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Finding of No Significant Impact

RE Cinco Gen-Tie Project

Ridgecrest Field Office

300 S. Richmond Rd.

Ridgecrest, CA 93555

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BLM Right-of-Way CACA-053735

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INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of a right-of-way (ROW) grant under Title V of the Federal Land Policy and Management Act (FLPMA), 43 United States Code (USC) Section 1761, for a gen-tie line and spur road improvements to an existing access road across public lands under the jurisdiction of the Bureau of Land Management (BLM), Ridgecrest Field Office, as explained below. The gen-tie line and spur road improvements on public lands will interconnect a solar energy generation facility on private lands to the Los Angeles Department of Water and Power (LADWP) Barren Ridge Switching Station. Authorizations for ROW grants are regulated by BLM in accordance with 43 Code of Federal Regulations (CFR) Section 2800 *et seq.*, consistent with Department of the Interior (DOI) and BLM policies and the California Desert Conservation Area Plan (CDCA Plan) (1980, as amended).

In addition to the direct and indirect impacts of four alternative gen-tie alignments and spur road improvements, this FONSI also considers as cumulative effects the environmental impacts of the entire energy generation project (see below), including non-Federal actions located on private lands. For purposes of the National Environmental Policy Act (NEPA), these non-Federal Actions are not "connected" to the requested ROW grant for the gen-tie line and spur road improvements because the solar generation facility could be developed with or without the issuance of a ROW from the BLM. The BLM NEPA Handbook provides that if the non-Federal action cannot be prevented by BLM decision-making and its effects cannot be modified by BLM decision-making, the effects of the non-Federal action need not be analyzed as a connected action, but may still need to be analyzed in the cumulative effects analysis for BLM action if they have a cumulative effect together with the effects of the BLM action. While analysis of the effects of these non-Federal actions provides context for the analysis of the BLM action, their consideration in the determination of the significance of the BLM action is limited; (40 CFR 1508.7; 40 CFR 1508.25(c); BLM NEPA Handbook [January 2008] at pp. 4648.) As explained below, the non-Federal actions are not connected to the BLM ROW decision because they can proceed whether or not the BLM grants the requested ROW.

PROJECT DESCRIPTION

RE Barren Ridge 1, LLC has proposed to construct the RE Cinco Solar generation facility on privately-owned lands in Kern County, CA. In conjunction with this private land activity, RE

Barren Ridge 1, LLC has requested a ROW from the BLM for a gen-tie within a BLM defined utility corridor to connect this solar generation facility to the existing LADWP Barren Ridge Switching Station. The RE Cinco Gen-Tie Project Environmental Assessment (November 2014) analyzed three action alternatives in detail: two alternative routes on BLM administered lands and one all private lands route that would not require any action from the BLM. The three action alternatives analyzed in detail are summarized below. In addition, five additional alternatives were discussed but not analyzed in further detail as described in Section 2.7 of the EA. These included:

- Direct Connection to LADWP Transmission Lines Alternative. This was not analyzed further due to LADWP's direction that a direct interconnection would violate LADWP policies and compromise the reliability of the overall system.
- Shared LADWP Poles and Towers Alternative. This alternative was deemed infeasible, as LADWP indicated that there are currently no vacancies on the existing and newly approved poles for additional conductors, therefore this alternative was not analyzed further.
- Shared LADWP ROW Alternative. This was deemed infeasible because there is a lack of adequate ROW width to ensure compliance with California Public Utilities Commission (CPUC) General Order 95 standards if additional poles were to be placed in the LADWP existing or newly approved ROW. Therefore this alternative was not analyzed further.
- Private Lands Avoidance Alternative. This alternative would have avoided private lands for which easement terms could not originally be reached. Subsequently, an agreement was obtained; however, the Alternative 2 alignment was viewed as more favorable since it would provide a greater degree of transmission line consolidation so this alternative was not analyzed further.
- Combination Gen-Tie within Caltrans ROW and Private Lands Alternative. This route is the longest of the five routes considered. Caltrans has given the Applicant notice that this route is not viable due to existing Caltrans policies prohibiting private developers from developing transmission lines longitudinally through public transportation ROWs. Therefore this alternative was not analyzed further.

