacts. A parametric ANOVA (for example, an F-test) can be conducted on the two data sets if the residuals between observed and expected values are normally distributed and have equal variance, or the data can be transformed to an approximately normal distribution. If the data cannot be represented by a normal distribution, then a nonparametric ANOVA shall be conducted (for example, the Kruskal-Wallis test). If a statistically significant 		

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SOIL AND WATER (cont.)		
<p>difference is identified at 90% confidence between the two data sets, the monitoring data are inconsistent with random differences between the pre-project and baseline data indicating a significant water quality impact from project pumping may be occurring.</p> <p>e. If compliance data to evaluate the effects from Project pumping or potential impacts from operation of sanitary leachfield indicate that the water supply quality has deteriorated in (exceeds pre-project constituent concentrations in TDS, sodium, chloride, or other constituents identified as part of the monitoring plan and applicable Water Quality Objectives are exceeded for the applicable beneficial uses of the water supply) adjacent water supply wells that can be shown to be adversely influenced by Project Pumping for three consecutive years, the Project owner shall provide well-head treatment or a new water supply to either meet or exceed pre-project water quality conditions to any impacted water supply wells.</p>		
<p>SOIL&WATER-19, Non-Transient, Non-Community Water System: The Project is subject to the requirement of Title 22, Article 3, Sections 64400.80 through 64445 for a non-transient, non-community water system (serving 25 people or more for more than six months). In addition, the system shall require periodic monitoring for various bacteriological, inorganic and organic constituents.</p>	<p>The project owner shall submit the equivalent County of Riverside requirements to operate a non-transient, non-community water system with the County of Riverside at least 60 days prior to commencement of operations at the site. In addition, the project owner shall submit to the CPM a monitoring and reporting plan for production wells operated as part of the domestic water supply system prior to plant operations. The plan shall include reporting requirements including monthly, quarterly and annual submissions. The project owner shall designate a California Certified Water Treatment Plant Operator as well as the technical, managerial and financial requirements as prescribed by State law. The project owner shall supply updates on an annual basis of monitoring requirements, any required submittals equivalent to the County of Riverside requirements including annual renewal requirements.</p>	CEC
SPECIAL DESIGNATIONS		
<p>MM-SD-01: The NPS shall be afforded the opportunity to review and comment on the following pre-construction plans required for the project prior to approval of the plans by the BLM and CPUC: the Weed Management Plan (BIO-14), Dust Control Plans (AQ-SC-3 and AQ-SC-7), and Construction Traffic Control Plan (TRANS-4). Review and comment by the NPS must be within time frames specified by the BLM.</p>	<p>The project owner shall submit the identified plans to NPS for a 30-day review and comment period before BLM may approve the plans. The project owner shall provide a copy of the transmittal to NPS of the plans (with or without attachments) to BLM for verification.</p>	BLM
<p>MM-SD-02: The Applicant shall enter into a funding agreement or other financial mechanism, as may be specified in the ROD or ROW grant, to reimburse the NPS for reasonable costs incurred in the monitoring of the following measures (whether applicant proposed or BLM-recommended) to address temporary indirect impacts on the Joshua Tree National Park:</p>	<p>The project owner shall submit proof that a funding agreement or other financial mechanism has been entered into by and between the project owner and the NPS before the BLM will issue an NTP for the commencement of construction activities at the site.</p>	BLM

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
SPECIAL DESIGNATIONS (cont.)		
<p>1. Fugitive dust: AQ-SC-3 and AQ-SC-7, requiring the development and implementation of dust control plans during construction and operations, and SOIL&WATER-1(H), requiring the development and implementation of measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use.</p> <p>2. Noise: NOISE-6, limiting most construction activity to daytime hours.</p> <p>3. Nighttime lighting: VIS-3, requiring the design and installation of a lighting mitigation plan concerning temporary and permanent exterior lighting.</p>		
<p>MM-SD-03: A Signage and Guidance Plan shall be developed for JTNP by the Applicant and reviewed and approved by both the NPS and the BLM prior to the start of construction of the project. The intent of this plan is to address the potential indirect effects on NPS land as a result of the influx of workers associated with the mobilization, construction, and demobilization of the project. The plan shall include the following elements:</p> <ol style="list-style-type: none"> 1. Design and installation of directional and informational signage that identify areas of JTNP available for day, overnight, and long-term stays; off-limit areas; and pertinent park rules and regulations; 2. Design and installation of strategically placed gates, bollards, or the like, inside the boundary of JTNP, where deemed necessary, for the purpose of vehicular control on NPS parkland located nearest the project boundary; 3. Educational instruction for project construction workers on park rules and regulations pertinent to JTNP and Joshua Tree Wilderness Area. This instruction shall be integrated into the Worker Environmental Awareness Program; 4. Requirements for the retention and/or removal of any items installed as part of the plan following completion of construction of the project; and, 5. Funding mechanism for implementing the plan. <p>Items installed as part of the plan shall have a nexus to the NPS's need to address the likely impacts associated with above normal numbers of users of JTNP facilities during the mobilization, construction, and demobilization period of the project.</p>	<p>The project owner shall submit to BLM the Signage and Guidance Plan and proof of NPS's approval of it before the BLM will issue an NTP for the commencement of construction activities at the site.</p>	<p>BLM</p>
TRAFFIC AND TRANSPORTATION		
<p>TRANS-1, Regulation Compliance: The project owner shall comply with limitations imposed by Caltrans District 8 and other relevant jurisdictions, including the County of Riverside, on vehicle sizes and weights and driver licensing. In addition, the project owner or its contractor shall obtain necessary transportation permits from Caltrans and all relevant jurisdictions for roadway use.</p>	<p>In the Monthly Compliance Reports (MCRs), the project owner shall report permits received during that reporting period. In addition, the project owner shall retain copies of permits and supporting documentation on-site for Compliance Project Manager (CPM) inspection if requested.</p>	<p>CEC</p>
<p>TRANS-2, Transport of Hazardous Materials: The project owner shall ensure that permits and/or licenses are secured from the California Highway Patrol and Caltrans for the transport of hazardous materials.</p>	<p>In the MCRs, the project owner shall report permits and/or licenses for hazardous substance transportation received during that reporting period. In addition, the project owner shall retain copies of permits, licenses, and supporting documentation on-site for CPM inspection if requested.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<p>TRANS-3, Repair and Restoration of Roads: The project owner shall restore all public roads, easements, and rights-of-way that have been damaged due to project-related construction activities to original or near-original condition in a timely manner, as directed by BLM's Authorized Officer and the CPM. Repair and restoration of access roads may be required at any time during the construction phase of the project to assure safe ingress and egress.</p>	<p>At least 30 days prior to the start of mobilization, the project owner shall photograph or videotape all affected public roads, easements, and right-of-way segments and/or intersections and shall provide the CPM and the affected local jurisdictions and Caltrans (if applicable) with a copy of these images. The project owner shall rebuild, repair and maintain all public roads, easements, and rights-of-way in a usable condition throughout the construction phase of the project.</p> <p>At least 30 days prior to the start of site mobilization, the project owner shall consult with the County of Riverside and Caltrans District 8 and notify them of the proposed schedule for project construction. The purpose of this notification is to request that the County of Riverside and Caltrans consider postponement of public right-of-way repair or improvement activities in areas affected by project construction until construction is completed and to coordinate with the project owner regarding any concurrent construction-related activities that are planned or in progress and cannot be postponed.</p> <p>Within 60 calendar days after completion of construction, the project owner shall meet with the CPM, the County of Riverside, and Caltrans District 8 to identify sections of public right-of-way to be repaired. At that time, the project owner shall establish a schedule to complete the repairs and to receive approval for the action(s). Following completion of any public right-of-way repairs, the project owner shall provide to the CPM a letter signed by the County of Riverside and Caltrans District 8 stating their satisfaction with the repairs.</p>	
<p>TRANS-4, Traffic Control Plan (TCP): Prior to the start of construction of the PSPP, the project owner shall prepare and implement a Traffic Control Plan (TCP) for the PSPP's construction and operations traffic. The TCP shall address the movement of workers, vehicles, and materials, including arrival and departure schedules and designated workforce and delivery routes. The project owner shall consult with the County of Riverside and the California Department of Transportation (Caltrans) District 8 office in the preparation and implementation of the Traffic Control Plan (TCP). The project owner shall submit the proposed TCP to the County of Riverside and the Caltrans District 8 office in sufficient time for review and comment, and to the Energy Commission Compliance Project Manager (CPM) for review and approval prior to the proposed start of construction and implementation of the plan. The CPM shall review and approve the TCP or identify any material deficiencies within thirty (30) days of receipt. The project owner shall provide a copy of any written</p>	<p>At least 60 calendar days prior to the start of construction, including any grading or site remediation on the power plant site or its associated easements, the project owner shall submit the proposed TCP to the County of Riverside and the Caltrans District 8 office for review and comment and to the CPM for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to the County of Riverside and the Caltrans District 8 office requesting review and comment.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<p>comments from the County of Riverside and the Caltrans District 8 office and any changes to the TCP to the CPM prior to the proposed start of construction. The Traffic Control Plan (TCP) shall include:</p> <ol style="list-style-type: none"> 1. A work schedule and end-of-shift departure plan designed to ensure that stacking does not occur at intersections necessary to enter and exit the project sites. The project owner shall consider using one or more of the following measures designed to prevent stacking: staggered work shifts, off-peak work schedules, and/or restricting travel to and departures from each project site to 10 or fewer vehicles every three minutes during peak travel hours on I- 10. 2. Provisions for an incentive program, such as employer-sponsored commuter checks, to encourage construction workers to carpool and/or use van or bus service. 3. Limitation of truck deliveries at the project site to only off-peak hours. 4. A heavy-haul plan addressing the transport and delivery of heavy and oversized loads requiring permits from the California Department of Transportation (Caltrans) or other state or federal agencies. 5. Timing of heavy equipment and building material delivery to the sites 6. Parking for workforce and construction vehicles. 7. Emergency vehicle access to the project site. 8. Provisions for redirection of construction traffic with a flag person as necessary to ensure traffic safety and minimize interruptions to non-construction related traffic flow. 9. Placement of signage, lighting, and traffic control devices at the project construction site and laydown areas. 10. Placement of signage along northbound Corn Springs Road and at the entrance of each of the I-10 westbound and eastbound offramps at Corn Springs Road notifying drivers of construction traffic throughout the duration of the construction period. 11. Placement of signage to redirect traffic from Corn Springs Road during construction activities related to roadway realignments and pipeline installation in and across the Corn Springs Road right-of-way 12. Temporary closing of travel lanes, if necessary. 13. Access to adjacent residential and commercial property during the construction of all linears 		
<p>TRANS-5, Encroachment Permits: The project owner or contractor shall comply with Caltrans' and other relevant jurisdictions' limitations for encroachment into public rights-of-way and shall obtain necessary encroachment permits from Caltrans and any other relevant jurisdictions.</p>	<p>In the MCRs, the project owner shall report permits received during that reporting period. In addition, for at least six months after the start of commercial operation, the project owner shall retain copies of permits and supporting documentation on-site for CPM inspection if requested.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<p>TRANS-6, Heliostat Positioning Plan: The project owner shall prepare and implement a Heliostat Positioning Plan that would minimize potential for human health and safety hazards and bird injury or mortality from solar radiation exposure. The Heliostat Positioning Plan shall accomplish the following:</p> <ol style="list-style-type: none"> 1) Identify the heliostat movements and positions (including reasonably possible malfunctions) that could result in potential exposure of observers at various locations including in aircraft, motorists, pedestrians and hikers in nearby wilderness areas to reflected solar radiation from heliostats; 2) Assess the effects of the potential glint and glare associated with the proposed heliostat positions and movements determined through Item 1. The assessment shall quantify the potential glint and glare effects and determine public health, safety, and visual impacts at KOPs identified in the PSEGS Draft SEIS. In addition, the analysis shall identify the maximum project-related glint and glare that could be experienced by motorists along I-10. The assessment shall be conducted by qualified individuals using appropriate and commonly accepted software and procedures. The assessment results must be made available to the BLM in advance of project approval. If the project design is changed during the siting and design process such that substantial changes to glint and glare effects may occur, glint and glare effects shall be recalculated, and the results shall be made available to BLM; 3) Describe within the HPP how programmed heliostat operation would address potential human health and safety hazards at locations of observers, and would limit or avoid potential for harm to birds; 4) Prepare a monitoring plan that would: a) obtain field measurements in candela per meters squared and watts per meter squared to validate that the Heliostat Positioning Plan would avoid potential for human health and safety hazards consistent with the methodologies detailed in the 2010 Sandia Lab document presented by Clifford Ho, et al1, including those referenced studies and materials within related to ocular damage, and b) provide requirements and procedures to document, investigate and resolve legitimate human health and safety hazard complaints prioritizing localized response (e.g., screening at location of complaint) regarding daytime intrusive light. 5) The monitoring plan should be made available to interested parties including CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group and be updated on an annual basis for the first 5 years, and at 2-year intervals thereafter for the life of the project. 	<p>Within 90 days before commercial operation, the project owner shall submit a Heliostat Positioning Plan (HPP) to the CPM for review and approval. The project owner shall also submit the plan to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment and forward any comments received to the CPM.</p>	
<p>TRANS-7, Power Tower Luminance Monitoring Plan: The project owner shall prepare a Power Tower LMVR Plan to provide procedures to conduct measurements and to document complaints regarding distraction effects to aviation, vehicular and pedestrian traffic associated with the PSEGS solar receiver tower. The Power Tower LMVR Plan shall include provisions for the following:</p> <ol style="list-style-type: none"> 1) Provide measurement data within 30 days to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment, and to the CPM for review and approval. 2) Measurement of luminance at the locations where any distraction effects have been reported and at the locations nearest the solar receiver tower from the four sides of the power plant boundary, and the nearest public road, which may be substituted for one of the sides of the solar receiver tower during the time of day when values would be highest; 3) Measurement of luminance using an illuminance meter, photometer, or similar device and reporting of data in photometric units (candelas per meter squared and watts per meter squared); the measurements are intended to 	<p>No later than 60 days prior to RSEP commercial operation, the project owner shall provide a Power Tower LMVR Plan applicable to PSEGS for review and approval by the CPM. The plan shall specify procedures to document and investigate complaints regarding intrusive light, and report these to the CPM within 10 days of receiving a complaint.</p> <p>The project owner shall measure the intensity of the luminance of light in candelas per meter squared and watts per meter squared reflected from the solar receiver tower according to the following:</p> <p>A. Within 90 days following commercial operation;</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRAFFIC AND TRANSPORTATION (cont.)		
<p>provide a relative and quantifiable measure of luminance that can be associated with any observed and reported distraction effect from the solar receiver tower.</p> <p>4) Provisions for documenting reported distraction and if the solar receiver tower is identified as a safety concern; the project owner shall consider reasonable localized mitigation measures that are technically and financially feasible. The localized mitigation measures may include signage for or screening of the affected area or other reasonable measures.</p> <p>5) Post-mitigation verification; Within 30 days following the implementation of mitigation measures designed to reduce localized impact of the solar receiver tower, the project owner shall repeat the luminance measurements to demonstrate the effectiveness of mitigation measures and provide the new measurement data for review and comment by interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group, and for review and approval by the CPM.</p>	<p>B. If a major design change is implemented that results in an increase of the reflective luminance of the PSEGS solar receiver tower; and</p> <p>C. After receiving a complaint regarding a distraction associated with the central solar receiver from a location where previous measurements were not taken.</p>	
<p>TRANS-8, Solar Receiver Tower Obstruction Marking and Lighting: The project owner shall install obstruction marking and lighting on the solar receiving tower, consistent with both the FAA and DOD requirements, as expressed in the following documents:</p> <ul style="list-style-type: none"> • FAA Advisory Circular 70/7460-1K, Change 2: Obstruction Marking and Lighting, 24-hour medium-strobes; • Air Force Aviation Safety: Flight Safety Flash 09-01; and • FAA Safety Alert for Operators (SAFO) 09007. <p>Temporary lighting shall be installed on the top of the structure once the construction height has exceeded 200 feet AGL, activated within five days of installation, and maintained in operation 24 hours a day, 7 days a week until construction is complete. Permanent lighting consistent with all requirements shall be installed and activated within five days of completion of construction. Lighting shall be operational 24 hours a day, 7 days a week, for the life of the project and until such time as the tower no longer exists at a height exceeding 200 feet AGL. Upgrades to the required lighting configurations, types, location, or duration shall be implemented consistent with any changes to FAA or DOD obstruction marking and lighting requirements.</p>	<p>At least 60 days prior to the start of construction, the project owner shall submit final design plans for the power plant solar receiving tower that depict the required air traffic obstruction marking and lighting to the CPM for approval.</p> <p>Within five days of completion of the solar receiving tower to a height exceeding 200 feet AGL, the project owner shall install and activate temporary obstruction marking and lighting at the top of the structure and shall maintain temporary lighting at the top of said structure until construction of the tower is complete. The project owner shall inform the CPM in writing within 10 days of the time the lighting is first installed and activated.</p> <p>Within five days of completion of the tower construction, the project owner shall install and activate permanent obstruction marking and lighting consistent with both FAA and DOD requirements and shall inform the CPM in writing within 10 days of installation and activation. The lighting shall be inspected and approved by the CPM (or designate inspector) within 30 days of activation.</p>	
TRANSMISSION LINE SAFETY AND NUISANCE		
<p>TLSN-1, EMF Reduction Guidelines: The project owner shall construct the proposed transmission line (anywhere along the area identified by the applicant as available for its routing) according to the requirements of (a) California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2, (b) the High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and (3) Southern California Edison's EMF reduction guidelines.</p>	<p>At least 30 days before starting the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
TRANSMISSION LINE SAFETY AND NUISANCE (cont.)		
<p>TLSN-2, Measurements of Electric and Magnetic Fields: The project owner shall use a qualified individual to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity along the route for which the applicant provided specific estimates. The measurements shall be made before and after energization according to the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) standard procedures. These measurements shall be completed no later than 6 months after the start of operations.</p>	<p>The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements.</p>	CEC
<p>TLSN-3, Transmission Line Distance from Combustible Material: The project owner shall ensure that the rights-of-way of the proposed transmission line are kept free of combustible material, as required under the provisions of section 4292 of the Public Resources Code and section 1250 of Title 14 of the California Code of Regulations.</p>	<p>During the first five years of plant operation, the project owner shall provide a summary of inspection results and any fire prevention activities carried out along the right-of-way and provide such summaries in the Annual Compliance Report on transmission line safety and nuisance-related requirements.</p>	CEC
<p>TLSN-4, Grounding Permanent Metallic Objects: The project owner shall ensure that all permanent metallic objects within the right-of-way of the project-related lines are grounded according to industry standards regardless of ownership.</p>	<p>At least 30 days before the lines are energized, the project owner shall transmit to the CPM a letter confirming compliance with this condition.</p>	CEC
VISUAL RESOURCES		
<p>VIS-1, Surface Treatment of Project Structures and Buildings: The project owner shall treat the surfaces of all project structures and buildings visible to the public such that a) their colors minimize visual intrusion and contrast by blending with (matching) the existing characteristic landscape colors; b) their colors and finishes do not create excessive glare; and c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive. Grouped structures shall be painted the same color to reduce visual complexity and color contrast.</p> <p>Following in-field consultation with the Energy Commission/BLM Visual Resources specialist and other representatives as deemed necessary, the project owner shall submit for Compliance Project Manager (CPM) review and approval, a specific Surface Treatment Plan that will satisfy these requirements. The treatment plan shall include:</p> <p>A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes based on the characteristic landscape. Colors will be fielded tested using the actual distances from the KOPs to the proposed structures, using the proposed colors painted on representative surfaces;</p> <p>B. A list of each major project structure, building, tank, pipe, and wall; the transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and pantone number; or according to a universal designation system;</p> <p>C. One set of color brochures or color chips showing each proposed color and finish;</p> <p>D. A specific schedule for completion of the treatment; and</p>	<p>At least 90 days prior to specifying to the vendor the colors and finishes of the first structures or buildings that are surface treated during manufacture, the project owner shall submit the proposed treatment plan to BLM's Authorized Officer and the CPM for review and approval and simultaneously to Riverside County for review and comment. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a plan with the specified revision(s) for review and approval by BLM's Authorized Officer and the CPM before any treatment is applied. Any modifications to the treatment plan must be submitted to BLM's Authorized Officer and the CPM for review and approval.</p> <p>Prior to the start of commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that surface treatment of all listed structures and buildings has been completed and they are ready for inspection and shall submit to each one set of electronic color photographs from the same key observation points identified in (d) above. The project owner shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
VISUAL RESOURCES (cont.)		
<p>E. A procedure to ensure proper treatment maintenance for the life of the project. The project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture, or perform the final treatment on any buildings or structures treated in the field, until the project owner receives notification of approval of the treatment plan by BLM's Authorized Officer and the CPM. Subsequent modifications to the treatment plan are prohibited without BLM's Authorized Officer and CPM approval.</p>	<p>The report shall specify a): the condition of the surfaces of all structures and buildings at the end of the reporting year; b) maintenance activities that occurred during the reporting year; and c) the schedule of maintenance activities for the next year.</p>	
<p>VIS-2, Revegetation of Disturbed Soil Areas: The project owner shall revegetate disturbed soil areas to the greatest practical extent, as described in Condition of Certification BIO 8. In order to address specifically visual concerns, the required Closure, Revegetation and Rehabilitation Plan shall include reclamation of the area of disturbed soils used for laydown, project construction, and siting of the substation and other ancillary operation and support structures.</p>	<p>Refer to Condition of Certification BIO 8.</p>	<p>CEC</p>
<p>VIS-3, Temporary and Permanent Exterior Lighting: In addition to measures identified in VIS-6, and to the extent feasible, consistent with safety and security considerations, the project owner shall design and install all permanent exterior lighting and all temporary construction lighting such that a) lamps and reflectors are not visible from beyond the project site, including any off-site security buffer areas; b) lighting does not cause excessive reflected glare; c) direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting (which should be an on-demand, visual warning system that is triggered by radar technology if allowed by FAA regulations and if the cost is no more than \$1 million for both towers); d) illumination of the project and its immediate vicinity is minimized, and e) the plan complies federal and state OSHA and with local policies and ordinances. The project owner shall submit to BLM's Authorized Officer and the CPM for review and approval, and simultaneously to the County of Riverside and NPS Joshua Tree NP (see VIS-6) for review and comment a lighting mitigation plan that includes the following:</p> <p>A. Location and direction of light fixtures shall take the lighting mitigation requirements into account;</p> <p>B. Lighting design shall consider setbacks of project features from the site boundary to aid in satisfying the lighting mitigation requirements;</p> <p>C. Lighting shall incorporate fixture hoods/shielding, with light directed downward or toward the area to be illuminated;</p> <p>D. Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security;</p> <p>E. All lighting shall be of minimum necessary brightness consistent with operational safety and security; and</p> <p>F. Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.</p>	<p>At least 90 days prior to ordering any permanent exterior lighting or temporary construction lighting, the project owner shall contact BLM's Authorized Officer the CPM, and NPS Joshua Tree NP to discuss the documentation required in the lighting mitigation plan. At least 60 days prior to ordering any permanent exterior lighting, the project owner shall submit to BLM's Authorized Officer and, the CPM for review and approval and simultaneously to the County of Riverside and NPS Joshua Tree NP for review and comment a lighting mitigation plan. If BLM's Authorized Officer and the CPM determine that the plan requires revision, the project owner shall provide to BLM's Authorized Officer and the CPM a revised plan for review and approval by BLM's Authorized Officer and the CPM.</p> <p>The project owner shall not order any exterior lighting until receiving BLM Authorized Officer and CPM approval of the lighting mitigation plan.</p> <p>Prior to commercial operation, the project owner shall notify BLM's Authorized Officer and the CPM that the lighting has been completed and is ready for inspection. If after inspection, BLM's Authorized Officer and the CPM notify the project owner that modifications to the lighting are needed, within 30 days of receiving that notification the project owner shall implement the modifications and notify BLM's Authorized Officer and the CPM that the modifications have been completed and are ready for inspection.</p> <p>Within 48 hours of receiving a lighting complaint, the project owner shall provide BLM's Authorized Officer and the CPM with a complaint resolution form report as specified in the Compliance General Conditions including a proposal to</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
VISUAL RESOURCES (cont.)		
	<p>resolve the complaint, and a schedule for implementation. The project owner shall notify BLM's Authorized Officer and the CPM within 48 hours after completing implementation of the proposal. A copy of the complaint resolution form report shall be submitted to BLM's Authorized Officer and the CPM within 30 days.</p>	
<p>VIS-4, Project Design: To the extent possible, the project owner will use proper design fundamentals to reduce the visual contrast to the characteristic landscape. These include proper siting and location; reduction of visibility; repetition of form, line, color (see VIS 1) and texture of the landscape; and reduction of unnecessary disturbance. Design strategies to address these fundamentals will be based on the following factors:</p> <p>Earthwork: Select locations and alignments that fit into the landforms to minimize the size of cuts and fills. Avoid hauling in or hauling out of excess earth cut or fill. Avoid rounding and/or warping slopes. Retain existing rock formations, vegetation, and drainage. Tone down freshly broken rock faces with emulsions or stains. Use retaining walls to reduce the amount and extent of earthwork. Retain existing vegetation by using retaining walls or fill slopes, reducing surface disturbance, and protecting roots from damage during excavations. Avoid soil types that generate strong color contrasts. Reduce dumping or sloughing of excess earth and rock on downhill slopes.</p> <p>Vegetation Manipulation: Retain as much of the existing vegetation as possible. Use existing vegetation to screen the development from public viewing. Use scalloped, irregular cleared edges to reduce line contrast as determined in VIS-1. Use irregular clearing shapes to reduce form contrast. Feather and thin the edges of cleared areas and retain a representative mix of plant species and sizes.</p> <p>Structures: Minimize the number of structures and combine different activities in one structure. Use natural, self-weathering materials and chemical treatments on surfaces to reduce color contrast. Bury all or part of the structure. Use natural appearing forms to complement the characteristic landscape. Screen the structure from view by using natural land forms and vegetation. Reduce the line contrast created by straight edges.</p> <p>Signs: The use of signs and project construction signs shall be minimized. Necessary signs shall be made of nonglare materials and utilize unobtrusive colors. The reverse sides of signs and mounts shall be painted or coated by using the most suitable color selected from the BLM Standard Environmental Color Chart to reduce color contrasts with the existing landscape; however, placements and design of any signs required by safety regulations must conform to regulatory requirements.</p> <p>Linear Alignments: Use existing topography to hide induced changes associated with roads, lines, and other linear features. Select alignments that follow landscape contours. Avoid fall-line cuts and bisecting ridge tops. Hug vegetation lines and avoid open areas such as valley bottoms. Cross highway corridors and less sharp angles. The visual color contrast of graveled surfaces shall be reduced with approved color treatment practices.</p> <p>Construction: No paint or permanent discoloring agents shall be applied to rocks or vegetation to indicate surveyor construction activity limits. All stakes and flagging shall be removed from the construction area upon completion of construction and disposed of in an approved facility.</p> <p>Reclamation and Restoration: Reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. Replace soil, brush, rocks, and natural debris over disturbed area. Newly introduced plant species should be of a form, color, and texture that blends with the landscape.</p>	<p>As early as possible in the site and facility design, the project owner shall meet with the CPM to discuss incorporation of these above factors into the design plans. At least 90 days prior to final site and facility design, the project owner shall contact the CPM to review the incorporation of the above factors into the final facility and site design plans. If the CPM determines that the site and facility plans require revision, the project owner shall provide to the CPM a revised plan for review and approval by the CPM.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
VISUAL RESOURCES (cont.)		
<p>VIS-5 (Previously Identified as BLM-VIS-1), Power Block and Power Tower Appearance: In addition to the measures identified in VIS-1, the project owner shall paint power blocks structures and other vertical construction shadow gray as shown on the BLM Color Chart. The solar tower can be left untreated concrete. The backs of heliostat mirrors shall also be designed to minimize reflectivity.</p>	Refer to VIS-1.	CEC
<p>VIS-6 (Previously Identified as BLM-VIS-2), Consultation with NPS Night Sky Program Manager: In addition to the measures identified in VIS-3, the project owner shall consult with the National Park Service Night Sky Program Manager in the development of the lighting plan, and comply with stricter standards for light intensity. Any such lighting plan shall not conflict with federal requirements for lighting. All permanent light sources shall be below 3,500 Kelvin color temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. All lights, temporary and permanent, are to be fully shielded such that the emission of light above the horizontal will be prevented. Prior to construction, the Applicant and SCE shall submit to the BLM, CPUC, and NPS Joshua Tree NP for review and approval a Lighting Mitigation Plan that includes the following:</p> <ol style="list-style-type: none"> 1. Specification that LPS or amber LED lighting will be emphasized, and that white lighting (metal halide) would (a) only be used when necessitated by specific work tasks, (b) not be used for dusk-to-dawn lighting, and (c) would be less than 3500 Kelvin color temperature; 2. Specification and map of all lamp locations, orientations, and intensities, including security, roadway, and task lighting; 3. Specification of each light fixture and each light shield; 4. Total estimated outdoor lighting footprint, expressed as lumens or lumens per acre; 5. Definition of the threshold for substantial contribution to light pollution in JTNP, in coordination with the Night Sky Program Manager (see below); 6. Specifications on the use of portable truck-mounted lighting; 7. Specification of motion sensors and other controls to be used, especially for security lighting; 8. Surface treatment specification that will be employed to minimize glare and skyglow; 9. Results of a Lumen Analysis (based on final lighting plans), in consultation with the NPS Night Sky Program Manager (Chad Moore – (970) 491-3700), in order to determine the extent of night lighting exposures in the surrounding NPS lands. If the lighting exposure on NPS lands exceeds the allowable threshold (which is to be determined in consultation with the NPS Night Sky Program Manager), additional control measures will be instituted to reduce the lighting exposures to levels below the action threshold; and 10. Documentation that the necessary coordination with the NPS Night Sky Program Manager has occurred. 	Refer to VIS-3.	CEC
WASTE		
<p>WASTE-1, Training and Reporting Plan: The project owner shall prepare a UXO Identification, Training and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The project owner shall submit the plan to the Compliance Project Manager (CPM) and BLM Authorized Office (AO) for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p>	The project owner shall submit the UXO Identification, Training and Reporting Plan to the CPM for approval no later than 30 days prior to the start of site mobilization. The results of geophysical surveys shall be submitted to the CPM within 30 days of completion of the surveys.	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
<ol style="list-style-type: none"> 1. A description of the training program outline and materials, and the qualifications of the trainers; and 2. Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and 3. Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas. 		
<p>WASTE-2, Resume of Professional Engineer or Geologist: The project owner shall provide the résumé of an experienced and qualified Professional Engineer or Professional Geologist to the Compliance Project Manager (CPM) and BLM Authorized Office (AO) for review and approval. The résumé shall show experience in remedial investigation and feasibility studies. This Professional Engineer or Professional Geologist shall be available during site characterization (if needed), excavation, grading, and demolition activities. The Professional Engineer or Professional Geologist shall be given authority by the project owner to oversee any earth-moving activities that have the potential to disturb contaminated soil and impact public health, safety, and the environment.</p>	At least 30 days prior to the start of site mobilization the project owner shall submit the resume to the CPM for review and approval.	CEC
<p>WASTE-3, Inspection and Reporting of Potentially Contaminated Soil: If potentially contaminated soil is identified during site characterization, excavation, grading, or demolition at either the proposed site or linear facilities—as evidenced by discoloration, odor, detection by handheld instruments, or other signs—the Professional Engineer or Professional Geologist shall inspect the site; determine the need for sampling to confirm the nature and extent of contamination; and provide a written report to the project owner, representatives of Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), the Compliance Project Manager (CPM) and the BLM Authorized Office (AO) stating the recommended course of action.</p> <p>Depending on the nature and extent of contamination, the Professional Engineer or Professional Geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If in the opinion of the Professional Engineer or Professional Geologist significant remediation may be required, the project owner shall contact the CPM, AO and representatives of the DTSC or RWQCB for guidance and possible oversight.</p>	The project owner shall submit any reports filed by the Professional Engineer or Professional Geologist to the CPM within five days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.	CEC
<p>WASTE-4, Construction Waste Management Plan: The project owner shall submit a Construction Waste Management Plan to the Compliance Project Manager (CPM) and the BLM Authorized Office (AO) for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a description of all construction waste streams, including projections of frequency, amounts generated and hazard classifications; 2. a survey of structures to be demolished that identifies the types of waste to be managed; 3. a reuse/recycling plan for construction and demolition materials that meets or exceeds the 50 percent waste diversion goal established by the Integrated Waste Management Compliance Act; and, 4. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods, and companies providing treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans. 	The project owner shall submit the Construction Waste Management Plan to the CPM for approval no less than 30 days prior to the initiation of construction activities at the site.	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
<p>WASTE-5, Hazardous Waste Generator Identification Number: The project owner shall obtain a hazardous waste generator identification number from the United States Environmental Protection Agency (USEPA) prior to generating any hazardous waste during project construction and operations.</p>	<p>The project owner shall keep a copy of the identification number on file at the project site and provide documentation of the hazardous waste generation and notification and receipt of the number to the CPM in the next scheduled Monthly Compliance Report after receipt of the number. Submittal of the notification and issued number documentation to the CPM is only needed once unless there is a change in ownership, operation, waste generation, or waste characteristics that requires a new notification to USEPA. Documentation of any new or revised hazardous waste generation notifications or changes in identification number shall be provided to the CPM in the next scheduled compliance report.</p>	CEC
<p>WASTE-6, Notification of Impending Waste Management-Related Enforcement Action: Upon notification of any impending waste management-related enforcement action by any local, state, or federal authority, the project owner shall notify the Compliance Project Manager (CPM) of any such action taken or proposed against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts, and describe how the violation will be corrected.</p>	<p>The project owner shall notify the CPM in writing within 10 days of receiving written notice from authorities of an impending enforcement action. The CPM shall notify the project owner of any changes that will be required in the way project-related wastes are managed as a result of a finalized action against the project.</p>	CEC
<p>WASTE-7, Operation Waste Management Plan: The project owner shall submit the Operation Waste Management Plan to the CPM for review and approval. The plan shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. a detailed description of all operation and maintenance waste streams, including projections of amounts to be generated, frequency of generation, and waste hazard classifications; 2. management methods to be used for each waste stream, including temporary on-site storage, housekeeping and best management practices to be employed, treatment methods and companies providing treatment services, waste testing methods to ensure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/source reduction plans; 3. information and summary records of contacts with the local Certified Unified Program Agency and the Department of Toxic Substances Control regarding any waste management requirements necessary for project activities. Copies of all required waste management permits, notices, and/or authorizations shall be included in the plan and updated as necessary; 4. a detailed description of how facility wastes will be managed and any contingency plans to be employed, in the event of an unplanned closure or planned temporary facility closure; and 5. a detailed description of how facility wastes will be managed and disposed upon closure of the facility. 	<p>The project owner shall submit the Operation Waste Management Plan to the CPM for approval no later than 30 days prior to the start of project operation. The project owner shall submit any required revisions to the CPM within 20 days of notification from the CPM that revisions are necessary.</p> <p>The project owner shall also document in each Annual Compliance Report the actual volume of wastes generated and the waste management methods used during the year, provide a comparison of the actual waste generation and management methods used to those proposed in the original Operation Waste Management Plan, and update the Operation Waste Management Plan as necessary to address current waste generation and management practices.</p>	CEC
<p>WASTE-9: The project owner shall ensure that all accidental spills or unauthorized releases of hazardous substances, hazardous materials, and hazardous waste are documented and remediated, and that wastes generated from accidental spills and unauthorized releases are properly managed and disposed of in accordance with all applicable federal, state, and local LORS and requirements. For the purpose of this Condition of Certification, "release" shall have the definition in Title 40 of the Code of Federal Regulations, Part 302.3.</p>	<p>No later than 30 days of the date that a project-related hazardous substance release was discovered, the project manager shall provide a copy of the accidental spill or unauthorized release documentation to the CPM.</p>	CEC

