



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

County of Riverside
Planning Department



Desert Quartzite Solar Project

Record of Decision Decision to Amend California Desert Conservation Area Plan and Authorize Right-of-Way

BLM Case File No. CACA-49397
DOI-BLM-CA-D060-2017-0002-EIS

January 2020



**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**RECORD OF DECISION
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DOI-BLM-CA-D060-2017-0002-EIS
Palm Springs-South Coast Field Office
Palm Springs, California**

Decision to Amend California Desert Conservation Area Plan and Authorize Right-of-Way

Lead Agency:

*Department of the Interior Bureau of Land Management
Palm Springs-South Coast Field Office
1201 Bird Center Drive, Palm Springs, CA 92262*

Cooperating Agencies:

*United States Environmental Protection Agency
United States Fish and Wildlife Service*

January 2020



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INTRODUCTION

It is the decision of the United States Department of the Interior (DOI) to amend the California Desert Conservation Area Plan (CDCA Plan) and authorize the Desert Quartzite Solar Project (Project). This Record of Decision (ROD) documents the selection of the Resource Avoidance Alternative (Selected Alternative) from the Project's Final Plan Amendment/Environmental Impact Statement/Environmental Impact Report (PA/EIS/EIR). It authorizes issuance of a Federal Land Policy and Management Act (FLPMA) right-of-way (ROW) for construction, operation, maintenance, and decommissioning of a 450-megawatt (MW) solar photovoltaic (PV) project and transmission line on about 2,673 acres of BLM-administered public land. The Project will cost about \$1 billion to build, generate about \$72.5 million in annual economic activity during construction, power about 117,000 homes, and provide about \$2.7 million in annual rent and fees to the U.S. Treasury, and is designed to avoid sensitive natural and cultural resources.

The CDCA Plan requires newly-proposed utility sites not previously identified in the Plan and proposed transmission lines outside designated utility corridors to be considered through a Plan Amendment. This decision therefore amends the CDCA Plan to identify the Desert Quartzite Solar Project site as suitable for solar energy generation, to close open routes, and to recognize the development of a high-voltage transmission line outside a designated corridor. The Final PA/EIS/EIR analyzed the proposed Project with comprehensive public and Native American Tribal involvement, and the BLM's process and decision are consistent with applicable law and policy.

This ROD contains the BLM's decision and rationale, and a summary of alternatives considered, public involvement, required findings, and other information. This ROD includes the following appendices: U.S. Fish & Wildlife Service Biological Opinion (Appendix A), Mitigation Measures (Appendix B), Protest Resolution (Appendix C), Response to Citizens for Responsible Solar (Appendix D), and Errata (Appendix E).

Desert Quartzite, LLC, a wholly owned subsidiary of First Solar Inc., applied for a ROW from the BLM to construct, operate, maintain, and decommission up to a 450 MW solar photovoltaic facility near the City of Blythe, Riverside County, California. The ROW application area comprised about 5,100 acres, with a proposed Project footprint of about 3,800 acres. The proposed Project also included construction of a 2.8-mile 230 kilovolt generation interconnection (gen-tie) transmission line connecting the Project to the Southern California Edison (SCE) Colorado River Substation. As part of its review of the application, the BLM considered an amendment to the CDCA Plan that would be necessary to authorize the Project. A joint PA/EIS/EIR was prepared in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Riverside County is the lead agency under CEQA.

The Draft PA/EIS/EIR was published on August 10, 2018, which initiated a 90-day comment period. The Final PA/EIS/EIR was published on September 27, 2019, which initiated a 30-day protest period and a 60-day Governor's consistency review period.

