

RECORD OF DECISION

Soda Mountain Solar Project and Amendment to the California Desert Conservation Area Plan

*United States Department of the Interior
Bureau of Land Management*

Case File Number: CACA-049584

Soda Mountain Solar Project Decision to Grant Right-of-Way and Amend California Desert Conservation Area Plan

*United States Department of the Interior, Bureau of Land Management
Barstow Field Office
2601 Barstow Road, Barstow, CA 92311*

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Abbreviations

ACEC	Area of Critical Environmental Concern
AO	Authorized Officer
APM	Applicant-proposed measure
BBCS	Bird and Bat Conservation Strategy
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
BO	Biological Opinion
CDCA	California Desert Conservation Area
CDFW	California Department of Fish and Wildlife
CEQ	Council on Environmental Quality
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
DOI	United States Department of the Interior
DRECP	Desert Renewable Energy Conservation Plan
DWMA	Desert Wildlife Management Area
ECCMP	Environmental Construction and Compliance Monitoring Program
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
FESA	Federal Endangered Species Act
FLPMA	Federal Land Policy and Management Act of 1976
GCP	General Conservation Plan
I-15	Interstate 15
IM	Instructional Memorandum
kV	kilovolt
MBTA	Migratory Bird Treaty Act
MUC	Multiple-Use Class
MW	megawatt
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
NPS	National Park Service
NTP	Notice to Proceed
OHV	off-highway vehicle
PA	Plan Amendment
POD	Plan of Development
PV	photovoltaic
REAT	Renewable Energy Action Team
ROD	Record of Decision
ROW	right-of-way
SRMA	Special Recreation Management Area
TMA	Travel Management Area
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WSA	Wilderness Study Area

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Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of the Interior (DOI) and the Bureau of Land Management (BLM) to approve a revised configuration of Soda Mountain Solar, LLC's (Applicant) application for a Right-of-Way (ROW) grant for the Soda Mountain Solar Project (Project) and associated amendment to the California Desert Conservation Area (CDCA) Plan of 1980, as amended. The decisions in this ROD were analyzed in a joint Proposed Plan Amendment (PA) and Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that was published on June 12, 2015.

This ROD makes two decisions:

- First, it approves the issuance of a Federal Land Policy and Management Act (FLPMA) Title V ROW grant to the Applicant to construct, operate, maintain, and decommission a solar facility with a facility footprint smaller than that originally proposed by the Applicant, but substantially similar to that analyzed under Alternative B in the Proposed PA and Final EIS/EIR (i.e., the South and East Arrays and ancillary facilities, and no North Array; see Figure 2-5 in Proposed PA and Final EIS/EIR Appendix A) with the exception that no realignment of Razor Road would occur. Additionally, the proposed brine ponds associated with reverse osmosis treatment of groundwater are not included.
- Second, it amends the CDCA Plan to identify 2,813 acres of public land within the solar facility footprint as suitable for solar energy development (see Figure 2 in Appendix 1 of the ROD).

The Proposed PA and Final EIS/EIR analyzed the Applicant's Proposed Action, three alternative configurations of the proposed facility, a No Action/No Project Alternative, a No County Permit alternative, and related BLM planning decisions regarding resources in the vicinity of the Project site. It was prepared jointly by the BLM and San Bernardino County, CA (County) pursuant to the applicable requirements under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. The County is separately considering a decision whether to approve groundwater well permits in connection with the Project.

The decisions in this ROD reflect careful consideration and resolution of the issues identified in the Project's Proposed PA and Final EIS/EIR, which were thoroughly analyzed during the environmental review process. These decisions best fulfill the BLM's and DOI's statutory mission and responsibilities. Granting the ROW for the Selected Alternative will contribute to the public interest by providing a reliable electricity supply that allows for the development of renewable power to satisfy Federal renewable energy goals. Similarly, the mitigation measures incorporated as part of the ROW grant and the related planning decisions made here will ensure that the authorization of the Selected Alternative will protect environmental resources and comply with applicable environmental standards. In total, these decisions reflect the careful balancing of the many competing public interests in managing the public lands and are based on a comprehensive environmental analysis and full public involvement. The BLM and DOI have determined that approval of the Selected Alternative is in the public interest.

1.0 Introduction

1.1 Background

The Applicant, Soda Mountain Solar, LLC, is a wholly owned subsidiary of Bechtel Development Company, Inc. The Applicant filed a ROW grant application with the BLM to construct, operate, maintain, and decommission the Project (Case File Number CACA-049584) on December 14, 2007. As part of the ROW grant application process, the Applicant submitted a Plan of Development (POD) for the Project to the BLM on March 15, 2011, followed by several revisions of the POD in March 2013 and November 2014 to supplement information provided in the original submittal.

1.2 Purpose and Need

The BLM's purpose and need for the action are to respond to the Applicant's application under Title V of the FLPMA (43 USC § 1761(a)(4)) for a ROW grant to construct, operate, maintain, and decommission a solar photovoltaic (PV) facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws. In accordance with Sections 103(c) and 302(a) of the FLPMA (43 USC §§ 1702(c) and 1732(a)), public lands are to be managed under the principles of multiple use and sustained yield, taking into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems for generation, transmission, and distribution of electric energy (43 USC § 1761(a)(4)). Taking into account the BLM's multiple use and sustained yield mandate, the BLM is deciding whether to approve, approve with modifications, or deny issuance of a ROW grant to the Applicant for the Project. The BLM may include any terms, conditions, and stipulations it determines to be in the public interest, and may include modifying the proposed use or changing the location of the proposed facilities (43 CFR 2805.10(a)(1)).

In conjunction with FLPMA, the BLM's applicable authorities and policies include the following:

1. Executive Order 13212 (May 18, 2001) mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
2. Secretarial Order 3285A1 (March 11, 2009, as amended February 22, 2010), which "establishes the development of renewable energy as a priority for the Department of the Interior."
3. The President's Climate Action Plan, released on June 25, 2013, which sets forth a new goal for the DOI to approve 20,000 MW of renewable energy projects on the public lands by 2020, in order to ensure America's continued leadership in clean energy.

In connection with its decision on the Project, the BLM's action also includes consideration of a concurrent amendment of the CDCA Plan. The CDCA Plan, while recognizing the potential

compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission that are not identified in the CDCA Plan be identified through the land use plan amendment process. CDCA boundaries are shown on Figure 1 in Appendix 1 of the ROD.

The BLM is deciding to amend the CDCA plan to identify the Project site as suitable for solar energy development.

2.0 Overview of Alternatives

2.1 Alternatives Fully Analyzed

In the Proposed PA and Final EIS/EIR, BLM evaluated seven alternatives.

Alternative A (Proposed Action) would approve a grant for the Applicant's proposed of right-of-way (ROW) authorization for a 358 MW solar energy plant and related facilities, including rerouting of Razor Road, on approximately 2,222 acres within an approximately 4,179-acre area of BLM administered public land in San Bernardino County, California, and the County's approval of a groundwater well permit. Alternative A consists of a North Array (571 acres), East Array (397 acres, comprising two sub-arrays, East 1 and East 2) and South Array (1,197 acres, consisting of three sub-arrays, South 1, South 2, and South 3). The BLM would amend the CDCA Plan to identify the site as suitable for solar development.

Alternative B consists of the East Array (comprising two sub-arrays, East 1 and East 2) and the South Array (consisting of three sub-arrays, South 1, South 2, and South 3) as described for the Proposed Action; no North Array would be constructed. The substation and switchyard would be constructed in the same location as the Proposed Action, except that no collector lines would feed into the substation from the north. Only the collector lines from the East and South arrays, combined into a single route before crossing I-15, would feed into the substation. The operation and maintenance area buildings and brine ponds would be located and constructed as described for the Proposed Action. The groundwater wells would be located and constructed as described for the Proposed Action. Primary site access to Alternative B would be via an alternative realignment of Razor Road. The maximum solar energy generating capacity of Alternative B is estimated to be approximately 264 MW. The BLM would amend the CDCA Plan to identify the site as suitable for solar development.

Alternative C consists of the North Array and South Array (consisting of three sub-arrays, South 1, South 2, and South 3), as described for the Proposed Action; the East Array would not be constructed. The substation and switchyard would be constructed in the same location as the Proposed Action; however, no collector line would be constructed from the East Array. The operation and maintenance area buildings and brine ponds would be located and constructed as described for the Proposed Action. The groundwater wells would be located and constructed as described for the Proposed Action. Access to the South Array could be provided either via the Proposed Action realignment of Razor Road or the Alternative B realignment of Razor Road. The

maximum solar energy generating capacity of this alternative would be 298 MW. The BLM would amend the CDCA Plan to identify the site as suitable for solar development.