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WASTE (cont.)		
	<p>The project owner shall document management of all accidental spills and unauthorized releases of hazardous substances, hazardous materials, and hazardous wastes that occur on the project property or related linear facilities. The documentation shall include, at a minimum, the following information: location of release; date and time of release; reason for release; volume released; how release was managed and material cleaned up; amount of contaminated soil and/or cleanup wastes generated; if the release was reported; to whom the release was reported; release corrective action and cleanup requirements placed by regulating agencies; level of cleanup achieved and actions taken to prevent a similar release or spill; and disposition of any hazardous wastes and/or contaminated soils and materials that may have been generated by the release.</p>	
<p>WASTE-10: The project owner shall ensure that none of the project's non- hazardous, non-recyclable, and non-reusable construction and operation wastes shall be diverted to or deposited at either the Desert Center Landfill or the Oasis Sanitary Landfill.</p>	<p>The project owner shall provide documentation of all project- related solid waste disposal activities and identify the landfills receiving project- related wastes in the Annual Compliance Report submitted to the CPM.</p>	<p>CEC</p>
WORKER SAFETY		
<p>WORKER SAFETY-1, Project Construction Safety and Health Program: The project owner shall submit to the Compliance Project Manager (CPM) a copy of the Project Construction Safety and Health Program containing the following:</p> <ol style="list-style-type: none"> 1. a Construction Personal Protective Equipment Program; 2. a Construction Exposure Monitoring Program; 3. a Construction Injury and Illness Prevention Program; 4. a Construction heat stress protection plan that implements and expands on existing Cal OSHA regulations as found in 8 CCR 3395; 5. a Construction Emergency Action Plan; and 6. a Construction Fire Prevention Plan. <p>The Personal Protective Equipment Program, the Exposure Monitoring Program, the Heat Stress Protection Plan, and the Injury and Illness Prevention Program shall be submitted to the CPM for review and approval concerning compliance of the program with all applicable safety orders. The Construction Emergency Action Plan and the Fire Prevention Plan shall be submitted to the Riverside County Fire Department for review and comment prior to submittal to the CPM for approval.</p>	<p>At least 30 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Fire Department stating the fire department's comments on the Construction Fire Prevention Plan and Emergency Action Plan.</p>	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>WORKER SAFETY-2, Project Operations and Maintenance Safety and Health Program: The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:</p> <ol style="list-style-type: none"> 1. an Operation Injury and Illness Prevention Plan, including measures to prevent exposure to Valley Fever; 2. an Operation heat stress protection plan that implements and expands on existing Cal OSHA regulations (8 CCR 3395); 3. a Best Management Practices (BMP) for the storage and application of herbicides; 4. an Emergency Action Plan; 5. Hazardous Materials Management Program; 6. Fire Prevention Plan that includes the fuel depot should the project owner elect to maintain and operate the fuel depot during operations (8 Cal Code Regs. § 3221) as well as the fire protection measures described in this Decision and any necessary upgrades required by current applicable LORS; and 7. Personal Protective Equipment Program (8 Cal Code Regs, §§ 3401-3411). <p>The Operation Injury and Illness Prevention Plan, Emergency Action Plan, Heat Stress Protection Plan, BMP for Herbicides, and Personal Protective Equipment Program shall be submitted to the CPM for review and comment concerning compliance of the programs with all applicable safety orders. The Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the Riverside County Fire Department for review and comment.</p>	<p>At least 30 days prior to the start of first-fire or commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy of a letter to the CPM from the Riverside County Fire Department stating the fire department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.</p>	<p>CEC</p>
<p>WORKER SAFETY-3, Construction Safety Supervisor: The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of power plant construction activities and relevant laws, ordinances, regulations, and standards; is capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to assure compliance and mitigate hazards. The CSS shall:</p> <ol style="list-style-type: none"> 1. have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs; 2. assure that the safety program for the project complies with Cal/OSHA and federal regulations related to power plant projects; 3. assure that all construction and commissioning workers and supervisors receive adequate safety training; 4. complete accident and safety-related incident investigations and emergency response reports for injuries and inform the CPM of safety-related incidents; and 5. assure that all the plans identified in Conditions of Certification Worker Safety-1 and -2 are implemented. 	<p>At least 30 days prior to the start of site mobilization, the project owner shall submit to the CPM the name and contact information for the Construction Safety Supervisor (CSS). The contact information of any replacement CSS shall be submitted to the CPM within one business day. The CSS shall submit in the Monthly Compliance Report a monthly safety inspection report to include:</p> <ol style="list-style-type: none"> A. A record of all employees trained for that month (all records shall be kept on site for the duration of the project); B. A summary report of safety management actions and safety-related incidents that occurred during the month; C. A report of any continuing or unresolved situations and incidents that may pose danger to life or health; and D. A report of accidents and injuries that occurred during the month. 	<p>CEC</p>

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>WORKER SAFETY-4, Safety Monitor: The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO and will be responsible for verifying that the Construction Safety Supervisor, as required in Condition of Certification WORKER SAFETY-3, implements all appropriate Cal/OSHA and Energy Commission safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.</p>	<p>At least 30 days prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the CPM for review and approval.</p>	CEC
<p>WORKER SAFETY-5, Automatic External Defibrillator (AED): The project owner shall ensure that a portable automatic external defibrillator (AED) is located on site during construction and operations and shall implement a program to ensure that workers are properly trained in its use and that the equipment is properly maintained and functioning at all times. During construction and commissioning, the following persons shall be trained in its use and shall be on site whenever the workers that they supervise are on site: the Construction Project Manager or delegate, the Construction Safety Supervisor or delegate, and all shift foremen. During operations, all power plant employees shall be trained in its use. The training program shall be submitted to the CPM for review and approval.</p>	<p>At least 60 days prior to the start of site mobilization, the project owner shall submit to the CPM proof that a portable automatic external defibrillator (AED) exists on site and a copy of the training and maintenance program for review and approval.</p>	CEC
<p>WORKER SAFETY-6, Emergency Access Point: The project owner shall:</p> <p>A. Provide a secondary site access gate for emergency personnel to enter the site. This secondary site access gate shall be at least one-quarter mile from the main gate.</p> <p>B. Provide a second access road which provides entry to the site. This road shall be at a minimum an all-weather gravel road, at least 20 feet wide, and shall come from the Interstate-10 right-of-way to the project site at the location of where the fence line of the eastern solar field comes the nearest to the I-10 right-of-way, if approved by Caltrans, a locked gate shall be placed in the I-10 right-of-way fence. The RCFD, the California Highway Patrol, and the Riverside County Sheriff's Department shall be given access to the gate.</p> <p>C. Maintain the main access road and provide a plan for construction and implementation.</p> <p>Plans for the secondary access gate, the method of gate operation, and maintenance of the roads shall be submitted to the Riverside County Fire Department for review and comment and to the CPM for review and approval.</p>	<p>At least 60 days prior to the start of site mobilization, the project owner shall submit to the RCFD and the CPM preliminary plans showing the location of a secondary site access gate to the site, a description of how the secondary site access gate will be opened by the fire department and other emergency services, and a description and map showing the location, dimensions, and composition of the main road, and the gravel road to the secondary site access gate.</p> <p>At least 30 days prior to the start of site mobilization, the project owner shall submit the secondary site access gate final plans plus the road maintenance plan to the CPM for review and approval. The final plan submittal shall also include a letter containing comments from the Riverside County Fire Department or a statement that no comments were received.</p>	
<p>WORKER SAFETY-7, Fire Protection/Response Infrastructure: [To be replaced with a condition that summarizes the agreement with Riverside County that will be finalized after the fire needs assessment is performed and submitted to Riverside County for review.]</p>		
<p>WORKER SAFETY-9, Dust Control Plan: The project owner shall develop and implement an enhanced Dust Control Plan that includes the requirements described in Conditions AQ-SC3 and AQ-SC4, and additionally requires:</p> <p>A. Site worker use of dust masks (NIOSH N-95 or better) whenever visible dust is present;</p> <p>B. Implementation of Rule 402 of the Kern County Air Pollution Control District (as amended Nov. 3, 2004); and</p>	<p>At least 30 days prior to the commencement of site mobilization, the enhanced Dust Control Plan shall be provided to the CPM for review and approval.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
WORKER SAFETY (cont.)		
<p>C. Implementation of enhanced dust control methods (increased frequency of watering, use of dust suppression chemicals, etc. consistent with AQ-SC4) immediately whenever visible dust persists in the breathing zone of the workers, or when PM10 measurements obtained when implementing B (above) indicate an increase in PM10 concentrations due to project activities of 50 µg/m3 or more.</p>		
<p>WORKER SAFETY-10, Joint Training with RCFD: The project owner shall participate in annual joint training exercises with the Riverside County Fire Department (RCFD). The project owner shall coordinate this training with other Energy Commission-licensed solar power plants within Riverside County such that this project shall host the annual training on a rotating yearly basis with the other solar power plants.</p>	<p>At least 10 days prior to the start of commissioning, the project owner shall submit to the CPM proof that a joint training program with the RCFD is established. In each January Monthly Compliance Report during construction and the Annual Compliance Report during operation, the project owner shall include the date, list of participants, training protocol, and location of the annual joint training.</p>	
GEOLOGY, PALEONTOLOGY, AND MINERALS		
<p>GEO-1, Soils Engineering Report: The Soils Engineering Report required by Section 1802A of the 2007 CBC should specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of potential hydrocompaction or dynamic compaction; the presence of expansive clay soils; and the presence of corrosive soils. The report should also include recommendations for ground improvement and/or foundation systems necessary to mitigate these potential geologic hazards, if present.</p>	<p>The project owner shall include in the application for a grading permit a copy of the Soils Engineering Report which addresses the potential for liquefaction; settlement due to compressible soils, ground water withdrawal, hydro-compaction, or dynamic compaction; and the possible presence of expansive clay soils, and a summary of how the results of the analyses were incorporated into the project foundation and grading plan design for review and comment by the Chief Building Official (CBO). A copy of the Soils Engineering Report, application for grading permit and any comments by the CBO are to be provided to BLM's Authorized Officer and the CPM at least 30 days prior to grading.</p>	
<p>PAL-1, Paleontological Resources Specialist (PRS): The project owner shall provide the compliance project manager (CPM) with the resume and qualifications of its paleontological resource specialist (PRS) for review and approval. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the project owner shall obtain CPM approval of the replacement PRS. The project owner shall keep resumes on file for qualified paleontological resource monitors (PRMs). If a PRM is replaced, the resume of the replacement PRM shall also be provided to the CPM.</p> <p>The PRS resume shall include the names and phone numbers of references. The resume shall also demonstrate to the satisfaction of the CPM the appropriate education and experience to accomplish the required paleontological resource tasks.</p> <p>As determined by the CPM, the PRS shall meet the minimum qualifications for a vertebrate paleontologist as described in the Society of Vertebrate Paleontology (SVP) guidelines of 1995. The experience of the PRS shall include the following:</p> <ol style="list-style-type: none"> 1. Institutional affiliations, appropriate credentials, and college degree; 2. Ability to recognize and collect fossils in the field; 	<ol style="list-style-type: none"> (1) At least 60 days prior to the start of ground disturbance, the project owner shall submit a resume and statement of availability of its designated PRS for on-site work. (2) At least 20 days prior to ground disturbance, the PRS or project owner shall provide a letter with resumes naming anticipated monitors for the project, stating that the identified monitors meet the minimum qualifications for paleontological resource monitoring required by the condition. If additional monitors are obtained during the project, the PRS shall provide additional letters and resumes to the CPM. The letter shall be provided to the CPM no later than one week prior to the monitor's beginning on-site duties. 	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>3. Local geological and biostratigraphic expertise;</p> <p>4. Proficiency in identifying vertebrate and invertebrate fossils; and</p> <p>5. At least three years of paleontological resource mitigation and field experience in California and at least one year of experience leading paleontological resource mitigation and field activities.</p> <p>The project owner shall ensure that the PRS obtains qualified paleontological resource monitors to monitor as he or she deems necessary on the project. Paleontologic resource monitors (PRMs) shall have the equivalent of the following qualifications:</p> <ol style="list-style-type: none"> 1. BS or BA degree in geology or paleontology and one year of experience monitoring in California; or 2. AS or AA in geology, paleontology, or biology and four years' experience monitoring in California; or 3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in California. 	<p>(3) Prior to the termination or release of a PRS, the project owner shall submit the resume of the proposed new PRS to the CPM for review and approval.</p>	
<p>PAL-2, Materials for PRS and CPM: The project owner shall provide to the PRS and the CPM, for approval, maps and drawings showing the footprint of the power plant, construction lay-down areas, and all related facilities. Maps shall identify all areas of the project where ground disturbance is anticipated. If the PRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the PRS and CPM. The site grading plan and plan and profile drawings for the utility lines would be acceptable for this purpose. The plan drawings should show the location, depth, and extent of all ground disturbances and be at a scale between 1 inch = 40 feet and 1 inch = 100 feet. If the footprint of the project or its linear facilities changes, the project owner shall provide maps and drawings reflecting those changes to the PRS and CPM.</p> <p>If construction of the project proceeds in phases, maps and drawings may be submitted prior to the start of each phase. A letter identifying the proposed schedule of each project phase shall be provided to the PRS and CPM. Before work commences on affected phases, the project owner shall notify the PRS and CPM of any construction phase scheduling changes.</p> <p>At a minimum, the project owner shall ensure that the PRS or PRM consults weekly with the project superintendent or construction field manager to confirm area(s) to be worked the following week and until ground disturbance is completed.</p>	<ol style="list-style-type: none"> (1) At least 30 days prior to the start of ground disturbance, the project owner shall provide the maps and drawings to the PRS and CPM. (2) If there are changes to the footprint of the project, revised maps and drawings shall be provided to the PRS and CPM at least 15 days prior to the start of ground disturbance. (3) If there are changes to the scheduling of the construction phases, the project owner shall submit a letter to the CPM within 5 days of identifying the changes. 	
<p>PAL-3, Paleontological Resources Monitoring and Mitigation Plan (PRMMP): The project owner shall ensure that the PRS prepares, and the project owner submits to the CPM for review and approval, a paleontological resources monitoring and mitigation plan (PRMMP) to identify general and specific measures to minimize potential impacts to significant paleontological resources. Approval of the PRMMP by the CPM shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting, and sampling activities and may be modified with CPM approval. This document shall be used as the basis of discussion when on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the project owner's on-site manager, and the CPM.</p> <p>The PRMMP shall be developed in accordance with the guidelines of the Society of Vertebrate Paleontology (SVP 1995) and shall include, but not be limited, to the following:</p> <ol style="list-style-type: none"> 1. Assurance that the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, fieldwork, flagging or staking, construction monitoring, mapping and data recovery, fossil preparation and collection, identification and inventory, preparation of final reports, and transmittal of materials for curation will be performed according to PRMMP procedures; 	<p>At least 30 days prior to ground disturbance, the project owner shall provide a copy of the PRMMP to the CPM. The PRMMP shall include an affidavit of authorship by the PRS and acceptance of the PRMMP by the project owner evidenced by a signature.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>2. Identification of the person(s) expected to assist with each of the tasks identified within the PRMMP and the conditions of certification;</p> <p>3. A thorough discussion of the anticipated geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units;</p> <p>4. An explanation of why, how, and how much sampling is expected to take place and in what units. Include descriptions of different sampling procedures that shall be used for fine-grained and coarse-grained units;</p> <p>5. A discussion of the locations of where the monitoring of project construction activities is deemed necessary, and a proposed plan for monitoring and sampling;</p> <p>6. A discussion of procedures to be followed in the event of a significant fossil discovery, halting construction, resuming construction, and how notifications will be performed;</p> <p>7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits;</p> <p>8. Procedures for inventory, preparation, and delivery for curation into a retrievable storage collection in a public repository or museum, which meet the Society of Vertebrate Paleontology's standards and requirements for the curation of paleontological resources;</p> <p>9. Identification of the institution that has agreed to receive data and fossil materials collected, requirements or specifications for materials delivered for curation and how they will be met, and the name and phone number of the contact person at the institution; and</p> <p>10. A copy of the paleontological conditions of certification.</p>		
<p>PAL-4, Approved Weekly Training Pertaining to Ground Disturbance: Prior to ground disturbance and for the duration of construction activities involving ground disturbance, the project owner and the PRS shall prepare and conduct weekly CPM-approved training for the following workers: project managers, construction supervisors, foremen, and general workers involved with or who operate ground-disturbing equipment or tools. Workers shall not excavate in sensitive units prior to receiving CPM-approved worker training. Worker training shall consist of an initial in-person PRS training or may utilize a CPM-approved video or other presentation format during the project kick off for those mentioned above. Following initial training, a CPM-approved video or other approved training presentation/materials, or in-person training may be used for new employees. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. No ground disturbance shall occur prior to CPM approval of the Worker Environmental Awareness Program (WEAP), unless specifically approved by the CPM. The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources.</p> <p>The training shall include:</p> <p>1. A discussion of applicable laws and penalties under the law;</p>	<p>(1) At least 30 days prior to ground disturbance, the project owner shall submit the proposed WEAP, including the brochure, with the set of reporting procedures for workers to follow.</p> <p>(2) At least 30 days prior to ground disturbance, the project owner shall submit the training program presentation/materials to the CPM for approval if the project owner is planning to use a presentation format other than an in-person trainer for training.</p> <p>(3) If the owner requests an alternate paleontological trainer, the resume and qualifications of the trainer shall be submitted to the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct training prior to CPM authorization.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
<p>GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)</p>		
<ol style="list-style-type: none"> 2. Good quality photographs or physical examples of vertebrate fossils for project sites containing units of high paleontologic sensitivity; 3. Information that the PRS or PRM has the authority to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource; 4. Instruction that employees are to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM; 5. An informational brochure that identifies reporting procedures in the event of a discovery; 6. A WEAP certification of completion form signed by each worker indicating that he/she has received the training; and 7. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 	<p>(4) In the monthly compliance report (MCR), the project owner shall provide copies of the WEAP certification of completion forms with the names of those trained and the trainer or type of training (in-person or other approved format) offered that month. The MCR shall also include a running total of all persons who have completed the training to date.</p>	
<p>PAL-5, Paleontological Monitoring Activities: The project owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP all construction-related grading, excavation, trenching, and augering in areas where potential fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. In the event that the PRS determines full-time monitoring is not necessary in locations that were identified as potentially fossil bearing in the PRMMP, the project owner shall notify and seek the concurrence of the CPM. The project owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction if paleontological resources are encountered. The project owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Monitoring activities shall be conducted as follows:</p> <ol style="list-style-type: none"> 1. Any change of monitoring from the accepted schedule in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to the CPM prior to the change in monitoring and will be included in the monthly compliance report. The letter or email shall include the justification for the change in monitoring and be submitted to the CPM for review and approval. 2. The project owner shall ensure that the PRM(s) keep a daily monitoring log of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time. 3. The project owner shall ensure that the PRS notifies the CPM within 24 hours of the occurrence of any incidents of non-compliance with any paleontological resources conditions of certification. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the conditions of certification. 4. For any significant paleontological resources encountered, either the project owner or the PRS shall notify the CPM within 24 hours, or Monday morning in the case of a weekend event, where construction has been halted because of a paleontological find. <p>The project owner shall ensure that the PRS prepares a summary of monitoring and other paleontological activities placed in the monthly compliance reports. The summary will include the name(s) of PRS or PRM(s) active during the month; general descriptions of training and monitored construction activities; and general locations of excavations, grading, and other activities. A section of the report shall include the geologic units or subunits encountered, descriptions of samplings within each unit, and a list of identified fossils. A final section of the report will address any issues or concerns about the project relating to paleontologic monitoring, including any incidents of non-compliance or any changes to the monitoring plan that have been approved by the CPM. If no monitoring took place during the month, the report shall include an explanation in the summary as to why monitoring was not conducted.</p>	<p>The project owner shall ensure that the PRS submits the summary of monitoring and paleontological activities in the MCR. When feasible, the CPM shall be notified 10 days in advance of any proposed changes in monitoring different from the plan identified in the PRMMP. If there is any unforeseen change in monitoring, the notice shall be given as soon as possible prior to implementation of the change.</p>	