DECISION

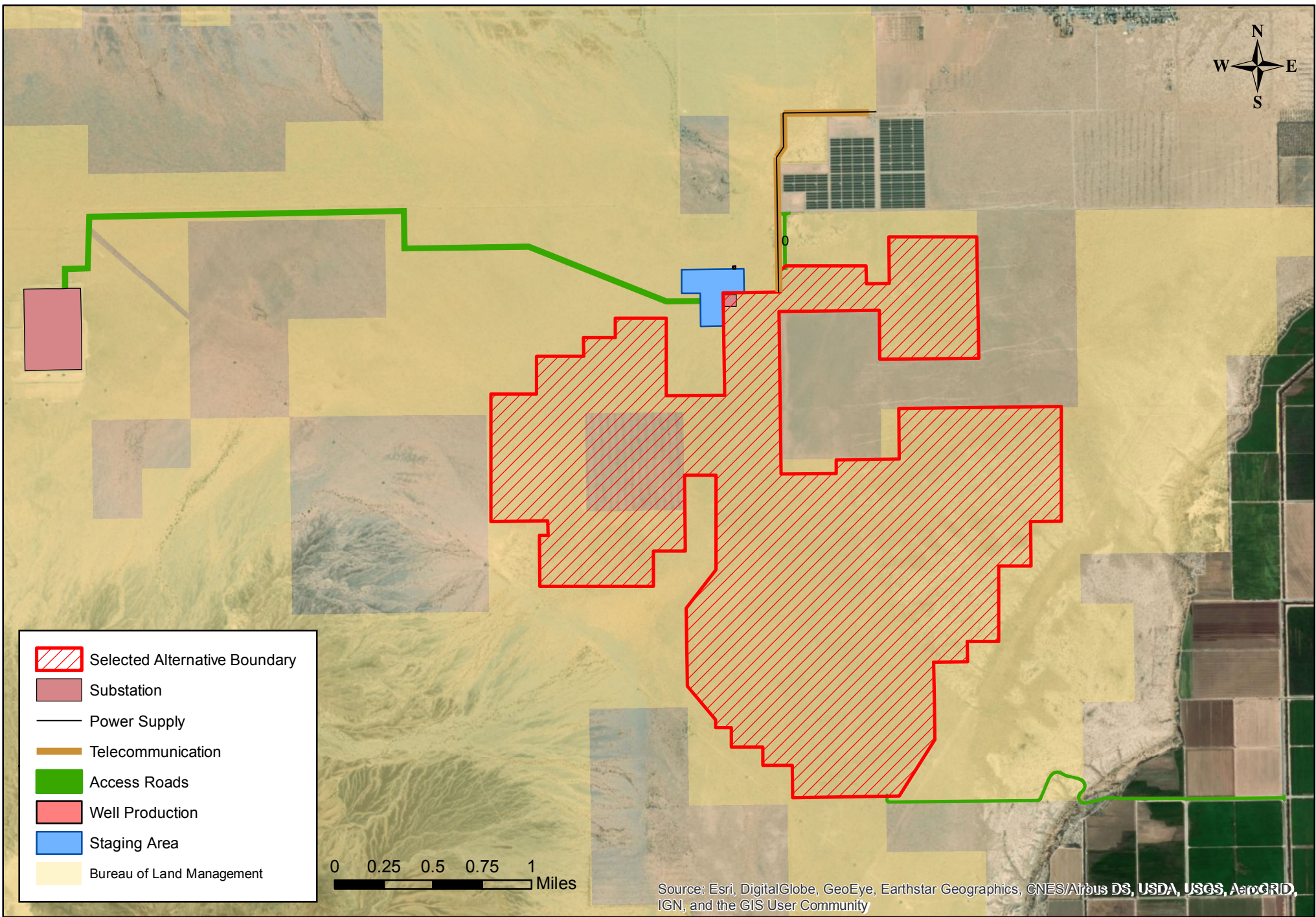
The BLM chooses Alternative 2: Resource Avoidance Alternative as its Selected Alternative. See figure 1. The Selected Alternative was also the BLM's Preferred Alternative in the Project's Final PA/EIS/EIR. The BLM's decision amends the CDCA Plan to identify the Project site for solar energy development and transmission and authorizes issuance of a 30-year ROW to Desert Quartzite, LLC for construction, operation, maintenance, and decommissioning of up to a 450 MW solar PV project, gen-tie line, and ancillary facilities on about 2,673 acres of BLM-administered public land in Riverside County, California, managed by the Palm Springs-South Coast Field Office. The BLM bases its decision on comprehensive analysis, review of alternatives, and relevant management considerations. The BLM fully analyzed the Selected Alternative in the Project's Final PA/EIS/EIR. The Final PA/EIS/EIR, published in the *Federal Register* on August 9, 2019, can be found on the BLM's ePlanning website: <https://tinyurl.com/yy8o33ld>. This ROD identifies other elements analyzed but not approved for the Project, and mitigation measures.

