

Record of Decision for the Ten West Link 500 Kilovolt Transmission Line Project and Resource Management Plan Amendments

BLM



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November 2019



**RECORD OF DECISION FOR THE
TEN WEST LINK 500 KILOVOLT
TRANSMISSION LINE PROJECT AND
RESOURCE MANAGEMENT
PLAN AMENDMENTS**

Lead Agency:
United States Department of the Interior,
Bureau of Land Management
Yuma Field Office
7341 E 30th St
Yuma, AZ 85365

November 2019

1 Decision

The decision is hereby made to approve the Bureau of Land Management (BLM) Selected Alternative, which is the Agency Preferred Alternative as described in the Final Environmental Impact Statement and the Proposed Resource Management Plan Amendments (Final EIS/Proposed RMP Amendments) (Attachment A).

This decision authorizes a 50-year right-of-way (ROW) grant under Title V of the Federal Land and Policy Management Act (FLPMA) (43 United States Code [USC] 1761 *et seq.*) as amended. The 200-foot wide ROW will be granted to DCR Transmission, LLC, (DCRT) to construct, operate, and maintain a 500-kilovolt (kV) alternating current overhead transmission line, known as the Ten West Link Project. The Project will traverse approximately 125 miles, beginning at the Arizona Public Service Company (APS) Delaney Substation near Tonopah, Arizona, and terminating at the Southern California Edison (SCE) Colorado River Substation near Blythe, California. The Project will be located in Maricopa and La Paz Counties in Arizona, and Riverside County in California. Approximately 103.5 miles of the Selected Alternative is in Arizona, and 21.5 miles is in California. The majority of the route crosses Federal land, including lands managed by the BLM, Bureau of Reclamation (Reclamation), and the United States Army, Yuma Proving Ground (YPG). The Project will also include a series compensation station (SCS), including an overhead 12kV electric distribution line to service the SCS, located approximately in the middle of the route. The Project is designed to transmit 3,200 megawatts of electricity (MW) and provide connection capability for new energy projects in the region.

This decision also amends the Yuma Field Office Resource Management Plan (RMP) and California Desert Conservation Area (CDCA) Plan. The Yuma RMP decision LR-031 is amended to state:

To the extent possible, locate new ROWs within or parallel to existing ROWs or ROW Corridors to minimize resource impacts. Consider ROWs outside of corridors on a case-by-case basis through project-specific analysis.

The CDCA Plan is amended to state:

The CDCA Plan of 1980, as amended, is further amended to authorize construction of the Ten West Link Project within 0.25-mile of occurrences of Harwood's eriastrum, provided that a Rare Plant Linear ROW Protection Plan for Harwood's eriastrum is developed and approved by the BLM California State Director. The Rare Plant Linear ROW Protection Plan would meet the DRECP [Desert Renewable Energy Conservation Plan] goal of promotion of the ecological processes in the BLM Decision Area that sustain vegetation types of Focus and BLM Special Status Species and their habitat. The Rare Plant Linear ROW Protection Plan would have the objectives of:

- *Avoidance of take of Harwood's eriastrum individuals to the maximum extent practical; and*
- *Avoidance of impacts to Harwood's eriastrum suitable habitat to the maximum extent practical.*

This Record of Decision (ROD) only applies to BLM-administered lands. Other agencies are responsible for issuing their own permits and applicable authorizations for the project. All practicable means to avoid or minimize environmental impacts have been considered and adopted. The ROW grant is subject to the terms, conditions, stipulations, environmental protection measures, Best Management Practices (BMPs), and mitigation measures included in the Plan of Development (POD) and Appendices 2 and 2A of the Final Environmental Impact Statement (EIS). DCRT must comply with all applicable laws, ordinances, regulations, and standards, and must obtain and meet the requirements of all needed permits.

DCRT will post a performance and reclamation bond for activities on BLM-managed lands, based on a BLM-approved reclamation cost estimate to ensure financial coverage for potential liabilities to the United States associated with constructing, operating, maintaining, and terminating the holder's facility on public land, including remediating and decommissioning of facilities and final revegetation and reclamation to pre-authorization conditions.