APPLICANT PROPOSED MEASURES

Conditions of Certification	Verification	Responsible Agency
GEOLOGY, PALEONTOLOGY, AND MINERALS (cont.)		
<p>PAL-6, Implementation of PRMMP: The project owner, through the designated PRS, shall ensure that all components of the PRMMP are adequately performed including collection of fossil materials, preparation of fossil materials for analysis, analysis of fossils, identification and inventory of fossils, the preparation of fossils for curation, and the delivery for curation of all significant paleontological resource materials encountered and collected during project construction.</p>	<p>The project owner shall maintain in his/her compliance file copies of signed contracts or agreements with the designated PRS and other qualified research specialists. The project owner shall maintain these files for a period of three years after project completion and approval of the CPM-approved paleontological resource report (see Condition of Certification PAL-7). The project owner shall be responsible for paying any curation fees charged by the museum for fossils collected and curated as a result of paleontological mitigation. A copy of the letter of transmittal submitting the fossils to the curating institution shall be provided to the CPM.</p>	
<p>PAL-7, Paleontological Resources Report (PRR): The project owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of the ground-disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and submit it to the CPM for review and approval. The report shall include, but is not limited to, a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the PRS that project impacts to paleontological resources have been mitigated below the level of significance.</p>	<p>Within 90 days after completion of ground-disturbing activities, including landscaping, the project owner shall submit the PRR under confidential cover to the CPM.</p>	

APPENDIX D

Air Quality Laws, Regulations, and Policies

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS

AIR QUALITY	
Federal	
40 CFR Part 52	<p>Nonattainment New Source Review (NSR) requires a permit, Best Available Control Technology (BACT) and Offsets. Permitting and enforcement is delegated to the Mojave Desert Air Quality Management District (MDAQMD).</p> <p>Prevention of Significant Deterioration (PSD) requires major sources or major modifications to major sources to obtain permits for attainment pollutants. The PSPP is a new source that does not have a rule listed emission source; thus, the PSD trigger levels are 250 tons per year for NOx, VOC, SOx, PM10 PM2.5 and CO.</p>
40 CFR Part 60	<p>New Source Performance Standards (NSPS), Subpart Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generation Units. Establishes recordkeeping and reporting requirements for natural gas-fired steam-generating units.</p> <p>Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Establishes emission standards for compression-ignition internal combustion engines, including emergency generator and fire water pump engines.</p>
40 CFR Part 93	General Conformity requires a determination of conformity with the State Implementation Plan for a project that requires a Federal approval if the project's annual emissions are above specified levels.
State	
California Health & Safety Code §§ 40910-40930	Permitting of source needs to be consistent with Air Resource Board (ARB) approved Clean Air Plans.
Health & Safety Code § 41700	Restricts emissions that would cause nuisance or injury.
Title 17 California Code of Regulations (CCR) § 93115	Airborne Toxic Control Measure for Stationary Compression Ignition Engines limits the types of fuels allowed, establishes maximum emission rates, and establishes recordkeeping requirements on stationary compression ignition engines, including emergency generator and fire water pump engines.
Rule 201 and 203 Permits Required	Requires a Permit to Construct before construction of an emission source occurs. Prohibits operation of any equipment that emits or controls an air pollutant without first obtaining a permit to operate.
Local (South Coast Air Quality Management District, SCAQMD)	
Regulation XIII-NSR	Requires pre-construction review for all proposed new or modified stationary sources. Review includes a BACT determination, mitigation analysis, air quality impact analysis, etc.
Regulation XIV-Rule 1401-Toxics NSR	Requires pre-construction review for all proposed new or modified stationary sources emitting toxic pollutants. Establishes risk significance levels and review procedures.
Regulation XXX-Title V	Implements the provisions of the federal operating permits program and the requirements of the CAA Title V.
Regulation XXXI-Acid Rain Permit Program	Implements the provisions of the federal Acid Rain Program. See rule provisions Subpart A-I.
Rule 401-Visible Emissions	Limits visible emissions from applicable processes to values no darker than Ringelmann #1 for periods greater than 3 minutes in any hour.
Rule 402-Nuisance	Prohibits emissions in quantities that would adversely affect public health, other businesses, or property.
Rule 403-Fugitive Dust	Limits fugitive PM emissions from construction and construction related activities.
Rule 404-Particulate Matter	Limits PM concentration in exhaust from boilers, heaters, IC engines, etc.
Rule 409-Combustion Contaminants	Limits PM emissions from combustion sources.
Rule 429-Nox Exemptions for Startup/Shutdown	Provides NOx emissions exemptions for boiler subject to Rule 1146 for periods of startup and shutdown.

APPLICABLE LAWS, REGULATIONS, POLICIES, AND EXECUTIVE ORDERS (Continued)

Applicable LORS	Description
AIR QUALITY (cont.)	
Local (South Coast Air Quality Management District, SCAQMD) (cont.)	
Rule 431-Sulfur Content of Fuels (431.1-431.3)	Limits the sulfur content of fuels combusted in stationary sources.
Rule 433-Natural Gas Quality	Applies to all natural gas distribution system operators that convey natural gas to end users within the District.
Rule 442-Organic Solvents	Limits emissions of VOC from materials or processes using VOC containing products.
Rule 463-Storage of Organic Liquids	Limits VOC emissions from the storage and transfer of VOC containing materials.
Rule 474-Fuel Burning Equipment-NOx	Limits NOx emissions from non-mobile fuel burning equipment.
Regulation IX-NSPS	New Source Performance Standards (NSPS) Potentially applicable Subparts: Db, Dc, IIII.
Rule 1110.2-Gaseous and Liquid Fueled Engines	Limits NOx, VOC, and CO emissions from gaseous and liquid fueled IC engines.
Rule 1121-NOx Control from NG Fired Water Heaters	Limits NOx emissions from natural gas fired residential type water heaters.
Rule 1146-NOx Emissions from IIC Boilers and Process Heaters	Limits NOx from boilers, steam generators, and heaters rated at greater than 5 mmbtu/hr.
Rule 1171-Solvent Cleaning Operations	Limits VOC, TAC, and SODS emissions from solvent use in cleaning operations activities.
Regulation XIX-Federal Conformity	Implements the General Conformity requirements of 40 CFR Parts 6 and 51.

Table 4.1E-5 Construction Emissions Estimates (33 Pages)

Document: 459892-PSEGS-DOC-005
 Client: BrightSource Industries Israel
 Project: Palen Solar Electric Generating Facility

Const Months: 33
 Workdays per month: 21

Qty	Equipment	Fuel	HP	Usage Factor	Load Factor	Daily Operation	Total Equip Months
Solar Field Assembly and Installation (total for 2 plants)							
2 ea	ISO Carrier	Diesel	290 hp	80%	57%	8 hrs/day	48
2 ea	10,000 lb Forklift	Diesel	90 hp	80%	30%	16 hrs/day	48
2 ea	300 cfm Air Compressor	Diesel	140 hp	80%	48%	16 hrs/day	48
2 ea	Yard Tractors	Diesel	250 hp	80%	60%	16 hrs/day	52
6 ea	Grader (CAT 160M AWD)	Diesel	215 hp	80%	61%	8 hrs/day	86
16 ea	Farm Tractors	Diesel	75 hp	80%	55%	8 hrs/day	392
2 ea	35 ton Rough Terrain Crane	Diesel	160 hp	80%	43%	8 hrs/day	52
4 ea	Pylon Insertion Rigs	Diesel	670 hp	80%	62%	8 hrs/day	96
Site Road Work							
2 ea	Grader (CAT 160M AWD)	Diesel	215 hp	80%	61%	8 hrs/day	12
4 ea	Elevating Scraper (CAT)	Diesel	330 hp	80%	72%	8 hrs/day	20
1 ea	Compactor (CAT CP74)	Diesel	160 hp	80%	50%	8 hrs/day	5
1 ea	Paver	Diesel	220 hp	80%	62%	6 hrs/day	4
Concrete Batch Plant							
1 ea	Front End Loader (CAT 980K)	Diesel	369 hp	80%	55%	8 hrs/day	14
20 ea	Concrete Transit Mix Trucks	Diesel	400 hp	80%	62%	8 hrs/day	218
Tower and Boiler Erection (total for 2 plants)							
2 ea	Strand Jack System	Diesel	670 hp	80%	62%	5 hrs/day	12
2 ea	888 Manitowoc Crawler Crane	Diesel	330 hp	80%	43%	8 hrs/day	16
2 ea	120 ton Rough Terrain Picker	Diesel	300 hp	80%	43%	8 hrs/day	18
4 ea	50 ton Rough Terrain Picker	Diesel	190 hp	80%	43%	8 hrs/day	33
2 ea	10,000 lb Forklift	Diesel	90 hp	80%	30%	8 hrs/day	18
8 ea	400 amp Diesel Welders	Diesel	40 hp	80%	45%	8 hrs/day	54
8 ea	300 cfm Air Compressor	Diesel	140 hp	80%	48%	8 hrs/day	66
12 ea	125 ft Manlift	Diesel	75 hp	80%	46%	8 hrs/day	102
4 ea	Semi Tractor	Diesel	250 hp	80%	62%	8 hrs/day	36
ACC Erection (total for 2 plants)							
2 ea	888 Manitowoc Crawler Crane	Diesel	330 hp	80%	43%	8 hrs/day	16
4 ea	50 ton Rough Terrain Picker	Diesel	190 hp	80%	43%	8 hrs/day	44
2 ea	50,000 lb Forklift	Diesel	230 hp	80%	30%	8 hrs/day	18
2 ea	10,000 lb Forklift	Diesel	90 hp	80%	30%	8 hrs/day	20
4 ea	40 ft Manlift	Diesel	50 hp	80%	46%	8 hrs/day	39
4 ea	60 ft Manlift	Diesel	50 hp	80%	46%	8 hrs/day	39
4 ea	85 ft Manlift	Diesel	75 hp	80%	46%	8 hrs/day	42
2 ea	400 amp Diesel Welders	Diesel	40 hp	80%	45%	8 hrs/day	20
2 ea	Semi Tractor	Diesel	250 hp	80%	62%	8 hrs/day	26
4 ea	300 cfm Air Compressor	Diesel	140 hp	80%	48%	8 hrs/day	40
Power Block Erection (total for 2 plants)							
2 ea	888 Manitowoc Crawler Crane	Diesel	330 hp	80%	43%	8 hrs/day	10
2 ea	65 ton Rough Terrain Crane	Diesel	250 hp	80%	43%	8 hrs/day	36
4 ea	35 ton Rough Terrain Crane	Diesel	160 hp	80%	43%	8 hrs/day	93
2 ea	Front End Loader (CAT 980K)	Diesel	369 hp	80%	55%	8 hrs/day	14
2 ea	Excavator, Hydraulic (CAT 318E)	Diesel	120 hp	40%	70%	8 hrs/day	14
2 ea	Compactor (CAT CP74)	Diesel	160 hp	80%	50%	8 hrs/day	12
4 ea	400 amp Diesel Welders	Diesel	40 hp	80%	45%	8 hrs/day	92
4 ea	300 cfm Air Compressor	Diesel	140 hp	80%	48%	8 hrs/day	92
4 ea	40 ft Manlift	Diesel	50 hp	80%	46%	8 hrs/day	88
8 ea	60 ft Manlift	Diesel	50 hp	80%	46%	8 hrs/day	114
4 ea	85 ft Manlift	Diesel	75 hp	80%	46%	8 hrs/day	53
4 ea	10,000 lb Forklift	Diesel	90 hp	80%	30%	8 hrs/day	55
4 ea	Semi Tractor	Diesel	250 hp	80%	62%	8 hrs/day	55
Common Area and Switchyard							
1 ea	35 ton Rough Terrain Crane	Diesel	160 hp	80%	43%	8 hrs/day	11
1 ea	Excavator, Hydraulic (CAT 318E)	Diesel	120 hp	40%	70%	8 hrs/day	8
1 ea	Trencher (Vermeer T555)	Diesel	185 hp	35%	60%	8 hrs/day	5
1 ea	Elevating Scraper (CAT)	Diesel	330 hp	80%	72%	8 hrs/day	5
1 ea	Bulldozer (CAT D6N)	Diesel	150 hp	40%	60%	8 hrs/day	9
1 ea	Compactor (CAT CP74)	Diesel	160 hp	80%	50%	8 hrs/day	7
1 ea	10,000 lb Forklift	Diesel	90 hp	80%	30%	8 hrs/day	6
2 ea	60 ft Manlift	Diesel	50 hp	80%	46%	8 hrs/day	22
1 ea	400 amp Diesel Welders	Diesel	40 hp	80%	45%	8 hrs/day	4
1 ea	300 cfm Air Compressor	Diesel	140 hp	80%	48%	8 hrs/day	4
Miscellaneous							
8 ea	Water Trucks (4,000 gallon)	Diesel	250 hp	60%	41%	8 hrs/day	159
6 ea	Dump Truck, 12-16 YD	Diesel	325 hp	40%	38%	8 hrs/day	57
8 ea	Pickup Trucks	Gasoline	250 hp	25%	60%	8 hrs/day	248
12 ea	AWD Gators	Gasoline	25 hp	25%	50%	8 hrs/day	326
2 ea	Diesel Generator, 500 kW	Diesel	730 hp	45%	50%	8 hrs/day	18
8 ea	Diesel Generator, 1250 kW	Diesel	1,750 hp	45%	50%	8 hrs/day	56

Any equip type described under Load Factor as "On Road" on Table E.5-7 were assigned Usage Factors and Load Factors based on the SCAQMD CEQA Handbook data tables. Load and use factors not counted in Hp-Hr calculations, since these parameters are accounted for in the SCAQMD emissions factors (2013).

Total Equip Days	Hp-Hrs per Day	Total Period Hp-Hrs	Emissions Factors (SCAQMD Offroad Database for 2013)						
			VOC	CO	Nox	lbs/lip-hr			CH4
						SOx	PM10/2.5	CO2	
1008	2320	2338560	0.0006235	0.00433151	0.00586838	8.0426E-06	0.00034397	0.71478726	7.4303E-05
1008	1440	1451520	0.00036498	0.0018134	0.00232311	3.0524E-06	0.0002009	0.26020763	3.2932E-05
1008	2240	2257920	0.00068712	0.00270913	0.00415922	4.5896E-06	0.00037965	0.39125195	6.1998E-05
1092	4000	4366000	0.00065653	0.0018763	0.00578114	5.8697E-06	0.0002405	0.52166926	5.9239E-05
1806	1720	3106320	0.00083826	0.00419732	0.00639624	7.9676E-06	0.0003808	0.70812305	7.5635E-05
8232	600	4939200	0.00176099	0.00599226	0.01030696	9.1632E-06	0.0008983	0.78114508	0.00015889
1092	1280	1397760	0.00058936	0.00275489	0.00443923	5.1658E-06	0.00025438	0.45911188	5.3177E-05
2016	5360	10805760	0.00040205	0.00430746	0.00396039	9.0706E-06	0.00017232	0.80615095	3.6276E-05
17262	18960	30665040							
252	1720	433440	0.00083826	0.00419732	0.00639624	7.9676E-06	0.0003808	0.70812305	7.5635E-05
420	2640	1108800	0.00090099	0.00256338	0.00819244	9.4276E-06	0.00031628	0.83788089	8.1295E-05
105	1280	134400	0.00072034	0.00327316	0.0053333	6.168E-06	0.00031386	0.54818254	6.4995E-05
84	1320	110880	0.00082888	0.00243221	0.00778747	8.7481E-06	0.00030225	0.77748782	7.477E-05
861	6960	1787520							
294	2952	867888	0.00050341	0.00147381	0.00484993	6.705E-06	0.00016676	0.59590672	4.5422E-05
4578	3200	14649600	0.00042696	0.00127675	0.0041284	5.2102E-06	0.00013865	0.53082357	3.8524E-05
4872	8152	15517488							
252	3350	844200	0.00034199	0.00145324	0.00311683	8.2461E-06	9.5303E-05	0.82012413	3.0858E-05
336	2640	887040	0.00041613	0.00117911	0.00397901	5.0479E-06	0.00014037	0.44863548	3.7547E-05
378	2400	907200	0.00046486	0.00202084	0.00313134	3.7217E-06	0.00024895	0.31726514	4.1944E-05
693	1620	1053360	0.00046486	0.00202084	0.00313134	3.7217E-06	0.00024895	0.31726514	4.1944E-05
378	720	272160	0.00036498	0.0018134	0.00232311	3.0524E-06	0.0002009	0.26020763	3.2932E-05
1134	320	362880	0.00195865	0.00550649	0.00506942	6.7115E-06	0.0004794	0.5191612	0.00017673
1386	1120	1552320	0.00068712	0.00270913	0.00415922	4.5896E-06	0.00037965	0.39125195	6.1998E-05
2142	800	1285200	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
756	2000	1512000	0.00055989	0.00153465	0.00494923	7.4957E-06	0.00016495	0.66618161	5.0518E-05
7455	14670	8676360							
336	2640	887040	0.00041613	0.00117911	0.00397901	5.0479E-06	0.00014037	0.44863548	3.7547E-05
924	1520	1404480	0.00046486	0.00202084	0.00313134	3.7217E-06	0.00024895	0.31726514	4.1944E-05
378	1840	695520	0.00022802	0.00064556	0.00211258	3.471E-06	6.7036E-05	0.30848706	2.0574E-05
420	720	302400	0.00036498	0.0018134	0.00232311	3.0524E-06	0.0002009	0.26020763	3.2932E-05
819	400	327600	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
819	400	327600	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
882	600	529200	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
420	320	134400	0.00195865	0.00550649	0.00506942	6.7115E-06	0.0004794	0.5191612	0.00017673
546	2000	1092000	0.00055989	0.00153465	0.00494923	7.4957E-06	0.00016495	0.66618161	5.0518E-05
840	1120	940800	0.00068712	0.00270913	0.00415922	4.5896E-06	0.00037965	0.39125195	6.1998E-05
6384	11560	6641040							
210	2640	554400	0.00041613	0.00117911	0.00397901	5.0479E-06	0.00014037	0.44863548	3.7547E-05
756	2000	1512000	0.00041613	0.00117911	0.00397901	5.0479E-06	0.00014037	0.44863548	3.7547E-05
1953	1280	2499840	0.00058936	0.00275489	0.00443923	5.1658E-06	0.00025438	0.45911188	5.3177E-05
294	2952	867888	0.00050341	0.00147381	0.00484993	6.705E-06	0.00016676	0.59590672	4.5422E-05
294	960	282240	0.0009053	0.00431384	0.0056594	7.197E-06	0.0004886	0.61352552	8.1684E-05
252	1280	322560	0.00072034	0.00327316	0.0053333	6.168E-06	0.00031386	0.54818254	6.4995E-05
1932	320	618240	0.00195865	0.00550649	0.00506942	6.7115E-06	0.0004794	0.5191612	0.00017673
1932	1120	2163840	0.00068712	0.00270913	0.00415922	4.5896E-06	0.00037965	0.39125195	6.1998E-05
1848	400	739200	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
2394	400	957600	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
1113	600	667800	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
1155	720	831600	0.00036498	0.0018134	0.00232311	3.0524E-06	0.0002009	0.26020763	3.2932E-05
1155	2000	2310000	0.00055989	0.00153465	0.00494923	7.4957E-06	0.00016495	0.66618161	5.0518E-05
15288	16672	14327208							
231	1280	295680	0.00058936	0.00275489	0.00443923	5.1658E-06	0.00025438	0.45911188	5.3177E-05
168	960	161280	0.0009053	0.00431384	0.0056594	7.197E-06	0.0004886	0.61352552	8.1684E-05
105	1480	155400	0.0011695	0.00493278	0.00886838	9.252E-06	0.00048505	0.62227397	0.00010078
105	2640	277200	0.00090099	0.00256338	0.00819244	9.4276E-06	0.00031628	0.83788089	8.1295E-05
189	1200	226800	0.00096637	0.00425626	0.00715824	7.7918E-06	0.00040754	0.69250166	6.6291E-05
147	1280	188160	0.00072034	0.00327316	0.0053333	6.168E-06	0.00031386	0.54818254	6.4995E-05
126	720	90720	0.00036498	0.0018134	0.00232311	3.0524E-06	0.0002009	0.26020763	3.2932E-05
462	400	184800	0.00118313	0.00351491	0.00367918	5.0709E-06	0.00031107	0.39225519	0.00010675
84	320	26880	0.00195865	0.00550649	0.00506942	6.7115E-06	0.0004794	0.5191612	0.00017673
84	1120	94080	0.00068712	0.00270913	0.00415922	4.5896E-06	0.00037965	0.39125195	6.1998E-05
1701	11400	1701000							
3339	2000	6678000	0.00055989	0.00153465	0.00494923	7.4957E-06	0.00016495	0.66618161	5.0518E-05
1197	2600	3112200	0.00055989	0.00153465	0.00494923	7.4957E-06	0.00016495	0.66618161	5.0518E-05
5208	2000	10416000	0.00003402	0.0004062	0.00004104	0.00000006	0.00000642	0.065358	0
5846	200	1369200	0.0003402	0.004062	0.0004104	0.0000006	0.0000642	0.65358	0
378	5840	2207520	0.00040461	0.0015561	0.00531507	7.2902E-06	0.00015125	0.72505326	3.6508E-05
1176	14000	16464000	0.00040461	0.0015561	0.00531507	7.2902E-06	0.00015125	0.72505326	3.6508E-05
18144	28640	40246920							