Land Use Plan Amendment

The CDCA Plan classifies the Project area as Multiple-Use Class-M, or "Moderate Use" (MUC-M). The CDCA Plan provides guidance regarding the management and use of BLM lands in the California Desert while balancing other public needs and protecting resources, including guidelines for solar development in MUC-M areas (see CDCA Plan at p. 15). Although energy and utility development are allowed in this area, and since Desert Quartzite was a "pending" project when the Desert Renewable Energy Conservation Plan (DRECP) was adopted, the BLM must amend the CDCA Plan to identify the site of the Desert Quartzite solar power generating facility within the CDCA on MUC-M lands. This ROD amends the CDCA Plan to identify the Desert Quartzite Solar Project site as suitable for solar energy generation, to close existing routes, and to allow construction of a high-voltage transmission line outside of a designated utility corridor. While the Project is located entirely on public lands and within a DRECP-designated Development Focus Area for energy and transmission, the DRECP's land use decisions do not apply to the Project. Therefore, the preceding amendment process steps applicable to the CDCA Plan Multiple-Use classes remain applicable.

Right-Of-Way Grant

The ROW grant offer will be within the boundaries of the originally Proposed Action. The Selected Alternative will produce up to 450 MW encompassing about 2,673 acres of BLM-administered public lands. The ROW will terminate in 30 years unless it is relinquished, abandoned, or terminated beforehand. Desert Quartzite, LLC may assign the ROW grant to another party pursuant to 43 Code of Federal Regulations § 2807.21. The grant has a right of renewal as long as the public lands are used for the purposes specified in the grant and Desert Quartzite, LLC, or its successors in interest, adhere to the terms and conditions of the grant.



Desert Quartzite Solar Project: Selected Alternative

Fig. 1



Palm Springs, California
 (760) 833-7100
www.blm.gov/california
 Date Prepared: 10/22/2019
 Project: Desert_Quartzite_Solar_Facilities.mxd

The Final PA/EIS/EIR describes the Selected Alternative, gen-tie line, and ancillary facilities in detail in section 2.5. The BLM authorizes construction over a 30-month period and requires initiation of construction within 18 months of the issuance of the ROW, conditioned upon the BLM's final approval of construction plans. Permanent disturbance includes construction of permanent access roads, the solar energy generation facility itself, and the gen-tie line.

This ROD and the ROW grant incorporate by reference stipulations, such as mitigation measures and monitoring programs contained in Appendix B to this ROD; the requirement to secure all other necessary local, state, and Federal approvals, authorizations, permits; and Desert Quartzite, LLC compliance with other applicable Federal rules and regulations. Stipulations are designed to protect public health and safety and prevent unnecessary or undue degradation of the public lands.

Appendix B contains mitigation measures required by applicable law, land use plans, or are Applicant Proposed Measures (APM). Desert Quartzite, LLC volunteered several APMs to mitigate environmental impacts that BLM adopts with this ROD. The BLM has determined that mitigation measures and the monitoring report program summarized in Appendix A of the ROD represent all practical means to avoid or minimize environmental harm from the Selected Alternative.

There are seven compensatory mitigation measures that were analyzed as part of the Desert Quartzite Solar Plan Amendment/Environmental Impact Statement/Environmental Impact Report (PA/EIS/EIR). All of the measures are required under the California Environmental Quality Act (CEQA) as part of the California's significance determinations. In addition, WIL-4 and WIL-5 are required under the California Endangered Species Act and through the United States Endangered Species Act consultation process. The California Department of Fish and Wildlife has a requirement to mitigate impacts to Riparian Habitat and State Waters.