Of the three action alternatives analyzed in detail, Alternative 2 – BLM Preferred Alignment with Option A (H-frame Option), the Preferred Alternative in the RE Cinco Gen-Tie Project Environmental Assessment (EA), consists of the following primary components:

- a) approximately 1.5 mile length, 150-foot-wide, approximately 61.6 acre transmission ROW (including 27.9 acres for transmission infrastructure and 33.7 acres for long-term access and temporary disturbance) across BLM managed land for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (kV) transmission line with double circuit structures to support future development;
- b) approximately 0.5 mile length of easements for the gen-tie and access roads on private

land;

- c) an additional access ROW for use of existing associated access road and new 20 foot wide spur roads with a 12-foot permanent disturbance area width for construction, operation, maintenance, and decommissioning of the gen-tie line;
- d) power conductors installed on a total of 18 structures with 12 structures located on lands managed by the BLM;
- e) small 60-foot radial areas around each structure site cleared of obstructions and used for construction, operation, and maintenance on the BLM managed lands;
- f) approximately 4.5 tensioning / pulling sites on BLM managed land, with each site resulting a maximum of 150 feet by 600 feet of temporary disturbance; and
- g) an optical ground wire installed and distribution circuit installed on the same structures as the main power conductors.

Alternative 2 also included full analysis of Option B – Lattice Tower Option and Option C – Double-Circuit Support Structures for Future Renewable Generators. These options would not change the length of the transmission line but would change the number and type of structures as well as the associated spur roads. Both Option B and Option C would have the same number of poles and type of poles; however, Option C poles would be taller to accommodate an additional future circuit.

RE Barren Ridge 1, LLC had originally proposed to construct a 230-kv transmission line generally parallel to the Preferred Alternative but further east as analyzed during the California Environmental Quality Act Environmental Impact Report (EIR) process. This alternative would be constructed and operated in a similar manner as the Alternative 2 alignment; however, this alignment would require construction of a new, linear service road along its entire length. The alignment would exit the solar facility in the northeast corner of the site and travel north across BLM managed lands before rejoining the Alternative 2 alignment described above just south of Pine Tree Canyon Wash and then connecting to the LADWP Barren Ridge Switching Station. This alignment is identical to that proposed and evaluated in the 2011 Kern County EIR for the project (Kern County 2011a). The roadway would commence at the northeast corner of the private lands solar facility site and would parallel the Alternative 3 gen-tie alignment northward to the Barren Ridge Switching Station. However, the new roadway would not be constructed across Pine Tree Canyon Wash, but would instead terminate at either side of the wash with a vehicle turnaround, thus minimizing impacts to surface hydrology and vegetation across BLM managed lands. This is analyzed in the EA as Alternative 3: Kern County Alignment (or Alternative BLM Lands Alignment). This line, as proposed, consists of:

- a) approximately 1.4 mile length, 150-foot-wide, approximately 40.4 acre transmission ROW across BLM managed land for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (kV) transmission line;
- b) approximately 0.5 mile length of gen-tie on private land;

- c) creation of a new main linear access road within the transmission ROW;
- d) power conductors installed on an estimated 13 structures with 11 structures located on lands managed by the BLM;
- e) an estimated 60-foot radial area around each structure site cleared of obstructions and used for construction, operation, maintenance, and decommissioning of the gen-tie on the BLM managed lands;
- f) approximately 6 tensioning / pulling sites on BLM managed land, with each site resulting in a maximum 150 feet by 600 feet of temporary disturbance; and
- g) an optical ground wire installed and distribution circuit installed on the same structures as the main power conductors.

Finally, as noted in Section 2.4 of the EA, RE Barren Ridge 1, LLC identified a potential alternative configuration (Alternative 4: Private Land Alignment) of the transmission interconnection line that would be located entirely on private lands and would not require any action from the BLM. This alternative would consist of:

- a) from the southeastern boundary of the solar generation facility an approximately 3.5 mile length, 150-foot-wide easement for new construction of a private land gen-tie for construction, operation, maintenance and decommissioning of an above-ground 230 kilovolt (kV) transmission line;
- b) two crossings of State Route 14;
- c) connection to the LADWP Barren Ridge Switching Station at the same location as Alternatives 2 and 3;
- d) a new, linear access road along the transmission line;
- e) power conductors installed on an estimated 27 structures;
- f) small 60 foot radial areas around each structure site cleared of obstructions and used for construction, operation, maintenance, and decommissioning of the gen-tie;
- g) an estimated 9 tensioning / pulling sites, with each site resulting in a maximum 150 feet by 600 feet of temporary disturbance; and
- h) an optical ground wire installed and distribution circuit installed on the same structures as the main power conductors.