Construction Totals lbs/period
tons/period

Emissions, lbs/construction period						
VOC	CO	NOx	SOx	PM10/2.5	CO2	CH4
1925.8	10129.5	13770.3	18.8	804.4	1671572.9	173.8
529.8	2632.2	3372.0	4.4	291.6	377696.6	47.8
1551.5	8117.0	9391.2	10.4	857.2	883415.6	140.0
2867.7	3195.7	25252.0	25.6	1050.5	2278551.3	259.8
2603.9	13038.2	19868.8	24.7	1120.6	2196566.8	234.9
8597.9	29596.9	50908.2	45.3	4436.9	3858231.8	784.8
823.8	3850.7	6205.0	7.2	355.6	641728.2	74.3
4344.4	46545.3	42795.0	98.0	1862.0	8711073.7	392.0
23344.795	120105.54	171562.51	234.48431	10778.963	20622027	2106.3633
363.3	1819.3	2772.4	3.5	156.4	306928.9	32.8
999.0	2842.3	9083.8	10.5	350.7	929042.3	90.1
96.6	439.9	716.8	0.8	42.2	73675.7	8.7
91.9	269.7	863.5	1.0	33.5	86207.8	8.3
1551.0568	5371.1571	13436.432	15.705761	582.77505	1395854.8	139.94939
436.9	1279.1	4209.2	5.8	144.7	517180.3	39.4
6254.8	18703.9	60479.4	76.3	2031.2	7776353.0	564.4
6691.7488	19982.964	64688.642	82.146619	2175.9376	8293533.2	603.78573
288.7	1226.8	2631.2	7.0	80.5	692348.8	26.0
363.1	1045.9	3529.5	4.5	124.5	397957.6	33.3
421.7	1833.3	2840.7	3.4	225.8	267822.9	36.1
469.7	2126.7	3298.4	3.9	262.2	334194.4	44.2
99.3	493.5	632.3	0.8	54.7	70818.1	9.0
710.8	1998.2	1839.6	2.4	174.0	188393.2	64.1
1086.6	4205.4	6456.4	7.1	589.3	607348.2	95.2
1520.6	4517.4	4728.5	6.5	399.8	504126.4	137.2
846.6	2320.4	7483.2	11.3	249.4	1007286.8	76.4
5813.0571	19769.657	33439.948	46.976929	2160.2161	4090276.3	524.50284
369.1	1045.9	3529.5	4.5	124.5	397957.6	33.3
652.9	2638.2	4397.9	5.2	349.6	445592.5	58.9
158.6	449.0	1469.3	2.4	46.6	214658.9	14.3
110.4	548.4	702.5	0.9	60.8	78886.8	10.0
387.6	1151.5	1205.3	1.7	101.9	128502.8	35.0
387.6	1151.5	1205.3	1.7	101.9	128502.8	35.0
826.1	1880.1	1947.0	2.7	164.6	207581.4	56.5
263.2	740.1	681.3	0.9	64.4	69775.3	23.8
911.4	1675.8	5404.6	8.2	180.1	727470.3	55.2
646.4	2548.8	3913.0	4.3	357.2	368089.8	58.3
4213.3606	14009.25	24455.799	32.453068	1551.8944	2786718.3	380.16479
230.7	853.7	2206.0	2.8	77.8	248723.5	20.8
629.2	1782.8	6016.3	7.6	212.2	678336.8	56.8
1473.3	8886.8	11097.4	12.9	635.9	1147706.2	132.9
436.9	1279.1	4209.2	5.8	144.7	517180.3	39.4
255.5	1217.5	1597.3	2.0	137.9	173161.4	23.1
232.4	1055.8	1720.3	2.0	101.2	176821.8	21.0
1210.9	3404.3	3134.1	4.1	286.4	320866.2	109.3
1488.8	5862.1	8999.9	9.9	821.5	848606.6	134.2
874.6	2598.2	2719.7	3.7	229.9	289955.0	78.9
1133.0	3365.9	3523.2	4.9	297.9	375623.6	102.2
790.1	2347.3	2457.0	3.4	207.7	261948.0	71.3
303.5	1508.0	1931.9	2.5	167.1	216388.7	27.4
1293.3	3545.0	11432.7	17.3	381.0	1538879.5	116.7
10350.183	35506.605	61044.81	79.109061	3711.3815	6792297.7	933.88047
174.3	814.8	1312.6	1.5	75.2	135750.2	15.7
146.0	695.7	912.7	1.2	78.8	98949.4	13.2
173.6	766.6	1378.1	1.4	75.4	127781.4	15.7
249.8	710.6	2270.9	2.6	87.7	232260.6	22.5
216.9	965.3	1623.7	1.8	92.4	157059.4	19.6
135.5	615.9	1003.5	1.2	59.1	103146.0	12.2
33.1	164.5	210.8	0.3	18.2	23606.0	3.0
218.6	649.6	679.9	0.9	57.5	72488.8	19.7
52.6	148.0	136.3	0.2	12.9	13955.1	4.8
64.6	254.9	391.3	0.4	35.7	36809.0	5.8
1465.0858	5765.5771	9919.8879	11.493198	592.87159	1001805.8	132.19235
3738.9	10248.4	33051.0	50.1	1101.5	4448780.8	337.4
1742.5	4776.1	15403.0	23.3	513.4	2073290.4	157.2
354.4	4231.0	427.5	6.2	66.9	680768.9	0.0
465.8	5561.7	561.9	8.2	87.9	894881.7	0.0
893.2	3435.1	11733.1	16.1	333.9	1600569.6	80.6
6661.6	25619.7	87507.3	120.0	2490.2	11937276.9	601.1
13856.33	53872.015	148683.8	223.96838	4593.7977	21635548	1176.2335
67285.6	274402.8	527231.8	726.3	26147.6	66598061.5	5997.1
33.64	137.20	263.62	0.36	13.07	33289.03	3.00

Emissions, lbs/construction month						
VOC	CO	Nox	SOx	PM10/2.5	CO2	CH4
58.4	307.0	417.3	0.6	24.4	50853.7	5.3
16.1	79.8	102.2	0.1	8.8	11445.4	1.4
47.0	185.4	284.6	0.3	26.0	26770.2	4.2
86.9	248.4	765.2	0.8	31.8	69050.0	7.8
78.9	395.1	602.1	0.7	34.0	66656.3	7.1
263.6	896.9	1542.7	1.4	134.5	116916.1	23.8
25.0	116.7	188.0	0.2	10.8	19446.3	2.3
131.6	1410.5	1296.8	3.0	56.4	263971.9	11.9
707.41802	3639.5619	5198.8639	7.1055851	326.63525	624909.91	63.829192
11.0	55.1	84.0	0.1	4.7	9300.9	1.0
30.3	86.1	275.3	0.3	10.6	28152.8	2.7
2.9	13.3	21.7	0.0	1.3	2232.6	0.3
2.8	8.2	26.2	0.0	1.0	2612.4	0.3
47.001721	162.76234	407.16462	0.4759322	17.65985	42298.629	4.2408905
13.2	38.8	127.6	0.2	4.4	15672.1	1.2
189.5	566.8	1832.7	2.3	61.6	235647.1	17.1
202.78027	605.54437	1960.2619	2.4892915	65.937502	251319.19	18.296537
8.7	37.2	79.7	0.2	2.4	20980.3	0.8
11.2	31.7	107.0	0.1	3.8	12059.3	1.0
12.8	55.6	86.1	0.1	6.8	8721.9	1.2
14.8	64.5	100.0	0.1	7.9	10127.1	1.3
3.0	15.0	19.2	0.0	1.7	2146.0	0.3
21.5	60.6	55.7	0.1	5.3	5708.9	1.9
32.3	127.4	195.6	0.2	17.9	18404.5	2.9
46.1	136.9	143.3	0.2	12.1	15276.6	4.2
25.7	70.3	226.6	0.3	7.6	30523.2	2.3
176.15325	599.08053	1013.3317	1.4235433	65.481094	123947.77	15.894025
11.2	31.7	107.0	0.1	3.8	12059.3	1.0
19.8	86.0	133.3	0.2	10.6	13502.8	1.8
4.6	13.6	44.5	0.1	1.4	6501.8	0.4
3.3	16.6	21.3	0.0	1.8	2384.4	0.3
11.7	34.9	36.5	0.1	3.1	3894.0	1.1
11.7	34.9	36.5	0.1	3.1	3894.0	1.1
19.0	56.4	59.0	0.1	5.0	6290.3	1.7
8.0	22.4	20.8	0.0	2.0	2114.4	0.7
10.5	60.8	163.6	0.2	5.5	22044.6	1.7
19.6	77.2	118.6	0.1	10.8	11154.2	1.8
127.67759	424.52271	741.08482	0.9834263	47.021042	83839.95	11.520145
7.0	19.8	86.8	0.1	2.4	7537.1	0.6
19.1	54.0	182.3	0.2	6.4	20555.7	1.7
44.6	208.7	336.3	0.4	19.3	34779.0	4.0
13.2	38.8	127.6	0.2	4.4	15672.1	1.2
7.7	36.9	48.4	0.1	4.2	5247.3	0.7
7.0	32.0	52.1	0.1	3.1	5358.2	0.6
36.7	103.2	95.0	0.1	9.0	9726.2	3.3
45.1	177.6	272.7	0.3	24.9	25654.7	4.1
26.5	78.7	82.4	0.1	7.0	8786.5	2.4
34.3	102.0	106.8	0.1	9.0	11382.5	3.1
23.9	71.1	74.5	0.1	6.3	7937.8	2.2
9.2	45.7	58.5	0.1	5.1	6557.2	0.8
39.2	107.4	346.4	0.6	11.5	46632.7	3.5
313.64191	1075.9577	1849.8427	2.3872449	112.46611	205827.2	28.299408
5.3	24.7	39.8	0.0	2.3	4113.6	0.5
4.4	21.1	27.7	0.0	2.4	2998.5	0.4
5.3	23.2	41.8	0.0	2.3	3872.2	0.5
7.6	21.5	68.8	0.1	2.7	7038.2	0.7
6.6	29.3	49.2	0.1	2.8	4759.4	0.6
4.1	18.7	30.4	0.0	1.8	3125.6	0.4
1.0	5.0	6.4	0.0	0.6	715.3	0.1
6.6	19.7	20.6	0.0	1.7	2196.6	0.6
1.6	4.5	4.1	0.0	0.4	422.9	0.1
2.0	7.7	11.9	0.0	1.1	1115.4	0.2
44.39654	175.32052	300.80266	0.3482787	17.965806	30357.751	4.0058289
113.3	310.6	1001.5	1.5	33.4	134810.9	10.2
52.8	144.7	488.8	0.7	15.6	62827.0	4.8
10.7	128.2	13.0	0.2	2.0	20629.4	0.0
14.1	168.5	17.0	0.2	2.7	27117.6	0.0
27.1	104.1	355.5	0.5	10.1	48502.1	2.4
201.9	776.4	2651.7	3.8	75.5	361735.7	18.2
419.8888	1632.4853	4505.5696	6.7889205	139.20599	655622.68	35.64344
2039.0	8315.2	15976.7	22.0	792.4	2018123.1	181.7
			lbs/month			

Emissions, lbs/construction day						
VOC	CO	Nox	SOx	PM10/2.5	CO2	CH4
2.8	14.6	19.9	0.0	1.2	2412.1	0.3
0.8	3.8	4.9	0.0	0.4	545.0	0.1
2.2	8.8	13.6	0.0	1.2	1274.8	0.2
4.1	11.8	36.4	0.0	1.5	3288.1	0.4
3.6	18.8	28.7	0.0	1.6	3174.1	0.3
12.6	42.7	73.5	0.1	6.4	5567.4	1.1
1.2	5.6	9.0	0.0	0.5	926.0	0.1
6.3	67.2	81.8	0.1	2.7	12570.1	0.6
33.686572	173.31247	247.56495	0.3363612	15.55406	29757.615	3.0394853
0.5	2.6	4.0	0.0	0.2	442.9	0.0
1.4	4.1	13.1	0.0	0.5	1340.6	0.1
0.1	0.6	1.0	0.0	0.1	106.3	0.0
0.1	0.4	1.2	0.0	0.0	124.4	0.0
2.2381772	7.7505874	19.388791	0.0226634	0.8409452	2014.2204	0.2019472
0.6	1.8	6.1	0.0	0.2	746.3	0.1
9.0	27.0	87.3	0.1	2.9	11221.3	0.8
9.6562031	28.835446	93.345804	0.1185377	3.1398811	11967.58	0.8712637
0.4	1.8	3.8	0.0	0.1	999.1	0.0
0.5	1.5	5.1	0.0	0.2	574.3	0.0
0.6	2.6	4.1	0.0	0.3	415.3	0.1
0.7	3.1	4.8	0.0	0.4	482.2	0.1
0.1	0.7	0.9	0.0	0.1	102.2	0.0
1.0	2.9	2.7	0.0	0.3	271.9	0.1
1.5	6.1	9.3	0.0	0.9	876.4	0.1
2.2	6.5	6.8	0.0	0.6	727.5	0.2
1.2	3.3	10.8	0.0	0.4	1453.5	0.1
8.3882498	28.527644	48.253893	0.0677878	3.117195	5902.2746	0.7568564
0.5	1.5	5.1	0.0	0.2	574.3	0.0
0.9	4.1	6.3	0.0	0.5	643.0	0.1
0.2	0.6	2.1	0.0	0.1	309.6	0.0
0.2	0.8	1.0	0.0	0.1	113.5	0.0
0.6	1.7	1.7	0.0	0.1	185.4	0.1
0.6	1.7	1.7	0.0	0.1	185.4	0.1
0.9	2.7	2.8	0.0	0.2	299.5	0.1
0.4	1.1	1.0	0.0	0.1	100.7	0.0
0.9	2.4	7.8	0.0	0.3	1049.7	0.1
0.9	3.7	5.6	0.0	0.5	531.2	0.1
6.0798854	20.215367	35.289753	0.0468298	2.2390973	3992.3786	0.5485783
0.3	0.9	3.2	0.0	0.1	358.9	0.0
0.9	2.6	9.7	0.0	0.3	978.8	0.1
2.1	9.9	16.0	0.0	0.9	1656.1	0.2
0.6	1.8	6.1	0.0	0.2	746.3	0.1
0.4	1.8	2.3	0.0	0.2	249.9	0.0
0.3	1.5	2.5	0.0	0.1	255.2	0.0
1.7	4.9	4.5	0.0	0.4	463.2	0.2
2.1	6.5	13.0	0.0	1.2	1221.7	0.2
1.3	3.7	3.9	0.0	0.3	416.4	0.1
1.6	4.9	5.1	0.0	0.4	542.0	0.1
1.1	3.4	3.5	0.0	0.3	378.0	0.1
0.4	2.2	2.8	0.0	0.2	312.2	0.0
1.9	5.1	16.5	0.0	0.5	2220.8	0.2
14.935329	51.236083	88.087749	0.1141545	5.3555289	9801.2954	1.3475909
0.3	1.2	1.9	0.0	0.1	195.9	0.0
0.2	1.0	1.3	0.0	0.1	142.8	0.0
0.3	1.1	2.0	0.0	0.1	184.4	0.0
0.4	1.0	3.3	0.0	0.1	335.2	0.0
0.3	1.4	2.3	0.0	0.1	226.6	0.0
0.2	0.9	1.4	0.0	0.1	148.8	0.0
0.0	0.2	0.3	0.0	0.0	34.1	0.0
0.3	0.9	1.0	0.0	0.1	104.6	0.0
0.1	0.2	0.2	0.0	0.0	20.1	0.0
0.1	0.4	0.6	0.0	0.1	53.1	0.0
2.114121	8.3485961	14.314413	0.0165847	0.8555146	1445.6072	0.1907538
5.4	14.8	47.7	0.1	1.6	6419.6	0.5
2.5	6.9	22.2	0.0	0.7	2891.8	0.2
0.5	6.1	0.8	0.0	0.1	982.4	0.0
0.7	8.0	0.8	0.0	0.1	1291.3	0.0
1.3	5.0	16.9	0.0	0.5	2309.6	0.1
9.6	37.0	126.3	0.2	3.6	17225.5	0.9
19.994705	77.737395	214.55093	0.3231867	6.6288566	31220.128	1.6973067
97.1	386.0	760.8	1.0	37.7	96101.1	6.7
			lbs/day			

Gasoline Vehicle Conversion from Lbs/VMT to Lbs/Hp-hr

Type	HP	Fuel	Avg Speed Onsite mph	Avg VMT/hr	EMFAC V2.3, 2007					
					lbsVMT VOC	lbsVMT CO	lbsVMT Nox	lbsVMT SOx	lbsVMT PM10/2.5	lbsVMT CO2
Pickup Trucks	250	Gasoline	15	15	0.000567	0.00677	0.000684	0.00001	0.000107	1.0893
AWD Gators	25	Gasoline	15	15	0.000567	0.00677	0.000684	0.00001	0.000107	1.0893
	lbs/hr VOC	lbs/hr CO	lbs/hr Nox	lbs/hr SOx	lbs/hr PM10/2.5	lbs/hr CO2				
Pickup Trucks	0.008505	0.10155	0.01026	0.00015	0.001605	16.3395				
AWD Gators	0.008505	0.10155	0.01026	0.00015	0.001605	16.3395				
	lbs/hp-hr	lbs/hp-hr	lbs/hp-hr	lbs/hp-hr	lbs/hp-hr	lbs/hp-hr				
Pickup Trucks	0.00003402	0.0004062	0.00004104	0.0000006	0.00000642	0.065358				
AWD Gators	0.0003402	0.004062	0.0004104	0.000006	0.0000642	0.65358				

CONSTRUCTION PHASE - Site Prep (Grading) for Both Power Blocks and Solar Field Roads (All Phases)

MRI Level 2 Analysis (Refs 1, 3-7)

Acres Subject to Construction Grading/Earthwork Disturbance Activities:	337.2	
Max Acres Subject to Construction Disturbance Activities on any day:	34	
Emissions Factor for PM10 Uncontrolled, tons/acre/month:	0.0144	
PM2.5 fraction of PM10 (per CARB CEIDARS Profiles):	0.21	
Activity Levels:		
Hrs/Day:	10	
Days/Wk:	5	
Days/Month:	21	
Const Period, Months:	16	1.3 years
Const Period, Days:	336	
Wet Season Adjustment: (Per AP-42, Section 13.2.2, Figure 13.2.2-1, 12/03)		
Mean # days/year with rain >= 0.01 inch:	20	
Mean # months/yr with rain >= 0.01 inch:	0.67	
Adjusted Const Period, Months:	15.11	
Adjusted Const Period, Days:	309	

Controls for Fugitive Dust:

Proposed watering cycle: 3 times per day

SCAQMD Mitigation Measures, Table XI-A, 4/07

3 watering cycles/10 hour construction shift yields a 61% reduction, 2 watering cycles/10 hour shift should yield a 40%+ reduction. Speed control of onsite const traffic from 35 to 15 mph yields a 57% reduction (use 50% control as conservative in desert area).

Calculated % control based on mitigations proposed:	81	% control
Conservative control % used for emissions estimates:	80	% control
	0.2	release fraction

Emissions: Controlled	PM10	PM2.5
tons/month	0.098	0.021
tons/period	1.480	0.311
Max lbs/day	9.3	1.958

Soil Handling Emissions (Cut and Fill): (2)

Total cu.yds of soil handled:	213067	Mean annual wind speed, mph:	7.8
Total tons of soil handled:	550991.262	Avg. Soil moisture, %:	5
Total days soil handled:	309	Avg. Soil density, tons/cu.yd:	1.3
Tons soil/day:	1781	k factor for PM10:	0.35
Control Eff, watering, %	80	Number of Drops per ton:	2
Release Fraction:	0.2	Calc 1 wind	1.783
		Calc 2 moisture	3.607
		Calc 3 int	0.494
		Calc 4 PM10 lb/ton	0.0006
		PM2.5 fraction of PM10:	0.210

Emissions:	PM10	PM2.5
tons/period	0.03	0.01
tons/month	0.00	0.00
max lbs/day	0.20	0.04

Emissions Totals:		PM10	PM2.5
	tons/period	1.5110	0.3173
	tons/month	0.1000	0.0210
	max lbs/day	9.52	2.00

Methodology References:

(1) MRI Report, South Coast AQMD Project No. 95040, March 1996, Level 2 Analysis Procedure.

MRI Report factor of 0.011 tons/acre/month is based on 168 hours per month of const activity.

For an activity rate of 210 hrs/month, the adjusted EF would be 0.0144 tons/acre/month.

(2) Soil Handling (Cut and Fill), EPA, AP-42, Section 13.2.4., 11/06, and Appendix E-2, Palen Solar PP, 8/09.

(3) URBEMIS, Version 9.2.4, User's Manual Appendix A, page A-6.

(4) CARB Area Source Methodology, Section 7.7, 9/02.

(5) WRAP Fugitive Dust Handbook, 9/06.

(6) USEPA, AP-42, Section 13.2.3, 2/10.

(7) Estimating PM Emissions from Construction Operations, USEPA, MRI, 9/99.

(8) Wind speed data for Blythe AP, 2002-2004.

(9) Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg

(10) Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.

CONSTRUCTION PHASE- Erection Phase for Both Power Blocks and Fields (No earthmoving activity)

MRI Level 2 Analysis (Refs 1, 3-7)

Acres Subject to Construction Disturbance Activities:	260	
Max Acres Subject to Construction Disturbance Activities on any day:	26	
Emissions Factor for PM10 Uncontrolled, tons/acre/month:	0.023	
PM2.5 fraction of PM10 (per CARB CEIDARS Profiles):	0.21	
Activity Levels:		
Hrs/Day:	16	
Days/Wk:	5	
Days/Month:	21	
Const Period, Months:	30	2.5 years
Const Period, Days:	630	
Wet Season Adjustment: (Per AP-42, Section 13.2.2, Figure 13.2.2-1, 12/03)		
Mean # days/year with rain > = 0.01 inch:	20	
Mean # months/yr with rain > = 0.01 inch:	0.67	
Adjusted Const Period, Months:	28.33	
Adjusted Const Period, Days:	580	

Controls for Fugitive Dust:

Proposed watering cycle: 3 times per day

SCAQMD Mitigation Measures, Table XI-A, 4/07

3 watering cycles/10 hour construction shift yields a 61% reduction, 2 watering cycles/10 hour shift should yield a 40%+ reduction. Speed control of onsite const traffic from 35 to 15 mph yields a 57% reduction (use 50% control as conservative in desert area).

Calculated % control based on mitigations proposed:	81	% control
Conservative control % used for emissions estimates:	80	% control
	0.2	release fraction

Emissions: Controlled	PM10	PM2.5
tons/month	0.120	0.025
tons/period	3.389	0.712
Max lbs/day	11.4	2.392

Soil Handling Emissions (Cut and Fill): (2)

Total cu.yds of soil handled:	0	Mean annual wind speed, mph:	7.8
Total tons of soil handled:	0	Avg. Soil moisture, %:	5
Total days soil handled:	580	Avg. Soil density, tons/cu.yd:	1.3
Tons soil/day:	0	k factor for PM10:	0.35
Control Eff, watering, %	80	Number of Drops per ton:	4
Release Fraction:	0.2	Calc 1 wind	1.783
		Calc 2 moisture	3.607
		Calc 3 int	0.494
		Calc 4 PM10 lb/ton	0.0006
		PM2.5 fraction of PM10:	0.210

Emissions:	PM10	PM2.5
tons/period	0.00	0.00
tons/month	0.00	0.00
max lbs/day	0.00	0.00

Emissions Totals:		PM10	PM2.5
	tons/period	3.3887	0.7116
	tons/month	0.1196	0.0251
	max lbs/day	11.39	2.39

Methodology References:

- (1) MRI Report, South Coast AQMD Project No. 95040, March 1996, Level 2 Analysis Procedure.
MRI Report factor of 0.011 tons/acre/month is based on 168 hours per month of const activity.
For an activity rate of 336 hrs/month, the adjusted EF would be 0.023 tons/acre/month.
- (2) Soil Handling (Cut and Fill), EPA, AP-42, Section 13.2.4., 11/06, and Appendix E-2, Palen Solar PP, 8/09.
- (3) URBEMIS, Version 9.2.4, User's Manual Appendix A, page A-6.
- (4) CARB Area Source Methodology, Section 7.7, 9/02.
- (5) WRAP Fugitive Dust Handbook, 9/06.
- (6) USEPA, AP-42, Section 13.2.3, 2/10.
- (7) Estimating PM Emissions from Construction Operations, USEPA, MRI, 9/99.
- (8) Wind speed data for Blythe AP, 2002-2004.
- (9) Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg
- (10) Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.

CONSTRUCTION PHASE - Access Road Construction

MRI Level 2 Analysis (Refs 1, 3-7)

Acres Subject to Construction Disturbance Activities:	7.6	1.25 mi length by 50 ft ROW
Max Acres Subject to Construction Disturbance Activities on any day:	1.00	
Emissions Factor for PM10 Uncontrolled, tons/acre/month:	0.0144	
PM2.5 fraction of PM10 (per CARB CEIDARS Profiles):	0.21	
Activity Levels:		
Hrs/Day:	10	
Days/Wk:	5	
Days/Month:	21	
Const Period, Months:	6	0.5 years
Const Period, Days:	126	
Wet Season Adjustment: (Per AP-42, Section 13.2.2, Figure 13.2.2-1, 12/03)		
Mean # days/year with rain >= 0.01 inch:	20	
Mean # months/yr with rain >= 0.01 inch:	0.67	
Adjusted Const Period, Months:	5.67	
Adjusted Const Period, Days:	116	

Controls for Fugitive Dust:

Proposed watering cycle: 3 times per day

SCAQMD Mitigation Measures, Table XI-A, 4/07

3 watering cycles/10 hour construction shift yields a 61% reduction, 2 watering cycles/10 hour shift should yield a 40%+ reduction.

Speed control of onsite const traffic from 35 to 15 mph yields a 57% reduction (use 50% control as conservative in desert area).

Calculated % control based on mitigations proposed:	81	% control
Conservative control % used for emissions estimates:	80	% control
	0.2	release fraction

Emissions: Controlled	PM10	PM2.5
tons/month	0.003	0.001
tons/period	0.016	0.003
Max lbs/day	0.3	0.058

Soil Handling Emissions (Cut and Fill): (2)

Total cu.yds of soil handled:	0	Mean annual wind speed, mph:	7.8
Total tons of soil handled:	0	Avg. Soil moisture, %:	5
Total days soil handled:	116	Avg. Soil density, tons/cu.yd:	1.3
Tons soil/day:	0	k factor for PM10:	0.35
Control Eff, watering, %	80	Number of Drops per ton:	2
Release Fraction:	0.2	Calc 1 wind	1.783
		Calc 2 moisture	3.607
		Calc 3 int	0.494
		Calc 4 PM10 lb/ton	0.0006
		PM2.5 fraction of PM10:	0.210

Emissions:	PM10	PM2.5
tons/period	0.00	0.00
tons/month	0.00	0.00
max lbs/day	0.00	0.00

Emissions Totals:

	PM10	PM2.5
tons/period	0.0163	0.0034
tons/month	0.0029	0.0006
max lbs/day	0.27	0.06

Methodology References:

- (1) MRI Report, South Coast AQMD Project No. 95040, March 1996, Level 2 Analysis Procedure.
MRI Report factor of 0.011 tons/acre/month is based on 168 hours per month of const activity.
For an activity rate of 210 hrs/month, the adjusted EF would be 0.0144 tons/acre/month.
- (2) Soil Handling (Cut and Fill), EPA, AP-42, Section 13.2.4., 11/06, and Appendix E-2, Palen Solar PP, 8/09.
- (3) URBEMIS, Version 9.2.4, User's Manual Appendix A, page A-6.
- (4) CARB Area Source Methodology, Section 7.7, 9/02.
- (5) WRAP Fugitive Dust Handbook, 9/06.
- (6) USEPA, AP-42, Section 13.2.3, 2/10.
- (7) Estimating PM Emissions from Construction Operations, USEPA, MRI, 9/99.
- (8) Wind speed data for Blythe AP, 2002-2004.
- (9) Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg
- (10) Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.
- (11) paved road will be 2-12 ft lanes, 24 ft wide with minimal shoulders in a 50 ft ROW

CONSTRUCTION PHASE - Underground Gas Line

MRI Level 2 Analysis (Refs 1, 3-7)

Acres Subject to Construction Disturbance Activities:		3.82	
Max Acres Subject to Construction Disturbance Activities on any day:		0.38	
Emissions Factor for PM10 Uncontrolled, tons/acre/month:		0.0144	
PM2.5 fraction of PM10 (per CARB CEIDARS Profiles):		0.21	
Activity Levels:	Hrs/Day:	10	
	Days/Wk:	5	
	Days/Month:	21	
	Const Period, Months:	8	0.7 years
	Const Period, Days:	168	
Wet Season Adjustment:	(Per AP-42, Section 13.2.2, Figure 13.2.2-1, 12/03)		
	Mean # days/year with rain >= 0.01 inch:	20	
	Mean # months/yr with rain >= 0.01 inch:	0.67	
	Adjusted Const Period, Months:	7.56	
	Adjusted Const Period, Days:	155	

Controls for Fugitive Dust:

Proposed watering cycle: 3 times per day

SCAQMD Mitigation Measures, Table XI-A, 4/07

3 watering cycles/10 hour construction shift yields a 61% reduction, 2 watering cycles/10 hour shift should yield a 40%+ reduction. Speed control of onsite const traffic from 35 to 15 mph yields a 57% reduction (use 50% control as conservative in desert area).