Alternative D consists of the North Array, East Array 2, and South Array 1 as described for the Proposed Action, and a reduced-acreage East Array 1 and South Array 2. South Array 3 would not be constructed under Alternative D. The substation and switchyard would be constructed in the same location as the Proposed Action; however, no collector line would be constructed from South Array 3. The operation and maintenance area buildings and brine ponds would be constructed within the footprint of the reduced South Array, located at the intersection of Rasor Road and Arrowhead Highway. The groundwater wells would be located and constructed as described under the Proposed Action. Under Alternative D, no realignment of Rasor Road would occur, and the existing BLM informational kiosk would not be relocated. Instead, the existing Rasor Road would be used for site access on the southeast side of I-15 including any necessary road maintenance. Access to the north side of I-15 would be provided as under the Proposed Action. The maximum solar energy generating capacity of this alternative would be 250 MW. The BLM would amend the CDCA Plan to identify the site as suitable for solar development.

Alternative E (No Action/No Project) would result in the BLM not authorizing a ROW grant for the Project or amending the CDCA Plan to identify the site as suitable for the proposed use; and the County would not approve the groundwater well permit application. No solar arrays, substation, switchyard, collector routes, operation and maintenance facilities, or other Project components would be constructed. No realignment and no upgrade of Rasor Road would occur. No groundwater wells would be developed on the site, and no other sources of water would be procured. The BLM would not amend the CDCA Plan, and would continue to manage the land consistent with the site's multiple use classification. The CDCA Plan amendments made in the Western Solar Plan would apply to any future applications at the site.

Alternative F (CEQA No Project) describes the scenario that would result if the BLM were to authorize the requested ROW grant under the Proposed Action (Alternative A) or Alternative B, C, or D and amend the CDCA Plan to identify the Project site as suitable for the proposed use, and the County were to deny the requested groundwater well permit application (i.e., select Alternative E). In this event, a PV solar energy facility and related infrastructure would be developed on the site as described in Alternative A, B, C, or D, except that it would require an off-site source of water during construction, operation and maintenance, and decommissioning for potable use, dust control, panel washing, and fire protection.

Alternative G (Site Unsuitable for Solar, No BLM ROW, and No County Permit) would not authorize a ROW grant for the Project and would amend the CDCA Plan to identify the site as unsuitable for a utility-scale solar development; and the County would not approve the groundwater well permit application. No solar arrays, substation, switchyard, collector routes, operation and maintenance facilities, or other Project components would be constructed. No realignment and no upgrade of Rasor Road would occur. No groundwater wells would be developed on the site, and no other sources of water would be procured. Because the Project would not be approved, no new structures or facilities would be constructed, operated, maintained, or decommissioned on the site, and no related ground disturbance or other Project

impacts would occur. The BLM would continue to manage the land consistent with the site's multiple use classifications as described in the CDCA Plan with the exception that solar development would be precluded on the site.

2.2 Alternatives Considered but Eliminated from Detailed Analysis

According to the Council on Environmental Quality's (CEQ) NEPA Regulations (40 CFR 1502.14), the alternatives section in an EIS shall rigorously explore and objectively evaluate all reasonable alternatives; however, for alternatives which were eliminated from detailed study, the EIS shall briefly discuss the reasons for their having been eliminated.

In accordance with 43 CFR 2804.10, the BLM worked closely with the Applicant during the pre-application phase to identify appropriate locations and configurations for the Project. The BLM discouraged the Applicant from including in its application alternate BLM locations with significant environmental concerns, such as critical habitat, Areas of Critical Environmental Concern (ACECs), Desert Wildlife Management Areas (DWMAs), designated Off-Highway Vehicle (OHV) areas, wilderness study areas, and designated wilderness areas. The BLM encouraged the Applicant to locate its Project on public lands with few potential conflicts. In addition, the Applicant's objectives and pre-application site-evaluation and public comments helped guide the BLM's development of alternatives.

The BLM considered, but did not fully analyze the following alternatives:

- Site alternatives, including additional Public Land Alternatives, Private Land Alternatives, and Brownfields/Degraded Lands Alternatives on both private and federally owned land;
- Other types of renewable energy projects; and
- Conservation and demand-side management.

A detailed explanation for eliminating these alternatives from detailed analysis is contained in Section 2.9 of the Proposed PA and Final EIS/EIR. In summary, these alternatives were not fully considered for one or more of the following reasons:

- The alternative did not meet the BLM's purpose and need;
- The alternative would be technically or economically infeasible (as informed by the Applicant's interests and objectives);
- The alternative was inconsistent with the basic policy objectives for the management of the area;
- Implementation of the alternative would be remote or speculative;

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- The alternative would be substantially similar in design to an alternative that is analyzed in detail; or
 - The alternative would have substantially similar effects to an alternative that is analyzed in detail.

2.3 Environmentally Preferred Alternative

In accordance with 40 CFR 1505.2(b), the BLM has identified Alternative E, the No Action/No Project Alternative, as the environmentally preferred alternative because it would cause the least damage to the biological and physical environment in the Project area. Out of the action alternatives, the environmentally preferred alternative would be Alternative B, which would result in less ground disturbance than any of the other action alternatives.

2.4 Information Developed since the Proposed PA and Final EIS/EIR

Since the preparation and publication of the Proposed PA Final EIS/EIR, the Applicant has submitted an Amended Plan of Development (POD) providing new information consisting of clarifications on the design of Alternative B. This new information, described below, did not result in significant modifications to the Selected Alternative or require additional NEPA analysis.

In the Amended POD, the Applicant indicates that in constructing, operating, maintaining, and decommissioning the Alternative B solar plant, it would retain the existing location and uses of Rasor Road (no realignment), eliminate the proposed reverse osmosis technology and brine ponds, eliminate pipelines from wells, revise the number of megawatts that would be produced, and revise disturbed acreage. Water would be stored in tanks at the wells and at the Operations and Maintenance area, and trucked to the construction areas as necessary. These aspects of the Project all were considered in the Proposed PA and Final EIS/EIR. The changes are summarized as follows:

- The Proposed PA and Final EIS/EIR described an East Array that would be divided into two sub-arrays, East 1 and East 2. The Amended POD reconfigures the East Array as a single, larger array block. In the reconfigured design, solar panels would cover an area that was avoided for anticipated drainage needs in previous designs but that, based on more detailed design plans and analysis of flood flows indicating minimal flows in this location, does not require avoidance.
- The Amended POD reconfigures the proposed South Array, including the array fence line, to avoid encroachment on 52 acres of the Rasor OHV Area and avoid construction of solar arrays within the existing alignment of Rasor Road. The Amended POD proposes to maintain the existing location and uses of Rasor Road, and to construct a portion of the proposed realignment to provide access to the Project buildings and arrays.

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- The Amended POD relocates the proposed flood control berms between the southernmost array blocks to an area just outside of the array fence line to coincide with the revised boundaries of the East and South Arrays.
 - The reconfigured East Array and South Array described in the Amended POD provide greater acreage (1,726 acres) for solar arrays than described in the Proposed PA and Final EIS/EIR (1,594 acres). As a result, the configuration described in the Amended POD would have a capacity of 287 MW, compared to the 264 MW described in the Proposed PA and Final EIS/EIR.
 - The Proposed PA and Final EIS/EIR described collector corridors 150 feet in width. The Amended POD proposes a 200-foot-wide corridor to install the collector circuits and allow for sufficient spacing between the collector lines.
 - The Proposed PA and Final EIS/EIR described a proposed reverse osmosis facility and evaporation ponds for treatment of groundwater. Based on water quality tests performed by the Applicant in 2014, the quality of groundwater in the Project area is suitable for panel washing without reverse osmosis treatment. Accordingly, the Amended POD removes these groundwater treatment features, including the brine ponds from the Project.
 - The Proposed PA and Final EIS/EIR described a construction schedule of up to 30 months. The Amended POD indicates that the Project would be constructed over an 18-month to 5-year period depending on Project phasing. The arrays and array blocks could be installed in phases where the substation/switchyard, buildings, and groundwater wells would be installed with the first phase. Portions or all of an array area could be constructed within a given phase depending on the terms of a Power Purchase Agreement.
 - The Proposed PA and Final EIS/EIR described the estimated temporary and permanent disturbance for the initial Proposed Action (Alternative A) and Alternative B. The Amended POD provides revised estimates of temporary and permanent disturbance as shown in the following table. The estimates for the Project described in the Amended POD are slightly greater than the Alternative B estimates, but less than the Alternative A estimates evaluated in the Proposed PA and Final EIS/EIR. The total permanent disturbance of the Project in the Amended POD would be 1,767 acres. The total disturbance, including temporarily disturbed areas, would be 2,059 acres.

