

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

**Finding of No Significant Impact
and
Decision Record
DOI-BLM-UT-C010-2024-0018-EA**

October 2024

**Cape Geothermal
Power Project**

Location: Beaver County, Utah

Cedar City Field Office
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FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-UT-C010-2024-0018-EA
Cape Geothermal Power Project

INTRODUCTION

The Bureau of Land Management (BLM) completed an Environmental Assessment (EA) (DOI-BLM-UT-C010-2024-0018-EA) analyzing the potential impacts associated with the Proposed Action and the No Action alternative for the Cape Geothermal Power Project.

The Proposed Action includes construction, operation, and maintenance of the Cape Geothermal Power Project in Beaver County, Utah, approximately 5 miles northeast of Milford. FEC E&P Management LLC and Escalante Desert Resources LLC (EDR), together known as EDR, intends to develop an estimated 320 geothermal production and injection wells, construct up to 20 modular geothermal power plants, and install a power distribution system, an electrical switchyard, a general tie-in transmission line, geothermal fluid pipeline gathering system, associated access roads, and ancillary facilities such as pumping stations and required tie-in upgrades. Temporary laydown yards around the power plant construction sites would also be constructed for offloading of materials and preinstallation equipment storage. (see EDR's Operations Plan in Appendix A). The project is a site-specific action with maximum surface disturbance totaling approximately 631 acres on private and Federally managed land.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the Environmental Assessment and supporting documents, I have determined that the Proposed Action is not a major federal action and will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per section 102(2)(c) of the National Environmental Policy Act (NEPA). The following are considered in my evaluation of the effects of the Proposed Action:

DEGREE OF EFFECTS

1. Degree of short- and long-term effects;

Chapter 3 of the EA includes analysis of short- and long-term effects of the identified issues and discussion of reasonably foreseeable environmental trends and planned actions in relation to those issues. The Proposed Action is not expected to have significant short- or long-term effects. The associated design features (Appendix D of the EA) will further reduce the impacts that will occur as a result of the proposed action.

2. Degree of both beneficial and adverse effects.

The EA considered both beneficial and adverse impacts of the Proposed Action and No Action alternatives, as documented in Chapter 3 *Affected Environment and Environmental Consequences*. The proposed Design Features in Appendix D of the EA would avoid or reduce impacts to the resources and prevent unnecessary or undue degradation to the public lands.

3. Degree of effect on public health and safety.

There are no human health and safety concerns associated with the proposed project as outlined in the EA and in the ID Team Checklist (Appendix C). Health and Safety are addressed in Section 5.4 of the Environmental Protection Measures in the applicant submitted Operations Plan (Appendix A).

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

The Proposed Action would not violate Federal, State, Tribal, or local laws protecting the environment as documented in Section 1.5 of the EA.

Gloria Tibbetts
District Manager
Color Country District

DECISION RECORD
Environmental Assessment
DOI-BLM-UT-C010-2024-0018-EA
Cape Geothermal Power Project

Introduction

The Cedar City Field Office of the Bureau of Land Management (BLM) prepared an Environmental Assessment (EA) to analyze impacts to the human environment related to an Operations Plan (see Appendix A of the EA) submitted by FEC E&P Management LLC and Escalante Desert Resources LLC (EDR), together known as EDR, to exercise its valid existing Federal geothermal leases (UTU-95314, UTU-95315, UTU-95318, UTU-105294998, UTU-105294999, and UTU-105295000) to construct, operate, and maintain the Cape Geothermal Power Project on private and BLM-administered lands in Beaver County, Utah. The Proposed Action would include the development of an estimated 320 geothermal production and injection wells on 23 well pads, up to 20 modular geothermal power plants, a power distribution system, an electrical switchyard, a general tie-in transmission line, geothermal fluid pipeline gathering system, associated access roads, and ancillary facilities such as pumping stations and required tie-in upgrades. Temporary laydown yards around the power plant construction sites would also be constructed for offloading of materials and pre-installation equipment storage. The proposal also includes the construction and maintenance of an off-lease power transmission corridor and associated maintenance road which would require a right-of-way. The power plants, electrical switchyard, and associated laydown yards would all be located on private land near the proposed well pad locations.