1.1 Rationale for choosing the Selected Alternative and management considerations

The Selected Alternative will reasonably accomplish the purpose and need for the Federal action, while fulfilling the BLM's statutory mission and responsibilities, giving consideration to environmental, economic, and technical factors. The Selected Alternative was developed to emphasize the use of BLM utility corridors while minimizing impacts to biological, cultural, recreational, and other resources and public uses, including, avoiding the Kofa National Wildlife Refuge (NWR), areas identified by BLM for intensive long-term camping, off-highway vehicle (OHV) use, and other forms of recreation, an area of dense cultural resources near the Mule Mountains in California, and residential and other development near Quartzsite, Arizona, and Blythe, California. It minimizes impacts to the Colorado River Indian Tribes (CRIT) Reservation and private agricultural land in California.

The Selected Alternative complies with Federal laws, statutes, executive orders (EO), and regulations as outlined in Tables 1.7-1 through 1.7-3 in Appendix 1 of the Final EIS.

1.2 Key resource impacts from the Selected Alternative

The Final EIS provides a thorough analysis of the impacts of the project to various resources and identifies design features and BMPs to avoid and minimize these impacts. In particular, potential impacts to biological, cultural, recreational, and visual resources were considered, along with concerns of Indian Tribes and environmental justice concerns.

2 Alternatives considered in the Final EIS

Five action alternatives were identified and considered in the Final EIS, along with a No Action alternative. Detailed information on these alternatives is included in Chapter 2 of the Final EIS. All action alternatives analyze a 200-foot ROW for a 50-year term. RMP Amendments in both Arizona and California were considered in all action alternatives. The CDCA Plan Amendment for all action alternatives is the same as described above for the Selected Alternative. The Yuma

RMP Amendment for all action alternatives except Alternative 2 is the same as described above for the Selected Alternative.

The Proposed Action route is 114 miles long with approximately 97 miles in Arizona and 17 miles in California. Of the total length, 83 miles is on Federal land. The Proposed Action crosses the Kofa NWR and parallels the existing Devers to Palo Verde 500kV line and, in some areas, parallels other linear corridors such as transmission lines and natural gas pipeline ROWs. Alternative 1 is 111.6 miles long and generally follows Interstate 10 (I-10). This alternative route was developed to utilize BLM utility corridors while avoiding the Kofa NWR, YPG, Copper Bottom Pass area, and the area of dense cultural resources near the Mule Mountains south of Blythe, and to meet public request for a route that follows I-10. Alternative 2 is 125.8 miles long and would be primarily within existing BLM utility corridors. This alternative route was developed to emphasize the use of BLM utility corridors while avoiding the Kofa NWR, important OHV areas, the area of dense cultural resources near the Mule Mountains and residential and other development south of Blythe. It minimizes impacts to the CRIT reservation and use of private land in California. This alternative crosses the BLM's long-term visitor area (LTVA) south of Quartzsite, Arizona. Alternative 3 is 123.0 miles long and was developed to avoid the Kofa NWR, the CRIT reservation, the Town of Quartzsite, biologically important backwaters of the Colorado River, the southern end of Blythe, and the area of dense cultural resources near the Mule Mountains south of Blythe. This alternative would not utilize the BLM utility corridor through the Copper Bottom Pass area in western Arizona and would have more impact to private agricultural land in California. Alternative 4 is 120.3 miles long and minimizes the impacts to Arizona state lands. This alternative route was developed to avoid the Kofa NWR, state land along I-10, the CRIT reservation, the southern end of Blythe, and the area of dense cultural resources near the Mule Mountains south of Blythe. This alternative has more impact to long term camping and recreation than the Selected Alternative and would not utilize the BLM utility corridor through the Copper Bottom Pass area in western Arizona. Under the No Action Alternative, the BLM would not approve the ROW grant on BLM-administered public lands and no BLM RMPs would be amended. The 500kV transmission line would not be constructed across BLM-administered lands as proposed by DCRT.

2.1 Environmentally preferred alternative

Because it will cause the least damage to the biological and physical environment, the BLM has determined that the No Action Alternative is the environmentally preferred alternative because the project would not be constructed and potential environmental impacts from the project would not occur. However, the No Action Alternative would not meet the purpose and need. Among the action alternatives, the Selected Alternative is the environmentally preferred alternative because it minimizes impacts to natural and cultural resources compared to the other alternatives.

