U.S. Department of the Interior
Bureau of Land Management

Finding of No New Significant Impact
DOI-BLM-NV-S010-2014-0126-EA
December: 2014

Dry Lake Solar Energy Center Project

Location:
Dry Lake Solar Energy Zone
Clark County, Nevada

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BUREAU OF LAND MANAGEMENT
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INTRODUCTION

The Bureau of Land Management (BLM) prepared an environmental assessment (EA) (DOI-BLM-NV-S010-2014-0126-EA) that analyzed the effects of development of an up-to-130 megawatt (MW) solar energy generation project proposed by Nevada Power Company, doing business as NV Energy (the Applicant) on BLM-managed lands in Clark County, Nevada. The EA is a project-specific analysis of potential impacts that could result from the implementation of the Proposed Action within the BLM's Dry Lake Solar Energy Zone (SEZ) which was analyzed within the *Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States* (herein called the Solar PEIS) (Solar PEIS; BLM and U.S. Department of Energy [DOE] 2012). The EA is tiered to, and incorporates by reference, the analysis of the effects described in the Solar PEIS.

I have reviewed the EA for the Dry Lake Solar Energy Center Project (DOI-BLM-NV-S010-2014-0126-EA; herein called the Project), dated December 2014. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action will not result in any new significant effects to the quality of the human environment that were not fully analyzed in the Solar PEIS, and that a project-specific environmental impact statement (EIS) is not required.

Mitigations from Environmental Assessment

Resource Measures

Resource conservation measures and regulatory required plans are included as part of the Proposed Action, as listed in Section 2.2.9 of the EA. The Solar PEIS also established a number of requisite design features that will be incorporated as needed into the Project. All appropriate design features outlined in Volume 4, Section 11.3.10.3 and in Section A.2.2 of Appendix A in the PEIS (BLM and DOE 2012) would be implemented. Additionally, all relevant minimization measures from the project-specific biological opinion will be incorporated by reference. A third-party compliance inspection contractor, approved by the BLM, will be employed by the Applicant to ensure compliance with all minimization measures, and mitigation and conservation measures identified in the EA.

Through the Western Solar Plan (BLM 2014a), the BLM adopted a policy that it would develop regional mitigation plans or strategies for SEZs. The BLM prepared the Solar Regional Mitigation Strategy (SRMS) for the Dry Lake SEZ, which it issued on March 17, 2014 (BLM 2014b). The SRMS for the Dry Lake SEZ presents an approach for compensating for the unavoidable impacts that are expected from development of the Dry Lake SEZ.

The SRMS takes into account the resource conditions of the land and regional trends informed by the BLM's recent Rapid Ecoregional Assessments (NatureServe 2013), and was developed in collaboration with stakeholders to address key issues such as off-site mitigation and the costs associated with implementation of mitigation. The implementation of additional project-specific mitigation measures identified in the SRMS and EA would further reduce adverse environmental impacts without causing any new significant impacts.

I have also considered the Council on Environmental Quality's criteria for significance (40 Code of Federal Regulations 1508.27), with regard to the context and the intensity of impacts described in the EA (see below).

Context

Under NEPA's implementing regulations, "context" means that consideration of "the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality." 40 CFR 1508.27(a). The Project is located within the boundaries of parcel 5 and 6 of the Dry Lake SEZ, which has been identified as priority areas for solar energy development through an amendment to the Las Vegas Resource Management Plan by the Solar PEIS Record of Decision (ROD) (BLM 2012). The Project directly involves approximately 693 acres of federal public lands administered by the BLM within the 5,000-acre Dry Lake SEZ. The EA analyzes direct, indirect, and cumulative effects of the Proposed Action using the appropriate geographic scope, which varies by resource and is described on a resource-by-resource basis throughout chapter 3 of the EA. As identified in the EA, the Project would result in direct, indirect and cumulative impacts both within parcel one and the immediate area surrounding the Project site.

BLM Nevada elected to use a competitive process to decide among the several solicitations of interest and ROW applications it had received within the designated boundaries of the Dry Lake SEZ (43 CFR 2804.23; 79 Fed. Reg. 31129). The purpose of offering the parcels for competitive solar leasing was to support the Department of the Interior's achievement of the goal of approving 20,000 MW of renewable energy projects on the public lands by 2020 as set by the President in his June 25, 2013 announcement of the release of a Climate Action Plan to reduce carbon pollution, prepare the U.S. for the impacts of climate change, and lead international efforts to address global climate change (BLM 2014c). The Project will assist BLM in fulfilling these policy goals and objectives while simultaneously siting the Project on lands identified as suitable for solar energy development.

Intensity

1) *Impacts that may be both beneficial and adverse*

   Adverse impacts of the Proposed Action include the following:

   - temporary increases in particulate matter during construction;
   - long-term loss of 662 acres of habitat;
   - removal of cactus and yucca species from within the project area;
   - the need for translocation of desert tortoise;
   - an increased risk of spread of noxious and invasive species;
   - changes to the historic setting of the Old Spanish Trail/Mormon Road; and
   - visual contrast with the existing landscape.

   The potential for adverse impacts has been reduced by including conservation measures in the description of the Proposed Action and by adherence to the recommendations in the SRMS to offset unavoidable adverse impacts.

   Beneficial impacts would include a minor reduction in the need for additional fossil-fuel electricity generation in the future. This reduction would not be significant. Additionally, there would be a beneficial impact from additional employment opportunities and increases in tax revenues.