Decision and Rationale

It is my decision to approve the on-lease developments related to the Cape Geothermal Power Project as outlined in EDR's Plan of Operations and as described in Section 2.2 in the EA. This includes adherence to the design features and lease stipulations listed in Appendix B and in Appendix D. This decision shall take effect immediately upon the date it is signed by the Authorized Officer (43 CFR 3200.5).

The decision to approve the Proposed Action is made because it meets the purpose and need for the project as described in Section 1.2 of the EA and allows EDR to exercise its valid existing Federal geothermal leases (see Appendix B for list of leases and associated stipulations) while avoiding or minimizing potential resource conflicts. The Proposed Action also conforms to the existing BLM land use plan and aligns with adopted state and local plans that are applicable to the area. The EA analyzed the Proposed Action and found no significant impacts, as documented in the Finding of No Significant Impact.

Plan Conformance and Consistency

The Proposed Action conforms with the *Cedar Beaver Garfield Antimony Record of Decision/Resource Management Plan* (CBGA RMP), approved in 1986 (BLM 1986). Applicable objectives are presented in Section 1.4 of the EA.

Description of the Proposed Action

The Proposed Action includes the authorization for well drilling, well stimulating, well completing, and well testing of an estimated 320 geothermal wells, as well as on-lease access road construction or improvements, a power distribution network composed of sub-transmission lines, an electrical switchyard, a general tie-in transmission line, a geothermal fluid pipeline gathering system, and the construction and maintenance of an off-lease power transmission corridor and associated maintenance road. See Section 2.2 and Appendix A of the EA for details.

Appendix B of the EA contains the geothermal lease stipulations (applicable to project production activities), and Appendix D contains necessary design features required to reduce impacts or significance as part of the Proposed Action.

Alternatives Considered in Detail

The EA considered the No Action Alternative and the Proposed Action in detail.

Under the No Action Alternative, the BLM would not approve EDR's Operations Plan and the ROW for an off-lease portion of a power transmission corridor and associated maintenance road would not be granted. The proposed production of geothermal resources on BLM managed public lands would not occur as described in Chapter 2 of the EA. The proposed power plants, well pads, transmission lines, pipelines, and access roads would not be constructed, and the associated surface disturbance and impacts described in Chapter 3 of the EA would not occur. Some geothermal development would still be expected to occur on private property. Exploration and future development on the geothermal leases would still be able to occur under the current geothermal lease rights; potential impacts from these activities would be assessed through a separate NEPA analysis.

Alternatives Considered but Dismissed from Further Analysis

No unresolved conflicts with respect to alternative uses of available resources were identified internally or as a result of the public comment period. As a result, only the Proposed Action and No Action alternatives were considered.

Public Involvement

Information on the Proposed Action was posted on the BLM's ePlanning site on August 21, 2024 (<https://eplanning.blm.gov/eplanning-ui/project/2033002/570>). After publication of the preliminary EA, a 30-day public comment period was offered from August 21, 2024 through September 20, 2024. 14 comment submittals were received that were primarily in support of the project. One comment received resulted in updates to the EA document or appendices. The responses to comments are listed in Table 1 of Appendix F and changes to the EA are marked by red text or strikethroughs within the EA document. The comments in their entirety are contained in Appendix F to the EA.

Gloria Tibbetts
District Manager
Color Country District

Appeal

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay (43 CFR 3200.5(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at Color Country District Office, 176 East DL Sargent Drive, Cedar City, Utah 84721. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St. Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellants success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons, any petition for stay, and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, at the same time the original documents are filed.

Attachment:

1842-1 Appeal Form

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

| | |
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| I. NOTICE OF APPEAL | A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
| 2. WHERE TO FILE NOTICE OF APPEAL..... | Cedar City Field Office 176 East DL Sargent Drive Cedar City, UT 84721 |
| WITH COPY TO SOLICITOR..... | Regional Solicitor, U.S. Department of the Interior 6201 Federal Building 125 South State Street Salt Lake City, UT 84138-1180 |
| 3. STATEMENT OF REASONS | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-C, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | Regional Solicitor, U.S. Department of the Interior 6201 Federal Building 125 South State Street Salt Lake City, UT 84138-1180 |
| 4. SERVICE OF DOCUMENTS | A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address. |
| 5. METHOD OF SERVICE | If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. |
| 6. REQUEST FOR STAY | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota, and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.