

**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**

**March 2015**

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

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The Southern Nevada District of the U.S. Bureau of Land Management (BLM) has prepared an Environmental Assessment (DOI-BLM-NV-S010-2014-0127-EA) (EA) dated December 2014, for 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 (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) 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 provides 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 significant 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. The Proposed Action includes the programmatic design features prescribed in the Solar PEIS Record of Decision (ROD), which are summarized in EA Table 2-7 (p. 2-35 et seq.) and intended to avoid and minimize potentially significant impacts to the environment. With these design features included, the Proposed Action would not create any new or unmitigated significant effects beyond what was already disclosed in the Solar PEIS, which would have sufficient context and intensity, as defined in section 7.3 of the BLM National Environmental Policy Act Handbook (Manual H-1790-1, p. 70), to be considered significant. In addition, the Proposed Action would be consistent with the mitigation actions and payment of the proposed mitigation fee identified in the Solar Regional Mitigation Strategy (SRMS) for the Dry Lake SEZ, released on March 17, 2014. 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 "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 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.

**Intensity:** The term "intensity" refers to the severity of a proposed action's impact on the human environment. 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. 40 CFR 1508.27(b).

1. The Proposed Action would result in beneficial and adverse impacts that are within the type and intensity of impacts analyzed in the Solar PEIS.
2. There would be no new public health and safety effects beyond those effects identified and analyzed in the Solar PEIS. See, for example, EA Section 3.8 (p. 3.8-1 et seq.) regarding hazards and hazardous materials.
3. 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. See, for example, EA Section 3.7 (p. 3.7-1 et seq.) regarding cultural resources, and EA Section 3.6 (p. 3.6-1 et seq.) regarding wildlife.
4. The potential effects of the Proposed Action are not highly controversial and are within the scope and scale of controversy described and considered in the Solar PEIS. See, for example, EA Section 1.6 (p. 1-8 et seq.) regarding the identification of issues discussed in the EA.
5. 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 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. 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.
8. 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. 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 analyzed in the Solar PEIS and the EA include: desert tortoise (threatened), Nelson's bighorn sheep (endangered), Yuma clapper rail (endangered), southwestern willow flycatcher (endangered), and yellow-billed cuckoo (threatened). 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. 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 solar energy zones, 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. Implementation of the Project may affect, and is likely to adversely affect, but will not jeopardize the continued existence of the Moapa dace (*Moapa coriacea*). The Proposed Action would contribute to ongoing cumulative effects to this species consistent with those analyzed and identified in the January 20, 2006 programmatic biological opinion entitled the *Intra-Service Programmatic Biological Opinion for the Proposed Muddy River Memorandum of Agreement Regarding the Groundwater Withdrawal of 16,100 Acre-Feet per Year from the Regional Carbonate Aquifer in Coyote Spring Valley and California Wash Basins, and Establish Conservation Measures for the Moapa Dace, Clark County, Nevada* (2006 PBO).
11. Approving the Proposed Action would not violate any Federal, State, or local laws or requirements imposed 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.

### Supporting Documents:

- BLM, 2014b. Regional Mitigation Strategy for the Dry Lake Solar Energy Zone. Technical Note 444. March 2014 [www.blm.gov/pgdata/etc/medialib/blm/wo/blm.../TN\_444.pdf].
- BLM, 2012. Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States. October 2012. [solareis.anl.gov/documents/docs/Solar\_PEIS\_ROD.pdf].

BLM and U.S. Department of Energy (DOE), 2012. Final Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States (FES 12-24; DOE/EIS-0403) July 2012 [<http://solareis.anl.gov/Documents/fpeis/index.cfm>].

BLM and DOE, 2011. Supplement to the Draft Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States. October 2011. [[http://www.solareis.anl.gov/documents/supp/Supplement\\_to\\_the\\_Draft\\_Solar\\_PEIS.pdf](http://www.solareis.anl.gov/documents/supp/Supplement_to_the_Draft_Solar_PEIS.pdf)]

BLM and DOE, 2010. Draft Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States, Chapter 5. December 2010. [<http://solareis.anl.gov/Documents/dpeis/index.cfm#vol5>]

## FINDING OF NO NEW SIGNIFICANT IMPACT

I have determined that, with incorporation of the conservation measures and mitigation measures described in the EA, the Selected Alternative 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  
Field Office Manager  
Las Vegas Field Office

3/18/15

Date