Project Component	Proposed Action (Alternative A) (acres)		Alternative B (acres)		Amended POD (acres)	
	Permanent	Total	Permanent	Total	Permanent	Total
Solar Arrays	2,165	2,227	1,594	1,646	1,726	1,785
Substation, Switchyard, and Interconnection	15	40	15	40	15	40
Razor Road Realignment	13	68	16	82	0	0
Access Roads	9	106	5	57	16 ¹	77 ¹
Berms	20	33	17	28	10 ²	59 ²
Collector Routes	0	24	0	24	0	33 ³
Laydown Area	0	30	0	30	0	30
Temporary Desert Tortoise Exclusion Fence	0	29	0	16	0	35
Total	2,222	2,557	1,647	1,923	1,767	2,059

NOTES:

Totals include permanent and temporary disturbance acreage.

¹ The increase in permanent access roads accounts for an access road from Blue Bell Mine Road to the substation that was previously part of the North Array impact area and an access road from Razor Road to the operation and maintenance facilities that was previously part of the Razor Road realignment.

² The increase in disturbance for berms was a result of more specific engineering design and reconfiguration of the arrays.

³ The increase in disturbance for collector routes was a result of more specific engineering design indicating a need for a 200-foot-wide corridor.

2.5 Agency Preferred Alternative/Selected Alternative

In accordance with NEPA (40 CFR 1502.14(e)), the BLM identified the Alternative B solar plant site with the Applicant-proposed Razor Road realignment route as the agency preferred alternative in the Proposed PA and Final EIS/EIR, with the exception that the proposed brine ponds associated with reverse osmosis treatment of groundwater are not included, as contemplated under Alternative F. The clarifications to this alternative provided by the Applicant are described above in Section 2.4. Alternative B, with these clarifications including maintaining the existing Razor Road in place, is the Selected Alternative in this ROD. The maximum solar energy generating capacity of the Selected Alternative is estimated to be approximately 287 MW. The Selected Alternative will reduce the Project's total ground disturbance by nearly 500 acres compared to Proposed Action (Alternative A), reducing the Project's impacts on visual resources, the designated utility corridor running through the Project area, and future efforts to restore bighorn sheep connectivity.

3.0 Decision

The decision is hereby made to approve the Selected Alternative, described in Sections 2.4 and 2.5, to amend the CDCA Plan to allow solar energy related use of specified property and to approve a ROW grant to lease land managed by the BLM in San Bernardino County, California. This decision fulfills BLM's legal requirements for managing public lands and contributes to the public interest in developing renewable power to meet Federal and State renewable energy goals. Specifically, this ROD approves the construction, operation and maintenance, and decommissioning of the 287 MW solar PV Project on BLM administered public lands in San Bernardino County, California for the Selected Alternative and associated CDCA Plan Amendment. While this specific alternative was not analyzed in the Proposed PA and Final EIS/EIR, the impacts are nevertheless within the spectrum of impacts analyzed in the Proposed PA and Final EIS/EIR, which was noticed in the June 12, 2015 Federal Register (80 FR 33519).

The approval will be implemented through a FLPMA ROW grant, issued in conformance with Title V of FLPMA (42 USC § 1761 et seq.) and its implementing regulations (43 CFR § 2801 et seq.). In order to approve the site location for the Selected Alternative, this decision also amends the CDCA Plan to find the site suitable for solar development. The Project site is located in the Mojave Desert, approximately 6 miles southwest of Baker, California, on both sides of Interstate 15 (I-15) in San Bernardino County, California, located in portions of sections 1, 11, 12, 13 and 14, township 12 north, range 7 east; sections 25 and 36, township 13 north, range 7 east; sections 6, 7, 8 and 18, township 12 north, range 8 east; and sections 17, 18, 19, 20, 21, 29, 30, 31, and 32, township 13 north, range 8 east, San Bernardino Meridian, California. Figure 1 in Appendix 1 of the ROD shows the location of the approved Project site within the California Desert District.

The ROW grant authorization will allow the Applicant to use, occupy, and develop the described public lands; and to construct, operate and maintain, and decommission a solar PV electric generating facility with a capacity of up to 287 MW. Within the ROW area, construction and operation would permanently disturb approximately 1,767 acres for the solar plant site and required linear facilities outside the solar plant site (including a connection to an existing high-voltage power line and access road).

Construction of the Selected Alternative is expected to be phased over a period of approximately 18 months to up to 5 years. The ROW grant will be issued to the Applicant for a term of 30 years with a right of renewal so long as the lands are being used for the purposes specified in the grant. In addition, the initiation of construction will be conditioned on the BLM's issuance of Notice to Proceed (NTP) for each phase or partial phase of construction. If the approved Project does not progress to construction or operation or is proposed to be changed to the extent that it appears to BLM to be a new project proposal on the approved site, that proposal may be subject to additional review under NEPA and may require additional approval from the BLM.

The ROW is conditioned on compliance with: (i) the terms and conditions in the grant; (ii) the Biological Opinion (BO) issued by the United States Fish and Wildlife Service (USFWS)

provided in Appendix 2 of this ROD; (iii) implementation of the approved mitigation measures and monitoring programs provided in Appendix 4 of this ROD; and (iv) the issuance of all other necessary local, State, and Federal approvals, authorizations, and permits.

Additionally, through this ROD, the CDCA Plan is amended to identify the Project area of the Selected Alternative as suitable for solar electricity generation.

This ROD applies only to BLM administered lands and to BLM's decisions on the Selected Alternative. Other agencies, including but not limited to San Bernardino County and the California Department of Fish and Wildlife, are responsible for issuing and enforcing their own decisions and applicable authorizations for the Selected Alternative.

4.0 Management Considerations in Determining the Selected Alternative

The BLM determined that Alternative B in the Proposed PA and Final EIS/EIR with the Applicant-proposed Razor Road realignment and no brine ponds was the Agency's preferred alternative. This alternative, with clarifications as described in Section 2.4 including maintaining the existing Razor Road in place, is the Selected Alternative approved in this ROD. The selection of this alternative reflects careful balancing of many competing public interests in managing public lands in accordance with the multiple use and sustained yield mandate and other obligations in FLPMA. In particular, the Selected Alternative eliminates the north array of the Project, thereby reducing the Project's impacts. Through comprehensive environmental analysis and full public involvement in accordance with NEPA, the BLM has determined that the footprint of the Selected Alternative will preserve room for future efforts to re-establish bighorn sheep connectivity across the Interstate highway and will minimize visual impacts to the nearby Mojave National Preserve.¹ Further, the groundwater use required in the Selected Alternative will not adversely affect the endangered Mohave tui chub. The BLM has developed measures to avoid, minimize, and mitigate impacts to resources such as visual resources, groundwater, air quality, recreation access, and wildlife. The Selected Alternative and mitigation measures were developed with cooperating agencies, including the National Park Service (NPS), as discussed further below in Section 5.1.

¹ The Selected Alternative complies with the BLM's Special Status Species policy, MS-6840 (Dec. 12, 2008), with respect to bighorn sheep and other focal species. The Proposed PA and Final EIS/EIR addressed the effects of the Project and PA on special status species and identified appropriate siting/design features and mitigation measures that would reduce impacts to those species and are consistent with policy objectives for species and habitat management. With respect to bighorn sheep in particular, the Proposed PA and Final EIS/EIR Section 3.4.2.3 described the resident population demography and distribution within the Project area, relying on surveys conducted using CDFW protocols, consultation with bighorn sheep biologists, and current scientific literature. The Project area is not located within a desert bighorn sheep Wildlife Habitat Management Area and would not result in loss of habitat or extirpation of the species in any such area. While the Selected Alternative may impact future use of the Project area as a potential dispersal corridor, there are numerous other locations that provide for the necessary movement of bighorn sheep within this region of the desert. The restoration opportunities and mitigation for desert bighorn sheep within the Project area are identified in the Proposed PA and Final EIS/EIR as Mitigation Measures 3.4-3a through 3.4-e and APM 75. These measures, which have been incorporated into the Selected Alternative, address identified threats to bighorn sheep at the project level, including distribution and dispersal, by requiring improvements to bighorn sheep connectivity across I-15, access to additional water sources, and an adaptive management approach with near-term and long-term goals for desert bighorn sheep in this portion of the desert.

4.1 Federal Land Policy and Management Act of 1976

The FLPMA establishes policies and procedures for the management of public lands. In Section 1701(a)(8), Congress declared that it is the policy of the United States that:

... the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.