The California Desert Conservation Area plan has a requirement to mitigate impacts to the Mojave Fringe toed Lizard (BLM Sensitive Species; WIL-10) and the Mojave desert tortoise (listed under the Endangered Species Act; WIL-4&5). All of the measure(s) comply with WOIM 2019-018 and none requires the transfer of funds to the Bureau of Land Management.

Route Designations

In 2002, the BLM designated travel and transportation routes in the area through the Northeastern Colorado Plan Amendment (NECO) to the CDCA Plan. This ROD changes some route designations (see Final PA/EIS/EIR at section 4.14.3.2). The Project site includes portions of previously open routes that will now be closed during construction and operation of the Project. Public recreation in the area is assured by remaining existing routes, and no public land destinations will be off-limits, other than those within the boundaries of the ROW. Closed routes will be available for use when the Project is decommissioned.

What is Not Being Approved

The BLM is not approving construction within the entire Proposed Action area, only the area approved under the Selected Alternative. The BLM is not approving any activities outside the scope of the Final PA/EIS/EIR or that which is inconsistent with BLM land use plans or applicable law. During earlier iterations of the Project, studies identified possible sites where development may

have been feasible. Other sites, technologies, and methods were considered but eliminated from detailed analysis during previous project analyses. None of these alternatives or sites were chosen as the Selected Alternative, and none are approved.

Alternatives

The BLM considered several alternatives as described in Final PA/SEIS/EIR Chapter 2.

Proposed Action

The Proposed Action is construction and operation of up to a 450 MW nominal capacity, alternating current solar PV energy-generating facility. Solar PV technology involves the direct conversion of photons from sunlight into electricity. Once completed, the facility would deliver power to the SCE Colorado River Substation located about four miles from the Project. The Proposed Action would permanently disturb about 3,800 acres of public lands. The proposed Action is described in detail in sections 2.3 and 2.4 of the Final PA/EIS/EIR.

Alternative 2: Resource Avoidance Alternative (Selected)

Alternative 2 is BLM's Selected Alternative and is described in Final PA/EIS/EIR section 2.5. Desert Quartzite, LLC designed this alternative to avoid impacts on cultural resources, stabilized sand dunes, and habitat for BLM sensitive species. This alternative will be within the same Project boundaries as the Proposed Action but the solar PV field will be more compressed, avoiding most of the primary desert wash. This alternative will still be capable of producing 450 MW, but its permanent disturbance area will be about 2,768 acres.

Alternative 3: Reduce Project Alternative

Alternative 3 further reduces the Project footprint to reduce impacts to habitat for the Mojave fringe-toed lizard and Harwood's eriastrum, a BLM Sensitive Species plant. This alternative would be constructed within the same boundary as the Proposed Action, but development would be limited to a much smaller area, based on the resource avoidance requirements defined in the DRECP Conservation Management Actions (CMAs). The resulting developable area within the ROW boundary would be about 2,033 acres. The generating capacity would be about 285 MW.

No Action Alternative

The BLM No Action Alternative would result in the Proposed CDCA Plan amendment and ROW application CACA-49397 being denied. The area would then fall under the DRECP Plan Amendment. The Project would not be built, but the area would be available for future applications.

Rationale

The BLM's decision considers relevant factors and information and is based on sound environmental analysis and public involvement. Factors considered in this decision include the BLM's purpose and need, the highest and best use of public lands, public comments and stakeholder interests, economic and technical information, and applicable law and policy. The BLM found that both Alternative 2 and Alternative 3 have fewer effects on public lands compared to the Proposed Action. The BLM selected Alternative 2 because it developed a feasible project that would generate almost twice the amount of energy as Alternative 3. While Alternative 3 would reduce some of the

effects of Alternative 2, it does not reduce the effects substantially, therefore, the BLM found Alternative 2 the best use of public lands.

The decision fulfills legal requirements for managing public lands, as described in the Required Findings section, below. The Project will contribute to the public interest by facilitating infrastructure investments that will create jobs and economic activity, increasing safe and environmentally sound production and transmission of renewable energy on public lands to meet Federal and state goals, and protecting sensitive natural, cultural, and recreational resources.