Because a portion of the proposed RE Cinco Gen-Tie Project's gen-tie line and some of the access road spurs are located on BLM managed lands, they would require a ROW grant from the BLM prior to their construction. As a result, RE Barren Ridge 1, LLC submitted an application for a ROW grant on BLM managed lands, using "Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands," to the BLM on August 23,

2011. In connection with that request an EA was prepared to meet the requirements of NEPA for the proposed project. The BLM is the lead agency for NEPA purposes.

This FONSI is for the proposed 150-foot-wide transmission ROW and additional access ROW for the construction, operation, maintenance, and decommissioning (including herbicide treatment of invasive plant species) of the gen-tie line, use of temporary construction sites, the use of the existing dirt road on BLM lands, the creation of spur roads to the main access road, and ancillary facilities as described above and in Chapter 2, Alternative 2, Option A in the EA. This FONSI considers the environmental impacts of these components, as well as the impacts of the generating facility, private land segments of the access road, and their ancillary facilities located on private lands (collectively the “non-Federal actions”). The environmental effects of the private land generation activities are analyzed in the EA as cumulative effects.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based on a review of the EA and the supporting documents, I have determined that Alternative 2 is (1) not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively; and (2) in conformance with the following statutes and plans: FLMPA, CDCA Plan, as amended.. Per the Council on Environmental Quality (CEQ) regulations, 40 CFR 1508.27, whether a proposed action significantly affects the quality of the human environment is determined by considering the context and intensity of the action and its effects. No environmental effects associated with the RE Cinco Gen-Tie Project meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

If the Federal agency prepares an EA and determines that the proposed Federal action does not have the potential to significantly affect the quality of the human environment, then NEPA allows the agency to prepare an EA and FONSI rather than an EIS (40 CFR 1501.4). Therefore, an environmental impact statement (EIS) is not required. My finding that Alternative 2 will not significantly affect the quality of the human environment is based on the context and intensity of the project as described below.

Context

In NEPA “context” means the consideration of the significance of an action in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.” (40 CFR 1508.27(a)). Here, the context of Alternative 2 points to no significant unmitigated environmental impact considering the following:

- 1 Alternative 2 is proposed to be sited within a designated utility corridor and on and adjacent to land already disturbed by past activities including off-road activity and existing transmission lines, towers, access roads and a switching station substation, and will not result in substantial amounts of new areas of disturbance.
- 2 Alternative 2 is a site-specific action directly involving approximately 61.6 acres of

BLM-administered lands that have local and regional importance. The context of the EA analysis was determined to be at local and regional scales focused on Kern County, California. The effects of the action are not applicable on a statewide or national scale because no statewide or nationally significant values were implicated.

Intensity

The term “intensity” refers to the severity of a proposed action's impact on the environment. In determining an impact’s intensity, the NEPA regulations direct Federal agencies to consider the following ten factors, each of which is discussed below in relation to Alternative 2, Option A. (40 CFR 1508.25(b)).

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

While consideration of a project’s intensity must include analysis of both beneficial and adverse effects, only a significant adverse effect triggers the need to prepare an EIS (40 CFR 1508.27(b)(1); and the BLM NEPA Handbook (January 2008 at Section 7.3). The potential beneficial effects and adverse impacts of Alternative 2 are discussed briefly in the following sections.

Beneficial Effects: As described in the EA, Alternative 2 would contribute by transporting the renewable source from the generation site to the electrical grid. This will add another renewable energy source to California’s energy mix and has the potential to contribute to stabilizing electricity prices, creating new employment opportunities, reducing reliance on imported fuels, and improving air quality by eliminating emissions of criteria pollutants that would have otherwise originated from fossil-based electricity production.