Title V of FLPMA (43 USC §§ 1761–71) and BLM’s ROW regulations (43 CFR Part 2800) authorizes BLM, acting on behalf of the Secretary of the Interior, to authorize a ROW grant on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM Authorized Officer (AO) administers the ROW authorization and ensures compliance with the terms and conditions of the ROW lease. This authority is derived from the authority of the Secretary of the Interior, and may be revoked at any time. With respect to this ROW grant, this authority belongs to the Field Manager of the Barstow Field Office, who will be responsible for managing the ROW grant for the Selected Alternative. The grant will be subject to specified terms and conditions, including compliance with the BO; mitigation measures adopted by the BLM; and compliance with other applicable Federal rules and regulations that are designed to protect public health and safety, prevent unnecessary damage to the environment, and ensure that the Project will not result in unnecessary or undue degradation of public lands.

4.2 National Environmental Policy Act and Public Involvement

Section 102(c) of NEPA (42 USC § 4321) and CEQ and DOI implementing regulations (40 CFR Parts 1500–1508 and 43 CFR Part 46, respectively) provide for the integration of NEPA directives into agency planning to ensure appropriate consideration of NEPA’s policies and to eliminate delay. When taking actions such as approving CDCA Plan Amendments and ROW grants, the BLM complies with the applicable requirements of NEPA, the CEQ’s and DOI’s NEPA regulations, and the agency’s own policies for the implementation of NEPA. Compliance with the NEPA process is intended to assist Federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the decision, and identifying actions that protect, restore, and enhance the environment. The Draft PA/EIS/EIR, Proposed PA and Final EIS/EIR, and this ROD document BLM’s compliance with the requirements of NEPA for the Project.

The BLM engaged highly qualified technical experts to analyze the environmental effects of the Proposed Action and alternatives. During the scoping process and following the publication of the Draft PA/EIS/EIR, members of the public submitted comments that enhanced BLM’s consideration of many environmental issues relevant to the Proposed Action and alternatives. The BLM, and the County, along with other cooperating and consulting agencies including the

NPS, USFWS, the California Department of Fish and Wildlife (CDFW), and consulted tribes used their expertise and best available information to address important resource issues associated with the Proposed Action and Alternatives. Chapter 4 and Appendix K of the Proposed PA and Final EIS/EIR include responses to all of the comments submitted on the Draft PA/EIS/EIR.

Chapter 3 of the Proposed PA and Final EIS/EIR presents an analysis of the environmental consequences that would result from each of the alternatives described above, including their effectiveness in meeting BLM's purpose and need for action, which includes consistency with the requirements of the FLPMA, the policy and legal directives encouraging renewable energy development on BLM administered public lands, and basic policy objectives for the management of lands within the CDCA. The BLM's purpose and need is described in Section 1.2 of this ROD.

The MW capacity associated with the Selected Alternative will best assist BLM in addressing these several management and policy objectives. The Selected Alternative would generate up to 287 MW of electricity and is expected to provide climate, employment, and energy security benefits to California and the Nation. The Selected Alternative will provide clean electricity for homes and businesses, and bring much needed jobs to the area. The Selected Alternative is expected to create up to 290 jobs during the construction period and 25 to 40 permanent, full-time jobs during its operation (Proposed PA and Final EIS/EIR Table 2-5, p. 2-28).

5.0 Consultation and Coordination

5.1 Cooperating Agencies

As described in detail in Section 4.1.3 of the Proposed PA and Final EIS/EIR, and discussed briefly above in Section 4.0, the NPS acted as a cooperating agency in the preparation of the Proposed PA, consistent with the BLM's land use planning regulations (43 CFR Part 1600), and in the preparation of the EIS, consistent with NEPA and CEQ regulations for implementing NEPA. Additionally, the BLM is coordinating with the NPS per the terms of the Memorandum of Understanding between the BLM California State Office and the NPS Pacific West Region on Coordination and Collaboration on Renewable Energy Projects in California.

The NPS provided comments to the BLM on the administrative and public Draft PA/EIS/EIR, expressing concerns about the Project due to its proximity to the nearby Mojave National Preserve. Concerns included the Project's potential impacts to groundwater, bighorn sheep, visual resources, and air quality. The agencies held regular meetings between April and December 2014 to facilitate coordination on revisions to the Proposed PA Final and EIS/EIR. Specifically, the BLM took the following steps to address NPS's concerns:

- Identified a preferred alternative that would eliminate the north array of the Project, thereby minimizing the Project's visual impacts on the Preserve and preserving room for future efforts to re-establish bighorn sheep connectivity across I-15;

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- Required additional groundwater testing to confirm the Project will not adversely impact the endangered Mohave tui chub. Groundwater modeling and testing results were independently verified by the U.S. Geological Survey;
 - Developed a bighorn sheep adaptive management strategy to maintain existing foraging, movement and feeding opportunities, improve opportunities to restore sheep movement and connectivity, and provide funding to ensure gene flow between populations for the life of the Project. This funding would be used, at the CDFW's discretion, to conduct regional translocation of bighorn sheep;
 - Conducted additional visual resources analysis, which demonstrated that the Project would not block the Preserve's views from any highway or designated route of travel, nor be seen from the Preserve, with very limited exception in low visitor use areas.
 - Required additional mitigation to reduce impacts to visual resources, groundwater, air quality, and other resources. For example, to minimize impacts to night skies, Mitigation Measure 3.18-1a requires the Applicant to minimize and shield exterior nighttime lighting except as required to meet safety and security requirements to eliminate unnecessary night lighting that might be seen in the Preserve or from the Mojave Road. Mitigation requirements have also been added to reduce glint and glare, and require use of appropriate paint to reduce visual contrast with the landscape. Additional mitigation measures are listed in Appendix 4 of this ROD.

5.2 NHPA Section 106 Consultation

As described in detail in Section 4.2.2.1 of the Proposed PA Final and EIS/EIR, Federal agencies must demonstrate compliance with the National Historic Preservation Act (NHPA) (54 USC § 300101 et seq.). NHPA Section 106 requires a Federal agency with jurisdiction over a project to take into account the effect of the proposed project on historic properties included on, or eligible for inclusion on, the National Register of Historic Places (54 USC § 306108). Federal agencies also must provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking. Under NHPA Section 106, the BLM consults with Indian tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects to historic properties affected by BLM undertakings. This consultation is described below in Section 5.3, Government-to-Government Consultation with Tribes.

The BLM has determined that none of the 5 archaeological resources or 52 isolates located within the Area of Potential Effect is eligible for listing in the National Register, and has made a finding of no effect to historic properties as a result of the Selected Alternative. In a letter dated November 4, 2014, the State Historic Preservation Officer concurred with these findings.

5.3 Government-to-Government Consultation with Tribes

As described in detail in Section 4.2.2.2 of the Proposed PA and Final EIS/EIR, the BLM formally invited the following eight federally recognized tribes to consult on a government-to-government basis for the Project: Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Las Vegas Tribe of Paiute Indians, Moapa Band of Paiute Indians, San

Manuel Band of Mission Indians, Timbisha Shoshone Tribe, and the Twenty-Nine Palms Band of Mission Indians. Consultation was initiated in accordance with several authorities including, but not limited to, NEPA, NHPA, the American Indian Religious Freedom Act, Executive Order 13175, Executive Order 13007, Secretarial Order 3317, and DOI's Tribal Consultation Policy (Dec. 1, 2011). All of the federally recognized tribes were invited to be consulting parties as provided in 36 CFR Part 800, the implementing regulations for Section 106 of NHPA.

Consistent with policy, the BLM notified and formally requested consultation with the above-listed Indian tribes by letter on August 21, 2012. The BLM Field Manager and staff have actively responded to all requests to meet with tribal leaders and staff throughout Project review. A summary of the major consultation milestones includes:

1. August 21, 2012: the BLM notified and formally requested consultation with Indian tribes at the earliest stages of Project planning and review;
2. January 23, 2013: Tribes attended a meeting and visit to the Project site;
3. November 17, 2014: a site visit with representatives from the Fort Mojave Indian Tribe; and
4. November 19, 2014: a meeting with representatives from the Chemehuevi Indian Tribe.

Currently, a Cultural Resources Discovery and Monitoring Plan is being drafted as described in Mitigation Measure 3.6-2 to address the potential for inadvertent discovery, and will be submitted to the tribes for comment prior to issuance of the Notice to Proceed. Copies of the Proposed PA and Final EIS/EIR were provided to the tribes listed above at the time of publication.