Final PA/EIS/EIR describes the BLM's purpose and need for the Proposed Action. The Final PA/EIS/EIR also describes Riverside County's and the Applicant's project objectives. By approving the Project, the BLM will implement the following management objectives, among others:

- Executive Order 13783, dated March 28, 2017, which promotes “clean and safe development of our Nation’s vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.”
- Executive Order 13807 (August 15, 2017) and Secretary’s Order 3355 (August 31, 2017) established policy to prioritize infrastructure projects and streamline the environmental review process.

This decision achieves several Department of the Interior priorities, including: 1) sustainably develop our energy and natural resources by approving 450 MW of solar energy; 2) ensure Tribal sovereignty means something by ensuring Section 106 was completed appropriately; 3) increase revenues to support the Department and national interests because the project will provide about \$2.7 million annually to the U.S. Treasury; 4) strike a regulatory balance by selecting a site that reduces the environmental effects and develops the most energy possible through efficient use of space; 5) modernize our infrastructure by allowing a development of new technology; and 6) achieve our goals and lead our team forward. This decision achieves the BLM leadership priorities of energy independence, shared conservation stewardship, job creation, and serving America. The Project will cost about \$1 billion to build. The project will generate about \$72.5 million in annual economic benefit and create about 890 jobs during construction. Capable of producing more than 2.25 billion kilowatt hours (kWh) of electrical energy per year, the Project could produce enough energy to power about 117,000 average California homes.

PUBLIC INVOLVEMENT

Public involvement was a crucial component in this planning effort. The BLM thanks all those who took the time and effort to participate in or provide comments on the Project. The Final PA/EIS/EIR describes public comment and participation processes and actions.

Scoping

Public scoping identified the following issues:

- BLM procedures
- Statement of Purpose and Need

- Human environment issues
- Natural environment issues
- Indirect and cumulative impacts

Public Comments and Concerns

Appendix Z of the Final PA/EIS/EIR shows comments received on the Draft PA/EIS/EIR and Appendix AA provides BLM's responses. The Final PA/EIS/EIR was edited to reflect comments. Stakeholder positions included:

- Public concerns about the need for the Project and energy alternatives; air quality impacts, dust, greenhouse gas emissions, and climate change; bird mortality and migratory bird protection and monitoring; cultural resource impacts; Desert Tortoise and Mojave Fringe Toed Lizard impacts and protection measures; plant species impacts, loss of habitat, and mitigation; the potential for fires and spreading Valley Fever; road access; visual impacts; water supply and impacts to groundwater; and the need for strong management and decommissioning plans.
- State and Local Agencies: concerns regarding air quality mitigation, hazardous waste site assessment, wildlife surveys and mitigation measures, and groundwater monitoring.
- Tribes: concerns that the Project would impact ancestral sites, biological resources, Blythe airport, cultural landscapes, groundwater, and migratory birds; and would require participation of Native Americans in monitoring during construction.
- Federal Agencies:
 - The U.S. Environmental Protection Agency expressed concerns about air quality, desert tortoise movement, energy storage systems, mitigation monitoring, tribal consultation, and stormwater, surface hydrology, and erosion.
 - The U.S. Fish and Wildlife Service expressed concerns about desert tortoise and migratory birds.

Information Received After the Close of Public Comment Period

Several months after the close of the public comment period on the Draft PA/EIS/EIR (November 8, 2018), two written comments were received from Adams, Broadwell, Joseph and Cardoza, a Professional Corporation on behalf of Citizen for Responsible Solar, one dated February 7, 2019 and one dated March 11, 2019. The first letter provided a variety of comments, including a request that a health risk assessment (HRA) be prepared for the Project. However, since the Mojave Desert Air Quality Management District, which oversees air emissions in the site vicinity, did not request and does not require an HRA for this project, BLM and Riverside County concluded that an HRA is not needed.

The second letter added comments related to biological resources, including a challenge to the finding in the Draft PA/EIS/EIR that jack rabbit density was low and therefore the potential for golden eagles to forage at the site was low. BLM reviewed the literature and found that the density

at the site was accurately characterized as low compared to the density reported at other sites, and therefore no change to the finding that golden eagles were expected to only forage infrequently at the site was warranted.