2) *The degree to which the Proposed Action affects public health or safety*

   Potential impacts to health and safety would occur during the construction phase of the Project. The Proposed Action has been designed to control public access to the construction site to

prevent construction-related accidents. Plans for fire management, and the transportation of large equipment, etc., will be included in the final Plan of Development and will address potential public hazard situations.

3) *Unique characteristics of the geographic area such as proximity to historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas*

   Impacts to historical and cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas were all considered during development of the Proposed Action. Surveys for cultural resources were conducted in support of the Dry Lake SEZ and included the project area to allow avoidance of cultural and historical resources. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial*

   The Proposed Action is located in an area that has been established for solar energy development as part of the Western Solar Plan. The Proposed Action is consistent with the types of actions described in the Final Solar PEIS and with the management objectives for the SEZ and is not controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks*

   The environmental effects of solar energy facilities in the Dry Lake SEZ are well understood and do not involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration*

   The Proposed Action is located in an area that has been established for solar energy development as part of the Western Solar Plan, and does not establish a precedent that could influence future actions.

7) *Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts*

   A cumulative impact analysis was conducted in the final Solar PEIS and the project-specific EA. No cumulatively significant impacts were identified. Implementation of the recommendations in the SRMS would further offset cumulative impacts.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources*

   The Proposed Action would not adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places, and would not cause the loss or destruction of significant scientific, cultural, or historical resources. No new impacts to such resources were identified in the EA relative to those disclosed in the Solar PEIS. See EA Section 3.7 (p. 3.7-1 et seq.) regarding cultural resources and Native American concerns. The BLM consulted with Indian tribes, the State Historic Preservation Offices (SHPOs) from the six states, and the Advisory Council on Historic Preservation (ACHP) regarding solar energy development on lands

administered by the BLM, including the Dry Lake SEZ; this consultation resulted in the execution on September 24, 2012 of a Solar Programmatic Agreement (PA) entered into pursuant to Section 106 of the National Historic Preservation Act (NHPA). Potential adverse effects that the Proposed Action may have on cultural resources and Native American concerns would be resolved through compliance with the terms of a Memorandum of Agreement to be prepared and executed under NHPA Section 106 and tiered from the Solar PA. The MOA will be executed prior to the execution of a Decision Record for the Proposed Action. After completing a Class III inventory, the BLM determined that the project would have no direct effect on historic properties listed in or eligible for the National Register. The Nevada SHPO concurred in this determination. The BLM determined that the project would have adverse indirect effects (visual impacts) on three eligible historic properties outside of the SEZ: the Old Spanish Trail/Mormon Wagon Road; the SP, LA, and SL Railroad now known as the UP Railroad; and the Arrowhead Highway. To mitigate the adverse effects to these linear properties, the BLM and SHPO have executed a Memorandum of Agreement and begun developing a historic property treatment plan (HPTP), which will be finalized prior to initiating surface disturbing activities associated with the project. The HPTP will be developed in consultation with the Old Spanish Trail Association, interested tribes, Nevada SHPO, and any other interested effected parties and stakeholders, and will consider the establishment of kiosks located near the effected historic properties. Such potential kiosks would focus on providing an interpretation of the history of the transportation corridor from Native American Trails to the Interstate Highway. The BLM, in consultation with interested parties and the SHPO, will also consider other interpretative measures. The HPTP shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716-37) and the Mitigation Standards for Historical Resources of Local and State Significance (BLM, 2014).

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973*

The Proposed Action would have an effect on the desert tortoise. Overall impacts to desert tortoise are expected to be small (a loss of ≤1% of desert tortoise habitat in the region). Suitable habitat for southwestern willow flycatcher, the Yuma clapper rail, and the yellow-billed cuckoo does not occur within or near the Proposed Action project area and there is low potential for direct effects to occur. Endangered Species Act Section 7 consultation for the Proposed Action will be covered under the project-specific biological opinion.

10) *Whether the action threatens a violation of federal, state, local, or tribal law or requirements imposed for the protection of the environment*

All environmental laws were considered during development of the Proposed Action to prevent possible violations. The Proposed Action would not violate or threaten to violate any federal, state, tribal, or local law or requirement for the protection of the environment. The Proposed Action would not violate the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Endangered Species Act.

LITERATURE CITED

Bureau of Land Management (BLM). 2012. *Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States*. October. Available at: http://solareis.anl.gov/documents/docs/Solar_PEIS_ROD.pdf. Accessed October 28, 2014.

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BLM, 2014c. Q&A Opportunity to Bid for a Preference Right Right-of-Way Application for Solar Energy Development [http://blmsolar.anl.gov/sez/nv/dry-lake/competitive-leasing/] Accessed on December 4, 2014.

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NatureServe. 2013. Mojave Basin and Range Rapid Ecoregional Assessment. Available at: http://www.blm.gov/wo/st/en/prog/more/Landscape_Approach/reas/mojave.html#memo. Accessed November 21, 2014.

FINDING OF NO NEW SIGNIFICANT IMPACT

I have determined that, with incorporation of the conservation measures and mitigation measures described in the EA, the Proposed Action will not result in any new significant effects to the quality of the human environment that were not fully analyzed in the Solar PEIS and that a project-specific environmental impact statement (EIS) is not required.

Gayle Marrs-Smith
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3/18/15
Date