On July 9, 2015, the Colorado River Indian Tribes filed a protest pursuant to the BLM's land use planning regulations in 43 CFR 1610.5-2. The protest raised issues related to cumulative impacts of multiple solar project approvals, adequacy of the environmental analysis of impacts to biological, cultural, and visual resources, and adequacy of government-to-government consultation. The BLM attempted to contact the CRIT with a letter on October 27, 2015 and subsequent emails and voicemails in November and early January, with no response. Protest resolution is summarized in Section 8.5 of this ROD.

5.4 Endangered Species Act—Section 7 Consultation

As described in Section 3.4.3.1 and 4.2.1 of the Proposed PA and Final EIS/EIR, the USFWS has jurisdiction over threatened and endangered species listed under the Federal Endangered Species Act (FESA) (16 USC § 1531 et seq.). In general terms, consultation with the USFWS under FESA Section 7 is required for any Federal action that may affect a federally listed species (50 CFR 402.14). The BLM initiated consultation with the USFWS on December 13, 2013. The BLM submitted a Biological Assessment (BA) describing the Proposed Action to the USFWS. See generally 50 CFR 402.12. Following review of the BA, the USFWS provided the BLM with a draft Biological Opinion (BO) on October 23, 2015, and issued a final BO on January 13, 2016. The USFWS concurred with the BLM's determination that the Selected Alternative may affect, but is not likely to adversely affect, the Mohave tui chub. The BO indicates that the Selected Alternative would not jeopardize the continued existence of the desert tortoise. The BO identified reasonable

and prudent measures that would reduce adverse impacts to the species. Implementation of these measures is mandatory and is a requirement of this ROD and the ROW. A copy of the BO is included in Appendix 2 of this ROD.

5.5 Migratory Bird Treaty Act/Bald and Golden Eagle Protection Act

The Migratory Bird Treaty Act (MBTA) (16 USC §§ 703-712) implements international treaties between the U.S. and other nations that protect migratory birds (including their parts, eggs, and nests) from killing, hunting, pursuing, capturing, selling, and shipping unless expressly authorized or permitted.

The Bald and Golden Eagle Protection Act (BGEPA) prohibits any form of possession or taking of either bald eagles or golden eagles. “Take” is defined as to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, disturb, or otherwise harm eagles, their nests, or their eggs.” The Proposed PA and Final EIS/EIR included evaluation of Project impacts associated with both migratory birds and golden eagles. Pursuant to BLM Instructional Memorandum (IM) 2010-156 and California IM 2013-030, the BLM must incorporate consideration of golden eagles and their habitat into the NEPA analysis for all renewable energy projects. IM 2010-156 requires the following condition of approval for all renewable energy authorizations/actions occurring within the range of bald and golden eagles:

***Bald and Golden Eagle Protection Act (Eagle Act) Compliance Stipulation.** Bald and/or golden eagles may now or hereafter be found to utilize the Project area. The BLM will not issue a notice to proceed for any project that is likely to result in take of bald eagles and/or golden eagles until the applicant completes its obligation under applicable requirements of the Eagle Act, including completion of any required procedure for coordination with the U.S. Fish and Wildlife Service (Service) or any required permit. The BLM hereby notifies the applicant that compliance with the Eagle Act is a dynamic and adaptable process which may require the applicant to conduct further analysis and mitigation following assessment of operational impacts. Any additional analysis or mitigation required to comply with the Eagle Act will be developed with the Service and coordinated with the BLM.*

In accordance with BLM Instruction Memorandum 2010-156, the BLM made a determination that the Selected Alternative is not likely to result in the take of golden eagles and would not disrupt essential breeding behavior. Further, Applicant-proposed measure (APM) 58 includes annual golden eagle clearance surveys within a 4-mile radius during construction, and coordination with the BLM and wildlife agencies to ensure construction does not result in disturbance of golden eagles if any active nests are found.

Proposed PA and Final EIS/EIR Section 3.4 also evaluates the potential impacts of the Project on migratory and nesting birds. The Proposed PA and Final EIS/EIR summarizes the APMs to address these impacts, including APMs 45, 46, 47, 49, 52, 55, 57, 59, and 61. A Bird and Bat Conservation Strategy (BBCS) is required under Mitigation Measure 3.4-1g, and a draft BBCS

developed by the Applicant in coordination with the USFWS was provided in Appendix L of the Proposed PA and Final EIS/EIR. It includes a number of different conservation measures designed to minimize the Selected Alternative's impacts on migratory birds and golden eagles, including specific measures to be implemented during construction and post-construction monitoring and reporting. Additionally, Mitigation Measures 3.4-1e, 3.4-1f, and 3.4-1h include additional measures aimed at further reducing risks to birds and bats.

Mitigation Measure 3.4-1h requires implementation of an Avian Mitigation and Monitoring Program that includes avian mortality and injury monitoring that will provide additional data for the BLM, USFWS, and CDFW to evaluate. The BLM will continue to monitor this Project and if it becomes necessary, the BLM may amend the terms and conditions of the grant per 43 CFR 2805.15.

5.6 Federal Agency Coordination

5.6.1 U.S. Environmental Protection Agency

The BLM coordinated with the U.S. Environmental Protection Agency (USEPA) during the scoping process and comment periods for the Proposed PA and Final EIS/EIR. The USEPA submitted comments in response to the October 26, 2012 NOI to prepare the Draft EIS regarding impacts to air, biological, cultural, and water resources and consistency with regional planning efforts. The USEPA also submitted comments on the Draft PA/EIS/EIR (Letter 65 in Appendix J of the Proposed PA and Final EIS/EIR). The USEPA's comments are addressed in Proposed PA and Final EIS/EIR Section 4.5.3.4 and Sections 3.2, *Air Resources*; 3.6, *Cultural Resources*; 3.7, *Geology and Soil Resources*; 3.8, *Hazards and Hazardous Materials*; and 3.19, *Water Resources*.

5.6.2 U.S. Department of Defense

As explained in Section 4.1.1 of the Proposed PA and Final EIS/EIR, the BLM coordinates with the Department of Defense prior to approval of ROWs for renewable energy, utility, and communication facilities to ensure that these facilities would not interfere with military activities. Fort Irwin is located approximately 20 miles northwest of the Project site, and the Twentynine Palms Marine Corps Air Ground Combat Center is located approximately 30 miles southwest of the Project site. The Department of Defense reviewed Project development documents provided by the Applicant and determined that the Project would not interfere with military activities, including testing or training.

5.6.3 U.S. Army Corps of Engineers

As explained in Section 4.1.2 of the Proposed PA and Final EIS/EIR, the U.S. Army Corps of Engineers (USACE) has jurisdiction to protect the aquatic ecosystem, including water quality and wetland resources, under Clean Water Act Section 404. Under that authority, USACE regulates the discharge of dredged or fill material into waters of the United States, including wetlands, through the Section 404 permit program. The USACE issued a determination on August 21, 2013, that there

are no waters of the United States on the Project site. As a result, the USACE does not have permitting authority over the Soda Mountain Solar Project.

5.7 San Bernardino County CEQA Review

The Applicant has submitted well construction permits to the County for up to five groundwater production wells and three groundwater monitoring wells. The wells would be used to produce groundwater for dust suppression, fire response during construction, and for fire response and sanitary purposes during operation and maintenance. Under Memorandum of Understanding (MOU) Agreement No. 03-1211 between BLM and the County, facilities requiring groundwater wells fall under the County's jurisdiction, and would therefore be required to comply with County Ordinance No. 3872 regarding permitting and monitoring of groundwater extraction wells. Because the Selected Alternative would include installation of groundwater extraction wells, implementation of the proposed facility would require discretionary approval from the County with respect to issuance of well permits from the Environmental Health Services Department. Because the County must take a discretionary action, the Project warranted environmental review under CEQA. The County will be responsible for certifying the Proposed PA and Final EIS/EIR after reviewing the document for consistency with CEQA requirements (CEQA Guidelines § 15090). Because the Proposed PA and Final EIS/EIR demonstrates that the Selected Alternative would have significant and unavoidable (not mitigable) impacts, if the County decides to approve the well permits, then the County will need to adopt a "Statement of Overriding Considerations" explaining the reasons for approving the well permits despite these significant impacts (CEQA Guidelines § 15093).