Despite the lateness of these comments, Riverside County responded to each comment in detail and posted both the comments and their responses on its website along with the **Final PA/EIS/EIR**. See appendix D for a copy of the comments and responses. None of these comments required a substantial change in BLM's analysis of the Project or hadn't been addressed through responses to other commenters, so no recirculation of the Draft PA/EIS/EIR was needed. On October 11, 2019, the commenters subsequently informed BLM that they no further objections to the proposed project.

Native American Government-to-Government Consultation

As described in Final PA/EIS/EIR section 6.3.3, the BLM conducted (or offered to conduct) government-to-government consultation with Federally recognized Tribal governments in accordance with NEPA, National Historic Preservation Act (NHPA) Section 106, American Indian Religious Freedom Act (AIRFA), Executive Order 13175, and Executive Order 13007, among others. The BLM timely notified Tribes and requested government-to-government consultation throughout the NEPA and Section 106 review processes. Key junctures included an invitation to Tribes to consult regarding the Project by letter dated August 21, 2014; a field visit with the Colorado River Indian Tribes on June 10, 2015; an invitation to consult and notification of the availability of the Project's Class III Archaeological Survey Report in a letter dated April 20, 2016; an invitation to the Tribes to consult when the BLM made its determination of eligibility and findings of effect on June 22, 2018; an offer to consult and a notification to the 15 Tribes, including CRIT, about the release of the Draft PA/EIS/EIR in a letter dated August 9, 2018; notification to the Tribes of a public meeting on the Draft PA/EIS/EIR held by the BLM in Palm Desert and Blythe, CA on September 26 and 27, 2018 where a member of the CRIT tribe attended; and government-to-government consultation held with the Cahuilla Band of Indians and Twentynine Palms Band of Mission Indians in November, 2018.

The BLM considered Tribes' comments during the NEPA and the Section 106 review, as discussed in the BLM's consultation letters with the SHPO. Written comments on the Draft PA/EIS/EIR and BLM's responses are summarized in the Final PA/EIS/EIR's Response to Comments. The importance of the Mule Mountains and geoglyphs to the Tribes is recognized by BLM and was a factor in developing BLM's Selected Alternative, which avoids eligible sites in the southern region of the project area immediately adjacent to the Mule Mountains. The BLM also analyzed and found that the Project would not indirectly affect sensitive sites in the Mule Mountains. On September 24, 2019, the BLM received concurrence from the California State Historic Preservation Office on the determinations of National Register of Historic Places eligibility and finding of no adverse effect for the Selected Alternative.

Protest Resolution Summary

The publication of the Desert Quartzite Final PA/EIS/EIR initiated a 30-day protest period, which closed on October 28, 2019. The BLM received a protest letter from the Colorado River Indian Tribes and Basin and Range Watch. The BLM has considered and resolved all protests on the

Desert Quartzite Solar Project Final PA/EIS/EIR. A summary of the protest and BLM’s resolution to those protests are in Appendix C of this decision.

OTHER REQUIREMENTS

After consideration of the discussions in Final PA/EIS/EIR Chapter 3, *Affected Environment*, and Chapter 4 *Environmental Consequences*, the BLM has determined the Selected Alternative is consistent with all other applicable laws and regulations that require specific actions be completed prior to issuance of a ROD and project approval.

Federal Land Policy and Management Act Plan Consistency

The Federal Land Policy and Management Act of 1976 (43 USC § 1701 et. seq.) requires BLM actions to be consistent with its land use plans, including the CDCA Plan, as amended. This proposed ROW and Plan Amendment for the Selected Alternative are for use of BLM-managed Public Land included in the CDCA Plan. As described below, the Applicant’s proposed ROW is not consistent with the CDCA Plan designation at the time of application and is exempt from the DRECP. Thus, BLM must amend the CDCA Plan to allow the Applicant’s applied-for use and does so with this ROD.

