

**Decision Record for a Categorically Excluded Action
DOI-BLM-CA-D060-2021-0044-CX**

Introduction and Background

Sunlight Storage, LLC, a subsidiary of NextEra Energy Resources, LLC submitted a Standard Form (SF) -299 application to the Bureau of Land Management (“BLM”) Palm Springs – South Coast Field Office requesting a right-of-way (“ROW”) grant within Riverside County, California.

The ROW would be for construction, operation, maintenance, and decommissioning of up-to a 230 megawatt (“MW”) Battery Energy Storage System (“BESS”), to be located wholly within the fenced boundary of the Desert Sunlight Solar Farm (DSL) Project. The DSL Project has its own separate BLM authorizations serialized as: CACA 048649, CACA 048649 01, and CACA 048649 02. The following new components would be associated with the Desert Sunlight BESS Project and constructed on public land previously disturbed during construction, operations, and maintenance of the DSL Project which was analyzed under the DSL FEIS:

- 1) BESS facility, which would include modular units housing batteries, battery management system, HVAC equipment, fire suppression systems, internal site access roads, fencing, inverters, transformers, and other associated equipment,
- 2) 34.5-kV collection lines, which would connect the BESS to the existing on-site DSL Project substation,
- 3) DSL Substation Upgrades, which would include new equipment within the existing DSL Project substation necessary to connect the BESS system to the on-site DSL Project substation, and
- 4) Geotechnical field investigations within the proposed project area necessary to finalize engineering design. The following Desert Sunlight BESS Project components would not require new construction: use of an existing 230kV gen-tie line and access roads associated with the DSL Project.

Land Use Plan Conformance

Land Use Plan Name	Date Approved:
California Desert Conservation Area Plan	1980, as amended
Desert Sunlight Solar Farm Project and CDCA LUP	2011
Desert Renewable Energy Conservation Plan Land Use Plan Amendment	2016

The Proposed Action is in conformance with the Land Use Plans because it is clearly consistent with the following Land Use Plan decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

The construction, operation, maintenance, and decommissioning of the BESS facility would be in conformance with the California Desert Conservation Area (“CDCA”) Plan, 1980, as amended by the DSL Project Record of Decision (BLM 2011a). Section 2.2.2 of the Proposed Land Use Plan Amendment Decisions and Alternatives in the 2011 Desert Sunlight Solar Farm Plan Amendment/Final Environmental Impact Statement, DOI-BLM-CA-060-0009-033-EIS. (“FEIS”; BLM 2011b) analyzed the impacts of amending the CDCA Plan to identify the DSL Project area as appropriate for the development of solar energy. The Proposed Action also integrates applicable Conservation Management Actions (CMAs) from the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) (BLM 2016), ensuring project consistency with that land use plan.

Because the BESS facility including the new 34.5 kV collection lines and DSL substation upgrades would serve as an energy storage system to the DSL Project, and because the facility would be located wholly within the area identified as available for solar energy development (Solar Farm Layout) and would not be within the DSL Project area determined to be unsuitable to solar energy development, the Proposed Action would be in conformance with the DSL Project’s amendment to the CDCA. Application of the DRECP LUPA CMAs and applicable mitigation from the DSL Project FEIS has been integrated to minimize potential negative effects to natural and cultural resources.

Decision and Rationale

It is my decision to approve the project and authorize a ROW grant to Sunlight Solar, LLC. The project is consistent with the land use plans, regulations, and would not have adverse effects to the natural environment. The applicant would comply with Applicant Measures integrated from the DRECP CMAs, and DSL FEIS, including stipulations outlined in the CX document which would further be incorporated into the ROW grant when issued.

Compliance with Laws, Regulations, Policies and Land Use Plans

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, realty action number E12.

BLM Categorical Exclusions, E12: “Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that may significantly affect the natural environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

--	--

Janet E. Cheek, Associate Field Manger
acting for Timothy D. Gilloon, Field Manager

Date