Calculated % control based on mitigations proposed:	81	% control
Conservative control % used for emissions estimates:	80	% control
	0.2	release fraction

Emissions: Controlled	PM10	PM2.5
tons/month	0.001	0.000
tons/period	0.008	0.002
Max lbs/day	0.1	0.022

Soil Handling Emissions (Cut and Fill): (2)

Total cu.yds of soil handled:	5400	Mean annual wind speed, mph:	7.8
Total tons of soil handled:	13964.4	Avg. Soil moisture, %:	5
Total days soil handled:	155	Avg. Soil density, tons/cu.yd:	1.3
Tons soil/day:	90	k factor for PM10:	0.35
Control Eff, watering, %	80	Number of Drops per ton:	2
Release Fraction:	0.2	Calc 1 wind	1.783
		Calc 2 moisture	3.607
		Calc 3 int	0.494
		Calc 4 PM10 lb/ton	0.0006
		PM2.5 fraction of PM10:	0.210

Fraction of gas line onsite: 0.97

Emissions Totals:		PM10	PM2.5
	tons/period	0.0091	0.0019
	tons/month	0.0012	0.0003
	max lbs/day	0.11	0.02

Methodology References:

- (1) MRI Report, South Coast AQMD Project No. 95040, March 1996, Level 2 Analysis Procedure.
MRI Report factor of 0.011 tons/acre/month is based on 168 hours per month of const activity.
For an activity rate of 210 hrs/month, the adjusted EF would be 0.0144 tons/acre/month.
- (2) Soil Handling (Cut and Fill), EPA, AP-42, Section 13.2.4., 11/06, and Appendix E-2, Palen Solar PP, 8/09.
- (3) URBEMIS, Version 9.2.4, User's Manual Appendix A, page A-6.
- (4) CARB Area Source Methodology, Section 7.7, 9/02.
- (5) WRAP Fugitive Dust Handbook, 9/06.
- (6) USEPA, AP-42, Section 13.2.3, 2/10.
- (7) Estimating PM Emissions from Construction Operations, USEPA, MRI, 9/99.
- (8) Wind speed data for Blythe AP, 2002-2004.
- (9) Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg
- (10) Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.
- (11) acreage based on trench ROW dimensions, cut and fill based on trench dimensions

CONSTRUCTION PHASE - Underground T-Line

MRI Level 2 Analysis (Refs 1, 3-7)

Acres Subject to Construction Disturbance Activities:	3.35	
Max Acres Subject to Construction Disturbance Activities on any day:	0.34	
Emissions Factor for PM10 Uncontrolled, tons/acre/month:	0.0144	
PM2.5 fraction of PM10 (per CARB CEIDARS Profiles):	0.21	
Activity Levels:		
Hrs/Day:	10	
Days/Wk:	5	
Days/Month:	21	
Const Period, Months:	11	0.9 years
Const Period, Days:	231	
Wet Season Adjustment: (Per AP-42, Section 13.2.2, Figure 13.2.2-1, 12/03)		
Mean # days/year with rain >= 0.01 inch:	20	
Mean # months/yr with rain >= 0.01 inch:	0.67	
Adjusted Const Period, Months:	10.39	
Adjusted Const Period, Days:	213	

Controls for Fugitive Dust:

Proposed watering cycle: 3 times per day

SCAQMD Mitigation Measures, Table XI-A, 4/07

3 watering cycles/10 hour construction shift yields a 61% reduction, 2 watering cycles/10 hour shift should yield a 40%+ reduction. Speed control of onsite const traffic from 35 to 15 mph yields a 57% reduction (use 50% control as conservative in desert area).

Calculated % control based on mitigations proposed:	81	% control
Conservative control % used for emissions estimates:	80	% control
	0.2	release fraction

Emissions: Controlled	PM10	PM2.5
tons/month	0.001	0.000
tons/period	0.010	0.002
Max lbs/day	0.1	0.020

Soil Handling Emissions (Cut and Fill): (2)

Total cu.yds of soil handled:	49363	Mean annual wind speed, mph:	7.8
Total tons of soil handled:	127652.718	Avg. Soil moisture, %:	5
Total days soil handled:	213	Avg. Soil density, tons/cu.yd:	1.3
Tons soil/day:	600	k factor for PM10:	0.35
Control Eff, watering, %	80	Number of Drops per ton:	2
Release Fraction:	0.2	Calc 1 wind	1.783
		Calc 2 moisture	3.607
		Calc 3 int	0.494
		Calc 4 PM10 lb/ton	0.0006
		PM2.5 fraction of PM10:	0.210

Fraction of T-line onsite: 1.00

Emissions Totals:		PM10	PM2.5
	tons/period	0.0174	0.0037
	tons/month	0.0017	0.0004
	max lbs/day	0.16	0.03

Methodology References:

- (1) MRI Report, South Coast AQMD Project No. 95040, March 1996, Level 2 Analysis Procedure.
MRI Report factor of 0.011 tons/acre/month is based on 168 hours per month of const activity.
For an activity rate of 210 hrs/month, the adjusted EF would be 0.0144 tons/acre/month.
- (2) Soil Handling (Cut and Fill), EPA, AP-42, Section 13.2.4., 11/06, and Appendix E-2, Palen Solar PP, 8/09.
- (3) URBEMIS, Version 9.2.4, User's Manual Appendix A, page A-6.
- (4) CARB Area Source Methodology, Section 7.7, 9/02.
- (5) WRAP Fugitive Dust Handbook, 9/06.
- (6) USEPA, AP-42, Section 13.2.3, 2/10.
- (7) Estimating PM Emissions from Construction Operations, USEPA, MRI, 9/99.
- (8) Wind speed data for Blythe AP, 2002-2004.
- (9) Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg.
- (10) Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.
- (11) acreage based on trench ROW dimensions, cut and fill based on trench dimensions

OFFSITE PAVED ROAD FUGITIVE DUST EMISSIONS

(associated with delivery truck and worker vehicle traffic on I-10 and plant access road)

Average mileage for construction related vehicles:	75	miles, roundtrip distance***		
Avg weight of vehicular equipment on road:	3.5	tons (range 2 - 42 tons)		
Road surface silt loading factor:	0.03	g/m2 (range 0.03 - 400 g/m2)		
		Limited Access Freeway >10,000 ADT (I-10)		
Particle size multiplier factors:	PM10	0.016	lb/VMT	
	PM2.5	0.0024	lb/VMT	
C factors (brake and tire wear):	PM10	0.00047	lb/VMT	
	PM2.5	0.00036	lb/VMT	
Avg vehicle speed on road:	65	mph		
Number of vehicles per day:	621	*	VMT/day:	46575
			VMT/month:	978075
Number of work days per month:	21		VMT/period:	30515940
	Total vehicles per month:	13041		
Number of work months:	31.2	adjusted for precip events		
	Total vehicles per const period:	406879.2		

	PM10	
Calc 1	0.035	
Calc 2	1.131	
Calc 3	0.0002	lb/VMT

Emissions	PM10	PM2.5
lbs/day	7.40	1.25
lbs/month	155.37	26.26
lbs/period	4847.61	819.25
tons/period	2.42	0.41

*see vehicle total on Weight tab

EPA, AP-42, Section 13.2.1, March 2006, updated 9/2008.

PM2.5 fraction of PM10 per CARB CEIDARs is 0.169

*** Note: avg roundtrip distance traveled by delivery or worker vehicles on limited access freeways (I-10)

Delivery Route: from Blythe urban area or Blythe ATSF railyard to site, includes plant paved access road

ONSITE PAVED ROAD FUGITIVE DUST EMISSIONS

(associated with construction equipment traffic)

Length of Paved Road used for/by Construction Access:	6.3	miles*		
Avg weight of construction vehicular equipment on road:	10	tons (range 2 - 42 tons)		
Road surface silt loading factor:	0.06	g/m2 (range 0.03 - 400 g/m2)		
Particle size multiplier factors:	PM10	0.016	lb/VMT	
	PM2.5	0.0024	lb/VMT	
C factors (brake and tire wear):	PM10	0.00047	lb/VMT	
	PM2.5	0.00036	lb/VMT	
Avg construction vehicle speed on onsite road:	15	mph (range 10-55 mph)		
Number of construction vehicles per day:	80	**	VMT/day:	504
			VMT/month:	10584
Number of construction work days per month:	21		VMT/period:	330220.8
	Total vehicles per month:	1680		
Number of construction work months:	31.2	adjusted for precip events		
	Total vehicles per const period:	52416		

	PM10	
Calc 1	0.060	
Calc 2	2.620	
Calc 3	0.0021	lb/VMT

Emissions	PM10	PM2.5
lbs/day	1.04	0.18
lbs/month	21.86	3.70
lbs/period	682.18	115.29
tons/period	0.34	0.06

*total mileage of onsite paved roads. Since these roads will be used to access the power block areas and portions of the heliostat fields under installation, it was assumed that all of these roads would be used on an average daily basis.

** delivery vehicles plus onsite const support equipment, worker vehicles will not be traversing the site

EPA, AP-42, Section 13.2.1, March 2006, updated 9/2008.

PM2.5 fraction of PM10 per CARB CEIDARs is 0.169

Fugitive Dust from Wind Erosion of Soil Storage Piles

Grading Phase Only for both Power Blocks and Solar Fields

Avg acres of soil storage piles exposed per day:	5	*	
Soil silt content, %:	18.3		0.183
Number of days/year with precipitation >0.01 inches:	20		
Annual % of time wind speed greater than 12 mph:	20.6		0.206
Watering control efficiency, %:	80		0.8
PM10 aerodynamic factor:	0.5		
PM2.5 aerodynamic factor:	0.2		
Total construction period exposure time, days:	336		

	lb/acre-day	lbs/day	lbs/period	tons/period
PM10	0.104	0.520	174.6	0.087
PM2.5	0.042	0.208	69.9	0.035

MDAQMD, Emissions Inventory Guidance, Mineral Handling and Processing Industries, April 2000.

USEPA, AP-42, Section 13.2.2, Unpaved Roads, Figure 13.2.2-1, Thornethwaite Precipitation Data.

*soil storage areas only, open cut and fill areas are not soil storage areas.

ONSITE UNPAVED ROAD FUGITIVE DUST

Length of Unpaved Road used for/by Construction Access: (in the heliostat fields)	2	miles*			
Avg weight of construction vehicular equipment on road:	10	tons (range 2 - 42 tons)			
Road surface silt content:	18	% (range 1.8 - 35%)			
Road surface material moisture content:	5	% (range 0.03 - 13%)			
			k	a	c
Particle size multiplier factors:	PM10	1.8	1	0.2	0.5
	PM2.5	0.18	1	0.2	0.5
C factors (brake and tire wear):	PM10	0.00047	lb/VMT		
	PM2.5	0.00036	lb/VMT		
Avg construction vehicle speed on road:	5	mph (range 5-55 mph)			
Number of construction vehicles per day:	25	**	VMT/day:	50	
			VMT/month:	1050	
Number of construction work days per month:	21		VMT/period:	29746.5	
Total vehicles per month:	525				
Number of construction work months:	28.33	adjusted for precipitation events			
Total vehicles per const period:	14873.25				
Control reduction due to watering, speed control, etc. =	80				
	0.8				
Release Fraction =	0.2				
	PM10	PM2.5	Emissions	PM10	PM2.5
Calc 1	1.500	1.500	lbs/day	6.95	0.69
Calc 2	0.408	0.408	lbs/month	145.95	14.53
Calc 3	1.585	1.585	lbs/period	4134.86	411.62
Calc 4	0.695	0.070	tons/period	2.07	0.21
Uncontrolled lb/VMT	0.695	0.069			

EPA, AP-42, Section 13.2.2, March 2006

Soil Moisture; 5% avg, USGS, OFR-02-348, ADRS, 2002.

Soil data: AECOM BSPP, App E.2, 8/09. DR-Air-3, 1-6-10, Silt content-18% avg, for road sfc used 8.5% per EPA-AP42

*total mileage of onsite unpaved roads is 19.8 miles, but less than 10% will be used on any given day during installation

** heliostat installation equipment, avg daily value

CONSTRUCTION PHASE - Trackout Emissions

Paved Road Length (miles):	0.1	estimated roundtrip trackout distance			
Daily # of Vehicles:	50				
Avg Vehicle Weight (tons):	23.0		PM10	PM2.5*	
Total Unadjusted VMT/day	5.0		0.361		
Particle Size Multipliers	PM10		5.101		
lb/VMT	0.023		0.008	0.0014	lb/VMT
C factor, lb/VMT	0.00047		0.293	0.0496	lbs/day
Road Sfc Silt Loading (g/m ²):	0.56	local X 2	0.003	0.0005	tons/month
# of Active Trackout Points:	1	**	0.10	0.0162	tons/period
Added Trackout Miles:	PM10				
Trackout VMT/day:	30		<i>Default Silt Load Values for Paved Road Types</i>		
Final Adjusted VMT/day	35		Freeway	0.02 g/m ²	
Final Adjusted VMT/month	735		Arterial	0.036 g/m ²	
Final Adjusted VMT/period	22932		Collector	0.036 g/m ²	
Construction days/month:	21		Local	0.28 g/m ²	
Adj. Construction months/period:	31.20		Rural	1.6 g/m ²	
Control Applied to Trackout:	Sweeping and Cleaning (water washing)				
Control Efficiency, %	80	0.8	Release Factor =	0.2	

* PM2.5 fraction of PM10 assumed to be 0.169 (CARB CEIDARS updated fraction values) for paved roads.

** 1 controlled ingress/egress point is planned for site construction

EPA, AP-42, Section 13.2.1, Proposed revisions dated 9/2008.

Use silt loading factor from default values for road type if no site specific data is available.

Trackout effects approximately 0.05 mi. of roadway arriving and departing from the site access point.

Plant access road will be paved prior to main site construction period.

Vehicle count = delivery trucks plus 10 misc support vehicles X 2

Worker vehicles not counted for trackout, as they do not access main site.

Onsite Concrete Batch Plant Emissions Estimates

Ref: AP-42, Section 11.12, June 2006

EFs from Table 11.12-6, Central Mix Plant Type

Months concrete batch plant onsite:	14	months 4-17	
Avg workdays per month:	21		
Total concrete production workdays/period:	294		
Total deliveries per period:	3488		
Avg truck capacity, cu.yds:	9		
Total concrete produced onsite per period:	31392	cu.yds.	
Proposed controls: water spray, drop point enclosures, covered conveyors			
Controlled PM10 EF for raw materials input:	0.0153	lbs/cu.yd	
Central Mix Plant EF:	0.0043146	lbs/cu.yd	Eq. 11.12-2
Total EF:	0.0196	lbs/cu.yd.	
			PM2.5
Period PM10 Emissions:	615.7	lbs	62.8
	0.31	tons	0.03
			PM2.5
Avg daily PM10 Emissions:	2.09	lbs	0.21
Total site concrete requirements:	58000	cu.yds.	
Onsite:	31392	cu.yds.	
Offsite:	26608	cu.yds.	

CONSTRUCTION PHASE - Truck Hauling/Delivery and Site Support Vehicle Emissions

All Phases

Delivery/Hauling Vehicle Use Rates

			Emissions Factors (lbs/vmt)								
Delivery Roundtrip Distance:	75	miles	NOx	CO	VOC	SOx	PM10	CO2			
Const Days per Period:	693		0.020568	0.006521	0.001482	0.000037	0.000958	4.0073	HDDT		
Avg Deliveries per Day:	15		0.001246	0.00818	0.000772	0.000015	0.000108	1.4979	MDGT		
Fraction of Deliveries-Diesel:	0.85	HDDT									
Fraction of Deliveries-Gas:	0.15	MDGT									
			Daily Emissions (lbs)								
Total Delivery VMT:	779625		NOx	CO	VOC	SOx	PM10	CO2	PM2.5		
Total Daily VMT-Diesel	956		0.210	1.380	0.130	0.003	0.018	252.771	0.018	HDDT	
Total Daily VMT-Gasoline	169										
			Tons per Const Period								
Total Period VMT-Diesel	662681.25		6.815	2.161	0.491	0.012	0.317	1327.8	0.315	HDDT	
Total Period VMT-Gasoline	116943.75		0.073	0.478	0.045	0.001	0.006	87.6	0.006	MDGT	

Construction Site Support Vehicle Use Rates (LDTs)

			Daily Emissions, lbs								
Gasoline Vehicle VMT Period:	166320		NOx	CO	VOC	SOx	PM10	CO2			
Avg Daily Gasoline VMT:	240		0.000684	0.00677	0.000567	0.00001	0.000107	1.0893	lbs/vmt*	LDT gasoline	
Diesel Vehicle VMT Period:	34650		0.000035	0.000013	0.000002	0.000001	0.000002	0.0084	lbs/vmt*	LDT diesel	
Avg Daily Diesel VMT:	50		0.1642	1.6248	0.1361	0.0024	0.0257	261.4320	lbs/day	gasoline	
Total Phase Const Days:	693		0.0018	0.0007	0.0001	0.0001	0.0001	0.4200	lbs/day	diesel	
			Tons per Const Period								
Ref: Riverside County, Emfac 2007, V2.3, Nov 2006			0.0569	0.5630	0.0472	0.0008	0.0089	90.6	tons/period	gasoline	
On-Road Heavy Duty Diesels (1970-2014)			0.0006	0.0002	0.0000	0.0000	0.0000	0.1	tons/period	diesel	
On Road Medium Duty Gas (1970-2014)											
LDTs (1970-2014)											

Notes ***

VMT for delivery/hauling for all vehicles includes: (1) materials deliveries to site, (2) materials removal from site, other VMT as specified below.

Support Vehicle VMT: best estimate at time of filing, 8 gasoline LDTs at 30 miles per day each, and 2 diesel LDTs at 25 miles per day each.

Delivery Route: Blythe urban or railyard area to site, 75 miles roundtrip.

CARB-CEIDARS, Updated Fractions for PM Profiles: PM2.5 = 0.991 of PM10 for Diesel Exhaust, and 0.998 for Gasoline Vehicles.

Const days per period: 21 days per month at 33 months = 693

CONSTRUCTION PHASE - Worker Travel - Emissions

Ref: Riverside County, Emfac 2007, V2.3, Nov 2006
 On Road Vehicles (1970-2014)
 LDP/LDT Weighted Avg Efs

All Phases

Worker Travel to Site

Avg Occupancy/Vehicle:	1									
Avg Roundtrip Distance, miles:	75									
Avg # of Worker Vehicles, per day:	596	*								
Avg Daily Worker VMT:	44700									
Max # of Worker Vehicles, per day:	1380	*								
Max Daily Worker VMT:	103500									
Total Const Days:	693									
Total Const Period Worker VMT:	30977100									
				Emissions Factors (lbs/VMT)						
				NOx	CO	VOC	SOx	PM10	CO2	
				0.00049	0.00548	0.00047	0.00001	0.00009	0.95934	
				Daily Emissions (lbs)						
				NOx	CO	VOC	SOx	PM10	CO2	PM2.5
			Avg	21.90	244.96	21.01	0.45	4.02	42882.50	4.01
			Max	50.72	567.18	48.65	1.04	9.32	99291.69	9.30
				Tons per Const Period						
			Avg	7.589	84.877	7.280	0.155	1.394	14858.8	1.391

Worker Travel by Busing from Staging Area

Total Bus VMT/Const Period:	0	Bus Round Trips/Day:	0	max	Ref: Riverside County, Emfac 2007, V2.3, Nov 2006
Avg Bus VMT/Const Day:	0	Bus Occupancy/Trip:	0		On Road Vehicles (1970-2014)
Max Bus VMT/Const Day:	0				Bus Carriers

Distance to site from Bus staging area: 0 miles (roundtrip)
 (AFC Traffic and Transportation Section)

				Emissions Factors (lbs/VMT)						
				NOx	CO	VOC	SOx	PM10	CO2	
				0.019574	0.033191	0.003404	0.000426	0.000426	3.4043	
				Daily Emissions (lbs)						
			Avg	NOx	CO	VOC	SOx	PM10	CO2	PM2.5
				0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Tons per Const Period						
			Avg	0.000	0.000	0.000	0.000	0.000	0.000	0.000

Round trip distance: 75 miles from the Blythe urban area.

CO2e Emissions Estimates

Total All Construction Phases

For CO2 Estimated Emissions Only

1551

Total CO2 emissions from diesel combustion: 34629.9 tons/period

Total CO2 emissions from gasoline combustion: 15037 tons/period

Approximate methane fraction of CO2 for diesel combustion: 0.000051

Approximate N2O fraction of CO2 for diesel combustion: 0.000032

Approximate methane fraction of CO2 for gasoline combustion: 0.000213

Approximate N2O fraction of CO2 for gasoline combustion: 0.000113

Estimated methane from diesel combustion: 1.7661249 tons/period

Estimated N2O from diesel combustion: 1.1081568 tons/period

Estimated methane from gasoline combustion: 3.202881 tons/period

Estimated N2O from diesel combustion: 1.699181 tons/period

Estimated methane CO2e from diesel combustion: 37.088623 tons/period

Estimated N2O CO2e from diesel combustion: 343.52861 tons/period

Estimated methane CO2e from gasoline combustion: 67.260501 tons/period

Estimated N2O CO2e from gasoline combustion: 526.74611 tons/period

Partial CO2e emissions from construction: 50642 tons/period

For GHG Where All Species are Estimated

CO2 0 tons/period

CH4 3 tons/period

N2O 0 tons/period

Adjusted GWP Rates

CO2 0 tons/period

CH4 63 tons/period

N2O 0 tons/period

CO2e 63 tons/period

Total CO2e emissions from construction: 50705 tons/period
46095 metric tons/period

CCAR General Protocol, January 2009, Version 3.1.

IPCC SAR values for methane and N2O.

Average Vehicle Weight Estimate for Construction Period

Vehicle Type	Weight tons	# Vehicles per day	Frac. of total vehicles	
Passenger LDP/LDT	2.5	606	0.953	Worker and support travel vehicles
HDD Loaded	35	13	0.020	
HDD Unloaded	15	13	0.020	Materials delivery trucks, service
MDGT Loaded	15	2	0.003	trucks, fuel trucks, other misc trucks.
MDGT Unloaded	5	2	0.003	
		636	1.000	
Vehicle Total		621		

Weighted Avg Vehicle Weight, tons : 3.5

Ref: AP-42, Section 13.2.2, 11/06, mean vehicle weight guidance, p.13.2.2-6.