Adverse Effects: The construction and operation of the proposed gen-tie line, temporary construction areas and access road spurs within BLM lands would impact resources as described in detail in the EA. The impacts of Alternative 2 (including all components on BLM and private lands) will either be the same or less than the impacts of Alternative 4 (Private Land Alignment) as described in detail in the EA. These potential impacts include a short-term increase in traffic, potential impacts from hazardous materials (dust palliatives and herbicide use), and impacts to sensitive species habitat. Traffic impacts would be temporary in nature. Potential impacts from dust palliatives and herbicide use would be minimized with the implementation of applicable mitigation measures and BLM Standard Operating Procedures (SOPs) for herbicide use. Mitigation measures would minimize impacts to sensitive species habitat including both the state-listed Mohave ground squirrel and the state- and Federal-listed Mojave desert tortoise. The BLM has determined through consultation with the US Fish and Wildlife Service (USFWS) that adverse impacts to the federally listed Mojave desert tortoise may occur but are not likely to jeopardize the continued existence of the species. Formal consultation with the USFWS was conducted and concluded with the February 11, 2015 issuance of a Biological Opinion (BO) for the RE Cinco Gen-tie Project focusing on potential impacts to desert tortoise. Implementation of the discretionary conservation

measures identified in the BO will reduce potential adverse impacts to the identified species. Similarly, RE Barren Ridge 1, LLC and the BLM have also consulted with the California Department of Fish and Wildlife (CDFW) regarding the Mohave ground squirrel and desert tortoise and RE Barren Ridge 1, LLC is obtaining an Incidental Take Permit (ITP) from CDFW for the potential take of these species. Conservation measure identified in the ITP will also reduce the potential for adverse impacts to the species. The discussion of the environmental consequences of Alternative 2 in the EA supports the conclusion that Alternative 2 will not have a significant effect on the quality of the human environment. To the extent adverse effects were identified, the EA identifies/imposes mitigation measures that minimize those effects to less than significant levels under NEPA. These mitigation measures will be adopted as stipulations to the ROW.

2) The degree to which the selected alternative will affect public health or safety.

Sections 3.14 and 4.13: Public Health and Safety, Sections 3.10 and 4.9: Hazardous and Solid Waste, and Section 3.8 and 4.7: Fire and Fuels in the EA discussed, analyzed and disclosed potential health, safety, and hazardous materials impacts and determined that there are no significant impacts under Alternative 2 related to these issues. During construction of the gen-tie line and access road spurs, construction equipment and vehicles are expected to generate some dust or particulate matter but only at *de minimis* levels. Dust palliatives and are proposed for use with implementation of appropriate mitigation measures. Implementation of the mitigation measures described in the EA will minimize those impacts related to dust palliatives. Similarly, the EA concludes that Alternative 2 will not result in a substantial increase in hazardous or solid wastes. Additionally the project area has a low fuel load, and minimal historic fire occurrence. The project will use herbicides as part of an integrated weed management strategy. The use of herbicides was also analyzed as part of the EA, tiering to the BLM Vegetation Treatment Programmatic Environmental Impact Statement for 17 Western States (BLM 2007) and providing detailed site specific analysis for the project, and will not result in adverse effects with the implementation of applicable BLM SOPs.

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

According to the BLM NEPA Handbook (January 2008, Section 7.3), “unique characteristics” are generally limited to those previously identified through a legislative, regulatory, or planning process.

The proposed gen-tie line corridor and access road spur components of Alternative 2 are within BLM lands and are not located within any special designation areas including Areas of Critical Environmental Concern, Wilderness Areas, Parks, National Scenic or Historic areas (e.g., trails or rivers) or within prime farmland. The project is also outside of the Mohave Ground Squirrel Conservation Area to the north. As discussed in the EA, Alternative 2’s potential impacts to biological resources conform to the CDCA Plan with regard to sensitive biological resources. There are no wetlands or Waters of U.S. under jurisdiction of the U.S. Army Corps of Engineers within the project limits. There are Waters of the State in the form of desert dry washes and

swales for which state permits will be obtained prior to issuance of a Notice to Proceed.

There are no known historic properties within the Alternative 2 alignment. Moreover, the mitigation measures, including those that address new discoveries, provided in the EA would further reduce impacts to cultural resources under Alternative 2.