2.2 Alternatives considered but eliminated from detailed analysis

Screening of the alternative segments against screening criteria identified potential alternative segments, or portions thereof, that did not meet the criteria for reasonable alternatives, and therefore, these alternative segments were not carried forward in the EIS. Reasons for

elimination of alternatives included identification of known conflicts with a use or sensitive resource, redundancy with an alternative already included in the EIS for detailed study, and technical infeasibility. A complete explanation of the alternative segments considered, but eliminated from detailed analysis is provided in the Project record. Table 2.2-32, in Appendix 2 of the Final EIS provides a summary of alternative segments not carried forward for detailed analysis and these are shown on Figures 2.2-24 through 2.2-27 in Appendix 7 of the Final EIS.

3 Public involvement

Agencies, tribes, and organizations that have jurisdiction and/or specific interest in the Project were contacted at the beginning of scoping, during the resource inventories, and prior to the publication of the EIS to inform them of the Project, verify the status and availability of existing environmental data, request data and comments, and solicit their input regarding the Project. Additional contact was made to clarify or update information provided by the agencies and organizations.

3.1 Cooperating agencies

Those entities that chose to contribute to the preparation of the EIS as cooperating agencies include the Reclamation; YPG; Environmental Protection Agency; U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service (USFWS); Western Area Power Administration; Arizona Game and Fish Department; Arizona State Land Department; La Paz County, Arizona; Maricopa Association of Governments; Town of Quartzsite, Arizona; and the California Public Utilities Commission. More information on cooperating agencies and their respective roles in the project and permitting is included in Chapter 5 of the Final EIS.

3.2 Agency consultation

3.2.1 National Historic Preservation Act (NHPA)

A programmatic agreement (PA) (Attachment B) establishing the Area of Potential Effect for Section 106 review and outlining the methods of identification, evaluation, and treatment of historic properties has been prepared for the Project in consultation with the Arizona and California State Historic Preservation Offices (SHPO), affected Indian tribes, cooperating agencies and other stakeholders and was executed by the BLM, the Arizona and California SHPOs, the Colorado River Indian Tribes and the Advisory Council on Historic Preservation in October 2019. Any adverse effects that the Project or alternatives may have on historic properties will be resolved through compliance with the terms of a PA under Section 106 of the NHPA.

3.2.2 Consultation with Indian Tribes

The BLM's tribal relations outreach consisted of notification through letters and outreach, coordination through email, telephone, and conference calls, and formal government-to-government consultation between agency officials and tribal leaders in face-to-face meetings and field trips to project areas. In addition, the BLM requested tribal input through the National Environmental Policy Act (NEPA) scoping process and workshops.

The BLM consulted with 23 Indian Tribes with jurisdiction or interest in the Project: Agua Caliente Band of Cahuilla Indians; Ak-Chin Indian Community; Augustine Band of Cahuilla Indians; Cabazon Band of Mission Indians; Chemehuevi Tribe; Cocopah Tribe; Colorado River Indian Tribes; Fort McDowell Yavapai Nation; Fort Mojave Tribe; Gila River Indian Community; Hopi Tribe; Moapa Band of Paiute Indians; Morongo Band of Mission Indians; Fort Yuma Quechan Indian Tribe; Salt River Pima-Maricopa Indian Community; San Manuel Band of Mission Indians; Soboba Band of Luiseno Indians; Tohono O'odham Nation; Torres Martinez Desert Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians; Yavapai-Apache Nation; Yavapai-Prescott Indian Tribe; and Pueblo of Zuni.

Government-to-government consultation will continue throughout the development of the Project with these tribes.

3.2.3 Consultation under Section 7 of the Endangered Species Act

Upon determining the Selected Alternative route, the BLM in coordination with the appropriate cooperating agencies prepared a biological assessment (BA) and made a determination that the Project may affect but is not likely to adversely affect Endangered Species Act (ESA)-listed species, as well as proposed and designated critical habitat, in compliance with consultation requirements under Section 7(a)(2) of the ESA. The USFWS concurred with the conclusions of the BA in July 2019. A letter from USFWS documenting concurrence is included as Attachment C to the ROD.

3.3 Public participation

The BLM informed public agencies, governmental representatives, tribal representatives, and the public of the Proposed Action and alternatives for the Project and solicited feedback to aid in the environmental review process, further information on public participation can be found in Chapter 5 of the Final EIS.

3.3.1 Scoping

The Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register*, Volume 81, No. 56, Page 15556 on March 23, 2016. The publication of the NOI initiated the formal 45-day scoping period, which ran through May 9, 2016. A website with pertinent information for the Project, including the scoping report, was launched concurrently with publication of the NOI. In addition, the BLM's ePlanning website was used to share Project information: <https://go.usa.gov/xU6Be>.

