

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

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**Playa Solar Project  
(Dry Lake Solar Energy Zone Parcels 2, 3, and 4)  
DOI-BLM-NV-S010-2014-0127-EA**

**FINDING OF NO NEW SIGNIFICANT IMPACT**

**December 2014**

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# **FINDING OF NO NEW SIGNIFICANT IMPACT (FONNSI)**

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The Las Vegas Field Office of the U.S. Bureau of Land Management (BLM) prepared an Environmental Assessment (DOI-BLM-NV-S010-2014-0127-EA) (EA) dated December 2014 that analyzed the effects of the proposed development of Parcels 2, 3, and 4 of the Dry Lake Solar Energy Zone (SEZ) with an up to 200 megawatt alternating current (MWac) (nominal plant capacity) photovoltaic (PV) solar generating facility (Project or Proposed Action), as described in detail in Chapter 2.0 of the EA. The EA tiers from the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS; BLM and U.S. Department of Energy [DOE] 2012) and incorporates much of the information in the Solar PEIS by reference. It also examines the potential environmental effects of the Proposed Action based on Project-specific information regarding potential impacts or issues that provide further detail tiered to the environmental impacts analysis set forth in the Final Solar PEIS.

Based on the analysis of potential environmental impacts contained in the attached EA, I have determined that the Proposed Action is consistent with the level of impacts previously identified and analyzed in the Solar PEIS. No new significant impacts were disclosed during completion of the environmental analysis for this EA; therefore, an environmental impact statement is not required.

## **Resource Measures**

The Solar PEIS established a number of requisite design features that would be incorporated as applicable into the Proposed Action, including management plans, as summarized in Table 2-7 of the EA (p. 2-35 et seq.). All applicable design features outlined in the Solar PEIS ROD (BLM 2012) would be implemented. Additionally, all applicable measures from the Project-specific Biological Opinion would be implemented.

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 within the Dry Lake SEZ. The SRMS takes into account the resource conditions of the land and regional trends informed by the BLM's 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. A third-party compliance inspection contractor, approved by the BLM, would be employed by the Applicant to ensure compliance with all design features and other mitigation measures incorporated into the Decision Record (DR).

I have considered the Council on Environmental Quality's criteria for significance (40 CFR 1508.27; see also, section 7.3 of the BLM National Environmental Policy Act Handbook [Manual H-1790-1, p. 70]),

with regard to the “context” and “intensity” of impacts. My finding is based on the consideration of the direct, indirect, and cumulative impacts of the Proposed Action, and the context and intensity of those impacts as described 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 parcels 2, 3, and 4 of the Dry Lake SEZ, which have 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 1,700 acres of federal public lands administered by the BLM within the 5,717-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 parcels 2, 3, and 4 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**

The term “intensity” refers to the severity of a proposed action’s impact on the human environment (40 CFR 1508.27(b)). In determining an impact’s intensity, NEPA’s implementing regulations direct federal agencies to consider the following ten factors, each of which is discussed below in relation to the Proposed Action (Id.).

### ***1. Impacts that may be both beneficial and adverse.***

The Proposed Action would result in beneficial and adverse impacts that are within the type and intensity of impacts analyzed in the Solar PEIS. Examples of potential adverse impacts of the Project include the following:

- temporary increases in particulate matter during construction (EA §3.4, p. 3.4-1 et seq.);
- long-term impacts to approximately 1,550 acres of creosote bush scrub habitat that includes approximately 80 acres of desert washes acres (EA §3.5, p. 3.5-1 et seq.);
- removal of up to 31,995 cactus and 23,490 yucca plants (55,485 in total) from within the Project area (EA §3.5, p. 3.5-1 et seq.);

- an increased risk of the spread of noxious and invasive species (EA §3.5, p. 3.5-1 et seq.; §3.6, p. 3.6-1 et seq.);
- the need to translocate approximately 44 adult desert tortoises consistent with the terms of a Project-specific Biological Opinion and Desert Tortoise Translocation Plan (the final number of actual tortoises that may be encountered and translocated as part of the Project would be determined during the pre-construction clearance surveys on the site) (EA §3.6, p. 3.6-1 et seq.);
- direct effects of grading and excavation for installation of the proposed well and pipeline on a pedestrian trail of unknown date and affiliation that is located outside the Dry Lake SEZ and that appears eligible for listing in the National Register (EA §3.7, p. 3.7-1 et seq.);
- changes to the historic setting of three resources that are eligible for or listed in the National Register, including: the Old Spanish Trail/Mormon Road; San Pedro, Los Angeles, and Salt Lake Railroad; and Arrowhead Highway (EA §3.7, p. 3.7-1 et seq.); and
- visual contrast with the existing landscape (EA §3.18, p. 3.18-1 et seq.).