California Desert Conservation Area Plan 1980 as amended (CDCA Plan)

The BLM manages public lands in the CDCA, including the site of the Selected Alternative, consistent with the CDCA Plan and its amendments. The Selected Alternative’s site includes about 2,700 acres of BLM-managed CDCA public land wholly within the CDCA. The CDCA Plan provides overall regional guidance for BLM-administered lands in the CDCA and establishes long-term goals for their protection and use. The CDCA Plan Record of Decision (ROD) (1980) contemplated wind, solar, geothermal, and power plants in the CDCA. A CDCA Plan goal is to “[i]dentify potential sites for geothermal development, wind energy parks, and power plants” (CDCA Plan p. 93, 1980). The CDCA Plan also provides for “[s]ites associated with power generation or transmission not identified in the Plan [to] be considered through Plan Amendment process” (CDCA Plan p. 95, 1980).

The Final PA/EIS/EIR discusses plan conformance at sections 1.5.1 (need for a Project-specific Plan Amendment), 1.6.4 (land use plan conformance and the Project’s MUC-M classification under the CDCA Plan); 3.10.1 (land ownership/management and allowable uses), and 4.10.3.1 and Appendix F (compliance and consistency with the Project’s MUC-M classification).

The CDCA plan classified the Selected Alternative’s site as MUC-M. These lands are managed in a controlled balance between higher-intensity use and protection. A wide variety of uses such as mining, livestock grazing, recreation, energy, and utility development are allowed. Based on CDCA Plan Table 1, Multiple-Use Class Guidelines, and CDCA Plan Chapter 3, Energy Production and Utility Corridors Element, solar uses are conditionally allowed in the Multiple-Use Class M designation, contingent on the CDCA Plan amendment process and NEPA requirements being met for the proposed use. The BLM’s decision to implement the Selected Alternative is consistent with the CDCA as amended, after approval of the Plan Amendment identified in this ROD. This ROD follows the Governor’s consistency review requirements of 43 CFR 1610.3-2(e).

National Environmental Policy Act (NEPA)

The BLM finds the environmental analysis and public involvement process throughout the preparation of the Final PA/EIS/EIR complies with the requirements set forth by the Council for Environmental Quality for implementing NEPA (40 CFR 1500-1508). The BLM's decision is based on the best science and information available and is made with careful consideration of all other applicable laws, regulations and policy. The BLM is the lead agency under NEPA, and it took a "hard look" by analyzing the Project in full compliance with NEPA Section 102(c) (42 U.S.C. § 4321), and Council on Environmental Quality and DOI implementing regulations (40 C.F.R. Parts 1500–1508 and 43 C.F.R. Part 46).

Endangered Species Act (ESA)

Final PA/EIS/EIR sections 1.5.3, 1.10.1, 3.3.3, 3.4.1, and 6.3 discuss the Endangered Species Act (ESA) (16 USC § 1531 et seq.) and U.S. Fish and Wildlife Service coordination. Under Section 7 of the ESA, a Federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its critical habitat must consult with the FWS. The BLM prepared a Biological Assessment (BA) for the FWS in accordance with Section 7 of the ESA. After reviewing the BA, the FWS issued a Biological Opinion (BO) that concluded the Selected Alternative would not likely jeopardize the continued existence of the Mojave desert tortoise, a listed species, or result in the destruction or adverse modification of critical habitat. A copy of the BO is included in Appendix A of this ROD. Desert Quartzite, LLC will be required to comply with the BO as a condition of the ROW grant.

Executive Order 13186 – Migratory Bird Treaty Act (2001)

Final PA/EIS/EIR sections 3.4.1, 4.4.3.1 and 4.4.3.2, and 4.4.6 discuss MBTA project analysis. The Proposed Project and alternatives 2 and 3 complies with the MBTA. Section 4.4.6 concludes that the Project is likely to contribute to increase avian mortality through collision with PV panels, entanglement in netting, drowning, and an incremental loss of habitat, and that implementation of project-specific mitigation measures would avoid direct impacts to actively breeding birds and would provide consistency with the Migratory Bird Treaty Act.