3.3.2 Draft EIS availability and comments received

The BLM sent notification of availability of the Draft EIS to people on the mailing list, publicized availability of the Draft EIS via news releases, and published a Notice of Availability (NOA) in the *Federal Register* on August 31, 2018. Three public meetings were held in Phoenix, Arizona, Quartzsite, Arizona, and Blythe, California between October 9 - 11, 2018, to discuss the proposed Project and solicit feedback and comments on the Draft EIS. Comments were accepted throughout a 90-day comment period, ending November 29, 2018. A total of 49 comment letters

and emails were received from the public. Comments were considered and incorporated into the Final EIS.

4 Final EIS and Proposed RMP Amendments availability

The NOA for the Final EIS was published in the *Federal Register* on September 13, 2019. Copies of the Final EIS were made available for review at local libraries, BLM offices and the project website: <https://go.usa.gov/xU6Be>.

4.1 Governors consistency review

Coinciding with the publication of the NOA in the *Federal Register* on September 13, 2019, for the Ten West Link Proposed RMP Amendments/Final EIS, the Governors of Arizona and California were afforded a 60-day consistency review period for the RMP decisions in accordance with 43 CFR 1610.3-2(e). No inconsistencies were identified by the Governors.

4.2 Protest resolution

Publication of the NOA for the Proposed RMP Amendments/Final EIS initiated the 30-day protest period for the RMP decisions. The protest period ended on October 15, 2019. The BLM received two protest letters during the 30-day protest period. In accordance with 43 CFR 1610.5-2, one protest was dismissed and the other was denied. Therefore, the BLM Director did not make changes to the Proposed Plan Amendments

The BLM Director's decisions on the protests are summarized in the Ten West Link Proposed RMP/Final EIS Protest Resolution Report, available on the BLM website: <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>. The Director concluded that the BLM Arizona and California State Directors followed the applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed Plan Amendments. Each protesting party was notified in writing of the Director's findings and the disposition of their protests.

5 Clarifications and modifications to the decision and Final EIS

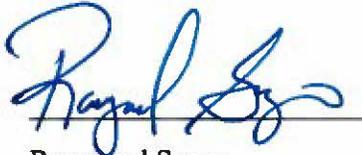
No changes to the Preferred Alternative or land use plan amendments identified in the FEIS have been made in this ROD. An errata sheet has been prepared to make minor corrections and clarifications to information presented in the Final EIS. This is included as Attachment D to the ROD.

6 Decision approval

6.1 Amendment of the Yuma RMP

It is my decision to amend the Yuma RMP as detailed in the decision section of this ROD. This decision is effective on the date this ROD is signed. This is the final decision of the Department of the Interior.

Approved By:



Raymond Suazo
State Director, Arizona State Office
Bureau of Land Management

11-21-2019

Date

6.2 Amendment of the CDCA Plan

It is my decision to amend the CDCA Plan as detailed in the decision section of this ROD. This decision is effective on the date this ROD is signed. This is the final decision of the Department of the Interior.

Approved By:



Joe Stout
Acting State Director, California State Office
Bureau of Land Management

11/21/19

Date

6.3 Project ROW approval

It is my decision to authorize a ROW as detailed in the decision section of this ROD. This decision is effective on the date this ROD is signed. Should you wish to appeal this decision, all instructions listed in Form 1842-1 (Section 7 of this ROD) must be followed.

Approved By:



Raymond Suazo
State Director, Arizona State Office
Bureau of Land Management

11/21/2019

Date

7 Administrative remedy process

The decision to issue a ROW grant may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed within 30 days from receipt of this decision. The appellant has the burden of showing the decision appealed is in error.

Your notice of appeal must be mailed to:

BLM Yuma Field Office
Ten West Link Project
7341 E 30th St.
Yuma, AZ 85365

Interior Board of Land Appeals
Office of Hearings and Appeals
U.S. Department of the Interior
801 N. Quincy Street, Suite 300
Arlington, VA 22203

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. 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 IBLA 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 regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- The relative harm to the parties if the stay is granted or denied;
- The likelihood of the appellant's success on the merits;
- The likelihood of irreparable harm to the appellant or resources if the stay is not granted;
- and,
- Whether the public interest favors granting the stay.