5.8 Governor's Consistency Review

FLPMA requires the Secretary of the Interior to "coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located" (43 USC § 1712(c)(9)). It further directs the Secretary to "assure that consideration is given to those State, local and tribal plans that are germane in the development of land use plans for public lands" and "assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans." Regulations implementing FLPMA, 43 CFR § 1610.3-2(e), generally require a 60-day period for Governor's consistency review; however, by agreement with the California Governor's office, this review period has been expedited. The purpose of the review is to identify inconsistencies of the proposed PA with State and local plans, programs, and policies. On June 12, 2015, the BLM initiated the period of Governor's Consistency Review for the Proposed PA in accordance with FLPMA. The Governor's Office of Planning and Research did not provide a formal response within 60 days; therefore, the BLM presumes that the review did not identify any inconsistencies between the Proposed PA and any State or local plans, programs, and policies. *See* 43 C.F.R. § 1610.3-2(e).

6.0 Mitigation Measures

Consistent with BLM NEPA Handbook H-1790-1 and 40 CFR 1505.2(c), all practicable means to mitigate environmental harm from the Selected Alternative have been adopted by this ROD. The ROW grant authorization is subject to the following measures, terms, and conditions:

- Terms and Conditions in the USFWS BO, provided in Appendix 2 of this ROD, as may be amended by the USFWS;
- Avoidance, Minimization, and Compensation Measures identified in Proposed PA and Final EIS/EIR Chapter 3, *Environmental Analysis*, provided in their final form in Appendix 4 of this ROD; and
- The Environmental Construction and Compliance Monitoring Program (ECCMP) provided in Appendix 5 of this ROD.

These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR § 2805.10(a)(1). These measures, terms, and conditions will avoid, minimize, and compensate for project impacts consistent with the requirements of Secretarial Order 3330, *Improving Mitigation Policies and Practices of the Department of the Interior*, and other applicable DOI and BLM policy. Additional mitigation may be imposed pursuant to State laws (including CEQA), rules, policies, or regulations.

7.0 Monitoring and Adaptive Management

A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation (40 CFR 1505.2(c)). Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation and other conditions established in the Final EIS or otherwise during BLM's review of the Modified Project, and made a condition of the decision in this ROD, shall be monitored for implementation by BLM and DOI or other appropriate consenting agency, as applicable.

For purpose of the monitoring and enforcement of those measures, the ECCMP for the Selected Alternative is provided in Appendix 5 of this ROD. As the Federal lead agency under NEPA, the BLM is responsible for ensuring compliance with all adopted mitigation measures set forth in Appendix 4. The BLM will incorporate these mitigation measures into the ROW grant as terms and conditions. Failure on the part of Soda Mountain Solar, LLC, as the applicant, to adhere to these terms and conditions could result in various administrative actions up to and including a termination of the ROW grant and requirement to remove the facilities and rehabilitate disturbances.

Adaptive management has been incorporated into several of the mitigation measures adopted for the Selected Alternative. Adaptive management is a system of management practices based on clearly identifying outcomes, monitoring to determine if management actions are meeting those outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or reevaluating the outcomes.

8.0 Public Involvement

8.1 Scoping

As described in Section 4.4 of the Proposed PA and Final EIS/EIR, a Notice of Intent to prepare the joint Draft PA/EIS/EIR was published in the Federal Register (77 FR 64824) on October 23, 2012, and Notice of Preparation was filed with the California State Clearinghouse on October 26, 2012. The BLM and the County jointly held publicly noticed scoping meetings on November 14, 2012, at the Hampton Inn in Barstow, California. The Final Scoping Report describes the comments received and is included as Appendix B of the Proposed PA and Final EIS/EIR.

The BLM also established a website that describes the Project, the process, and various methods for providing public input, including the phone number where the BLM's Project Manager may be reached, locations where Project documents may be obtained and reviewed, and an e-mail address where comments may be sent electronically: http://www.blm.gov/ca/st/en/fo/barstow/renewableenergy/soda_mountain.html.

8.2 Public Comments on the Draft PA/EIR/EIS

The BLM issued a Notice of Availability of the Draft PA/EIS/EIR and distributed it for public and agency review and comment on November 29, 2013 (78 FR 71607). The comment period ended March 3, 2014. Ninety-five comment letters and one comment via telephone were received and are reproduced in Appendix J of the Proposed PA and Final EIS/EIR. Responses to all letters also are provided in Appendix K of the Proposed PA and Final EIS/EIR. All comments received from agencies, members of the public, and internal BLM and cooperating agency review were considered and modifications incorporated as appropriate into the Proposed PA and Final EIS/EIR. Input received resulted in the addition of clarifying text in the analysis and further explanations provided in responses to comments.

8.3 Public Comments on the Proposed PA and Final EIS/EIR

BLM received three letters regarding the Proposed PA and Final EIS/EIR following the USEPA's publication of the Notice of Availability in the Federal Register for the Proposed PA and Final EIS/EIR (80 FR 33519):

- Albert Cutillo, dated June 18, 2015;
- Ralph Guidero, dated June 18, 2015; and
- CDFW, dated July 7, 2015

Even though there was no comment period on the Proposed PA and Final EIS/EIR, the BLM considered these letters to the extent practicable. The BLM's consideration of these letters did not result in changes in the design, location, or timing of the Project in a way that would cause

significant effects to the human environment outside of the range of effects analyzed in the Proposed PA and Final EIS/EIR. Similarly, none of the letters identified new significant circumstances or information relevant to environmental concerns that bear on the Selected Alternative and its effects.

8.4 Notice of Clarifications of the Proposed PA and Final EIS/EIR

Minor corrections to and clarifications of the Proposed PA and Final EIS/EIR are provided in Appendix 3. These minor revisions have been made as a result of and in response to additional input received on the document (see Section 8.3 of this ROD) and internal BLM review. None of the minor corrections and clarifying statements affects the adequacy of the underlying FLPMA or NEPA analysis in the Proposed PA and Final EIS/EIR, nor do they affect the location, features, components, or activities associated with the Selected Alternative.

8.5 Protests on the Proposed CDCA Plan Amendment

Pursuant to the BLM's land use planning regulations in 43 CFR 1610.5-2, any person who participated in the land use planning process for the Project and who has an interest that is or may be adversely affected by the planning decision may protest approval of the proposed PA within 30 days from the date the USEPA publishes the Notice of Availability (NOA) in the Federal Register. Detailed information on protests may be found on the BLM Washington Office website: http://www.blm.gov/pgdata/content/wo/en/prog/planning/planning_overview/protest_resolution.html.

The USEPA published a NOA of the Proposed PA and Final EIS/EIR in Volume 80, page 33519 of the Federal Register on June 12, 2015. Publication of this NOA initiated a 30-day protest period, which closed on July 13, 2015. The BLM timely received four protests:

- Colorado River Indian Tribes;
- Tom Budlong;
- Basin and Range Watch; and
- National Parks Conservation Association, Defenders of Wildlife, Sierra Club, and Center for Biological Diversity.

The Director has resolved all protests. In general, protesters did not support the proposed plan amendments identified above and raised the following issues, among others: the BLM's purpose and need for the Project; the range of alternatives analyzed in the EIS; potential impacts to cultural resources, air quality, and wildlife including bighorn sheep, Mojave tui chub, water birds, and all migratory birds; adequacy of mitigation; adequacy of tribal consultation; compliance with FLPMA's prohibition on unnecessary or undue degradation; consistency with the CDCA Plan; consistency with San Bernardino County Ordinances and management of the Mojave National

Preserve; consultation under the NHPA; compliance with Secretarial Order 3330; compliance with BLM ACEC policy; compliance with BLM visual resource management policy; and compliance with BLM wildlife policy.

All protesting parties received response letters from the BLM Director conveying the Director's decision on the concerns raised in their protests. The responses concluded that BLM followed the applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Draft PA/EIS/EIR and Proposed PA and Final EIS/EIR. Therefore, all protests were denied, and no changes were made to the decision as a result of the protests. Detailed information on protests can be found on BLM Washington Office's website: <http://www.blm.gov/wo/stlen/prog/planning/protestresolution.html>.

8.6 Availability of the Record of Decision

Electronic copies of this ROD are available on the Internet at http://www.blm.gov/ca/st/en/fo/barstow/renewableenergy/soda_mountain.html. Paper and electronic copies may be viewed at the following locations:

Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311

Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

9.0 Consideration of Other BLM Plans and Policies

9.1 Relationship of the Selected Alternative to the Solar Energy Development in Six Southwestern States (Western Solar Plan)

The Western Solar Plan, adopted through the October 2012 Record of Decision, included amendments to 89 BLM land use plans, including the CDCA Plan, not only to support solar energy development on public lands, but also to minimize potential environmental, cultural, and socioeconomic impacts. As part of the Western Solar Plan, the BLM identified priority areas (solar energy zones) that are well suited for utility-scale production of solar energy, variance areas outside of solar energy zones where solar development would be open to applications, and areas to be excluded from utility-scale solar energy development.