National Historic Preservation Act (NHPA)

Pursuant to NHPA §106 (Section 106)(54 U.S.C. §306108) and its implementing regulations (36 C.F.R. § 800) the BLM consulted with the California State Historic Preservation Officer (SHPO) and consulting parties (Federally recognized Tribes) in considering the effects of the Project on those resources listed or eligible for the National Register of Historic Places. Final PA/EIS/EIR section 6.3.2 describes the Section 106 process and efforts to consult with the SHPO and Tribes. The BLM reached a finding that the Selected Alternative will have no adverse effect on historic properties. The SHPO concurs with the BLM's NRHP eligibility determinations and findings of effect. The BLM notified Native American Tribes about its determinations and findings.

The potential for discovery of unknown archaeological deposits exists during Project construction and decommissioning within the direct APE. The BLM will require archaeological monitoring, post-review discovery, and unanticipated effects plans as identified in the mitigation measures in

Appendix B of this decision.

Environmental Justice (Executive Order 12898)

Final PA/EIS/EIR sections 3.6 and 4.6 discuss environmental justice. Neither scoping nor analysis identified potentially adverse effects to minority or low-income populations. The BLM concludes that implementation of the Selected Alternative would not have a disproportionate effect on minority or low-income populations and does not pose any significant socio-economic risks that would disproportionately affect minority or low-income populations.

Clean Air Act

Final PA/EIS/EIR sections 3.2 and 4.2 discuss Clean Air Act analysis. The BLM finds the Selected Alternative fully complies with the Clean Air Act. Impacts associated with operation and maintenance of the Selected Alternative are expected to meet the requirements of the Clean Air Act (see Final PA/EIS/EIR section 4.2.3.2). The Project is located in the Mojave Desert Air Basin (MDAB). There are no Federal nonattainment or maintenance designations in the Project area. Therefore, Federal agency actions in the MDAB are not subject to Federal conformity review regulations, which presume conformity with state plans where Project emissions are below applicable thresholds (the “*de minimis* thresholds”), Title 40 CFR Part 93.153(b).

Clean Water Act

Final PA/EIS/EIR sections 1.5.4, 1.10.0, 3.3.4, 4.3.3, and 6.2.3 discuss Clean Water Act (CWA) analysis. On February 18, 2016, the U.S. Army Corps of Engineers determined that waters of the United States do not occur on the Project site.

Environmentally Preferable Alternative

Council on Environmental Quality regulations (40 CFR 1505.2(b)) require the ROD to specify “the alternative or alternatives which were considered to be environmentally preferable.” The BLM determines that Alternative 2, BLM’s Selected Alternative, is the environmentally preferable alternative. First, the Selected Alternative would protect, preserve, and enhance historic, cultural, and natural resources to a greater extent than the originally Proposed Action. Second, even though Alternative 3 would cause slightly less ground disturbance than Alternative 2, it would have the same impacts to vegetation, sensitive species habitat, cultural resources, and groundwater use, and would only produce 285 MW, which would reduce BLM’s ability to meet its management and policy objectives to promote clean and safe development of the energy resources within the United States and to prioritize renewable energy development on public lands (Final PA/EIS/EIR section 1.3.1). Third, while the No Action Alternative would involve no ground disturbance, it would produce 0 MW, which would have no environmental benefits in terms of reducing greenhouse gas emissions or promoting renewable energy development. As a result, BLM has identified the Selected Alternative as the environmentally preferable alternative because it provides the best balance of meeting the BLM’s purpose and need, allowing the development of renewable energy, and avoiding impacts to sensitive natural and cultural resources.

IMPLEMENTATION

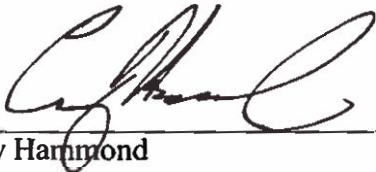
As per the requirements of 40 CFR 1506.10, this decision has been signed 30 days after the Federal Register Notice of Availability for the Final PA/EIS/EIR, published August 9, 2019. Project implementation may begin immediately.

CONTACT

For additional information, contact Project Manager Brandon Anderson at 951-697-5200.

SECRETARIAL APPROVAL

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in the federal district court.



Casey Hammond
Acting Assistant Secretary, Land and Minerals Management
Department of the Interior

1/9/20
Date