

FINDING OF NO SIGNIFICANT IMPACT
for the
Agua Caliente Solar Energy Zone Withdrawal from Location and Entry
Under the Mining Laws
Environmental Assessment
DOI-BLM-AZ-C020-2016-0011-EA

I. Introduction

BLM Arizona and Argonne National Labs have prepared an Environmental Assessment (EA) to analyze the effects of implementing an administrative land withdrawal of approximately 2,560 acres within the Yuma Field Office. The lands identified for withdrawal have been previously analyzed for suitability for utility-scale solar energy development and have been designated as a solar energy zone (SEZ). The EA contains two alternatives: a no action alternative and a proposed action alternative. The proposed action would close the Agua Caliente SEZ from location and entry under the mining laws¹ for a period of 20 years.

II. Conformance

The BLM developed this EA in conformance with the *Yuma Field Office Record of Decision and Approved Resource Management Plan* (Yuma RMP) (BLM 2010) as well as the *Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States* (Solar Programmatic Environmental Impact Statement or Solar PEIS) (BLM 2012), and the *Renewable Arizona: Restoration Design Energy Project ROD and Approved Resource Management Plan Amendments* (RDEP) (BLM 2013), the planning document that amended the Yuma RMP to designate the Agua Caliente SEZ. The proposed withdrawal is consistent with the RDEP ROD which directed BLM to pursue withdrawal of the Agua Caliente SEZ to preserve the area for future solar energy development.

III. Finding of No Significant Impact

In the EA, the effects analysis indicates that there would not be a significant impact on the quality of the human environment from the implementation of either alternative. This finding is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to both context and intensity of the impacts as described in the EA.

Context

The proposed action would apply only to lands within the Agua Caliente SEZ. The proposed action would withdraw the approximately 2,560 acres of the Agua Caliente SEZ from location and entry under the mining laws for a period of 20 years, protecting the SEZ from encumbrances that could complicate future utility-scale solar energy development. The RDEP ROD and RMP amendments support closing the Agua Caliente SEZ lands to mineral exploration (p. 2-17).

There are no active mining claims on the SEZ. No past evidence exists of mining within the SEZ. The area is identified in the Yuma RMP as having a low potential for locatable minerals. No comments were received from the mining community or the general public regarding this proposed withdrawal.

¹ Mining laws means the Lode Law of July 26, 1866, as amended (14 Stat. 251); the Placer Law of July 9, 1870, as amended (16 Stat. 217); and the Mining Law of May 10, 1872, as amended (17 Stat. 91); as well as all laws supplementing and amending those laws, including the Building Stone Act of August 4, 1892, as amended (27 Stat. 348); the Saline Placer Act of January 31, 1901 (31 Stat. 745); the Surface Resources Act of 1955 (30 U.S.C. 611- 614); and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 170 *et seq.*).

Intensity

Impacts that may be both beneficial and adverse (40 CFR 1508.27 (b)(1))

The potential impacts are anticipated to be small because of the low level of mineral production currently ongoing in the SEZ. The area does not have high potential for locatable mineral occurrence and there are no active mining claims or active mines in the SEZ. There is a moderate potential for salable minerals (e.g., sand and gravel); however, the known occurrences and prospects are abundant and widespread in the area. The proposed action would provide protection to environmental resources from mineral development for up to 20 years, but would preclude potential benefits to employment, the economy, and mineral production that could result from the development associated with new mining claims that could occur under the no action alternative. However, under the no action alternative, there is also the potential for the filing of what are called “nuisance” mining claims. Nuisance mining claims would adversely affect future solar energy development but would not provide the beneficial effects that would result from mineral development.

Public Health and Safety (40 CFR 1508.27(b)(2))

The proposed action would not have an effect on public health and safety.

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 (40 CFR 1508.27(b)(3))

The Agua Caliente SEZ is located within the Sonoran Basin and Range ecoregion and is dominated by Sonora-Mojave creosotebush-white bursage desert scrub vegetation, the most common vegetation type in the ecoregion. Potential for locatable and leasable minerals has been identified as “low” in the area of the SEZ (EA p. 9-12). Potential for salable minerals, particularly sand and gravel, is “high.” However, the site supports no current salable mineral activity, likely because of the general abundance of sand and gravel in the region (EA p. 12).