The Project is considered a “pending” application for the purposes of the Western Solar Plan. The BLM defines “pending” applications as any applications (regardless of place in line) filed within proposed variance and/or exclusion areas before publication of the Supplement to the Draft Solar PEIS (October 28, 2011) and any applications filed within proposed solar energy zones before June 30, 2009.² Pending applications, including the application being approved in this ROD, are not subject to any decisions adopted by the Western Solar Plan (at page 5). Amendments to pending applications are also not subject to the decisions adopted by the Western Solar Plan, provided they meet the criteria identified in Appendix B, B.1.2 of the Western Solar Plan. The BLM processes pending solar applications consistent with existing land use plan decisions in place prior to amendment by the Western Solar Plan. As a pending application, the Applicant’s CACA-049584 application has been processed under the CDCA land use plan decisions in place prior to the adoption of the Western Solar Plan.

9.2 Conformance with the CDCA Plan

In furtherance of its authority under FLPMA, the BLM manages public lands in the California Desert Conservation Area, including the Project site, pursuant to the CDCA Plan, as amended. The CDCA Plan is a comprehensive, long-range plan that was adopted in 1980 and has since been amended many times. The CDCA is a 25-million acre area that contains more than 12 million acres of BLM administered public lands in the California Desert, which includes the Mojave Desert, the Sonoran Desert, and a small part of the Great Basin Desert. The Selected Alternative was identified as Alternative B with modifications and includes a maximum solar energy generating capacity of 287 MW within a ROW area of 2,813 acres. As described in Section 2 of the Proposed PA and Final EIS/EIR, Alternative B consists of the East Array (comprising two sub-arrays, East 1 and East 2) and the South Array (consisting of three sub-arrays, South 1, South 2, and South 3) as described for the Proposed Action; no North Array would be constructed.

The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not specifically identified in the CDCA Plan be considered through the Plan Amendment process. As discussed in Section 3.9 of the Proposed PA and Final EIS/EIR, the Project’s proposed connection to the existing Marketplace-Adelanto 500 kV transmission line would consist of a high-voltage substation, switchyard, and transmission interconnect that would be located within an existing designated Federal Section 368 Energy Corridor (Corridor number 27-225). The CDCA Plan identifies designated corridors as suitable for transmission of electricity, including this one. Therefore, no CDCA Plan Amendment would be needed to allow the proposed connection to the 500 kV line. As described in Section 3 of this ROD, the CDCA Plan is being amended to identify the Project site as a site specifically associated with solar power generation and transmission.

² The CDCA Plan amendments made in the Western Solar ROD identify the Project site primarily as a variance area open to future applications for solar development, subject to the procedures identified in the Solar PEIS, and a portion in the southeast part of the site as an exclusion area that would be closed to such applications.

The Project site is classified as Multiple-Use Classes (MUC) L (Limited Use), M (Moderate), and I (Intensive) in the CDCA Plan. Class L (Limited Use) lands are managed for generally lower intensity uses for the purpose of protecting sensitive natural, scenic, ecological, and cultural resource values. MUC M (Moderate Use) provides for a wide variety of present and future uses including mining, livestock grazing, recreation, and energy and utility development. MUC I (Intensive Use) provides for concentrated use of lands and resources to meet human needs, where reasonable protection is provided for sensitive natural and cultural resources. Based on CDCA Plan Table 1, Multiple Use Class Guidelines, and CDCA Plan Chapter 3, Energy Production and Utility Corridors Element, solar generating uses are conditionally allowed in the MUC L, M, and I designations contingent on the CDCA Plan amendment process and NEPA requirements being met. Because the Project site is not identified in the CDCA Plan for such use, a CDCA Plan Amendment is required in connection with the approval for the Selected Alternative. The Proposed PA and Final EIS/EIR acts as the mechanism for satisfying NEPA requirements for the CDCA Plan amendment process, and provides the analysis required to support a CDCA Plan amendment to identify the proposed site as suitable or unsuitable for solar development within the Plan.

The CDCA Plan Amendment to identify the site of the Selected Alternative for solar energy generation is provided in the ROD through the following Land Use Plan amendment analysis.

9.2.1 Required CDCA Plan Determinations

As discussed in Chapter 7 of the CDCA Plan, the BLM must make certain determinations in amending the CDCA Plan. The required determinations and how they were made for the CDCA Plan Amendment for the Selected Alternative are provided below.

Required Determination: Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

The Applicant's request for a ROW grant was properly submitted; the Proposed PA and Final EIS/EIR was the mechanism for evaluating and disclosing environmental impacts associated with that application. No law or regulation prohibits granting the CDCA Plan Amendment.

Required Determination: Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

The Selected Alternative does not require a change in the MUC classification for any area within the CDCA.

Required Determination: Determine the environmental effects of granting and/or implementing the applicant's request.

The Proposed PA and Final EIS/EIR evaluated the environmental effects of approving the CDCA Plan Amendment and the ROW grant application for the Selected Alternative.

Required Determination: Consider the economic and social impacts of granting and/or implementing the applicant's request.

The Proposed PA and Final EIS/EIR evaluated the economic and social impacts of the Plan Amendment and the ROW grant.

Required Determination: Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, state, and local government agencies.

Opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, state, and local government agencies that were provided are described in Section 8 of this ROD.

Required Determination: Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

The balance between resource use and resource protection is evaluated in the Proposed PA and Final EIS/EIR. FLPMA Title VI, as addressed in the CDCA Plan, provides for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and maintenance of environmental quality. Multiple use includes the use of renewable energy resources, and, through Title V of FLPMA, the BLM is authorized to grant ROWs for the generation and transmission of electric energy. The acceptability of use of public lands within the CDCA for this purpose is recognized through the CDCA Plan's approval of solar generating facilities within MUCs L, M, and I. The Proposed PA and Final EIS/EIR identifies resources that may be adversely affected by approval of the Selected Alternative, evaluates alternative actions that may accomplish the purpose and need with a lesser degree of resource impacts, and identifies mitigation measures that, when implemented, would reduce the extent and magnitude of the impacts and provide a greater degree of resource protection.

9.2.2 Conformance with CDCA Plan MUC Guidelines

The proposed Land Use Plan Amendment to be made by the BLM is a site identification decision only. Because the proposed solar Project and its alternatives are located within MUCs L, M, and I, the classification designations govern the type and degree of land use action allowed within the classified area. All land use actions and resource management activities on public lands within a MUC designation must meet the guidelines for that class. MUCs L, M, and I allow electric generation plants for solar facilities after NEPA requirements are met. These guidelines are listed in Table 1, *Multiple Use Class Guidelines*, in the CDCA Plan. The specific application of the MUC designations and resource management guidelines for a specific resource or activity are further discussed in the plan elements section of the CDCA Plan. In the MUC L designation, the BLM Authorized Officer (AO) is directed to use his/her judgment in allowing for consumptive uses by taking into consideration the sensitive natural and cultural values that might be degraded. In the MUC M designation, the CDCA Plan acknowledges the tradeoffs between acceptable uses. It also notes that even MUC I is still open to negotiate between those uses.

The Selected Alternative meets the MUC Guidelines, consistent with the explanation provided in Proposed PA and Final EIS/EIR Section 3.9.11 (p. 3.9-14 et seq.).

9.2.3 CDCA Plan Decision Criteria

The CDCA Plan defines specific Decision Criteria to be used by BLM in evaluating applications in the Energy Production and Utility Corridors Element of Chapter 3. The consideration of these Decision Criteria for the Selected Alternative is described below.

Decision Criterion: Minimize the number of separate rights-of-way by utilizing existing rights-of-way as a basis for planning corridors.

This decision criterion is not applicable to the Selected Alternative because it is not a corridor planning exercise. However, much of the right-of-way for the Selected Alternative would be within a designated utility corridor.

Decision Criterion: Encourage joint-use of corridors for transmission lines, canals, pipelines, and cables.

The Selected Alternative would utilize existing transmission lines within an existing corridor. It would not increase the number of transmission lines or cables within the LADWP Marketplace-Adelanto 500kV corridor. The solar plant site would partially overlap the Section 368 and the CDCA Plan-designated West-wide Energy Corridor 27-225. The analysis in Section 3.9.6.2 of the Proposed PA and Final EIS/EIR describes that while the Selected Alternative would occupy the entire width of the portion of this corridor on the southeastern side of I-15, it would leave an approximately 1.5-mile to 1.75-mile-wide area of the 2-mile-wide corridor on the northwestern side of I-15 that could accommodate several major utility lines in the future. The proposed substation would occupy a small area adjacent to the 500 kV line ROW and the collector lines would be located underground, such that overhead lines could be located over them within the corridor.