The potential for adverse impacts has been reduced by including design features in the Project, adherence to the recommendations in the Dry Lake SEZ SRMS to offset unavoidable adverse impacts, and (for the potential effects to the pedestrian trail located outside the Dry Lake SEZ) implementation of Mitigation Measure CR-1, which requires avoidance of the resource and, if avoidance is determined to be infeasible, other actions that would substantially reduce the intensity of the impact.

Beneficial impacts would include the replacement of emissions associated with fossil fuel-fired power plants of criteria pollutants and greenhouse gases with energy produced by a solar power facility that would generate negligible emissions (EA §3.4, p. 3.4-1 et seq.). Additionally, there would be a beneficial impact from additional employment opportunities and increases in tax revenues (EA §3.14, p. 3.14-1 et seq.).

**2. *The degree to which the proposed action affects public health or safety.***

There would be no new public health and safety effects beyond those effects identified and analyzed in the Solar PEIS. Potential impacts to health and safety could occur during any phase of the Project. However, the Project has been designed to control public access to the site to prevent facility-related accidents, and incorporates plans that address potential public health and safety situations (such as to address spill response, fire management, health and safety, and emergency response, among others) to be included in the final Plan of Development.

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

No unique characteristics of the geographic area (such as the segment of the Congressionally-designated Old Spanish National Historic Trail that is located approximately 2 miles to the east of the Project site) or ecologically critical areas (such as the Mormon Mesa Critical Habitat unit for desert tortoise that is located approximately 1.3 miles to the north / northwest of the Project site) would be significantly impacted beyond the impacts identified and analyzed in the Solar PEIS. The potential for the Project to cause impacts to historical and cultural resources was considered during development of the Project proposal. A Class III survey for cultural resources was conducted in support of the Dry Lake SEZ (including parcels 2, 3, and 4) (Sagebrush Consultants, 2014). This survey was conducted to allow any identified cultural and historical resources to be avoided. There

are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the Project area. There would be no new effects to these considerations beyond those effects identified and analyzed in the Solar PEIS.

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

The Project site is located in an area that the BLM has identified in the Western Solar Plan as a priority area for utility-scale solar energy and associated transmission infrastructure development (BLM and DOE 2012). The Project is consistent with the types of actions described in the Final Solar PEIS and the management objectives for the SEZ, and its impacts are within the scope and scale of controversy described and considered in the Solar PEIS. Therefore, the Project is not likely to be highly controversial.

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

The effects of constructing, operating, maintaining, and decommissioning the Proposed Action, as described in the EA, are well known by the BLM because it has approved 29 utility-scale solar energy projects on public lands since 2010, and the Proposed Action does not present any new or novel issues or effects in relation to previously approved actions. There would not be a high level of uncertainty of the possible effects, nor any new 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 Project site is located in an area that the BLM has identified in the Western Solar Plan as a priority area for utility-scale solar energy and associated transmission infrastructure development (BLM and DOE 2012). The Proposed Action does not set a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration since the relevant action is limited to site-specific action within the established Dry Lake SEZ.

**7. *Whether 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. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.***

Potential cumulative effects were considered in the Solar PEIS and re-evaluated in the EA on a resource-by-resource, issue-by-issue basis. The Proposed Action is consistent with the potential cumulatively significant effects disclosed in the Solar PEIS, and the EA identifies no new cumulatively significant impacts relative to those disclosed in the Solar PEIS. Implementation of the recommendations in the Dry Lake SEZ SRMS would further offset potential 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 historical resources.***

The Proposed Action avoids direct effects to 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. The Project would contribute to changes to the historic setting of resources that are eligible for or listed in the National Register, including: the

Old Spanish Trail/Mormon Road (EA §3.7, p. 3.7-1 et seq.); however, no new impacts to such resources were identified in the EA relative to those disclosed in the Solar PEIS. 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.