Delivery Vehicles Only			
HDD Loaded	35	13	0.433
HDD Unloaded	15	13	0.433
MDGT Loaded	15	2	0.067
MDGT Unloaded	5	2	0.067
		30	1

Weighted Avg Vehicle Weight, tons : 23

Fleet Average Emission Factors (Diesel)

2013

Air Basin SC

Equipment	MaxHP	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	(lb/hr)	LBS/HP-HR						
		ROG	CO	NOX	SOX	PM	CO2	CH4	ROG	CO	NOX	SOX	PM	CO2	CH4
Aerial Lifts	15	0.0101	0.0528	0.0637	0.0001	0.0027	8.7	0.0009	0.0007	0.0035	0.0042	0.00009	0.0002	0.5768	0.00061
	25	0.0166	0.0503	0.0937	0.0001	0.0051	11.0	0.0015	0.0007	0.0020	0.0037	0.00006	0.0002	0.4384	0.00060
	50	0.0592	0.1757	0.1840	0.0003	0.0156	19.6	0.0053	0.0012	0.0035	0.0037	0.00005	0.0003	0.3923	0.00107
	120	0.0558	0.2425	0.3758	0.0004	0.0299	38.1	0.0050	0.0005	0.0020	0.0031	0.00004	0.0002	0.3173	0.00042
	500	0.1191	0.4671	1.5310	0.0021	0.0448	213	0.0107	0.0002	0.0009	0.0031	0.00004	0.0001	0.4257	0.00021
750	0.2221	0.8443	2.8534	0.0039	0.0825	385	0.0200	0.0003	0.0011	0.0038	0.00005	0.0001	0.5130	0.00027	
Aerial Lifts Total		0.0529	0.1925	0.3059	0.0004	0.0202	34.7	0.0048							
Air Compressors	15	0.0122	0.0484	0.0732	0.0001	0.0048	7.2	0.0011	0.0008	0.0032	0.0049	0.00007	0.0003	0.4815	0.00073
	25	0.0266	0.0744	0.1306	0.0002	0.0081	14.4	0.0024	0.0011	0.0030	0.0052	0.00007	0.0003	0.5778	0.00096
	50	0.0921	0.2546	0.2221	0.0003	0.0220	22.3	0.0083	0.0018	0.0051	0.0044	0.00006	0.0004	0.4454	0.00166
	120	0.0825	0.3251	0.4991	0.0006	0.0456	47.0	0.0074	0.0007	0.0027	0.0042	0.00005	0.0004	0.3913	0.00062
	175	0.1059	0.5054	0.8385	0.0010	0.0472	88.5	0.0096	0.0006	0.0029	0.0048	0.00006	0.0003	0.5056	0.00055
	250	0.1007	0.2955	1.1320	0.0015	0.0347	131	0.0091	0.0004	0.0012	0.0045	0.00006	0.0001	0.5249	0.00036
	500	0.1626	0.5399	1.7639	0.0023	0.0570	232	0.0147	0.0003	0.0011	0.0035	0.00005	0.0001	0.4635	0.00029
	750	0.2547	0.8344	2.8139	0.0036	0.0898	358	0.0230	0.0003	0.0011	0.0038	0.00005	0.0001	0.4775	0.00031
1000	0.4190	1.4213	5.0841	0.0049	0.1474	486	0.0378	0.0004	0.0014	0.0051	0.00005	0.0001	0.4864	0.00038	
Air Compressors Total		0.0913	0.3376	0.6065	0.0007	0.0434	63.6	0.0082							
Bore/Drill Rigs	15	0.0120	0.0632	0.0754	0.0002	0.0029	10.3	0.0011	0.0008	0.0042	0.0050	0.000011	0.0002	0.6897	0.00072
	25	0.0193	0.0658	0.1226	0.0002	0.0049	16.0	0.0017	0.0008	0.0026	0.0049	0.00008	0.0002	0.6395	0.00070
	50	0.0289	0.2282	0.2568	0.0004	0.0120	31.0	0.0026	0.0006	0.0046	0.0051	0.00008	0.0002	0.6207	0.00052
	120	0.0447	0.4698	0.4583	0.0009	0.0257	77.1	0.0040	0.0004	0.0039	0.0038	0.00008	0.0002	0.6427	0.00034
	175	0.0704	0.7538	0.6931	0.0016	0.0302	141	0.0063	0.0004	0.0043	0.0040	0.00009	0.0002	0.8062	0.00036
	250	0.0795	0.3429	0.7632	0.0021	0.0221	188	0.0072	0.0003	0.0014	0.0031	0.00008	0.0001	0.7524	0.00029
	500	0.1295	0.5517	1.1717	0.0031	0.0361	311	0.0117	0.0003	0.0011	0.0023	0.00006	0.0001	0.6226	0.00023
	750	0.2565	1.0899	2.3376	0.0062	0.0715	615	0.0231	0.0003	0.0015	0.0031	0.00008	0.0001	0.8201	0.00031
1000	0.4163	1.6675	5.9553	0.0093	0.1544	928	0.0376	0.0004	0.0017	0.0060	0.00009	0.0002	0.9283	0.00038	
Bore/Drill Rigs Total		0.0786	0.5044	0.8125	0.0017	0.0302	165	0.0071							
Cement and Mortar	15	0.0074	0.0386	0.0470	0.0001	0.0021	6.3	0.0007	0.0005	0.0026	0.0031	0.00007	0.0001	0.4213	0.00045
	25	0.0270	0.0813	0.1510	0.0002	0.0083	17.6	0.0024	0.0011	0.0033	0.0060	0.00009	0.0003	0.7022	0.00098
Cement and Mortar Mixers Total		0.0091	0.0421	0.0556	0.0001	0.0026	7.2	0.0008							
Concrete/Industrial	25	0.0199	0.0678	0.1257	0.0002	0.0049	16.5	0.0018	0.0008	0.0027	0.0050	0.00008	0.0002	0.6591	0.00072
	50	0.0955	0.2918	0.2858	0.0004	0.0247	30.2	0.0086	0.0019	0.0058	0.0057	0.00008	0.0005	0.6042	0.00172
	120	0.1065	0.4836	0.7154	0.0009	0.0589	74.1	0.0096	0.0009	0.0040	0.0060	0.00007	0.0005	0.6179	0.00080
	175	0.1569	0.8701	1.3612	0.0018	0.0706	160	0.0142	0.0009	0.0050	0.0078	0.00010	0.0004	0.9154	0.00081
Concrete/Industrial Saws Total		0.1002	0.4088	0.5572	0.0007	0.0452	58.5	0.0090							
Cranes	50	0.1015	0.2892	0.2394	0.0003	0.0239	23.2	0.0092	0.0020	0.0058	0.0048	0.00006	0.0005	0.4637	0.00183
	120	0.0919	0.3618	0.5508	0.0006	0.0493	50.1	0.0083	0.0008	0.0030	0.0046	0.00005	0.0004	0.4179	0.00069
	175	0.1031	0.4821	0.7769	0.0009	0.0445	80.3	0.0093	0.0006	0.0028	0.0044	0.00005	0.0003	0.4591	0.00053
	250	0.1040	0.2948	0.9948	0.0013	0.0351	112	0.0094	0.0004	0.0012	0.0040	0.00005	0.0001	0.4486	0.00038
	500	0.1551	0.5292	1.4230	0.0018	0.0518	180	0.0140	0.0003	0.0011	0.0028	0.00004	0.0001	0.3602	0.00028
	750	0.2625	0.8887	2.4614	0.0030	0.0885	303	0.0237	0.0003	0.0012	0.0033	0.00004	0.0001	0.4041	0.00032
	9999	0.9491	3.3249	10.3665	0.0098	0.3189	971	0.0856							
Cranes Total		0.1348	0.4737	1.1934	0.0014	0.0508	129	0.0122							

Crawler Tractors	50	0.1176	0.3246	0.2627	0.0003	0.0270	24.9	0.0106	0.0024	0.0065	0.0053	0.000006	0.0005	0.4976	0.000212
	120	0.1293	0.4858	0.7686	0.0008	0.0677	65.8	0.0117	0.0011	0.0040	0.0064	0.000006	0.0006	0.5484	0.000097
	175	0.1674	0.7448	1.2529	0.0014	0.0713	121	0.0151	0.0010	0.0043	0.0072	0.000008	0.0004	0.6925	0.000086
	250	0.1764	0.5000	1.5945	0.0019	0.0613	166	0.0159	0.0007	0.0020	0.0064	0.000007	0.0002	0.6645	0.000064
	500	0.2542	0.9504	2.2389	0.0025	0.0868	259	0.0229	0.0005	0.0019	0.0045	0.000005	0.0002	0.5185	0.000046
	750	0.4574	1.6993	4.1042	0.0047	0.1573	465	0.0413	0.0006	0.0023	0.0055	0.000006	0.0002	0.6196	0.000055
	1000	0.6901	2.6950	7.3731	0.0066	0.2361	658	0.0623	0.0007	0.0027	0.0074	0.000007	0.0002	0.6581	0.000062
Crawler Tractors Total		0.1584	0.5900	1.1593	0.0013	0.0697	114	0.0143							
Crushing/Proc. Equ.	50	0.1741	0.5009	0.4359	0.0006	0.0422	44.0	0.0157	0.0035	0.0100	0.0087	0.000011	0.0008	0.8803	0.000314
	120	0.1402	0.5764	0.8552	0.0010	0.0779	83.1	0.0127	0.0012	0.0048	0.0071	0.000008	0.0006	0.6928	0.000105
	175	0.1942	0.9615	1.5237	0.0019	0.0864	167	0.0175	0.0011	0.0055	0.0087	0.000011	0.0005	0.9558	0.000100
	250	0.1848	0.5425	2.0202	0.0028	0.0620	245	0.0167	0.0007	0.0022	0.0081	0.000011	0.0002	0.9781	0.000067
	500	0.2608	0.8480	2.7097	0.0037	0.0884	374	0.0235	0.0005	0.0017	0.0054	0.000007	0.0002	0.7473	0.000047
	750	0.4147	1.3191	4.4498	0.0059	0.1418	589	0.0374	0.0006	0.0018	0.0059	0.000008	0.0002	0.7851	0.000050
	9999	1.1270	3.6752	13.3218	0.0131	0.3880	1,308	0.1017							
Crushing/Proc. Equipment Total		0.1733	0.6773	1.1752	0.0015	0.0748	132	0.0156							
Dumpers/Tenders	25	0.0097	0.0320	0.0601	0.0001	0.0029	7.6	0.0009	0.0004	0.0013	0.0024	0.000004	0.0001	0.3050	0.000035
Dumpers/Tenders Total		0.0097	0.0320	0.0601	0.0001	0.0029	7.6	0.0009							
Excavators	25	0.0198	0.0677	0.1253	0.0002	0.0047	16.4	0.0018	0.0008	0.0027	0.0050	0.000008	0.0002	0.6576	0.000072
	50	0.0816	0.2841	0.2458	0.0003	0.0212	25.0	0.0074	0.0016	0.0057	0.0049	0.000006	0.0004	0.5004	0.000147
	120	0.1086	0.5177	0.6791	0.0009	0.0586	73.6	0.0098	0.0009	0.0043	0.0057	0.000007	0.0005	0.6135	0.000082
	175	0.1208	0.6668	0.8932	0.0013	0.0512	112	0.0109	0.0007	0.0038	0.0051	0.000007	0.0003	0.6413	0.000062
	250	0.1242	0.3541	1.1360	0.0018	0.0372	159	0.0112	0.0005	0.0014	0.0045	0.000007	0.0001	0.6347	0.000045
	500	0.1735	0.5271	1.4763	0.0023	0.0516	234	0.0157	0.0003	0.0011	0.0030	0.000005	0.0001	0.4675	0.000031
	750	0.2895	0.8731	2.5290	0.0039	0.0871	387	0.0261	0.0004	0.0012	0.0034	0.000005	0.0001	0.5166	0.000035
Excavators Total		0.1220	0.5338	0.9071	0.0013	0.0481	120	0.0110							
Forklifts	50	0.0445	0.1623	0.1431	0.0002	0.0121	14.7	0.0040	0.0009	0.0032	0.0029	0.000004	0.0002	0.2934	0.000060
	120	0.0438	0.2176	0.2788	0.0004	0.0241	31.2	0.0040	0.0004	0.0018	0.0023	0.000003	0.0002	0.2602	0.000033
	175	0.0572	0.3307	0.4261	0.0006	0.0246	56.1	0.0052	0.0003	0.0019	0.0024	0.000004	0.0001	0.3203	0.000030
	250	0.0570	0.1614	0.5281	0.0009	0.0168	77.1	0.0051	0.0002	0.0006	0.0021	0.000003	0.0001	0.3085	0.000021
	500	0.0781	0.2208	0.6592	0.0011	0.0228	111	0.0070	0.0002	0.0004	0.0013	0.000002	0.0000	0.2220	0.000014
Forklifts Total		0.0541	0.2235	0.3950	0.0006	0.0204	54.4	0.0049							
Generator Sets	15	0.0149	0.0684	0.1016	0.0002	0.0058	10.2	0.0013	0.0010	0.0046	0.0068	0.000011	0.0004	0.6805	0.000090
	25	0.0266	0.0908	0.1594	0.0002	0.0091	17.6	0.0024	0.0011	0.0036	0.0064	0.000009	0.0004	0.7053	0.000096
	50	0.0872	0.2639	0.2847	0.0004	0.0234	30.6	0.0079	0.0017	0.0053	0.0057	0.000008	0.0005	0.6125	0.000157
	120	0.1106	0.4905	0.7587	0.0009	0.0590	77.9	0.0100	0.0009	0.0041	0.0063	0.000008	0.0005	0.6496	0.000083
	175	0.1347	0.7388	1.2314	0.0016	0.0592	142	0.0122	0.0008	0.0042	0.0070	0.000009	0.0003	0.8113	0.000069
	250	0.1277	0.4365	1.6763	0.0024	0.0464	213	0.0115	0.0005	0.0017	0.0067	0.000010	0.0002	0.8500	0.000046
	500	0.1818	0.7230	2.3955	0.0033	0.0690	337	0.0164	0.0004	0.0014	0.0048	0.000007	0.0001	0.6737	0.000033
	750	0.3035	1.1671	3.9863	0.0055	0.1134	544	0.0274	0.0004	0.0016	0.0053	0.000007	0.0002	0.7251	0.000037
Generator Sets Total		0.0767	0.3045	0.5430	0.0007	0.0324	61.0	0.0069							
Graders	50	0.1080	0.3263	0.2772	0.0004	0.0262	27.5	0.0097	0.0022	0.0065	0.0055	0.000007	0.0005	0.5508	0.000195
	120	0.1254	0.5310	0.7729	0.0009	0.0676	75.0	0.0113	0.0010	0.0044	0.0064	0.000007	0.0006	0.6247	0.000094
	175	0.1467	0.7345	1.1193	0.0014	0.0631	124	0.0132	0.0008	0.0042	0.0064	0.000008	0.0004	0.7081	0.000076
	250	0.1492	0.4331	1.4184	0.0019	0.0494	172	0.0135	0.0006	0.0017	0.0057	0.000008	0.0002	0.6885	0.000054
	500	0.1855	0.6289	1.6842	0.0023	0.0608	229	0.0167	0.0004	0.0013	0.0034	0.000005	0.0001	0.4590	0.000033
750	0.3952	1.3289	3.6674	0.0049	0.1306	486	0.0357	0.0005	0.0018	0.0049	0.000007	0.0002	0.6477	0.000048	
Graders Total		0.1446	0.6053	1.1663	0.0015	0.0593	133	0.0130							

Off-Highway Tractor	120	0.2113	0.7191	1.2368	0.0011	0.1078	93.7	0.0191	0.0018	0.0060	0.0103	0.000009	0.0009	0.7811	0.000159
	175	0.2045	0.8335	1.5337	0.0015	0.0871	130	0.0185	0.0012	0.0048	0.0088	0.000008	0.0005	0.7452	0.000105
	250	0.1641	0.4691	1.4453	0.0015	0.0601	130	0.0148	0.0007	0.0019	0.0058	0.000006	0.0002	0.5217	0.000059
	750	0.6538	2.8815	5.8130	0.0057	0.2353	568	0.0590	0.0009	0.0038	0.0078	0.000008	0.0003	0.7575	0.000079
	1000	0.9818	4.4978	10.0554	0.0082	0.3436	814	0.0886	0.0010	0.0045	0.0101	0.000008	0.0003	0.8143	0.000089
Off-Highway Tractors Total		0.2077	0.7649	1.7062	0.0017	0.0818	151	0.0187							
Off-Highway Trucks	175	0.1441	0.7580	1.0305	0.0014	0.0602	125	0.0130	0.0008	0.0043	0.0059	0.000008	0.0003	0.7148	0.000074
	250	0.1400	0.3837	1.2373	0.0019	0.0412	167	0.0126	0.0006	0.0015	0.0049	0.000007	0.0002	0.6662	0.000051
	500	0.2170	0.6362	1.7865	0.0027	0.0634	272	0.0196	0.0004	0.0013	0.0036	0.000005	0.0001	0.5447	0.000039
	750	0.3542	1.0311	2.9938	0.0044	0.1046	442	0.0320	0.0005	0.0014	0.0040	0.000006	0.0001	0.5890	0.000043
	1000	0.5484	1.6691	5.9808	0.0063	0.1796	625	0.0495	0.0005	0.0017	0.0060	0.000006	0.0002	0.6247	0.000049
Off-Highway Trucks Total		0.2141	0.6361	1.8543	0.0027	0.0644	260	0.0193							
Other Construction	15	0.0118	0.0617	0.0737	0.0002	0.0029	10.1	0.0011	0.0008	0.0041	0.0049	0.000010	0.0002	0.6738	0.000071
	25	0.0160	0.0544	0.1013	0.0002	0.0041	13.2	0.0014	0.0006	0.0022	0.0041	0.000007	0.0002	0.5287	0.000058
	50	0.0753	0.2653	0.2585	0.0004	0.0205	28.0	0.0068	0.0015	0.0053	0.0052	0.000007	0.0004	0.5598	0.000136
	120	0.1006	0.5277	0.7025	0.0009	0.0567	80.9	0.0091	0.0008	0.0044	0.0059	0.000008	0.0005	0.6738	0.000076
	175	0.0935	0.5873	0.8011	0.0012	0.0420	107	0.0084	0.0005	0.0034	0.0046	0.000007	0.0002	0.6087	0.000048
	500	0.1452	0.5234	1.5187	0.0025	0.0491	254	0.0131	0.0003	0.0010	0.0030	0.000005	0.0001	0.5085	0.000026
Other Construction Equipment Total		0.0872	0.3765	0.7938	0.0013	0.0330	123	0.0079							
Other General Indu	15	0.0066	0.0391	0.0466	0.0001	0.0018	6.4	0.0006	0.0004	0.0026	0.0031	0.000007	0.0001	0.4264	0.000040
	25	0.0185	0.0632	0.1170	0.0002	0.0044	15.3	0.0017	0.0007	0.0025	0.0047	0.000008	0.0002	0.6140	0.000067
	50	0.0980	0.2738	0.2243	0.0003	0.0232	21.7	0.0088	0.0020	0.0055	0.0045	0.000006	0.0005	0.4349	0.000177
	120	0.1177	0.4487	0.6789	0.0007	0.0644	62.0	0.0106	0.0010	0.0037	0.0057	0.000006	0.0005	0.5170	0.000089
	175	0.1261	0.5728	0.9333	0.0011	0.0549	95.9	0.0114	0.0007	0.0033	0.0053	0.000006	0.0003	0.5482	0.000065
	250	0.1174	0.3177	1.2013	0.0015	0.0380	136	0.0106	0.0005	0.0013	0.0048	0.000006	0.0002	0.5423	0.000042
	500	0.2135	0.6384	2.0642	0.0026	0.0693	265	0.0193	0.0004	0.0013	0.0041	0.000005	0.0001	0.5308	0.000039
	750	0.3546	1.0522	3.5146	0.0044	0.1165	437	0.0320	0.0005	0.0014	0.0047	0.000006	0.0002	0.5833	0.000043
	1000	0.5246	1.6793	6.0067	0.0056	0.1805	560	0.0473	0.0005	0.0017	0.0060	0.000006	0.0002	0.5596	0.000047
Other General Industrial Equipme		0.1542	0.5159	1.3484	0.0016	0.0580	152	0.0139							
Other Material Han	50	0.1361	0.3789	0.3119	0.0004	0.0323	30.3	0.0123	0.0027	0.0076	0.0062	0.000008	0.0006	0.6067	0.000246
	120	0.1144	0.4370	0.6628	0.0007	0.0628	60.7	0.0103	0.0010	0.0036	0.0055	0.000006	0.0005	0.5056	0.000086
	175	0.1591	0.7257	1.1860	0.0014	0.0696	122	0.0144	0.0009	0.0041	0.0068	0.000008	0.0004	0.6976	0.000082
	250	0.1241	0.3385	1.2829	0.0016	0.0405	145	0.0112	0.0005	0.0014	0.0051	0.000007	0.0002	0.5801	0.000045
	500	0.1521	0.4596	1.4883	0.0019	0.0498	192	0.0137	0.0003	0.0009	0.0030	0.000004	0.0001	0.3833	0.000027
Other Material Handling Equipme		0.1473	0.4951	1.3132	0.0015	0.0562	141	0.0133							
Pavers	25	0.0247	0.0799	0.1500	0.0002	0.0075	18.7	0.0022	0.0010	0.0032	0.0060	0.000009	0.0003	0.7464	0.000089
	50	0.1366	0.3592	0.2948	0.0004	0.0308	28.0	0.0123	0.0027	0.0072	0.0059	0.000007	0.0006	0.5598	0.000246
	120	0.1387	0.5057	0.8357	0.0008	0.0729	69.2	0.0125	0.0012	0.0042	0.0070	0.000007	0.0006	0.5766	0.000104
	175	0.1777	0.7784	1.3769	0.0014	0.0769	128	0.0160	0.0010	0.0044	0.0079	0.000008	0.0004	0.7331	0.000092
	250	0.2072	0.6081	1.9469	0.0022	0.0756	194	0.0187	0.0008	0.0024	0.0078	0.000009	0.0003	0.7775	0.000075
	500	0.2275	0.9254	2.1080	0.0023	0.0818	233	0.0205	0.0005	0.0019	0.0042	0.000005	0.0002	0.4665	0.000041
Pavers Total		0.1511	0.5357	0.8542	0.0009	0.0603	77.9	0.0136							
Paving Equipment	25	0.0153	0.0520	0.0968	0.0002	0.0039	12.6	0.0014	0.0006	0.0021	0.0039	0.000006	0.0002	0.5051	0.000055
	50	0.1166	0.3049	0.2514	0.0003	0.0263	23.9	0.0105	0.0023	0.0061	0.0050	0.000006	0.0005	0.4785	0.000210
	120	0.1087	0.3958	0.6561	0.0006	0.0574	54.5	0.0098	0.0009	0.0033	0.0055	0.000005	0.0005	0.4542	0.000082
	175	0.1387	0.6079	1.0816	0.0011	0.0602	101	0.0125	0.0008	0.0035	0.0062	0.000006	0.0003	0.5773	0.000072
	250	0.1277	0.3763	1.2206	0.0014	0.0467	122	0.0115	0.0005	0.0015	0.0049	0.000006	0.0002	0.4892	0.000046
Paving Equipment Total		0.1142	0.4316	0.7709	0.0008	0.0536	68.9	0.0103							
Plate Compactors	15	0.0050	0.0263	0.0314	0.0001	0.0012	4.3	0.0005	0.0003	0.0018	0.0021	0.000004	0.0001	0.2876	0.000030
Plate Compactors Total		0.0050	0.0263	0.0314	0.0001	0.0012	4.3	0.0005							

Pressure Washers	15	0.0071	0.0328	0.0487	0.0001	0.0028	4.9	0.0006	0.0005	0.0022	0.0032	0.000005	0.0002	0.3260	0.000043
	25	0.0108	0.0368	0.0646	0.0001	0.0037	7.1	0.0010	0.0004	0.0015	0.0026	0.000004	0.0001	0.2859	0.000039
	50	0.0315	0.1037	0.1284	0.0002	0.0094	14.3	0.0028	0.0006	0.0021	0.0026	0.000004	0.0002	0.2859	0.000057
	120	0.0302	0.1443	0.2235	0.0003	0.0157	24.1	0.0027	0.0003	0.0012	0.0019	0.000002	0.0001	0.2006	0.000023
Pressure Washers Total		0.0159	0.0619	0.0878	0.0001	0.0058	9.4	0.0014							
Pumps	15	0.0125	0.0497	0.0752	0.0001	0.0049	7.4	0.0011	0.0008	0.0033	0.0050	0.000008	0.0003	0.4949	0.000075
	25	0.0359	0.1004	0.1761	0.0002	0.0109	19.5	0.0032	0.0014	0.0040	0.0070	0.000010	0.0004	0.7795	0.000129
	50	0.1052	0.3116	0.3228	0.0004	0.0275	34.3	0.0095	0.0021	0.0062	0.0065	0.000009	0.0005	0.6867	0.000190
	120	0.1149	0.4984	0.7706	0.0009	0.0617	77.9	0.0104	0.0010	0.0042	0.0064	0.000008	0.0005	0.6496	0.000086
	175	0.1385	0.7405	1.2344	0.0016	0.0611	140	0.0125	0.0008	0.0042	0.0071	0.000009	0.0003	0.8007	0.000071
	250	0.1266	0.4210	1.6140	0.0023	0.0457	201	0.0114	0.0005	0.0017	0.0065	0.000009	0.0002	0.8055	0.000046
	500	0.1952	0.7595	2.4849	0.0034	0.0734	345	0.0176	0.0004	0.0015	0.0050	0.000007	0.0001	0.6904	0.000035
750	0.3326	1.2556	4.2353	0.0057	0.1235	571	0.0300	0.0004	0.0017	0.0056	0.000008	0.0002	0.7609	0.000040	
Pumps Total		0.0748	0.2926	0.4705	0.0006	0.0323	49.6	0.0067							
Rollers	15	0.0074	0.0366	0.0461	0.0001	0.0018	6.3	0.0007	0.0005	0.0026	0.0031	0.000007	0.0001	0.4213	0.000044
	25	0.0161	0.0549	0.1023	0.0002	0.0041	13.3	0.0015	0.0006	0.0022	0.0041	0.000007	0.0002	0.5337	0.000058
	50	0.1025	0.2911	0.2583	0.0003	0.0245	26.0	0.0092	0.0020	0.0058	0.0052	0.000007	0.0005	0.5197	0.000185
	120	0.0986	0.4063	0.6253	0.0007	0.0534	59.0	0.0089	0.0008	0.0034	0.0052	0.000006	0.0004	0.4916	0.000074
	175	0.1247	0.6199	1.0114	0.0012	0.0550	108	0.0113	0.0007	0.0035	0.0058	0.000007	0.0003	0.6180	0.000064
	250	0.1262	0.3887	1.3124	0.0017	0.0451	153	0.0114	0.0005	0.0016	0.0052	0.000007	0.0002	0.6124	0.000046
500	0.1654	0.6313	1.6820	0.0022	0.0593	219	0.0149	0.0003	0.0013	0.0034	0.000004	0.0001	0.4382	0.000030	
Rollers Total		0.0973	0.4060	0.6546	0.0008	0.0453	67.1	0.0088							
Rough Terrain Fork	50	0.1181	0.3778	0.3316	0.0004	0.0300	33.9	0.0107	0.0024	0.0076	0.0066	0.000009	0.0006	0.6772	0.000213
	120	0.0955	0.4327	0.5995	0.0007	0.0529	62.4	0.0086	0.0008	0.0036	0.0050	0.000006	0.0004	0.5204	0.000072
	175	0.1352	0.7256	1.0448	0.0014	0.0592	125	0.0122	0.0008	0.0041	0.0060	0.000008	0.0003	0.7137	0.000070
	250	0.1294	0.3798	1.2955	0.0019	0.0416	171	0.0117	0.0005	0.0015	0.0052	0.000008	0.0002	0.6832	0.000047
500	0.1824	0.5717	1.7096	0.0025	0.0584	257	0.0165	0.0004	0.0011	0.0034	0.000005	0.0001	0.5131	0.000033	
Rough Terrain Forklifts Total		0.1009	0.4642	0.6526	0.0008	0.0532	70.3	0.0091							
Rubber Tired Doze	175	0.2119	0.8457	1.5561	0.0015	0.0893	129	0.0191	0.0012	0.0048	0.0089	0.000008	0.0005	0.7399	0.000109
	250	0.2435	0.6833	2.0817	0.0021	0.0881	183	0.0220	0.0010	0.0027	0.0083	0.000008	0.0004	0.7339	0.000088
	500	0.3211	1.4228	2.7305	0.0026	0.1133	265	0.0290	0.0006	0.0028	0.0055	0.000005	0.0002	0.5297	0.000058
	750	0.4843	2.1329	4.1797	0.0040	0.1716	399	0.0437	0.0006	0.0028	0.0056	0.000005	0.0002	0.5317	0.000058
	1000	0.7496	3.4322	7.4509	0.0060	0.2591	592	0.0676	0.0007	0.0034	0.0075	0.000006	0.0003	0.5919	0.000068
Rubber Tired Dozers Total		0.2986	1.1749	2.5452	0.0025	0.1064	239	0.0269							
Rubber Tired Load	25	0.0204	0.0697	0.1292	0.0002	0.0050	16.9	0.0018	0.0008	0.0028	0.0052	0.000009	0.0002	0.6772	0.000074
	50	0.1200	0.3641	0.3118	0.0004	0.0292	31.1	0.0108	0.0024	0.0073	0.0062	0.000008	0.0006	0.6230	0.000216
	120	0.0971	0.4152	0.6015	0.0007	0.0525	58.9	0.0088	0.0008	0.0035	0.0050	0.000006	0.0004	0.4909	0.000073
	175	0.1238	0.6274	0.9501	0.0012	0.0535	106	0.0112	0.0007	0.0036	0.0054	0.000007	0.0003	0.6075	0.000064
	250	0.1259	0.3685	1.2125	0.0017	0.0417	149	0.0114	0.0005	0.0015	0.0048	0.000007	0.0002	0.5959	0.000045
	500	0.1867	0.6397	1.7158	0.0023	0.0613	237	0.0168	0.0004	0.0013	0.0034	0.000005	0.0001	0.4740	0.000034
	750	0.3850	1.3084	3.6184	0.0049	0.1276	486	0.0347	0.0005	0.0017	0.0048	0.000007	0.0002	0.6474	0.000046
1000	0.5190	1.8389	5.9660	0.0060	0.1795	594	0.0468	0.0005	0.0018	0.0060	0.000006	0.0002	0.5939	0.000047	
Rubber Tired Loaders Total		0.1195	0.4763	0.9346	0.0012	0.0508	109	0.0108							
Scrapers	120	0.1877	0.6943	1.1141	0.0011	0.0983	93.9	0.0169	0.0016	0.0058	0.0093	0.000009	0.0008	0.7825	0.000141
	175	0.2070	0.9107	1.5564	0.0017	0.0884	148	0.0187	0.0012	0.0052	0.0089	0.000010	0.0005	0.8461	0.000107
	250	0.2252	0.6408	2.0481	0.0024	0.0791	209	0.0203	0.0009	0.0026	0.0082	0.000009	0.0003	0.8379	0.000081
	500	0.3186	1.2113	2.8288	0.0032	0.1099	321	0.0287	0.0006	0.0024	0.0057	0.000006	0.0002	0.6429	0.000057
750	0.5525	2.0861	4.9949	0.0056	0.1918	555	0.0499	0.0007	0.0028	0.0067	0.000007	0.0003	0.7404	0.000066	
Scrapers Total		0.2783	1.0395	2.4118	0.0027	0.1005	262	0.0251							