Decision Criterion: Provide alternative corridors to be considered during processing of applications.

The BLM considered alternative footprints in evaluating the Project; however, each would require use of the same corridors for connector line access to the substation and switchyard that would connect the Project to the existing 500kV transmission line. The collector lines would be located underground.

Decision Criterion: Avoid sensitive resources wherever possible.

The extent to which the Selected Alternative has been located and designed to avoid sensitive resources is addressed throughout the Proposed PA and Final EIS/EIR. The BLM's regulations and policies and other Federal regulations and policies were considered in the original siting process used by the Applicant to identify potential sites for the Project locations. The alternatives analysis considered whether the purpose and need for the Project could be achieved with a different build alternative, but with a lesser effect on sensitive resources. That analysis indicated that the Selected Alternative would have the lowest impacts to sensitive resources of any of the action alternatives.

Decision Criterion: Conform to local plans whenever possible.

As explained in Section 5.8 above, BLM initiated the period of Governor's Consistency Review for the Proposed PA and Final EIS/EIR in accordance with FLPMA (43 USC § 1712(c)(9)) on June 12, 2015. The purpose of the review is to identify inconsistencies of the proposed PA with state and local plans, programs, and policies. No inconsistencies were identified. Further, Appendix I in the Proposed PA and Final EIS/EIR evaluates consistency with the San Bernardino County General Plan. The entire Selected Alternative site is on BLM administered lands and conforms to applicable BLM land use plans, policies and regulations.

Decision Criterion: Consider wilderness values and be consistent with final wilderness recommendations.

There are no wilderness areas or lands with wilderness characteristics within or adjacent to the Project site. As described in Section 3.15.2 of the Proposed PA and Final EIS/EIR, there is one designated Federal Wilderness Area in the general vicinity of the Project site. In 1994, the Federal California Desert Protection Act designated 695,200 acres of Mojave National Preserve as wilderness. The Zzyzx and Soda Dry Lake area is the closest portion of the Mojave National Wilderness to the site and is approximately 2 miles from the nearest portion of the Selected Alternative (East Array). Additionally, the Soda Mountains Wilderness Study Area (WSA) is approximately 1 mile from the nearest portion of the Selected Alternative (South Array and operation and maintenance area). Potential impacts on these areas, including mitigated effects on night sky views, are discussed in Proposed PA and Final EIS/EIR Sections 3.15, Special Designations, and 3.18, Visual Resources. As described therein, the Selected Alternative would have some visual impacts on the Soda Mountain WSA, which have been mitigated to the extent practicable. Due to distance and intervening topography, the visibility of the Selected Alternative from the Mojave National Wilderness would be negligible.

Decision Criterion: Complete the delivery systems network.

This decision criterion is not applicable to the Selected Alternative.

Decision Criterion: Consider ongoing projects for which decisions have been made.

The BLM approved the XpressWest High Speed Rail Project parallel to I-15 in 2011. The project is not yet under construction, and a potential construction schedule is not known. The XpressWest corridor is located on the north side of I-15 in the Project area and would intersect the Selected Alternative's collector lines connecting to the substation and switchyard. Impacts associated with the XpressWest project were considered in the cumulative analysis in the Proposed PA and Final EIS/EIR. No other approved projects are located in close proximity to the Selected Alternative; however, other approved and pending projects also are considered in the cumulative analysis.

Decision Criterion: Consider corridor networks which take into account power needs and alternative fuel resources.

This decision criterion is not applicable to the Selected Alternative. The Project does not involve the consideration of an addition to or modification of the corridor network.

9.2.4 Revisions to Open Routes

The WEMO Plan Amendment, adopted in March 2006, was prepared specifically to develop a comprehensive strategy for the protection of sensitive plants and animals and resulted in the establishment of eight Travel Management Plans to establish new route designations for vehicles in the Western Mojave Desert. The Project site is located in two separate Subregion Travel Management Areas (TMAs): Afton Canyon (TMA1) and Cronese (TMA5). The new route designations for these TMAs have been completed. Currently, there is open route traversing the Project site: Route AC8828 (Razor Road). The Selected Alternative would maintain this road in its existing location, and no revisions to open routes would be needed. Upon decommissioning of the Project, BLM will revisit the travel needs of the area, and determine whether changes are needed at that time.

9.3 Relationship of the Selected Alternative to the Draft Desert Renewable Energy Conservation Plan

On November 13, 2015, the BLM published the Proposed Plan Amendment and Final EIS for the Desert Renewable Energy Conservation Plan (DRECP). The DRECP is a landscape-scale planning effort undertaken to achieve two sets of overarching goals:

- **Renewable Energy:** The proposed plan identifies specific development focus areas with high-quality renewable energy potential and access to transmission in areas where environmental impacts can be managed and mitigated.
- **Conservation:** The plan specifies species, ecosystems and climate adaptation requirements for desert wildlife, as well as the protection of recreation, cultural, and other desert resources.

The DRECP covers 22.5 million acres and is a collaborative effort between the BLM, USFWS, the California Energy Commission, and the CDFW. The Draft DRECP, released in September 2014 for public review and comment, included five alternatives for achieving the overall renewable energy and conservation goals of the DRECP.

In March 2015, the DRECP agencies announced that completion of the plan would follow a phased approach with the first phase consisting of 10 million acres of lands managed by the BLM. The Proposed BLM Plan was developed in partnership with other agencies along with input from local and tribal governments and public comments received on the Draft DRECP.

The Proposed DRECP Land Use Plan amendment has not yet been approved by the BLM. Existing land use plan decisions remain in effect during an amendment or revision until the amendment or revision is completed and approved. Therefore, the BLM has processed this application under the CDCA Plan, as amended. However, the BLM considered the Proposed DRECP when selecting an alternative.

The Project site is within the Mojave and Silurian Valley subregion of the DRECP. The Proposed DRECP would expand the Soda Mountain ACEC north of I-15, however no conservation areas are proposed south of I-15 within the Project site. Therefore, while some of the Soda Mountain Proposed PA and Final EIS/EIR alternatives would overlap with conservation designations in the DRECP, the BLM has selected an alternative that avoids those areas.

The BLM's determination in the Proposed DRECP that areas north of the highway contained the relevant and important criteria for ACEC designation, but areas to the south did not, is consistent with the site-specific evaluation the BLM conducted in response to an ACEC nomination received as a comment on the Soda Mountain Project. A detailed, site-specific evaluation of the ACEC nomination is in Appendix M of the Soda Mountain Proposed PA and Final EIS/EIR.

The proposed DRECP identifies most of the Selected Alternative site as "unallocated." Under the DRECP, unallocated lands are not designated for renewable energy or conservation. These areas would be available for renewable energy on a case-by-case basis following a Plan Amendment and environmental review. Therefore the Soda Mountain Proposed PA and Final EIS/EIR is consistent with the Proposed DRECP Land Use Plan Amendment.


10.0 Final Agency Action

10.1 Land Use Plan Amendment

It is the decision of the BLM to approve the Proposed Plan Amendment to the California Desert Conservation Area Land Use Management Plan (CDCA Plan, 1980, as amended), to identify the Project site as suitable for solar energy development. I have resolved all protests on the Proposed Plan Amendment and, in accordance with BLM regulations, 43 CFR 1610.5-2, my decision on the protests is the final decision of the Department of the Interior.

Based on the recommendation of the State Director, California, I hereby approve the Proposed Plan Amendment. This approval is effective on the date this Record of Decision is signed.

Approved by:



Neil Kornze
Director
Bureau of Land Management
U.S. Department of the Interior

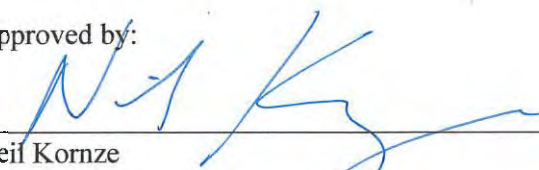


Date

10.2 Right-of-Way Authorization

It is my decision to approve a solar energy right-of-way grant to Soda Mountain Solar, LLC, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. This decision is effective on the date this Record of Decision is signed.

Approved by:



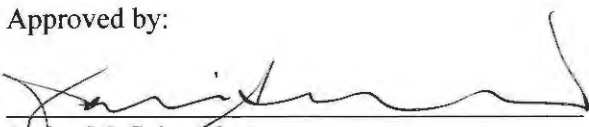
Neil Kornze
Director
Bureau of Land Management
U.S. Department of the Interior

3/25/16
Date

10.3 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 Subpart 4.400. 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.

Approved by:



Janice M. Schneider
Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior

3-28-16
Date