The SEZ is located adjacent to the Palomas Plain Wildlife Habitat Area (WHA), which is the largest unfragmented habitat in southwest Arizona. This WHA provides habitat to many plants and wildlife of the Sonoran Desert and serves as a popular hunting area. There are no national scenic, historic, or recreation trails, or special designation areas located within the SEZ. The Yuma East Undeveloped Special Recreation Management Area (SRMA) is located immediately north and west of the SEZ. The SRMA is managed to enhance the tourism market and encourage recreational use, primarily hunting. The Dispersed Use Recreation Management Zone (RMZ) within the SRMA and closest to the SEZ is managed to provide undeveloped and wildlife-based motorized and non-motorized recreation opportunities.

Like much of southwestern Arizona, the Agua Caliente SEZ is relatively flat and could support utility-scale solar energy development based on an abundance of solar resources. The SEZ is adjacent to an existing utility-scale solar facility on private land as well as electrical transmission lines in a BLM-identified utility corridor (EA p. 31).

Degree to which effects are likely to be highly controversial (40 CFR 1508.27(b)(4))

The effects on the quality of the natural and human environment of this proposed administrative withdrawal are not highly controversial. The BLM received no comments from other agencies, companies or individuals interested in mining the area, stakeholder groups, or the general public upon providing public notice of this proposed withdrawal (EA p. 5). Given that the Agua Caliente SEZ has been segregated from mineral entry since September 2014 and no known mining interest has been expressed for this area, this withdrawal is not expected to have a significant impact.

Degree to which effects are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5))

The possible effects of the proposed action on the quality of the human environment are not highly uncertain because the proposed action is administrative in nature and would not have direct effects on environmental resources. Potential impacts of the mineral withdrawal are not highly uncertain and do not involve unique or unknown risks.

Consideration of whether the action may establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))

The proposed withdrawal does not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects.

Consideration of whether the action is related to other actions with cumulatively significant impacts (40 CFR 1508.27(b)(7))

Eventual development of a utility-scale solar facility would likely lead to significant impacts to the Agua Caliente SEZ. These impacts were considered on the programmatic level in the Restoration Design Energy Project EIS and ROD. Actual project impacts would be considered in project-specific NEPA analysis (e.g., an EA or an EIS) prior to the BLM's issuance of a right-of-way for any development on-site.

Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))

A 100 percent pedestrian (Class III) inventory of the entire SEZ was conducted from November 2014 to January 2015. The survey covered 2,560 acres (10.4 km²) within the SEZ and several hundred acres outside of the SEZ. Thirty-six new sites were recorded and six previously recorded sites were noted. Of these 42 sites, 14 were recommended as eligible for listing in the NRHP (EA p. 14). The proposed withdrawal would not adversely impact scientific, cultural, or historical resources.

Threatened or endangered species and their critical habitat (40 CFR 1508.27(b)(9))

The Agua Caliente SEZ has not been identified as critical habitat for any threatened or endangered species. The subject area is part of a much larger reintroduction area for an experimental, nonessential population of the endangered Sonoran Pronghorn. The Agua Caliente SEZ and the surrounding could serve as habitat for the Sonoran pronghorn. Pronghorn have not been recorded on the SEZ, but given their large territory size and mobility, could use the SEZ if the population expands (EA p. 15). Required mitigation measures for wildlife, particularly the Sonoran pronghorn, are included in the RDEP ROD (RDEP ROD p. 2-17).

Any effects that threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))

The proposed action would not violate Federal, State, or local laws imposed for the protection of the environment. These include the Endangered Species Act (ESA) and the Clean Water Act. Analysis has also concluded that implementation of the proposed actions will not change the likelihood of and need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840.

Conclusion

Based on the information contained in the EA (DOI-BLM-AZ-C020-2016-0011-EA), and all other information available to me I have determined that the proposed action would not have a significant impact on the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, and that an Environmental Impact Statement is not required. I have also determined that the effects of the proposed activities would be in conformance with the Yuma RMP, as amended by the 2013 RDEP ROD. Therefore, it is my recommendation to forward a completed land-withdrawal application to the Secretary of the Department of the Interior for the purposes of withdrawing the Agua Caliente SEZ from the location of new mining claims and surface entry for a period of 20 years.

John MacDonald
Yuma Field Office Manager

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Date