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

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 CFR 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a use;” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997); “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use;” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998). No public comments were submitted to BLM on this EA, and the BLM is unaware of any such substantial disputes.

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

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). There are two existing transmission lines along the same general route and BLM has recently authorized another new 230-kv line in this area and was able to use information gathered from that prior project to estimate the potential impacts of Alternative 2 and refine the alignment to minimize impacts to resources. As a result, the BLM can exercise its judgment and determine that it is unlikely that this project will have unique or unknown risks. The construction and operation of transmission lines and access roads and spurs is not unique or unusual. The effects of the construction and operation of transmission lines and access roads and spurs are well understood because the BLM has experience implementing similar actions in similar areas. For example, there are two existing transmission lines in the designated Utility Corridor (CDCA Corridor A and BLM 368 Corridor 23-106) and there are access roads adjacent to and around those transmission facilities. As such, there are no predicted effects of Alternative 2 on the human environment that are considered to be highly uncertain or involve 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.

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, the EA determined that Alternative 2 would result in no significant unmitigated effects. This conclusion is based on the specific facts of this project and does not set

a precedent for, or automatically apply to future solar projects and ROWs that the BLM is processing. This is not the first transmission line ROW that the BLM has approved. Any additional ROW would be subject to additional analysis under NEPA before the BLM would issue a decision. Therefore, the type of land use action the BLM proposes to approve for Alternative 2 does not establish precedents for future actions or represent a decision in principle about a future action. The construction of this transmission and associated roads line is not related to any other project under consideration of approval.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts-which include connected actions regardless of land ownership.

The EA considered various types of past, present, and reasonably foreseeable projects on both public and private land within the geographic area of Alternative 2. Forty-one approved or proposed projects were considered for inclusion in the cumulative impact analysis in Chapter 4.20, Cumulative Impacts. This section provides an introduction and table of the projects considered and the parameters/rationale for inclusion or excluding that project in the cumulative impact analysis. By way of example, the parameters used to evaluate individual projects for inclusion as “reasonably foreseeable” in the analysis were: (1) projects where the BLM has accepted a Plan of Development and determined it to be complete with sufficient details to analyze the potential impacts of the project; (2) renewable projects listed on Kern County’s active renewable energy project list; (3) private land use projects in Kern County that are included in the County’s listing of active environmental documents and Notices of Preparation; and (4) where information for such projects was available by the release of the Notice of Preparation of environmental analysis documentation. The RE Cinco Solar generation project was analyzed as a cumulative effect.

Authorization of new ROW grants and ongoing improvements that serve public utility transmission systems has been analyzed in the BLM CDCA Plan and subsequent plan amendments. These analyses have resulted in the designation of utility corridors and communication sites, and mechanisms for consideration of new facilities as the need arises. No significant site specific or cumulative impacts associated with the BLM action or the non-federal connected action have been identified that could not be avoided through mitigation, or that are inconsistent with those identified and analyzed within the above plans and programs. Also considered in this FONSI is the cumulative affects analysis from construction and operation of renewable energy projects as identified in the Solar Final Programmatic Environmental Impact Statement, which assumes a level of renewable energy development (both on and outside BLM land) consistent with each state's (Arizona, California, Colorado, New Mexico, Nevada, and Utah) renewable energy portfolio.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or other 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.

This is a sub-factor of the “unique characteristics of the geographic area” factor and significance arises with the “loss or destruction” of significant scientific, cultural, or historical resources (BLM NEPA Handbook, Section 7.3). The EA discussed, analyzed and disclosed potential

cultural resources impacts of Alternative 2 and determined that no known eligible sites are present within the Alternative 2 alignment and that Alternative 2 would not result in any significant unmitigated impacts related to cultural resources or cultural resources sites.