Signal Boards	15	0.0072	0.0377	0.0450	0.0001	0.0018	6.2	0.0006	0.0005	0.0025	0.0030	0.000006	0.0001	0.4113	0.000043
	50	0.1151	0.3456	0.3415	0.0005	0.0296	36.2	0.0104	0.0023	0.0069	0.0068	0.000009	0.0006	0.7238	0.000208
	120	0.1176	0.5214	0.7807	0.0009	0.0644	80.2	0.0106	0.0010	0.0043	0.0065	0.000008	0.0005	0.6684	0.000088
	175	0.1535	0.8341	1.3333	0.0017	0.0685	155	0.0139	0.0009	0.0048	0.0076	0.000010	0.0004	0.8831	0.000079
	250	0.1632	0.5350	1.9963	0.0029	0.0580	255	0.0147	0.0007	0.0021	0.0080	0.000011	0.0002	1.0212	0.000059
Signal Boards Total		0.0192	0.0934	0.1399	0.0002	0.0077	16.7	0.0017							
Skid Steer Loaders	25	0.0202	0.0620	0.1166	0.0002	0.0063	13.8	0.0018	0.0008	0.0025	0.0047	0.000007	0.0003	0.5518	0.000073
	50	0.0517	0.2263	0.2279	0.0003	0.0157	25.5	0.0047	0.0010	0.0045	0.0046	0.000007	0.0003	0.5104	0.000093
	120	0.0429	0.2748	0.3267	0.0005	0.0245	42.8	0.0039	0.0004	0.0023	0.0027	0.000004	0.0002	0.3563	0.000032
Skid Steer Loaders Total		0.0468	0.2309	0.2522	0.0004	0.0179	30.3	0.0042							
Surfacing Equipment	50	0.0477	0.1403	0.1359	0.0002	0.0119	14.1	0.0043	0.0010	0.0028	0.0027	0.000004	0.0002	0.2822	0.000086
	120	0.0970	0.4215	0.6523	0.0007	0.0517	63.8	0.0088	0.0008	0.0035	0.0054	0.000006	0.0004	0.5314	0.000073
	175	0.0894	0.4730	0.7742	0.0010	0.0392	85.8	0.0081	0.0005	0.0027	0.0044	0.000006	0.0002	0.4901	0.000046
	250	0.1025	0.3374	1.1177	0.0015	0.0376	135	0.0092	0.0004	0.0013	0.0045	0.000006	0.0002	0.5395	0.000037
	500	0.1532	0.6418	1.6597	0.0022	0.0567	221	0.0138	0.0003	0.0013	0.0033	0.000004	0.0001	0.4424	0.000028
	750	0.2443	1.0046	2.6697	0.0035	0.0900	347	0.0220	0.0003	0.0013	0.0036	0.000005	0.0001	0.4627	0.000029
Surfacing Equipment Total		0.1277	0.5182	1.2760	0.0017	0.0468	166	0.0115							
Sweepers/Scrubbers	15	0.0124	0.0729	0.0870	0.0002	0.0034	11.9	0.0011	0.0008	0.0049	0.0058	0.000012	0.0002	0.7959	0.000074
	25	0.0237	0.0808	0.1496	0.0002	0.0058	19.6	0.0021	0.0009	0.0032	0.0060	0.000010	0.0002	0.7845	0.000085
	50	0.1048	0.3425	0.3055	0.0004	0.0271	31.6	0.0095	0.0021	0.0068	0.0061	0.000008	0.0005	0.6310	0.000189
	120	0.1107	0.5147	0.6989	0.0009	0.0622	75.0	0.0100	0.0009	0.0043	0.0058	0.000007	0.0005	0.6253	0.000083
	175	0.1439	0.7997	1.1204	0.0016	0.0637	139	0.0130	0.0008	0.0046	0.0064	0.000009	0.0004	0.7943	0.000074
	250	0.1146	0.3382	1.1784	0.0018	0.0362	162	0.0103	0.0005	0.0014	0.0047	0.000007	0.0001	0.6481	0.000041
Sweepers/Scrubbers Total		0.1148	0.5145	0.6862	0.0009	0.0510	78.5	0.0104							
Tractors/Loaders/Backhoes	25	0.0195	0.0657	0.1237	0.0002	0.0056	15.9	0.0018	0.0008	0.0026	0.0049	0.000008	0.0002	0.6345	0.000070
	50	0.0893	0.3199	0.2893	0.0004	0.0238	30.3	0.0081	0.0018	0.0064	0.0058	0.000008	0.0005	0.6069	0.000161
	120	0.0694	0.3529	0.4565	0.0006	0.0383	51.7	0.0063	0.0006	0.0029	0.0038	0.000005	0.0003	0.4311	0.000052
	175	0.0988	0.5861	0.7696	0.0011	0.0428	101	0.0089	0.0006	0.0033	0.0044	0.000007	0.0002	0.5794	0.000051
	250	0.1204	0.3666	1.1658	0.0019	0.0370	172	0.0109	0.0005	0.0015	0.0047	0.000008	0.0001	0.6869	0.000043
	500	0.2290	0.7443	2.0659	0.0039	0.0701	345	0.0207	0.0005	0.0015	0.0041	0.000008	0.0001	0.6897	0.000041
	750	0.3462	1.1159	3.2041	0.0058	0.1072	517	0.0312	0.0005	0.0015	0.0043	0.000008	0.0001	0.6897	0.000042
Tractors/Loaders/Backhoes Total		0.0792	0.3782	0.5392	0.0008	0.0387	66.8	0.0071							
Trenchers	15	0.0099	0.0517	0.0617	0.0001	0.0024	8.5	0.0009	0.0007	0.0034	0.0041	0.000009	0.0002	0.5643	0.000059
	25	0.0397	0.1355	0.2511	0.0004	0.0097	32.9	0.0036	0.0016	0.0054	0.0100	0.000017	0.0004	1.3167	0.000143
	50	0.1566	0.4082	0.3432	0.0004	0.0353	32.9	0.0141	0.0031	0.0082	0.0069	0.000009	0.0007	0.6584	0.000283
	120	0.1281	0.4684	0.7862	0.0008	0.0669	64.9	0.0116	0.0011	0.0039	0.0066	0.000006	0.0006	0.5408	0.000096
	175	0.1955	0.8632	1.5520	0.0016	0.0849	144	0.0176	0.0011	0.0049	0.0089	0.000009	0.0005	0.8223	0.000101
	250	0.2354	0.7089	2.2485	0.0025	0.0880	223	0.0212	0.0009	0.0028	0.0090	0.000010	0.0004	0.8916	0.000085
	500	0.2985	1.3011	2.8470	0.0031	0.1105	311	0.0269	0.0006	0.0026	0.0057	0.000006	0.0002	0.6226	0.000054
	750	0.5663	2.4440	5.4715	0.0059	0.2099	587	0.0511	0.0006	0.0033	0.0073	0.000008	0.0003	0.7825	0.000068
Trenchers Total		0.1427	0.4675	0.6684	0.0007	0.0549	58.7	0.0129							
Welders	15	0.0104	0.0416	0.0629	0.0001	0.0041	6.2	0.0009	0.0007	0.0028	0.0042	0.000006	0.0003	0.4138	0.000063
	25	0.0208	0.0581	0.1020	0.0001	0.0063	11.3	0.0019	0.0008	0.0023	0.0041	0.000006	0.0003	0.4514	0.000075
	50	0.0979	0.2753	0.2535	0.0003	0.0240	26.0	0.0088	0.0020	0.0055	0.0051	0.000007	0.0005	0.5192	0.000177
	120	0.0654	0.2659	0.4099	0.0005	0.0358	39.5	0.0059	0.0005	0.0022	0.0034	0.000004	0.0003	0.3292	0.000049
	175	0.1101	0.5455	0.9083	0.0011	0.0490	98.2	0.0099	0.0006	0.0031	0.0052	0.000006	0.0003	0.5611	0.000057
	250	0.0855	0.2618	1.0026	0.0013	0.0301	119	0.0077	0.0003	0.0010	0.0040	0.000005	0.0001	0.4763	0.000031
500	0.1092	0.3838	1.2526	0.0016	0.0394	168	0.0098	0.0002	0.0008	0.0025	0.000003	0.0001	0.3352	0.000020	
Welders Total		0.0646	0.2096	0.2564	0.0003	0.0225	25.6	0.0058							

All factors already account for load and use rates per SCAQMD.

Average Emissions Factors, lb/hr:
All Equip, HP Categories

0.1105 (lb/hr)	0.4296 (lb/hr)	0.8339 (lb/hr)	0.0010 (lb/hr)	0.0441 (lb/hr)	94.4934 (lb/hr)	0.0100 (lb/hr)
ROG	CO	NOX	SOX	PM	CO2	CH4

APPENDIX E

Department of Defense Non-Objection Letter

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OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

17 August 2012

Krista Kisch
Vice President – Project Development
Bright Source, Inc.
1999 Harrison St.
Suite 2150
Oakland, CA 94612

Dear Ms. Kisch:

At your request, the DoD Siting Clearinghouse has coordinated an initial review of your proposal for two solar towers at the proposed Palen Towers project in Riverside County, California. While we predict the project will impact the training we conduct in military training routes VR-296, VR-1265, VR-1268, and IR-218, we believe those impacts can be mitigated. Therefore, the Department of Defense will not oppose construction of the project; however, we ask you to continue to coordinate with us as you make micrositing decisions. Your continued cooperation will help us preserve our military's operational, training, and testing capabilities.

Note that this informal review by the DoD does not constitute an action under 49 U.S.C. § 44718 and that neither the DoD nor the Secretary of Transportation are bound by the determination made under the informal review. Please call me at (703) 697-7301 with any questions, and feel free to share this letter with any of your investors or community partners.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Aimone".

Michael A. Aimone, P.E.
Executive Director,
DoD Siting Clearinghouse

APPENDIX F

Draft Fire Safety Plan

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Fire Safety Plan Palen Solar Electric Generating System (PSEGS)

*****DRAFT*****

Fire Prevention – General Requirements

Palen Solar Holdings, LLC (PSH), along with its contractors and subcontractors, will develop, implement and maintain strict housekeeping practices as an integral part of an overall PSEGS Fire Prevention program. General requirements will include:

- Combustible and flammable waste must not be allowed to accumulate in any work area.
- Scrap and combustible materials must be removed from structures, partly completed buildings and completed buildings as soon as it is generated.
- Flammable and combustible materials must not be stacked or stored against any temporary or permanent building, structure or storage facility.
- Rags, fabric and timber contaminated with any hydrocarbon product must be contained in a closed metal container and removed daily from the workplace to a safe disposal area.
- During periods when the risk of fire is high efforts will be made to limit activities with inherent fire risks including hot work (grinding, cutting, welding), chainsaw/chipping operations, etc.
- Smoking will be strictly prohibited in specific areas including inside all buildings and within 30 feet of any combustible material storage area. These areas will be clearly identified.

Material Storage

Materials will be stored in a manner so as not to obstruct access to fire protection equipment, control valves, fire doors, alarm devices or panels, electrical panels, motor control centers (MCCs) or aisles and hallways that serve as a means of exit. A minimum clearance of 36 inches (91 cm) shall be maintained in all aisle ways leading to an exit. Also, materials will not obstruct sprinkler heads. A minimum clearance of 18 inches (46 cm) will be maintained from sprinkler heads.

Materials in work areas will be limited to actual needs and will be stored in a manner to protect combustible material from ignition sources. Materials will not be stored within 6 feet (1.8 m) of any inside opening or hoist way.

Storage areas will be kept clean, and materials will be neatly stacked or placed. Construction materials shall be stored or placed in an orderly manner. Storage quantities will be minimized. Fire loads imposed by boxed materials (insulation) will be regulated by the Environmental, Safety and Health Department.

Flammable and Combustible Liquids

Flammable liquids (e.g., gasoline, acetone, denatured alcohol) will not be used for cleaning. Flammable/combustible solvents will not be used near ignition sources.

Flammable liquids will be handled and used only in approved, properly labeled safety cans. Only approved containers and portable tanks will be used for the storage and handling of flammable and combustible liquids. Approved metal safety cans will be used for the handling of flammable liquids in quantities greater than 1 US gallon (3.8 L). This rule will not apply to those flammable liquid materials that are highly viscous (extremely hard to pour); such materials may be used and handled in their original shipping containers. For quantities of 1 US gallon (3.8 L) or less, only the original container or approved metal safety cans will be employed for storage, use and handling.

Approved, properly labeled storage cabinets will be supplied for the storage of flammable liquids in quantities exceeding 15 U.S. gallons (12.9 UK gallons).

Flammable and combustible liquids will not be stored in areas used as exits, stairways or passageways, and will not adversely affect a means of egress.

Portable storage tanks will be maintained in a diked area, with provisions made for the handling of spills and groundwater protection. The proximity of tanks to buildings and flammables will comply with local, state and federal regulations.

Smoking will be prohibited where refueling activities are in progress. Clear and legible signs will be posted.

No equipment will be fueled while the engine is running.

Fuel cans shall be placed on the ground for filling to avoid the build-up of a static charge generated by the fuel flowing into the can.

The use of cellular phones or other types of radio-frequency (RF) generating devices (pagers, two-way radios, etc.) shall not be permitted during any fueling operations.

Combustible liquids, including oil or grease, will be stored in containers or storage tanks labeled with contents and tank capacity. Each tank will be:

- Capable of withstanding working pressures and stresses compatible with the type of liquid stored,
- Maintained in a manner that prevents leakage,
- Located in an area free of combustible materials, and
- Vented or otherwise constructed to prevent development of pressures or vacuum as a result of filling, emptying or changes in atmospheric temperature.

Permanent storage areas will be provided for containment or removal of the contents in the event of a tank rupture.

All piping valves and fittings will be capable of withstanding working pressures and stresses compatible with the type of liquid stored and will be maintained in a manner to prevent leaks.

Fuel lines will be equipped with valves capable of stopping the flow of fuel at the source and will be located and maintained to minimize fire hazards. This does not apply to fuel lines on self-propelled equipment.

Particular care will be taken when welding and cutting in locations where combustibles are exposed. When such welding or cutting is done, the surrounding area will be inspected. Combustible material will be removed or protected with fire-resistant blankets or equivalent, and an adequate number of approved fire extinguishers will be immediately available. Flammable liquids will be transferred from one container to another only when containers are electrically interconnected (bonded).

The dispensing units will be protected against collision damage.

Compressed Gas Cylinders

Compressed gas cylinder valves will be closed whenever:

- Work is finished
- The cylinders are empty, or
- The cylinders are moved.

Gauges will be removed and valve protection caps in place before moving cylinders, except when cylinders are secured in a carrier designed for such use.

Compressed gas cylinders will not be hoisted by the valve cap or by means of magnets or slings.

Compressed gas cylinders will be secured in an upright position at all times, except for short periods when being carried or hoisted.

Cylinders will be transported in an upright position and will not be hauled in equipment beds or truck beds on their side. Cylinders lifted from one elevation to another will be lifted only in racks or containers designed for that purpose.

Compressed gas cylinders will be stored/located to avoid exposure to sparks, hot slag or flames. If these cannot be avoided, fire-resistant shields will be provided.

Compressed gas cylinders will not be used as, or placed where they may become part of, an electrical circuit.

Compressed gas cylinders will not be taken into a confined space.

Compressed gas cylinders will not be used as rollers.

Cylinders in storage will be separated (oxygen from fuel gas) by a 5-foot-high (1.5 meters) barrier with a 1-hour fire rating or by a distance of 20 feet (6.1 meters).

Welding gases will be stored in isolated areas and segregated by type of gas.

Cylinders will be stored in well-protected, ventilated, dry locations, at least 20 feet (6.1 meters) from highly combustible materials, and away from egress routes such as stairways and elevators.

Bars will not be used to pry or loosen protective caps. Warm water will be used to loosen caps when frozen.

Damaged or defective cylinders will not be used, but will be tagged and returned to the vendor.

Oxygen cylinders will be kept free of oil and grease.

Compressed gas cylinders will be used and stored in an upright position.

All compressed gas cylinders will be secured in place during use and storage. Securing shall be around the body of the cylinder, midway between top and bottom. Securing around the cylinder neck or by its cap shall be prohibited.

Cylinders will be returned to the main storage area when empty.

If a key wrench is required, it will be in place on the valve of acetylene bottles at all times during use.

The valves of compressed gas cylinders will be completely closed when not in use.

Compressed gas cylinders will not be transported with gauges attached. The gauges will be removed from cylinders and protective caps installed during transportation.

Hot Work

Before Hot Work can be carried out in any construction area, welding fabrication area or shop, the area must be cleared of all combustible and flammable material.

A suitable fire extinguisher must be located within easy reach of operations.

Valves on fuel gas will not be opened more than 1½ turns. If a special key is required for closing the valve, the key will be left in position on the stem at all times or until the task is completed and the caps are replaced.

Fuel gas hose and oxygen hoses will be easily distinguishable and will not be interchangeable. Fuel gas cylinders will not be placed in confined spaces. Fuel gas hoses will be removed from confined spaces when not in use.

When fuel gas rigs are to be used in confined spaces, the atmosphere will be monitored to ensure that a flammable and/or oxygen enriched atmosphere is not created.

Hoses and torches will be inspected before use, and defective hoses will be removed from service.

Boxes used to store fuel gas hoses that have been in use will be ventilated.

Torches will be ignited by friction lighters or other approved devices only.

Cylinders, all hose apparatus, and connectors will be kept free of oil and grease and not handled with oily or greasy hands or gloves.

Oxygen/fuel gas systems will be equipped with approved back-flow valves, flash back arresters and pressure relief devices.

Fuel gas/oxygen equipment will be disconnected from the source when left unattended, such as at lunch or at completion of the task. Torches will not be left inside a confined space unattended.

All employees will use the proper personal protective equipment and clothing when performing or assisting in cutting and welding operations (burning glasses, shields, moleskin suits or flame resistant coveralls and gloves, etc.).

Welding leads and equipment will be properly maintained and inspected before use. Defective equipment will not be used and will be reported to supervision.

Arc welding and cutting operations, including grinding, will be shielded by non-combustible or flameproof screens, shields or other safeguards for the protection of personnel or materials exposed to sparks, slag, falling objects or the ultraviolet (UV)/infrared (IR) radiation of the arc.

Pipelines containing flammable liquids or gases, or electrical cables will not be used as a ground.

The frame of all arc welding or cutting machines will be effectively grounded when the machine's power outlets are being employed as a power source if ground fault interrupter (GFCI) (ELCB) is not being used.

If electrode holders are to be left unattended, the electrodes will be removed and the holder placed where it is protected from unintentional contact.

A fire resistant container will be provided for spent electrode stubs.

Welding machines will be turned off when being moved or when the welder must leave his/her work for any length of time.

No welding or cutting will be done where flammable paints, compounds or dust may create a hazard.

A fire extinguisher with a 30-lb. (13.6 kg) Class A, B, C rating will be at the work location during welding, cutting, soldering, etc.

If normal fire prevention methods are not sufficient to adequately ensure the prevention of fires, additional personnel will be added (fire watch) to guard against potential fires.

Fire Watches will be trained and will remain at the location a sufficient amount of time, as required by the governing standards (e.g., HSE requires minimum 60 minutes; OSHA requires minimum 30 minutes, etc.) after work is stopped to ensure that no possibility of fire exists. In the absence of an existing standard, it shall be as defined in the project's ES&H Execution Plan.

Tanks, vessels, drums, etc., which have contained flammable or toxic liquids will be filled with water or thoroughly cleaned before welding, cutting or heating is undertaken on them. If a toxic material is involved, the ES&H Department will evaluate the operation.

Sufficient ventilation will be provided as needed to maintain welding fumes and smoke below permissible exposure limits. Where sufficient ventilation cannot be achieved, alternative methods will be developed.

Where a preservative coating is present, the coating will be removed or alternative methods used for a sufficient distance in each direction to prevent appreciable heating of the coating.

All cutting, welding or burning operations to be done within confined spaces require a Hot Work Permit, a Confined Space Entry Permit and authorization from the general contractor.

Hot Work at height and from scaffolding presents special hazards. The controls are as follows:

- All work must be coordinated with other Subcontractors working in the area.
- Areas beneath Hot Work must be cleared of all combustible and flammable materials.
- Fire retardant material must be used to cover scaffold boards and to enclose operations.
- Fire retardant material must be removed at the end of every shift to expose scaffold boards or combustible materials.

Hot Work within completed and substantially completed buildings, structures adjacent to fuel and gas lines, control facilities, electricity substations, electrical equipment and distribution lines will be subject to the strict application and conditions of a Hot Work Permit.

- A Fire Watch will remain on-guard at the site of Hot Work activity a sufficient amount of time, as required by the governing standards (e.g., HSE requires minimum 60 minutes; OSHA requires minimum 30 minutes, etc.) after work is finished at the end of the shift or as per Permit requirements. In the absence of an existing standard, it shall be as defined in the project's ES&H Execution Plan.

Temporary Buildings

No temporary building will be erected where it will adversely affect any means of exit. Clearance will be maintained around lights and heating units to prevent ignition of combustible materials.

Temporary buildings, when located within another building or structure, will be of either non-combustible construction or of combustible construction having a fire resistance of not less than one hour.

If a temporary building is not located inside another structure and is not employed for the

storage, handling or use of flammable or combustible liquids, flammable gases, explosives or blasting agents, or similar hazardous occupancies, then said building will be placed at a distance of not less than 10 feet (3 meters) from another building or structure. Groups of temporary buildings not exceeding 2,000 square feet (185.8 square meters) in aggregate will, for the purpose of this section, be considered a single temporary building.

Inspection & Testing

General and specific inspection schedules will be developed and implemented.

General inspections will be conducted weekly covering all construction areas, storage and lay down areas, fabrication and painting areas.

All inspections will be conducted to an agreed standard and recorded using an Inspection Checklist Record.

High activity and high-risk areas, such as substantially completed and completed buildings, fuel oil and gas feed stock and storage facilities and power distribution areas, will be inspected daily or more frequently, dependent on activity and risk.

Inspections required by Hot Work Permit will be carried out as per Permit requirements. The Project ES&H Execution Plan shall specify the format for its Hot Work Permit.

Training

Fire prevention and fire precautions training will be given to all Supervisors, Foremen, Fire Watches, Authorized Hot Work Permit Applicants, Security personnel, Stores personnel, and selected employees at the HHSEGS Project Site. The training program will include:

- Checking portable fire extinguishers
- Hazard recognition and risk potential
- Inspection methods
- Hot Work Permit requirements
- Emergency fire procedures
- Selection and use of portable fire extinguishers
- Equipment refueling procedures, and
- Storage and handling of flammable and combustible liquids.

Note: All training and retraining will be recorded.

Electrical Equipment

Electrical installation will be performed by a competent electrician and will conform to electrical codes.

Flexible cables, tools and equipment including welding equipment must be inspected regularly for damage.

Only approved connectors may be used on electric arc welding leads.

All electrical equipment must be isolated after working hours or when not in use.

Task lighting, particularly halogen lamps, must be clear of combustible materials when in use.

Mobile Plant and Portable Equipment

Mobile plant must not be refuelled while the engine is running. Approved type of filling and fuel dispensing equipment must be used.

A suitable portable fire extinguisher should be placed adjacent to electric arc welding sets, electricity generating sets, air compressors and gas burning equipment.

All mobile plant and fuel trucks should carry or have a suitable portable fire extinguisher attached.

Unless fit for purpose, internal combustion engines on mobile plant such as excavators, tractors, trucks and cranes, must be switched off when not in use.

All internal combustion, stationary or mobile, shall be equipped with spark arrestors.

Light trucks and cars shall be used only on designated roadways that have been cleared of vegetation.