**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.***

There would be no new effects to a species identified in the Endangered Species Act as endangered or threatened, or to its critical habitat, beyond those disclosed in the Solar PEIS. Federally listed species and critical habitat analyzed in the Solar PEIS and the EA include: desert tortoise (threatened), desert tortoise designated critical habitat, Nelson's bighorn sheep (endangered), Yuma clapper rail (endangered), southwestern willow flycatcher (endangered), yellow-billed cuckoo (threatened), and Moapa dace (endangered). See EA Section 3.5 (p. 3.5-1 et seq.) regarding vegetation and Section 3.6 (p. 3.6-1 et seq.) regarding wildlife and aquatic biota.

- The Project would have direct and indirect effects on desert tortoise. As currently designed, the Proposed Action would permanently affect approximately 1,550 acres of potentially suitable desert tortoise habitat out of the approximately 4.85 million acres available within the Northeastern Mojave Recovery Unit (USFWS 2010). The Project would also result in the need to translocate approximately 44 adult desert tortoises consistent with the terms of a Project-specific Biological Opinion and Desert Tortoise Translocation Plan (the final number of actual tortoises that may be encountered and translocated as part of the Project would be determined during the pre-construction clearance surveys on the site) (EA §3.6, p. 3.6-1 et seq.). Indirect effects to desert tortoise in surrounding areas may occur from dust, noise, lighting, traffic, accidental spills, and translocation.
- The Proposed Action may have an indirect effect on but will not result in the destruction or adverse modification of designated Critical Habitat for desert tortoise through the translocation of desert tortoises into areas within and adjacent to the Mormon Mesa Critical Habitat unit. Desert tortoise encountered during the clearance surveys will be moved into designated translocation areas as prescribed in the Desert Tortoise Translocation Plan.
- No direct effects to Moapa dace are anticipated to occur during construction, operations, maintenance, or decommissioning of the Project because no perennial streams occur within the Project area that could support this species. Additionally, the Project area does not contain the Muddy River and associated thermal spring systems within the Warm Springs Natural Area. Therefore, no direct effects to streams that could support this species will occur. The Project may have an indirect effect on but is not likely to adversely affect the Moapa dace due to groundwater withdrawal for the construction, operations, maintenance, and decommissioning phases of the Project.
- Suitable habitat for southwestern willow flycatcher, the Yuma clapper rail, and the yellow-billed cuckoo does not occur within or near the Project area and there is low potential for Project-related effects to occur.

Consultation between the BLM and the U.S. Fish and Wildlife Service conducted pursuant to Section 7 of the Endangered Species Act regarding the designation of proposed SEZs, including the Dry Lake SEZ, resulted in the Service's issuance on July 20, 2012, of a Programmatic Biological Opinion. A Project-specific Biological Opinion that tiers to the Programmatic Biological Opinion is in process. A Project-specific Biological Opinion will be issued prior to the execution of a Decision Record for the Proposed Action.

**10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

All potentially applicable environmental laws were considered during development of the Project to identify requirements and prevent possible violations. Approving the Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement for the protection of the environment. See EA Table 2-6 (p. 2-33) for a list of Federal, State, and local permits and other authorizations that may be required for the Proposed Action.

### **Literature Cited**

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- USFWS 2010. Status of the Species and Critical Habitat Rangewide. September 2010. Accessed: [http://www.fws.gov/nevada/desert\\_tortoise/documents/misc/Status\\_Critical\\_Habitat\\_Rangewide\\_9\\_23\\_2010.pdf](http://www.fws.gov/nevada/desert_tortoise/documents/misc/Status_Critical_Habitat_Rangewide_9_23_2010.pdf). Accessed on October 9, 2014.

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## 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.

**Approved by:** \_\_\_\_\_

Gayle Marrs Smith  
Field Manager  
Las Vegas Field Office

\_\_\_\_\_ Date