Moreover, pursuant to Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations the BLM consulted with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), federally recognized Indian tribes (tribes), and other interested parties regarding the impacts of Alternative 2 on historic and cultural resources. The consultations for Alternative 2 led the BLM to find that construction of the RE Cinco Gen-tie Project would have no effects on historic properties. In the letter to the SHPO, the BLM also proposed to implement the following management or protective measures to support the no historic properties affected finding:

- 1 Environmentally Sensitive Areas (ESAs) will be defined as areas within 50 feet of all archaeological sites. This includes archaeological sites determined eligible for inclusion in the National Register of Historic Places (NRHP), and sites that have not been formally evaluated, but are being treated as eligible and avoided for project management purposes.
- 2 ESAs will be designated using temporary fencing or other easily recognizable boundary defining materials.
- 3 ESAs will be shown on the engineering plans for the project as off-limits to construction activities
- 4 ESAs will be defined areas to prevent construction activities and damage to archaeological resources within the designated ESA.
- 5 ESAs will be identified and established by a qualified archaeologist prior to initiation of ground disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity.
- 6 Qualified archaeologist(s) will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.
- 7 To facilitate continued tribal consultation for this undertaking, in consultation with Indian tribes and the BLM, the Applicant has agreed to develop and implement a tribal participation program to afford representatives designated by Indian tribes the opportunity to monitor and be on site during construction to observe grading, trenching or other excavation for facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for monitoring.
- 8 The Applicant will develop procedures for archaeological monitoring, post-review discovery and unanticipated effects and submit to BLM for review and consultation with consulting parties.
- 9 The Applicant will develop and implement a Long Term Management Plan (LTMP) for

the post-construction monitoring and condition assessment of sites in the Area of Potential Effect (APE) which could be subject to project operations and maintenance activities.

In accordance with 36 CFR 800.4(d), if the agency proposes a finding of no historic properties affected, the SHPO shall have 30 days from receipt to review the finding. If the SHPO has not provided a response within the 30-day review period and no consulting party has objected, the agency may proceed and carry out the undertaking as proposed and conditioned. Implementation of the undertaking in accordance with the finding fulfills the agency's responsibilities under Section 106 of the NHPA. The BLM provided a letter to the SHPO proposing a finding of no historic properties affected on October 17, 2014. The SHPO concurred with the BLM's determinations and findings in a letter dated December 4, 2014.

An MOA or Programmatic Agreement was not necessary because no adverse effects to historic properties were identified.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed or endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.

As explained in Sections 3.4 and 4.3, Biological-Wildlife, in the EA, the construction and operation of the gen-tie, the solar generation facility and access road spurs on BLM and private land may result in potential impacts to Mohave ground squirrel, Mojave desert tortoise, American badger, burrowing owls, and migratory birds and their habitat. However, these potential impacts to threatened or endangered species habitat under Alternative 2 are fully mitigated by measures provided in Section 4.3, which are designed to avoid, minimize, and mitigate these impacts.

The project is not within critical habitat for any special status species or within any ACEC or other conservation area. There is habitat for the state-listed Mohave ground squirrel and for the state- and federally-listed Mojave desert tortoise. Similarly, there is burrowing owl, American badger, raptor, and migratory bird habitat within the Alternative 2 alignment. Mitigation measures provided in Section 4.3 in the EA for Alternative 2 would avoid, minimize, or mitigate the potential impact to these species.

The BLM has, consistent with Section 7 of the Endangered Species Act (ESA), engaged in consultation with the US Fish and Wildlife Service (USFWS). The USFWS issued a BO dated February 11, 2015 to provide coverage for potential take of the desert tortoise. Implementation of the discretionary conservation measures identified in the BO will reduce potential adverse impacts to the desert tortoise. Formal consultation is not required for the other above identified species because they are not identified as threatened or endangered under the ESA.

10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

Alternative 2 does not violate any known Federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the “public health” factor. The project will not violate environmental laws as documented in the EA and in this FONSI. Refer to the discussion for Intensity Factors 1 (compliance with water, air, hazardous materials, and other environmental laws), 8 (NHPA Section 106 compliance), and 9 (compliance with endangered species laws), above. Alternative 2 also does not violate the Farmland Protection Policy Act. Finally, the project’s ROW will require the Permittee (Applicant) to comply with all local, state and/or federal laws, rules, regulations, ordinance, and/or standards.

Conclusion

Based on the findings discussed herein, I conclude that Alternative 2 will result in no significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.

/s/

Carl B. Symons

Field Manager, Ridgecrest Field Office

February 23, 2015

Date