Fire Protection Equipment

Firefighting equipment (hose, nozzles, fire buckets, fire extinguishers) will be available when the project begins.

Fire extinguishers will be conspicuously marked, and clear access to each will be maintained. Employees will be trained in the use of fire extinguishers.

Fire extinguishers will be inspected, tested and maintained in accordance with applicable codes/standards, such as National Fire Protection Association (NFPA) standards or international equivalent.

Each fire extinguisher will be replaced immediately after discharge with another fire extinguisher that is fully charged and of the proper size and type.

A temporary or permanent water supply of sufficient volume, pressure and duration will be made available.

If sprinkler systems are being installed, their installation will closely follow construction and they will be placed in service as soon as practical or as local/state building codes require.

Charged fire hoses will be made available during demolition operations involving combustible materials.

Smoking will be permitted only in designated areas. Smoking will be prohibited at or in the vicinity of operations that constitute a fire hazard. A sign reading "No Smoking or Open Flame" will be conspicuously posted.

Electrical wiring and equipment for light, heat or power purposes will be installed in compliance with government requirements.

During construction, all contractor facilities will be kept free from accumulation of unnecessary combustible materials. Weeds and grass will be kept down, and a regular procedure will be established for the periodic cleanup of the entire area.

Portable heaters, regardless of fuel source, will be equipped with an approved automatic device to shut off the flow of gas to the main burner and pilot, if used, in the event of flame failure. Heaters having inputs above 50,000 Btu per hour will be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

Portable electric heaters will be equipped with a tip alarm and an automatic shut-off that will turn the heater off when tipped.

Fire Emergencies

All fires and other emergencies, regardless of the size and/or circumstance(s), shall be immediately reported utilizing the 911 system.

Employees shall be trained in proper reporting procedures such as the nature of the emergency, the exact location, a contact person/callback number and any other important information.

APPENDIX G

Visual Contrast Rating Worksheets

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 4/21/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 3 Coxcomb WA (JTNP)</p>	<p>Range 17E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Planar, gently sloping ground plane, flat dry lakebed, faintly pyramidal mountains in the background.	Rounded irregular scrub and small trees	Trapezoidal roadbed and cylindrical power line wood poles cross the view in the foreground.
LINE	Horizontal lines of vehicle tracks in foreground. Sinuous line of small wash in foreground. Jagged line of mountains in background.	Irregular but distinct horizontal line where scrub gives way to dry lakebed. Dark diagonal line of agriculture in background.	Faint horizontal and vertical lines of road and electrical poles. Intermittently visible horizontal lines of conductors.
COLOR	Beige, light brown mottled ground plane. Distinct change sand color in middleground.	Relatively green to grey-green creosote scrub. More verdant green approaching dry lakebed.	Grey asphalt roadbed. Dark brown utility poles. Faint silver grey conductors.
TEXTURE	Slightly coarse foreground, smooth flat middleground. Very smooth dry lakebed	Medium coarse random foreground. Gradation to more ordered continuous middleground. Smooth texture in dry lakebed.	Smooth textured road and wood poles.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 10.0 miles from KOP-3 to the center of the proposed project (Background distance zone)

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	Two power towers create new vertical cylindrical forms and two elevated air cooled condensers create rectangular forms approximately 10.0 miles away in the background distance zone.
LINE	No change.	No change.	Two power towers create new vertical lines that barely intersect the horizon of the background mountains. Two elevated air cooled condensers create horizontal lines at the base of the towers.
COLOR	No change.	No change.	Two power towers and two elevated air cooled condensers are medium grey at this distance.
TEXTURE	No change.	No change.	Two power towers and two elevated air cooled condensers are smooth textured.

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
		LANDWATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
ELEMENTS	Form				X				X		X			3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side) Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA Date 5/23/2013
	Line				X				X		X			
	Color				X				X			X		
	Texture				X				X			X		

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The proposed project as seen from KOP-3 will create moderate visual contrasts of form and line, and weak visual contrasts of color and texture. This equates to a rating somewhere between Class II (retention of landscape character) and Class III (partial retention of landscape character).

Therefore, the proposed project will comply with the definition of Class III, above, as seen from KOP-3 at Coxcomb Mtn. WA in the Joshua Tree National Park.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-3 Coxcomb WA (JTNP).

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
		X							X		X			
ELEMENTS	Form				X				X		X		3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side) Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA Date 5/23/2013	
	Line				X				X		X			
	Color				X				X		X			
	Texture				X				X		X			

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The proposed project as seen from KOP-7 will create moderate visual contrasts of form and line, and weak visual contrasts of color and texture. This equates to a rating somewhere between Class II (retention of landscape character) and Class III (partial retention of landscape character).

Therefore, the proposed project will comply with the definition of Class III, above, as seen from KOP-7 at Big Wash in Joshua Tree National Park.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-7 at Big Wash (JTNP).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 4/24/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township <u>5 South</u></p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 8 Dragon Wash (JTNP)</p>	<p>Range <u>17 E</u></p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section <u>Multiple Sections</u></p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Jumbled rugged complex rock shoulder transitioning to flat, gently sloping ground plane. Jagged triangular forms of pyramidal mountains in the background	Rounded irregular creosote scrub and irregular small trees in foreground. Gradating to a closed carpet of creosote scrub on the middleground and background plane.	Three sagging transmission line conductors cross the sky and desert plane in the foreground/middleground
LINE	Complex random line of boulder in foreground. Strong horizontal line of desert plane in foreground/middleground, extending to background.	Weak horizontal banding of vegetation in middleground.	Horizontal line of transmission line conductors
COLOR	Brown rocks and tan colored sand in foreground and blue grey mountains in the background.	Green to grey-green creosote scrub. Distinct dark green band of color in middleground becoming indistinct farther away	Black to dark grey transmission line conductors.
TEXTURE	Coarse textured rockforms in the foreground, mottled texture flat middleground, stippled on the background plane. Smooth textured mountains at horizon.	Medium coarse random foreground. Gradation to more ordered continuous and medium texture in middleground and background.	Smooth textured transmission line conductors

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 16.0 miles from KOP-8 to the center of the proposed project (Seldom Seen distance zone).

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	Two power towers create new vertical cylindrical forms and two elevated air cooled condensers create rectangular forms approximately 16.0 miles away (in the seldom seen area, beyond the background distance zone, as defined by the BLM)
LINE	No change.	No change.	Two power towers create new vertical lines and two elevated air cooled condensers create horizontal lines at the base of the towers.
COLOR	No change.	No change.	Two power towers and two elevated air cooled condensers are medium grey at this distance.
TEXTURE	No change.	No change.	Two power towers and two elevated air cooled condensers are smooth textured.

SECTION D. CONTRAST RATING **SHORT TERM** **LONG TERM**

1.	DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
		LANDWATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
		X							X		X			
					X				X			X		
ELEMENTS	Form				X				X		X			
	Line				X				X		X			
	Color				X				X		X			
	Texture				X				X		X			
												3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)		
												Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA		
												Date 5/23/2013		

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The proposed project as seen from KOP-8 will create moderate visual contrasts of form and line, and weak visual contrasts of color and texture. This equates to a rating somewhere between Class II (retention of landscape character) and Class III (partial retention of landscape character).

Therefore, the proposed project will comply with the definition of Class III, above, as seen from KOP-8 at Dragon Wash in Joshua Tree National Park.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-8 at Dragon Wash (JTNP).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET

Date 4/25/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p>
<p>2. Key Observation Point KOP 9 Alligator Rock ACEC (BLM)</p>	<p>Range 17E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Gently sloping ground plane, pyramidal mountains in the background.	Rounded irregular creosote scrub and more vertical small trees in foreground. Middleground beyond is obscured. Background vegetation is not evident.	Cylindrical forms of transmission line tubular steel poles.
LINE	Linear, sloping drainage rills in foreground. Jagged silhouettes of mountains in background.	Converging line by banded vegetation patterns/	Horizontal transmission line conductors with strong vertical line of tubular steel poles with less dominant horizontal cross-arms and 6 weak horizontal lines of transmission line conductors.
COLOR	Tan colored sand in foreground. Becoming grey green with creosote scrub in the middleground. Background colors muted blue greys.	Relatively green to grey-green creosote scrub becoming obscured and indistinct farther away with distinct line of unvegetated dry lakebed.	Black to dark grey transmission line conductors. Dark browns of the vertical transmission line tubular steel poles.
TEXTURE	Smooth sloping foreground, middleground obscured. Smooth textured dry lakebed at the base of the rugged textured mountains in the background.	Medium coarse random texture in foreground. Gradation to more continuous medium middleground texture, with background vegetation indistinguishable.	Smooth textured transmission line conductors and tubular steel poles.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 11.1 miles from KOP-9 to the center of the proposed project (Background distance zone)

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	Two power towers create new vertical cylindrical forms approximately 11.1 miles away in the background distance zone.
LINE	No change.	No change.	Two power towers create weak new vertical lines in the landscape. These new lines do not protrude above the horizon in this sloping and relatively horizontal landscape.
COLOR	No change.	No change.	Two power towers are medium grey at this distance.
TEXTURE	No change.	No change.	Two power towers are smooth textured.

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1.	DEGREE OF CONTRAST	FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side) 3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
		LANDWATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
					X				X			X		
					X				X			X		
ELEMENTS	Form				X				X				Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA Date 5/23/2013	
	Line				X				X					
	Color				X				X					
	Texture				X				X					

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The proposed project as seen from KOP-9 will create weak visual contrasts of form, line, color, and texture. This equates to a rating of VRM Class II (retention of landscape character).

Therefore, the proposed project will comply with the definition of Class III, above, as seen from KOP-9 at Alligator Rock ACEC (BLM).

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-9 at Alligator Rock ACEC (BLM).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 4/26/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 10 I-10 Freeway Eastbound</p>	<p>Range 17E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	Trapezoidal roadbed, sloping planer middleground, pyramidal mountains in the background. There is no water visible in this landscape.	Rounded irregular creosote scrub and small trees in foreground. Beyond is gradating into mottled middleground and background.	Linear road. Jumbled vertical mass of geometric lattice towers at the electrical substation and seen against the horizon elsewhere. Vehicle motion on roadway attracts attention.
LINE	Jagged silhouettes of mountains. Strong middleground horizon line.	Indistinct vegetation lines	Strong vertical line of lattice towers and tubular steel poles, and converging lines of Interstate 10 roadway. Moderately strong horizontal line of the perimeter wall of the electrical substation.
COLOR	Heavy grey green creosote scrub vegetation obscures tan colored sand ground plane.	Mottled tans in foreground to grey greens in the middleground to blue green of the background.	Dark grey roadway surface. Glaring white to grey of the electrical substation transmission towers. Dark browns of the vertical tubular steel poles on both sides of the highway.
TEXTURE	Smooth sloping foreground and middleground obscured by coarse textured creosote scrub. Texture of distant mountains is indistinguishable.	Medium coarse random foreground. Gradation to more continuous middleground and background vegetation indistinguishable.	Smooth roadbed of Interstate 10. Lattice texture of the transmission towers within the electrical substation.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 6.9 miles from KOP-10 to the center of the proposed project (Background distance zone).

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	Two power towers create new vertical cylindrical forms and one of the elevated air cooled condensers creates a rectangular form approximately 6.9 miles away in the background distance zone.
LINE	No change.	No change.	Two power towers create strong new vertical lines in the landscape that protrude above the horizon in this sloping and relatively horizontal landscape. An elevated air cooled condenser creates a horizontal line at the base of one of the towers.
COLOR	No change.	No change.	Two power towers and the elevated air cooled condenser are medium grey at this distance.
TEXTURE	No change.	No change.	Two power towers and the elevated air cooled condenser are smooth textured.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-10 at I-10 Freeway Eastbound.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date 4/27/2013


District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

VISUAL CONTRAST RATING WORKSHEET

SECTION A. PROJECT INFORMATION

1. Project Name Palen Solar Electric Generating System (PSEGS)		4. Location Township 5 South	5. Location Sketch 
2. Key Observation Point KOP 12 Chuckwalla-Mtn WA (BLM)		Range 17 E	
3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)		Section Multiple Sections	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Planar foreground with deeply incised drainage feature with pyramidal mountains in the background. There is no water visible in this landscape.	Rounded irregular scrub in foreground. Conspicuously unvegetated dry lakebed. Beyond is gradating into lightly mottled background mountains mostly devoid of vegetation.	Dirt road serpentine from foreground to the middleground. Transmission line towers and highway discernible in the middleground due to motion associated with the traffic.
LINE	Sinuuous line of drainage feature and highway. Strong complex lines in the background where bajada meets the mountains beyond.	Distinct vegetation lines where vegetation intersects dry lakebed.	Strong horizontal lines of the highway and moderate vertical lines of transmission line towers.
COLOR	Mottled dark brown patina of the desert varnish of the bajada. Sand colored lake bed. With the pinkish browns of the mountains in the background.	Yellow greens of the creosote bushes blend into the brownish greens as the vegetation blends into the backgrounds grey greens.	Sand colored aggregate road. Brown colored transmission line towers.
TEXTURE	Jumbled rough moderately coarse foreground. Smooth fine textured lake bed. Complex coarse rugged mountains	Medium coarse random foreground. Smooth unvegetated lakebed and background vegetation indistinguishable.	Lattice texture of the transmission towers.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 4.6 miles from KOP-12 to the center of the proposed project (Foregr'd/Middlegr'd distance zone).

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Middleground has new horizontal form of heliostat fields occupying a portion of the bajada in front of the dry lakebed area. These forms are often mistaken for a natural body of water when seen at middleground or background distances.	Barren bajada in front of the dry lakebed is converted to heliostat fields. Foreground and background vegetation forms remain unchanged.	Two 750-foot tall power towers are cylindrical in form; the elevated air cooled condensers are rectangular in form; and the heliostat fields are horizontal in form.
LINE	New horizontal line created by heliostat fields in the middleground, similar to a natural water body. Sinuous line of drainage feature and highway remains.	Distinct vegetation lines where vegetation intersects the new horizontal heliostat fields, which lie at the base of backdrop mountains.	Strong vertical lines of the two power towers and strong horizontal lines of the air cooled condensers and heliostat fields make horizontal line of the highway and vertical lines of transmission towers become moderate in contrast.
COLOR	Heliostat mirrors reflect both sky and sunlight in the environment, creating a shiny silver and/or blue color, often mistaken for a natural body of water when seen at middleground or background distances.	Tan color of bajada is converted to shiny silver and/or blue color of the heliostat fields.	Two 750-foot tall cylindrical power towers and the elevated air cooled condensers are warm grey in color; heliostat fields are shiny silver and/or blue in color.
TEXTURE	Heliostat fields resemble natural body of water and are smooth textured.	No change in vegetation texture.	Heliostat fields, the elevated air cooled condensers and the two power towers are smooth textured.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-12 Chuckwalla-Mtn. WA (BLM).

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 4/27/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 13 I-10 Freeway Westbound</p>	<p>Range 17E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Planar foreground extends for miles with mountains in the background. There is no water visible in this landscape.	Rounded forms of creosote scrub and tumbleweed in foreground. Gradating to solid vegetation.	Trapezoidal road bed is dominant. Linear transparent fence.
LINE	Indistinguishable lines in foreground. Strong horizontal line of desert floor at the base of background mountains. Jagged silhouette of the Eagle Mountains at the horizon.	Distinct horizontal vegetation lines ay base of mountains	Strong horizontal lines of interstate freeway and fence leading straight away from the viewer.
COLOR	Tan colored sand in foreground and middle ground. Grey blue mountains at horizon.	Yellow greens of the creosote bushes blend into the brownish greens as the vegetation blends into the background's grey greens.	Dark grey freeway roadbed and reddish brown fence posts.
TEXTURE	Smooth ground plane. Texture of distant mountains is indistinguishable.	Medium grained random foreground. Transitioning to stippled in the middleground	Smooth textured freeway roadbed.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 6.4 miles from KOP-13 to the center of the proposed project (Background distance zone).

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	Two power towers create new vertical cylindrical forms and one of the elevated air cooled condensers create rectangular forms approximately 6.4 miles away in the background distance zone, as defined by the BLM.
LINE	No change.	No change.	Two power towers create strong new vertical lines in the landscape that protrude about the horizon in this relatively flat horizontal landscape. One of the elevated air cooled condensers creates a horizontal line at the base of the tower.
COLOR	No change.	No change.	Two power towers and the elevated air cooled condenser are medium grey at this distance.
TEXTURE	No change.	No change.	Two power towers and the elevated air cooled condenser are smooth textured.

SECTION D. CONTRAST RATING **SHORT TERM** **LONG TERM**

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
		LANDWATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
					X					X	X			
					X					X		X		
ELEMENTS		Form							X	X				
		Line							X	X				
		Color										X		
		Texture								X		X		
		3. Additional mitigating measures recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)												
		Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA										Date 5/23/2013		

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The two power towers will protrude above the horizon and will attract attention and produce strong “line” contrasts. Form contrasts are moderate, and color and texture contrasts are weak as seen from the westbound freeway. The two visible power towers will create a major modification of the existing character of the Chuckwalla Valley as seen from the freeway. The proposed project will be a new dominant feature of the landscape visible for miles along the freeway. The project will change the character of the area, and will dominate the view and become the major focus of viewer attention as seen from KOP-13.

The visual character of this portion of the desert will change from open space to that of a developed landscape. The overall visual impact of the proposed project is expected to strongly alter the existing undeveloped scenic quality of this naturally evolving landscape, and convert it to an industrialized solar-electric landscape. However, some viewers may see the development of a solar resource facility as a point of positive visual interest. Taken as a whole, visual impacts to KOP-13 resulting from the proposed project are expected to be significant and un-mitigable, per BLM VRM standards, guidelines, and best management practices (BMPs).

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-13 I-10 Freeway Westbound.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 5/01/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 15 Palen / McCoy WA (BLM)</p>	<p>Range 17 E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	Jagged rough step pyramidal mountains in foreground. Sloping planar bajada. Flat planar dry lake bed. Indistinct pyramidal distant mountains. There is no water visible in this landscape.	Mountain foreground sparsely vegetated with clumps of grass. Creosote scrub desert floor. Small rectangular agricultural field.	None apparent.
LINE	Jagged sawtooth mountain ridge. Distinct simple horizontal line where bajada meets dry lakebed. Jagged skyline silhouette of distant mountains.	Distinct horizontal vegetation lines at base of mountains. Unvegetated drainage channels meander on bajada.	None apparent.
COLOR	Foreground reddish brown mountains. Brown mottled bajada. Sand colored dry lake bed. Pinkish mountains in background.	Sparse tan bunchgrass in foreground. Blue greens of bajada give way to tan of dry lakebed with green agricultural fields in the distance.	None apparent.
TEXTURE	Coarse textured rockforms in rugged foreground mountains transitioning to smooth textured bajada and dry lakebed, with rugged mountains in the background.	None apparent.	None apparent.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 6.1 miles from KOP-15 to the center of the proposed project (Background distance zone).

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	Middleground has new horizontal form of heliostat fields occupying a portion of the bajada beyond the dry lakebed area. These forms are often mistaken for a natural body of water when seen at middleground or background distances.	Barren bajada beyond the dry lakebed is converted to horizontal heliostat fields. Foreground and background vegetation forms remain unchanged.	Two 750-foot tall power towers are cylindrical in form; the elevated air cooled condensers are rectangular in form; and the heliostat fields are horizontal in form.
LINE	New horizontal line created by heliostat fields in the middleground, similar to a natural water body.	Distinct vegetation line where vegetation intersects the new horizontal heliostat fields.	Strong vertical lines of the two power towers. Strong horizontal lines of the heliostat fields and moderate horizontal lines of the elevated air cooled condensers.
COLOR	Heliostat mirrors reflect both sky and sunlight in the environment, creating a shiny silver and/or blue color, often mistaken for a natural body of water when seen at middleground or background distances.	Tan color of bajada converted to shiny silver and/or blue color of the heliostat fields.	Two 750-foot tall cylindrical power towers and the elevated air cooled condensers are warm grey in color; heliostat fields are shiny silver and/or blue in color.
TEXTURE	Heliostat fields resemble natural body of water and are smooth textured.	No change in vegetation texture.	Heliostat fields, the elevated air cooled condensers and the two power towers are smooth textured.

SECTION D. CONTRAST RATING **SHORT TERM** **LONG TERM**

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
		LANDWATER BODY (1)				VEGETATION (2)				STRUCTURES (3)				
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	
		X								X	X			
ELEMENTS	Form			X					X	X				
	Line			X					X	X				
	Color	X							X	X				
	Texture			X					X			X		
												3. Additional mitigating measures recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)		
												Evaluator's Names Lee Roger Anderson, CA LLA#1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA	Date 5/22/2013	

SECTION D. (Continued)

Comments from item 2.

The BLM did not respond in a timely manner to a request for a management decision on the final adopted Visual Resource Management Class (VRM Class) or the Interim Visual Resource Management Class (IVRM) designations for the project area. For this analysis, we had to move forward using the presumption that the Visual Resource Inventory Class (VRI Class) has been adopted as the VRM Class. The VRI Class for this area is III.

In determining whether the proposed action would conform to the assigned VRM class, the four levels of contrast roughly correspond with the four VRM classes. This means that a “strong” contrast rating may be acceptable in an area with VRM Class IV, but probably would not meet the objectives of a VRM Class I, II, or III area. Similarly, a “weak” contrast rating may be acceptable in an area with VRM Class II, but probably would not meet the objectives of a VRM Class I area. The table below shows the correlation between contrast rating and determining whether VRM objectives are met.

Degree of Contrast	VRM Class	Definition
None	Class I Preserve	The objective of this class is 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. (This classification is usually applied to wilderness areas, wild and scenic rivers, and other similar situations.)
Weak	Class II Retain	The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.
Moderate	Class III Partially Retain	The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.
Strong	Class IV Major Modification	The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

The strong contrasts of form, line, and color created by the proposed project will create a major modification of the existing character of the Chuckwalla Valley and Palen Dry Lake, as seen against the backdrop of the Chuckwalla Mountains. The proposed project will be a new dominant feature of the landscape visible from travel routes and use areas in the viewshed. The project will change the existing visual character of the viewshed. The two 750-foot-tall solar power towers are the most visually noticeable elements, and from this view at KOP-15, the heliostat fields are highly visible too. The project will change the character of the area, and will dominate the view and become the major focus of viewer attention as seen from KOP-15.

The visual character in the area of Palen Dry Lake will change from open space desert to that of a developed landscape. The overall visual impact of the proposed project is expected to completely alter the existing undeveloped scenic quality of this naturally evolving landscape, and convert it to an industrialized solar-electric landscape. However, some viewers may see the development of a solar resource facility as a point of positive visual interest. Taken as a whole, visual impacts to KOP-15 resulting from the proposed project are expected to be significant, and un-mitigable, per BLM VRM standards, guidelines, and best management practices (BMPs). Therefore, the proposed project will not comply with the definition of Class III, above, as

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

VIS-1, Surface Treatment of Project Structures and Buildings

VIS-2, Re-vegetation of Disturbed Soil Areas

VIS-3, Temporary and Permanent Exterior Lighting

VIS-4, Project Design

TRANS-6, Heliostat Positioning Plan

AQ-SC3, Construction Fugitive Dust Control

AQ-SC4, Dust Plume Response Requirement

BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-15 in the Palen / McCoy WA.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET


Date 4/28/2013

District Palm Springs - South Coast

Resource Area Chuckwalla - Palen

Activity (program) Solar Energy

SECTION A. PROJECT INFORMATION

<p>1. Project Name Palen Solar Electric Generating System (PSEGS)</p>	<p>4. Location Township 5 South</p>	<p>5. Location Sketch</p> 
<p>2. Key Observation Point KOP 17 Bradshaw Trail, Mule Mtn. (LTVA)</p>	<p>Range 17E</p>	
<p>3. VRM Class VRI Class III VRM Class (Not disclosed by BLM)</p>	<p>Section Multiple Sections</p>	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	Planar ground plane in foreground. Pyramidal mountains in background.	Sparsely rounded clumpy vegetation in foreground. Taller line of riparian woodland blocks middleground. Indistinct vegetation forms in background.	Linear fence line in foreground. Geometric outhouses partially screened by creosote scrub.
LINE	Jagged silhouettes of distant mountains.	Horizontal line of riparian woodland obscures the middleground.	Horizontal fence line, with vertical fence posts, vertical and diagonal lines of out houses.
COLOR	Tan desert sands blue grey mountains	Grey-green creosote scrub. Green riparian canopy.	Rust colored fence. Tan outhouses with black vent pipes
TEXTURE	Smooth foreground. Rugged rough background mountains	Coarse and irregular creosote scrub and riparian vegetation.	Smooth textured outhouses.

SECTION C. PROPOSED ACTIVITY DESCRIPTION

It is approximately 23.0 miles from KOP-17 to the center of the proposed project (Seldom Seen distance zone).

1. LANDWATER		2. VEGETATION	3. STRUCTURES
FORM	No change.	No change.	No change.
LINE	No change.	No change.	No change.
COLOR	No change.	No change.	No change.
TEXTURE	No change.	No change.	No change.

SECTION D. CONTRAST RATING SHORT TERM LONG TERM (NO CONTRAST – NOT VISIBLE)

1. DEGREE OF CONTRAST		FEATURES												2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)	
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)	
					X				X				X		
					X				X				X		
			X				X				X				
ELEMENTS	Form				X				X				X	Evaluator's Names Lee Roger Anderson, CA LLA #1586 Peter Langenfeld Timothy R Zack Thomas Cherry, PLA, ASLA	Date 5/23/2013
	Line				X				X				X		
	Color				X				X				X		
	Texture				X				X				X		

SECTION D. (Continued)

Comments from item 2.
 The proposed project is not visible from KOP-17.

Additional Mitigating Measures (See item 3)

The PSPP EIS identified these Mitigation Measures to aid in reducing visual impact by reducing contrast.

The implementation of mitigation measures imposed by the Energy Commission as Conditions of Certification for the project also would avoid or reduce impacts on the quality of the human environment. These mitigation measures are summarized here in connection with the impacts they would address, and are set forth in full in Appendix B – APPLICANT PROPOSED MEASURES.

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BIO-8, Impact Avoidance and Minimization Measures

BIO-22, Decommissioning and Reclamation Plan

BLM-VIS-1, Component Color Treatments

BLM-VIS-2, Consultation with the NPS Night Sky Program Manager

No additional mitigation measures beyond these are required because of the view from KOP-17 Bradshaw Trail, Mule Mtn. (LTVA).